Legal and operational tools for facilitating the restitution provisions and legal frameworks of cultural objects
THE INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN OF CULTURAL PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION IN CASE OF ILLICIT APPROPRIATION
Composition: 22 members

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Fin du mandat : 2015
Fin du mandat : 2017
Last case resolved under the aegis of the ICPRCP

The Committee acts as a mediator between States in conflict regarding the return and restitution of cultural property.

1988: USA-Thailand
The United States of America returned the Phra Narai lintel to Thailand following mediation facilitated by the ICPRCP.

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The Bogazkoy Sphinx
In May 2011, a bilateral agreement has been reached between Germany and Turkey on the Bogazkoy Sphinx. This case was presented to the Committee in 1987.
Pending case before the ICPRPCP

The Committee is an advisory body and a forum of negotiation

**Parthenon Sculptures**

- Ongoing discussions between Greece and the United Kingdom in respect of the physical reunification of the Parthenon Sculptures
- Sustains cooperation between the British Museum and the Acropolis Museum
- Request of Greece to use the mediation – conciliation procedure
The Committee initiates the creation of practical and operational tools.

- Database of National Cultural Heritage Laws (2005)
- Basic measures concerning cultural property sold online (2007)
- Awareness-raising campaigns (2010)
- Model Provisions on State Ownership on Cultural Heritage (2011)
- Mediation and Conciliation Rules (2011)
UNESCO International Code of Ethics for Dealers in Cultural Property

• Traders in cultural property accept as binding the principles of professional practice of the code of ethics

• The principles are intended to distinguish cultural property being illicitly traded from that in licit trade
UNESCO Database of National Cultural Heritage Laws

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Aruba, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroun, Canada, Cap Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Congo (the Democratic Republic of the), Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Holy See (Vatican City State), Hungary, Iceland, India, Indonesia, Iran (the Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea, Republic of, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Macedonia (the Former Yugoslav Republic of), Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Republic of, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, the, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Puerto Rico, Qatar, Romania, Russian Federation, Rwanda, Saint Kitts and Davis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Sint Maarten, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Tanzania United Republic of, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

A success story: 2679 laws online from 184 countries
Basic Actions concerning cultural objects being offered for sale over the Internet

• Developed in cooperation with INTERPOL and the International Council of Museums (ICOM),

• Addresses States that wish to take specific measures to control the online trade in cultural property
UNESCO-WCO Model Export-Certificate for cultural objects

- Cooperation between UNESCO and the World Customs Organization (WCO)
- Specially adapted to the growing phenomenon of cross-border movements of cultural objects
- Usually, the same export form is used for "ordinary" objects (computers, clothes, etc.) as for cultural objects
- This model fulfils requirements for identifying and tracing cultural objects
- UNESCO and the WCO recommend adopting the model, in its entirety or in part, as the national export certificate specifically for cultural objects.

→ facilitate the work of the States and the customs officials
RESTITUTION CASES THROUGH THE 1970 CONVENTION AND OTHER ALTERNATIVE MEANS
Successful bilateral restitutions through the implementation of the 1970 Convention (international level)

How?
The 1970 UNESCO Convention and the laws which are subsequent to its implementation at the national level are useful for the national authorities of State Parties which would like to return one or several cultural objects to another country.
US - Thailand, October 2014

Hundreds of antiquities looted from Thai archeological sites have been returned.

Earlier in the year, the Bowers Museum in California agreed to ship 8 containers of the antiquities to Thailand after US authorities ordered the museum to return them or face trial for illegally obtaining the items. US federal agents seized the items from the museum in 2008 after years of investigation into the connection between the looted antiquities from Southeast Asia and tax fraud in the US.
**US - Turkey, August 2014**

In 2006, Turkish experts noted 16 Roman funerary stelas in the digital catalogue of a US-based gallery. Scientific research and an examination of criminal records related to the illicit excavations detected in the source area of the stelas indicated that the stelas were stolen from West Anatolia.

Following the registration of these stelas in the INTERPOL Database as stolen, the FBI’s New York Field Office and the Art Crime Unit opened an investigation and facilitated the return of ten of the funerary stelas to Turkey in 2014.
Switzerland – Serbia, June 2014

Switzerland returned to Serbia a batch of some 150 ancient coins dating back to the Roman Empire. The majority of the coins are in bronze, and date from the 4th century, and some are Roman coins known as *antoninianii* from the 3rd century, and the aces are from the 2nd century.

This restitution followed their illegal importation into Switzerland by a Serbian resident in 2011. The coins, illegally excavated and imported from Serbia, were intended for resale in Switzerland on a platform.

This restitution highlighted the fruitful cooperation between Switzerland and Serbia and embodied the shared commitment of the two countries to protect cultural heritage.
Germany-Egypt, April 2014

On 30 April 2014, Germany returned three antique Egyptian objects – a stela, an obelisk and a shrine – to Egypt. Coming from Switzerland the illegally exported objects had been confiscated by German custom investigators at the border checkpoint. A court in Freiburg decided their return to Egypt.
US – Republic of Korea, April 2014

9 Royal Seals of the Korean Empire and Joseon Dynasty removed during the Korean War were returned to Republic of Korea (during U.S.-South Korea Summit). The return was an outcome of the U.S. - Korea joint investigation between the U.S. Homeland Security Investigations and the Korean Cultural Heritage Administration and Korean Supreme Prosecutors’ Office.
Tunisia-Algeria, April 2014

On 13 April 2014, the Algerian and Tunisian authorities signed an agreement for the restitution to Algeria of the Mask of Gorgon. This rare archaeological object made from 320 kilograms of marble which was stolen from the site of Hippo Regius, Annaba (in Algeria) in 1996 and recovered in Tunisia.
USA-Zimbabwe, October 2013

Six African artifacts stolen from Zimbabwe’s main art gallery in 2006 are back on display in the country since a recovery operation by U.S. law enforcement agents (FBI and CIA) in Poland.

The artifacts included two tribal face masks and four intricately carved wooden headrests from the early 20th Century.
Germany - Cyprus, 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 illustration below depicts a detail of a wall mosaic of the apse of the church of the Panagia Kanakaria in Lythrangomi, dating from the 6th century.
Successful bilateral restitutions through the implementation of the 1970 Convention (national level)

How?
Actions taken by States Parties to the 1970 Convention to implement its provisions are crucial for the efficient fight against illicit trafficking of cultural property as well as for the recovery of stolen objects inside the national borders.

Among the most useful measures to be adopted:
- development of inventories (museums, cultural or religious monuments, etc.),
- creation of national specialized services such as police and customs (or specific training/awareness-raising workshops for general police units and customs officers),
- control of exportations,
- Obligation for art dealers to keep and maintain a register
- etc.
Example with Albania: role of the police

In October 2013, the Albanian police seized more than 1,000 stolen icons and other religious works of art dating back to the 15th century, and arrested two men suspected of planning to sell them abroad.

The icons, frescoes and other pieces of art were stolen from Orthodox churches in various towns across southern Albania and neighbouring Macedonia.
UNESCO’s historical mandate as facilitator for alternative resolutions in restitution cases

How?
In case of dispute concerning cultural property between UNESCO Member States, it happens regularly that one of the countries involved asks for UNESCO’s Secretariat (Headquarters or even through the field offices) goods offices and particularly calls upon its capacity to act as facilitator when the negotiations are particularly delicate.

As an Intergovernmental UN Organization, UNESCO has a clear mandate to act with the governmental stakeholders.
Khmer statues returned to Cambodia (June 2013)

The opening ceremony of the 37th session of the WHC was marked by the moving return to Cambodia of two major art treasures of the 10th century by the President of the New York MeT (USA). The statues, brought back to Cambodia were handed over to Prime Minister Samdech Techo Hun Sen, who stressed the central role of heritage preservation in national reconstruction and economic development.
“This restitution is an expression of strong ethical and moral behaviour that provides an example of good practice to other museums and collectors […] UNESCO is honoured to have contributed to this restitution, which is, I believe, a move towards greater respect and mutual understanding.” (16.07.2013)
Khmer statues returned to Cambodia (May 2014)

The return of the Duryodhana follows the settlement of a civil forfeiture action filed by the U.S. Attorney's Office, which alleged that the statue was stolen from the Prasat Chen temple at Koh Ker in 1972 by an organized looting network, and ultimately imported into the United States and offered for sale by Sotheby's. The settlement of this action required the auction house and the customer selling the Duryodhana to return the sculpture to the Kingdom of Cambodia.