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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

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

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

1. *Acknowledges* with great satisfaction the opening and inauguration on 20 June 2009 of the New Acropolis Museum with its special Hall for the Parthenon Sculptures in direct visual contact with the monument,
2. *Thanks* Greece for inviting the Director General of UNESCO and representatives from the UK to the inauguration ceremony of the Museum,
3. *Takes note* that, on the opening of the Museum, three sculptural fragments were exhibited which have respectively been returned from the University of Heidelberg and loaned from Italy and the Vatican to Greece to be co-exhibited in the Parthenon Hall with the original sculptures from which they were detached,
4. *Acknowledges* the fruitful cooperation between Greece and the UK on cultural matters and expresses the wish that this should continue with a view to concluding the ongoing discussions in respect of the Parthenon Sculptures,
5. *Takes note* that Greece invites the UK to collaborate with Greece in exhibiting all the Parthenon Sculptures in their respective collections in the New Acropolis Museum and,
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. 2

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 and fifteenth sessions,

Acknowledging the continuing concern of Turkey for the long-awaited resolution of the issue of the Sphinx,

Noting that Turkey has transmitted a new dossier to the German side regarding the Sphinx during the 17th Session of the Turkish-German Joint Cultural Commission Meeting which took place in Ankara on 16-17 October 2006,

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 5th Session of the Committee in April 1987, and were inscribed in the UNESCO Memory of the World Register in 2001,

Hoping that the close cooperation in the field of culture between the two countries will facilitate the solution of the Boğazköy Sphinx issue,

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. *Expresses* its hope that the pending request of Turkey with regard to the issue of the Sphinx will be solved through bilateral negotiations,
2. *Takes note* of the fact that the last bilateral negotiations on this issue took place on 19 November 2002 in Berlin, without reaching a solution,
3. *Takes note* that the Sphinx issue was mentioned during an informal contact between the two parties in March 2010 during the Berlin Tourism Fair,
4. *Invites* both Parties to hold comprehensive bilateral negotiations as soon as possible with a view to bringing this issue to a mutually acceptable solution, and notes that in the margins of this Committee meeting, the Turkish side has proposed to the German side to hold an expert meeting in Ankara by the end of 2010,

5. *Invites* the Parties to keep the Committee informed on the issue,
6. *Also invites* the Director-General to continue her good offices towards the resolution of this issue and to report to the Committee at its seventeenth session.

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

Acknowledging the obstacles faced by many countries in applying for restitution of cultural property, especially when it comes to materials from cultural sites where there is no inventory or provenance documentation, in particular objects coming from illicit excavations,

Recalling the importance for States which claim ownership of certain cultural objects to have a clear and precise legislation to provide a basis for an action to recover the object if it is found in another country,

Reminding the proposals put forward in the framework of the 30th anniversary of the Intergovernmental Committee held in Seoul in 2008, and discussed at the 15th session of the Committee, to assist States in such a purpose,

Welcoming the participation of the International Institute for the Unification of Private Law (UNIDROIT) in this exercise for its expertise in the harmonization of laws,

1. *Stresses* the importance of this issue and encourages the establishment of a working group of independent experts chosen jointly by UNESCO and UNIDROIT Secretariats, in their personal capacity and as far as possible on the basis of a balanced geographical representation,
2. *Encourages* the preparation of model provisions with explanatory guidelines to be made available to States to consider in the drafting or strengthening of national laws,
3. *Requests* the Secretariat to report on the work accomplished by this working group at its 17th session,
4. *Invites* Member States to provide appropriate human and financial support for such work.

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 33C/Resolution 44, which added mediation and conciliation to the mandate of the Committee,

Taking note of the progress achieved during the examination of the draft rules of procedure on mediation and conciliation,

1. *Thanks* the Sub-committee and its Chairman Prof. Constantin Economidès for their efforts accomplished to prepare a draft text and to present the results of its work at the 16th session of the Committee,
2. *Adopts* the rules of procedure on mediation and conciliation,
3. *Asks* the Director-General to report on the Rules of procedure adopted to the General Conference of UNESCO at its next ordinary 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

1. *Decides* to hold its 17th ordinary session at UNESCO Headquarters during the first semester of 2011,
2. *Requests* the Director-General of UNESCO to provide the Secretariat with adequate human and financial resources in order to conduct this task in proper conditions.

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 trainings, sensitization tools, documentation, inventories and databases,

Encouraging the continuation and strengthening of the cooperation undertaken by UNESCO, UNIDROIT, INTERPOL, UNODC, WCO, ICOM, the Italian Carabinieri, the OCBC, and other institutions or organizations,

Acknowledging the growth and the upgrading of the UNESCO Cultural Heritage Laws Database website,

Taking note of the absolute need of the INTERPOL Database of Stolen Objects to fight against illicit traffic,

Thanking the Czech Republic, the Netherlands, Switzerland and the United States of America for their substantial and decisive extrabudgetary contributions to the UNESCO activities,

1. *Encourages* States to reinforce the national policies regarding inventories of movable cultural heritage, notably concerning museums, cultural institutions, cultural sites in particular of an archaeological nature and places of worship,
2. *Encourages also* Member States to continue providing the Secretariat with electronic versions of their national cultural heritage legislation and their official translations,
3. *Requests* Member States to widen the dissemination of information on stolen or retrieved cultural heritage to the INTERPOL General Secretariat, encouraging also their local police services to pass on these information to the INTERPOL Bureau in their country,
4. *Invites* Member States to fully cooperate and consider providing additional extrabudgetary funds in these endeavours.

Recommendation No. 7

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

Noting the discussions about the challenges concerning the implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property as well as of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,

Taking note of the necessity to evaluate in particular their effectiveness and their implementation with regard to the new trends in illicit trafficking of cultural heritage, in particular the growing threats to archaeological and paleontological heritage,

1. *Considers* the 40th and the 15th anniversaries of the 1970 UNESCO and 1995 UNIDROIT Conventions as an opportunity to conduct such evaluations,
2. *Regards* these events as a chance to reinforce their effectiveness and elaborate strategies in particular for their better applications,
3. *Requests* the Director General of UNESCO, in cooperation with the UNIDROIT Secretariat, to facilitate the organization of a forum of reflection as soon as possible among UNESCO Member States in particular on the following subjects:
 - a) the effectiveness of the current international legal framework, taking into account that it might be insufficient in the fight against illicit trafficking in cultural property and 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;

- c) The consideration of basic principles in the field of restitution and return of cultural objects which could enrich the work of the Committee as well as the functions of the 1970 UNESCO Convention;
 - d) The convenience of improving the role of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, in particular that related to guiding the planning and implementation of UNESCO's programme of activities with regard to restitution and return of cultural property to its countries of origin.
4. *Calls* upon the Director-General to mobilize the additional extra budgetary funds required for the organization of this forum of reflection.

Recommendation No. 8

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

Commemorating the 40 years of the 1970 UNESCO Convention of the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,

1. *Acknowledges* the progress and evolution achieved all those years, especially through the work of the Committee,
2. *Takes note* of the two Conferences organized by UNESCO which took place in Athens in March 2008 and in Seoul in November 2008 and their conclusions in the area,
3. *Takes note* of the Report commissioned by the Secretariat on "Ethical Principles and Legal Rules in the Field of Return of Cultural Properties", which has identified the evolution of some basic principles on the aforementioned issues and presented to the Committee during the 14th extraordinary session, 15th and 16th sessions and their conclusions.