



***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***

**(Adopted by 20 C/Resolution 4/7.6/5 of the 20th session of the General Conference
of UNESCO, Paris, 24 October-28 November 1978)**

Article 1

An Intergovernmental Committee of an advisory nature whose services will be available to Member States and Associate Members of UNESCO involved, hereafter called the Committee, whose functions are defined in Article 4 below, is hereby established within the United Nations Educational, Scientific and Cultural Organization, hereafter called UNESCO.

Article 2

1. The Committee shall be composed of 22 Member States of UNESCO¹ elected by the General Conference at its ordinary sessions, taking into account the need to ensure equitable geographical distribution and appropriate rotation, as well as the representative character of those States in respect of the contribution they are able to make to the restitution or return of cultural property to its countries of origin.

2. The term of office of members of the Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its second subsequent ordinary session.

3. Notwithstanding the provisions of paragraph 2 above, the term of office of half of the members designated at the time of the first election shall cease at the end of the first ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference after the first election.

4. Members of the Committee shall be immediately eligible for re-election.

5. States members of the Committee shall choose their representatives with due attention to the terms of reference of the Committee as defined by these statutes.

Article 3

1. For the purposes of these statutes, "cultural property" shall be taken to denote historical and ethnographic objects and documents including manuscripts, works of the plastic and decorative arts, palaeontological and archaeological objects and zoological, botanical and mineralogical specimens.

¹ The General Conference of UNESCO adopted, at its 28th session (Paris, October-November 1995), 28 C/Resolution 22 increasing the membership of the Intergovernmental Committee from 20 to 22 Member States.

2. A request for the restitution or return by a Member State or Associate Member of UNESCO may be made concerning any cultural property which has a fundamental significance from the point of view of the spiritual values and cultural heritage of the people of a Member State or Associate Member of UNESCO and which has been lost as a result of colonial or foreign occupation or as a result of illicit appropriation.

3. Cultural property restituted or returned shall be accompanied by the relevant scientific documentation.

Article 4

The Committee shall be responsible for:

1. seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to its countries of origin when they are undertaken according to the conditions defined in Article 9. In this connection, the Committee may also submit proposals with a view to mediation or conciliation to the Member States concerned, it being understood that mediation implies the intervention of an outside party to bring the concerned parties to a dispute together and assist them in reaching a solution, while under conciliation, the concerned parties agree to submit their dispute to a constituted organ for investigation and efforts to effect a settlement, provided that any additional, necessary funding shall come from extrabudgetary resources. For the exercise of the mediation and conciliation functions, the Committee may establish appropriate rules of procedure. The outcome of the mediation and conciliation process is not binding on the Member States concerned, so that if it does not lead to the settlement of a problem, it shall remain before the Committee, like any other unresolved question which has been submitted to it;²
2. promoting multilateral and bilateral cooperation with a view to the restitution and return of cultural property to its countries of origin;
3. encouraging the necessary research and studies for the establishment of coherent programmes for the constitution of representative collections in countries whose cultural heritage has been dispersed;
4. fostering a public information campaign on the real nature, scale and scope of the problem of the restitution or return of cultural property to its countries of origin;
5. guiding the planning and implementation of UNESCO's programme of activities with regard to the restitution or return of cultural property to its countries of origin;
6. encouraging the establishment or reinforcement of museums or other institutions for the conservation of cultural property and the training of the necessary scientific and technical personnel;
7. promoting exchanges of cultural property in accordance with the Recommendation on the International Exchange of Cultural Property;
8. reporting on its activities to the General Conference of UNESCO at each of its ordinary sessions.

² The General Conference of UNESCO adopted, at its 33rd session (Paris, October 2005), 33 C/Resolution 44 adding mediation and conciliation to the mandate of the Intergovernmental Committee.

Article 5

1. The Committee shall meet in regular plenary session at least once and not more than twice every two years. Extraordinary sessions may be convened as specified in the Committee's Rules of Procedure.
2. Each member of the Committee shall have one vote, but may send to the Committee's sessions as many experts or advisers as it deems necessary.
3. The Committee shall adopt its own Rules of Procedure.

Article 6

1. The Committee may set up ad hoc subcommittees for the study of specific problems related to its activities, as described in paragraph 1 of Article 4. Membership of such subcommittees may also be open to Member States of UNESCO which are not represented in the Committee.
2. The Committee defines the mandate of any such ad hoc subcommittee.

Article 7

1. At the beginning of its first session, the committee shall elect a Chairman, four Vice-Chairmen and a Rapporteur; these shall form the Committee's Bureau.
2. The Bureau shall discharge such duties as the Committee may lay upon it.
3. Meetings of the Bureau may be convened in between sessions of the Committee at the request of the Committee itself, of the Chairman of the Committee or of the Director-General of UNESCO.
4. The Committee shall elect a new Bureau whenever its own membership is changed by the General Conference in accordance with Article 2 above.
5. The members of the Bureau who are representatives of Member States of UNESCO shall remain in office until a new Bureau has been elected.³

Article 8

1. Any Member State which is not a member of the Committee or any Associate Member of UNESCO that is concerned by an offer or a request for the restitution or return of cultural property shall be invited to participate, without the right to vote, in the meetings of the Committee or of its ad hoc subcommittees dealing with that offer or request. The States which are members of the Committee that are concerned by an offer or request for the restitution or return of cultural property shall not have the right to vote when such offer or request is being examined by the Committee or its ad hoc subcommittees.
2. Member States and Associate Members of UNESCO which are not members of the Committee may attend meetings of the Committee and of its ad hoc subcommittees as observers.
3. Representatives of the United Nations and other organizations of the United Nations system may take part, without the right to vote, in all meetings of the Committee and of its ad hoc subcommittees.

³ The General Conference of UNESCO adopted, at its 23rd session (November 1985), 23 C/Resolution 32.1 concerning members of the Bureau.

4. The Committee shall determine the conditions under which international governmental and non-governmental organizations, other than those covered by paragraph 3 above, shall be invited to attend its meetings or those of its ad hoc subcommittees as observers.

Article 9

1. Offers and requests formulated in accordance with these statutes, concerning the restitution or return of cultural property, shall be communicated by Member States or Associate Members of UNESCO to the Director-General, who shall transmit them to the Committee, accompanied, in so far as is possible, by appropriate supporting documents.

2. The Committee shall examine such offers and such requests and the relevant documentation in accordance with Article 4, paragraph 1, of these statutes.

Article 10

1. The Secretariat of the Committee shall be provided by the Director-General of UNESCO, who shall place at the Committee's disposal the staff and other means required for its operation.

2. The Secretariat shall provide the necessary services for the sessions of the Committee and meetings of its Bureau and ad hoc subcommittees.

3. The Secretariat shall fix the date of the Committee's sessions in accordance with the Bureau's instructions, and shall take all steps required to convene such sessions.

4. The Committee and the Director-General of UNESCO shall make the greatest possible use of the services of any competent international non-governmental organization in order to prepare the Committee's documentation and to ensure that its recommendations are implemented.

Article 11

Each Member State and Associate Member of UNESCO shall bear the expense of participation of its representatives in sessions of the Committee and of subsidiary organs, its Bureau and its ad hoc subcommittees.