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Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

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منظمة الأمم المتحدة  
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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

### Seventeenth session

*Paris, UNESCO Headquarters, 30 June – 1 July, 2011*

### RECOMMENDATIONS

#### Recommendation No. 1

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

Having paid tribute to the late Professor Economidès, a member of the United Nations International Law Commission and eminent scholar of international public law,

Recalling his precious contribution to UNESCO's objectives and activities, in particular in the field of return and restitution of cultural property and the safeguarding of the intangible cultural heritage,

1. *Expresses* its appreciation for his guidance as Chairperson,
2. *Extends* its deepest condolences to his family, friends and colleagues as well as to the Greek authorities.

#### Recommendation No. 2

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

Acknowledging relevant UNESCO recommendations which express its continuing concern for a solution to the issue of the **Parthenon Sculptures**,

1. *Acknowledges* the fruitful cooperation between Greece and the United Kingdom on cultural matters and expresses the wish that this should continue with a view to concluding the ongoing discussions in respect of the reunification of the Parthenon Sculptures,
2. *Takes note* that Greece invites the UK to collaborate with Greece in exhibiting all the Parthenon Sculptures in their respective collections in the Acropolis Museum,

3. Takes note that the Acropolis Museum proposes a collaboration with the British Museum on the study of all surviving detached fragments from the Parthenon monument, for the purposes of scientifically assessing the process of reconstitution of all fragments with the surviving sculptural decoration of the monument,
4. *Takes note* of the collaboration proposed by the Acropolis Museum and the British Museum to cooperate in a programme of digital scanning of the sculptures of the Parthenon in both museums,
5. *Takes note* of Acropolis Museum's invitation to the British Museum to meetings in 2011 to further the proposed collaboration,
6. *Invites* the Director-General to assist in convening the necessary meetings between Greece and the United Kingdom with the aim of reaching a mutually acceptable solution to the issue of the Parthenon Sculptures.

### **Recommendation No. 3**

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

Recalling the request of Turkey for the **Sphinx of Boğazköy**, which is currently on display in the Berlin Museum,

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

Recalling the previous Recommendations (No. 2) adopted by the Committee on this question at its sixth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sessions,

Recalling that the issue of the return of the Sphinx is a pending agenda item of the Committee since 1987,

Noting with satisfaction that the 7,400 cuneiform tablets which were part of the original request of Turkey from the German Democratic Republic were returned in November 1987, following the 5<sup>th</sup> Session of the Committee in April 1987, and were inscribed in the UNESCO Memory of the World Register in 2001,

Noting also that the Boğazköy Sphinx was situated at Boğazköy (Hattusha) where it was excavated, which was the capital of the Hittite Empire and is currently inscribed in the UNESCO World Heritage List,

1. *Welcomes* the information provided by both parties that following bilateral meetings held on 18<sup>th</sup> April 2011 in Ankara and on 13<sup>th</sup> May 2011 in Berlin, it was agreed that the Boğazköy Sphinx will arrive in Turkey by 28 November 2011 at the latest in a spirit of friendship between Turkey and Germany,
2. *Notes with satisfaction* that a mutually acceptable solution of the case of the Boğazköy Sphinx has been reached through bilateral meetings and in a spirit of cooperation,
3. *Invites* the Parties to keep the Committee informed on the issue,
4. *Also invites* the Director-General to report to the Committee at its 18<sup>th</sup> session.

#### **Recommendation No. 4**

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

Recalling recommendation No. 3, adopted by its 16th session on the preparation of model provisions with explanatory notes by an independent Expert committee under the auspices of UNESCO and UNIDROIT Secretariats,

Welcoming the participation of UNIDROIT in this project given its expertise regarding the harmonisation of legal systems,

1. *Thanks* with appreciation this Expert committee for having elaborated and presented the project to the Committee at its 17<sup>th</sup> session,
2. *Takes note* of the finalization of model provisions and expresses its satisfaction with the obtained results,
3. *Invites* the Expert committee to incorporate in its explanatory guidelines the observations made by the Member States and Observers of both organizations which will be circulated by UNESCO and UNIDROIT Secretariats to the States,
4. *Requests* the Secretariat to widely disseminate these model provisions with explanatory notes and to make them available to Member States which could consider them for elaborating or reinforcing their national legislations,
5. *Requests* the Secretariat to present an assessment on the use of model provisions during its 19<sup>th</sup> session.

#### **Recommendation No. 5**

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

Thanking China, the Republic of Korea and Spain for their financial contribution to the organization of its 17<sup>th</sup> session,

1. *Decides* to hold its 18<sup>th</sup> ordinary session at UNESCO Headquarters in 2012 the day after the meeting of States Parties to the 1970 Convention,
2. *Requests* the Director-General to provide the Secretariat with adequate human and financial resources in order to effectively conduct this task.

#### **Recommendation No. 6**

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

Recalling the importance to support the fight against illicit trafficking of cultural objects through training, awareness-raising tools, documentation, inventories and databases,

Recalling Recommendation No. 7 adopted at the 16<sup>th</sup> session of this Committee, and thanking the Director-General of UNESCO and the Secretariat for the organisation of the meeting, "The fight against the illicit traffic of cultural property: the 1970 Convention, past and future" that took place at UNESCO Headquarters from 15 to 16 March 2011 in the framework of the 40<sup>th</sup> anniversary of this normative instrument,

Encouraging the continuation and strengthening of the cooperation among UNESCO, UNIDROIT, INTERPOL, UNODC, WCO, ICOM, the Italian Carabinieri, the OCBC (France) and other institutions or organizations,

Expressing its satisfaction for the support to the European Commission project HERMES 11,

Acknowledging the regular improvement of the UNESCO Cultural Heritage Laws Database website and the recognized effectiveness of this tool,

Recalling Recommendation No. 3 adopted at the 12<sup>th</sup> session of this Committee inviting the Secretariat to provide the Committee with examples of return and restitution upon which a database may be developed and from which the Committee may draw inspiration and urging Member States to support this initiative through providing representative examples of return and restitution to the Secretariat,

Taking note of the importance of all databases on stolen cultural objects in order to fight against the illicit trafficking and the necessity of connecting them,

Thanking the Czech Republic, Monaco, the Netherlands, Switzerland and the United States of America for their substantial support and decisive extra-budgetary contributions to the UNESCO activities,

1. *Reiterates* the necessity to pursue the reflection on:
  - a. The implementation of the current international legal framework, taking into account that it might be insufficient in the fight against illicit trafficking in cultural property and return or restitution of cultural property to its countries of origin, in particular that related to archaeological and paleontological objects coming from illicit excavations and looting of archaeological and paleontological sites,
  - b. The contribution and complementarity of other legal instruments for the protection of cultural property and the fight against illicit trafficking,
2. *Encourages* Member States to reinforce their national policies regarding inventories of movable cultural heritage, notably in museums, cultural institutions, cultural sites (in particular of archaeological nature) and places of worship,
3. *Further encourages* Member States to continue providing the Secretariat with electronic versions of their national cultural heritage legislation and their official translations,
4. *Asks* the Secretariat to prepare the Annex “Examples of Cultural Property returned or restituted without action by the Committee” checking previously the accuracy of the information with the States concerned, taking into consideration their sensitivity,
5. *Requests* Member States to reinforce the transmission of information on stolen or retrieved cultural objects to the INTERPOL General Secretariat and to encourage local police services to transmit relevant information to the INTERPOL national Bureau of their country,
6. *Invites* Member States to fully cooperate with the Secretariat and to provide additional extra-budgetary funds for these endeavours.