

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

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Position :	Assistant Director
Organization/Agency :	Cultural Heritage Administration
Country :	Republic of Korea

## Policy and Legislative Framework

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

	Civil Law
	Criminal Law
X	Specific Law

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

The Republic of Korea deposited the instrument of acceptance of the 1970 UNESCO Convention on February 14, 1983. Article 20 (previously Article 78) was newly added to the Cultural Heritage Protection Act on July 1, 1983 for implementation of the 1970 UNESCO Convention.

### 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).

- The Cultural Heritage Protection Act first enacted on January 10, 1962 includes Article 20 (Protection of Foreign Cultural Heritage), Article 39 (Prohibition of Exportation, etc.) and Article 60 (Prohibition of Exportation, etc. of Ordinary Movable Cultural Heritage).

### 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 Cultural Heritage Protection Act was revised on July 1, 1983 and Article 20 (previously Article 78) was newly established for implementation of the 1970 UNESCO Convention. - Article 20 of this Act states the seizure of the cultural heritage which has been illegally imported from a foreign country and its return to the relevant country as follows; (1) Cultural heritage designated and protected by statutes of a foreign country (hereinafter referred to as "foreign cultural heritage") that is a party to any international convention concerning the protection of cultural heritage (hereinafter referred to as "convention"), to which the Republic of Korea is also a party to preserve the cultural heritage of humanity and promote friendship with other countries, shall be protected in accordance with the convention and this Act. (2) Where a reasonable ground exists to believe that any foreign cultural heritage which is to be brought or has already been brought into the Republic of Korea has been illegally taken out of the relevant foreign country, the Administrator of the Cultural Heritage Administration may seize the cultural heritage. (3) The Administrator of the Cultural Heritage Administration shall keep and manage foreign cultural heritage, if seized pursuant to paragraph (2), in a museum, etc. (4) The Administrator of the Cultural Heritage Administration shall, without delay, return foreign cultural heritage kept in his/her custody pursuant to paragraph (3) to its owner or possessor once the foreign cultural heritage is verified to have been legally taken out of the relevant foreign country. This shall also apply where it is verified that the foreign cultural heritage has been illegally taken out, but it is obvious that the relevant foreign country has no intent to retrieve it. (5) Where a foreign country proves that foreign cultural heritage brought into the Republic of Korea has been illegally taken out of the relevant foreign country and makes a request for return of the cultural heritage in accordance with appropriate procedures provided in the convention, or the Administrator of the Cultural Heritage Administration performs the duty to return it in accordance with the convention, he/she shall take necessary measures in cooperation with related agencies so that it can be returned to the relevant foreign country, as provided in the convention.

5. To what extent does your country's policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

4	Clear definition of cultural property
4	State ownership of undiscovered cultural heritage
4	Regulations on trade of cultural property
4	Export controls
4	Export certificates
4	Certificate of authenticity
4	Import controls
4	Establishment of national services
4	National inventory of cultural property
4	Inventory requirements for museums, public institutions, private collections
4	Protection of archaeological sites and regulation of archaeological excavations
4	Public education and awareness raising
4	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property

4	Prohibition of import of cultural property stolen from a museum or religious/secular institution
4	Regulation of the diplomatic pouch
4	Provisions for the return of cultural objects stolen from a museum or other public institution
4	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
4	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
1	Protection of underwater cultural heritage
1	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?**

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)**

On July 1, 1983, the Republic of Korea revised the Cultural Heritage Protection Act first enacted on January 10, 1962 and newly established Article 20 (previously Article 78) for implementation of the 1970 UNESCO Convention.

**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 :**

- According to Article 39 and 60 of the Cultural Heritage Protection Act, any cultural heritage, regardless of its designation, requires the permission of the Administrator of the Cultural Heritage Administration for its exportation. Accordingly, any cultural heritage exported without such permission is regarded as illegally exported heritage and subject to the seizure pursuant to Article 90 of the same Act. - The Administrator of the Cultural Heritage Administration may seize the foreign cultural heritage where a reasonable ground exists to believe that it has been illegally exported from the relevant country and shall return the heritage where the relevant country proves its illegal exportation and makes a request for its return.

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 :

In accordance with Paragraph (4) of Article 20 of the Cultural Heritage Protection Act, the Administrator of the Cultural Heritage Administration shall, without delay, return foreign cultural heritage kept in his/her custody pursuant to paragraph (3) to its owner or possessor once the foreign cultural heritage is verified to have been legally taken out of the relevant foreign country. This shall also apply where it is verified that the foreign cultural heritage has been illegally taken out, but it is obvious that the relevant foreign country has no intent to retrieve it.

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 Cultural Heritage Administration is a central governmental organization responsible for the preservation, protection, and management of the cultural heritage. The Administration runs two different divisions – Cultural Heritage Security Policy Division and International Cooperation Division. The former is in charge of fight against the illicit trafficking of the cultural heritage while the latter handles the international cooperation for the heritage protection. - The National Museum of Korea has developed the Standard Collection Management System reflecting the Object ID for the management of museum collection and distributed it to each museum free of charge.

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

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

- Close cooperation and joint investigations between the Cultural Heritage Administration and the police or prosecutor's office has been conducted for preventing the illegal trafficking of the cultural heritage. - The Cultural Heritage Administration operates the Cultural Heritage Appraisal Offices located at nineteen (19) airports and ports around the nation in order to prohibit illegal export or import of the 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)
	No Coordination
	Other (please specify) :

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

Information sharing and joint investigations between the Cultural Heritage Administration and the police or prosecutor's office of the Republic of Korea or the U.S. Homeland Security Investigations have been performed.

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.**

The Cultural Heritage Administration provides information on the stolen cultural heritage through its official website ([www.cha.go.kr](http://www.cha.go.kr)) and regularly updates it for prevention of the illicit trade and rapid return of the cultural heritage.

## 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.**

Most museums and galleries receive trainings on the use of the Standard Collection Management System from the Ministry of Culture, Sports and Tourism. Almost all cultural property is inventoried.

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.**

In some cases of private galleries, inventory of their collection is difficult due to lack of relevant documentation.

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
	No

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

The Cultural Heritage Administration produces and distributes video through SNS in order to fight against theft, illegal excavation, and illicit trafficking of the cultural heritage.

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

4	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
4	Return of objects to relevant authorities
4	Sharing information on stolen objects with authorities
4	Placing pressure on museums to change acquisition policies
4	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
X	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
X	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
X	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.

Police officers specializing in the heritage investigations take an annual training on the legal framework for cultural heritage protection at the Education Center of Traditional Culture under the aegis of the Cultural Heritage Administration.

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.

The Cultural Heritage Appraisal Offices located in each airport and port provide customs officers with semiannual trainings on the legal basis for prohibition of heritage export and examples of illegal exportation.



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 and gallery bears legal responsibilities of keeping the ICOM's Code of Ethics consistent with Article 6 of Museum and Gallery Support Act.

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.**

- Code of Ethics Concerning the Trade of Cultural Property has been voluntarily established and implemented by the antiquities dealers since 2008. - The Korean government has translated the UNESCO's International Code of Ethics for Dealers in Cultural Property into the Korean language in 2010 and actively promoted it.

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

- The Korean Antiquities Association composed of antiquities dealers established Code of Ethics Concerning the Trade of Cultural Property and has promoted its implementation by the association members. - In case of suspicion of theft during trade, the dealers are required to report it to the Cultural Heritage Administration.

39. **Do you regulate the trade of cultural objects on internet?**

	Yes
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X	No
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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.**

The Cultural Heritage Administration has strived for strengthening the international cooperation for fight against the illicit trade of cultural property by signing the agreements such as the Framework of Cooperation between Ministry for Culture and Sports of the Hellenic Republic, the State Administration of Cultural Heritage of People's Republic of China and the Ministry of Cultural and Tourism of Turkey and the Cultural Heritage Administration of the Republic of Korea on the Hosting of the International Conference of Experts on the Return of Cultural Property for the Years 2014, 2015, 2016 signed in October, 2013; and Memorandum of Cooperation between the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement and the Republic of Korea Cultural Heritage Administration Concerning Cooperation in the Protection, Recovery, and Restitution of Cultural Property signed in July, 2014.

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**

- Specific provisions for controlling the illicit trade of cultural property have been established consistent with the 1970 UNESCO Convention. - The 1970 UNESCO Convention serves as diplomatic and moral basis for restitution of the cultural heritage.

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?

- The Cultural Heritage Administration requested Interpol to share the information on the stolen Korean royal seals by uploading and posting its list on the Interpol's database. - Stolen Buddhist Heritage published by the Jogye Order of Korean Buddhism has been translated in the English language and distributed to Interpol and the member states of the 1970 UNESCO Convention. - Materials in both hard copy and PDF on the 6th International Conference of Experts on the Return of Cultural Property held in Korea, 2016 has been distributed and shared.

## Overall

46. Yearly statistics

### Thefts

1st Year reporting	4246	Number of objects
Additional information : The number of objects is a subtotal counted from between 2003 and 2006.		
2nd Year reporting	6760	Number of objects
Additional information : The number of objects is a subtotal counted between 2007 and 2010.		
3rd Year reporting	5091	Number of objects
Additional information : The number of objects is a subtotal counted between 2011 and 2014.		
4nd Year reporting	3004	Number of objects
Additional information : The number of objects is a subtotal counted between 2015 and 2018.		

### Illegal Excavations

1st Year reporting	10	Number of objects
Additional information : The number stated above is a subtotal of excavation cases not the number of objects counted between 2003 and 2006 due to difficulties in counting the specific number of objects illegally excavated until arresting the robbers.		
2nd Year reporting	8	Number of objects
Additional information : The number stated above is a subtotal of excavation cases not the number of objects counted between 2007 and 2010 due to difficulties in counting the specific number of objects illegally excavated until arresting the robbers.		
3rd Year reporting	8	Number of objects
Additional information : The number stated above is a subtotal of excavation cases not the number of objects counted between 2011 and 2014 due to difficulties in counting the specific number of objects illegally excavated until arresting the robbers.		

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 :	

4nd Year reporting	Number of objects
Additional information :	

### Seizures (cultural objects originating from another 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 :	

4nd Year reporting	11	Number of objects
Additional information : The number of objects is a subtotal counted between 2015 and 2018. Eleven Mongolian dinosaur fossils have been seized in 2015.		

### Restitutions

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	11	Number of objects
Additional information : The number of objects is a subtotal counted between 2015 and 2018. Eleven Mongolian dinosaur fossils have been returned to the Mongolia in 2017.		

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.).**

- Due to prohibition against the retroactive application of the 1970 UNESCO Convention, practical obstacles exist to using the Convention as a strong measure for restitution.
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49. **If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).**

□

# 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.**

- Discussion is on-going concerning the utilization of the Interpol's database in order to prohibit illicit trade of the cultural heritage. - UNESCO's International Code of Ethics for Dealers in Cultural Property has been translated into the Korean language in 2010 and distributed online.

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

Ten pieces of Korean legislations have been uploaded to the UNESCO's database and newly enacted or revised laws will be regularly updated.

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

Search engine optimized for identifying the cultural heritage by its image

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.**

It is suggested that the UNESCO put more efforts to enhance the awareness of and conversation on the return of the cultural heritage to the country of origin not only in the country of origin but also in the counterpart country where the relevant heritage currently located.

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)?**

N/A

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

□