

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Ms. Biljana Prentoska, MA

Position :	Secretary-General
Organization/Agency :	National Commission for UNESCO within the Ministry of Culture
Country :	The former Yugoslav Republic of Macedonia

## 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.**

Directorate for Protection of Cultural Heritage In the Republic of Macedonia, in the Law on Protection of Cultural Heritage, the provisions of the UNESCO Convention and other measures for movable cultural heritage are incorporated in a separate chapter According to the Ministry of internal affairs The Republic of Macedonia has ratified this Convention in 1997.

### 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).

According to the Ministry of Justice of the Republic of Macedonia Republic of Macedonia's legal framework on protection of cultural property from illicit trafficking is set by the following provisions from the Criminal Code ("Official Gazette of the Republic of Macedonia" nos. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017 and 247/2018): Chapter twenty-four CRIMES AGAINST THE CULTURAL HERITAGE AND NATURAL RARITIES Damage or destruction of goods under temporary protection or cultural heritage or natural rarities Article 264 Article 265 Article 266 Article 266-a Article 266-b Article 266-c Article 267 Article 98 Article 225 Article 236 Article 239 Article 243 Article 261 Article 404 Article 414 According to the Directorate for Protection of Cultural Heritage Law on Protection of Cultural Heritage, Criminal Law of the Republic of Macedonia, Civil law

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

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

5	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
5	Regulations regarding the use of metal detectors
1	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?**

	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**

Directorate for Protection of Cultural Heritage Insufficient knowledge in expert matters regarding the definition of cultural goods or antiquities in certain administrative entities which participate in criminal proceedings, leads to many problems. Such insufficient knowledge of the particular matter leads to unwanted influences and imposing of unprofessional interpretations in professional procedures.

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

X	Yes
	No

**Please specify :**

It is implemented by means of a system of several articles within the Law on Protection of Cultural Heritage and articles in a separate chapter in the Criminal Law of the Republic of Macedonia.

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 :**

The export of unprotected cultural goods is subject to the issuance of a Certificate for unprotected goods, upon a previously issued assessment from a competent institution, in accordance with the type of cultural good. Article 97 paragraph 8 of the Law on Protection of Cultural Heritage There are several types of permits (aprovals)for the export of protected goods - a standard approval for the export of a single item or group of items, subject to Article 96 from the Law on Protection of Cultural Heritage, valid for a period of 12 months from the date of issuance. - a special open approval (permit) for export, for the multiple export of a specific item whose proprietor or other holder will use and exhibit the said item with a validity period of up to 5 years from the date of issuance. - a general open permit for export, for items consisting a public collection with a validity period of up to 5 years from the date of issuance.

11. **Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?**

X	Yes
	No

**Please specify :**

We believe that there is a problem with restitution only due to incompatibility with national court decisions for each particular country. In 2006, the Ilok court in the Republic of Croatia seized certain goods. The perpetrator of the act was a Macedonian citizen, but despite all requests for restitution, the objects were not returned to the Republic of Macedonia. There is also a problem with the request for restitution of icons from the Republic of Albania, wherefrom the icons stolen from western Macedonia have not been returned yet.

## 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 specialized service for the protection of cultural property is the Directorate for Protection of Cultural Heritage, other functions such as drafting of draft laws and regulations in the field of cultural heritage protection, establishing of a national inventory, promotion of the establishment / development of scientific and technical institutions and development of educational activities as well as the announcement of disappearance on the Interpol site - MOI is within the competence of other professional sectors in the respective area within the Directorate, as well as other insitutions in the field of protection (institutions responsible for protection of immovable and movable cultural heritage and the Ministry of Culture). The functions related to the organization of supervision over archaeological sites and the establishment of rules for curators are not within the competencies of the Directorate. They are carried out by institutions who are given management authority over the archaeological sites, whereas the activity of establishing rules for dealers of antiquities is not covered by any act in the legal system of the Republic of Macedonia.

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
X	Customs
X	None
	Other (please specify):

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

The Customs Administration does not have a specialized department for prevention of illegal import, export and transfer of ownership of cultural goods. However, pursuant the provisions of the Customs Law and the Criminal Law, the Customs Administration is competent for taking activities for prevention and detection of illegal trade in cultural goods, filing criminal charges for detected crimes related to illegal trade in cultural goods, exchange of information with the institutions competent in the same area (Ministry of Interior, Directorate for Cultural Heritage).

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)
X	No Coordination
X	Other (please specify) :

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

According to the Customs Administration Via designated contact persons and, where appropriate, organization of meetings and coordination of activities. According to the Directorate for Protection of Cultural Heritage Operational field activities are in the exclusive competence of the members of the Ministry of the Interior, without the presence of members of the Directorate for Protection of Cultural Heritage. The actions are independent and the MOI can seek help only in connection with the professional identification of the seized objects, which is carried out with expert assistance of others participants in the procedure (the competent institutions for the type of movable cultural heritage in question). The same is with the Customs of the Republic of Macedonia. There is no proper coordination with this institution as well.

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

	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/and regional database that is linked with the

	INTERPOL database Yes, we use the INTERPOL database (and do not have our own national database)
X	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.**

According to the Ministry of Internal Affairs In the event of stolen cultural property, the Ministry of Culture notifies the Ministry of Interior and should there be photographs of the items, these are attached to the INTERPOL database. According to the Directorate for Protection of Cultural Heritage The DPCH does not have a database. The INTERPOL database located on the website of the Ministry of Internal Affairs has no data on stolen objects regarding our country or the world. As an institution, by correspondence to INTERPOL - MOI, we submit claims and information regarding stolen / missing items that are not processed on the website of the Ministry of Internal Affairs / Interpol of the Republic of Macedonia.

## 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.**

Directorate for Protection of Cultural Heritage The museum inventories are based on the museum documentation that is obligatory for each museum institution and in the Republic of Macedonia all the museum institutions keep this documentation. In addition to this documentation, protection records are also kept in the Republic of Macedonia. Institutions face a problem in keeping these records because they are not networked with the institutions that maintain the registry (according to the type of goods) and with the DPCH, which should keep the central records. They are not digitized. Regarding the religious groups, we would like to inform you that they indicate having their own inventories. However, they do not submit them to the Directorate.

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.**

Directorate for Protection of Cultural Heritage The following records are kept in the protection system: Inventory / registry of immovable, movable and intangible cultural heritage. Library records, archive records, Records of foreign cultural heritage, Icon records, An archaeological map of Macedonia as a type of scientific record. There was an inventory of confiscated items in the Directorate until 2013, but as stated above, this inventory is no longer kept due to the fact that we have no knowledge of where and who performs the professional identification and which are the seized items. Owning a registry for the origin of items, as well as maintaining this registry, is an obligation of every dealer of antiquities, artistic and other goods consisting a collection.

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.**

Directorate for Protection of Cultural Heritage A great challenge

## 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.**

Directorate for Protection of Cultural Heritage Promotion was carried out by means of educating different categories of citizens: schools, students and general population.

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.)
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2	Return of objects to relevant authorities
2	Sharing information on stolen objects with authorities
2	Placing pressure on museums to change acquisition policies
2	Advocating for policy change

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

	To a great extent
	To a considerable extent
X	To some extent
	To no extent

29. **Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
	To a considerable extent
X	To some extent
	To no extent

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

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	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.**

According to the Ministry of Internal Affairs - Second Conference on the Protection of Cultural Heritage in the Middle East – held on 5-6 December 2017 in Beirut, Lebanon - Protection of Cultural Property seminar, held in hotel Park in Skopje on 25-26 April 2018 - Training Protection of Cultural National Goods and Formation of Police Teams of the Countries of Southeastern Europe and FBI held in June 2018 in Sophia, Bulgaria - Workshop on the topic of Integrated Approach in the Protection of Cultural Heritageorganised on the behalf of the European Commission – TAIEX held on 15-16 April 2016 in the Arka hotel - Skopje

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
X	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.**

According to the Customs Administration In the past 4 years, customs officers have participated in the following training courses and seminars in the area of cultural heritage protection: - Workshop on "Integrated Approach to the Protection of Cultural Heritage" held within 14-15 April 2016 in Skopje, - Workshop on "Fight against illicit trafficking in cultural goods" held within 25-26.04.2018 in Skopje, - Workshop of European Judiciary and Police and Customs Officials to Combat Illegal Trade in Cultural Goods held within 26-28 November 2018 in Paris, France

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

	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
X	None/only a few have adopted such a code of ethics
	Other (please specify) :

35. **Please provide additional details on the degree to which museums adhere to such a code of ethics.**

□

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
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	Most follow such practices
	Some follow such practices
X	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.**

Directorate for Protection of Cultural Heritage There are no auction houses registered in our country

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

Directorate for Protection of Cultural Heritage They are not engaged

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.**

-Grant agreement between the United States of America and the Ministry of Culture of the Republic of Macedonia for conservation of the Early Christian Frescoes from the Episcopal Basilica of Stobi -Grant agreement between the United States of America and the Ministry of Culture of the Republic of Macedonia for restoration and conservation of the inn of the monastery complex St. Archangeli in the village Kuceviste, Skopje -Grant agreement between the United States of America and the Ministry of Culture of the Republic of Macedonia for conservation of the baptistery of the Episcopal Basilica of Stobi

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

	To no	To some	To a considerable	To a great
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	extent	extent	extent	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**

Directorate for Protection of Cultural Heritage By providing a legal framework for restitution, the restitution of cultural goods has been enabled and ensured to a great extent

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	2	Number of objects
Additional information : According to the Customs Administration -in the first case, a silver coin (tetradrachma), originating from the period 336-323 BC, was seized at BCP Tabanovce – exit section, in a passenger motor vehicle-trailer driven by an Austrian national, -in the second case, the customs officers seized a marble part of a tombstone with inscriptions in ancient Arabic dating from the second epoch of the Ottoman epigraphy from the 16th to the 18th century, which they found in a passenger's bag of a Russian national traveling by bus declared for exit from Macedonia at the BCP Tabanovce Motorway. Directorate for Protection of Cultural Heritage The Directorate for Protection of Cultural Heritage does not have data on stolen objects for 2015. Such data can be found in the Ministry of the Interior.		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	1	Number of objects

Additional information : For this year, the Directorate has data regarding one stolen piece of artwork from a museum collection.

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 :

3nd 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	1	Number of objects
Additional information : Directorate for Protection of Cultural Heritage There is currently a proceeding for restitution of 20 icons from the Republic of Albania stolen from the Republic of Macedonia.		
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.).**

Directorate for Protection of Cultural Heritage The Directorate for Protection of Cultural Heritage does not have sufficient information regarding this issue, which is under the exclusive competence of the Ministry of Culture

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.).**

Directorate for Protection of Cultural Heritage The main reason is the lack of complete evidence regarding the 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.**



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

Directorate for Protection of Cultural Heritage The existing national cultural heritage laws have not been submitted to the UNESCO database.

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

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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)?**

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