

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Organization/Agency :	Permanent Delegation of Japan to UNESCO
Country :	Japan

Policy and Legislative Framework

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

<input checked="" type="checkbox"/>	Civil Law
<input type="checkbox"/>	Criminal Law
<input checked="" type="checkbox"/>	Specific Law

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

Civil Law and Specific Law

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)?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

Act concerning Controls of Illicit Export and Import of Cultural property and Act for the Partial Revision of Law for the Protection of Cultural Property were enforced in 2002.
<http://www.bunka.go.jp/seisaku/bunkazai/kokusai/yushutsu/index.html> (Only Japanese)

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 Act Concerning Controls on the Illicit Export and Import of Cultural Property was enacted in 2002. Article 3 of this Act specifies cultural property after the Japanese government receives notification of that cultural property having been illegally removed from institutions identified in Article 7 (b) (i) of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970 Convention). Furthermore, regarding the import of above-mentioned illegally-removed cultural property, the provision on import approval in the Foreign Exchange and Foreign Trade Act (enacted in 1949) applies, preventing such cultural properties from entering Japan. Article 6 of the Act also extends the period of time a claim for recovery can be made for cultural properties specified as stolen but acquired in good faith even further than the period set in the current Civil Code. For cultural properties within Japan, the export of the property uses a permission-based system under the Law for the Protection of Cultural Properties (enacted in 1950) and Japan notifies signatories of the 1970 Convention of any notices of cultural properties being lost or stolen.

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

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

5	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
5	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
5	Protection of underwater cultural heritage
3	Regulations regarding the use of metal detectors
3	Regulations regarding the trade of cultural artefacts on internet
Other (please specify):	

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

X	Yes
	No

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

To accept the Convention, the Act Concerning Controls on the Illicit Export and Import of Cultural Property was enacted in Japan in 2002. As well as imposing restrictions on the import of cultural properties that foreign governments have flagged as stolen, the Act extends the period of time possessors of a stolen foreign cultural property have to make a claim for recovery. Another measure taken for the Acceptance of the Convention was the partial amendment of the Law for the Protection of Cultural Properties in 2002. The previous Law requires Important Cultural Properties to receive permission for export; the amended Law changed the requirements for exporting Important Tangible Folk Cultural Properties from a notification-based system to a permission-based system.

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

□

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

X	Yes
	No

Please specify :

Japan has implemented a policy to prevent the illicit export of cultural property.

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 :

A person who intends to export “national treasures, important cultural properties, important tangible folk-cultural properties, special natural monuments, natural monuments, and art treasures (with respect to special natural monuments and natural monuments, limited to those determined and publicly notified by the Minister of Economy, Trade and Industry)” must obtain a certificate of export approval in accordance with the procedure specified by Export Trade Control Order.

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 Japanese Agency for Cultural Affairs has administration over the legislation mentioned in the answer to Question 7, as well as policies regarding the protection of cultural properties within Japan.

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).**

X	Magistrates and/or judges
	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
	Customs
	None
	Other (please specify):

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

Magistrates and/or judges : Ministry of Culture

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 Japanese police prevent illicit trafficking of cultural properties in cooperation with the Agency for Cultural Affairs, through conducting necessary investigation and apprehending suspects based on the information received from the Agency, including that of the auction of stolen cultural properties.

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

The Ministry of Foreign Affairs and the Agency for Cultural Affairs take the lead, involving experts, all the concerned authorities including the National Police Agency; the Ministry of Justice; the Ministry of Economy, Trade and Industry; and the Ministry of Finance. These latter agencies/ministries contact one another and work together for the prevention of the illicit trafficking of cultural properties.

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 National Police Agency shares the information with relevant authorities by placing suspects who allegedly stole cultural properties on the wanted list of INTERPOL.

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?

X	All/almost all cultural property is inventoried
	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.**

Information on nationally-designated Important Cultural Properties and almost all other cultural properties has been digitized. The Museum Act requires all facilities for the exhibition of collections (“museumes” under the Museum Act) to make inventories of their cultural properties/collections. Many of those inventories are digitized.

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

X	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
	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.**

N/A

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.**

N/A

Knowledge, Skills and Values of Stakeholders and the Public

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

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

The Agency for Cultural Affairs and other institutes such as National Institutes for Cultural Heritage held countless events and campaigns for the protection of cultural property. They produce and distribute pamphlets and posters every year to raise awareness. Children learn in the formal and non-formal education the importance of the cultural properties. The Agency has also established a website dedicated to the protection of cultural property which includes the database of the cultural properties of Japan.

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

5	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
5	Return of objects to relevant authorities
3	Sharing information on stolen objects with authorities
3	Placing pressure on museums to change acquisition policies
3	Advocating for policy change

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

	To a great extent
	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
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
X	Other Intermediate-level Customs officer take lectures on restricted goods to be imported/exported, including cultural properties.

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

Intermediate-level Customs officer take lectures on restricted goods to be imported/exported, including cultural properties.
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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.**

Each museum carries out work as they see fit based on the ICOM Code of Ethics. The national government distributes leaflets every year at the meeting for directors of museums in an effort to educate the meeting participants on the code of ethics.

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?**

X	All or almost all follow such practices
	Most follow such practices
	Some follow such practices
	None/only a few follow such practices
	Other (please specify) :

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

The Japanese government generally publicizes cultural people involved to prohibit illegal deals of cultural properties for cultural people.

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

The Japanese government generally publicizes cultural people involved to prohibit illegal deals of cultural properties for cultural people.

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.

N/A

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

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

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

The 1970 Convention made easy to diplomatically request to return cultural properties against counterpart countries since it obligates States Parties to return illegally stolen properties.

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

X	Yes
	No

If yes, please specify

Japan has a system in place to facilitate international cooperation.

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

N/A

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

Seizures (cultural objects originating from own country)

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

Seizures (cultural objects originating from another country)

1st Year reporting	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.).**

One of the reasons would be the difficulty of identifying illegally-removed cultural properties because of the difference in the information contained in various countries' inventories.

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.).**

Lack of evidence for claims

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 government offers the tools of UNESCO to who need them.

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

• Museum Act • Law for the protection of cultural property in the event of armed conflict • Law on the promotion of International Cooperation for protection of cultural heritage abroad • Act concerning Controls of Illicit Export and Import of Cultural property, amended May 2004 • Law for the Protection of Cultural Property, last amended March 2007 • Foreign Exchange and Foreign Trade Act, amended June 2009, • Export Trade Control Regulation, amended 2010 • Export Trade Control Order, amended 2009

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

We would like to see tools to help with capacity-building in creating inventories that will make it easier to identify specific cultural properties.

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.**

We would like to see tools to help with capacity-building in creating inventories that will make it easier to identify specific cultural properties.

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

It was difficult to identify the cultural property a foreign government had notified as being stolen.

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

N/A

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

N/A