

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Dinorat Cruz Guerra

Position :	Presidenta Instituto de Patrimonio Cultural
Organization/Agency :	Instituto de Patrimonio Cultural Venezuela
Country :	Venezuela (Bolivarian Republic of)

## Policy and Legislative Framework

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

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

### 2. Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

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

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

The Bolivarian Republic of Venezuela, as a State Party to UNESCO, signed - as a strategy for the prevention and control of illicit trafficking in cultural property - in 2004, the 1970 Convention on Measures to be Adopted to Prohibit and Prevent Importation, Exportation and Transfer of Illicit Property of Cultural Property. In accordance with the provisions of the aforesaid Convention, the Venezuelan Technical Committee to Combat Illicit Trafficking in Cultural Assets, made up of different National and International Organizations, was created this year through a Ministerial Decree. According to Resolution Number 147, dated September 27, 2004, published in the Official Gazette of the Bolivarian Republic of Venezuela Number 38,050 dated October 25, 2004. The Fight against the traffic o fcultural objects has been promoted by the said Committee, under the presidency of the Institute of Cultural Heritage, the governing body at the national level in the area of cultural heritage, through awareness and training workshops; Interinstitutional Coordination and signing of International Agreements to promote cooperation in the prevention and control of illicit trafficking in cultural property.

### 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 Bolivarian Republic of Venezuela, in the interest of advancing the prevention and control of illicit trafficking in cultural property, assumed as part of its legal framework the international conventions and documents signed by the nation: Convention for the Prohibition and Prevention of the Importation, Exportation and Transfer of Illicit Property of Cultural Property. Year: 1970 Convention of the United Nations against Transnational Organized Crime Year 2000 Declaration on the recovery of material cultural assets of the archaeological, historical, paleontological and artistic heritage of CELAC, 2015. The text of the Special Declaration states: 1. Invite the interested countries of our Community to contribute to the creation of a voluntary register of the main material cultural goods that have been stolen and that are in third countries and whose possession constitutes an impoverishment of the cultural heritage of our peoples and his identity. Constitution of the Bolivarian Republic of Venezuela, Official Gazette Extraordinary No. 36,860 dated December 30, 1999 Protection and Defense of the Cultural Heritage Law, Friday, October 3, 1993 Number 4,623 Extraordinary Organic Law of Security of the Nation, Official Gazette Number: 37.594 of 18-12-02 Law on the Offense of Contraband, Official Gazette No. 6.017 Extraordinary of December 30, 2010 Criminal Law of the Environment, (Official Gazette N ° 39,913 of May 2, 2012 Organic Law of the Aquatic and Insular Spaces, (Official Gazette N ° 6.153 Extraordinary of November 18, 2014, Decree N ° 1,446 November 17, 2014 Organic Law for the Organization of the Territory, Official Gazette No. 3,238 Extraordinary dated August 11, 1983 Ordinances

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

1	Regulation of the diplomatic pouch
1	Provisions for the return of cultural objects stolen from a museum or other public institution
1	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
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?**

	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?**

X	Yes
	No

**Please specify :**

The Venezuelan State, through the institute of cultural heritage, executes the public policies of protection and defense of the Cultural Heritage as one of the priority measures to guarantee the conservation of the historical memory and identity of the people.

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 implementation of the export certificate of cultural objects

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.

Regulate and dictate the rules related to research, restoration, conservation, safeguard, preservation, defense, consolidation, reform and repair of the works, that constitute the cultural heritage of the nation. Constitute the Registry General of cultural objects, movable and immovable that have been declared heritage of the Republic that by its characteristics they are of cultural interest for the nation. Prepare the general inventory of cultural assets furniture and real estate of the nation and the historical relics.

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
X	Public prosecutor
X	Customs
	None
	Other (please specify):

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

The aforementioned bodies make up the Venezuelan Technical Committee to fight illicit trafficking in cultural property, and its responsibilities include: Coordination of actions for the prevention of illicit traffic Advise the National Executive on the matter Promote the registration of Cultural Heritage Disseminate national and international legislation on the protection of cultural heritage. Formulate and propose measures for the control of illicit trafficking in cultural property Promote awareness of the community in the area of illegal traffic Monitor international agreements on the matter for proper compliance

**16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply**

X	Formal coordinating committee, working group, etc.
X	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)
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.**

The national organisms and multilateral organizations that by the national legislation are related to the protection and defense of the Venezuelan cultural patrimony, and constituted in the Venezuelan Technical Committee of Fight against the illicit traffic of cultural objects have a specific participation in the different processes of the prevention and the control of illicit traffic. In the case of seizures made in the country, the Cultural Heritage Institute acts jointly within the scope of its competences; the Public Prosecutor's Office and the Body of Scientific, Penal and Criminal Investigations (CICPC). In the processes related to the technical expertise, the National Museums Foundation participates according to the objects seized; the Institute of Cultural Heritage; the Autonomous National Library Institute and the Institute of Arts, Image and Space (IARTES).

**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.**

Consultation is carried out to verify information about cultural objects when the export certificate is to be issued.

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
	Some cultural property is inventoried, but significant gaps remain
X	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 inventory so far is not fully digitized, which represents for the Venezuelan State the challenge of creating the unique national inventory system of Cultural Heritage.

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

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

The Bolivarian Republic of Venezuela, within the framework of public cultural policies related to knowledge and identification of the assets that constitute the nation's cultural heritage, has developed three relevant projects to constitute the registration of cultural heritage. In that sense, the I Census of the Venezuelan cultural heritage represented the greatest progress in that task, managing to expand the information that until 2004, had been raised with the national inventory project. Currently, it is implementing the digitized register of heritage through a system called the Cultural Heritage Registry of Venezuela, whose challenge is to become the National Unique Registry of Cultural Heritage where all the information of the goods, manifestations, cultural elements and individuals carrying of ancestral and traditional knowledge.

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.**

The measures to combat the illegal excavation implemented up to now are the sensitization, the granting of supervised permits and the issuance of the rules of action on the archaeological and paleontological heritage of the Republic. This last process is covered by the administrative ruling that establishes the rules and procedures that regulate archaeological and paleontological activities published in Official Gazette Number 40,028 of October 15, 2014.

## 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
2	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
	To some extent
X	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
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

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

The Venezuelan Technical Committee to Combat the Illicit Trafficking of Cultural Assets has implemented, as one of the strategies for the prevention and control of the illicit traffic of cultural goods, a training plan to raise awareness among the general public in four sessions a year . National Guard personnel participated in it; National Police and personnel of the security system of the National Airport Institute Simón Bolívar de Maiquetía, Vargas state. Despite this intention, we consider expanding the scope of action for the training of the nation's security personnel in order to provide them with knowledge on the subject as one of the tools to control the illicit mobilization of patrimonial objects.

32. **What type of training do customs officers receive on cultural property crime?**

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

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
X	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.**

The Venezuelan State, as a State Party of UNESCO, is subscribed to and adhered to certain organizations that, in order to deepen the management and conservation of cultural heritage, have emerged from within this multilateral organization. In this sense, the museum institutions, professional members of ICOM-Venezuela and therefore institutions such as the Institute of Cultural Heritage adhere to the ICOM code of ethics that follows the principles of the 1970 Convention, because it is considered a very useful tool to advance both the processes of training and awareness of the general public and the guards responsible for the security of the institutions that protect heritage objects and those responsible for security that control illicit traffic in ports and airports.

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
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.**

□

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

Providing information regarding the process of certification and authorization of exits or export of cultural objects.

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 Bolivarian Republic of Venezuela to move forward with foreign policy regarding the illicit traffic of cultural goods has promoted cooperation with the nations of Brazil, Argentina, Bolivia, Peru, Russia, Mexico and has signed cooperation agreements with the Republic of Ecuador and the People's Republic of China. 1.- Agreement between the Republic of Ecuador and the Bolivarian Republic of Venezuela for the restitution of stolen, imported, exported or illegally transferred cultural property dated March 26, 2010. 2.- Cooperation Agreement between the People's Republic of China and the Bolivarian Republic of Venezuela for the prevention of trafficking, clandestine excavation, illegal export and import of cultural property, signed in September 2010.

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

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

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

The Bolivarian Republic of Venezuela in the last five years has had the most significant experience in terms of the restitution of cultural property, in the specific case of the repatriation of 196 archaeological pieces to the Republic of Costa Rica. In this action the 1970 Convention facilitated negotiations and diplomatic procedure.

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 :		
3rd 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 :		
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 :		
3nd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	1	Number of objects
Additional information : The restitution of 196 archaeological pieces to the Republic of Costa Rica was carried out in 2017, acting within the framework of Venezuelan legislation and the protocols established by the operational guidelines of the 1970 Convention.		

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):		Consolidation of national public policy for the prevention and control of trafficking in illicit traffic in cultural goods.		

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

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

The Bolivarian Republic of Venezuela in recent years has used UNESCO tools to collect, process and use relevant information in them to support the formulation of policies, planning, monitoring and management regarding the restitution, conservation and preservation of cultural assets. Where the focal point has a permanent technical table to review the backup actions.

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

We are waiting for our official authorities to respond to it

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

Tools that contain a support for inventory projects, specialized training for policies, specialized training in customs, and development of more legal and practical tools, which contain the model of the WCO drafting certificate, the Law Database on cultural heritage. , among other.

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)?**

As a guide for the development of the actions and strategies defined in terms of the prevention and control of the illicit traffic of cultural goods.

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

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