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This publication is available in PDF and HTML formats on the Internet at <https://www.canada.ca/en/canadian-heritage/services/about-movable-cultural-property/annual-report-export-import-2023.html>

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Catalogue No. CH1-31E-PDF
ISSN 2368-0741

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Introduction

Since its adoption in 1977, the [Cultural Property Export and Import Act](#) (Act) has served to encourage and ensure the preservation in Canada of significant examples of our artistic, historic, and scientific heritage. The [Act](#) accomplishes this objective through the following five provisions:

- Designation of organizations that have demonstrated the capacity to preserve cultural property and make it accessible to the public;
- Tax incentives to encourage Canadians to donate or sell significant cultural property to designated organizations;
- Grants to assist designated organizations with the purchase of cultural property;
- Export control; and
- Import control.

The responsibility for carrying out these provisions is shared by the Minister of Canadian Heritage and an independent administrative tribunal established by the [Act](#), the Canadian Cultural Property Export Review Board, together with other government organizations responsible for administering and enforcing specific elements of the legislation.

This report will cover the aspects of the [Act](#) that are the responsibility of the Minister of Canadian Heritage from April 1, 2022 to March 31, 2023. Activities under the [Act](#) that are the responsibility of the Board, including the certification of cultural property for income tax purposes and the review of refused export permits, are covered in a separate report issued by the Board.

Minister's message

As Minister of Canadian Heritage, I am proud to present the Annual Report on the Administration of the *Cultural Property Export and Import Act* for 2022–2023. Since its adoption in 1977, the Act has helped ensure the preservation of significant examples of Canada's artistic, historic and scientific heritage.

This report refers solely to the work of the Department of Canadian Heritage to support the administration of the Act. The Canadian Cultural Property Export Review Board has prepared a separate report detailing its own work administering the Act. I am pleased to table both reports before Parliament and make them available to Canadians.



In September 2022, Canada was one of 150 countries to unanimously adopt the Mondiacult Declaration in Mexico. As part of the Declaration, governments around the world agreed to intensify the fight against illicit trafficking in cultural goods. In March 2023, Canada returned a set of illegally imported antique coins to the People's Republic of China in accordance with the provisions of the *Cultural Property Export and Import Act*. This return demonstrates Canada's ongoing commitment to prevent the illicit traffic of cultural property and to ensure its return to its country of origin in keeping with the Mondiacult Declaration.

In 2022–2023, the Northern British Columbia Museum Association (Museum of Northern British Columbia) received a Movable Cultural Property grant to support their purchase of a dagger associated with the Tlingit, Indigenous peoples of the Pacific Northwest Coast. The dagger has since been made available for public viewing in one of its permanent exhibits.

Arts and culture are at the very heart of our identity. They connect us, foster new understandings and envision the possibilities of the future. To learn more about the accomplishments of the Department under the *Cultural Property Export and Import Act* in 2022–2023, I invite you to continue reading this report. I would like to thank everyone who has demonstrated vigilance and professionalism to help safeguard cultural properties, both here in Canada and around the world.

The Honourable Pascale St-Onge

Annual Report on the Administration of the *Cultural Property Export and Import Act* 2022-2023

Overview

Under the *Cultural Property Export and Import Act*, Department of Canadian Heritage is responsible for:

- assessing organizations for the purpose of designation;
- assessing applications for Movable Cultural Property grants;
- export control; and
- import control.

Designation of organizations

Organizations such as museums, art galleries, libraries, archives, municipalities, and public authorities must be designated in order to be eligible to apply for the certification of cultural property or for a Movable Cultural Property grant. Designation is a ministerial responsibility and a means of ensuring that cultural property certified by the Review Board or acquired with the assistance of a Movable Cultural Property grant is housed in organizations that have the capacity to ensure its long-term preservation and to make it accessible to the public through research, exhibitions, and in print or online publication.

Organizations may be designated as Category A or B. Under Category A, organizations are designated in relation to any cultural property that falls within their collecting mandate. Under Category B, organizations are designated only in relation to a specific cultural property or collection.

In 2022-2023

One organization was approved for designation in 2022-23:

Category	Object Class	Organization	Effective Date
B	5	National Arts Centre	December 6, 2022

Table 1. Category A and B designations, fiscal year 2022-2023.

Seven more organizations were under review as of March 31, 2023. The seven organizations under review include four organizations that were part of the Department's targeted review of designated organizations collecting audiovisual material and digital records. These organizations are now required to obtain a designation for Class 9 objects to ensure they have the capacity to preserve these specialized materials for the long-term. A total of 11 organizations were identified as part of this exercise, which was launched in 2019. Three organizations have been so far designated through this exercise, which is expected to be completed in 2024.

For a complete list of Category A organizations, please refer to the [corresponding page](#) of the departmental website.

Movable Cultural Property grants

Under Section 35 of the Act, the Minister may provide grants to designated organizations to assist with the purchase of cultural property that has been denied an export permit or that is outside of Canada but available for sale on the international market and related to the national heritage.

In 2022-2023

The Movable Cultural Property grant program awarded \$22,500 in funding to the Northern British Columbia Museum Association (Museum of Northern British Columbia) to support their purchase of a dagger associated with the Tlingit, Indigenous peoples of the Pacific Northwest Coast. The Tlingit share ancestral roots, cultural beliefs and practices, and feasting relations with other Northwest Coast nations, particularly the Tsimshian who are located in the vicinity of the Museum. With the support of the local Indigenous community, the dagger was immediately made available for public viewing as it was put on display with other related objects in one of the permanent exhibit galleries.



Figure 1. Dagger associated with the Tlingit peoples of the Pacific Northwest Coast. Image courtesy of the Museum of Northern British Columbia, used with permission.

Export control

Archaeological, historical, cultural, artistic, and scientific objects are all considered movable cultural property, but only certain types of cultural property are subject to export control under the Act. The *Canadian Cultural Property Export Control List* defines classes of property that are subject to export control based on age and value (see [Appendix 1-1](#) for a summary of the groups on this list).

If cultural property is included on the *Control List*, an export permit is required for its temporary or permanent removal from the country regardless of the reason. The Department liaises with and responds to questions from Canada Border Services Agency permit-issuing offices, expert examiners, and members of the public to ensure that the export-control system works effectively. Movable Cultural Property also interprets the *Control List* for these stakeholders.

Export permits

Temporary and permanent export permits are issued by permit officers in 16 Canada Border Services Agency permit offices located across Canada. Applications for temporary export, for objects that have been in Canada less than 35 years or which are being returned after a loan to a Canadian institution by a non-resident will all be issued automatically by the Canada Border Services Agency. All other applications for permanent export will be reviewed by an expert examiner (i.e., for sale on an international market, delivery to foreign buyers, or moving abroad).

Close to 80 institutions are designated to act as expert examiners. These include museums, art galleries, archives, libraries and universities across Canada. The role of expert examiners is to advise Canada Border Services Agency as to whether cultural property faced with export meets the criteria of outstanding significance and national importance as set out in the Act.

If the permit officer determines that an object subject to permanent export is included on the *Control List* and has been in the country for more than 35 years, the officer must forward a copy of the application to an expert examiner for a recommendation as to whether that object is of outstanding significance and national importance. If the expert examiner deems this to be the case, the officer will refuse the permit and the applicant will have thirty days to request a review; otherwise, it will be issued.

In 2022-2023

The Department received 534 permanent or temporary permit applications in 2022-2023:

Export-permit applications	Number of applications
Number of applications for temporary permits (i.e., for exhibition, conservation, or research).	37
Number of applications for permanent export. Includes permits issued automatically and reviewed by an expert examiner.	497
Total number of applications received.	534
Total number of applications approved.	527
Total number of applications refused.	7

Table 2. Export permit applications, fiscal year 2022-2023.

Information regarding reviews of refused permit applications is available in the report of the activities of the Canadian Cultural Property Export Review Board. For an infographic of the steps involved in the Cultural Property Export Process under the *Cultural Property Export and Import Act*, please refer to [Appendix 1-2](#).

General export permits

A general permit may be issued to any resident of Canada who regularly exports cultural property that falls under the *Control List*. General permits may be granted to organizations whose core business is unduly inconvenienced by the necessity of applying for individual permits or to organizations which have a large volume of cultural property exports.

A general permit will be issued when it can be demonstrated that the property to be exported would routinely be approved for export. Routinely approved permits include temporary permits, permits for objects that have been in Canada less than 35 years or permits for objects returned after loan to a Canadian institution or public authority. Cultural property that must be reviewed by an expert examiner under the permanent export permit process would not normally be considered eligible for a general permit.

In 2022-2023

Three general permits were renewed or issued in 2022-23, including one issued to a new organization. There are currently 15 active general permits.

Illegal exports

Pursuant to Article 1 of the 1970 UNESCO Convention, Section 38 of the [Act](#) states that any cultural property included on the Control List is designated by Canada to be of importance for archaeology, ethnography, history, culture, art, or science. The Act contains provisions making it a criminal offence to export or attempt to export from Canada any property included on the Control List except under the authority of and in accordance with a temporary or permanent permit issued under the Act. Penalties upon conviction of an offence under the Act include a fine, imprisonment, or both. Under the terms of the 1970 UNESCO Convention, if illegally exported cultural property is imported into a fellow signatory state, Canada may be afforded the opportunity to request its return.

In 2022-2023

There were no convictions under the Act.

Import control

International cooperation under the 1970 UNESCO Convention

In 1978, Canada became a signatory to the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. This Convention places the onus on each signatory state to develop its own legislation to protect and preserve its cultural heritage and to establish measures to facilitate the return of illegally exported cultural property to its country of origin. The Act contains provisions making it an offence to import into Canada cultural property that has been illegally exported from a state that is a fellow signatory to an international cultural property agreement. Penalties upon conviction of an offence under the Act include a fine, imprisonment, or both.

Since the 1970 UNESCO Convention came into force in Canada in 1978, Canada has returned over 22,000 objects on 27 occasions to 14 different states in Africa, Asia, Europe as well as South and Central America.

In 2022-2023

The Department reviewed over 60 imports detained by the Canada Border Services Agency in a timely manner. There was also one return of illegally imported cultural property in 2022-23. Canada returned a set of nine antique Chinese coins to the People's Republic of China. The coins dated from various periods ranging from the Zhou Dynasty (1046-256 BCE) to the Northern Song Dynasty (960-1127 CE).

International cooperation under the 1954 UNESCO Hague Convention

The UNESCO *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, known as the 1954 Hague Convention, was developed in response to concerns over the destruction of cultural property, including monuments, museums, libraries and archives, during the Second World War. The Hague Convention is regarded as one of the most important components of the international effort to protect cultural heritage.

The two Protocols to the Convention make it illegal to export cultural property from occupied territories as well and provide for the return of any illegally exported property. They also impose obligations on the prosecution of violations of the Convention.

Canadians who participate in the deliberate destruction or illegal export of cultural property, either during peace time or during conflict, may be committing an offence under the Criminal Code or the *Cultural Property Export and Import Act*.

Since 2005, it is also an offence under the Criminal Code for Canadians to damage or destroy cultural property anywhere outside Canada at any time.

In 2022-2023

There were no convictions for offences committed by Canadians against cultural property outside of Canada.

Appendices

Appendix 1-1: Canadian Cultural Property Export Control List

The following list describes the groups of cultural property controlled under the *Cultural Property Export and Import Act*.

- **Group I:** Objects recovered from the soil or waters of Canada.
- **Group II:** Objects of ethnographic material culture.
- **Group III:** Military objects.
- **Group IV:** Objects of applied and decorative art.
- **Group V:** Objects of fine art.
- **Group VI:** Scientific or technological objects.
- **Group VII:** Textual records, graphic records, and sound recordings.
- **Group VIII:** Musical instruments.

Appendix 1-2: The Cultural Property Export Process

An infographic of the steps involved in the Cultural Property Export Process as per the *Cultural Property Export and Import Act*.

Cultural Property Export Process

