

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: LUIS NORBERTO CACHO PÉREZ

Position :	HEAD OF THE UNIT OF LEGAL AFFAIRS
Organization/Agency :	MINISTRY OF CULTURE
Country :	Mexico

## Policy and Legislative Framework

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

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

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

Constitución Política de los Estados Unidos Mexicanos. Last Amendment:/ Última Reforma: DOF 27-08-2018 Ley General de Bienes Nacionales. Last Amendment:/ Última Reforma: DOF 19-01-2018 Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas. Last Amendment:/ Última Reforma: DOF 16-02-2018 Reglamento de la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas. Last Amendment:/ Última Reforma: DOF 08-07-2015 Ley Orgánica del Instituto Nacional de Antropología e Historia. Last Amendment:/ Última Reforma: DOF 17-12-2015 Ley Aduanera. Last Amendment:/ Última Reforma: DOF 25-06-2018 Código Penal Federal Last Amendment:/ Última Reforma: DOF 05-11-2018 Código Federal De Procedimientos Civiles. Last Amendment:/ Última Reforma: DOF 09-04-2012 Ley Federal De Procedimiento Administrativo. Last Amendment:/ Última Reforma: DOF 18-05-2018

### 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).

Mexico with Global Responsibility The fifth objective of the National Development Plan 2013-2018 covered the government politics of México aimed at defending and promoting the national interest abroad and to contribute to the fulfillment of Mexico's development objectives through close, mutually beneficial and productive relationships with other countries supported by a vigorous, substantive and active foreign policy. A Mexico with Global Responsibility would seek to expand and strengthen the country's presence in the world; reaffirm Mexico's commitment to free trade, capital mobility and productive integration; promote the value of the nation in the world through economic diffusion, touristic and cultural, and watch over the interests of Mexicans abroad. In order to achieve the prosperity of the country the best and closest international relations must be sought. / México con Responsabilidad Global La quinta meta del Plan Nacional de Desarrollo 2013-2018 comprende las políticas del Gobierno de la República encaminadas a defender y promover el interés nacional en el exterior, y a contribuir al cumplimiento de los objetivos de desarrollo de México, a través de relaciones cercanas, mutuamente benéficas y productivas con otros países, sustentadas en una política exterior vigorosa, sustantiva y activa. Un México con Responsabilidad Global buscará ampliar y fortalecer la presencia del país en el mundo; reafirmar el compromiso de México con el libre comercio, la movilidad de capitales y la integración productiva; promover el valor de la nación en el mundo mediante la difusión económica, turística y cultural, y velar por los intereses de los mexicanos en el extranjero. Para conseguir la prosperidad de la Patria se deben procurar las mejores y más estrechas relaciones internacionales. Link: <http://pnd.gob.mx/wp-content/uploads/2013/05/PND.pdf>

**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).**

Constitución Política de los Estados Unidos Mexicanos. Last Amendment:/ Última Reforma: DOF 27-08-2018 Ley General de Bienes Nacionales. Last Amendment:/ Última Reforma: DOF 19-01-2018 Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas. Last Amendment:/ Última Reforma: DOF 16-02-2018 Reglamento de la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas. Last Amendment:/ Última Reforma: DOF 08-07-2015 Ley Orgánica del Instituto Nacional de Antropología e Historia. Last Amendment:/ Última Reforma: DOF 17-12-2015 Ley Aduanera. Last Amendment:/ Última Reforma: DOF 25-06-2018 Código Penal Federal Last Amendment:/ Última Reforma: DOF 05-11-2018 Código Federal De Procedimientos Civiles. Last Amendment:/ Última Reforma: DOF 09-04-2012 Ley Federal De Procedimiento Administrativo. Last Amendment:/ Última Reforma: DOF 18-05-2018

**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
4	State ownership of undiscovered cultural heritage
4	Regulations on trade of cultural property
5	Export controls
5	Export certificates
5	Certificate of authenticity
5	Import controls
5	Establishment of national services

4	National inventory of cultural property
5	Inventory requirements for museums, public institutions, private collections
5	Protection of archaeological sites and regulation of archaeological excavations
4	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
5	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
	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)**

The creation of two laws: / La creación de dos leyes Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas. Reglamento de la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas.

**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
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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 :

It is not a policy but a legislation : / No es una política com tal, sino una legislación • Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticos e Históricos. • Reglamento de la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticos e Históricos.

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

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).

	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.**

No information

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
	Communication and meetings as necessary (i.e., for specific cases)
	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.**

No information

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

X	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
	We would request assistance to establish such a database

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

• Registro Público de Monumentos y Zonas Arqueológicas e Históricas. • Registro Público de Monumentos y Zonas Artísticas. • Catálogo del Patrimonio Histórico Nacional.

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.**

No information

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.**

No information

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.**

No information

## 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?**

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	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

Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
Return of objects to relevant authorities
Sharing information on stolen objects with authorities
Placing pressure on museums to change acquisition policies
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
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
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
	Assistance is required from UNESCO and its partners
X	Other No information

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

No information

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
	Other

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

No information

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
	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.

No information

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) : No information

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

No information

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

No information

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.

• Tratado de Cooperación entre Los Estados Unidos Mexicanos y los Estados Unidos de América que Dispone la Recuperación y Devolución de Bienes Arqueológicos, Históricos y Culturales Robados. Publicado en el Diario Oficial de la Federación el 9 de junio de 1971. • Convenio de Protección y Restitución de Monumentos Arqueológicos, Artísticos e Históricos entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República de Guatemala. Publicado en el Diario Oficial de la Federación el 16 de febrero de 1976. • Convenio de Protección y Restitución de Monumentos Arqueológicos, Artísticos e Históricos entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República de El Salvador. Publicado en el Diario Oficial de la Federación el 10 de febrero de 1993. • Convenio de Protección y Restitución de Monumentos Arqueológicos, Artísticos e Históricos entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de Belice. Publicado en el Diario Oficial de la Federación el 28 de marzo de 1996. • Convenio para la Protección, Conservación, Recuperación y Devolución de Bienes Arqueológicos, Artísticos, Históricos y Culturales Robados, Exportados o Transferidos lícitamente entre los Estados Unidos Mexicanos y la República del Perú. Publicado en el Diario Oficial de la Federación el 18 de septiembre de 2003. • Convenio entre los Estados Unidos Mexicanos y la República Oriental del Uruguay para la Cooperación en Materia de Protección, Conservación, Recuperación y Restitución de Bienes Culturales y los que Conforman el Patrimonio Natural que hayan sido Materia de Robo o de Tráfico Ilícito. Publicado en el Diario Oficial de la Federación el 2 de marzo de 2012. • Convenio entre los Estados Unidos Mexicanos y la República de Colombia sobre las Medidas que deben Adoptarse para Prohibir e Impedir el Robo y/o Hurto, la Introducción, la Extracción y el Tráfico Ilícitos de Bienes Culturales. Publicado en el Diario Oficial de la Federación el 16 de febrero de 2018. • Convenio entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República Popular China para Cooperación en Materia de Protección, Preservación, Devolución y Restitución de Bienes Culturales y Prevención del Robo, Excavación Clandestina e Importación y Exportación Ilícitas de Bienes Culturales. Publicado en el Diario Oficial de la Federación el 23 julio de 2014. • Convenio entre los Estados Unidos Mexicanos y la República de Chile sobre Protección y Restitución de Bienes Culturales. Publicado en el Diario Oficial de la Federación el 03 de diciembre de 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**

• Patterson’s Case / Caso Patterson. • Luis de Carvajal’s manuscripts. / Manuscritos de Luis de Carvajal • 50 historical documents found in New York linked mainly with the periods of the Second Empire and the Porfiriato. / 50 documentos históricos encontrados en Nueva York vinculados principalmente con los periodos del Segundo Imperio y el Porfiriato.

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

### Illegal Excavations

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

### Seizures (cultural objects originating from own country)

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

Additional information :
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4nd Year reporting	Number of objects
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Additional information :
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### Seizures (cultural objects originating from another country)

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

1st Year reporting	Number of objects
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Additional information :
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2nd Year reporting	Number of objects
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Additional information :
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3nd Year reporting	Number of objects
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Additional information :
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4nd Year reporting	Number of objects
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Additional information :
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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				
Lack of police capacity related to cultural property				
Lack of customs capacity related to cultural property				
Lack of coordination between relevant				

stakeholders				
Lack of inventories and databases in museums				
Inadequate security systems in museums and places of worship				
Inadequate security of archaeological sites				
Lack of cooperation from the art market				
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)				
Lack of regulation on the internet				
Lack of public awareness				
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.).**

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)				
UNESCO International Code of Ethics for Cultural Property Dealers				
ICOM Code of Ethics for Museums				

UNESCO Database of National Cultural Heritage Laws				
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)				
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)				
Model Export Certificate for Cultural Objects (UNESCO and WCO)				

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

No information

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

No information

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

No information

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
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Support in reforming national policies and legislation				
Promoting policy dialogues between countries				
Support for inventorying projects				
Specialized trainings for police				
Specialized trainings for customs				
Specialized trainings for museum staff				
National workshops to bring together stakeholders across departments, ministries, etc.				
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.				
Awareness raising activities (press releases, video clips, etc.)				
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.				
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)				
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)?**

No information

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

We have no information for the following questions: 5, 27, 28, 29, 32, 34, 46, 47, 50, 56