

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Position :	Coordinator-Culture
Organization/Agency :	Lesotho National Commission for UNESCO
Country :	Lesotho

Policy and Legislative Framework

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

	Civil Law
X	Criminal Law
	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)?

X	Yes
	No

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

1. The Historical Monuments, Relics, Fauna and Flora Act No. 41 of 1967. 2. National Heritage Resources Act 2011

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).

As per the National Heritage Resources Act 2011 "22. (1) where an object is declared as a heritage object pursuant to Act, a person who wishes to export the heritage object shall apply, in writing, to the Council for an export permit. "23.(1) No person shall import into Lesotho any foreign heritage object unless: (a) he has obtained an import permit from the council.

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).

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5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

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

Other (please specify): As we are in the process of the building and the making of the National Museum; there are processes underway with regard to legal frameworks. This include: 1. Collections Policy 2. Review and Amendment of Museum Act of 1967 that will cater for some of those very contemporary challenges of the internet. 3. Development of a policy that will address the illicit export and import of cultural property.

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?

	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?

	Yes

X	No
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13. Please describe this service's major roles and responsibilities.

□

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

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

Police and Judges: To Keep peace and Tranquility, to combat crime, to apprehend offenders, to protect lives and property, to take offences before the courts of law.

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.
X	Coordination lead by specialized service (as described in Article 5), antenna or focal point
	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.

Through formal meetings with the Law office under Copyright and intellectual property, Police and Interpol.

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

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	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.**

□

Protection and Prevention Systems

20. **To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?**

	All/almost all cultural property is inventoried
	Most, but not all, cultural property is inventoried
X	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

The databases are still not accessed by the relevant stakeholders. The challenge is still the interface, such as the right CMS that is affordable and can be used throughout the country. This will also require training for officers on its application.

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

	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
X	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

23. **Please provide additional details on this inventory, including any challenges in creating/maintaining it.**

The inventories are haphazard, not centralized as each stakeholder/ district is using their individual approach; without a hub that holds all these inventories. There is also a limited skill in this area of expertise within the country.

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.**

This might be difficult to measure, by we do have a challenge; specifically with regard to areas where large infrastructure developments take place; like roads, mines and water projects (building of dams). We are not really sure where most of the findings end up, even though the report will show they were there. we still need a way to contain the activities in this regard.

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?**

	Yes
X	No

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

□

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

2	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
1	Return of objects to relevant authorities
1	Sharing information on stolen objects with authorities
1	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
	To some extent
X	To no extent

30. What type of training do police receive on cultural property crime?

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

X	Assistance is required from UNESCO and its partners
	Other

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

□

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
X	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.

Some of the private Museums do adhere to these code of ethics as they even appear in their policies. But as a country, there really isn't any indications of these. It is yet to be guided by the new development towards the Making of the National Museum, including the affiliation/ membership to bodies such as ICOM.

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) : The country has not yet fully explored the principles of the 1970 Conventions. However, this is already within our plan of action in the developments of the policies and legal frameworks underway.

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

N/A

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

Nothing has been done as yet.

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.

1970 Convention- 2013

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

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

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

We are yet to carry on the process in the next few months and years to come.

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 :		
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):				The main issue is that this convention has not been fully functional hence so many gaps.

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.).**

We have not yet come across such a challenge.

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
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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.

So far we are the process of using UNESCO tools to domesticate the legal frameworks in order to be able to address both the local and international challenges.

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

Not yet.

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

A tool such as OpenEMIS (in Education), for cultural institutions.

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 ?**

We are still very growing the field, so there are a lot of gaps and a lot to learn.

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

We are yet to explore them.

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

