

**Conférence générale**

30e session  
Rapport

**Генеральная конференция**

30-я сессия  
Доклад

**rep**

Paris 1999

**General Conference**

30th Session  
Report

المؤتمر العام  
الدورة الثلاثون  
تقرير

**Conferencia General**

30ª reunión  
Informe

大会  
第三十届会议  
报告

30 C/REP.14

28 September 1999

Original: French/English

**REPORT BY THE INTERGOVERNMENTAL COMMITTEE  
FOR PROMOTING THE RETURN OF CULTURAL PROPERTY  
TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION  
IN CASE OF ILLICIT APPROPRIATION ON ITS ACTIVITIES  
(1998-1999)**

**OUTLINE**

**Source:** Article 4.8 of the Statutes of the Committee.

**Background:** Since the 29th session, the Committee has met once, for its tenth session, in Paris from 25 to 28 January 1999.

**Purpose:** This document gives an overview of the activities undertaken by UNESCO Member States, the Secretariat and other international governmental and non-governmental organizations aimed at curbing illicit trafficking in cultural property, in particular by administrative and legal means. It also reports on the debates of the Committee concerning such issues as the establishment of an international fund, the importance of international cooperation and the recommendation concerning the adoption of an international code of ethics for dealers in cultural property.

**Decision required:** Annex II.

## **I. INTRODUCTION**

1. The tenth 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 was held at UNESCO Headquarters, Paris, from 25 to 28 January 1999. Twenty of the 22 members of the Committee attended the meeting. Sixty-one UNESCO Member States which are not members of the Committee also participated, as did two States which are not members of the Organization, five intergovernmental organizations and two non-governmental organizations. In all, some 140 participants were in attendance.

## **II. OPENING OF THE SESSION**

2. An opening address was delivered by the Assistant Director-General for Culture, Mr Hernán Crespo Toral, who drew attention to the twenty-first anniversary of the Committee and announced the forthcoming celebration in the year 2000 of the thirtieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (signed in Paris on 14 November 1970).

3. He also noted the entry into force on 1 July 1998 of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (signed in Rome on 24 June 1995), the expansion of international cooperation, the voluntary restitution of cultural property to its countries of origin, the increasing use of international data banks, and the importance of the draft convention on the protection of the underwater cultural heritage as a means of combating the looting of shipwrecks. Finally, he recalled that since illicit trafficking was a major concern of UNESCO and of the Committee, it was important to make young people aware of the values of the cultural heritage. In that connection, an international poster and logo competition had been held in cooperation with the Savannah College of Art and Design (Georgia, United States).

## **III. ELECTION OF THE BUREAU**

4. Mr Walden (Canada) was elected Chairperson of the Committee. Mr Elghaly (Libyan Arab Jamahiriya) was elected Rapporteur, and the representatives of Cuba, India, Italy and Ukraine were elected Vice-Chairpersons.

## **IV. ADOPTION OF THE AGENDA**

5. The items "Modification in the Committee's composition" and "Cultural heritage displaced during the Second World War" were moved to the end of the agenda.

## **V. INTRODUCTORY PRESENTATION OF THE ACTIVITIES OF THE SECRETARIAT**

6. The Secretariat presented UNESCO's activities to curb illicit trafficking in cultural property and to promote cooperation for the restitution of such objects. With regard to cooperation for the restitution of cultural property, the main events had been the visit of the Chairperson of the Committee to the United Kingdom in relation to the request concerning the Parthenon marbles (Greece/United Kingdom), now in the British Museum, and the attempt to reach a settlement of the dispute concerning the Boğazköy sphinx (Turkey/Federal Republic

of Germany), now in the Staatliches Museum in Berlin, Vorderasiatische Abteilung (National Museum of Berlin, Near Eastern Department). Another noteworthy event had been the official ceremony which took place in Nantes on 23 April 1998, at which the pre-Columbian statues stolen from the World Heritage site of San Agustín were returned to Colombia. Two of those statues were included in a notice of “stolen objects” drawn up by UNESCO and in an ICOM publication entitled *One Hundred Missing Objects in Latin America*. In addition, attention should be drawn to the seizure and restitution to Bolivia of the antique Coroma textiles following a ruling by a Canadian court.

7. With regard to efforts to curb illicit trafficking, reference was made to the publication of eight notices of stolen objects, meetings concerning databases of stolen or missing cultural property aimed at developing cooperation and exchange of information on such objects, the international poster and logo competition held in cooperation with the Savannah College of Art and Design (United States) to promote the 1970 Convention, the international “Object-ID” standard aimed at simplifying and rationalizing the description of works of art and antiques in order to facilitate their recovery in case of theft, and the ICOM publications *One Hundred Missing Objects* on illicit trafficking at Angkor and in Africa and Latin America, which have contributed to the return of numerous objects, such as the restitution in March 1997 by the Metropolitan Museum of Art in New York of a head of Shiva to the Cambodian authorities. The Secretariat also stressed the importance of the organization, with the assistance of various National Commissions for UNESCO and in close cooperation with ICOM, of national and regional seminars on illicit trafficking in the countries affected by it (Australia in 1986, Thailand in 1992, Hungary and the United Republic of Tanzania in 1993, Mali in 1994, Ecuador in 1995, Democratic Republic of the Congo (ex-Zaire) in 1996, the Caribbean in 1997, and China in 1998).

8. The Secretariat also drew attention to the entry into force of the UNIDROIT Convention, the existence of a handbook for the implementation of the 1970 Convention (available in English and Chinese; French and Spanish versions forthcoming), and the preparation of a draft convention on the protection of the underwater cultural heritage, at the request of the General Conference of UNESCO, for submission to the 30th session. Stress was also laid on the importance of bilateral cooperation, which has given rise to a number of special agreements. Under such agreements, the United States has placed restrictions on the import of cultural property from co-signatory countries. Since the previous session of the Committee, an agreement was concluded on 10 April 1997 between the United States and Canada protecting archaeological and ethnological material representing the aboriginal cultural groups of Canada. Lastly, the Secretariat recalled the importance of adopting an international code of ethics for dealers in cultural property.

## **VI. BILATERAL NEGOTIATIONS CONCERNING MATTERS OF RETURN AND RESTITUTION**

9. The discussions began with the two pending cases before the Committee: the case of the Parthenon marbles (Greece/United Kingdom) and that of the Boğazköy sphinx (Turkey/Federal Republic of Germany). Greece had lodged a request with the Intergovernmental Committee, dated 4 September 1984 and received by the Secretariat on 24 September, for the restitution of the Parthenon marbles which are in the British Museum. In October 1985, the United Kingdom had replied in the negative to this request for restitution. At its fifth session in April 1987, the Committee had been informed of the project to build a new museum in Athens to house the Parthenon marbles on their return to Greece.

Subsequent meetings of the Committee, held in 1989, 1991, 1994 and 1996, had adopted recommendations calling for an amicable settlement of the dispute.

10. At the tenth session, Greek scientists expressed the wish to be sponsored by a UNESCO mission and to be given access to the marbles to examine their state of conservation. The British Museum proposed to hold an international conference in November 1999 on the cleaning and conservation of the friezes, to which Greece and UNESCO could send an expert. The delegate of Greece pointed out that in January 1999 the European Parliament had proposed a draft resolution calling for the restitution of the marbles to Greece in 2004, when the Olympic Games are to be held in Athens. The issue of the Parthenon marbles is the subject of Recommendation No. 1, contained in Annex I.

11. As to the other pending case before the Committee, concerning the Boğazköy sphinx (Turkey/Federal Republic of Germany), Turkey had lodged a request with the Intergovernmental Committee, dated January 1986 and received by the Secretariat on 8 April 1987, for the restitution of the sphinx. Following the unification of the two German States in 1990, the request is now in the hands of Germany and bilateral negotiations are running their course. This dispute is the subject of Recommendation No. 2 of the Committee, annexed hereto, which invites the two parties to continue negotiations and also invites the Director-General to continue his good offices to resolve the issue.

12. As to the future, the Republic of Namibia has informed the Intergovernmental Committee of its intention to enter into intensive negotiations with Germany for the return of the Cape Cross Padrão which is currently in the German Historical Museum in Berlin. This limestone cross is 3 m high and was erected on the Skeleton Coast in 1486 by a Portuguese navigator, Diego Cão. It symbolizes the furthest point he reached in his second voyage of discovery, undertaken on behalf of King João II, to find a sea route to India by circumnavigating Africa. This issue will be on the agenda of future negotiations between the two States, scheduled for 1999, concerning their ongoing cultural cooperation.

## **VII. QUESTION OF THE ESTABLISHMENT OF AN INTERNATIONAL FUND TO FACILITATE THE RESTITUTION OF STOLEN OR ILLICITLY EXPORTED CULTURAL PROPERTY**

13. The question of establishing a special fund to facilitate the return of cultural property to its countries of origin was first raised when the Committee was founded in 1978, following a study carried out by ICOM in 1977 recommending the creation of such a fund in order to strengthen the Committee's action. After several meetings on the subject within the Committee, it adopted Recommendation No. 3 at its eighth session, inviting the Director-General to study the possibility of establishing an international fund for that purpose at UNESCO.

14. At the tenth session, a working group was set up, headed by Italy and with the collaboration of UNIDROIT, to study the issue. The group was made up of Bolivia, Italy, Netherlands, Republic of Korea and Rwanda. The Committee finally adopted Recommendation No. 6, which supports the establishment of an international fund to be financed by voluntary contributions from States and private institutions. The fund should be used to finance training and education projects. It should not be used to compensate persons engaged in smuggling or to finance legal costs.

## VIII. PROBLEM OF CULTURAL HERITAGE DISPLACED DURING THE SECOND WORLD WAR

15. The members of the Committee and the observers addressed the issue of the restitution of cultural heritage displaced during and after the Second World War. After the subject had been introduced by the Secretariat, the Chairperson opened the discussion in which a large number of delegations took part. They recalled the outcome of the conference on stolen Jewish cultural property held in Washington in December 1998. In that respect, most delegations proposed that a committee of experts should be set up, that UNESCO's work in this area should be carried out in cooperation with other international institutions and that other legal instruments in force should be taken into account. The matter was the subject of Recommendation No. 7, which "invites the Director-General to convene a working group of experts in this field, with the task of preparing a more comprehensive report for the next session of the Committee".

## IX. ILLICIT TRAFFICKING: ENDANGERED HERITAGE

16. The problem of illicit trafficking in cultural property in **Iraq** was raised, particularly in view of the decisions of the United Nations Sanctions Committee prohibiting the supply of photographic material, *inter alia*, to Iraq. In that country, stolen objects are often small and the authorities do not have sufficiently detailed catalogues or photographs. Without accurate information and photographs, it is difficult to recover a stolen or missing object. Furthermore, some of the States in which the objects have been sold are not parties to the UNESCO Convention, whose purpose is to combat the illicit traffic in art objects, and it is therefore very difficult to take action. States should therefore ratify the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (signed in Paris on 14 November 1970) and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (adopted in Rome on 24 June 1995). Some States proposed a joint recommendation requesting UNESCO's assistance in inventorying the contents of Iraqi museums. The Committee finally adopted Recommendation No. 8, which invites the Director-General to do his utmost to help in the tracing and returning of the cultural and archaeological objects stolen and smuggled from Iraq.

17. Illicit trafficking in the northern part of the island of **Cyprus** was also raised by a delegate, who referred to the mission undertaken in 1989 by the Council of Europe in the region and the report of June 1989. Another expert reminded the participants that UNESCO, as a Specialized Agency of the United Nations system, was bound by Security Council resolution 541 (1983) and could not therefore carry out a mission in Cyprus. The discussion reflected two different points of view on the safeguarding of cultural property in the north of Cyprus and on the status of the authorities in that region.

18. The problem of cultural property in the occupied zones of **Azerbaijan**, such as Nagorno-Karabakh, was also referred to. The delegates of Armenia and Azerbaijan agreed that a UNESCO expert mission should be sent to examine the situation regarding cultural property in the two countries. The Secretariat pointed out that there had been a mission to Baku in November 1996, followed by a joint UNESCO/ICRC mission to Yerevan in 1997. In 1998, funds had been allocated, under the Participation Programme, to inventory property stolen in Azerbaijan.

19. Lastly, the Secretariat expressed its concern regarding the fate of cultural property in **Afghanistan**. The representative of the Director-General recalled the various recommendations and appeals made by the Director-General on that subject, and the numerous contacts and meetings with non-governmental organizations, such as IFLA (International Federation of Library Associations and Institutions), SPACH (Society for the Protection of Afghan Heritage) and ICOMOS (International Council on Monuments and Sites). On 30 September 1998, a UNESCO meeting was held with specialists in various fields on the subject of the Afghan heritage. It was proposed to make an inventory of that heritage for publication. One of the results of the UNESCO/NGO meeting of 30 September 1998 was the possibility of including the property concerned in the International Register for the Memory of the World. The importance of cooperation with Blue Shield and support for training were underscored. At the meeting of the World Heritage Committee, held in Kyoto in December 1998, the Japanese authorities indicated that they would provide technical and financial support. The Hirayama Foundation stated that it was prepared to go to Afghanistan as soon as the security situation permitted.

## **X. THE IMPORTANCE OF COOPERATION IN CURBING ILLICIT TRAFFICKING IN CULTURAL PROPERTY**

20. The need to cooperate at the national and international levels was stressed on many occasions throughout the session. ICOM welcomed UNESCO's support in combating traffic in works of art. The key role of INTERPOL, which had been involved in repressing this traffic since 1947, was also referred to and the importance of a partnership between museum staff, the police and customs services was reiterated. A protocol was in the process of being signed between UNESCO and the World Customs Organization, as was a cooperation agreement between UNESCO and INTERPOL.

## **XI. INTERNATIONAL CODE OF ETHICS FOR DEALERS IN CULTURAL PROPERTY**

21. In 1994 UNESCO asked a consultant to prepare a study on the "Feasibility of an international code of ethics for dealers in cultural property for the purpose of more effective control of illicit traffic in cultural property" (UNESCO document CLT-94/WS/11). At its eighth and ninth sessions respectively (Paris, 24-27 May 1994 and 16-19 September 1996), the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation adopted, *inter alia*, Recommendations No. 5 and 6 concerning an International Code of Ethics for Dealers in Cultural Property.

22. At the national level, codes of ethics relating to the acquisition of cultural property have been adopted by many museums in the industrialized countries. These codes are based on the 1970 Convention and the Code of Professional Ethics of the International Council of Museums (ICOM), adopted in 1986 and translated into more than 20 languages. The adoption of an international code would have several advantages. It would help to harmonize the various existing laws on the acquisition of cultural property, thus creating a more coherent structure, and it would provide international recognition, through the use of a special logo, to dealers who adopted it. In return, dealers would have to verify the legal provenance of objects. Adherence to a code of this nature would, of course, be voluntary. Codes of ethics have had greater impact since the conclusion of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, Article 4 of which stipulates that for the purpose of establishing

entitlement to compensation for an object that was illegally sold and has to be returned, the fact that it was acquired from a reputable art dealer voluntarily bound by a code of professional conduct can play an important part in determining whether the possessor exercised due diligence.

23. The members of the Committee supported the adoption of an *international code of ethics for dealers in cultural property for the purpose of more effective control of illicit traffic in cultural property* through a recommendation to be submitted to the forthcoming session of the UNESCO General Conference. One delegate stressed that such a code would make it easier for the purchaser to prove good faith. The Committee adopted Recommendation No. 3 in which it endorses the Code as an international standard, recommends that all UNESCO Member States promote the Code and encourage its voluntary adoption by art dealers in their respective countries, and invites the Director-General to bring this Recommendation to the attention of the General Conference with a view to the adoption of the Code as an international standard of UNESCO.

## **XII. COMPUTERIZED DATA BANKS FOR THE IDENTIFICATION OF WORKS OF ART**

24. Exchange of information, the establishment of inventories and cooperation are all needed to combat illicit trafficking in cultural property. To that end, the General Secretariat of INTERPOL has developed a new database of works of art - the Automatic Search Facility (ASF) - which currently lists 14,000 objects identified by text and image. Created by the police for their own use, the ASF database can be consulted by any suitably equipped National Central Bureau (NCB). A search programme, known as EASYFORM, is available in English, French and Spanish.

25. To circulate information on works of art stolen from private bodies, the INTERPOL General Secretariat is currently developing a CD-ROM which will be available in late 1999. The CD-ROM will be updated every two months and can be obtained by subscription. It will contain information that INTERPOL member countries have provided to the General Secretariat and agreed to make public for purposes of prevention. In accordance with Article 4.4 of the UNIDROIT Convention, in determining whether the possessor has exercised due diligence, regard will be had, *inter alia*, to whether any register of stolen cultural objects was consulted.

26. The importance of harmonizing existing national police databases and of cooperation was also emphasized during the meeting. Italy (Library of inventories of cultural property) offered to collaborate in activities relating to inventories and computerized databases. INTERPOL took the view that there was no need to establish a new database. A database already existed and had been approved by 177 States. However, its compatibility with existing national databases should be studied. This issue was taken up in Recommendation No. 4 which invites Member States to cooperate in that area and to share their experience and also invites the Director-General to encourage links between existing databases of stolen cultural property.

## **XIII. ADOPTION OF OBJECT-ID AS AN INTERNATIONAL STANDARD**

27. The *Object-ID* project, coordinated by the Getty Information Institute, was the outcome of collaboration among UNESCO, the Organization for Security and Cooperation in Europe

(OSCE), the Council of Europe, the European Union, ICOM, INTERPOL and the United States Information Agency (USIA), which is responsible for the application of the 1970 Convention in the United States. The Getty Information Institute introduced *Object-ID* to the Committee, indicating that it is an international standard designed to simplify and rationalize the description of works of art and antiques for the purpose of recovering stolen property. It was developed in collaboration with museums, organizations responsible for the administration of the cultural heritage, police and customs services, art and antique dealers, experts and insurance companies.

28. Documentation is of crucial importance for the protection of cultural property, since, without a precise description and photographs, it is difficult for the legitimate owner to recover it. *Object-ID* is the keystone of information networks. It provides the requisite basic information on the property in question, a simple and precise description that will enable the object to be identified. It is an outstanding contribution to efforts to combat illicit trafficking in cultural property. It is also a simple and rapid means of circulating information. *Object-ID* is not meant to supersede existing standards or to replace national, museum or police inventories, which are fuller and more detailed. Its specific purpose is to provide a rapid and simple way of recording the basic or minimal data essential to identifying and locating works of art on the international market.

29. This matter is the subject of Recommendation No. 5 which endorses "Object-ID" as the international standard for recording minimal data on movable cultural property and invites the Director-General to bring the recommendation to the attention of the General Conference and to recommend that all UNESCO Member States adopt "Object-ID" and use it, to the fullest extent possible, for the identification of stolen or illegally exported cultural property and the international exchange of information on such property.

#### **XIV. INTERNATIONAL COMPETITION FOR THE PROMOTION OF THE 1970 UNESCO CONVENTION**

20. The idea of creating a logo for the 1970 Convention was first mooted three years ago at the Valencia meeting held in the framework of the University and Heritage Forum. The Savannah College of Art and Design (SCAD) (Georgia, United States) had agreed to finance the operation, proposing an international poster competition and collaboration on the design of a logo. In all, 189 students from 29 countries took part in the projects for the promotion of the 1970 Convention. The Committee thanked SCAD and Canada for their contributions to the project. The results will be made public at the 30th session of the General Conference, to be held in October and November 1999.

#### **XV. PRESENTATIONS AND DOCUMENTARIES ON ILLICIT TRAFFICKING AND THE RESTITUTION OF WORKS OF ART**

31. During the meeting, several documentaries were screened for delegates: (a) a video was shown on the AFRICOM programme for security in African museums, which led to the production of a handbook on standards; (b) INTERPOL presented its Automatic Search Facility (ASF) database, which currently lists 14,000 objects, and its search programme EASYFORM, a CD-ROM on stolen works of art will be available in late 1999; (c) Mr Claude Jacques made a presentation, illustrated with slides, on the looting of the Banteay Chmar temple in north-west Cambodia; (d) two documentaries, by Reuters and the BBC respectively, covered the June 1998 workshop on illicit trafficking in China; (e) slides were projected on



the restitution of the Coroma textiles (Bolivia) and on the work of Cristina Bubba Zamora; (f) a film on the destruction of cultural property in Azerbaijan was shown.

#### **XVI. DATE AND PLACE OF THE ELEVENTH SESSION OF THE COMMITTEE**

32. Two invitations were extended to the Committee for its eleventh session in 2001. The proposed venues were: Baku (Azerbaijan) and Phnom Penh (Cambodia). The Secretariat thanked the two States for their generous invitations. The members of the Committee requested the Director-General to hold consultations on this matter with the two States concerned.

#### **XVII. ADOPTION OF THE RECOMMENDATIONS**

33. The draft recommendations were introduced and considered one by one. After examining the amendments proposed by several of its members and having accepted some of them, the Committee adopted the recommendations contained in Annex I to this report.

#### **XVIII. CLOSURE OF THE SESSION**

34. The Chairperson thanked all the participants for their cooperation and their contributions to the work of the Committee and declared the tenth session closed.

## ANNEX I

### RECOMMENDATION No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Expressing its concern for the resolution of the issue of the Parthenon marbles,

Noting the efforts of the Director-General to undertake initiatives for the promotion of bilateral negotiations between the two Member States,

1. Invites the Director-General to undertake further initiatives to promote bilateral negotiations between the two Member States;
2. Further invites the Director-General to contribute, through the expert consultative bodies to UNESCO, to the international scientific debate on the conservation of the Parthenon marbles;
3. Takes note that international conferences and seminars will be held in Washington (February 1999), London (British Museum, November 1999), Athens (December 1999) and elsewhere concerning the Parthenon marbles, including their conservation; and
4. Invites the Director-General to report back to the Committee at its eleventh session on the result of these discussions.

### RECOMMENDATION No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the request of Turkey to Germany for the return of the sphinx of Boğazköy from the Berlin Museum,

Noting the legal and cultural arguments which have been made by both States concerned over a number of years,

Recalling the previous Recommendation No. 2 adopted by the Committee on this question at its sixth session,

Aware of the continuing concern of the Turkish authorities for the resolution of its claim for the sphinx,

Noting also that the 7,400 cuneiform tablets which were part of the original request of 1987 of Turkey to the German Democratic Republic were returned,

1. Expresses its hope that the pending Turkish request with regard to the sphinx will be solved through bilateral negotiations;
2. Takes note of the fact that bilateral contacts have taken place on this matter;

3. Invites both parties to continue these contacts in order to exchange information on documentation with a view to bringing this issue to a conclusion; and
4. Also invites the Director-General to continue his good offices to resolve this issue.

### **RECOMMENDATION No. 3**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling Recommendations No. 5 of the Committee's eighth session and No. 6 of the Committee's ninth session, respectively, on the draft International Code of Ethics for art dealers,

Stressing the role of art dealers and the licit art trade in the fight against illicit traffic in cultural property,

Emphasizing the supplementary role of voluntary codes of ethics in regulating the art market,

Thanking States which provided the Committee with their views on the code,

1. Endorses this International Code of Ethics for dealers in cultural property as an international standard for such a code of ethics for dealers trading in cultural objects;
2. Recommends that all UNESCO Member States promote this Code and encourage the voluntary adoption of this Code by art dealers in their respective countries; and
3. Invites the Director-General to bring this Recommendation to the attention of the General Conference with a view to its adoption by that body as an international standard of UNESCO.

### **RECOMMENDATION No. 4**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the recommendation of the International Workshop on the Protection of Artistic and Cultural Patrimony held at Courmayeur, Aosta Valley, Italy, from 25 to 27 June 1992 related to the improvement of information exchange and establishment of data banks,

Recalling further Recommendation No. 1 of the Committee's eighth session which, among other things, called on all Member States to cooperate in exchanging information on the cultural objects to be recovered,

Noting the substantial development in the field of databases of stolen cultural property which has taken place since the adoption of the Courmayeur Charter,

Recognizing the fruitful contribution of several expert meetings on databases of stolen cultural property, in particular that of November 1996 which took place in Prague, which contributed to the creation of a working group to continue the further advance of cooperation,

Acknowledging the follow-up work of the meetings which were held in Washington (November 1997) and Lyon (September 1998),

Especially conscious of the need to establish, develop and update such databases, as well as inventories of stolen cultural property, as basic and indispensable tools for the tracing of property,

Noting with satisfaction the practical results achieved by a number of countries in the use of databases of stolen cultural property,

1. Invites those Member States with a substantial record in the development of such databases to share their experience with other States less advanced in this field;
2. Invites the Director-General to encourage links between existing data bases of stolen cultural property; and
3. Further invites the Director-General to continue to follow closely developments in this field and to provide the 30th session of the General Conference with an update on this matter.

#### **RECOMMENDATION No. 5**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Emphasizing the role of a core documentation standard for the identification of cultural objects with a view to combating illicit traffic in cultural property,

Having studied “Object-ID” as such a core documentation standard which in no way replaces more detailed documentation standards or databases that already exist,

Noting the potential of “Object-ID” in combating art theft and illegal export of cultural property,

1. Thanks the Getty Information Institute and other organizations, governmental bodies and private entities for participating in the elaboration of the project *International Core Documentation Standards for the Protection of Cultural Objects*;
2. Endorses “Object-ID” as the international standard for recording minimal data on movable cultural property; and
3. Invites the Director General to bring this recommendation on “Object-ID” to the attention of the General Conference and to recommend that all UNESCO Member States adopt “Object-ID” and use it, to the fullest extent possible, for identification of stolen or illegally exported cultural property and international exchange of information on such property.

## RECOMMENDATION No. 6

The Intergovernmental Committee for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Conscious of the functions confided to it by virtue of Article 4 of its Statute,

Taking note of the relevant resolutions adopted by the United Nations General Assembly which invite UNESCO, especially since 1975, to promote international cooperation necessary for the adoption by Member States of practical measures for the protection of their cultural property from illicit traffic,

Recalling that the Recommendations already adopted at its eighth (Recommendation No. 3) and ninth (Recommendation No. 5) sessions, invited the Director-General of UNESCO to examine as a priority the possibility of establishing an international fund to facilitate the restitution of stolen or illicitly exported cultural property, to report to Member States and to undertake an international consultation on this subject so as to allow the Committee to express its views on the establishment of the fund at its tenth session,

Noting the relevant resolution adopted by the General Conference of UNESCO at its 29th session (29 C/Resolution 20, para. 2.A(c)),

Noting the report made to the Committee by the Secretariat and the observations made by the members of the Committee, by observers and by the intergovernmental and non-governmental organizations during the tenth session of the Committee,

1. Considers that the lack of available resources remains an important obstacle to the realization of an effective strategy against the dispersal of cultural objects by illicit traffic;
2. Considers that training and the improvement of museum systems are key elements in this strategy and are within the institutional tasks of UNESCO;
3. Reiterates the need to establish within UNESCO a fund to support the Member States in their efforts to fight the illicit traffic of their cultural property;
4. Proposes that the fund, entitled “Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation”, be established by voluntary contributions and administered according to the model of the International Programme for the Development of Communication (IPDC) by providing a special account and funds-in-trust;<sup>1</sup>
5. Proposes that, to ensure effective implementation of Article 4 of its Statute (especially paragraphs 2, 3, 4, 5 and 6) the resources of the available fund be destined for particular projects to be evaluated within the Committee by the Members States of UNESCO in priority areas such as training and the strengthening of museum systems;

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<sup>1</sup> Note by the Secretariat: the present proposal would result in a pooled fund which could receive contributions from any source. The draft resolution in Annex II has been slightly modified from the text of this paragraph, since IPDC is not a funds-in-trust but a special account.

6. Invites the General Conference of UNESCO to give high priority to training activities, to the strengthening of museum systems in developing countries and to allocate additional resources to the activities proposed by the Committee and adequate support to its Secretariat;
7. Invites the Director-General to promote an international campaign of sensitization to put this Recommendation into effect.

### **RECOMMENDATION No. 7**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Noting with concern that a large number of disputes concerning cultural heritage displaced during the Second World War has remained unsettled,

Acknowledging that such disputes hamper political and cultural cooperation among the States concerned,

Stressing the paramount importance of bilateral negotiations among the States concerned,

Acknowledging the important role of principles for the resolution of disputes concerning cultural heritage displaced during the Second World War,

Stressing the importance that museums, auction houses and collectors ascertain the provenance of cultural objects,

Stressing the important role UNESCO can play by providing a neutral forum for the highly sensitive discussions in this field,

Invites the Director-General to convene a working group of experts in this field, with the task of preparing a more comprehensive report for the next session of the Committee.

### **RECOMMENDATION No. 8**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Aware of the gravity and the scale of the illicit and clandestine traffic of cultural objects from Iraq,

Recalling Recommendation No. 7 adopted by the Committee at its ninth session,

Invites the Director-General to do his utmost to help in the tracing and returning of the cultural and archaeological objects stolen and smuggled from Iraq.

### **RECOMMENDATION No. 9**

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the wishes expressed during the workshops organized by the UNESCO Forum University and Heritage, held in Valencia (Spain, 1996) and Melbourne (Australia, 1998), to encourage young people to participate to a greater extent in the fight against the illicit traffic of cultural objects and in the safeguarding of cultural heritage,

Noting that the population of Africa and many other countries is composed primarily of young people,

Stressing the importance of sensitizing the younger generation to the protection of their environment and cultural heritage,

1. Calls upon youth to be mobilized against the destruction of heritage and against illicit traffic; and
2. Invites UNESCO to support the organization of sensitization and educational seminars and conferences specially designed for young people in the different regions of Africa.

## ANNEX II

### DRAFT RESOLUTION

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, at its tenth session, decided to recommend that the General Conference adopt the following resolution:

The General Conference,

Having examined the final report and the recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its tenth session,

Recalling the mandate conferred on UNESCO by its Constitution of assuring the protection of the world's inheritance,

Concerned by the resurgence of illicit trafficking in cultural property resulting from the opening of borders, poverty and the boom in the art market,

Stressing the importance of the fight against this illicit traffic, and the work and efforts of the Secretariat to combat it,

Noting the recognition of the International Code of Ethics and Object-ID by the governing bodies of other international organizations,

1. Invites the Director-General to promote the International Code of Ethics and Object-ID as standards of professional practice put forward by UNESCO, in accordance with Recommendations No. 3 and No. 5 of the Committee;
2. Recommends that all Member States of UNESCO encourage the voluntary adoption of this Code by art dealers in their respective countries, and that they use and promote Object-ID;
3. Invites the Director-General to support the efforts of States and various institutions to harmonize databases of stolen cultural property, in accordance with Recommendation No. 4 of the Committee;
4. Encourages States with experience in setting up databases to share their knowledge and technology with States less advanced in this field;
5. Invites the Director-General to establish a fund within UNESCO, to be known as the "Fund of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation", which will be:
  - (a) financed by voluntary contributions and administered according to the model of the International Programme for the Development of Communication (IPDC), by providing a special account, in accordance with Recommendation No. 6 of the Committee;
  - (b) designed to finance specific projects submitted to the Committee;



6. Invites the Director-General to make an appeal for funds for this purpose;
7. Invites the Director-General to give high priority to training activities and the strengthening of museum systems in the developing countries, to allocate additional resources to the activities proposed by the Committee and to provide adequate support to its secretariat.