



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

**THE FIGHT AGAINST THE ILLICIT TRAFFICKING OF
CULTURAL OBJECTS
THE 1970 CONVENTION: PAST AND FUTURE**

INFORMATION KIT

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Information kit on the 1970 Convention

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➤ **Website:** <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/1970-convention/>



1- FACTS AND FIGURES*

GLOBAL INFORMATION ON THE ILLICIT TRAFFICKING OF CULTURAL GOODS

- The first decade of the 21st century has seen a major change in attitude towards recently excavated antiquities.
- The illicit trafficking of antiquities is estimated to be superior to US\$ 6 billion per year according to a research conducted by the United Kingdom's House of Commons on July 2000¹. Ten years later, the UN report on transnational crimes calculated that the world traffic in cocaine reached US\$ 72 billion; arms 52; heroine 33; counterfeiting 9.8; and cybercrime 1.25². Together with the trafficking in drugs and arms, the black market of antiquities and culture constitutes **one of the most persistent illegal trades in the world**. Other sources estimate that, in 1993, the global sales of cultural property, legitimate or not, reached the value of US\$ 39.3 billion. Today it would be around 60, with an increase of 50% in a decade and an "unprecedented growth" of offer on the Internet³.
- Based on the investigations carried out on the illicit trafficking in masterpieces in the world, it is estimated that **98%** of the final market price of an object remains **in the pocket of middlemen**. It is estimated that **from illegal excavation to final sale, the value of the most beautiful masterpieces increases 100 fold**, a greater growth than that of drugs.

Relevant examples

- Many private collections containing looted objects were exhibited in the 90s, mostly in the US but also in London, St Petersburg and Berlin. For example, **62%** of the exhibited objects of the Ortiz collection came from an **unknown origin**.
- Examining the exhibitions of major collections, researchers found that **70%** of the objects were described "**in a vague and insufficient**" way.
- "**80%** of Etruscan and Roman antiquities on the market today have an **illegal provenance**", estimates Maurizio Fiorilli, Deputy General Advocate of the Italian State, who chaired the Ministry's Commission for the restitution of illicitly exported artifacts⁴.
- **31%** of the total corpus of Apulian pots, more than 4,200 vases produced only in Apulia, now Puglia, and not traded outside this area, excavated between 1980-1992, **are undocumented** and lack certification of provenance. From the 13,718 Apulian vases known to scholars, **only 5.5%** (753) **were legally excavated** by professional archaeologists⁵.
- Only 13% of Attic red-figure pots attributed to the *Berlin painter* come from a relatively secure archaeological context. **Well over 50%** of the pots attributed to this painter **come from illegal excavations**⁶.

* This document was prepared on the basis of the information provided by the journalist Fabio Isman in March 2011

¹ F. Isman, *I predatori dell'arte perduta, il saccheggio dell'archeologia in Italia*, Milano, 2009, pag. 29.

² UNODC, *United Nations Office on Drugs and Crime*, Wien, 2010 Annual Report.

³ C. Forrest, *International law and the protection of cultural Heritage*, New York, 2010.

⁴ F. Isman, *ivi*, page. 27.

⁵ R.J.Elia, *Analysis of the looting, selling, and collecting of Apulian red-figure vases: a quantitative approach*, in N. Brodie, J. Doole, and C. Renfrew, *Trade in illicit antiquities: the destruction of the world's archaeological heritage*, Cambridge, McDonald Institute for Archaeological Research, United Kingdom, 2001.

⁶ D.W.J. Gill, *cit.*

- In 40 years the Italian *carabinieri* have recovered **800,000 stolen or illegally excavated artifacts**; yet, “the quantity of unresolved reports exceeds by far the number of recovered artifacts”, according to a document of the Italian Parliament⁷. 10,000 people have been investigated in Italy: 2,500 by the public prosecutor Paolo Giorgio Ferri, who is also a Ministry adviser; **a million artifacts have been illegally excavated, and sold since 1970**⁸.
- The economic value of ceramics from Athens sold at Sotheby’s in New York in 1998 for US\$ 1,200,000 decreased after the beginning of investigations in Italy. In 2001, their value declined to US\$ 450,000 and in 2009 it increased again to US\$ 600,000⁹.
- From 2002 onwards, **Egypt has recuperated 5,000 objects of illicit provenance**. The smuggler Alí Aboutaam was arrested in 2003 and condemned to 15 years of prison for having illegally exported 280 cultural objects.

The destruction of antiquity

Africa

- According to Alain Godonou, former Director of the *Ecole du patrimoine africain* (EPA) and now Director of UNESCO’s Division of Cultural Objects and Intangible Heritage, **most African countries have lost 95% of their cultural property**.

China

- 1.6 million cultural objects from China are estimated **to be scattered in 200 museums in 47 countries**, and “millions are in private collections”¹⁰. China owns more than 400,000 archaeological sites, but since the 80s, **thefts in museums** increased by one third. In 10 years, 30,000 artifacts were found by the customs of Shenzhen.

Haiti

- The earthquake that struck Haiti on 12 January 2010 devastated its capital region, killing 300,000, leaving over a million people homeless, and a nation in ruins. **Haiti’s museums, churches, art galleries, libraries, and archives were destroyed, damaged, or endangered**. Troves of historical books and documents, treasured artistic works and architectural features, and artifacts of great cultural significance all were at risk of being lost forever¹¹.

Italy

- In Italy, in Cerveteri, **400 to 550 Etruscan tombs were looted after the end of World War II**. In 1995, at the free port of Geneva, a stock belonging to the smuggler Medici contained 6,000 artifacts. A 58-page inventory of these artifacts was compiled¹². Medici has been condemned also for “complicity in the destruction of at least 200,000 archaeological sites”; and is also “suspected of looting 20,000 artifacts illegally excavated”¹³.

Mayan Heritage

- At least **1,000 ceramic objects**, worth more than **US\$10 million**, are **illicitly excavated every month in the Mayan region of Central America**. In 1970, an Italian dealer tried to export illegally 12,000 artifacts from Ecuador, where hundreds of sites were damaged. In Belize, a researcher points out that in some archaeological sites **only 50 out of 200 people conducting excavations are official archaeologists**.

Turkey

- In Turkey, from 1993 to 1995 at least **17,500 investigations** have been opened for looting of art.

Bulgaria

- In 1992 alone, **5,000 icons disappeared** from Bulgarian churches.

⁷ Camera dei Deputati, Roma, Italia, *Relazione illustrativa* allegata al Disegno di legge di delega al governo presentato dal ministro Francesco Rutelli per «riformare le sanzioni penali in materia di reati contro il patrimonio culturale», 23.5.2007.

⁸ “Il Giornale dell’Arte”, luglio 2010, intervista al Pm Paolo Giorgio Ferri.

⁹ D.W.J. Gill, cit.

¹⁰ L. Ji, *The two zodiacs: possible method for returning lost relics in China*, in “Art antiquity and law”, June 2009.

¹¹ <http://www.unesco.org/new/fr/bfc/office-in-port-au-prince/>

¹² P. Watson e C. Todeschini, *The Medici Conspiracy*, New York, 2006, pagg. 54 e segg.

¹³ Roma, procedimento numero 40402/00 a carico di Giacomo Medici, Marion True, Robert Hecht e altri, sentenza del Gup Guglielmo Muntoni, 13.12.2004.

Former-Czechoslovakia

- In the former-Czechoslovakia **a third of churches were robbed** in the 1990s: 20,000 artifacts illicitly exported from the country every day; from 1993 to 1996, 3,580 thefts from churches and sacred places were reported, 1,250 from castles, 750 from museums, and 1,400 from private apartments¹⁴.

Nigeria

- In Nigeria, during the 90s, over 400 artifacts have been stolen from museums and other institutions. **The looting of cultural objects continues**¹⁵.

Cambodia

- Since 1975, **hundreds of Buddha statues near Angkor Wat have been mutilated**, many of them decapitated. UNESCO estimates that such events happen **once a day**.

United States of America

- In the United States, a survey conducted in 1991 shows that in Nebraska **28% of sites of particular importance have been damaged by illegal excavators looking for fossils**.

Bangladesh

- From a collection of **ancient manuscripts**, from 750 AD to 1200 AD, only one remains in Bangladesh. The others are scattered around the world.

Wars and armed conflicts¹⁶

➤ Iraq

During the 1991 Gulf War, **3,000 known antiquities disappeared in Iraq**. It's estimated that many thousands of other non-inventoried objects have been removed from ancient sites. At the same time, the number of artifacts for sale in London and New York increased in a marked measure. The spoliation of the Sennacherib Palace at Nineveh is particularly documented: the robbers broke bas-reliefs to carry them more easily. During the operations against Saddam Hussein, **around 15,000 artifacts were robbed** from the Baghdad Museum¹⁷. Seven thousand were recovered: 2,000 in the USA, 250 in Switzerland, 100 by Italian Carabinieri, 2,000 were stopped in Jordan¹⁸, others in Beirut and Switzerland while in transit to New York. But the statue of Entemena, King of Lagash (2,450 BC) has not been recovered to date. The Magistrate of the State of Delaware (USA) has restituted 25 cuneiform slabs to Iraq, from where they had been robbed. They were found in July 2010 by an art dealer in California¹⁹. Several others processes of restitution are still ongoing.

➤ Libya

Libya boasts an extremely rich cultural heritage that unfortunately has suffered years of neglect and most recently the perils of conflict. After months of conflict, there is still growing concern from the international community about the state of the Libyan cultural heritage and its role in the future of the country²⁰. Improving the protection of Libya's heritage sites and valuable collections of antiquities is of pressing importance. There have been a number of incidents of vandalism and theft from archaeological sites and museums. Such thefts were ongoing long before the revolution. In 2006 the BBC reported that at least 90 important items had been stolen from Tripoli Museum since 1988, due to inadequate security. Two valuable statue fragments have been returned to Libya from Europe this year having been recognized as stolen.

➤ Mali

Damage to Timbuktu's cultural heritage due to fighting between Government forces and Tuareg rebels **is alarming**. In 2013, Lazare Eloundou Assomo of the UN Educational, Scientific and Cultural Organization's (UNESCO) World Heritage Centre said the destruction is "even more alarming than we thought." During an official visit in 2013, it was discovered that 14 of Timbuktu's mausoleums, including those that are part of the UNESCO World Heritage sites, **were totally destroyed**. In addition, the fighting destroyed parts of the Djingareyber Mosque, one of three madrassas comprising

¹⁴ E de Roux e R. P. Paringaux, *Razzia sur l'art*, Paris, 1999, pag 95.

¹⁵ Da qui, di nuovo in N. Brodie, J. Doole, P. Watson, cit.

¹⁶ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/emergency-actions/>

¹⁷ M. Bogdanos, *The thieves of Baghdad*, in I. Vinson, cit.

¹⁸ D. George, *The looting of the Iraq National Museum*, in P. Stone, cit.

¹⁹ "Delaware on line", 19.2.2011

²⁰ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/emergency-actions/libya/>

the University of Timbuktu. It is believed to have been built around 1327, mostly out of straw and wood with some limestone reinforcements.²¹

➤ **Syria**

The Syrian Directorate-General of Antiquities and Museums (DGAM) has recently reported a **dramatic rise in illegal excavations of archaeological sites** and looting of museums in Syria, which increases the threat of illicit trafficking of cultural property.²²

➤ **Egypt**

The recent events in Egypt are only the latest in which objects and places of art have been endangered by wars or armed conflicts. During the protests against Hosni Mubarak, **archaeological sites of great importance have been looted**. According to a declaration of Zahi Hawass, ancient tombs at Saqqara and Abusir, as well as deposits in Saqqara and at the University of Cairo were looted²³. At least nine artifacts were robbed from the National Museum of Cairo.

➤ **Afghanistan**

In 1993, when the staff of the Museum of Kabul was sacked during the withdrawal of Russian troops, the robbers used **the same guides of the museum** to search out the best pieces.

➤ **Bangladesh**

At the end of the Independence War in Bangladesh (1971) **2,000 Hindu temples were destroyed** or seriously damaged, and 6,000 sculptures were exported by smugglers²⁴.

➤ **Zaire**

During the coup d'état of 1997, **the best pieces were robbed from the deposits** of the National Museum of Zaire, Kinshasa. Fortunately, an accurate inventory exists.

²¹ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/emergency-actions/mali/>

²² <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/emergency-actions/syria/>

²³ "The New York Times", 18.2.2011.

²⁴ For this and the successive notices see N. Brodie, J. Doole, P. Watson, cit.

2- THE 1970 UNESCO CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

- Adopted by the **16th General Conference of UNESCO** on 14 November 1970²⁵.
- It is the **first international legal framework** for the fight against the illicit trafficking of cultural property in times of peace.
- It has been ratified by **125 countries** (34 States in the last 10 years).
- **Non-retroactivity**: the Convention is only applicable to cultural objects stolen or illicitly exported from one State Party to another State Party after the date of entry into force of the Convention for both States concerned.
- **Definition of cultural property** (art. 1 and 4): the adopted definition is very wide, but property has to be explicitly designated by the States as important for its archaeology, prehistory, history, literature, art or science.
- State parties must:
 - **Adopt protection measures** in their territories (art. 5):
 - elaborate draft appropriate national legislation
 - establish national services for the protection of cultural heritage
 - promote museums, libraries, archives
 - establish national inventories
 - encourage adoption of codes of conduct for dealers in cultural property
 - implement educational programmes to develop respect for cultural heritage
 - **Control movement** of cultural property (art. 6 to 9):
 - introduce a system of export certificates
 - prohibit the export of cultural property unless it is accompanied by an export certificate
 - prevent museums from buying objects exported from another State Party without an export certificate
 - prohibit the import of objects stolen from museums, religious institutions or public monuments
 - penal sanctions to be imposed on any person contravening these prohibitions
 - emergency import bans may be adopted when the cultural heritage of a State party is seriously endangered by intense looting of archaeological and ethnological artefacts (Afghanistan, Iraq, etc.)
 - require art dealers to maintain a register of the exact origin of each object they purchase
 - **Return** stolen cultural property (art. 7):
 - at the request of the State Party of origin, another State Party will seize and return cultural property on its territory stolen from a museum, religious institution or public monument
 - the request has to be made through diplomatic channels
 - the object has to be documented as being part of the inventory of the institution
 - the requesting State has to pay just compensation to an owner who has purchased the object in good faith or holds a title which is valid according to national law
 - the requesting State has to provide all the evidence to support its claim

²⁵ The text of the Convention can be consulted on the website <http://www.unesco.org/culture/en/illicittrafficking>



3- STATUTORY BODIES OF THE 1970 CONVENTION²⁶

MEETING OF STATES PARTIES TO THE 1970 CONVENTION

The Meeting of the States Parties to the 1970 Convention is the **sovereign body of the Convention**, composed of the **125 States** parties to the 1970 Convention.

The Meeting of States Parties **provides strategic orientations for the implementation of the Convention and takes all measures it deems necessary for the promotion of the objectives of the Convention.**

Initially, the 1970 Convention did not make any provisions for a periodic monitoring body. Only one meeting was held in 2003 on the basis of a specific decision by the UNESCO Executive Board taken in 2002.

- **During the second meeting of States Parties to the 1970 Convention held in June 2012, and in order to monitor the implementation of the 1970 Convention, the States Parties decided to convene a meeting every two years.**
- "Extraordinary meetings" may continue to be convened at any time, at the request of the States Parties and by the UNESCO Director-General.
- The third Meeting of the States Parties is scheduled to be held in 2015.

SUBSIDIARY COMMITTEE TO THE MEETING OF THE STATES PARTIES

The Subsidiary Committee is composed of the representatives of 18 States Parties (3 by regional group). The election of the Committee shall obey the principles of **equitable geographical representation and rotation.**

The members of the Committee are elected for a **4 year-term**. Every 2 years, the Meeting of States Parties renews half of the members of the Committee. A member of the Committee may not be elected for two consecutive terms.

Its functions are to:

- **promote** the objectives of the Convention;
- **review the national reports** submitted to the General Conference by the States Parties to the Convention;
- **share good practices**, prepare and submit to the Meeting of States Parties recommendations **and operational guidelines** that can help in implementing the Convention;
- **identify difficult situations** resulting from the implementation of the Convention, including topics regarding the protection and return of cultural property;
- **establish and maintain coordination** with the "Return and Restitution Committee" in connection with capacity-building measures to combat the illicit trafficking of cultural property; **inform the Meeting of States Parties** of the activities that have been implemented.

²⁶ For more information: <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/meetings/>



4- THE 1995 UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS AND OTHER INTERNATIONAL LEGAL INSTRUMENTS ON ILLICIT TRADE



- Adopted by the Diplomatic Conference in Rome on 24 June 1995²⁷.
- As of November 2013, it has **34 State Parties**, 22 other States have signed but not yet ratified.
- Drafted at **UNESCO's request to develop a uniform minimum body of private law rules** for the international art trade **to complement the public law provisions of the 1970 UNESCO Convention**.
- **Restitution** of stolen cultural objects (art. 3 and 4) and return of illegally exported cultural objects (art.5 to 7):
 - Key principles : “the possessor of a cultural object which has been stolen shall return it”
 - Possibility of compensation paid to the possessor of the stolen object where care was taken to avoid acquiring stolen cultural property; criteria for the establishment of diligence include circumstances of acquisition, character of parties involved, price paid, consultation of a register of stolen cultural objects
 - An illegally exported cultural object is to be returned if the object is of significant cultural importance for the requesting State
 - Possibility of compensation paid to the possessor of the illegally exported object where care was taken to avoid acquiring illegally exported cultural property: criteria for establishing diligence include circumstances of acquisition and absence of an export certificate required by the law of the requesting State
- **Clandestinely excavated** objects (art. 3 to 5):
 - illicitly excavated objects are considered to be stolen
- **Procedure** for claims:
 - brought by the private owner or a State before a court in the country where the object is located
 - time limits: generally 50 years and within 3 years of knowledge of the location of the object and identify of its possessor

OTHER INTERNATIONAL LEGAL INSTRUMENTS APPLY TO ILLICIT TRAFFIC IN CULTURAL PROPERTY

- **Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict**: currently 103 States Parties ; provides for the return of cultural property illegally exported from occupied territories
- **European Union Directive 93/7**: applicable among the 27 Member States of the EU, it provides for a specific procedure for the return of illegally removed cultural property
- **Commonwealth Scheme**: establishes a procedure for the return of stolen or illicitly exported objects within the Commonwealth; model legislation has been drafted which the 54 Commonwealth Member States may use as a basis for a national legislation.

²⁷ The text of the UNIDROIT Convention can be consulted on the website <http://www.unidroit.org>



5- INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN OF CULTURAL PROPERTY²⁸

UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation was created **by the General Conference of UNESCO as a permanent intergovernmental body in 1978.**

- The **22 members of the Committee are elected** from the UNESCO Member States **and renewed by half** at elections that take place every two years during the General Conference.
- It acts as **a mediator between States** in conflict regarding the return or restitution of cultural property when the provisions of the 1970 Convention do not apply.
- Acting as **an advisory body and as a forum facilitating bilateral negotiations**, this Committee has no legal power to decide cases.
- It **initiates the creation of tools focused** on the protection of heritage:
 - Awareness-raising campaigns: films, video-clips and publications
 - Mediation and conciliation rules on conflicts related to cultural property
 - Model Export Certificate for cultural objects
 - Database of National Cultural Heritage Laws
 - Actions concerning Cultural Objects being offered for Sale over the Internet
 - Code of Ethics for Dealers in Cultural Property
- **Procedure:**
 - Before bringing a case before the Intergovernmental Committee, the requesting State must **initiate bilateral negotiations** with the State in which the requested object is located; **only when such negotiations have failed or are suspended** can the case be brought before the Committee
 - In 1981, a "Standard Form Concerning Requests for Return or Restitution" was devised by the Intergovernmental Committee, to be filled out by both parties concerned
 - In order to be examined, a request for return or restitution has to be **submitted at least six months before the session** of the Intergovernmental Committee

UNESCO's General Conference adopted at its 33rd session a resolution that explicitly articulates the mediatory and conciliatory functions of the Committee.

- **Rules of procedure for Mediation and Conciliation:**
 - At its 16th session in September 2010, the Committee reviewed and adopted the resultant Rules of Procedure for Mediation and Conciliation.
 - Only **UNESCO Member States and Associate Members may defer to the elaborated procedures for mediation and conciliation, but States may represent the interests of public or private institutions located in their territories, as well as those of their nationals.**
 - Every two years, each State is invited to nominate and submit to the Secretariat **the names of two individuals who may serve as mediators and conciliators.**²⁹ Their qualification is contingent on their competency and mastery in matters of restitution, resolution dispute and other specific characteristics of the protection of cultural property.

²⁸ <http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/>

²⁹ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/ListofMediators_and_Conciliators_enfr_20131028.pdf

- The Intergovernmental Committee has enabled **the following cases to be resolved:**

- **1983:** restitution by Italy to Ecuador of more than 12,000 pre-Columbian objects.
- **1987:** restitution by the German Democratic Republic to Turkey of 7,000 cuneiform tablets from Boğazköy
- **1988:** restitution by the United States of America to Thailand of the Phra Narai Lintel
- **2010:** restitution by the Barbier-Mueller Museum (Switzerland) to the United Republic of Tanzania of the Makonde Mask
- **2011:** Germany - Turkey At the beginning of May 2011, the Secretariat was informed that a bilateral agreement has been reached between Germany and Turkey on the Bogazkoy Sphinx. This case was presented to the Committee in 1987.

The most famous and still pending case concerns the request by Greece for the return by the United Kingdom of the Parthenon Marbles presently in the British Museum.

- For more information:

<http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property>



Makonde Mask
© ICOM



Sphinx of Boğazköy
© Berlin Museum



6- INTERNATIONAL FUND FOR THE RETURN OF CULTURAL PROPERTY

The lack of available resources remains an important obstacle to the realization of an effective strategy against the dispersal of cultural objects by illicit traffic.

The General Conference of UNESCO established the « *International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* ».

The recovery of cultural property is important **for States with significant losses**, especially in the event of conflict or natural disaster, **but not all have the means to pursue their claims** in other countries.

This Fund **aims to support Member States in their efforts** to pursue the return or restitution of cultural property and effectively fight illicit traffic in cultural property, particularly with regard to: **the verification of cultural objects by experts, transportation, insurance costs, setting up of facilities to exhibit them in satisfactory conditions, and training of museum professionals in the originating countries of cultural objects.**

In March 2001, **the UNESCO Director-General launched an appeal** to participate in this unanimous effort and contribute generously to the Fund in order to facilitate the effective restitution of cultural property to its State of origin or its owner.

Requests for assistance will be evaluated **by the Intergovernmental Committee of 22 Member States. The Fund is financed by voluntary contributions.**

More information: <http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/fund-of-the-committee/>

The Fund is open to voluntary contributions

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7- PRATICAL ACTION AND AWARENESS RAISING: WHAT DOES UNESCO DO?

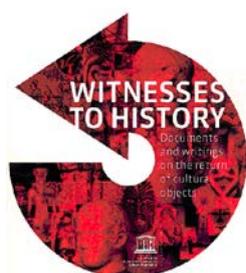
Apart from **its diplomatic and legal action** and its roles as **negotiator and mediator**, UNESCO's Secretariat implements **several information and awareness raising initiatives**.

- **Fighting trafficking on the Internet**

Faced with the growing trafficking of cultural goods on the Internet and the difficulties encountered by national authorities to control this phenomenon, UNESCO, in close cooperation with INTERPOL and the International Council of Museums (ICOM), **makes available to Member States some basic measures to be taken concerning the sale of cultural objects via the Internet.**³⁰

- **Informing the public**

A film to raise awareness about the illicit trafficking of cultural goods (17 min.) presents UNESCO's action, programmes and standard-setting Instruments, as well as the role of those working to protect cultural heritage.



Video clips (2-3 min.) warn about the dangers of illicit trafficking in different parts of the world (Africa, Latin America, Eastern Europe, etc.)

UNESCO has published the **Compendium 'Witnesses to History – Documents and writings on the return of cultural objects'**, an anthology of reference texts of a historic, ethical, philosophical and legal nature, presenting various points of view about the issue of the return and restitution of cultural goods. It is also available in French and Chinese. Arabic, Korean and Spanish translations are in preparation.

- **Informing the art market and museums**

UNESCO promotes an **International code of ethics for traders in cultural property** which builds on the principles **laid down in the 1970 Convention**. It is also based on various national codes and Dealers' Codes (such as the code of the international federation of art and antique dealer associations (*Confédération internationale des Négociants d'Oeuvres d'Art*, CINOA)). The UNESCO Code is also close to the model rule on the Acquisition Policies of Museums laid down in the Code of Professional Ethics of ICOM.

ICOM has drafted a **Code of Ethics** that forbids museums from acquiring, authenticating or exhibiting stolen or illicitly exported cultural goods. It has encouraged a number of museums to adopt ethical rules for their acquisitions. This code, passed in 1986 and revised in 2006, establishes values and principles that are common to ICOM and the worldwide museum community. It is a reference tool, which has been translated into 36 languages, and it sets minimum standards of practices and professional performance for museums and their staff. By joining ICOM, every member is committed to complying with this Code.



A double issue of **Museum International- UNESCO publishing** Volume 61, n° 1/2, 2009 published the proceedings of an important conference intended to take forward the debate on the issue of the return and restitution of cultural property. Held in Athens on 17 and 18 March 2008, at the initiative of

³⁰ <http://www.unesco.org/culture/fr/illicittrafficking/internettraffic>

the Government of Greece, the conference brought together key actors to advance practice on this issue.



- **Informing and training police, customs and public authorities**

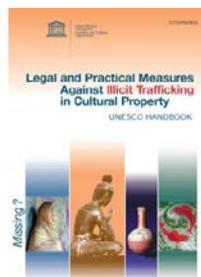
A Model Export Certificate for Cultural Objects (UNESCO-WCO) has been drawn up by the secretariats of the World Customs Organization (OMD) and of UNESCO, which cooperate in the fight against the illicit trafficking of cultural goods. This model corresponds to useful requirements for identifying and tracing cultural objects, without, however, being too restrictive for exporters and customs services.³¹

Several Workshops are regularly organized by UNESCO and its partners which are specifically **designed for the police and customs forces**, the training is aimed at a selected number of staff, with a view to enforcing an efficient protection system in the country and building-up police specialized forces in the fight against the illicit trafficking of cultural property. The next one will be held in Saharat, Libya, on the end of November.

- Further practical tools and ethical instruments have been developed by UNESCO to contribute to the fight against illicit traffic :

Legal and Practical Measures Against Illicit Trafficking in Cultural Property, UNESCO Handbook, 2006

This handbook briefly draws attention to some basic legal and practical measures and tools to help combat illicit trafficking in cultural property.



UNESCO-UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects:

The UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation and the UNIDROIT Governing Council and their respective Secretariats work together to protect cultural property. The resultant Model Provisions and their explanatory guidelines are made available to the relevant domestic bodies and legislatures to help them establish and recognise State ownership of undiscovered cultural objects.

The Object-ID Standard:

Object ID is an international standard for describing cultural objects. It is the result of years of research in collaboration with the museum community, international police and customs agencies, the art trade, insurance industry, and valuers of art and antiques.³²

Rules of Procedure for Mediation and Conciliation of the Intergovernmental Committee:

The Rules of Procedure are conceived under the general principles of equity, impartiality and good faith, which are intended to promote harmonious and fair resolution for disputes concerning the restitution of cultural property. As such, the text provides for confidential communication in relevant

³¹ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/legal-and-practical-instruments/unesco-wco-model-export-certificate/>

³² <http://archives.icom.museum/object-id/>

political, diplomatic, juridical and financial matters between the mediators and conciliators and each party.

- **Resources and Capacity-building**

UNESCO gives free access to a **database** in six languages about national cultural heritage laws. By presenting the national laws of its Member States on its website, UNESCO offers all the parties concerned a major and easily accessible source of information. The database currently contains more than 2,500 texts from more than 180 countries.

States members are invited to send copies of all legal texts concerning the protection of cultural objects to UNESCO's Secretariat for their inscription in **the UNESCO Database of National Cultural Heritage Laws**.³³



UNESCO very regularly organizes information **meetings and national and regional training workshops aimed at promoting the Conventions** and relevant practical instruments for the protection of cultural goods and for the fight against trafficking in these goods.

- **In 2012-2013, 23 workshops were held and more than 80 countries have participated.**

For examples of workshops: <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/capacity-building/>

- **Informing experts, researchers and students**

In-depth **legal publications are drafted by experts who are internationally recognized** in this field and published with the support of UNESCO on its website (UNESCO Publishing) or used during training workshops. Among these publications are commentaries about the 1970 UNESCO Convention and the 1995 UNIDROIT Convention.

- **For more information:** <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/publications/>

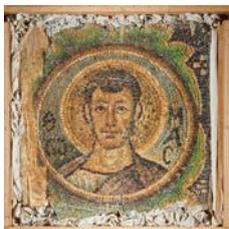


³³ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/>

8 - RECENT EXAMPLES OF SUCCESSFUL RESTITUTION OPERATIONS USING THE 1970 CONVENTION

The 1970 UNESCO Convention and the laws which are subsequent to its implementation at the national level are useful for the National Authorities of the State Parties that would like to return one or several cultural objects to another country.

- **July 2013: Germany to Cyprus**



In July 2013, Germany returned some 170 frescoes, mosaics and icons to Cyprus. They had been stolen from churches in Cyprus and were seized by the German authorities in 1997. A Court in Munich had given the go-ahead for their return to Cyprus after it issued a final ruling on the question of ownership.

The picture depicts a wall mosaic of the apse of the church of the Panagia Kanakaria in Lythrangomi, dating back from the 6th century.

© Van Hasz, Bavarian State Office of Criminal Investigation

- **May 2013 : Germany to Bulgaria**



In May 2013, Germany returned a votive offering from the 2nd/3rd century BC in the form of a Danubian Horseman silver plaque to Bulgaria.

The picture depicts the Consul Ivan Ilianvov Jordanov, from Bulgaria, and the German State Secretary, Ingmar Jung, during the handover ceremony.

© Hesse State Ministry of Higher Education, Research and the Arts

- **June 2013: Sabratha, Libya**



In March 2013, two statue heads from the classical museum of the archaeological site of Sabratha, inscribed on the World Heritage List (1982), were looted and the statues damaged.

On 7 June 2013, the police in coordination with the 1st Infantry Battalion Libya Shield arrested a network of smugglers indicted in the robbery of two heads of statues from the Sabratha Museum.³⁴

Sabratha © UNESCO

- **March 2013: Germany to Turkey³⁵**



Germany has returned a golden brooch “seahorse with wings” to Turkey. The brooch had been stolen from a museum in Usak, Turkey, in 2005 and was seized by German authorities in 2012. After Turkey had been informed via Interpol as well as by the German Foreign Office, the brooch was handed over to Turkish representatives on March 5, 2013 on the basis of the German Code of Criminal Procedure.

Seahorse © Ministry of Culture and Tourism of Turkey

³⁴ <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/recent-restitution-cases-of-cultural-objects-using-the-1970-convention/recovery-of-two-statue-heads-stolen-from-the-sabratha-museum>

³⁵ http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2013/130307-StMP_Goldbrosche.html

- **September 2011: Australia - Peru and Jordan**³⁶

The Australian Government officially returned precious cultural antiquities to the Peruvian and Jordanian governments. The objects were returned under the Protection of Movable Cultural Heritage Act 1986. Under the Act, cultural assets which have been illegally exported from their country of origin are returned home

- **June 2011**³⁷ : **Canada to Bulgaria**

The Government of Canada returned to the Republic of Bulgaria 21,000 coins, pieces of jewellery, and other objects that were illegally imported to Canada and seized by the Royal Canadian Mounted Police.

- **10 November 2010: USA to Egypt**

The Metropolitan Museum of Art in New York has recognized that Egypt is the owner of 19 objects from the tomb of Tutankhamun.

In a joint communiqué on 10 November 2010 from the Director of the Metropolitan Museum of Art in New York and the Secretary-General of the Egyptian Supreme Council of Antiquities, the Metropolitan Museum officially recognized Egypt's ownership of 19 objects from the tomb of King Tutankhamun.

³⁶ <http://arts.gov.au/news/precious-artefacts-returned-peru-and-jordan>

³⁷ <http://unesdoc.unesco.org/images/0019/001929/192924m.pdf>

9- UNESCO's DONORS AND PARTNERS IN THE FIGHT AGAINST ILLICIT TRAFFICKING IN CULTURAL PROPERTY

1. DONORS

- China; Greece; Italy; Mexico; the Netherlands; Republic of Korea; Spain; Switzerland; Turkey; the United States.

2. PARTNERS

1. Intergovernmental organizations

	<p>ICCROM Via di San Michele 13 I-00153 Roma Italy http://www.iccrom.org</p>
	<p>INTERPOL I.C.P.O. – INTERPOL, General Secretariat Works of Art Unit Drugs and Criminal Organizations Sub-directorate 200, quai Charles de Gaulle 69006 Lyon France woa@interpol.int</p>
	<p>EUROPEAN UNION Bruxelles – Brussels Rue Wiertz Wiertzstraat B-1047 Brussel Standard téléphonique Phone: + 32 / (0) 2 28 4 21 11 http://europa.eu/legislation_summaries/culture/l11017b_en.htm</p>
 <p>WORLD CUSTOMS ORGANIZATION ORGANISATION MONDIALE DES DOUANES</p>	<p>WCO World Customs Organization Rue du marché, 30 B-1210 Brussels Belgium information@wcoomd.org communication@wcoomd.org</p>

	<p>UNIDROIT International Institute for the unification of Private Law 28, Via Panisperna 00184 Roma Italy info@unidroit.org</p>
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	<p>United Nations Office on Drugs and Crime (UNODC) Vienna International Centre PO Box 500 A 1400 Vienna Austria http://www.unodc.org</p>
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2. Non-Governmental Organizations

	<p>ICOM International Council of Museums General Secretariat UNESCO House 1, rue Miollis 75732 Paris cedex 15 http://icom.museum/</p>
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	<p>ICOMOS International Council on Museums and Sites 49-51, rue de la Fédération Paris 75015 France +33 (0)1 45 67 67 70 +33 (0)1 45 66 06 22 http://www.icomos.org</p>
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3. Specialized Police Units³⁸

	<p>OCBC - France Office central de lutte contre le trafic des biens culturels 101, rue des Trois Fontanot 92000 Nanterre France ocbc-doc.dcpjac@interieur.gouv.fr</p>
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	<p>Carabinieri - Italy Ministero della Difesa – república italiana Comando Carabinieri per la Tutela del Patrimonio Culturale carabinieri@carabinieri.it</p>
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³⁸ See also : <http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/partnerships/specialized-police-forces/>

	<p>Guardia Civil - Spain http://www.guardiacivil.es/es/</p>
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4. Research Institutes

	<p>Centre d'Etudes sur la Coopération Juridique Internationale http://www.cecoji.cnrs.fr/rubrique.php?id_rubrique=9</p>
	<p>Centre du droit de l'art http://www.art-law.org/centre.html</p>
	<p>Cultural Heritage Law program http://www.law.depaul.edu/centers_institutes/ciplit/cultural_heritage/</p>
	<p>Groupe de recherche international « Patrimoine culturel et droit de l'art » http://recherche.jm.u-psud.fr/index.php?98-gdri-patrimoine-culturel-et-droit-de-l-art</p>
	<p>Institute of Art and Law http://www.ial.uk.com/index.php/Organisation</p>
	<p>Institut de Droit de l'Art et de la Culture http://facdedroit.univ-lyon3.fr/presentation/centres-et-instituts/institut-de-droit-de-l-art-et-de-la-culture-90212.kjsp</p>
	<p>Seoul National University College of Law Seoul National University, 1 Gwanak-ro, Gwanak-gu, Seoul, Korea 151-742</p> <ul style="list-style-type: none"> ➤ Professor Keun-Gwan Lee (Republic of Korea) was elected Chairperson of the Intergovernmental Committee for Promoting the return of Cultural Property (ICPRCP) on its 18th Session in 2012.

 <p>Cairo University</p>	<p>University of Cairo http://cu.edu.eg/Home</p>
 <p>University of Glasgow</p>	<p>University of Glasgow – Scotland, UK http://www.gla.ac.uk/</p>
	<p>University of Ibadan – Nigeria http://www.ui.edu.ng/</p>
	<p>Universidad Nacional Autonoma de Mexico http://www.unam.mx/index/en</p>
	<p>Working Group on Cultural Heritage http://www.eui.eu/Home.aspx</p>

10- INTERNATIONAL INSTRUMENTS RELATIVE TO ILLICIT TRAFFICKING OF CULTURAL PROPERTIES

STATES PARTIES

NOVEMBER 2013

X= Ratification
S=Signature

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
Afghanistan	X		X	
Afrique du Sud / South Africa	X			
Albanie / Albania	X	X		
Algérie / Algeria	X			
Allemagne / Germany	X	X		X
Andorre / Andorra				
Angola	X			
Antigua et Barbuda / Antigua and Barbuda				
Arabie Saoudite / Saudi Arabia	X	X		
Argentine / Argentina	X	X	X	
Arménie / Armenia	X	X		
Australie / Australia	X			
Autriche / Austria		X		X
Azerbaïdjan / Azerbaijan	X	X	X	
Bahamas	X			
Bahreïn / Bahrain		X		
Bangladesh	X	X		
Barbade / Barbados	X	X		

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
Bélarus / Belarus	X	X		
Belgique / Belgium	X	X		X
Belize	X			
Bénin / Benin				
Bhoutan / Bhutan	X			
Bolivie / Bolivia	X		X	
Bosnie-Herzégovine / Bosnia and Herzegovina	X	X		
Botswana				
Brésil / Brasil	X	X	X	
Brunei Darussalam				
Bulgarie / Bulgaria	X	X		X
Burkina Faso	X	X	s	
Burundi				
Cambodge / Cambodia	X	X	X	
Cameroun / Cameroon	X	X		
Canada	X	X		
Cap Vert / Cape Verde				
Chili / Chile		X		
Chine / China	X	X	X	
Chypre / Cyprus	X	X	X	X
Colombie / Colombia	X	X	X	
Comores / Comoros				
Congo				
Costa Rica	X	X		
Côte d'Ivoire	X		s	
Croatie / Croatia	X	X	X	
Cuba	X	X		
Danemark	X	X	X	X
Djibouti				
Dominique / Dominica				
Egypte / Egypt	X	X		
El Salvador	X	X	X	
Emirats arabes unis / United Arab Emirates				
Equateur / Ecuador	X	X	X	
Erythée / Eritrea				
Espagne / Spain	X	X	X	X
Estonie / Estonia	X	X		X

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
Etats-Unis d'Amérique / United States of America	X			
Ethiopie / Ethiopia				
Ex-République yougoslave de Macédoine / The former Yugoslav Republic of Macedonia	X	X		
Fédération de Russie / Russian Federation	X	X	s	
Fiji				
Finlande / Finland	X	X	X	X
France	X	X	s	X
Gabon	X	X	X	
Gambie / Gambia				
Géorgie / Georgia	X	X	s	
Ghana		X		
Grèce / Greece	X	X	X	X
Grenade / Grenada	X			
Guatemala	X	X	X	
Guinée / Guinea	X	X	s	
Guinée équatoriale / Equatorial Guinea	X			
Guinée-Bissau / Guinea-Bissau				
Guyane / Guyana				
Haïti / Haiti	X			
Honduras	X	X		
Hongrie / Hungary	X	X	X	X
Iles Cook / Cook Islands				
Iles Marshall / Marshall Islands				
Iles Solomon / Solomon Islands				
Inde / India	X	X		
Indonésie / Indonesia		X		
Iran (République Islamique)/ Iran (Islamic Republic of)	X	X	X	
Iraq	X	X		

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
<i>Irlande / Ireland</i>				X
<i>Islande / Iceland</i>	X			
<i>Israël / Israel</i>		X		
<i>Italie / Italy</i>	X	X	X	X
<i>Jamaïque / Jamaica</i>				
<i>Japon / Japan</i>	X	X		
<i>Jordanie / Jordan</i>	X	X		
<i>Kazakhstan</i>	X	X		
<i>Kenya</i>				
<i>Kirghizistan / Kyrgyzstan</i>	X			
<i>Kiribati</i>				
<i>Koweït / Kuwait</i>	X	X		
<i>Lesotho /</i>	X			
<i>Lettonie / Latvia</i>		X		X
<i>Liban / Lebanon</i>	X	X		
<i>Liberia</i>				
<i>Libye</i>	X	X		
<i>Lituanie / Lithuania</i>	X	X	X	X
<i>Luxembourg</i>		X		X
<i>Madagascar</i>	X	X		
<i>Malaisie / Malaysia</i>		X		
<i>Malawi</i>				
<i>Maldives</i>				
<i>Mali</i>	X	X		
<i>Malte / Malta</i>				X
<i>Maroc / Morocco</i>	X	X		
<i>Maurice / Mauritius</i>	X			
<i>Mauritanie / Mauritania</i>	X			
<i>Mexique / Mexico</i>	X	X		
<i>Micronésie / Micronesia</i>				
<i>Monaco</i>		X		
<i>Mongolie / Mongolia</i>	X			
<i>Monténégro / Montenegro</i>	X	X		
<i>Mozambique</i>				
<i>Myanmar</i>	X	X		
<i>Namibie / Namibia</i>				
<i>Nauru</i>				
<i>Népal / Nepal</i>	X			
<i>Nicaragua</i>	X	X		
<i>Niger</i>	X	X		
<i>Nigeria</i>	X	X	X	

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
Niue/Niue				
Norvège/ Norway	X	X	X	
Nouvelle- Zélande / New Zealand	X		X	
Oman	X			
Ouganda / Uganda				
Ouzbékistan / Uzbekistan	X			
Pakistan	X	X	s	
Palau				
Palestine	X	X		
Panama	X	X	X	
Papouasie Nouvelle Guinée / Papua New Guinea				
Paraguay	X	X	X	
Pays-Bas / Netherlands	X	X	s	X
Pérou / Peru	X	X	X	
Philippines				
Pologne / Poland	X	X		X
Portugal	X	X	X	X
Qatar	X			
République arabe syrienne / Syrian Arab Republic	X	X		
République Centrafricaine / Central African Republic	X			
République de Corée / Republic of Korea	X			
République de Moldova / Republic of Moldova	X	X		
République démocratique du Congo / Democratic Republic of Congo	X	X		
République démocratique populaire du Lao / Lao People's Democratic Republic				

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
République dominicaine / <i>Dominican Republic</i>	X	X		
République populaire démocratique de Corée / <i>Democratic People's Republic of Korea</i>	X			
République tchèque / <i>Czech Republic</i>	X	X		X
République-Unie de Tanzanie / <i>United Republic of Tanzania</i>	X			
Roumanie / <i>Romania</i>	X	X	X	X
Royaume-Uni / <i>United Kingdom</i>	X			X
Rwanda	X			
Sainte-Lucie / <i>Saint Lucia</i>				
St. Kitts-et-Nevis / <i>St. Kitts and Nevis</i>				
Saint-Marin / <i>San Marino</i>		X		
St. Vincent et Grenadines / <i>St. Vincent and the Grenadines</i>				
Samoa				
Sao Tomé et Príncipe / <i>Sao Tome and Principe</i>				
Sénégal / <i>Senegal</i>	X	X	s	
Serbie / <i>Serbia</i>	X	X		
Seychelles	X			
Sierra Leone				
Singapour / <i>Singapore</i>				
Slovaquie / <i>Slovakia</i>	X	X	X	X
Slovénie / <i>Slovenia</i>	X	X	X	X
Somalie / <i>Somalia</i>				
Soudan / <i>Sudan</i>				
Soudan du Sud / <i>South Sudan</i>				
Sri Lanka	X			

UNESCO Member States	Convention UNESCO 1970 / 1970 UNESCO Convention	Protocole de La Haye 1954 / 1954 The Hague Convention	Convention d'UNIDROIT 1995 / 1995 UNIDROIT Convention	Directive 93/7 CEE / EEC 93/7 Directive
Suède / Sweden	X	X	X	X
Suisse / Switzerland	X	X	s	
Suriname				
Swaziland	X			
Tadjikistan / Tajikistan	X	X		
Tchad / Chad	X			
Thaïlande / Thailand		X		
Timor-Leste				
Togo				
Tonga				
Trinité-et- Tobago / Trinidad and Tobago				
Tunisie / Tunisia	X	X		
Turkménistan / Turkmenistan				
Turquie / Turkey	X	X		
Tuvalu				
Ukraine	X	X		
Uruguay	X	X		
Vanuatu				
Vénézuela / Venezuela	X			
Viet Nam	X			
Yémen / Yemen		X		
Zambie / Zambia	X		s	
Zimbabwe	X			