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REPORT ON THE ACTIVITIES (2002-2003) AND THE TWELFTH 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

OUTLINE

Source: Article 4.8 of the Statutes of the Committee.

Background: Since the 31st session of the General Conference, the Committee has met once, for its twelfth session, in Paris, from 25 to 28 March 2003.

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, and at facilitating return of such property. It also reports on the debates of the Committee at its twelfth session concerning such issues as the new 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, and the creation of a UNESCO website providing a databank of national cultural property legislation.

Decision required: This document requires no decision.

I. INTRODUCTION

1. The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (hereafter “the Committee”) convened at UNESCO Headquarters in Paris from 25 to 28 March 2003. Twenty-one of the 22 Committee members were represented (Côte d’Ivoire was not represented). Fifty-two UNESCO Member States that are not members of the Committee were also represented as observers, as were two permanent observer missions to the Organization, nine intergovernmental organizations and one non-governmental organization.

II. OPENING OF THE SESSION – ELECTION OF THE BUREAU – ADOPTION OF THE AGENDA

2. The Committee was welcomed by Mr Mounir Bouchenaki, Assistant Director-General for Culture. Ms Alissandra Cummins, Special Envoy for Cultural Heritage and Chairperson of the National Commission for Barbados, was elected Chairperson. The representatives of China, Croatia, El Salvador and Ethiopia were elected as Vice-Chairpersons and the representative of Turkey was nominated as Rapporteur. The provisional agenda proposed by the Secretariat was adopted.

III. UPDATE SINCE THE ELEVENTH SESSION

3. On behalf of the Secretariat, Guido Carducci, Chief of the International Standards Section in the Division of Cultural Heritage, summarized the Secretariat’s report on developments since the Committee’s previous session (CLT-2003/CONF.204/2).¹ Progress on the recommendations from the eleventh session, the UNESCO 1970 and UNIDROIT 1995 Conventions, as well as UNESCO’s activities to combat illicit trafficking of cultural property were highlighted.

IV. REVIEW OF CASES PENDING BEFORE THE COMMITTEE

4. Two cases for restitution are pending before the Committee: the request by Greece for the return of the Parthenon Marbles from the United Kingdom, brought before the Committee in 1984; and the request by Turkey for the return of the Boğazköy Sphinx from Germany, brought before the Committee in 1986.

5. Pursuant to Recommendation No. 1 adopted at the eleventh session of the Committee, the Director-General renewed efforts to hold a meeting between Greece and the United Kingdom using a pre-specified and agreed-upon agenda. The Secretariat attempted to schedule a meeting in early 2002. Regrettably, it did not take place at that time mainly because: (1) the United Kingdom preferred to wait for the new Chairperson of the Board of Trustees of the British Museum, and the new Director of the Museum to take up their posts in June and August 2002 respectively; and

¹ Nigeria, an Observer State to this session, wished to correct Paragraph 9 on page 2 of the Secretariat’s report (CLT-2003/CONF.204.2) to read as follows:

“Three illicitly trafficked NOK and Sokoto artefacts originating in Nigeria were purchased by France, to be placed in the future Quai Branly Museum. Nok sculptures are on the ICOM Red List of objects, they are ‘banned from export [and] may under no circumstances be put on sale.’ In January 2002, France and Nigeria reached an agreement that recognized Nigeria’s ownership of the sculptures in question and in exchange Nigeria generously agreed to permit the objects to remain in the collection of the Quai Branly Museum for a (renewable) period of 25 years”.

(2) Greece wanted to include the return of all the Marbles in the proposed agenda items for the meeting and the United Kingdom was not in agreement with this proposition.

6. Outside the Secretariat's efforts and the Committee's framework, on 12 November 2002 the Greek Minister of Culture, while in London, had separate meetings with the British Secretary of State for Culture Media and Sport, and with the new Director and Chairperson of the Board of Trustees of the British Museum. On 18 March 2003 an additional meeting took place in London with representatives from the Department for Culture, Media and Sport, and from the Greek Ministry of Culture. A UNESCO representative also attended.

7. The Greek delegate and the British observer presented the Committee with their respective positions. The former emphasized the importance of continuing and accelerating bilateral negotiations and indicated that Greece's proposal is to organize in Athens, with the kind cooperation of the British Museum and coinciding with the 2004 Olympic Games, a grand exhibition of the Marbles in their entirety, gathered for the first time in the New Acropolis Museum. The United Kingdom noted Greece's proposal for the reunification of the Marbles on a long-term or permanent loan basis and concluded that since the British Museum is independent of the Government, it is up to the Trustees of the British Museum to decide on this matter. While stating that their Museum is the best place in which to house the Marbles, officials of the British Museum are considering other items that may be loaned to Greece during the Olympic Games. Greece and the United Kingdom jointly presented to the Committee a draft recommendation on the Parthenon Marbles that the Committee adopted (Recommendation No. 1).

8. The Boğazköy Sphinx is located in the Berlin Museum. In Recommendation No. 2 of the previous Committee session, Germany and Turkey were invited to continue meeting "with a view to bringing this issue to a mutually acceptable solution" and the Director-General was invited to use his good offices to assist. On 19 November 2002 a bilateral meeting was held between Turkish and German authorities in Berlin with little result. On 3 February 2003 the Assistant Director-General for Culture of UNESCO met with the Turkish and German Permanent Delegates. Though bilateral negotiations continue, no definitive result has been achieved.

9. In his presentation to the Committee, the Turkish delegate stated that the Sphinx is an important part of the cultural heritage of Anatolia, constituting a missing piece in the Hittite collection. He emphasized that Turkey has provided Germany with substantial documentation justifying the return. The German observer informed the Committee that to his knowledge, the documentation mentioned did not establish that the Sphinx was remaining in Germany on illegal grounds. Germany has also offered to provide Turkey with a replica of the Sphinx and Turkey has responded that a replica will not satisfy its claim. Turkey and Germany jointly presented to the Committee a draft recommendation that the Committee adopted (Recommendation No. 2).

10. Members of the Committee strongly encouraged the parties concerned to intensify their negotiations. It was suggested that generally, establishing time frames for negotiation and resolution of these matters might be worth considering. The role of the Committee in this connection was further delineated, with the Secretariat emphasizing that the Committee's mandate is to promote discussions and provide advisory or consultative services, and that it has no judicial role, nor can it enforce decisions. Several Committee members recommended that the Secretariat should provide useful information (model cases of restitution or creative alternatives thereto and legal aspects to be considered) and/or best practices that could be helpful to States seeking restitution of cultural property. This is reflected in Recommendation No. 3.

V. RELEVANT ITEMS AND PRESENTATIONS

Inventories/Object-ID

11. The Secretariat informed the Committee of its efforts to actively encourage the making of inventories in general, and in particular to strongly promote the Object-ID standard to assist in the rapid identification of objects that have been stolen or illicitly exported or imported. Presentations were made by representatives of Interpol and the Italian Carabinieri detailing their work to combat illicit trafficking of cultural objects. Stress was laid on the usefulness of Object-ID or other brief, precise descriptions of the objects, including a good photograph. The members of the Committee noted this, as well as the need for strong and swift cooperation between cultural experts and police and customs departments to fight against illicit trafficking, particularly since the criminals involved conduct increasingly sophisticated operations. They also emphasized the importance of raising public awareness and promoting the *International Code of Ethics for Dealers in Cultural Property*, and discussed the need for capacity-building, particularly through national and regional seminars and more specialized training workshops (see Recommendation No. 4).

Afghanistan and Iraq

12. The Secretariat gave a detailed presentation of UNESCO's efforts to retrieve and restore Afghani cultural heritage, including the reconstruction of the Kabul National Museum and campaigns to raise public awareness of the trade of illicitly trafficked Afghani cultural heritage. Three agreements were signed in 2001 with the Afghanistan Museum in Bubendorf (Switzerland), the Foundation of Cultural Heritage (Japan), and the Society for Preservation of Afghanistan's Cultural Heritage (SPACH) respectively, whereby Afghan cultural property is held and conserved in professional conditions outside of Afghanistan, to be returned to Afghanistan when the Kabul Museum is completed and UNESCO determines that it is the appropriate time to repatriate the objects. An Internet website presenting missing cultural objects from Afghanistan is being prepared by UNESCO in cooperation with Interpol and the Musée Guimet (France).

13. Following comments from the representatives of ICOM and Interpol as well as from several members of the Committee, a thorough discussion ensued on UNESCO's involvement in the recovery and restitution of cultural property of illicit provenance and offered for sale on the black market. The Secretariat reiterated UNESCO's unwavering rejection of purchasing or acquiring these objects because this runs completely against the principles of the 1970 Convention and would in turn encourage more looting and drive further the market in illicitly obtained cultural property.

14. Pursuant to Recommendation No. 6 of the eleventh session of the Committee, and in view of the situation in Iraq at the time of the twelfth session, the Secretariat gave a detailed presentation on the latest efforts made to protect Iraq's cultural heritage. This included cooperation with, among others, the United Nations, ICOM, Interpol, the World Customs Organization and the International Confederation of Art Dealers, and establishment of a task force by the Director-General to coordinate the strategy for assisting Iraq. The increase in illicit excavations and trafficking since the 1991 Gulf War, and the lack of inventories, were highlighted in the presentation. The existing and proposed World Heritage sites in Iraq were also presented.

UNESCO 1970 and UNIDROIT 1995 Conventions

15. The Secretariat invites all Member States to ratify these two Conventions because they are complementary and efficient in the fight against illicit traffic of cultural property. A discussion took place with regard to the difficulty of recovering illegally excavated objects because, as they have not been photographed or inventoried, they prove hard to identify. The Secretariat pointed out that

while Article 7 of the 1970 Convention does not specifically apply to illicitly excavated objects, Article 3 of the UNIDROIT Convention provides stronger protection for the State of origin to the extent that such provision considers these objects as stolen and therefore grants the State a claim for return. The “compensation provisions” of the UNIDROIT Convention were discussed, and the Secretariat pointed out that they represent a compromise solution between different legal traditions on the treatment of good faith purchasers.

Legislation database

16. The Secretariat indicated that it frequently receives requests for current national cultural property legislation. The need for a website that centralizes this information to allow lawmakers, lawyers, customs officers, antiquities dealers and private individuals to consult the laws of a given State with regard to, among other things, importation or exportation regulations for cultural property, was elaborated. Members of the Committee and Observers strongly supported this initiative and noted that, with the necessary assistance of Member States, an electronic version of Member States’ legislation, and import and export certificates if any, should be made available on the UNESCO website (Recommendation No. 5).

Activities of Member States of the Committee and others

17. The Committee heard presentations from the following Member States of the Committee: Croatia, El Salvador, Greece, Islamic Republic of Iran and Pakistan. It also heard presentations from two observer States: Argentina and Azerbaijan. The delegate of Ethiopia presented developments regarding the return of the Axum Obelisk from Italy to Ethiopia and the Italian delegate also provided information thereon. The Belgian observer informed the Committee of a European Union initiative for dialogue and cooperation with African States that includes the protection of cultural property. A police commandant from the French Central Bureau against the Trafficking of Cultural Property presented practical information on the activities of the French police in the field of cultural heritage protection.

VI. OPERATIONAL GUIDELINES FOR THE INTERNATIONAL FUND

18. The presentation of the Secretariat outlined the establishment of the Fund by the General Conference through 30 C/Resolution 27. The Committee was reminded that in May 2002, the Greek Government generously provided the first voluntary donation to the Fund amounting to 29,342 euro. The strategy of the Director-General to promote the Fund through publications, the Internet and contacts with Member States was also presented.

19. Draft “Operational Guidelines of 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” and a “Sample Project Document” were carefully examined, revised and adopted (Annex I) and it was decided that the Sample Project Document could remain as an attachment to the Guidelines (Annex II). Points of discussion included the need for transparency in the operation of the Fund and the importance of having the appropriate criteria, first for the submission of projects to the Committee, and second for selecting those projects that will receive financing from the Fund (Recommendation No. 6). Consensus emerged on the fact that the Fund would not be used for legal issues, since they fall outside the Committee’s mandate.

20. In the case of a project proposal for emergency assistance that is submitted between Committee sessions held every two years, it was decided that such projects may be immediately approved or refused within a given financial amount by the sitting Chairperson of the Committee.

One member expressed concern with this, noting that such a decision, made on behalf of the 22 members of the Committee yet left to the discretion of the Chairperson, requires impartiality. One observer State expressed a concern that the criteria for submission of projects, which are cumulative, too narrowly restrict applications to the Fund. The Committee also suggested that due consideration should be given to allow the Fund to receive contributions other than strictly voluntary, especially as concerns emergency situations.

VII. PRINCIPLES RELATING TO CULTURAL OBJECTS DISPLACED IN RELATION TO THE SECOND WORLD WAR

21. A presentation was given by the Secretariat on the elaboration of “Principles relating to cultural objects displaced in relation to the Second World War”. These Principles are provided in the Secretariat’s final report on the second Expert Meeting on the Settlement of Disputes concerning Cultural Heritage Displaced during the Second World War that took place from 4 to 6 December 2002 at UNESCO Headquarters in Paris (CLT-2002/CONF.602/3).

22. The Committee was asked to examine the Principles with a view to endorsing and presenting them to the General Conference. The Committee members and observers acknowledged the work that the report constitutes, the high importance of its contents, and the political and legal subject matter of the Principles. They stated that time was needed to study the document carefully and consult with their governments on it before making specific comments on the text of the Principles. General comments included the soft law nature of the Principles since they are not binding law, the reach of the Principles beyond existing treaties or customary international law, and the need to encourage spontaneous and voluntary returns of cultural property.

23. The Committee decided to take note of the Principles and “to invite the Director-General to communicate the report and the Principles to all UNESCO Member States, inviting them to send their observations to the Secretariat before the end of 2003, to be then made available in a timely fashion to the Committee for its next session” (Recommendation No. 7). Following an examination of the document in the thirteenth session of the Committee in 2005, it is expected that it will be presented to the 33rd session of the General Conference in 2005.

VIII. INFORMATION KIT ON THE COMMITTEE

24. The Secretariat presented the new information kit “Promote the Return or the Restitution of Cultural Property: Committee – Fund – UNESCO Conventions” in French and English, adding that the Spanish version would be available in the following months. The kit is a promotional and educational tool for the new Fund, the Committee, and general issues related to the restitution of cultural property.

IX. THIRTEENTH SESSION OF THE COMMITTEE

25. The delegate of Ethiopia stated that his country would be willing to host the thirteenth session of the Committee in Addis Ababa in February or March of 2005. On behalf of the Committee, the Chairperson referred the invitation to the Secretariat for consideration and thanked Ethiopia for their generosity.

X. ADOPTION OF THE RECOMMENDATIONS

26. Draft recommendations were considered and, where necessary, amended by the Committee. The Committee adopted seven recommendations (Annex III).

ANNEX I

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN
OF CULTURAL PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION
IN CASE OF ILLICIT APPROPRIATION**

Twelfth Session

Paris, 25-28 March 2003

DECISION 28 March 2003

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

Considering 30 C/Resolution 27 of the General Conference of UNESCO, inviting the Director-General to establish a Fund within UNESCO, financed by voluntary contributions and designed to finance specific projects submitted to the Committee,

Recalling the Director-General's 2001 Appeal for donations to the Fund,

Appreciating the first financial contribution to the Fund by Greece,

Further considering Recommendation No. 4 resulting from the Committee's eleventh session in 2001 inviting the Director-General to define and implement a strategy to promote the Fund,

Decides to adopt as Guidelines of the Fund the draft Guidelines and their attachments presented by the Secretariat (CLT-2003/CONF.204/3), as amended during the twelfth session of the Committee.

ANNEX II

OPERATIONAL GUIDELINES OF 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

I. FINANCIAL CONTRIBUTIONS TO THE FUND

- (a) The Fund is financed by voluntary contributions, either general or for specific activities, within the mandate and the objectives of the Committee.
- (b) UNESCO Member States, United Nations specialized agencies, and intergovernmental organizations may contribute to the Fund. States Members of the United Nations not Member States of UNESCO, public or private organizations and individuals may contribute subject to prior agreement of the Committee or, if so authorized, by its Chairperson.
- (c) Contributions may also be made in the form of services (technical assistance or training) and in kind (equipment).

II. CRITERIA FOR SUBMITTING PROJECTS FOR FUNDING

Projects must:

- (a) be related to requests by a UNESCO Member State or Associate Member of UNESCO for the restitution or return of any cultural property which has a fundamental significance from the point of view of the spiritual values and cultural heritage of the people of such State and which has been lost as a result of colonial or foreign occupation or as a result of illicit appropriation (Art. 3, par. 2, Statutes);
- (b) be in conformity with the objectives and principles of the Statutes of the Committee, particularly with the mandate of the Committee set forth in Article 4 of its Statutes, and take into account the cultural identity, educational needs, and the policies of the countries or regions concerned; and
- (c) increase self-reliance or strengthen national capacities for the prevention of illicit trafficking or facilitating the restitution of cultural property or exchanges of information on it.

III. CONDITIONS FOR SUBMITTING PROJECTS FOR FUNDING

- (a) Projects must be submitted by the UNESCO Member States' national authority responsible for relations with UNESCO, irrespective of whether the project concerns a public or private body, or by international governmental organizations.
- (b) Pending the forthcoming session of the Committee, a project for emergency assistance may be submitted to the Secretariat, and the Chairperson of the Committee is authorized to approve such project up to the maximum amount of US \$10,000 or to refuse it. The Chairperson will report on the matter to the next session of the Committee.

IV. PRIORITIES OF THE FUND IN SELECTING PROJECTS

Priority is given to projects submitted by Member States of UNESCO:

- (a) aimed at the preparation and implementation of the return of cultural property to its countries of origin for those countries whose cultural heritage has been extremely dispersed. This may include, for example, transportation of objects and insurance costs during transportation, or arranging exhibition facilities; or
- (b) ensuring the establishment or improvement of museum systems or other institutions, especially in developing countries for conservation purposes; public awareness campaigns; and the national and regional capacity for facilitating the restitution of cultural property.

V. ADMINISTRATION OF THE FUND

The Fund is administered by the Director-General of UNESCO, who makes available to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation a Secretariat and the necessary resources.

SAMPLE PROJECT DOCUMENT

A. IDENTIFICATION

1. Title
2. Registration number
3. Submitted by (name and address)
4. Fields of activity
5. Project phase
6. Scope (national, subregional, regional, interregional)
7. Estimated duration of Fund assistance
8. Total cost of project (from all financing sources)
9. Amount requested from Fund for current phase
10. Total amount requested from Fund (across all phases)
11. Implementing body

B. PRESENTATION

1. Background and justification (origin of the project, objectives, information on the body submitting the project and reasons why assistance is required)
2. Immediate objectives
3. Long-term objectives
4. Work plan (including a detailed chronological schedule and description of all activities foreseen)
5. Institutional framework (organization and mechanisms involved in project execution)
6. Measures taken to ensure long-term continuance of project and approximate timetable for attainment of self-sufficiency

C. ADDITIONAL INFORMATION

1. General conditions, facilities, existing and forthcoming mechanisms to ensure the return of cultural property
2. Preparatory activities completed prior to submission of project
3. Contribution foreseen by the submitting agency during the project period (both financial and human resources)
4. Assistance sought other than from the Fund
5. Parameters and standards used by the submitting agency to assess project cost

D. BUDGET

1. Budget covering Fund contributions during the year in question (in US dollars) (please specify according to staffing, equipment, training ...)
2. Budget covering the contribution of the submitting agency during the year in question (in US dollars)

TECHNICAL COMMENTS OF THE SECRETARIAT

REPORT ON ACTIVITIES COMPLETED

1. Project (title)
2. Registration Number
3. Institution
4. Assistance approved by Fund
 - (a) Session:
 - (b) Session:Other sessions (add in annex)
5. Implementation (use following categories: staffing, training, equipment, materials, other)
 - (a) Session:
 - (b) Session:Other sessions (add in annex)
6. Contributions from other sources:
 - (a) National: (state type, amount: financial, personnel, training, materials, other)
 - (b) Other: (state type, amount: financial, personnel, training, materials, other)
7. Problems encountered
 - (a) in meeting objectives:
 - (b) financial:
 - (c) with respect to the Fund/UNESCO
 - (d) other
8. Results achieved
 - (a) qualitative
 - (b) quantitative
9. Suggested future action by:
 - (a) institution or organization concerned
 - (b) government
 - (c) Fund/Committee/UNESCO
 - (d) other
 - (e) other observations

The aim of these tools is to assist submitting agencies in preparing their projects. The idea is to help them attract funding, through such standardized models.

MODEL FOR THE PRESENTATION OF PROJECTS

Immediate objectives

What are the objectives that the projects must have attained upon completion? How do these objectives contribute to furthering the long-term objectives? This section should be presented in narrative form with quantitative data being provided under the heading “Results”.

Background and justification

A full explanation of the antecedents of this project, supplemented by a progress report in the case of an ongoing project, should be provided. Explain why the project needs and deserves to be granted Fund assistance. Avoid repeating what has already been said under “objectives” (one or two pages).

Expected results

After an introductory paragraph, a list of the project results expected at the end of the implementation period should be provided. Figures should be provided wherever possible (number of persons trained, etc.)

Activities

List in chronological order all the actions scheduled to be carried out, in light of the expected results indicated above. As much detail as is realistic should be provided.

Contributions

Write one paragraph giving a general description and then, as above, list the necessary contributions. If there is an element of cooperation between countries, indicate this. In preparing this section, it is advisable to keep in mind the final total budget.

Institutional framework and responsibilities

Give an overview of the institutions involved and their role. For example in the case of a government project, name the ministry in charge.

Other related forms of international assistance

Here, list requested funding by other organizations. Indicate what are the chances that funding is assured, and what it is envisaged to cover. If funding is already secured, please indicate this.

Budget

Please fill in the attached sheets following the model precisely.

Annexes

All relevant documentation on the history of the project should be annexed. Though concise, this should include all important resolutions, correspondence etc. which facilitate the understanding of the project.

ANNEX III

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN
OF CULTURAL PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION
IN CASE OF ILLICIT APPROPRIATION**

Twelfth Session

Paris, 25-28 March 2003

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,

Acknowledging past UNESCO Recommendations and Resolutions regarding the return of the Parthenon Marbles to their country of origin and the efforts of the Director-General to promote bilateral dialogue between the parties with a view to resolving the issue,

1. Takes note that in late 2002 there were important meetings between the Greek and United Kingdom Prime Ministers, between the Greek and United Kingdom Ministers of Culture and between the Greek Minister of Culture (with the Director of the New Acropolis Museum) and the Chairman of the Trustees of the British Museum (with the Director of the British Museum);
2. Takes note of the additional Greek proposal in view of the Olympic Games 2004, to be held in Athens, and their particular significance for the solidarity and the cooperation between States for the preservation and the promotion of Olympism and culture, concerning a long-term loan of the Parthenon Marbles and the possibility of the Marbles being exhibited in an annex within the new Acropolis Museum;
3. Invites the Director-General to assist in facilitating a meeting between the United Kingdom and Greece in 2003 to discuss the additional proposal;
4. Invites the Director-General to further assist in encouraging Greece and the United Kingdom to continue discussions on the issue of the Parthenon Marbles.

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 for the Sphinx of Boğazköy, which is currently on display in the Berlin Museum,

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

Recalling the previous Recommendations No. 2 adopted by the Committee on this question at its sixth, tenth and eleventh sessions,

Aware of the continuing concern of Turkey for the resolution of the issue of 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,

Expresses its hope that the pending request of Turkey with regard to the Sphinx will be solved through bilateral negotiations;

Takes note of the fact that bilateral negotiations took place on this issue on 19 November 2002 in Berlin, without reaching a solution;

1. Invites both Parties to continue comprehensive bilateral negotiations with a view to bringing this issue to a mutually acceptable solution; and
2. Also invites the Director-General to continue his good offices towards the resolution of this issue and to report to the Committee at its thirteenth session.

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 its role to seek ways and means of facilitating bilateral negotiations for the restitution or return of cultural property,

Aware of the wish of requesting States to resolve the situation in a manner satisfactory to both parties in a timely fashion,

Noting that there are examples of returns of cultural property that were made through either legal adjudication or through bilateral negotiations,

Noting further that there are cases wherein a request for return or restitution was satisfied through either a voluntary gesture by the holder of the cultural property or pursuant to alternative solutions such as exchanges, loans or the making of replicas,

1. Invites the UNESCO Secretariat to provide the Committee with examples of returns and restitutions upon which a database may be developed and from which the Committee may draw inspiration;
2. Urges the UNESCO Member States to support this initiative *inter alia* through providing representative examples of return and restitution to the Secretariat;
3. Invites the Director-General to provide the necessary human and financial resources to the Secretariat to achieve this initiative.

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 its role to foster public information campaigns on the real nature, scale and scope of the problem of restitution or return of cultural property to its countries of origin,

Concerned by the continuing and increasing illicit traffic in cultural property and the need for a more concerted, multi-level effort to combat this problem,

Aware of the important work of Interpol, specialized police forces and customs officers in this fight against illicit trafficking of cultural property,

Noting the importance of having an inventory, and particularly a photograph, of cultural property so that in the event of theft or illicit export the objects may be positively identified,

1. Invites the Director-General to examine the possibilities of financing within UNESCO's budget to:

- (a) promote the dissemination of information on the difficult issues of the return and restitution of cultural property;
- (b) promote the implementation of the Object-ID standard, the dissemination of information related thereto, including the maintenance of an Object-ID information website, and to conduct Object-ID training workshops; and
- (c) promote the International Code of Ethics for Dealers in Cultural Property that was adopted by UNESCO, by inviting the members of the trade in cultural property and their associations, where they exist, to encourage the implementation of this code;

2. Invites Member States to:

- (a) ensure that police, and customs and border services receive special training with regard to the illicit trafficking of cultural property and so as best, where applicable, to implement the relevant UNESCO Conventions (first Protocol to the 1954 Hague Convention and the 1970 Convention) and the 1995 UNIDROIT Convention and other relevant international instruments;
- (b) provide to the Secretariat a regular and comprehensive national report from States Parties on the implementation of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 and the first Protocol of the Hague Convention 1954 on the Protection of Cultural Heritage in the Event of Armed Conflict;
- (c) work together with Interpol, the World Customs Organization, UNESCO and others to ensure more fruitful cooperation in the fight against illicit trafficking of cultural property and to explore other possible means to achieve this objective;
- (d) make use of the Object-ID standard and in particular encourage the photographing of cultural property, and wherever possible develop more thorough, scientific inventories of cultural property; and

- (e) raise public awareness of the problem of illicit trafficking of cultural property and promote the International Code of Ethics for Dealers in Cultural Property.

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,

Considering that lawmakers, lawyers, customs officers, art and antiquities dealers, especially in the international art market, and private individuals need to consult frequently the laws of a given State with regard to, among other things, importation or exportation of cultural property,

Aware that international availability of national cultural heritage legislation would offer better protection to cultural property,

Noting the urgent need for a centralized database where all such legislation may be consulted,

1. Invites the Director-General, while examining the possibilities of financing within UNESCO's budget and through voluntary contributions, to:
 - (a) establish and maintain on the UNESCO website a legislation database that includes cultural heritage legislation including import and export certificates where provided by the applicable national legislation from all Member States as well as links to their relevant websites;
 - (b) request from all Member States their full cooperation in: (a) providing their national cultural heritage legislation, together with the necessary authorizations for it to be used as considered appropriate by UNESCO; (b) ensuring that UNESCO always receives the most up-to-date version of this legislation; and (c) providing their import and export certificates for such cultural property where provided by the applicable national legislation; and
 - (c) provide legal translations of national cultural heritage legislation primarily into French and English, where these have not been provided by the State, then subsequently into other UNESCO official languages, welcoming voluntary contributions for this purpose, for inclusion in the legislation database.

Recommendation No. 6

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

Considering 30 C/Resolution 27 of the General Conference of UNESCO inviting the Director-General to establish 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" (hereafter "the Fund") within UNESCO financed by voluntary contributions and designed to finance specific projects submitted to the Committee,

Recalling the Director-General's 2001 Appeal for donations to the Fund,

Appreciating the first financial contribution to the Fund by Greece,

Further considering Recommendation No. 4 resulting from the Committee's eleventh session in 2001 inviting the Director-General to define and implement a strategy to promote the Fund,

1. Invites UNESCO Member States and others to make voluntary donations to the Fund and otherwise promote it in all possible ways;
2. Invites the Director-General to place financial and human resources at the disposal of the Secretariat responsible to the Committee from the regular UNESCO budget, as well as providing extrabudgetary funds, in order to ensure the effective promotion, management and operation of the Fund;
3. Invites the Director-General to prepare an explanatory note on the procedure to be followed for the assessment of the submitted projects pursuant to the Operational Guidelines of the Fund.

Recommendation Number 7

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

Recalling Recommendation No. 7 adopted by the Committee at its tenth session which, among other things, invited the Director-General to convene a working group of experts on the settlement of disputes concerning cultural objects displaced in relation to the Second World War,

Noting that two meetings of experts of category six level (Paris, May 2000 and December 2002, respectively) on this issue have taken place, and that the second meeting resulted in the elaboration of non-legally binding Principles on the settlement of such disputes,

Emphasizing that the main aim of the Principles is to facilitate bilateral or multilateral negotiations of the settlement of such disputes, and that they are not intended to replace, modify or abrogate bilateral or multilateral agreements in force on this subject,

1. Takes note of the report and the Principles resulting from the second meeting of experts;
2. Expresses its appreciation for the quality of the report and the Principles and thanks the experts for their valuable work in the elaboration of the Principles.
3. Invites the Director-General to communicate the report and the Principles to all UNESCO Member States, inviting them to send their observations to the Secretariat before the end of 2003, to be then made available in a timely fashion to the Committee for its next session.