



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

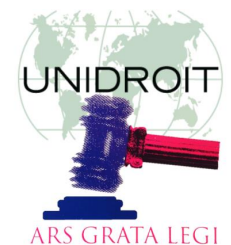
THE 1995 UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS

Current status and activities

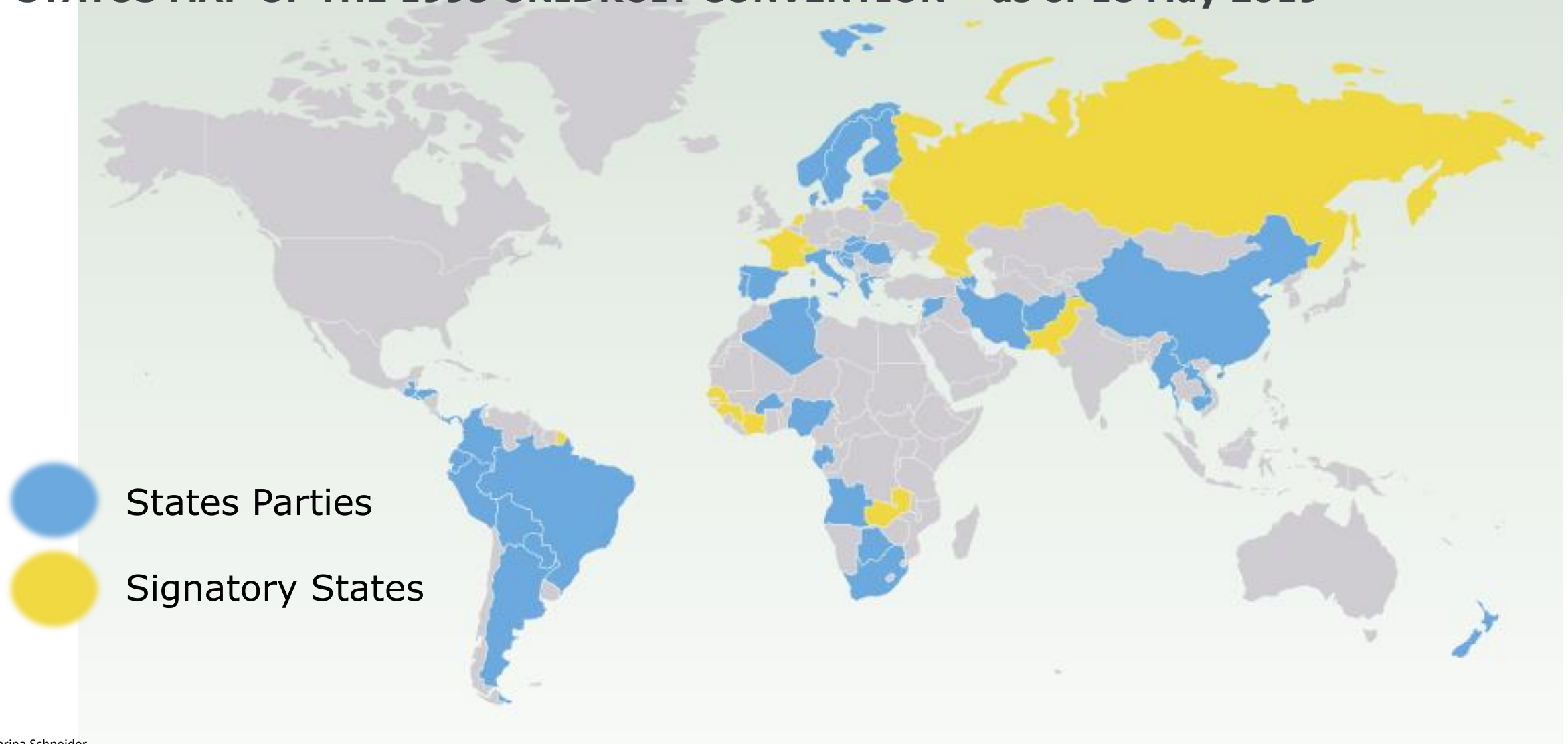


Seventh Session of the Subsidiary Committee to the Meeting of States
Parties to the 1970 UNESCO Convention

Paris , 22 - 23 May 1919



STATUS MAP OF THE 1995 UNIDROIT CONVENTION – as of 18 May 2019





STATES PARTIES

Adoption: Place: **Rome**
Date: **24.06.1995**

Entry into force: **01.07.1998** (Art. 12)

Contracting States : 46

Several States have almost finalised the internal procedure of accession
deposit expected

- + **Morocco**
- + **Togo**
- + **Ghana**
- + **Madagascar**

Others are in the process of acceding to the Convention

Afghanistan, Algeria, Angola, Argentina, Azerbaijan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, **Burkina Faso**, Cambodia, China, Colombia, Croatia, Cyprus, Denmark, Ecuador, El Salvador, Finland, Gabon, Greece, Guatemala, Honduras, Hungary, Iran, Italy, Lao People's Democratic Republic, **Latvia**, Lithuania, **Myanmar**, New Zealand, Nigeria, North Macedonia, Norway, Panama, Paraguay, Peru, Portugal, Romania, Slovenia, Slovakia, **South Africa**, Spain, Sweden, **Syrian Arab Republic**, Tunisia

SIGNATORY STATES

Côte d'Ivoire, France, Georgia,
Guinea, Netherlands, Pakistan
Russian Federation, Senegal,
Switzerland, Zambia

To enter into force,
the Convention is subject to → **Ratification** or
Acceptance or
Approval

Côte d'Ivoire is about to «perfect» its instrument of ratification



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Advocacy and technical
assistance to States

Awareness raising and
capacity building

Research



New York Meeting - On 28 February 2017, a special event on *"Promoting and Strengthening the International Legal Framework for The Protection of Cultural Heritage – The 1995 Convention"* co-organized by UNIDROIT and the Missions of Cyprus and Italy to the UN, took place in New York, UN Headquarters.



RESULT



**Establishment of an
INFORMAL RATIFICATION TASK
FORCE**

Open to all States wishing to participate
Meeting on an annual basis in New York



**Sharing information, best practices /
national implementation, synergies
with other conventions...**



Coordinated by UNIDROIT



Group of Friends for the Protection of Cultural Heritage

UN, New York, 8 May 2019



UNIDROIT Informal Ratification Task Force: two years later!

A positive trend!
On February 28, 2017, a special event on "Promoting and strengthening the international legal framework for the protection of cultural heritage" co-organised by the Permanent Missions of Cyprus and Italy to the United Nations and UNIDROIT took place at the UN Headquarters in New York City. On that occasion, a Task Force aiming to promote wider ratification of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and discuss synergies between international instruments and emphasize the benefits of ratifying the 1995 UNIDROIT Convention and other international instruments. The Task Force is coordinated by UNIDROIT and assisted by the 1995 UNIDROIT Convention Academic Project (UCAP).

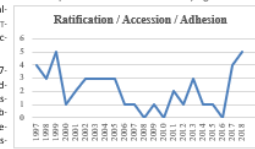
In February 2017, the UNIDROIT Convention counted 37 States Parties. After two years, Bosnia and Herzegovina, Botswana, Burkina Faso, Lao People's Democratic Republic, Myanmar, Latvia, Syrian Arab Republic, South Africa and Tunisia joined the Convention. The 1995 Convention on 1 April 2019 has 46 Contracting States. Latvia is the latest State to accede to the Convention on February 8, 2019.

Meanwhile, Ghana, Madagascar, Morocco and Togo are in the final phase of their internal procedure of accession to the Convention and UNIDROIT is waiting for the deposit of their instruments of accession with the Italian Government.

Factors!
Since February 2017, we registered a positive trend and a renewed interest in the Convention (see chart above). Compared to 2016, in the last two years the number of ratifications or accessions to the treaty has increased exponentially. According to the UNIDROIT Secretariat, the principal factors that have contributed to boosting ratifications and accessions are:

- 1) United Nations Security Council Resolution 2199 of February 2015
- 2) United Nations Security Council Resolution 2347 of March 2017
- 3) Informal Ratification Task Force
- 4) European Union's initiatives
- 5) G7 Culture (Florence) of March 30-31, 2017
- 6) The 1995 UNIDROIT Convention Academic Project

United Nations Security Council Resolution 2199 of February 2015!
Resolution 2199 adopted by the United Nations Security Council on 12 February 2015 explicitly acknowledges that illicit trafficking is among the sources of financing of terrorism and prohibits cross-border trade in Iraqi and Syrian cultural property illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011. It also asks for a safe return of such objects and the 1995 UNIDROIT Convention is still today the only powerful legal tool focusing on restitution. In the "Report of the Secretary-General on the threat posed by ISIL"



[D]'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat". (UNSC document: S/2016/92, 28 January 2016) the Secretary-General specifically recognized the role of UNIDROIT (para. 53).

United Nations Security Council Resolution 2347 of March 2017!
Resolution 2347 affirms the protection of cultural heritage as a key means for the maintenance of international peace and security. Resolution 2347 does not directly mention the 1995 UNIDROIT Convention to which one permanent member of the Security Council is a party (China) and another one is a signatory (France). However, the Resolution encourages all Member States "...to consider ratifying the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocol, as well as other relevant international conventions".

G7 Culture (Florence) of March 30-31, 2017!
UNIDROIT was among the participants to the first G7 Culture meeting of the history of G7, held in Florence, under the Italian Presidency. UNIDROIT was invited in the double guise of speaker at the Meeting of Experts and observer at the Ministerial Session. The Ministerial Session ended with the signature of the Florence Declaration. The event gave a large-scale visibility to the current and past work carried out by UNIDROIT and its partners.

European Union's initiatives!
Europe is reportedly the largest exporter of art and antiquities, and the second largest importer. To cope with the expansion of the art black market the European Union has launched a significant number of initiatives. On January 17, 2015, the EU Parliament passed the Resolution on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars which recommend the EU Member States to ratify the 1995 UNIDROIT Convention. More recently, on March 12, 2019 a new EU Regulation on the impact of cultural goods has been adopted by the Parliament. Both UNIDROIT and UNESCO participated in the preparatory work and the 1970 and 1995 Conventions served as a basis for definitions. UNIDROIT also attended EU CULTNET meetings, a network created to tackle the illicit trade within the EU.

The 1995 UNIDROIT Convention Academic Project!
In 2018, UNIDROIT launched the 1995 UNIDROIT Convention Academic Project ("UCAP"). The Academic Project's purpose is to assist scholars, students, practicing lawyers, judges, other governments officials as well as art market players by providing information about the 1995 Convention. UCAP takes the form of an online platform of shared materials related to the 1995 Convention, UNIDROIT/UNESCO Model Provisions on State Ownership of Undiscovered Cultural Objects and their synergy with other related international instruments. UCAP sheds light on common misconceptions and misinterpretations of the 1995 Convention's text by focusing on topics such as due diligence, time limitation, import and export, choice of law, in order to promote a single interpretation of the agreement. Since its creation, several institutional partners and individuals joined the platform.

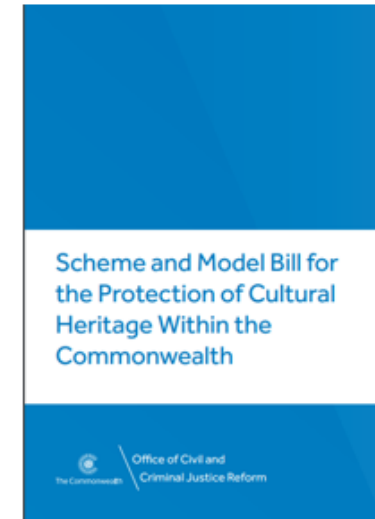
Recent developments in the area of cultural heritage law!
Over the last two years the global approach towards the protection of cultural heritage has positively progressed. One of the major steps taken in this sense has been the adoption of the Council of Europe Convention on Offences relating to Cultural Property (Nicosia, May 17 2017). Early 2018, the Senate of Belgium recommended to examine the possibility to accede to the 1995 UNIDROIT Convention marking a change in market countries' position in respect to the matter. In November 2018, a study prepared by the Senegalese writer and economist *Fawane Sar* and the French historian *Benoit Savy* urged to change heritage law to return looted art to Africa and recommended African States (so as France and other former colonial countries) to ratify the 1995 UNIDROIT Convention "to inscribe the restitutions within a perspective of durability".

The 1995 UNIDROIT Convention and the 1993 Scheme for the Protection of Cultural Heritage within the Commonwealth

Conference to take place in
London, June 2019



The Commonwealth



Scheme (Mauritius, 1993)

It complements work done by UNIDROIT and the European Community and contains **practical provisions relating to the export and import of objects** which take place after its adoption and implementation

Model Bill (Trinidad and Tobago, 1999)

Model Bill that constitutes a **guide for countries to use when enacting the necessary legislation** for implementation of the Scheme



TECHNICAL ASSISTANCE TO STATES

WORKING GROUP IN EGYPT – following a UNESCO training held in Cairo in 2017, an interministerial Working Group was set up to study the 1995 Convention

WORKING GROUP IN LEBANON – assessment of national legislation and its compatibility with the 1995 UNIDROIT Convention (partnership with UNESCO)

BELGIAN SENATE (submission of a Note)



N°2018-26

Felwine Sarr
Bénédicte Savoy

**The Restitution of African Cultural Heritage.
Toward a New Relational Ethics**

November 2018

with the assistance of

Isabelle Maréchal
Inspector General
of Cultural Affairs

Vincent Négri
Jurist and researcher at the Institut des
sciences sociales du politique



MINISTÈRE DE LA CULTURE



UMR 7220 (CNRS - ENS Paris Saclay -
Université Paris Nanterre)

Translated by Drew S. Burk

*Guaranteeing the Permanence of the
Restitutions and Reinforcing the Fight
against Illicit Trafficking*

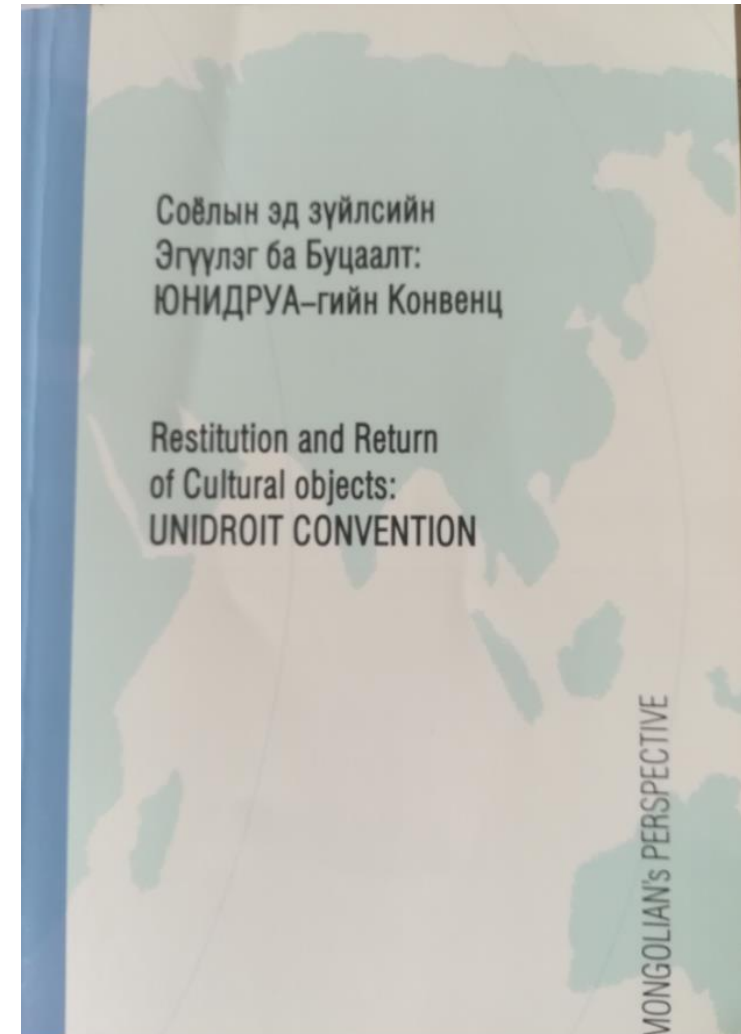
“[The 1995 UNIDROIT] Convention is the only juridical tool capable of compensating for the present imbalance and thereby establishing a common law for restitution as well as insuring the permanence of the process undertaken for the cultural objects stockpiled during the colonial period.

In other words, the ratification of the 1995 UNIDROIT Convention will inscribe the restitutions within a perspective of durability.”



Visit to **Mongolia** to assess the legislation on the protection of cultural property in view of the accession to the 1995 UNIDROIT Convention (**2015**)

2018 – publication in Mongolian on the return/restitution mechanisms under the UNIDROIT Convention





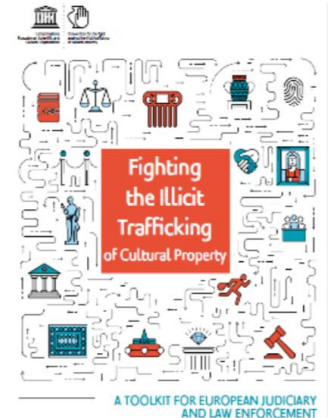
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AWARENESS RAISING AND CAPACITY BUILDING

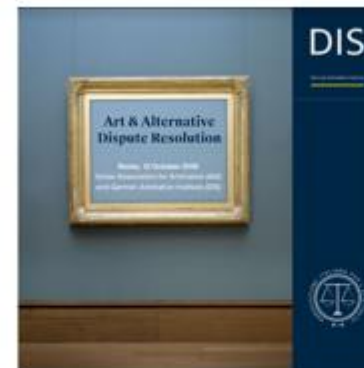


United Nations
Educational, Scientific and
Cultural Organization

Joint UNESCO-EU projects on *Engaging the **European art market** in the fight against illicit traffic of cultural property* and *Training the **European judiciary and law enforcement officials** on the fight against the illicit trafficking in cultural property*



Opening of the 2019 Judicial year in Milan



Italian Association for Arbitration (AIA) and the German Arbitration Institute (DIS)



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AWARENESS RAISING AND CAPACITY BUILDING



United Nations
Educational, Scientific and
Cultural Organization



National or regional capacity building workshops in Ethiopia, Kuwait, Jordan, Mauritania, Sudan

Workshops in Rome for Chili, CARICOM countries, Romania, Moldova

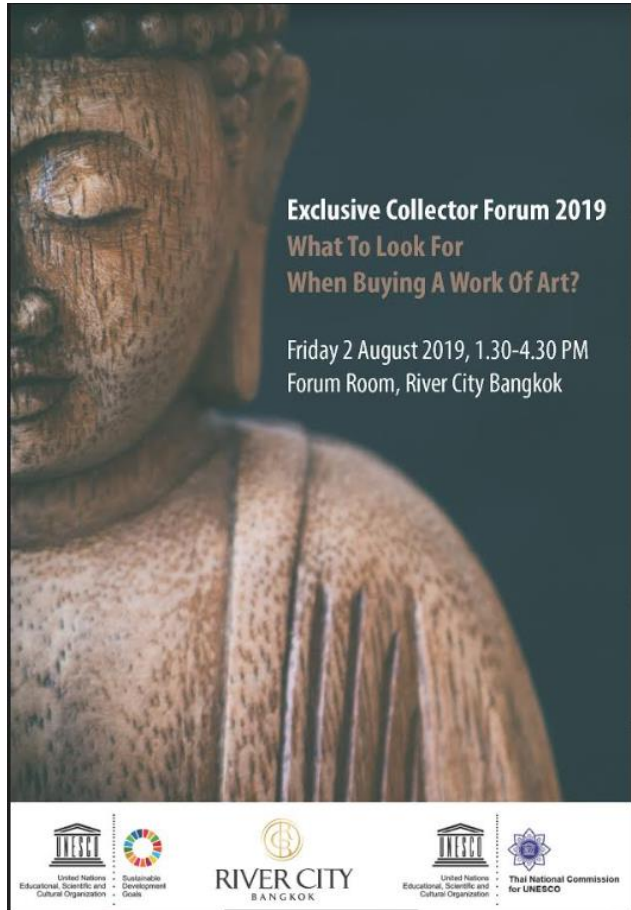


TAIEX
Sharing EU expertise

Workshop on **Protecting Iraqi Cultural Heritage** and Fighting Terrorism - Blood Antiquities



Project on “**Enhancing Legislative and Institutional frameworks** of Cultural Heritage Protection” (in cooperation with UNESCO and INTERPOL)



- Greater Mekong Sub-regional Symposium of Ministerial Executives on International Cooperation to Protect Antiquities and Art Objects, organised jointly by UNESCO and the Royal Thai Government - Bangkok. June 2019



- Workshop for collectors in Qatar, September 2019

- Exclusive Collector Forum 2019:

WHAT TO LOOK FOR WHEN BUYING A WORK OF ART?

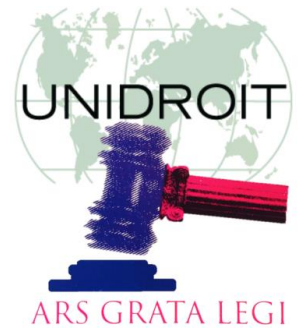
Bangkok, August 2019



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AWARENESS RAISING AND CAPACITY BUILDING

PARTNERSHIPS - UNESCO HQ and Field Offices – importance of the follow-up, INTERPOL, WCO, UNODC, ICCROM-ATHAR, European Union, Organization of American States, UN Permanent Missions in NY, ICOM, Italian Carabinieri and Training Schools for the Armed Forces.....





1995 UNIDROIT CONVENTION – Need to gather information on its implementation



THE 1995 UNIDROIT CONVENTION ACADEMIC PROJECT

Facilitating the Study of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

[Blackboard](#)

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[UNIDROIT](#)

[The Convention](#)

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Resolution adopted by the General Assembly on 13 December 2018

73/130. Return or restitution of cultural property to the countries of origin

6. *Reaffirms* the importance of the **1970 Convention** on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the **1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**, **and invites Member States** that have not already done so to consider **becoming parties to the aforementioned conventions and protocols that specifically address the return and restitution of cultural property to the countries of origin;**

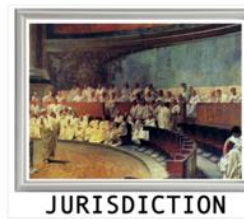
8. *Acknowledges* the launch of the **1995 UNIDROIT Convention Academic Project** and the creation of the **Informal Ratification Task Force** as a platform for the exchange of views, information and assistance on issues such as the ratification and implementation of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;

The Convention



The fresco pictured above adorns the walls of the Hall of the Horatii and Curiatii (Musei Capitolini, Rome) where the 1995 UNIDROIT Convention was open.

- Convention Text
- Status
- National Implementation
- Explanatory Report and Commentaries
- Preparatory Work
- Follow-up
- Informal Ratification Task Force
- Related Instruments



Library

The **Library** is an accessible electronic storage of materials relating to the 1995 Convention on Stolen or Illegally Exported Cultural Objects.

The Library includes documents provided by UNIDROIT, consisting of case law, case comments, as well as articles prepared by scholars, and valuable papers submitted by students of affiliated Universities and UNIDROIT's interns.

This section also contains self-instructional material and material useful for professionals and law enforcement authorities.

The Library is organised by categories of material. The list to the right of the page contains additional information about the documents and links to access them.



- Reporting of Judicial/Extrajudicial activity**
Containing documents associated with judicial actions related to the Convention (case-law).
- Scholarly Articles**
Containing scholarly articles on the 1995 UNIDROIT Convention.
- Students' Papers**
Containing papers and notes prepared by UNIDROIT's interns and students.
- Self-instructional materials**
Comprehensive educational materials for individuals needing information about the Convention.
- Materials for Professionals**
Containing materials intended for art lawyers, judicial authorities, customs agents and police units.

Antiquities Coalition





Project Partners

Contributions from **Partners** (either individual person(s) or organisations) may, for example, be in

- information on academic courses, expert meetings, workshops, training sessions to strengthen knowledge in this field and/or on initiatives of legislative and regulatory domestic reform, or the preparation of draft legislation
- contribution to the Academic Project information Platform by sharing knowledge products (e.g., reports, commentaries) in specific areas of national relevant legislation.

Institutional Partners

Argentina

- Universidad Nacional del Centro de la Provincia de Buenos Aires (UNICEN), Argentina

Australia

- University of Technology Sydney, Australia

China

- China University of Political Science and Law, Beijing, China

Hungary

- Károli Gáspár University of the Reformed Church, Hungary

Italy

- Roma Tre University, Rome, Italy
- Università degli Studi di Milano, Italy

Poland

- Institute of Law Studies of the Polish Academy of Sciences
- University of Gdańsk, Poland
- University of Opole, Poland

Individual Partners

- Dr Katalin Andreides, Independent Researcher (Károli Gáspár University of the Reformed Church, Hungary)
- Professor Cristiana Carletti (Roma Tre University, Rome, Italy)
- Professor Maria-Luz Endere (Researcher at CONICET, Argentina)
- Professor Derek Fincham (South Texas College of Law Houston, Texas, USA)
- Professor Manlio Frigo (Università degli Studi di Milano, Italy)
- Professor Patty Gerstenblith (DePaul University, Chicago, Illinois, USA)
- Professor Zhengxin Huo (China University of Political Science and the Law, Beijing, China)
- Ms Susana Monteiro, Lawyer and Legal Assistant (Coimbra, Portugal)
- Honorary Professor Patrick O'Keefe (University of Queensland, Australia)
- Honorary Professor Lyndel Prott (University of Queensland, Australia)
- Professor Arthur Salomons (Centre for the Study of European Contract Law, University of Amsterdam, The Netherlands)
- Professor Dr Tamás Szabados (ELTE Eötvös Loránd University, Budapest, Hungary)
- Professor Ana Filipa Vrdoljak (University of Technology Sydney, Australia)
- Professor Dr Matthias Weller (EBS University of Economics and Law, Wiesbaden, Germany)
- Professor Kamil Zeidler (University of Gdańsk, Poland)

Sponsors

Sponsors may contribute through a direct grant to the UNIDROIT project. Contributions will be agreed on a case-by-case basis.

To become a sponsor, please contact: info@1995unidroit.org



GET INVOLVED and SUPPORT UCAP !



Memoranda of Understanding

have been entered into with **universities** to develop research projects and/or conferences on the international protection of cultural property with a focus on the 1995 UNIDROIT Convention

- University of **Nicosia** (Cyprus)
- University of **Strathmore** (Kenya)
- University of **Opole** (Poland)



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UCAP – 1995 UNIDROIT Convention Academic Project

ORGANIZERS:



PARTNERS:



HONORARY PATRONAGE:



PRESS PATRONAGES:



INTERNATIONAL CONFERENCES ON CULTURAL HERITAGE PROTECTION

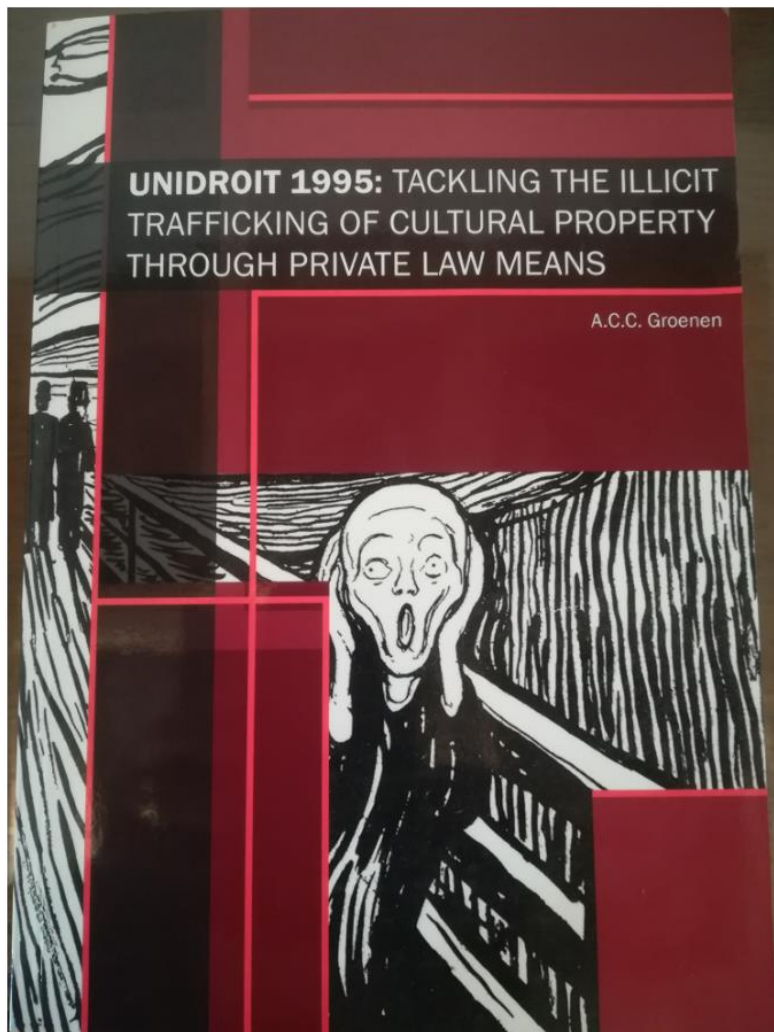
*Ratification and implementation of the 1995
UNIDROIT Convention in Poland*

Private Collections: Historical and Legal perspective

University of Gdańsk, Faculty of Law and Administration
June 6-7, 2019, Poland

It is our distinct pleasure to invite you to international scientific events taking place in Gdańsk, Poland – organized under the honorary patronage of the Deputy Minister of Culture and National Heritage – General Inspector of Monuments and the Polish National Commission for UNESCO.

The first conference focuses on the 1995 UNIDROIT Convention, the second is a part of the “Private Art Collections” task included in the UNIDROIT Work Programme for 2017–2019. The conferences are organized in close cooperation with UNIDROIT, the University of Gdańsk and the University of Opole (UNESCO Chair on Cultural Property Law), with the support of our partners.



PhD University of Maastricht

Internship reports

Rapport de stage
auprès de L'Institut International
pour l'Unification du droit privé
(UNIDROIT)

Du 04 février 2019 au 30 avril 2019
Hermine VAQUIER

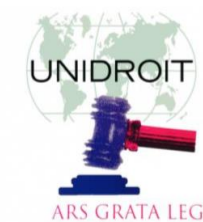


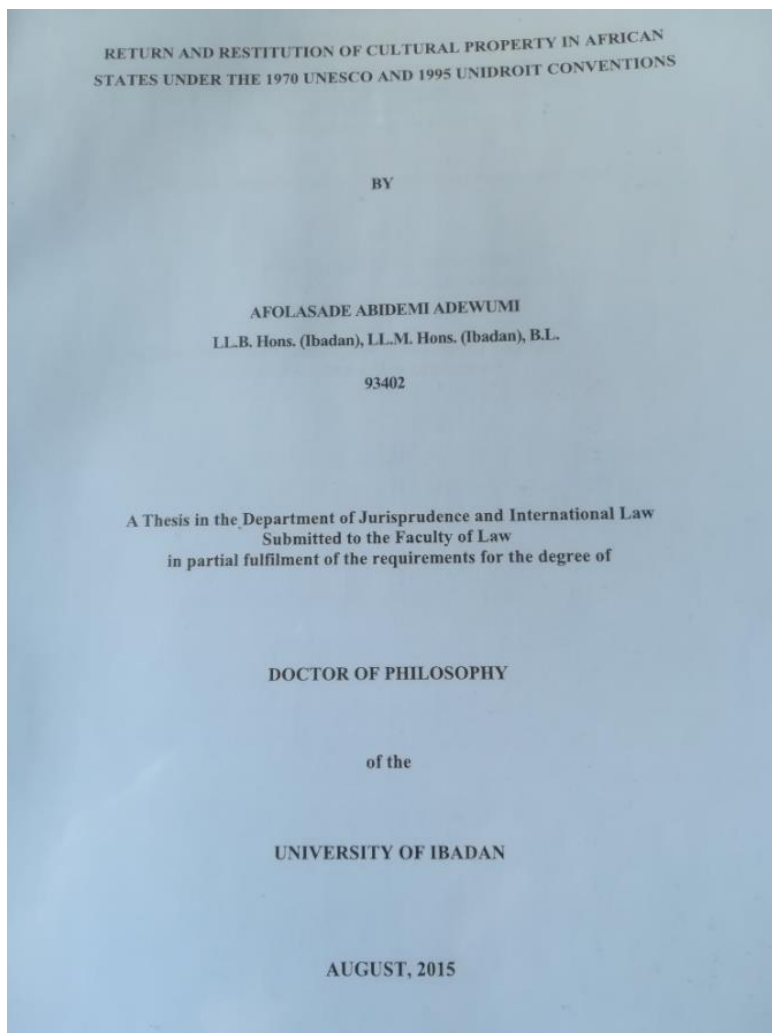
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RESEARCH



PhD University of Ibadan

Synergies between Conventions

**1970 Convention
1973 CITES Convention**

.....

UNIVERSITÉ PARIS SUD | FACULTÉ JEAN MONNET
universit  PARIS-SACLAY | Droit - Economie - Gestion

M moire de recherche
Master 2 – Droit du Patrimoine culturel

Ann e universitaire 2017/2018

Le contr le de la circulation des patrimoines
Analyse crois e de la Convention UNESCO de 1970, de la CITES de 1973, de la Convention sur la Diversit  Biologique de 1992 et de la Convention d'Unidroit de 1995

Pr sent  par Marion Torterat

Sous la direction de M. Negri, Chercheur   l'Institut des Sciences sociales du Politique (UMR 7220 : CNRS - ENS Paris Saclay - Universit  Paris Nanterre)

– Version r vis e –
Novembre 2018

Facult  Jean Monnet – Universit  Paris-Sud
UNIDROIT



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ARS GRATA LEGI