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Report

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REPORT ON THE ACTIVITIES OF THE INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN OF CULTURAL PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION IN CASE OF ILLICIT APPROPRIATION (2012-2013)

OUTLINE

Source: Article 4.8 of the Statutes of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation.

Background: The Committee has met once since the 36th session of the General Conference, for its eighteenth session (22 June 2012 in Paris).

Purpose: This document contains the Committee's report on its eighteenth session. The report concerns action taken by UNESCO Member States, the Secretariat and other international governmental organizations or non-governmental organizations in order to curb trafficking in, and facilitate the return of, cultural property.

I. Introduction

1. The eighteenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (hereinafter called “the Committee”) was held at UNESCO Headquarters in Paris on 22 June 2012. The Committee’s 22 Member States,¹ 58 UNESCO Member States not Members of the Committee, five intergovernmental organizations and one non-governmental organization were represented, and 21 independent experts participated in the session.

II. Opening of the session – Election of the Bureau – Adoption of the agenda

2. Professor Keun-Gwan Lee (Republic of Korea) was elected Chairperson of the Committee. Guatemala, Iraq, Nigeria and Turkey were elected Vice-Chairpersons and Ms Gunay Akhundova (Azerbaijan) was elected Rapporteur. The Chairperson invited the international community to take specific measures against the increase in the looting of cultural property and informed the Committee of the main results of the Second Meeting of States Parties to the 1970 Convention (20 and 21 June 2012 at UNESCO Headquarters).²

3. The provisional agenda was adopted after items 5 and 7 had been amended to include the case of the Boğazköy Sphinx (Turkey-Germany) and to take into account the absence of representatives of the World Customs Organization (WCO) and the United Nations Office on Drugs and Crime (UNODC).

III. Adoption of previous reports³ (item 3 of the agenda)

4. The Secretariat had acted on requests made at the Committee’s seventeenth session (30 June and 1 July 2011), to amend previous reports submitted.⁴ The final report of the seventeenth session⁵ was amended by Greece (paragraph 19) and China (paragraph 62). These documents were adopted as amended.

IV. Secretariat’s report⁶ (item 4 of the agenda)

5. The report dealt with the implementation status of the recommendations adopted at the seventeenth session, action taken to protect cultural heritage in the Syrian Arab Republic and Mali, discussions on restitution claims pending before the Committee, the dissemination of model provisions on State ownership of cultural property, training workshops and awareness-raising measures. The Secretariat called on States to contribute to the list of mediators and conciliators provided for by the Rules of Procedure.

V. Consideration of cases pending and promotion of bilateral negotiations (item 5 of the agenda)

(a) The Parthenon Marbles (British Museum, United Kingdom – Greece)

6. The Director General of Antiquities of the Greek Ministry of Culture hoped that all parts of the Parthenon would be reassembled as one in the new Acropolis Museum, in accordance with World Heritage List principles, thus improving their display, to the benefit of both countries (cast replicas

¹ Afghanistan, Argentina, Azerbaijan, Cameroon, China, Cyprus, Egypt, Guatemala, India, Iraq, Japan, Madagascar, Mexico, Nigeria, Peru, Poland, Republic of Korea, Romania, Senegal, Switzerland, Syrian Arab Republic and Turkey.

² See document 36 C/REP/14.

³ The information documents are available on UNESCO’s Internet site at the following address: <http://www.unesco.org/new/fr/culture/themes/movable-heritage-and-museums/restitution-of-cultural-property/meetings-conferences/sessions-of-the-committee/18th-session-of-the-committee/#c319483>.

⁴ Doc. CLT-2010/CONF.203/COM.16/6 REV, Doc. CLT-2011/CONF.207/8 REV, Doc. CLT-2011/CONF.208/COM.17/2 REV.

⁵ CLT-2011/CONF.208/COM.17/6.

⁶ CPRCP/12/18.COM/3.

would be sent to the British Museum). The President of the Acropolis Museum requested that the discussions be continued on the restitution of the fragments and the digitization of the Marbles in cooperation with the British Museum Friend. The States Members of the Committee and three Observer States supported the request. The delegation of the United Kingdom pointed out that the decision rested with the Trustees of the British Museum, a global institution independent of the Government, open free of charge to millions of people, which remained the best location for the items. It was strongly in favour for collaboration with the Greek authorities, in particular on the digitization of the Marbles, and restated its support for continued dialogue between the two museums. The recommendation adopted by the Committee acknowledged and encouraged scientific and technical cooperation between Greece and the United Kingdom on the continuation of the study of the monument. The Committee again called on the Director General to assist in the convening of meetings between the two countries with a view to reaching a mutually acceptable solution.

(b) The Boğazköy Sphinx (Germany – Turkey)

7. Turkey announced that the case of the Boğazköy Sphinx, which had been on the Committee's agenda since 1987, had been resolved in 2011 under an agreement between the two countries, by dint of their successful collaboration and the Committee's support. Turkey spoke of action taken to combat illicit archaeological excavations, promote the return of illicitly exported objects of art, share the cultural heritage and organize an international symposium on those issues. The representative of Germany commended the negotiations between the authorities of the two countries, as a result of which a joint decision had been drafted and submitted to the Committee. The decision noted the solution reached by the parties, the return of the cultural property to Turkey at the end of July 2011 and the removal of the *sui generis* case from the Committee's agenda.

VI. Statements by States Members of the Committee

8. The **Syrian Arab Republic** reported on the critical situation prevailing in that country. It called for international cooperation and for the establishment of an emergency intergovernmental committee to combat the pillaging of cultural property, chaired by the Syrian Arab Republic and composed of UNESCO experts, the G77 and China. **Iraq** suggested that neighbouring States establish a committee to share experiential data and study thefts in the region. The **Syrian Arab Republic** proposed that trafficking be combated more efficiently by encouraging craftspeople and industry to reproduce cultural items, by supervising the use of metal detectors and by initiating an international dialogue on books and films that promote treasure hunting, in the light of the principles of the 1970 and 1954 Conventions. The Secretariat recommended the publication *Witnesses to History*.

9. The **Republic of Korea** reported that the conference on the return of cultural goods had been held in October 2012 in Seoul, with the support of the Committee and the Secretariat. **Iraq** reported that cultural property had been returned from Germany, Australia, United States of America, Finland, Lebanon, Netherlands, Syrian Arab Republic, United Kingdom and Switzerland as a result of the 1970 Convention, resolutions of the United Nations Security Council (1990 and 2003) and the Committee's work. The **Czech Republic** thanked the Italian *Carabinieri* for securing the return of an item stolen in 2003. **Argentina** had revised its Penal Code to include new offences relating to trafficking in cultural property and to increase the related penalties. It encouraged all States to ban the import of cultural property unless covered by express authorization issued by the government of its country of origin.

10. **Italy** highlighted the success of the *Recovered Treasures* exhibition and reported on two agreements with the United States of America and Switzerland on controls over the import of archaeological property. **Canada** reported that it had held a symposium on crimes against artistic and cultural property in June 2012 in Toronto. More than 10,000 objects had been returned in ten years from the **United States of America** to 34 countries (as a result of legal proceedings or voluntary acts). **Poland** thanked the United States of America for the return in 2011 of two

paintings stolen during the Second World War. **Cambodia** highlighted its collaboration with the United States of America to halt, with UNESCO's support, the auction of a Khmer statue.

VII. Discussions on the Fund of the Committee⁷ (item 6 of the agenda)

11. The document submitted to the Committee provided background information on the establishment of the Fund, the procedure for making contributions to the Fund, the funding-request criteria and application procedure and Fund-specific project-selection priorities. The Secretariat had proposed a draft recommendation urging States to make use of the Fund (which had never been used) and was invited to publicize more information on the Fund's existence and related opportunities in order to encourage voluntary contributions. Recommendation No. 6 was adopted as amended.

VIII. Reports by partner institutions

12. UNESCO's partners in action against trafficking reported on their activities, and the UNESCO representative in Bamako outlined the situation of Mali's cultural heritage.

(a) UNIDROIT

13. The delegate of the International Institute for the Unification of Private Law (UNIDROIT) stressed the importance of its partnership with UNESCO and reported on progress achieved in ratifying the 1995 Convention. The mechanisms implemented under the UNIDROIT Convention and its interaction with the 1970 Convention had been stressed at the first meeting of the special committee on the practical operation of the 1995 Convention (19 June 2012, UNESCO Headquarters). UNIDROIT's *Research Scholarship Programme* was open to high-level lawyers and public sector workers seconded from Member States.

(b) INTERPOL

14. The Coordinator of the Works of Art Unit spoke of the Stolen Works of Art Database (40,000 registered items). The database had been available to the public since August 2009. The International Criminal Police Organization (INTERPOL) had technical expertise for use in crisis situations, such as in Egypt (275 stolen objects integrated in the database) in April 2011. An alert had been issued in order to heighten vigilance over cultural property in Libya, Syrian Arab Republic and Mali. INTERPOL provided capacity-building (October 2012, Philippines and December 2012, Bhutan). **Switzerland** and **Norway** were thanked for their financial support.

(c) International Council of Museums (ICOM)

15. The Director General of ICOM reported on action taken to prevent and combat trafficking such as awareness-raising, training, dissemination of the *Ethics Code for Museums* and *Red Lists* and development of the Museums Emergency Programme. ICOM had held the first international conference of the International Committee of the Blue Shield (Seoul, December 2011) on the protection of cultural heritage in emergencies.

(d) Specialized police corps

➤ *Comando Carabinieri Tutela Patrimonio Culturale, TPC, Italy*

16. The General in charge of the *Comando* informed the Committee that many cultural items had been returned, that it had participated, together with UNESCO, in a mission in Libya and that the Italian database had been updated to include objects missing from the Treasure of Benghazi (Libya). In the Syrian Arab Republic and Mali, the Department had heightened vigilance over cultural property. The *Comando* was taking part in "PSYCHE" (Protection System for Cultural Heritage) and "ARCHEOCONTROL", two European projects designed to improve the sharing of

⁷ ICPRCP/12/18.COM/4.

information on stolen works of art. The *Carabinieri* also shared their experience at regional training workshops. One police officer had been seconded as an expert to the 1970 Convention secretariat.

➤ *Office central de lutte contre le trafic de biens culturels – OCBC (France)*

17. The Commandant representing the Office said that thefts of cultural property had declined since 2000, but traffickers had developed an interest in cultural property (in particular in the Russian Federation). Some networks had been dismantled owing to (i) international cooperation, better communication with States and intergovernmental organizations (INTERPOL and EUROPOL), (ii) a rise in metal thefts in France, and (iii) the efficiency of the databases (TREIMA database: 32,000 cases and 85,000 stolen items). INTERPOL and the *Carabinieri* were congratulated on their projects. The Commandant informed the Committee of the meeting of the European Police College (CEPOL, October 2012) and of the OCBC's new terms of reference on artistic counterfeiting.

18. **Côte d'Ivoire** reported on the worry situation in its country and in Africa generally, and stressed the importance of taking photographs of cultural items (such a programme is already operational, 700 out of 15,000 items have been processed). **Greece** thanked INTERPOL and the Italian *Carabinieri* for their cooperation in securing the return of items and called on Member States to fulfill their responsibilities concerning the Mediation Rules.

(d) UNESCO Office in Bamako

19. UNESCO's representative spoke of the consequences of the crisis on the heritage (world heritage and movable heritage – manuscripts), as it had affected the inventorying and maintenance of collections. UNESCO, its international partners and the museums of Mali were still mobilized. Communal museums held and took inventories of thousands of cultural items. Several safeguarding measures such as inventorying, emergency evacuation planning, awareness-raising campaigns, museum security and training had been recommended. Such action could be consistent with the priorities of the Fund of the Committee.⁸

IX. Practical tools

20. In addition to the Mediation and Conciliation Rules and the *Model Provisions on State Ownership of Undiscovered Cultural Objects*, the UNESCO Database of National Cultural Heritage Laws⁹ was described. It comprised 2,372 laws on the protection of cultural and natural property¹⁰ submitted by 180 States, and its content had been added to the webpages of the World Heritage Centre (whc.unesco.org).

X. Adoption of the recommendations

21. Nine draft recommendations and one draft decision were adopted.¹¹

XI. Closure of the meeting and next session

22. The Chairperson expressed his gratitude to the Bureau, the members of the Committee and the observers and thanked Greece, the Republic of Korea and Turkey specially for their generous financial support. The Committee 19th ordinary session would be held at UNESCO Headquarters in 2014.

⁸ ICPRCP/12/18.COM/4.

⁹ States provide information to UNESCO electronically, along with official authorization to post copies of the texts and documents on its website and to create a link between the website and the official national site.

¹⁰ All of these texts are available online at <http://www.unesco.org/culture/natlaws>.

¹¹ The Recommendations and the Decision can be consulted online at <http://www.unesco.org/new/fr/culture/themes/restitution-of-cultural-property/sessions-conferences/sessions-of-the-committee/18th-session-of-the-committee/#c319483>