

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

Name: Marlin Calvo

Position :	Head of Cultural Patrimony Department
Organization/Agency :	Museo Nacional de Costa Rica
Country :	Costa Rica

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.

We used the convention in process of objets repatriation and our archaeological patrimony laws.

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)?

	Yes
X	No

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

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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).

• Act No. 7 of October 6, 1938 and its regulations. Archeological Heritage • Act No. 4711, published on December 21, 1970. Recommendations concerning the Preservation of cultural property endangered by public works • Act No. 5980, published on December 24, 1976. Cultural and Natural Heritage Convention • Act No. 6360, published on August 20, 1979. "San Salvador Convention" • Act No. 6703, published in January of 1982. Archeological Heritage. • Decree No. 19016-C, published on June 12, 1989. National Archaeology Commission. • Act No. 7526, published on August 16, 1995. UNESCO 70 Convention. • Decree No. 28176, published on October 19, 1999. Act 9500 Under water cultural patrimony, Febrero 2018 The last year we recovered 193 precolumbian objets confiscated in Venezuela, we used the UNESCO convention and The San Salvador convention.

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

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

Other (please specify): Costa Rica do not have auction houses or galleries, the commerce of archaeological-precolumbian objects is prohibited.

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

	Yes
X	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)

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

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

	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?

X	Yes
	No

Please specify :

Yes, the application of the UNESCO 70 convention do not have clear procedures, the other countries legislation adopt specific aspect according with their own legislation. Costa Rica do not have adopted the UNIDROIT convention because the legislation prohibited the commerce.

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.

We have department that specialized in preventios and procedures related to the illegal traffic, both nationally and internationally, of precolumbian artifacts. The department of Cultural Patrimony Protection is part of the National Museum of Costa Rica.

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
	Police, gendarmerie, and/or Department of Interior
X	Public prosecutor
X	Customs
	None
X	Other (please specify): Organismo de Investigaciones Judiciales (OIJ), Poder Judicial.

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

A report is received usually by phone, we use WhatsApp with the customs and security people or the public procecutor's office to identify the objects.

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

	Formal coordinating committee, working group, etc.
	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)
	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
X	Other (please specify) : The cordination is directly with the National Museum of Costa Rica.

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

When a report is received we contact with the Judicial Investigation Agency (OIJ) or with the public procecurator to coordinate. The National Museum people colaborate with the expert to identify original o fake objets.

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

	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	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
X	We would request assistance to establish such a database

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

We have a objets list but not organized as a database.

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
X	Most, but not all, cultural property is inventoried
	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 and the churches had inventoried their collection, not all have data base.

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

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	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 Museum inventory have data base and is in permanent control. The Informatic person give maintaining.

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.**

We believe that there has been a decrease in both national and international smuggling, and fewer reports have been made. The publications at the news paper helped to the people contact the National Museum to bring información about illegal excavations.

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
	No

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

We have plan to do a campaigns at the end of 2019 year.

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

1	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
4	Return of objects to relevant authorities
2	Sharing information on stolen objects with authorities
1	Placing pressure on museums to change acquisition policies
2	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
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

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

The frequency is each two years. Sometimes we do short trainings, for example: Airport Security personal.

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
	In-depth, specialized training for officers working on this issue
X	Assistance is required from UNESCO and its partners
	Other

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

Legislation, archaeological investigations, procedures, some experiences, expert documents (reports for judicial cases), how do inventory list, and packing objects.

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

	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
X	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.**

Everybody knows the document but require training.

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
	None/only a few follow such practices
X	Other (please specify) : Costa Rica do not have auction houses.

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

Costa Rica do not have auction houses.

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

Costa Rica do not have art and antiquities dealers.

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.**

Ecuador and in process with the United State and México.

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**

We use the Convention text as a legal support in the official documents.

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

	Yes
X	No

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

□

Overall

46. **Yearly statistics**

Thefts

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

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 :		

	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):			Costa Rica needs to have a cultural patrimony legislation.	

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.).**

1. The language. 2. The cost of legal proceedings 3. The costs to move the objets to the origin country.

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

□

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

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

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

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

The UNESCO'S tools are very important, our country needs to capacitate the museums personal.

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

I do not know, I will checkup.

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

Create a person's list as a contact list to circulate the information about the convention, auctions and good experiences.

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?**

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X	Yes
	No

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

The workshops are very important, we know people working with the same theme and restrictions (not enough money or lawyer.). I thing the workshop to become frecuently.

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

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

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

The question about the statistic is not clear.

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

We do not have difficulties.

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 country use the Operational Guidelines when is necessary to prepare legal documents to request objets out the country.

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

Thank you. The questionnaire is a very good instrument.