

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Position :	Special Advisor
Organization/Agency :	Ministry of Education and Culture
Country :	Finland

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.

The Convention has been implemented into Finnish law by means of the Act on adopting certain regulations of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (875/1999) and the Decree for bringing into force the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the entry into force of the Act on adopting certain regulations of the Convention (876/1999).

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).

□

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).

The legal framework for protecting cultural property from illicit trafficking consists of several separate legal instruments: the Act on Restrictions to the Export of Cultural Goods (933/2016), which is applied to the transport of all cultural objects outside of Finland's borders; The Act on the return of cultural objects unlawfully removed from the territory of a Member State of the European Economic Area 1292/2015, which provides the legal framework for returning unlawfully removed cultural objects. In addition this, the export of cultural goods outside the EU is governed by the European Union Council Regulation (EC) No 116/2009 as well as the Commission Implementing Regulation (EU) No 1081/2012 on the export of cultural goods

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
1	Regulations on trade of cultural property
4	Export controls
5	Export certificates
1	Certificate of authenticity
1	Import controls
3	Establishment of national services
3	National inventory of cultural property
3	Inventory requirements for museums, public institutions, private collections
5	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
1	Prohibition of import of cultural property stolen from a museum or religious/secular institution
1	Regulation of the diplomatic pouch
5	Provisions for the return of cultural objects stolen from a museum or other public institution
4	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
	Requirement of register of sales for antique dealers, auction houses, dealers of

1	cultural heritage and art galleries
5	Protection of underwater cultural heritage
3	Regulations regarding the use of metal detectors
1	Regulations regarding the trade of cultural artefacts on internet
<p>Other (please specify): Numbers are in some cases difficult to give or they are very rudimentary estimations as the question does not always cover the whole issue. For example, Finland has not established a single national inventory of cultural property as there are already many adequate inventories by museums and other stakeholders (see also question 23). Furthermore, concerning import certificates Finland is participating in the work carried out by the European Union for a possible regulation.</p>	

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**

Please note that archeological cultural heritage (both movable and immovable as well as underwater cultural heritage) is protected through the Antiquities Act (295/1963) and criminal sanctions for breaching legislation are governed by the Criminal Code (39/1889).

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

X	Yes
	No

Please specify :

We understand policy to mean a legally non-binding instrument which concerns a certain field of practice. Finland has no such policy as regards export of cultural property, however, as stated in the answer to question 4 above, Finland has legislation concerning the export of Finnish cultural property. Furthermore, the EU regulation on the export of cultural goods also affects the export of cultural goods from the customs of the European Union.

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

X	Yes
	No

Please specify :

We understand policy to mean a legally non-binding instrument which concerns a certain field of practice. Finland has no such policy as regards export of cultural property, however, as stated in the answer to question 4 above, Finland has legislation concerning the export of Finnish cultural property. Furthermore, the EU regulation on the export of cultural goods also affects the export of cultural goods from the customs of the European Union. In processing such EU export cases we contact the relevant authorities of different EU member states as necessary. The legislation concerning export requires that an export license is obtained prior to the export of certain cultural property.

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.**

The Finnish Heritage Agency (formerly National Board of Antiquities) is responsible for protecting environments with cultural history value, archaeological culture heritage and architectural heritage, and other cultural property. It also collects and presents a culture historical national collection, studies material cultural heritage and both supports and develops the museum field nationally. The Finnish Heritage Agency supervises among others the protection of archeological sites as specified in the Antiquities Act, grants licenses for the excavation of archeological sites and is the competent authority as regards export licensing of cultural property.

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
	Public prosecutor
X	Customs
	None

Other (please specify): Ministry of Education and Culture, and Finnish National Gallery.

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

While not having a specialized service per se, the Customs, the Ministry of the Education and Culture and the Finnish National Gallery have functions in the protection of cultural property. The Customs supervise the export of cultural goods requiring an export license from the Finnish Heritage Agency and the goods subject to the EU regulation on the export of cultural goods. The Ministry of Education and Culture is responsible for legislation concerning among others research, culture and museums. The Finnish Heritage Agency is one of the specialized government agencies under the branch of the ministry. The Finnish National Gallery has jurisdiction in granting export licenses with regard to works of art.

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)
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 Finnish Heritage Agency and the Customs cooperate as regards the export of cultural goods, meetings are held as necessary. The Agency provides the Customs training as regards the legislation concerning the export of cultural goods on a yearly basis. Furthermore, when required the Finnish Heritage Agency cooperates with the Ministry of Education and Culture as regards the development of legislation.

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
X	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 law enforcement authorities (police) have full access to the INTERPOL database. The Finnish Heritage Agency has viewing access to the database concerning stolen cultural objects.

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.**

Practically all Finnish cultural history museums have appropriately catalogued inventories of their collections. Furthermore the largest religious institutions have inventories of their cultural property. The inventories of professionally managed museums are kept up to date and they have overall most extensive inventories of their collections. However, practices may vary in the whole museum field, taking into account also non-professionally managed museums. Most professionally managed museums are in the process of digitizing their collections, however, the progress varies depending on resources available and the extent of the collections in question. Technical solutions for recognizing e.g. handwriting are being investigated in order to speed up the digitizing process.

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.**

We understand that here the term protected cultural property consists of the cultural goods listed in the 1970 convention. We note that Finland does not maintain a centralized inventory of protected cultural property, however, as stated in question 21, museums and the largest religious institutions maintain inventories of their cultural property. Private collections are not inventoried in a centralized way either. Knowledge of protected cultural property is accessible through these inventories. We note however, that Finland maintains centralized inventories of protected archeological sites (both underground and underwater, provided they are known) and buildings protected by building protection legislation, despite if the properties where such sites or buildings are situated are owned publicly or privately.

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 have not encountered large scale illegal excavations of archeological sites or the export of objects from such excavations. However, the use of metal detectors and access to diving equipment has increased the amount of activity near such sites which has led to increasing number of cases cases related to such practices. Furthermore, we have had increasing amounts of reports of archeological objects being sold both over the internet and the auction companies. The Finnish Heritage Agency has strived to raise awareness of legal restrictions among metal detector practitioners and aims to cooperate with associations active in the field.

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.**

Although no campaigns aimed at the public at large have been undertaken, the Finnish Heritage Agency organises annual meetings for metal detector hobbyists and cooperates with the larges associations in the field (both metal detectorists and recreational divers). Furthermore, the Agency also meets different hobbyist groups in the field in order to raise awareness of cultural heritage values. The cooperation aims to benefit both the cultural heritage sector as well as the hobbyists. The Agency also promotes cooperation with and training of metal detectorists through certain regional cultural history museums. The Agency also cooperates with the education sector (i.e. University of Helsinki) as regards handling of cultural property in research.

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.)
4	Return of objects to relevant authorities
3	Sharing information on stolen objects with authorities
2	Placing pressure on museums to change acquisition policies
1	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?

X	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
	Assistance is required from UNESCO and its partners
	Other

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

□

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

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue

	Assistance is required from UNESCO and its partners
	Other

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

The Finnish Heritage Agency and the Customs organise training on the legislation concerning the export of cultural goods on a yearly basis to relevant Customs officials.

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?**

X	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
	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.**

In joining ICOM, museum professionals and organisations commit to abiding by the ICOM code of ethics. We have not had cases concerning non-adherence to the code.

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) : There is no specific legislation concerning antique dealers nor is there a widely accepted code of conduct among the dealers. The International Code of Ethics for Dealers in Cultural Property has been translated into Finnish and Swedish. The dealers adhere to ethical practices to a varying degree.

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

There is no specific legislation concerning antique dealers nor is there a widely accepted code of conduct among the dealers. The International Code of Ethics for Dealers in Cultural Property has been translated into Finnish and Swedish. The dealers adhere to ethical practices to a varying degree.

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

Antique dealers have been engaged in the legislative process concerning the export of cultural goods. The dealers are contacted on a case by case basis if there are objects for sale which require further investigation. Furthermore, as stated in the answer to question 36 above, the UNESCO code of ethics has been translated into Finnish and Swedish.

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.**

There are no bilateral agreements.

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):	Assessing the helpfulness (above) is practically impossible as there have been no cases regarding the return of cultural property where Finland would have been involved in. Should such cases arise, we consider the Convention to provide at least a moral and diplomatic framework for return/restitution of cultural property. Furthermore, the 1995 UNIDROIT convention and the legislation adopted within the EU provide also a clearer legal framework for such cases.			
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43. Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases

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

Seizures (cultural objects originating from own country)

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

Seizures (cultural objects originating from another country)

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 :		

Restitutions

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 :		

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.).**

As stated above in the answer to question 43, we have not had cases related to the restitution of cultural property, therefore, we have no experience on this.
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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.).**

We have not had cases related to the restitution of cultural property, therefore, we have no experience on this.

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 object ID standard is incorporated into the foremost collection management systems in Finland. The International Code of Ethics for Cultural Property Dealers has been translated into Finnish and Swedish. The ICOM Code of Ethics for Museums is widely employed in the museum field. The Unesco Database of National Cultural Heritage Laws is used as a resource if needed in supervision of export of cultural objects.

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

Yes, the relevant national laws have been uploaded to the database.

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



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 :**

	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.**

□

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

□

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

The Operational Guidelines are taken into account in the operations of the relevant authorities. Finnish legislation was already largely in conformity with the guidelines when the guidelines were adopted.

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

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