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

**MEETING OF STATES PARTIES TO THE 1970 UNESCO CONVENTION  
ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT,  
EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

Paris, UNESCO Headquarters, Room IV

15 October 2003

**FINAL REPORT**

**I. Opening of the meeting**

1. This meeting took place pursuant to paragraph 9(b) of Executive Board Decision 165 EX/6.2, in which the Board invited the Director-General to organize on the sidelines of the General Conference a meeting of States Parties to conventions on which reports are due, and in consideration of document 32 C/24 (Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970): Reports of Member States and other States Parties on Measures they have adopted to Implement the Convention).

2. The representatives of the following 49 States Parties (of the total number of one hundred) were notified to the Secretariat as taking part in the meeting: Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Cambodia, Cameroon, Canada, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Greece, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Republic of Korea, Lebanon, Lithuania, Madagascar, Mali, Mexico, Mongolia, Niger, Nigeria, Panama, Poland, Portugal, Slovakia, Spain, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia. The meeting was also attended by observers from Palestine, Philippines, Serbia and Montenegro, Switzerland and Sweden, and from the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council of Museums (ICOM), the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law (UNIDROIT) and the World Customs Organizations (WCO). A copy of the list of participants is attached.

3. The meeting was opened by the Assistant Director-General for Culture, Mr Mounir Bouchenaki, who was representing the Director-General, Mr Koïchiro Matsuura. In his opening speech the Assistant Director-General reiterated the importance of standard-setting instruments for the protection of cultural property. He recalled that Gabon and Switzerland are the newest countries, in addition to Bhutan, Denmark, Japan, Morocco, Sweden, and the United Kingdom, to deposit their instruments of ratification, soon bringing to 102 the number of States Parties to the 1970 Convention. Referring to the events in Iraq as a recent example that has drawn the media's and the public's attention, he emphasized the need for greater, universal action in the fight against illicit trafficking of cultural property and the growing public concern over this scourge. He also mentioned the relevant points raised in Commission IV of the 32nd session of the UNESCO General Conference (Paris, 29 September-17 October 2003), including the reporting system by States on their activities taken in connection to the 1970 Convention and the legislation database. The Assistant Director-General encouraged the participants to assess the implementation of the Convention, to identify problems in such implementation and to seek possible solutions.

## **II. Election of the Chairperson**

4. The meeting elected by consensus Mrs Ana Zacarias (Portugal) as Chairperson, and Mr Joseph Eboreme (Nigeria) as Rapporteur.

## **III. Adoption of the rules of procedure**

5. The Chairperson presented the draft Rules of Procedure and these were adopted. It is noted, for the Record, that the Delegate from Argentina would like the Rules of Procedure to reflect that Spanish should be a working language of the meeting.

## **IV. Adoption of the agenda**

6. The Chairperson presented the provisional agenda and it was adopted.

## **V. Presentations and updates by State Party representatives**

7. The floor was opened to the participants to provide information on their national measures to implement the 1970 Convention. The following countries took the floor: Argentina, Bosnia and Herzegovina, Brazil, Canada, Côte d'Ivoire, Cyprus, Denmark, Greece, Hungary, India, Italy, Japan, Republic of Korea, Mali, Mongolia, Niger, Portugal, Spain, and the United States of America.

8. Particular items mentioned in these presentations included:

- the need to establish inventories of moveable cultural property and include good photographs of cultural property for conservation and identification purposes;
- the notion of an international mechanism through which States can immediately identify stolen or illegally exported cultural objects so that import controls over them may be enforced;
- the need for better cooperation, both at national level (between and among different national institutions, services, ministries) and at international level (at least among States Parties to the 1970 Convention, possibly even among UNESCO Member States) to protect cultural property;

- the importance of public awareness-raising campaigns, not only regarding the problem of illicit trafficking of cultural property, but also specifically to alert citizens that they must take care when purchasing cultural objects so as to not unwittingly purchase an object that was stolen, or illegally exported or excavated;
- the usefulness of emphasizing to art and antiquities dealers the relevant points of the Convention as well as national legislation, and to monitor their activities;
- concern for increased use of the Internet to sell or traffic stolen or illegally exported, imported or excavated cultural property;
- that the scope of application of the Convention covers palaeontological artefacts and fossils (Art. 1,a) and their trafficking also requires attention;
- the need for some States to obtain assistance in implementing the 1970 Convention through specialized training workshops and museum security measures;
- the usefulness of having a list of best practices or guidelines in implementation of the 1970 Convention that States Parties could consult;
- the possibility of developing a model legislation specific to cultural property;
- the unfortunate reality that strict legal export controls and good efforts by police and customs officials are not enough to inhibit a steady flow of illicit exports of cultural property – more emphasis is needed concerning export as well as import controls; and
- the need to increase the number of States Parties to the UNIDROIT Convention.

9. Some States Parties shared their experience concerning the establishment and implementation of bilateral agreements on these matters. Among these reports, it should be noted that, concerning Article 9 of the Convention, the Delegate from the United States of America invited other States Parties to the Convention to submit a request to the United States for setting up bilateral agreements on import controls over specific categories of cultural property in jeopardy.

## **VI. Presentations by IGOs and NGOs**

10. Following the presentations by States Parties, the representatives of UNIDROIT, Interpol and ICOM made presentations of their respective activities and cooperation with UNESCO.

11. The representative from UNIDROIT discussed the development of the 1995 UNIDROIT Convention, which was elaborated at the request of UNESCO to address gaps in the 1970 Convention concerning private law provisions. The fact that the categories of cultural property covered by the 1970 UNESCO and UNIDROIT Conventions are identical facilitates their ratification. The UNIDROIT Convention will soon have 21 States Parties, following the recent deposit of instruments of ratification/acceptance/approval by Azerbaijan, Guatemala and Slovakia.

12. The representative from Interpol recalled the good cooperation they have with UNESCO, the World Customs Organization and ICOM and particularly mentioned Iraq and the UNESCO-Interpol database of stolen Iraqi cultural property being elaborated. The Interpol police-restricted database of reported stolen cultural property, and the publicly available CD-ROM were explained. Interpol's statistics on the number of notifications it receives on thefts or trafficking of cultural property from

various regions was underscored: 83% from Europe; 12% from the Americas; 4% from Asia and 1% from Africa.

13. The representative from ICOM discussed the strong and traditional cooperation between ICOM and UNESCO and its future financial and substantive aspects. Also highlighted were ICOM's activities in specialized training, museum security, information dissemination, and public awareness-raising campaigns. The ICOM publication series "100 Missing Objects" was mentioned, in particular because it has assisted in identifying stolen objects and led to their return to the country of origin.

## **VII. Report by the Secretariat on developments**

14. The Secretariat reported on recent activities of UNESCO on behalf of the 1970 Convention. These included actions specific to Iraq and the United Nations Security Council Resolution 1483, promotion of the Object ID standard for identifying cultural property, with emphasis on a good photograph of the object, the promotion of the UNESCO 1970 and the 1995 UNIDROIT Conventions and the organization of regional and subregional meetings to provide information thereon. The Secretariat also mentioned the May 2003 Berlin meeting "Illegal Archaeology? International Conference on Future Problems concerning the Illicit Traffic of Antiquities", which included in its resolutions *inter alia* a recommendation that UNESCO elaborate a Code of Ethics for Archaeologists.

15. The importance of the UNIDROIT Convention in the fight against illicit trafficking and its complementary nature to the UNESCO 1970 Convention was expounded. Distinctions between the two Conventions were drawn out, in particular that UNIDROIT provides that clandestinely excavated antiquities are considered as stolen where that is consistent with national law of the place of excavation (Art. 3), while the UNESCO 1970 Convention is silent on this point.

## **VIII. The reporting system**

16. A discussion took place on the specific agenda item of the reporting system by which States Parties report to UNESCO on their implementation of the 1970 Convention. The Secretariat informed the meeting that in addition to inviting States Parties to submit reports, States not Party to the Convention were invited to report on developments towards ratification or, if any, the hesitations that may still exist with regard to ratification of the 1970 Convention. Past reports were received by the Secretariat in 1978, 1983, 1987, and in 1995, however at the thirty-second session of the General Conference, the periodicity of the reports was set for every four years.

17. The purposes of the reporting system were stressed: (a) to illustrate the action taken by States in implementing the Convention; (b) to encourage States Parties to remain diligent in their implementation of the Convention; (c) to assess the adequacy and effectiveness of national measures; and (d) to strengthen international cooperation in the fight against illicit trafficking. However it was also pointed out that once a State Party has reported on the main points of its legislation and the structure and function of its special services, it cannot be expected to report on these static points every four years, unless new developments would so require.

18. The modest rate of reporting and how to reverse this were examined (it was noted that approximately 25% of the States Parties to the 1970 Convention submitted reports). Eight States Parties took the floor on this matter. To facilitate States Parties in preparing their reports and to ensure that the reports include information on essential categories of implementation of the Convention, the participants proposed developing guidelines and/or a questionnaire, which should be presented by themes of subject matter and be user-friendly. A more continuous and detailed

reporting may also enable UNESCO to occasionally produce a broad statistical analysis of the implementation of specific aspects (provisions) of the Convention to provide an overall view of the Convention's effectiveness.

19. The possibility of broadening the mandate 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 raised in connection to improving implementation of the Convention.

20. A "real time" volunteer reporting by States Parties on their relevant activities, to be provided in electronic format to the Secretariat, in addition to the 4-year periodicity that applies to the obligation to report under Article 16 of the Convention, was proposed for future consideration.

#### **IX. UNESCO-WCO draft export certificate for cultural property**

21. The Secretariat and the representative from the World Customs Organization made introductory remarks on this point. The draft export certificate is being developed in the WCO since its technical aspects are directly linked to the work of customs officials. Its aims are to harmonize the presentation of information, simplify the work of customs officers, and meet with national legal requirements (ex. implementation of the 1970 or UNIDROIT Conventions). The representative from the WCO expressed his appreciation for the ongoing cooperation between his Organization and UNESCO in drafting the draft export certificate, and noted that INTERPOL and UNIDROIT were also consulted for their comments on the draft. He also emphasized *inter alia* the need to educate the public at large of their duty to obtain an export certificate if it is required by law to export cultural property. It was clarified that the European Union model of export certificate was considered in developing this model. Once finalized, the model will simply be recommended to Member States of UNESCO and the WCO for its voluntary adoption at national level if they so wish.

22. A concern was raised about the possibility of forgeries of this certificate. However it was noted that if a State adopts this model as its own certificate for export of cultural property, the risks of forgery are basically comparable to those that already affect the existing national certificates.

#### **X. The UNESCO Cultural Heritage Laws Database**

23. The Secretariat reminded the participants that the principle of establishing the legislation database received wide support in Commission IV of the thirty-second General Conference. The advantages of the database initiative were discussed. In particular, removing the defence many purchasers of, or dealers in, illicitly trafficked cultural property use – claiming ignorance of the cultural property law of the country of origin of the object – was emphasized. The Secretariat also pointed out that lawyers, judges, art dealers and museum officials will benefit from having national legislation easily available and that official and authentic translations of the legislation into at least French and English (UNESCO's official working languages) issued from the State concerned are essential.

24. State Parties expressed their support for this initiative and raised the following points:

- the activity, to be undertaken by the UNESCO Secretariat in its programme, should be financed by UNESCO's regular programme budget as well as by extrabudgetary funds;
- the need to establish the database immediately;
- the inclusion of export certificates on the database as well as links to the relevant government authority of the State to provide further information; and

- the inclusion of import certificates, if any, on the database.

## **XI. Adoption of Recommendations**

25. The Chairperson opened discussion on the draft Recommendations prepared with the assistance of the Secretariat on the basis of the comments made in the meeting. The participants proposed a number of formal amendments to the draft Recommendations, which, numbering 16, were then adopted by consensus. A copy of the Recommendations is attached in Annex.

26. The Chairperson concluded the meeting by thanking all participants and the Secretariat for their useful contributions.