

**Conférence générale**

Vingt-neuvième session  
Rapport

**Генеральная конференция**

Двадцать девятая сессия  
Доклады

**rep**

Paris 1997

**General Conference**

Twenty-ninth Session  
Report

**المؤتمر العام**

الدورة التاسعة والعشرون  
تقرير

**Conferencia General**

29ª reunión  
Informe

**大会**

第二十九届会议  
报告

29 C/REP.12

5 August 1997

Original: 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 (1996-1997)**

**OUTLINE**

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

**Background:** Since the twenty-eighth session of the General Conference, the Committee has met once, for its ninth session, in Paris, France from 16 to 19 September 1996.

**Purpose:** This document contains the final report of the ninth session of the Committee and the recommendations adopted at that session. The report reflects 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.

**Decision required:** This document requires no decision.

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

Ninth session (Paris, 16-19 September 1996)

**I. INTRODUCTION**

1. The ninth 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 16 to 19 September 1996. All 22 members of the Committee attended the meeting. Sixty-eight Member States which were not states members of the Committee were also represented. Two states which have Permanent Observer Missions to UNESCO sent observers. The International Council of Museums (ICOM) participated in an advisory capacity. Several international organizations, including the International Criminal Police Organization (INTERPOL) and the International Institute for the Unification of Private Law (UNIDROIT), also participated.

**II. OPENING OF THE SESSION**

2. An opening address was delivered by the representative of the Director-General, Mr Mounir Bouchenaki, Director of the Division of Cultural Heritage of the Sector for Culture, who welcomed the participants. He referred to UNESCO's various activities to combat illicit trafficking of cultural property, specifically mentioning the following four main phenomena: the growing change of mentality of the general public in art-importing countries; numerous cases of voluntary repatriation of cultural property from art-importing countries to source nations; the adoption of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995; the ongoing development and use of databases of stolen cultural property.

**III. ELECTION OF THE CHAIRPERSON**

3. Mr David Walden (Canada) was elected Chairperson of the Committee. On taking up his duties, the new Chairperson thanked the members of the Committee for their confidence in him and expressed his sincere gratitude to the outgoing Chairperson, Mr Alfonso Ortiz Sobalvarro (Guatemala).

**IV. ADOPTION OF THE AGENDA**

4. The provisional agenda for the session (CLT-96/CONF.201/1 Prov.) was adopted without amendment.

**V. ELECTION OF THE VICE-CHAIRS AND THE RAPPORTEUR**

5. The following members of the Committee were elected Vice-Chairs: Bolivia, Libyan Arab Jamahiriya, Madagascar and Sri Lanka. The Committee elected Ms V. Polakovicová, the representative of Slovakia, as Rapporteur.

## **VI. REPORT BY THE SECRETARIAT ON THE STEPS TAKEN TO IMPLEMENT THE RECOMMENDATIONS FORMULATED BY THE INTERGOVERNMENTAL COMMITTEE AT ITS EIGHTH SESSION**

6. The Secretariat's written report (CLT-96/CONF.201/2 and CLT-96/CONF.201/2 Add.) was presented: it updates activities concerning the two pending cases before the Committee and UNESCO's activities to combat illicit trafficking. It was noted that the number of States Parties to the 1970 Convention was now eighty-five. Steps taken to implement the recommendations of the eighth session of the Committee are indicated below.

## **VII. PROMOTION OF BILATERAL NEGOTIATIONS FOR THE RETURN OR RESTITUTION OF CULTURAL PROPERTY**

7. The Greek and the British observers gave their positions concerning the Parthenon marbles. The observer representing the United Kingdom explained that the British Museum is independent of the Government and that the Museum's Statute limits the circumstances in which it may dispose of any object in its collection. At present, it would be illegal for the Museum to dispose of the Parthenon marbles. Legislation would be necessary to merely permit the Museum to return the marbles to Greece, which in purely legal terms is possible. However, if the British Museum were not prepared to return the marbles, any attempt at compulsion would need to be founded on further legislation, which would need to empower the Government to deprive the British Museum of its lawful possessions. Such confiscatory legislation would be contrary to Article 1 of the First Protocol to the European Convention on Human Rights unless the confiscation were in the public interest and unless compensation were paid. The British observer acknowledged the complexity of the legal issues and emphasized that they were highly theoretical and not for discussion at the present forum. In presenting this position the British Government was not in any way undermining or detracting from its principal argument on ethical and cultural grounds, that the marbles should remain in the British Museum.

8. The Greek observer informed the Committee that the procedures for the erection of the new Acropolis Museum were moving ahead swiftly. It was planned that the work would begin during 1997 for completion by 2000. However, it was emphasized that the completion of the new Acropolis Museum should not be closely tied to the issue of the return of the marbles. This observer felt that the First Protocol to the European Convention on Human Rights, especially Article 1, related to claims made by citizens or organizations against their own state, and did not concern claims made by one state against another state. Where one state contests a matter with another state, the relevant law is Directive 93/7 of the European Union, which is not, however, applicable to cases arising before 1993.

9. With the agreement of the Committee, the Chairperson gave the floor to an observer from the British Committee for the Return of the Parthenon Marbles who spoke in favour of the marbles' return to Greece. The Committee adopted Recommendation No. 1 on this matter by consensus.

10. With respect to the sphinx from Boguskoy, now in Berlin, it was reported that informal bilateral talks had recently taken place. The Turkish observer stated that, in view of the richness of Anatolia in cultural property and its consequent attraction for dealers and collectors in the nineteenth century, Turkey had always had a special interest in international and bilateral co-operation for the return of cultural property to its countries of origin. His Government still hoped for a settlement of the case despite the previous unproductive discussions. The German

observer indicated that his Government believes that the sphinx's location in Berlin is legitimate. It is also believed that this case should be brought to a conclusion and the German Government would reply to a corresponding Turkish initiative to continue bilateral contacts to this end.

11. A Committee member requested follow-up support by the Committee for the restitution of archaeological and ethnographic cultural property which was not returned to Kuwait by Iraq after the armed intervention in the Gulf. Kuwait requested the Committee to consider the issue of the restitution of 511 objects still missing from its National Museum collections.

12. The observer from Honduras stated that his state was submitting a Standard Form for the Return or Restitution of Cultural Property to the Committee requesting the restitution of cultural property from Italy. The representative of Italy was not aware of the case mentioned, but said it would consider it carefully when informed. The Secretariat recalled that a claim cannot be considered by the Committee unless submitted on the Standard Form six months before the relevant session.

13. An observer said that UNESCO had not assisted in the restitution of thousands of archaeological artefacts smuggled out of Iraq after the Gulf War and asked why it had not done so. In response, the Secretariat explained that the Sanctions Committee established by the United Nations Security Council Resolution 661 (1990) had not authorized UNESCO to send a mission to evaluate damage to the cultural heritage in 1991, nor did it approve UNESCO's request in 1995 for permission to provide photographic materials for better documentation of Iraqi cultural property. However, the Secretariat had distributed a four-volume document listing nearly 4,000 missing artefacts, sent by the Iraqi authorities in 1992, to key organizations which could possibly assist in locating them. UNESCO had issued a Press Release on 4 March 1995 to alert the art market and a Notice of Stolen Cultural Objects was also distributed on 1 August 1995. In June 1995, the Bureau of the World Heritage Committee was alerted to the looting of archaeological objects from the World Heritage site of Hatra. UNESCO was conscious of the significance of these objects from early Mesopotamian civilization for the history of humanity. The observer appealed for international co-operation to the Committee for assistance in the tracing and return of cultural properties smuggled from Iraq.

14. Another observer reported that Croatia and the Federal Republic of Yugoslavia had recently signed the Agreement on the Normalization of Relations, which provides that the Contracting Parties shall conclude an agreement on cultural co-operation, including the maintenance and restoration of cultural heritage. The Croatian Government will submit a formal request to the Government of the Federal Republic of Yugoslavia for the return of all movable cultural property which had been removed from Croatia during the conflict. Simultaneously, the Government of Croatia will request a complete inventory of cultural heritage removed or stolen from Croatia which is now located in Serbia and Montenegro which could help in tracing missing works of art through the assistance of UNESCO and INTERPOL.

15. Yet another observer thanked those foreign countries which have co-operated in the return of illegally displaced objects. In particular, the United States of America was thanked for returning objects from Prasat Phnom Rung, a stone monument in north-eastern Thailand, and the Netherlands' customs authorities were thanked for their assistance in preventing the import of illegally exported Thai Buddha heads. It was also reported that 13 illegally imported Cambodian art objects found in Thai antique shops were to be returned to the Cambodian Government on 23 September 1996. Another observer reported that Honduras had returned

pre-Inca cultural property to Peru in August 1996. He also described Honduran cultural property returned from Costa Rica and Guatemala respectively.

16. A discussion took place concerning the loss of cultural objects from Cyprus. One participant described the loss of cultural objects from the occupied part of Cyprus. Another participant regretted that UNESCO had not fielded a mission to that area which would assist the local people to protect the heritage concerned and said that the Council of Europe had already done so. He disagreed with the contents of paragraph 20 of the Secretariat's report and said that UNESCO had been invited to visit the area of northern Cyprus. The Secretariat pointed out that it had been unable to do so because of United Nations Security Council resolutions, in particular 541 (1983) and 550 (1984).

## **VIII. INTERNATIONAL CO-OPERATION TO CURB ILLICIT TRAFFIC IN CULTURAL PROPERTY**

### *National experience*

17. The Chairman, in his capacity as representative of Canada, briefly described Canada's Cultural Property Export and Import Act of 1977 and the Roger Yorke case concerning the seizure of Bolivian artefacts including textiles from Coroma which had been illicitly imported into Canada, mentioned in the Secretariat's report (CLT-96/CONF.201/2 and CLT-96/CONF.201.2 Add.). Judgement has been given against the importer and a separate action will be initiated to return the objects to Bolivia. Canada's action in this case was much appreciated.

18. Two Committee members noted the difficulty of compiling national inventories of cultural property and asked for UNESCO's assistance. Another Committee member stated that for his state, a developing country with limited financial, technical and training capacity, UNESCO's assistance in these areas was essential. He mentioned the loss of 11 gold statues which had been taken from Mandalay Palace in 1885 during the British annexation.

19. One Committee member stated that about 65,000 items of Korean cultural property had been located in 17 different countries outside the Republic of Korea. Most of this property was removed during Korea's troubled times, and thus its provenance cannot be easily clarified. This member appealed for the co-operation of holding countries as it is of vital importance in compiling an extensive inventory of all cultural property found abroad. The policy of the Republic of Korea followed three lines of action concerning cultural property found abroad. The first was to seek return through bilateral negotiation, or multilateral negotiation if appropriate, of property that had been illicitly removed. Successful cases of bilateral agreements were mentioned, including the voluntary return of 1,659 objects from the Japanese Government, and 1,642 items from public or private donations, mostly from Japan. The second was to encourage private acquisition and subsequent donation by Korean nationals abroad when recovery of such property proved difficult. The third was to promote the setting up of permanent exhibitions of Korean cultural property in foreign museums when acquisition or restitution is not possible. Nine such examples in four countries were mentioned.

20. One delegate described illicit traffic in cultural property in her country. Slovakia was still in the process of establishing new legislation for the protection of cultural property, noting the enormous increase of illicit trafficking in cultural property after the recent political changes. In response, several activities had been undertaken; documenting movable property in religious institutions, installing anti-theft systems in galleries, museums and churches, and the signing of

an agreement between the Ministry of Culture and the Customs Police (1992) which allows some measures for controlling traffic of 'possible cultural property'.

### *Training*

21. Five Committee members stressed the importance of training seminars and workshops held by UNESCO and ICOM for raising awareness of illicit trafficking and possible regional solutions. One member stated that follow-up action was always necessary after such training programmes and called for extrabudgetary funding to implement such action.

22. The Secretariat reported on the types of training activities it had executed recently, describing the example of the national workshops held in Cambodia for the protection of the Angkor site. It was mentioned that *Preventing the Illicit Traffic in Cultural Property - A Resource Handbook* was being compiled by UNESCO to be used as a tool to assist states in training. Co-operation with international organizations concerning exchange of information between databases on stolen cultural property, following a United Nations General Assembly Resolution, was also noted. A meeting to discuss the technical aspects of exchanging information between existing databases was to take place at Prague in November 1996, organized by the Ministry of Culture of the Czech Republic and UNESCO in partnership with The Getty Information Institute.

23. A Committee member underlined that there were two poles of training necessary for fighting illicit trafficking in cultural property. One was the training of police and customs officials on the protection of cultural property in countries with threatened monuments and artefacts. The second was sensitization of collectors, auction houses and dealers in countries with active art markets. One Committee member described the pillage of archaeological sites in Peru, noting the mechanical and organized manner in which such clandestine excavations were carried out. He requested UNESCO to undertake training activities of police and customs officers in Peru. The Committee adopted Recommendation No. 2 in relation to training.

### *Proposals for improved collaboration*

24. Another Committee member stressed the need for co-ordination between the units dealing with the 1954, 1970 and 1972 Conventions for the protection of cultural heritage within the UNESCO Secretariat, as items covered under the 1972 Convention are also subject to theft and illegal trafficking. Documents on activities of the Italian *Comando Carabinieri per la Tutela del Patrimonio Artistico* and *Central Institute for the Catalogue and for Documentation* were distributed and the potential contribution of these institutions was offered to the Secretariat.

25. A Committee member invited the Russian Federation to return to Ukraine the eleventh century frescoes removed from the Kiev Cathedral in 1938. He mentioned that Ukraine was currently searching for several thousand objects of cultural property. It was noted that Germany had returned 110 books to Ukraine. The Committee's Chairman and the UNESCO Secretariat were invited to the symposium which was to be held in Kiev from 12 to 13 December 1996 concerning the legal aspects and practice of restitution of cultural property.

26. Another Committee member stated that, although some of her state's cultural property was in the hands of many other states, it was not expected that such property be actually returned. However, she advocated displaying such cultural objects through special exhibitions both in the current holding states as well as in the states of cultural origin in order to raise awareness of this as well as of problems relating to the movement of cultural property.

27. An observer proposed that, although the Hague Convention 1954 defines the need to protect cultural property in cases of armed conflict, the examples of the destruction, pillage and illicit export of Croatian cultural property during the conflict on the territory of countries which were formerly part of Yugoslavia called for amendments to the Hague Convention. Other participants stressed that international co-operation is the only way to effectively tackle illicit trafficking of cultural property and described implementation by the United States of the 1970 Convention through its import bans on materials from Bolivia, El Salvador, Guatemala, Mali and Peru.

28. The representative of ICOM described that body's activities including co-operation between museum, police, and customs authorities as well as local communities for protecting local cultural heritage. The importance of inventories of cultural property was reiterated. She mentioned that a number of states had decided to establish special forces within national police forces to combat illicit trade in cultural property. International co-operation, including military co-operation, was essential for preventing illicit trafficking. According to another observer, discussions are going ahead between ICOM and the International Bar Association (IBA) to make lawyers and legal services available on an especially favourable basis for poorer states who need to litigate in foreign countries. ICOM was congratulated for its *Handbook of Standards: Documenting African Collections (Manuel de normes: documentation des collections africaines)*. Recommendation No. 8 was adopted for encouraging a wide distribution to assist states combating illicit traffic.

29. The participant representing UNIDROIT described the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995 and its history and reported that the Convention had been signed by 22 states as of June 1996. It will come into force six months after the date of deposit of the fifth instrument of ratification, acceptance, approval or accession. She mentioned that only four Committee members were signatories and appealed to other members to adhere to this Convention. UNIDROIT had begun setting up a database concerning: (a) national legislation for the protection of cultural property; (b) ratification of international instruments, and a bibliography.

30. The observer of Tunisia expressed his state's intention of ratifying the UNIDROIT Convention. The observer from China indicated that his state may become party to the UNIDROIT Convention before 1997 and that the Hague Convention was also being discussed.

31. The participant from INTERPOL gave an account of that organization's activities in combating illicit traffic. INTERPOL was specifically concerned with international thieves and traffickers and it regularly issued notices and bulletins of stolen cultural objects, updated on the basis of the information received from police forces in INTERPOL's Member States. INTERPOL has also developed a new international database on stolen cultural objects which should be available to the police of the 176 Member States at the end of this year. INTERPOL also organized colloquiums on this topic for police from around the world.

32. The representative of The Getty Information Institute, which is also co-ordinating a collaborative project to standardize international standards for the identification of cultural objects, stressed the need for some basic standardized form of information exchange on stolen

cultural property. Any cultural object must be photographed or adequately described for tracing in case of theft. However, circulation of information is the next important element for recovery. A minimum of categories of information have been identified through survey questionnaires. Over 500 organizations in 61 states had responded, including museums, police, customs agencies, experts in antiquities, and art insurance specialists. He concluded by stressing that collaboration between both private and public sector organizations on both international and national levels is essential for combating illicit trade.

33. The Secretariat presented activities implementing Recommendation No. 3 of the Committee's eighth session. It was reported that three issues should be addressed concerning the creation of an international Fund intended to facilitate the restitution of stolen or illegally exported cultural objects: (a) the advisability of the creation of a Fund; (b) the use of the Fund once it is created and the source of financial resources of such a Fund. The Secretariat had discussed with experts in several countries three possible uses of the Fund; such as for transportation, insurance and re-installation costs (which were minor and generally not controversial); for compensation (about which there were serious doubts), and for legal fees (which also gave rise to some hesitation).

34. One Committee member suggested that the possible uses of the Fund did not appear to be exhaustive and another proposed that the Fund could be used to finance workshops and seminars for raising awareness and promoting preventive action. He also mentioned that if the Fund were to be used for legal, transportation, insurance or compensation expenses, the Committee should consider each individual case of return. The Secretariat had some doubts as to the feasibility of this procedure. Another member recommended using such a Fund for the preparation of museum infrastructure in a country which lacks it.

35. Another Committee member stressed the pointlessness of discussing a Fund without knowing its financial sources. He suggested that the Secretariat play a clearing-house role by receiving proposals of possible return cases which would be circulated to potential donor countries. Not until there were successful instances of specific use of resources would it be acceptable and feasible to create a Fund. The Secretariat replied that it did not have the resources to function as a clearing house, although it may, in some cases, act as co-ordinator for negotiating advantageous terms. Other points mentioned by Committee members were the importance of the interest of possible financial-donor countries and the possible creation of separate national funds to take advantage of donor-friendly tax systems, which was probably more feasible than the creation of an international UNESCO Fund. An observer suggested considering the possibilities for creating (a) an international Fund, and (b) a national Fund, which could leave donors to choose between activities to support. He cited the example of the UNESCO International Programme for the Development of Communication (IPDC) which has a Special Fund from which Member States can choose particular cases and activities to support within the Fund's limited sources.

36. A Committee member noted that the relationship of a UNESCO Fund to international instruments such as the UNIDROIT Convention should be considered. Other members stressed that the issues and purposes involved in the creation of the Fund needed to be fully defined. The Secretariat was asked to inform the members of all the activities and contacts which had been made in considering the creation of such a Fund. Committee members and observers felt that the Secretariat's presentation should be circulated for Member States to reflect on, and to refer to national administrators and cultural specialists.



## **IX. PUBLIC INFORMATION**

37. Several participants stressed the need to raise awareness of art dealers, gallery owners, auction houses and collectors to minimize illicit trafficking in cultural property. Another mentioned the importance of using existing public information media such as radio and television to foster awareness of private citizens concerning the problem of stolen cultural property. He suggested that a film on this issue be produced by the Committee, if extrabudgetary resources are available. Information campaigns should be organized in 'art-importing' countries to investigate the acquisition of artefacts of dubious origin, since information campaigns for the protection of European immovable cultural heritage had been immensely successful. The French state museums intended to make available on the Internet information on cultural property which has been recovered by the French authorities but never claimed.

## **X. OTHER BUSINESS**

38. The consultant who prepared the *Feasibility Study of an International Code of Ethics for Dealers in Cultural Property* gave a follow-up report recalling that Recommendation No. 5 of the Committee's eighth session invited states to take action regarding the Code. The consultant had no record of any state taking action following this recommendation. He reported that a number of international associations of antiquities dealers had examined the Code and that he had not received any adverse reaction. He suggested that the Committee adopt the Code of Ethics as an official UNESCO Code, so it could be used to raise awareness of all those involved in the trade of antiquities.

39. One participant, while acknowledging that a Code of Ethics for Dealers would be a good development for combating illicit trafficking of cultural property, was concerned at the lack of binding nature of such a Code and thought that good faith purchase would be difficult to prove. While one participant emphasized the difficulties in respect of Article 4(1) of the UNIDROIT Convention concerning good faith, another speaker noted that the Code would be very important for implementing the UNIDROIT Convention. Good faith purchase could be proven if the person purchased from a dealer who respected the Code and in such a case, compensation would be available when the stolen property was returned. A Committee member mentioned that her country already had a Code of Ethics for dealers.

40. Another observer doubted the effectiveness of such a Code without the endorsement of the dealers themselves who would actually use this Code. The Chairman agreed with this view and suggested that a recommendation could go some way towards involving the dealers to endorse such a Code. Recommendation No. 6 invites the Director-General to seek the views of UNESCO Member States and States Parties to the 1970 Convention concerning this Code.

41. Following paragraph 5 of Recommendation 5 of the eighth session, the Director-General had commissioned a study on the trade in antiquities. After discussion with various dealers and organizations internationally, the consultant concluded that in most cases of illicit trafficking, the provenance of the antiquities is unknown. This was due to the fact that most antiquities which appear on the free market originated from clandestine excavations. He suggested that the Committee commission investigative reporting on unlawful trade in cultural property to have a clearer understanding of the global extent of illicit trafficking. Such studies could be carried out by persons skilled in investigative journalism and analysis, in conjunction with private or public bodies.

42. An observer stressed the need to critically evaluate the work of the Secretariat in the light of the available limited financial and personnel resources. He stated that it is necessary to assess what should and could be done by the Committee and its Secretariat.

## **XI. DATE AND PLACE OF THE TENTH SESSION OF THE COMMITTEE**

43. It was decided that the Committee would meet in December 1998 for its tenth session. It was suggested that the meeting be held at UNESCO Paris Headquarters again. The observer from Greece stated that his Government would be willing to host the tenth session in Athens. Thanking Greece for this kind offer, the Chairman decided to refer to the invitation to the Director-General for his consideration.

## **XII. INVITATIONS TO THE TENTH SESSION OF THE COMMITTEE**

44. The list of organizations to be invited was examined, taking into consideration those attending the current session. The suggestion of including the International Development Law Institute was adopted. The Committee adopted the following new list:

### **1. Intergovernmental organizations**

Agency for Cultural and Technical Co-operation (ACCT)

International Center for the Study of the Preservation and the Restoration of Cultural Property (ICCROM)

Commission of the European Union

World Customs Organization (WCO)

Council of Europe

African Cultural Institute (ACI)

International Institute for the Unification of Private Law (UNIDROIT)

Arab League Educational, Cultural and Scientific Organization (ALECSO)

International Criminal Police Organization (INTERPOL)

International Development Law Institute (IDLI)

### **2. Non-governmental organizations**

International Association of Art Critics

International Council on Archives (ICA)

International Council on Monuments and Sites (ICOMOS)

International Council of Museums (ICOM)

World Federation of Friends of Museums

International Bar Association (IBA)

Organization for Museums, Monuments and Sites of Africa (OMMSA)

International Union of Local Authorities

**3. Other organizations**

Commonwealth Parliamentary Institution

International Confederation of Art Dealers (CINOA)

International Foundation of Art Research (IFAR)

International Association of Dealers in Ancient Art (IADAA)

**XIII. ADOPTION OF THE RECOMMENDATIONS OF THE SESSION**

45. The draft recommendations were presented and considered one by one. After considering the amendments proposed by several of its members and having accepted some of those amendments, the Committee adopted the recommendations annexed to this report (Annex I).

**XIV. CLOSURE OF THE SESSION**

46. The Chairperson thanked all participants for their co-operation and their contributions to the work of the session and declared the ninth session closed.

## ANNEX I

Original: English

### RECOMMENDATION 1

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 Greece to the United Kingdom for the return of the marbles from the Parthenon held in the British Museum,

Noting the recommendation adopted in 1982 at the UNESCO World Conference on Cultural Policies in Mexico ‘considering it right and just that these marbles be returned to Greece’,

Recalling the previous recommendations adopted by the Committee on this question,

Aware of the continuing concern of the Greek authorities for the resolution of this claim,

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

Recognizing the efforts of the Director-General to ensure that dialogue continues,

1. Invites the Director-General to continue his good offices to resolve this issue and to undertake, as a matter of priority, further discussions with both states;
2. Further invites the Director-General to report back to the Committee at its tenth session on the result of these discussions.

Original: French

### RECOMMENDATION 2

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 encouraging results of the regional and national training activities established by UNESCO, in co-operation with the national and international institutions concerned, to improve the implementation of the 1970 Convention on illicit traffic in cultural property,

Noting the announcement made by the Secretariat of the forthcoming publication of a practical handbook designed for national officials to facilitate the implementation of the 1970 Convention,

1. Invites the Director-General to reinforce the resources available for the development of such training programmes, especially those designed for national officials and, in particular, customs officers and police;
2. Invites the Director-General to co-operate closely with Member States with a view to the

establishment at national level of projects designed to develop measures over the whole area of protection of cultural property against illicit trafficking, including not only internal measures of protection but also the necessary activities of international co-operation;

3. Invites the Director-General to facilitate the participation of trainees from countries which are victims of illicit traffic in the activities of the Secretariat to combat this traffic;
4. Invites the Director-General to reinforce activities directed to the follow-up of recommendations adopted in the course of the regional training activities already organized;
5. Appeals to Member States to reinforce their support to training activities in this field, as well as to appropriate activity for the information and sensitization of the public, especially by radio, television and film; and
6. Invites the Director-General to seek out extrabudgetary resources to complement the budget of the regular programme of UNESCO in this field.

Original: English

### RECOMMENDATION 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 that in accordance with Article 4(1) of the Statutes the Committee is responsible for seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to its countries of origin,

Further recalling that Article 17(5) of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 provides the Secretariat with the possibility of offering its good offices in the case of a dispute of two or more States Parties over the implementation of this Convention,

Reiterating the role of the Committee as an international forum for negotiation which has assisted in finding acceptable solutions for countries trying to repatriate their cultural property,

1. Encourages all UNESCO Member States to make use of the Committee's good offices in settling international claims for the restitution or return of cultural property:
2. Invites all UNESCO Member States to disseminate widely within their respective countries information with regard to the Committee's main aims and purposes.

Original: French

#### RECOMMENDATION 4

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

Learning with satisfaction of the activities of co-operation undertaken in Cambodia by UNESCO to protect cultural property at the site of Angkor against illicit acts such as theft and pillage,

1. Invites the Director-General to undertake as a priority other such initiatives making use of possible synergies between the application of the various conventions on the protection of the heritage (of 1954, 1970 and 1972) which require co-ordinated and complementary action by the different services of the Secretariat and the different institutions concerned such as ICCROM, IDLI, INTERPOL, IUCN, UNIDROIT, ICOM, ICOMOS, etc.;
2. Invites the Director-General, taking into consideration the most highly developed experience in each of the areas concerned in the application of the 1970 Convention (training of officials, security, inventories, suppression of illicit activities, information and education of the public), to fully utilize the potential of co-operation between all the Member States.

Original: English

#### RECOMMENDATION 5

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

Referring to Recommendation No. 3 of the Committee's eighth session inviting the Director-General to examine the possibility of establishing an international fund intended to facilitate the restitution of stolen or illicitly exported cultural objects, in cases where the countries concerned are unable to meet the related financial costs,

Conscious of the need to decide on the establishment of such a fund at the Committee's tenth session,

1. Invites the Director-General to distribute to all Member States of UNESCO the Secretariat's report on this matter including comments made by the Committee members at its ninth session;
2. Invites the Director-General to request all Member States of UNESCO to forward to the Secretariat, within 12 months of this request, comments on the Secretariat's report;
3. Further invites the Director-General to inscribe an item on the fund on the agenda of the tenth session of the Committee.

Original: French

#### RECOMMENDATION 6

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

Recalling that Recommendation No. 5 of the Committee's eighth session invited the Director-General to include an item on an international code of ethics for dealers in the agenda of the ninth session of the Committee,

Convinced that such a code would contribute to the elimination of illicitly trafficked cultural objects from the licit trade, harmonize practice throughout the world and provide guidance in ambiguous situations,

Noting that the Code of Professional Ethics, adopted under the auspices of the International Council of Museums, has made a major impact on the attitudes of the international museum community,

Persuaded that the 'Draft International Code of Ethics for Dealers in Cultural Property' supplements the provisions of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and would contribute to the better implementation of Article 5(e) of the Convention,

Recommends to the Director-General to invite Member States of UNESCO and States Parties to the 1970 Convention to express their views on the code in order to prepare a report to be submitted to the twenty-ninth session of the General Conference.

Original: English

#### RECOMMENDATION 7

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

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

Original: French

#### RECOMMENDATION 8

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 importance of the handbook of standards for the documentation of African collections both for facilitating the establishment of national inventories and for the training of national staff,

Likewise emphasizing the importance of this handbook for co-operation between states, museums and other institutions concerned in the struggle against illicit traffic,

1. Congratulates ICBM on the development of this handbook;
2. Invites the Director-General, in collaboration with ICBM, to ensure a broad distribution among Member States;
3. Invites African states to use the handbook of standards to develop inventories of cultural property;
4. Invites states of other areas of the world to encourage the production of similar standard-making publications;
5. Reaffirms the necessity, for all states victims of illicit traffic in cultural property, to make or update systematic inventories of movable cultural property so as to secure its better protection;
6. Recommends to the Director-General and the Member States concerned to take account of the experience made by other Member States as regards inventories of cultural property, whether at national level or in their co-operation with other states.



## ANNEX II

### Note by the Secretariat

Since the ninth session of the Committee, the following developments have occurred:

1. A member of the Secretariat attended the international symposium on the restitution of cultural property organized by the Ukrainian authorities in Kiev, 12-13 December 1996 (see para. 25). The symposium adopted a recommendation that the Director-General consider holding a special session of the Intergovernmental Committee concerning the restitution of cultural property displaced as a result of the Second World War. The proposal is under consideration by the Director-General and the Chairman of the Committee.
2. France became party to the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* 1970 on 13 February 1997.
3. Lithuania on 7 March 1997, Paraguay on 27 May 1997, have ratified the UNIDROIT Convention and China acceded to it on 7 May 1997.
4. The United States, on 10 April 1997, has reached agreement with Canada to protect archaeological and ethnological material representing the Aboriginal cultural groups of Canada.
5. The Secretariat has issued two Notices of Stolen Cultural Property for Greece and Turkey.