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Organización  
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Организация  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

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

**Sixteenth Session**

*Paris, UNESCO Headquarters, 21-23 September 2010*

**SECRETARIAT REPORT**

**INTRODUCTION**

The Secretariat reports to 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 16<sup>th</sup> session on activities carried out since the fifteenth session in May 2009 and, in particular, on the follow-up to the recommendations adopted by the Committee.

**I. PROMOTION OF BILATERAL RELATIONS (Recommendations Nos. 1, 2 and 3)**

1. Three cases are currently pending before the Committee:
  - the Parthenon Marbles (Greece, United Kingdom and the British Museum)
  - the Boğazköy Sphinx (Turkey, Germany and Berlin Museum)
  - the Makonde Mask (United Republic of Tanzania, Switzerland and Barbier-Mueller Museum).

***The Parthenon Marbles***

2. Pursuant to Recommendation No. 1 adopted by the Committee at its 15<sup>th</sup> session (Paris, May 2009), the Secretariat has continued to encourage the holding of meetings between Greece and the United Kingdom and offered UNESCO's assistance. Contacts are being maintained between professionals in the two countries concerned but, to the knowledge of the Secretariat, no official meetings have taken place in the last ten months.

***The Boğazköy Sphinx***

3. Pursuant to Recommendation No. 2 adopted by the Committee at its previous session, the Secretariat has invited Germany and Turkey to continue the dialogue with a view to achieving a mutually acceptable solution and proposed the assistance of the Secretariat to that end. However, to the knowledge of the Secretariat, talks between the two parties have been broken off for at least two years

## ***The Makonde Mask***

4. This case concerns the National Museum of Tanzania, the authorities of that country, and the Barbier-Mueller Museum in Geneva. Under the aegis of the Committee, the Swiss authorities act as facilitators in the negotiations, in particular with the owner of the museum that holds the mask. In recent years, through informal mediation conducted by these consultants and with the encouragement of the Secretariat, there has been measurable progress as the parties are again in direct contact and seeking a concrete result. Since late 2009 and early 2010, serious efforts have been undertaken by each party and Swiss authorities are in regular contact.

## **II. DRAFT RULES OF PROCEDURE ON MEDIATION AND CONCILIATION** **(Recommendation no 4)**

5. The General Conference at its 33rd session adopted 33 C/Resolution 44, which added mediation and conciliation to the mandate of the Committee. Draft rules of procedure drawn up by the Secretariat on the basis of Recommendation No. 3 adopted by the Committee at its 13<sup>th</sup> session were submitted to the Committee at its 14<sup>th</sup> session. Two of the 11 articles had then been examined and amended. A paragraph on the mediation procedure was added to Article 2 in order to provide a list of possible mediators in line with paragraphs 1 and 2 as amended.

6. The Committee had decided on a step-by-step approach to consideration of the text with a view to facilitating the work at the fifteenth session and ensuring the adoption of a satisfactory text. An amended version of the draft rules of procedure had been distributed to the members of the Committee and to all the other States and observers prior to the meeting for comment. Upon reception and analysis, a summary of the comments and amendments and a consolidated draft of the rules of procedure were prepared by the Secretariat<sup>1</sup> and submitted for consideration to the members of the Committee and other States and observers at the fifteenth session.

7. The first four Articles of the draft rules of procedure (Scope, Nature of the Procedures and Roles of the Mediator and of the Conciliator, Main Principles and Parties), were debated at length in a spirit of cooperation and consensus on the part of the members of the Committee and observers. Nonetheless, it was not possible to come to an agreement on a number of key questions and, consequently, it was decided that a working group would be created to draft proposals reflecting the different points of view. The group presented its findings and proposed amendments to the plenary and the first three articles were subsequently approved. However, with regard to Article 4 concerning parties to a mediation or conciliation procedure, the Committee was unable to reach a consensus. As a result, it was decided to create an ad-hoc sub-committee that would continue discussions on the draft text between the 15<sup>th</sup> and 16<sup>th</sup> sessions and present the results of its work at the next meeting of the Committee. On that occasion it was also decided that, in line with the principle of balanced geographical distribution, the sub-committee would be composed of three representatives of States members of the Committee from each regional group and open to all observers wishing to attend the discussions. The Secretariat was tasked with finalizing the composition and setting the dates in due course, but Japan objected to the creation of the subsidiary body in question.

8. The meeting of the sub-committee took place in Paris from 18 to 20 November 2009. Representatives of all of UNESCO's electoral groups participated (Argentina, Burkina Faso, the United States of America, Greece, Guatemala, India, Iraq, Italy, the Libyan Arab Jamahiriya, Japan, Mexico, Nigeria, the Republic of Korea, the People's Republic of China,

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<sup>1</sup> See document CLT-2009/CONF.212/COM.15/1.

Romania, Senegal) as well as several observers from Member States and a non-governmental organization (ICOM). Under the active chairmanship of Professor Constantin Economidés (Greece), all items have been reworked, amended and provisionally adopted, with the exception of three provisions contained respectively in paragraph 1 and paragraph 2B of Article 4 and Paragraph 2 of Article 7 which have been bracketed for submission to the sovereign consideration of the Committee. The subcommittee expressed its wish that the new text of the draft rules of procedure will be proposed in the new version at the 16th session of the Committee<sup>2</sup>.

### **III. WORK ON THE PREPARATION OF MODEL PROVISIONS DEFINING STATE OWNERSHIP OF CULTURAL PROPERTY**

9. In 2008, in Seoul, during the 30th anniversary of the Intergovernmental Committee, and at its 15th session, Professors O'Keefe and Sanchez-Cordero explained the legal obstacles faced by many countries in applying for restitution of cultural property, especially when it comes to archaeological materials from sites where there is no inventory or provenance documentation. The twenty-two members of the Committee have expressed support for the continuation of this process and have encouraged UNESCO and UNIDROIT to convene a committee of independent experts in order to prepare model legislation defining the property of the State, including archaeological heritage. These legal guidelines could inspire the drafting of national laws and promote the standardization of terminology, the goal being to ensure that all governments have introduced sufficiently explicit legal principles on the matter. Assisted by professors Marc-André Renold and Sanchez-Cordero, the Secretariats of UNESCO and UNIDROIT formed the committee of experts to be as geographically representative as possible. A report on the early efforts will be presented at the 16th session of the Intergovernmental Committee.

### **IV. THE UNESCO CULTURAL HERITAGE LAWS DATABASE**

10. UNESCO's database of national cultural heritage legislation protects cultural heritage by fighting against the looting, theft and illicit traffic of cultural property. The development of this innovative tool was launched in 2005 at the 13<sup>th</sup> session of the Committee and is funded by an American fund. To date, it includes **2274 national cultural laws of 179 countries**. All of these texts are available online at <http://www.unesco.org/culture/natlaws> where, on average, **2500 pages** are viewed each month.

11. Since the 15th session of the Committee, a new brochure has been prepared to better inform member states and the public about the existence of the database, as well as to facilitate research. It will soon be available in six languages. In addition, a searchable **glossary of key terms** is now online (in English, French and Spanish) on the database website. Following the recommendation of Switzerland at the last meeting of the Interpol Expert Group (IEG) on Stolen Cultural Property (23-24 February 2010, INTERPOL Headquarters), the date of the last update will be specified on the database website. To date, the countries that have submitted their newly updated texts to the Secretariat are: Austria, Egypt, Ecuador, Spain, the United States of America, Hungary, Italy, the Holy See, Morocco, the Netherlands, Poland and the Czech Republic.

12. UNESCO Member States are still strongly encouraged to submit to the Secretariat their national cultural heritage legislation for inclusion in the database. They are requested to provide officially to UNESCO information in electronic format (on diskette, CD-ROM or email), together with an official written authorization from the competent national authority allowing UNESCO to reproduce the legislation and the export/import certificates on its

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<sup>2</sup> See document CLT-2010/CONF.203/COM.16/1

website and to insert a link between the website and the official national website, unless it is expressly specified that such a link is prohibited or not desired.

## **V. DECLARATION OF PRINCIPLES RELATING TO CULTURAL PROPERTY DISPLACED IN CONNECTION WITH THE SECOND WORLD WAR**

13. Following 34 C/Resolution 43, the intergovernmental meeting of experts on the preparation of a Draft Declaration of Principles Relating to Cultural Objects Displaced in Connection with the Second World War (“Draft Declaration”) took place during 17-18 March 2009, and had the object of arriving at a consensus recommendation on the basis of the text of the March 2007 Draft Declaration. Although progress was made and new amendments to the 2007 text were adopted, a consensus recommendation was not reached. This result was submitted to the 181st Executive Board (181 EX/53 and Add.), and, by its 181 EX/Decision 53, it requested the “Director-General to submit to the 35th session of the General Conference the contents of document 181 EX/53 and Add. and submit for decision Annex III of that document.” The 35th General Conference considered the Executive Board’s submission (181 EX/53 and Add., included in document 35 C/24), and decided to take note of the Draft Declaration after “having been convinced that all possible paths to find consensus in the intergovernmental meetings of experts have been exhaustively explored to date” (35 C/Resolution 41).

## **VI. THE FUND OF THE INTERGOVERNMENTAL COMMITTEE**

14. The Fund of the Committee was established in November 1999 in Resolution 27 adopted by the General Conference of UNESCO at its 30th session, pursuant to Recommendation No. 6 adopted the same year by the Committee at its 10<sup>th</sup> session. The purpose of the Fund is to support Member States’ efforts to combat effectively trafficking in their cultural property, particularly with regard to the verification of cultural objects by experts, their transport, insurance costs, establishment of facilities for displaying them in good condition and the training of museum professionals in the countries of origin of the cultural property. To date, thanks to donations from Greece, the amount available in the Fund stands at some €100,000.

## **VII. INTERNATIONAL COOPERATION**

### ***New State Parties to the 1970 UNESCO Convention and the 1995 UNIDROIT Convention***

15. Since the last session of the Committee, three States have become parties to the 1970 UNESCO Convention (Belgium, Netherlands and Haïti—which deposited its instrument of ratification to the Director General on 3 February 2010), bringing the total number of State Parties to 120. The 1995 UNIDROIT Convention currently has 30 State Parties, following the ratification of Panama in 2009.

### ***Cooperation with intergovernmental and non-governmental organizations***

16. UNESCO pursues its fruitful cooperation with INTERPOL, UNIDROIT, the World Customs Organization (WCO) and the International Council of Museums (ICOM) as well as with the Swiss authorities, the specialized police corps of the Carabinieri (Italy) and the Office central de lutte contre le trafic des biens culturels (OCBC - France) in the areas of the fight against illicit traffic and of the development and implementation of tools promoting the return and restitution of cultural objects. These organizations communicate on an almost daily basis, in particular concerning thefts and illicit exportations of cultural property in the world,

as well as the modalities to be followed for their restitution. This cooperation generates tangible results, in particular concerning illicitly circulated Iraqi cultural property.

### ***United Nations Organizations***

17. Following the adoption by ECOSOC of resolution 23, of July 2008, UNESCO has responded favorably to ECOSOC's invitation, which encouraged the United Nations Office on Drugs and Crime (UNDOC) to organize an intergovernmental expert group in order to make recommendations on the protection against organized crime in the field of cultural heritage for submission to the Commission on Crime Prevention and Criminal Justice at its 18<sup>th</sup> session. UNESCO took part in the work of this expert group in November 2009 in Vienna and specified its view that it is counter-productive to attempt to conceive new legal and cooperation tools when they already exist - the main objective being rather to establish strong cooperation between agencies and States.

### ***Protection of Haitian heritage – UNESCO's response***

18. The Organization, in the early hours after the earthquake, established a crisis unit, sent a mission there, carefully monitored projects and educational services, and mobilized the international community to avert any danger of looting. UNESCO also had to take measures to temporarily prohibit the trade and transfer of Haitian cultural property suspected of being stolen from cultural institutions or places of worship. For this reason, an appeal was made to MINUSTAH to ensure the protection of the country's emblematic sites and museums and a campaign has been introduced to ban temporarily the international trade of Haitian works of art. The Director-General also alerted the World Customs Organization and INTERPOL and the specialized police forces of France and Italy to exercise increased vigilance regarding Haiti and the importing countries. Each of these agencies has responded positively and quickly to these alerts. In addition, in response to a call by the Secretary General of the United Nations that the Security Council adopt a temporary ban on the transfer and trade of Haitian cultural property through a resolution, Mrs Bokova has specified that this effectively necessitates—in particular for participants in the art market—the verification of the origin of works that could be imported, exported and / or offered for sale, including on the Internet. The initiative is in no way aimed to hinder the commercial transaction of crafts and contemporary creations—an important source of revenue for the Haitian people.

19. During the 7th meeting of the International Expert Group of INTERPOL, held at the headquarters of that organization from 23 to 24 February, 2010, experts were particularly interested in the situation in Haiti. They encouraged UNESCO to prepare a risk assessment on the criminality surrounding Haitian cultural property, which would consist of categories of cultural property most representatives of Haitian culture, principal Haitian artists, and experts available in this area around the world. Using as an example the list of experts established to facilitate the expertise on Iraqi cultural property scattered around the world, the specialists in Haitian culture will help to identify cultural property that, in the confusion after the earthquake, have been subject to looting and illicit transfer. To this end, UNESCO is completing the preparation of a risk assessment on the criminality surrounding Haitian cultural property.

### ***Training workshops***

#### **Training for Africa**

20. A training workshop dedicated to the fight against illicit traffic of cultural property in African countries took part in Vicenza (Italy), in June 2009, in partnership with the Carabinieri (Italy) and with Italian cooperation and support. Ten African countries (with twenty-one participants, including five women) took part in it: Congo Brazzaville, Djibouti,

Eritrea, Ethiopia, Namibia, Niger, Nigeria, the Democratic Republic of the Congo, Senegal, and Zimbabwe. The two-week workshop was specifically aimed at African professionals involved in the fight against illicit traffic and the restitution of cultural objects. UNESCO's international legal and operational actions were presented to the participants as well as the cultural heritage protection schemes now in force in Italy and in Europe. The courses and seminars were given by UNESCO officials and the Carabinieri with the participation of ICCROM, INTERPOL and UNIDROIT. Organized in two sessions, the workshop was devoted particularly to the legal aspects of the fight against illicit traffic of cultural property and their restitution, and to the development of operational modules on the protection of archaeological sites, movable heritage (libraries and archives), monuments, sites and landscapes, as well as on police cultural heritage operations (investigations, criminal records), the carrying out of inventories, and the role of Customs. The second session of this training is currently being prepared and should take place by July 2010. Another awareness raising and training workshop designed more specifically for countries from eastern Africa is also in preparation, in coordination with UNESCO Windhoek, and will take place in spring 2010.

### Training for Arab States

21. A seminar on "Strengthening the Institutional and Legal framework in the field of Cultural Heritage" took place in Beirut, Lebanon, from 9 to 11 November 2009. The status and transfer of ownership, the actions of ICOM, the UNIDROIT Convention and an update on a variety of national legislation were discussed during the workshop, which was organized in close collaboration with Euromed Heritage IV (European Commission), the Beirut UNESCO regional office and the Section of Museums and Cultural Objects under the patronage of the Lebanese Ministry of Culture. UNIDROIT, ICOM, INTERPOL and the WCO (World Customs Organization) also took part in this training, which was intended for customs officers, police officers and officials in various ministries concerned about the illicit flow of cultural property from their countries (Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Syrian Arab Republic and Tunisia). The objective of this seminar was to compare existing legislation and specialized services in partner countries with the norms established by major international conventions such as the Hague Convention of 1954, the UNESCO Convention of 1970, and the UNIDROIT Convention of 1995, as well as with the codes of ethics for the management of private or museum collections and the trade in cultural property (Codes of ICOM and UNESCO). The seminar also examined how these norms have been implemented in national legislation, how the UNESCO Database of National Cultural Heritage Laws is being updated and can be consulted, and the modes of cooperation with the services of the World Customs Organization (WCO).

22. Concerning Iraq, further to the 1<sup>st</sup> (May 2004), 2<sup>nd</sup> (June 2005) and 3<sup>rd</sup> Plenary sessions (November 2007) of the International Coordination Committee for the Safeguarding of the Iraqi Cultural Heritage (ICC), the 4<sup>th</sup> session took place on 12 and 13 January 2010 at UNESCO Headquarters with the participation of Mr Maher Al-Hadihi, Minister of Culture and Youth in the Kurdistan Regional Government, as well as 15 international experts in different fields of Iraqi heritage, and representatives from States Members and international institutions (ICCROM, ICOM, INTERPOL, Centro Di Scavi di Torino, and the World Monuments Fund). The meeting's program addressed the following four axes of discussion:

- Historic Cities and Urban Development;
- The Museum Sector in Iraq;
- The fight against looting and the illicit traffic of cultural property;
- Intangible Heritage.

UNESCO's role as international coordinator in the protection, safeguarding and promotion of the country's invaluable cultural heritage was underlined and encouraged. The

recommendations adopted and the list of participants are both available upon request to the Secretariat.

#### Training for Latin America and the Caribbean

23. Given the enthusiasm of collectors and in response to the art market value, particularly in the West, of objects of a religious nature (paintings, sculptures, architectural elements, jewelry and other religious objects), UNESCO organized a legal and operational training session on the specific issue of the protection of religious heritage, a major target of looting in recent years. This workshop was held from 29 September to 2 October on the campus of the Universidad Autónoma de México (UNAM), in cooperation with the UNESCO Offices in Cuba and Mexico, the Section of Museums and Cultural Objects as well as with the support of the Centro Mexicano de Derecho Uniforme. It brought together forty responsible museums managers, heritage managers, clerical representatives and policy makers from the following countries: Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and the Dominican Republic. The course was conducted in cooperation with ILAM (Instituto Latinoamericano de Museos), INTERPOL, UNIDROIT and a police officer specializing in the security of places of worship.

24. Recognizing the acute problem posed by the plundering of places of worship and the traffic of property of a religious nature, UNESCO will continue its effort to organize new training courses for Latin America, but also for European countries, especially those of Eastern Europe. Several experts have alerted the Secretariat on the exponential growth of the illicit traffic of religious artwork in Eastern Europe - including Russia and Ukraine. The goods are sold in particular on the art market in Austria, a country that has not ratified the 1970 Convention.

#### Training for Asia

25. The Monegasque cooperation has agreed to provide financial support to a project in the fight against the illicit traffic of cultural property in Mongolia, presented by the Secretariat in 2008 (Monaco has been present in the country since 2006 through an archaeological mission). This project, negotiated between the Mongolian and Monegasque authorities, the Secretariat at Headquarters and the UNESCO Office in Beijing, is implemented in coordination with the Mongolian National Commission for UNESCO. The Monegasque authorities have a long term involvement in the cultural field, in particular in the restoration of the state's archaeological sites and in exploring the idea of training Mongolian archaeologists in sustainable tourism and the fight against illicit trafficking (an awareness of this subject has already begun).

### **VIII. AWARENESS CAMPAIGN AND LINKS WITH THE ART MARKET**

26. UNESCO continues to deepen the professional relationships and dialogue it has established since 2008 with the Syndicat National des Antiquaires (France), the auction houses of Christie's and Sotheby's and with the Groupe Drouot in France, particularly from the perspective of improving the applicability of the International Code of Ethics for Dealers in Cultural Property (1999). Additionally, UNESCO wishes to encourage a better, mutual understanding, first of the working methods of the art market and, secondly, of the international community's concerns regarding the circulation of works of art and issues related to the return of cultural property.

27. Furthermore, financially supported by Swiss and Dutch authorities, the Organization since 2009 has developed several projects to promote State and public action and awareness concerning the importance of protecting heritage and participating in the fight against the traffic of cultural property. Accordingly, in order to improve the explanation and

development of action led by UNESCO in cooperation with its partners and stakeholders in the art market, the Secretariat has directed a short, twenty-minute film in English, French, Spanish, Russian, Arabic and Chinese for the primary attention of its field offices and of States wishing to receive support in national and regional training. Meanwhile, UNESCO is preparing a series of video clips tailored to each continent and, if resources are available, will also develop local information campaigns in cooperation with the countries that request them and where emergencies arise (Iraq, Haiti, Mongolia, etc.). The aim is to sensitize tourists and the local population, and the clips will include images of looted sites and destroyed objects to illustrate the link between the object, the site, and the act of plundering.

28. Thanks to funding from the Czech Republic and the Swiss Confederation, workshops and materials promoting Iraqi heritage for children are being developed since 2009 with the UNESCO Office in Baghdad.

29. Finally, within the framework of the thirty years of the Committee and with the financial support of the Republic of Korea, UNESCO has successfully published, under the supervision of Professor Prott, the book "Witness to History - Documents and Writings on the Return of Cultural Objects"—a scientific publication with historical, philosophical and legal perspectives on the return of cultural property. This book is intended for the public, students, specialists and decision makers, and offers, on the part of authors and reference institutions, a selection of significant writings published from the late eighteenth century to the present in order to inform the contemporary debate on issues of the circulation of cultural property throughout the world and the problems of restitution. It is currently on sale in English from UNESCO Publishing and, with the financial support of Switzerland and Greece, will be available in French by September 2010. A Chinese translation is in progress and Korean, Spanish and Portuguese versions are under negotiation. The Secretariat is also seeking the support of the relevant States for versions in Arabic and Russian.



## ANNEX

### EXAMPLES OF RETURNS AND RESTITUTIONS OF CULTURAL PROPERTY ACCOMPLISHED WITHOUT THE INTERVENTION OF THE COMMITTEE

The purpose of the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* is to seek ways in which to facilitate bilateral negotiations for the restitution or return of cultural property. To assist the Committee in this task, and in accordance with Recommendation No. 3 adopted at its twelfth session, the list below is intended to inspire the Committee by presenting recent examples of returns and restitutions resulting from legal proceedings, bilateral negotiations, voluntary acts of the possessor, or other alternatives (trade, loans, productions of replicas).

#### ▪ **14 December 2009 : Restitution of 5 frescos (France – Egypt)**

In November 2009, France restituted five fresco fragments held by the Louvre Museum to Egypt, which had claimed them. These pieces had left Egypt illegally and, subsequently, had been acquired in good faith by the Louvre from a French gallery and at a public auction. Following the Egyptian request to return these objects, the National Scientific Commission of the Museums of France confirmed that these were from the tomb of a dignitary (Prince Tetiky) of Egypt's Eighteenth dynasty (1550-1290 BC), located in the Valley of the Kings near Luxor. The French Ministry of Culture decided to return the pieces.



Photo : AFP

#### ▪ **19 January 2010 : Restitution 139 items of cultural property (Spain – Nicaragua)**

A collection of 139 pre-Columbian archaeological objects confiscated by the *Grupo de Patrimonio Histórico* of the Spanish *Guardia Civil* was returned by the General Directorate of Fine Arts and Cultural Property of Spain's Ministry of Culture to the Government of Nicaragua. This restitution followed a letter from the Ambassador of Nicaragua, Augusto Zamora Rodriguez, in which he requested the necessary approvals to return the pieces to their country of origin. These objects will now enrich the collections of *Mi Museo*, a museum institution in the Nicaraguan city of Granada

#### ▪ **20 January 2010 : Restitution of 2 Swords (The Netherlands – France)**

On the night of 15 to 16 November 1995, a robbery was committed at the Château de Fontainebleau. Thirteen works of art disappeared that night.

Between 1996 and 2000, six objects were recovered by the Office Central de lutte contre le trafic des Biens Culturels (3 clocks, two vases and a sculpture). On 23 October, 2009, two swords recovered from a Dutch middleman arrested in the Netherlands were returned to France. These are ceremonial weapons commissioned in 1807 from the goldsmith Martin-Guillaume Biennais by Jérôme Bonaparte—Napoleon's brother and the king of Westphalia. They had been offered to Fontainebleau for the Musée Napoléon in 1979 by Louis-Napoleon Bonaparte, the great grandson of King Jerome. The official ceremony for the restitution to the Château de Fontainebleau was held in January 2010.



Goldsmith: Martin-Guillaume Biennais  
Above : Royal Sword of Westphalia, belonging to King Jerome  
Below : Royal Ceremonial Sword, belonging to King Jerome  
Fontainebleau, château (Musée Napoléon 1er )  
Photo : RMN

▪ **21 January 2010 : Restitution of Sumerian Treasures (Germany – Iraq)**

Germany returned to Iraq 22 artifacts thought to date to the Sumerian civilization. According to official authorities, these objects were looted by soldiers during the recent war and were then transported to Germany. They were finally recovered in 2007 with hundreds of other archaeological objects from other countries during a raid on a house near Frankfurt. Through study, archaeologists were able to geographically identify those objects that come from the ancient Sumerian cities of Girsu, Isin, Larsa and Umma. Six of these items are ceramic cones used during construction to identify the owner's name, the description of the construction and the name of the god to whom the inhabitants of the city paid tribute. The restitution of these objects took place in Berlin in the presence of the Ambassador of Iraq to Germany, Mr. Alaa al-Hashimi. According to the latter, "the return of Iraqi cultural property is invaluable for Iraq."

▪ **3 March 2010 : Restitution of 25,000 antiquities (Great Britain– Egypt)**

After lengthy negotiations between the University of London and Egyptian authorities, Great Britain decided to return to Egypt some 25,000 antiquities. Among these pieces is a 200,000 year old stone ax, as well as pottery from the seventh millennium BC. Director General of the Egyptian Supreme Council of Antiquities, Zahi Hawass, said that the coins will go to a "collection dedicated to the (pre-pharaonic) period of Nagada," named after a village in southern Egypt, which is home to "one of the oldest civilizations in the world." They will be exhibited at the Ahmed Fakhri Museum, currently under construction in the Dakhla Oasis in Egypt's Western Desert.



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

### Sixteenth session

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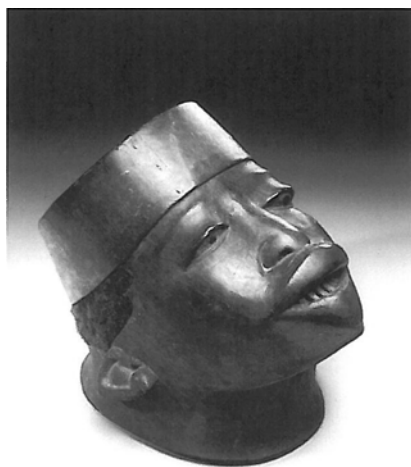
### ADDENDUM TO THE REPORT OF THE SECRETARIAT

In reference to the document « Report of the Secretariat » ref. CLT-2010/CONF.203/COM.16/2 Rev, the Secretariat asks Member States and Observers to please find below additional information on its main activities since April 2010.

#### **I. PROMOTION OF BILATERAL NEGOTIATIONS (recommendation n°3)**

##### ***Restitution of the Makonde Mask***

As part of the talks held by the Committee since 2006, and the discussions maintained by the Swiss authorities, the International Council of Museums and the UNESCO Secretariat with the concerned parties in this case (United Republic of Tanzania and the Barbier-Mueller Museum in Geneva), the parties reached a bilateral agreement. The restitution ceremony took place under the aegis of ICOM and in the presence of UNESCO on 10th May in a Parisian hotel.



It is an example of a « lipiko » mask, the most recent style of mask, which is characterized by its realism and its caricatured style. Until the 1960s, this helmet-mask was worn by dancers

during masculine initiation rituals, who looked through the opening of the mouth and attached their costume with a fine cord tied to the edge of the mask. The character represented in the dance wears a hat, has prominent lips, a strong neck, an angular jaw, a moustache, and has well-shaped nostrils. The masque is carved from a light and tender wood. Its height is 30,5 cm.

## II. UNESCO DATABASE ON NATIONAL CULTURAL HERITAGE LAWS

### **180 countries and 2300 laws on-line**

The UNESCO Database on National Cultural Heritage Laws contains 2300 **national cultural heritage laws** from **180 countries**. All of these laws are available on-line at <http://www.unesco.org/culture/natlaws>, where an average of **2500 pages** are read every month.

Since the 15th Session of the Committee, a new brochure has been prepared in order to inform Member States about the existence of the database and to facilitate research. It is available in six languages. Moreover, a **glossary of keywords** is on-line from now on (*in English, French and Spanish*) on the Database Website.

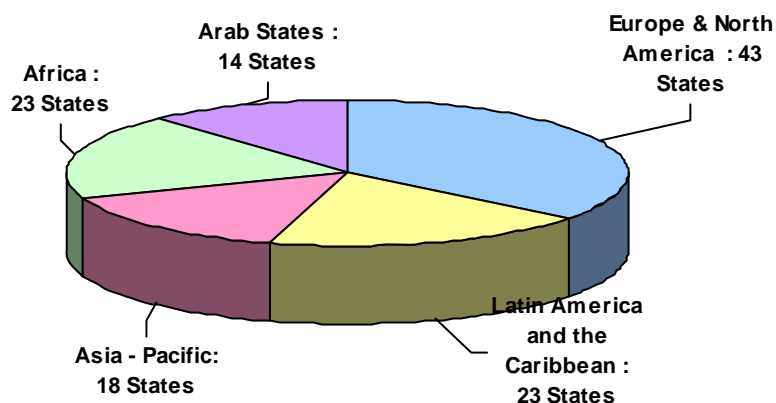
As of today, the following countries have submitted their new and/or updated texts to the Secretariat (in chronological order starting January 2009): Slovenia, Republic of Korea, Samoa, Lithuania, Finland, Philippines, Armenia, Chad, Belarus, Georgia, Senegal, United Kingdom, Venezuela, Greece, Laos, Colombia, Syria, Myanmar, Mexico, Lebanon, Belgium, Croatia, United States of America, Ecuador, Italy, Czech Republic, Austria, Hungary, Morocco, Netherlands, Spain, Egypt, the Holy See, Poland, Germany, France and Japan.

## III. International Cooperation

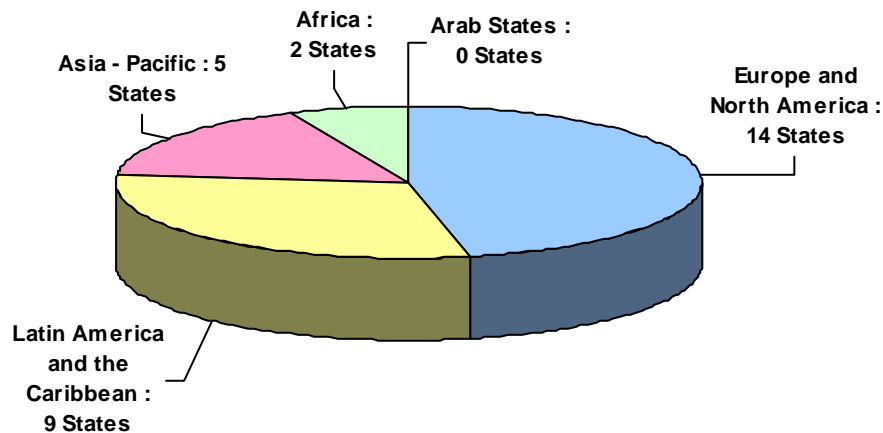
### **New State Parties to the 1970 Convention of UNESCO and to the UNIDROIT Convention of 1995**

Since the last Session of the Committee in May 2009, **four** States became party to the 1970 Convention of UNESCO (Belgium, Netherlands and Haiti – which deposited its instrument of ratification on 3 January 2010 – and Equatorial Guinea), bringing it the total number of State Parties to 121. The 1995 UNIDROIT Convention has a total 30 State Parties since the ratification of Panama in June 2009.

#### 1. Geographic distribution of State Parties to the 1970 Convention (121 State Parties)



## 2. Geographic distribution of State Parties to the 1995 Convention (30 State Parties)



### **40th Anniversary of the 1970 Convention**

UNESCO will celebrate the 40<sup>th</sup> anniversary of the 1970 Convention in 2010, which was adopted in November 1970. 2010 also marks the 15<sup>th</sup> anniversary of the 1995 UNIDROIT Convention.

Following an initiative of the Swiss Authorities (Federal Office for Culture and Swiss National Commission for Culture), two events took place: a special exhibition, « For Sale ? », at the Customs Museum of Cantine di Gandria, on 31 May 2010, and a one day information and discussion session « The 1970 UNESCO Convention and its implementation : current situation and perspectives », on Tuesday 1 June 2010 in Bern. These two events, which also commemorate five years of implementation of the Convention in Switzerland, provided an opportunity to think about the way in which museums, archaeologists, art dealers, art collectors and national and international authorities evaluate the practical implementation of the Convention (40 years) and the Helvetian law (5 years).

Following Belgium's ratification of the UNESCO Convention in 2009, the German- and French-speaking Belgian Commissions of UNESCO will organise, in the fall of 2010 in Brussels, a study session on the problems of ratifying the UNIDROIT Convention, to which Belgium is still not a Party.

Finally, following the request of the Director General of UNESCO, an event will take place at the Organization's headquarters before the end of 2010 in order to celebrate the 40<sup>th</sup> anniversary of the Convention and to reaffirm UNESCO's mandate in the field of the promotion of culture, the protection of cultural heritage and providing training as a service to its Member States.

## ***United Nations Organisations***

The United Nations Economic and Social Council, in its Resolutions 2004/34 and 2008/23, « Protection against trafficking in cultural property », recalled the model treaty for the prevention of infractions concerning movable objects which are part of all people's cultural heritage and highlighted that States must protect and safeguard their cultural heritage in accordance with the relevant international instruments such as the 1970 UNESCO Convention, the 1995 UNIDROIT Convention and the Hague Convention of 1954. The Council also reaffirmed the need for international cooperation to prevent and fight all aspects of trafficking of cultural goods and highlighted that these goods are traded in legal markets (in particular auction houses, especially on the Internet).

Moreover, ECOSOC asked the United Nations Office on Drug and Crime (UNODC) to convene a meeting of a group of intergovernmental experts in charge of presenting the relevant recommendations to the Commission on Crime Prevention and Criminal Justice (CCPCJ) and have these experts summarize their findings during its 19<sup>e</sup> session (17 to 21 May 2010). The group met in Vienna in November 2009 and issued recommendations examined by the CCPCJ in May 2010. **The main theme of the 19<sup>th</sup> Session was: "Protection against trafficking in cultural property"**, and the sub-themes focused on **a) applicable laws and policies**, from the point of view of crime prevention and criminal justice, in order to fight against the trafficking of cultural goods (incrimination, application of legal measures, international organized crime ; **b) the prevention of the trafficking of cultural objects** ((i) awareness-raising measures, capacity-building, technical assistance, interdisciplinary coordination; (ii) incrimination in the context of prevention; (iii) measures for safeguarding cultural objects, including the measures for identifying and protecting them; **c) new trends** (Internet, e-commerce, auction houses, etc.) and relevant intervention measures **d) international, regional and bilateral cooperation**, in order to prevent and fight the illicit trafficking of cultural goods (mutual legal assistance, public and private partnerships, restitution mechanisms, technical assistance, etc).

UNESCO joined forces with UNODC in November 2009 and May 2010 in Vienna. Supported by its partners – ICOM, INTERPOL, UNIDROIT, WCO – it stated that it would be clearly detrimental, in the present circumstances, to create new normative tools and develop activities which would overlap with those already in existence. Instead, the goal should be to increase the universality of the 1954, 1970 and 1995 Conventions and reinforce the cooperation between IGOs, NGOs and States.

### ***Protection of Cultural Heritage in Haiti – Response of UNESCO***

UNESCO has worked with Haiti to enable the renaissance of their culture by organizing the first International Coordination Committee for the protection of Haitian cultural heritage (ICC), which took place on the 7 and 8 July at UNESCO Headquarters<sup>1</sup>. The objectives of the Committee are contributing to the reinforcement of institutional capacities, carry out urgently needed inventories urgently and elaborate safeguarding plans in the field of Haitian cultural heritage. An international committee of donors was created in order to carry out the ICC recommendations in four fields: world heritage (cultural and natural), intangible heritage, movable heritage (protection of archives, books and other movable cultural goods) and training of local curators and restaurateurs. This new committee of donors will meet at the beginning of 2011 for examining the first project proposals.

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<sup>1</sup> Composition of ICC : Magali Comeau-Denis (Haiti) ; Daniel Elie (Haiti) ; Barbara Prezeau Stephenson (Haiti) ; Luisa Vicioso Sánchez (Dominican Republic) ; Ali Radwan (Egypt) ; Angèle Aguigah (Togo) ; Richard Kurin (USA) ; Maria Cecilia Londres Fonseca (Brazil) ; Yim Dawnhee (Republic of Korea) ; Gaël de Guichen (France).