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**Special Committee to review the practical operation of the 1995 UNIDROIT  
Convention on Stolen or Illegally Exported Cultural Objects**

**1<sup>st</sup> meeting**

**Paris, UNESCO Headquarters, Room II**

**Tuesday, 19 June 2012**

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**INFORMATION DOCUMENT**

UNIDROIT Secretariat

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## INTRODUCTION

1. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects adopted in Rome on 24 June 1995 was the culmination of a lengthy process initiated at the request of UNESCO in an attempt to fill a gap in the *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* relating to the private law aspects of the restitution and return of stolen or illegally exported cultural property.

2. The two Conventions are, of course, compatible and, above all, complementary, but they are not substitutes for one another. The UNIDROIT Convention strengthens the provisions of the 1970 UNESCO Convention and supplements them by formulating minimum rules in terms of restitution and return of cultural objects. It guarantees the rules of private international law and of international procedure that allow the principles embodied in the 1970 UNESCO Convention to be applied.

3. It is obviously essential that conventions are effective and continue to be in time. Therefore UNIDROIT wishes to actively participate in the ongoing discussions on the effectiveness of existing instruments in the field of the international protection of cultural property and, in particular, of its 1995 Convention.

4. This document will give indications as to the framework of this reflexion, the special committee, and will provide information as to the implementation of the Convention and the promoting activities of the UNIDROIT Secretariat.

### I. The special committee

5. The text of the Convention provides for a mechanism to monitor its application, in the shape of a special follow-up committee<sup>1</sup>. Such bodies already exist in the framework of several instruments drawn up by the Hague Conference on International Private Law (the "special commissions" on its legal and administrative assistance conventions) and by the Council of Europe ("permanent committees" or "Convention committees". It should also be recalled that other, more recent, UNIDROIT instruments provide for "evaluation conferences"<sup>2</sup> entrusted with the examining of, *inter alia*, the practical application of these instruments.

6. At the international level, the fact of having a follow-up committee is a practice which is both current and healthy. The activity of international organisations does not finish with the mere drafting of the instruments, it is necessary to know with regularity how international practice as well as States are reacting in this matter. In the context of the protection of cultural property, such a committee is particularly important as the art market is both powerful and fickle and the Convention must measure its effectiveness in the international art market and become an increasingly important tool for the restitution of cultural property.

#### a) Convening of the committee

7. Article 20 of the UNIDROIT Convention provides that the President of UNIDROIT convenes the special committee, on its own initiative at the request of five Contracting States.

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<sup>1</sup> See Article 20 of the 1995 Convention: "The President of the International Institute for the Unification of Private Law (UNIDROIT) may at regular intervals, or at any time at the request of five Contracting States, convene a special committee in order to review the practical operation of this Convention."

<sup>2</sup> See 2001 Cape Town Convention on International Interests in Mobile Equipment (Article 61), 2001 Aircraft Protocol to the Cape Town Convention (Article XXXVI), 2007 Rail Protocol to the Cape Town Convention (Article XXXIII) and 2009 Convention on Substantive Rules for Intermediated Securities (Article 47). For the latter Convention, a Follow-up and Implementation Committee has even been constituted to work before the entry into force of the Convention.

8. At its 90<sup>th</sup> session (Rome, May 2011), the Governing Council of UNIDROIT<sup>3</sup> took note of the efforts of the Secretariat to promote the Convention and reacted favourably to the arguments put forward by the Secretariat urging the convening of a follow-up committee. It further requested the President of UNIDROIT to proceed with the convening (UNIDROIT 2011 – C.D.(90) Misc. 3).

9. UNESCO having decided to call a Meeting of States Parties to the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (20-21 June), as well as the 18<sup>th</sup> session of the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation* (22 June), and given the complementarity of these two instruments, it was felt appropriate that UNIDROIT organise the meeting of the special committee at the UNESCO headquarters in Paris on 19 June.

10. The Director-General of UNESCO, Mrs Bokova, indicated that those “four days of discussions on the analysis of the effectiveness of instruments and tools in the fight against illicit trafficking of cultural objects will undoubtedly permit States to express their views on national and international situation in this field and help our respective Secretariats to identify action strategies for the future” (translation of the UNIDROIT Secretariat).

#### **b) Composition**

11. The 1995 Convention is silent as to the composition of this Committee. Following the instructions given by the Governing Council, the Secretariat decided to invite States Parties, Signatory States, but also all UNIDROIT and UNESCO Member States, whether or not Parties to the 1995 Convention, as well as a certain number of international intergovernmental and non governmental organisations interested in the operation of such Convention. It was felt important to raise awareness of the largest number of States on the Convention.

12. The States Parties to the Convention may wish to take the opportunity of this first meeting to discuss the issue of the committee membership (to keep the flexibility given by the text of the Convention; to restrict only to States Parties, but to all States Parties; to appoint a limited number of States Parties).

#### **c) Mandate**

13. Article 20 of the Convention provides that the special committee is convened “order to review the practical operation of this Convention”.

14. This first meeting will provide an opportunity to recapitulate the solutions offered by this instrument and to take stock of the implications of its adoption, on the one hand, and for States to exchange views, to compare practical experiences and to discuss any difficulties they may have encountered in implementing or interpreting the Convention in practice, on the other hand.

15. The States Parties to the Convention might wish to take the opportunity of this first meeting to discuss a possible more precise mandate for the committee.

#### **d) Periodicity of meetings**

16. Article 20 of the Convention provides that the President of UNIDROIT convenes the special committee “at regular intervals, or at any time at the request of five Contracting States”.

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<sup>3</sup> The Governing Council of UNIDROIT is the organ which draws up the Work Programme of the Institute, approves the annual report on the Institute’s activities and draws up a draft budget and forward it for approval to the General Assembly (Articles 1 and 11 of the UNIDROIT Statute). Some members have participated in the preparatory work of this Convention.

17. The Secretariat is of the view that the wording allows for flexibility in the monitoring of the Convention in terms of frequency of meetings and, in addition to a request from Contracting States, it will consider the convening of this special committee at all relevant times.

## II. Procedures for adoption and Depositary of the Convention

### a) Adoption of the Convention

18. The Convention was open for signature at the end of the Diplomatic Conference convened by the Italian Government in Rome from 7 to 24 June 1995. 78 States participated in the Conference so as seven intergovernmental organisations and five international non governmental organisations.

19. The Convention was open for signature and accession at the concluding meeting of the Diplomatic Conference and remained open for signature by all States at Rome until 30 June 1996 (Article 11(1)). At that time, 22 States had signed the Convention (12 of which at the concluding meeting of the Diplomatic Conference on 24 June 1995).<sup>4</sup>

20. To be bound by the provisions of the Convention, but most of all to be able to benefit from them, States must ratify it if they signed it before (Article 11(2)) or accede to it if they did not sign it (Article 11(3)).

21. It is important to note that all States, whether or Member States of UNIDROIT, whether or not negotiating States at the Diplomatic Conference in 1995, can become Parties to the 1995 Convention (as of today, 10 States Parties to the Convention are not UNIDROIT Member States).

### b) Depositary

22. Article 11(4) provides that the ratification / accession to the Convention is subject to the deposit of a formal instrument to that effect with the Depositary which is the Government of the Italian Republic (Article 21(1) of the Convention). Deposit of the instruments is made with the Treaty Office of the Italian Ministry of Foreign Affairs in Rome.

23. The Convention makes provision for certain formalities to be carried out at the time ratification or accession.<sup>5</sup> In fact, for an instrument to be deemed formal, it must contain declarations, some of which or compulsory (Articles 16(1) and 17), others optional (Articles 3(5), 13(3), 14(1)-(2) and 16(2)). Declarations must be deposited with the Depositary who is responsible for informing Contracting States.<sup>6</sup>

24. For States wishing to becoming Parties to the Convention, the UNIDROIT Secretariat has posted on its website information on different means to do so, a model instrument for the ratification and accession, and a document ("Formalities") indicating in brief the compulsory and optional declarations to be made at the time of signature, ratification or accession.<sup>7</sup>

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<sup>4</sup> The 10 following States have signed the Convention on 24 June 1995: Burkina Faso, Cambodia, Côte d'Ivoire, Croatia, France, Guinea, Hungary, Italy, Lithuania and Zambia.

As of 30 June 1996, the 12 following States had also signed the Convention: Bolivia, Finland, Georgia, Netherlands, Pakistan, Paraguay, Peru, Portugal, Romania, Russian Federation, Senegal and Switzerland.

<sup>5</sup> An abstract of the formalities to carry at the time of ratification or accession can be found on the UNIDROIT website at the following page:

<http://www.unidroit.org/english/conventions/1995culturalproperty/formalities-e.pdf>

<sup>6</sup> The UNIDROIT Secretariat is planning to put online on its website the text of declarations deposited as of today, on the basis of the information received from the Depositary.

<sup>7</sup> See "How to become a Party to the 1995 UNIDROIT Convention ..." at the following page:

<http://www.unidroit.org/english/conventions/1995culturalproperty/becomingpartyto.htm>

25. The Convention has set up two different mechanisms to claim objects back depending on whether they were stolen or illegally exported and one of the strengths of this international instrument was to make those mechanisms inseparable. In fact, no reservations are permitted under the Convention (Article 18) even if this could have facilitated ratification of accession by many States. The authors of the Convention preferred a text which is a real progress in the area of law.

### III. Status of the Convention

26. Experience shows that it is one thing to adopt an international convention, and another to ensure its effective implementation. This is why the UNIDROIT Secretariat has made all possible efforts to expand the number of States Parties.

27. *As of 11 June 2012, the Convention had 32 States Parties*:<sup>8</sup> Afghanistan, Argentina, Azerbaijan, Bolivia, Brazil, Cambodia, China, Cyprus, Croatia, Denmark, El Salvador, Ecuador, Finland, Gabon, Greece, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Lithuania, Nigeria, Norway, New Zealand, Panama, Paraguay, Peru, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

28. Evolution of ratifications/accessions of the 1995 UNIDROIT and of the 1970 UNESCO Conventions since the entry into force of the UNIDROIT Convention on 1st July 1998:

Convention 1995	1.7.1998 Entry into force	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Ratif/Acc.	7	12	12	15	18	21	24	27	28	29	29	30	30	32	32
Convention 1970															
Ratif/Acc.	87	90	90	92	97	103	106	109	110	115	116	118	120	120	122

29. It is interesting to note that 4 States have become Parties to the 1995 and to the 1970 Conventions with the same procedure at the same time: Afghanistan (2005), Finland (1999), Lithuania (1998) and New Zealand (2007), emphasising the existing complementarity between the two instruments.

30. Some States have indicated that they finalised the procedure for ratification or accession to the Convention but have not yet, for different reasons, deposited their instrument with the Depository (Algeria,<sup>9</sup> Angola<sup>10</sup> and Zimbabwe<sup>11</sup>).

<sup>8</sup> Of the 32 States Parties to the Convention, 10 are not Member States of UNIDROIT. Of the 63 Member States of UNIDROIT, 22 are States Parties to the 1995 Convention

<sup>9</sup> Presidential Decree n° 09-267 dated 30 August 2009 (JORAP 51).

<sup>10</sup> Letter of accession to the 1995 Convention signed by the President of the Republic of Angola on 26 December 2011.

<sup>11</sup> Letter of the Permanent Delegation of Zimbabwe to UNESCO to the UNIDROIT Secretariat (December 2007).

31. Eleven signatory States have not yet ratify the Convention,<sup>12</sup> but three of them, Burkina Faso, Côte d'Ivoire and Zambia, have indicated that the procedures for ratification were ongoing.

32. Other States not Parties to the Convention have indicated, within the framework of reviewing the national legislation or during official meetings, their intention to become Party to the Convention (for example, Ireland<sup>13</sup> and Uzbekistan<sup>14</sup>). Malta is another interesting example of a State not Party to the 1995 Convention that has made a step toward ratification. In fact Malta adopted in 2002 a new national legislation, the "Cultural Heritage Act 2002" which Article 50<sup>15</sup> provides that the Parliament authorises the Government to become Party to this Convention.

33. The number of States Parties is obviously insufficient in view of the need to achieve real unification of the mechanisms for restitution and return of stolen or illegally exported cultural objects and efforts must be renewed in particular among the States of the market.

34. Three such important States, France (in 1995), the Netherlands and Switzerland (in 1996) signed the Convention indicating to the international community that they supported the objectives stated in the Convention. In *France*, the bill authorising approval of the UNIDROIT Convention was adopted with no amendment on first reading by the *Assemblée nationale* on 29 January 2002. The text has not been submitted to the *Sénat* since. *Switzerland* signed the Convention as the Federal Council took note of the very large majority of participants in the consultations favouring the ratification of the Convention.<sup>16</sup> Switzerland has then chosen to deal with the issue with a specific legal construction (the new Federal Act on the International Transfer of Cultural Property – CPTA). The United Kingdom had made the same choice earlier<sup>17</sup> and others have followed (such as the Netherlands<sup>18</sup>). These States have become Parties to the 1970 UNESCO since.

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<sup>12</sup> Burkina Faso, Côte d'Ivoire, France, Georgia, Guinea, Netherlands, Pakistan, Russian Federation, Senegal, Switzerland and Zambia.

<sup>13</sup> In 1997, the Irish Law Reform Commission had recommended Ireland to become Party to the Convention. Then, in 2009, when reviewing the *National Monuments legislation* (1930 - 2004), Ireland indicated that heads were being drafted to permit accession to the 1995 Convention.

<sup>14</sup> Announced on 30 September 2011 by the representative of Uzbekistan at the 189<sup>th</sup> session of the Executive Committee of UNESCO.

<sup>15</sup> Malta: "ACT VI of 2002, as amended by Act XVIII of 2002. CHAPTER 445 - CULTURAL HERITAGE ACT - PART VII Special Powers of the State -

50. (1) The Government is hereby authorised to ratify and become a party to the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

(2) The Minister may, after consulting the Committee, by regulations prescribe rules to give effect to any of the provisions of the said Convention and the provisions of any such regulations shall have effect notwithstanding the provisions of any other law to the contrary."

<sup>16</sup> The working group established by the Swiss Federal Council entrusted to clarify a number of legal issues raised by the UNIDROIT Convention and the UNESCO Convention found "no constitutional or private law impediments to the ratification of the two conventions". However, the Swiss Federal Council noted that the ratification of the UNIDROIT Convention was a "premature decision", while calling for further consideration of international developments and, when appropriate, for proposals.

<sup>17</sup> The *House of Commons* set up a parliamentary Commission entrusted with the writing of a report on the illicit trafficking on cultural property in the United Kingdom and, in this context, a delegation of the Commission visited UNIDROIT in March 2000. The report of the Commission, published in June 2000, recommended the British Government to accede to the UNIDROIT Convention. Another Commission, set up by the British Ministry of Culture and more specifically responsible for advising the Government on the appropriateness on acceding to the 1970 UNESCO Convention and to the 1995 UNIDROIT Convention, expressed itself, in its report published in November 2000, against an accession to the 1995 Convention for the time being.

<sup>18</sup> The reasons given for the decision not to ratify are available in the answers to the Questionnaire on the practical operation of the 1995 Convention:

<http://www.unidroit.org/english/conventions/1995culturalproperty/1meet-120619/answquest-ef/netherlands.pdf>

35. For a summary of responses to the question on the States' intention regarding possible ratification/accession to the 1995 Convention (see Questionnaire on the practical operation of the Convention <sup>19</sup>), see the table in Appendix I to this document.

36. The Secretariat must also continue its efforts with respect to States which are not Members of UNIDROIT, and are then less familiar with its instruments, but which can become Parties to the Convention.

37. We recall finally that since the adoption of the 1995 Convention, many resolutions, recommendations or calls from different international (General Assembly and other organs of the United Nations, INTERPOL, ICOM), regional (Council of the European Union, Council of Europe and Parliamentary Assembly of the Council of Europe) and national institutions (at the end of national workshops) were adopted inviting States which have not yet done so to become Parties to the 1995 Convention. <sup>20</sup>

#### IV. Promoting activities

38. The 1970 UNESCO Convention is a fundamental instrument to which all States should become Parties. It is also formulated to allow States to adapt to their situation, their own conceptions and possibilities the respective legislative obligations under the treaty, it indicated a path without imposing a method and States therefore have implemented it in many different ways (cf. doc UNESCO – Doc. 22 C/93, p. 7). UNIDROIT'S conventions are, from an international public law point of view, capable of being considered as "self-executing" instruments or of direct implementation. This is why the instruments are fairly consistent in their application.

39. A convention that significantly modifies the existing rules or practice, as it is the case with the 1995 UNIDROIT Convention, needs more time to be adopted by many States. <sup>21</sup> UNIDROIT certainly wishes to expand the number of States Parties as the aim is to achieve a true unification. Being a compromise between interests often very different, the Convention, it is particularly important that its objectives and mechanisms are well understood by all those concerned. This is why the UNIDROIT Secretariat has made, and continues to do so as much as it can, efforts to raise awareness and to explain the provisions of the Convention.

##### a) Publications and research opportunities

40. The **text of the Convention** have been drafted and adopted in English and French, the working languages of UNIDROIT, and are the only two authentic versions. UNESCO has kindly provided UNIDROIT with the translation of the text in the other languages of the United Nations (Arabic, Chinese, Russian and Spanish). Some States have translated the Convention in their language when organising the internal consultation procedure. All those texts are available on the UNIDROIT website at the following page (dedicated to the 1995 Convention):

<http://www.unidroit.org/english/conventions/1995culturalproperty/main.htm>

41. The UNIDROIT Secretariat has drafted an **explanatory report** on the provisions of the 1995 Convention. It scrutinises the individual clauses of the Convention, their rationale, how they took shape in the drafting – where this is relevant to understanding them – and how they may be applied. In this, the report may be of assistance to those States that are considering whether to

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<sup>19</sup> As well as in the Report on the application of the 1970 UNESCO Convention.

<sup>20</sup> To mention only the most recent, it should be noted the Resolution 66/180 of the General Assembly of the United Nations in December 2011 (A/RES/66/180) recalling among other the 1995 Convention "and reaffirming the necessity for those States that have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments", or, on a regional level, the Conclusions adopted by the Council of the European Union in December 2011 "Preventing and combating crime against cultural property."

<sup>21</sup> Lyndel PROTT, The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects – Ten Years On, in *Unif. L. Rev./Rev. dr. unif.* 2009, 229.

ratify the Convention or to accede to it.<sup>22</sup> The explanatory report has also been translated into Arabic by the UNESCO Office for Iraq following a legal workshop on the protection of Iraqi's heritage organised in Beirut in November 2008.<sup>23</sup>

42. **Preparatory work.** The Convention was elaborated by a first Study Group responsible for examining the desirability and feasibility to establish uniform rules dealing with private aspects of the international protection of cultural objects which met in Rome on three occasions between 1988 and 1990. Then the text has been reviewed by a Committee of governmental experts during four sessions held in Rome between 1991 and 1993 before being submitted to the Diplomatic Conference for adoption convened by the Italian Government in June 1995. All documents of those different bodies are available<sup>24</sup> on the UNIDROIT website.

43. Many **articles and books** analysing the provisions of the Convention, debating certain issues or comparing it with other international instruments have been published. For a list of the articles which appeared in the Uniform Law Review, published by UNIDROIT since 1948 (new series since 1996), see Appendix II to this document.

44. **Research Scholarships Programme.** UNIDROIT launched in 1993 the Research Scholarships Programme which has enabled the Institute to host over 220 researchers from some 60 countries with a view to their conducting in-depth research on their chosen subject, provided it is in line with UNIDROIT'S activities. Since 1993, 13 persons have benefited from such a scholarship choosing the international protection of cultural property as their subject for research (see the list of persons and topics in Appendix III to this document). The aim of several of those scholars was to promote the 1995 Convention in their country or region and to recommend its adoption (this was the case for Algeria, Belarus, Brazil, Croatia, Nigeria and Slovenia).

45. In the answers to the Questionnaire, several States not Parties to the Convention have asked for assistance from UNIDROIT to better understand the mechanisms of this instrument as well as in the procedure for ratification or accession. The Secretariat encourages candidatures to this programme<sup>25</sup> or to any other research opportunities at UNIDROIT.

46. **Secondments with UNIDROIT.** UNIDROIT also welcomes officials and lawyers from UNIDROIT member States to join its staff temporarily on secondment (judges, public administration officials)<sup>26</sup>. The Secretariat will welcome for a period of three months early 2013 a person from the Korean National Commission for UNESCO.

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<sup>22</sup> The Explanatory report of the UNIDROIT Secretariat was published in the Uniform Law Review 2001-3, 477-565. It is also available on the UNIDROIT website at the following page: <http://www.unidroit.org/english/conventions/1995culturalproperty/1995culturalproperty-explanatoryreport-e.pdf> There is also a "Commentary on the UNIDROIT Convention" drafted by Lyndel Prott, published by the Institute of Art and Law (1997).

<sup>23</sup> The Arab version of the Explanatory report is available on the UNIDROIT website at: <http://www.unidroit.org/english/conventions/1995culturalproperty/explanatoryreports/culturalproperty-explanatoryreport-arabic.pdf>

<sup>24</sup> Preparatory work can be found on the UNIDROIT website at: <http://www.unidroit.org/english/conventions/1995culturalproperty/study70-archive-e.htm> (documents of the Study Group and of the Committee of governmental experts – 1984-1994) and <http://www.unidroit.org/french/conventions/1995culturalproperty/1995culturalproperty-acts-f.pdf> (Acts and Proceedings of the Diplomatic Conference).

<sup>25</sup> Information concerning the UNIDROIT scholarship programme and other research opportunities can be found on the UNIDROIT website at: <http://www.unidroit.org/english/legalcooperation/main.htm> and <http://www.unidroit.org/english/legalcooperation/scholarships.htm>

<sup>26</sup> Cf. the UNIDROIT website at: <http://www.unidroit.org/dynasite.cfm?dsmid=90060>



47. **Academic project on the 1995 UNIDROIT Convention.** UNIDROIT envisages, as it has been done with another UNIDROIT Convention,<sup>27</sup> to work at an academic project with universities to facilitate the academic study and assessment of the Convention with a view towards enhancing the understanding and effective implementation of the treaty and advancing its aims.

#### b) Tools developed

48. UNESCO, through the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation*, and UNIDROIT have co-operated in the elaboration of **Model Provisions on State Ownership of Undiscovered Cultural Objects**.<sup>28</sup> It is a tool aimed at facilitating the application of the 1995 UNIDROIT Convention and the 1970 UNESCO Convention.

49. These Model Provisions, established by a group of experts convened by the UNESCO and UNIDROIT Secretariats, are intended to assist domestic bodies in the establishment of a normative framework for heritage protection, to adopt effective legislation for the establishment and recognition of the State's ownership of undiscovered cultural objects with a view, inter alia, to facilitating restitution in case of unlawful removal.<sup>29</sup> They are a legal tool, but by no means a binding instrument, and are followed by guidelines aimed at better understanding the provisions. The two Secretariats will work for wider dissemination.

#### c) Training workshops

50. Interest in the 1995 UNIDROIT Convention has revived over the past years, not the least owing to the upsurge in trafficking in cultural objects, and the UNIDROIT Secretariat is increasingly called upon in this regard. The Secretariat has, within the limits of its budgetary resources and often with the financial assistance of the organisers, particularly UNESCO, pursued its efforts to publicise the instrument by participating – directly or otherwise – in a range of events organised to consider it which often revitalises the internal in-depth examination of the Convention in the relevant States or even launches the ratification/accession process.

51. The **importance of partnerships and collaboration** with other international intergovernmental and non governmental organisations, and in general all interested bodies, should be emphasised. In a common effort to streamline, UNIDROIT is associated with legal and operational aspects of multidisciplinary workshops where the 1995 Convention and the Model Provisions on State Ownership of Undiscovered Cultural Objects are examined with other international instruments to protect the cultural heritage and to fight illicit traffic, together with practical tools to facilitate their implementation.

52. These workshops are also an opportunity to deepen and to ensure complementarity between different international instruments<sup>30</sup> and their interaction with regional instruments<sup>31</sup> and national legislations.

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<sup>27</sup> The Convention on International Interests in Mobile Equipment and the Protocol thereto on Matters Specific to Aircraft Equipment (Cape Town, 2001).

<sup>28</sup> Cf. <http://www.unidroit.org/english/documents/2012/study70a/s-70a-main-e.pdf>

<sup>29</sup> The idea was presented during the extraordinary session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation held in Seoul in November 2008. On that occasion, Mr Patrick O'Keefe, Honorary Professor at the University of Queensland (Australia) presented the legal obstacles which many countries faced during the restitution process, particularly when dealing with archaeological artefacts from sites for which there were no inventories or documentation on provenance. He encouraged States to affirm their right to ownership of cultural heritage as an inalienable and imprescriptible right and to claim the ownership of all yet undiscovered archaeological and cultural property.

<sup>30</sup> Among the articles published on the complementarity between the 1970 and 1995 Conventions, in particular: Lyndel PROT, UNESCO and UNIDROIT: a Partnership against Trafficking in Cultural Objects, in *Unif. L. Rev./Rev. dr. unif.* 1996, 59-71.

<sup>31</sup> For example, the Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State. Not all EU Member States are Parties to the

53. UNIDROIT has been maintaining an excellent co-operation for many years with UNESCO, initiator of the work that led to the adoption of the 1995 UNIDROIT Convention which completes the UNESCO 1970 Convention on private law aspects.<sup>32</sup> Among the other principal partners, INTERPOL, the World Customs Organization (WCO), the United Nations Office on Drugs and Crime (UNODC)<sup>33</sup>, the European Union<sup>34</sup>, the Council of Europe<sup>35</sup>, the International Council of Museums (ICOM) and the Istituto Italo-Latino Americano (IILA)<sup>36</sup>. For an overview of the various training workshops organised (between 2000 and May 2012) by one or more of those partners, see Appendix IV to this document.

54. UNIDROIT intends to continue these efforts in the future with its partners. The close co-operation between organisations and interagency co-ordination is essential in developing solutions to meet the challenges the States have to face when they want to protect their cultural heritage.

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1995 UNIDROIT Convention,<sup>31</sup> but it has clearly been influential because it was the basis for the work that led to the adoption of Directive. Many European States thus borrowed principles, concepts and rules from the 1995 Convention when they transposed the Directive into their domestic legislation. Several EU Member States became Parties to the 1970 UNESCO Convention (almost 40 years after its adoption!) after the 1995 UNIDROIT Convention had been adopted.

<sup>32</sup> Cooperation started back when negotiating the Convention for the Protection of Cultural Property in the Event of Armed Conflict adopted in 1954.

<sup>33</sup> Most recent participation: group of experts to examine draft *Guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property* (Vienna, November 2011) which will be discussed at governmental level in June 2012.

<sup>34</sup> UNIDROIT was an institutional partner closely involved in the preparation of a "Study on prevention and fighting illicit trafficking in cultural goods in the European Union" – October 2011 – carried out by CECOJI-CNRS at the request of the European Commission in response to the need to study ways of developing more effective tools to fight such trafficking in Europe, taking account of international instruments dealing with the subject, with a view, in particular, to revising Directive 93/7/CEE. This study formed one of the bases of the conclusions adopted by the EU Council in December 2011 in respect of "preventing and combating crime against cultural goods". In particular, the Council stresses the importance of the UNIDROIT Convention which, together with the 1970 UNESCO Convention, "constitute important instruments for strengthening protection of the global cultural heritage", and recommends that the member States "consider ratification [...] the 1995 UNIDROIT Convention" and that the European Commission "involve relevant stakeholders when setting up the expert group under the Work Plan for Culture 2011-2014 to produce a toolkit on the fight against illicit trafficking and theft of cultural goods." UNIDROIT was also involved, in the framework of the European Police College (CEPOL), in a training course in Rome for European police officers specialising in the fight against illicit trafficking in cultural objects and in a sub-regional workshop in Beirut (2009) organised with EUROMED Heritage and the UNESCO Office in Beirut.

<sup>35</sup> Ex. International Conference in Vilnius in 2007.

<sup>36</sup> Regional workshop on legal measure to prevent and fight illicit traffic in cultural objects, organised in Buenos Aires (2009) and training course organised in Rome for judges from Ecuador (2011).

## APPENDIX I

<b>States not Parties to the 1995 UNIDROIT Convention– intentions as to ratification/accession</b>		
<b>STATES</b>	<b>Answers to the UNIDROIT Questionnaire</b>	<b>Answers to the UNESCO Questionnaire</b>
<b>Australia</b>		<p>To date, Australia has not ratified the UNIDROIT Convention.</p> <p>The recent review of the 1986 PCMH Act recommended that Australia further consider the possible accession of the UNIDROIT Convention.</p> <p>Conducting consultations on this matter is one of the medium-term goals to come out of the review.</p>
<b>Bosnia Herz.ina</b>		<p>Bosnia-Herzegovina has not acceded to the UNIDROIT Convention. The ministry of Civil Affairs plans to initiate entrance into the Convention in 2011, in accordance with State law on procedures for the conclusion and implementation of international agreements.</p>
<b>Botswana</b>	Accession is still at the consultation stage nationally.	
<b>Burkina Faso</b>		<p>Burkina Faso is a signatory State. The procedure in preparation for the ratification is in progress.</p>
<b>Cameroon</b>	<p>Cameroon wants to compensate for the insufficiencies of national law on cultural heritage preservation before initiating its process to join the UNIDROIT Convention.</p> <p>The UNIDROIT assistance will be sought in due time.</p>	
<b>Canada</b>		<p>Canada has not joined the UNIDROIT Convention, but has indicated its support in principle.</p> <p>Canada has not experienced problems with implementing the 1970 UNESCO Convention and has implemented provisions that are consistent with aspects of the UNIDROIT Convention.</p>
<b>Costa Rica</b>		<p>Costa Rica is not considering accession of the UNIDROIT Convention in the near future.</p>
<b>Côte d'Ivoire</b>	<p>Côte d'Ivoire has signed the UNIDROIT Convention. The accession process is in progress.</p> <p>Difficulties related to the political instability and to the socio-political crisis have impeded the ratification process.</p>	
<b>Cuba</b>		<p>Cuba recognises the utility of the UNIDROIT Convention, but has not acceded to it. Cuba considers that the provisions of the 1970 UNESCO Convention are adequate.</p>
<b>Czech Rep.</b>		<p>No decision to start the accession process has been made. Adoption of the new Civil Code is expected on 1<sup>st</sup> January 2013.</p>
<b>Estonia</b>	At the moment, Estonia is not considering ratification of the UNIDROIT Convention.	
<b>France</b>		<p>France is a signatory State, but has not ratified the UNIDROIT Convention.</p>

		France considers that some of the provisions of this Convention are not compatible with the national law, such as the provision regarding "burden of the proof." According to French law, the owner of an object is presumed to have obtained it in good faith and does not have to prove his due diligence during the acquisition.
<b>Germany</b>	Germany believes that the provisions of the UNIDROIT Convention relating to private law cause difficulty because they would not sufficiently match both national and European legal concepts. The UNIDROIT Convention has not yet gained a wide international acceptance, unlike the 1970 UNESCO Convention.	Germany currently has no plans to join the UNIDROIT Convention.
<b>Ghana</b>	<p>Ghana has taken urgent steps to integrate culture into all relevant aspects of the national development processes.</p> <p>National Commission on Culture, the Ministry of Chieftaincy and Culture, the Ghana National Commission for UNESCO provided technical support and assistance towards this accession process.</p> <p>The document containing the Government's desire to accede to the Convention is now at the Office of the Attorney General and Ministry of Justice receiving the necessary attention and dispatch deserved.</p> <p>The Government hopes that this document, after the review by the Attorney General and Minister of Justice, would be forwarded to Parliament for further necessary action towards the eventual accession to the Convention.</p> <p>Financial assistance would be required to organize consultative workshops and seminars to educate major stakeholders, civil society groups, chiefs and other public and private sector personnel associated with culture on the relevance of the Convention and what Ghana stands to gain after the accession.</p>	
<b>Latvia</b>	<p>The accession to the UNIDROIT Convention is not envisioned in the nearest future.</p> <p>Legislation on the procedure of return of illegally exported cultural objects already exists. The priorities are now focused on professional monitoring of cultural monuments. Limited administrative capacity and the amount of financial resources generally state that Latvia does not plan to join the UNIDROIT Convention in the nearest future.</p> <p>Nevertheless, Latvia considers that it would be very useful to receive information about UNIDROIT activities.</p>	
<b>Mauritius</b>	<p>Accession is being considered.</p> <p>The <i>National Heritage Fund Act</i> is being amended to make provisions for international conventions to which Mauritius is party.</p> <p>Obstacles encountered hindering the accession process:</p> <ul style="list-style-type: none"> <li>- lack of training to identify cultural objects of high value,</li> <li>- Mauritius will have to protect its cultural objects by means of specific regulations,</li> <li>- the National Heritage Fund Act has to be</li> </ul>	

	amended to include the provisions of the UNIDROIT Convention, - lack of expertise at customs level. UNIDROIT could help by providing training in identification of cultural objects of interest.	
<b>Mexico</b>		<p>Mexico has not acceded to the UNIDROIT Convention because it establishes criteria for the protection of cultural objects conflicting with national legislation.</p> <p>For example, the fact that a requesting State must pay compensation to the possessor of the object it wants to recover is in conflict with Mexico's belief that a State should not be required to pay for its original property.</p> <p>The fact that Mexican legislation provides that archaeological monuments constitute original, inalienable and imprescriptible property prevents the accession to the UNIDROIT Convention.</p>
<b>Monaco</b>		Monaco is not considering at this time to accede to the UNIDROIT Convention.
<b>Namibia</b>	<p>The programme Committee for Culture of the Namibia National Commission for UNESCO has discussed the matters related to the accession of the UNIDROIT Convention and the 1970 UNESCO Convention.</p> <p>The Committee is currently consulting with the relevant authority on the way forward.</p> <p>Obstacles encountered hindering the accession process:</p> <p>Even though the UNIDROIT Convention does not contradict the national laws, the major concern for Namibia at this stage is the matter of retroactivity and compensation.</p> <p>The National Committee will have to finalize its consultation with the relevant authority, and agree on the way forward, and then could seek assistance from UNIDROIT .</p>	
<b>Netherlands</b>	<p>Netherlands is a signatory State.</p> <p>Reasons for the lack of ratification: see the answers to the questionnaire.</p>	<p>UNIDROIT Convention has not been ratified because elements of this Convention are already implemented in the 1970 Convention Act of 2009.</p> <p>The Ministers of Justice and of Culture explain that the definition of cultural objects provided by UNIDROIT Convention is vague and excessively broad.</p>
<b>Russian Fed.</b>	Russian Federation is a signatory State, but has not ratified the UNIDROIT Convention. The Ministry of Culture has not provided information regarding its intention to ratify.	
<b>Switzerland</b>	The Convention was signed but not yet ratified.	
<b>Turkey</b>	<p>Provisions of the UNIDROIT Convention are being re-evaluated but accession is not envisioned in the short-term.</p> <p>Obstacles encountered hindering the accession process:</p> <p>Time limitations and compensation are the main problems. Many cultural artefacts were taken out of Turkey illegally both recently and many years ago. Because of time limitations, Turkey does not want to lose the ability to make its claims.</p>	

	Besides, Turkey considered that, despite the situation about Article 18 (prohibition of reservations) expressed in Madame Prott's, "Commentary on the Unidroit Convention" book, a solution to parties' hesitation about joining may be to allow them to join with reservations.	
<b>United Kingdom</b>		<p>United Kingdom, after lengthy consultation, is not considering accession to UNIDROIT Convention because it conflicts with the national law.</p> <p>Particular concern is about the length of the limitation periods in the UNIDROIT Convention. Compliance with the UNIDROIT Convention would require changes to the national limitation periods and the personal property law. The UK is not planning to introduce such legislation.</p>
<b>Vietnam</b>		<p>Accession process is actively under preparation.</p> <p>In this regard, it would be helpful if UNESCO would support DCH in translating documents and organizing workshops on this issue.</p>

## APPENDIX II

**List of articles about the 1995 UNIDROIT Convention published on the Uniform Law Review  
(Unif. L. Rev.) /**

**Liste des articles sur la Convention d'UNIDROIT de 1995 publiés dans la Revue de droit  
uniforme (Rev. dr. unif.)**

- ABD EL WAHED, M., The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: a View from Egypt, Unif. L. Rev. 2003, p. 530
- CARDUCCI, G., Complementarity between the 1970 UNESCO and the 1995 UNIDROIT Cultural Property Conventions, Unif. L. Rev. 2006, p. 102  
Carducci, G., Complémentarité entre les Conventions de l'UNESCO de 1970 et d'Unidroit de 1995 sur les biens culturels, *Rev. dr. unif.* 2006, p. 93
- FRIGO, M., Model Provisions on State Ownership of Undiscovered Cultural Objects – Introduction, Unif. L. Rev. 2011, p. 1024  
Frigo, M., Dispositions modèles définissant la propriété de l'Etat sur les biens culturels non découverts – Introduction, *Rev. dr. unif.* 2011, p. 1025
- GROSSE, L., JOUANNY, J.-P., La protection du patrimoine culturel en vertu des instruments de l'UNESCO (1970) et d'Unidroit (1995): la position d'Interpol, *Rev. dr. unif.* 2003, p. 576
- JAYME, E., Human Rights and Restitution of Nazi-Confiscated Artworks from Public Museums : The Altmann Case as a Model for Uniform Rules ?, Unif. L. Rev., 2006 p. 393.
- LAGARDE, P., The International Return of Cultural Property Outside the Framework of the 1970 UNESCO and the 1995 Unidroit Conventions (Abstract), Unif. L. Rev. 2006, p. 91  
Lagarde, P., La restitution internationale des biens culturels en dehors de la Convention de l'UNESCO de 1970 et de la Convention d'Unidroit de 1995, *Rev. dr. unif.* 2006, p. 83
- LALIVE D'EPINAY, P., A Step Forward in Uniform Law: the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Abstract), Unif. L. Rev. 1996, p.59  
Lalivé d'Épinay, P., Une avancée du droit international : la Convention de Rome d'Unidroit sur les biens culturels volés ou illicitement exportés, *Rev. dr. unif.* 1996, p. 41
- O'KEEFFE, P.J., Activities of International Organisations in the Protection of Cultural Objects, Unif. L. Rev. 1996 p. 89  
O'Keeffe, P.J., Les activités des organisations internationales en matière de protection des biens culturels *Rev. dr. unif.* 1996, p. 90
- PROTT, L. V., UNESCO and UNIDROIT: a Partnership against Trafficking in Cultural Objects, *Unif. L. Rev.* 1996, p.60  
PROTT, L. V., UNESCO et Unidroit: partenaires dans la lutte contre le trafic des objets culturels (Résumé), *Rev. dr. unif.* 1996, p. 72
- PROTT L. V., The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects – Ten Years On, Unif. L. Rev. 2009, p. 215
- REICHELDT, G., International Protection of Cultural Property, Unif. L. Rev. 1985, p. 43  
REICHELDT, G., La protection internationale des biens culturels, *Rev. dr. unif.* 1985, p. 42
- RENOLD, M.-A., Interaction entre l'intégration régionale et l'harmonisation mondiale : quelques réflexions à propos des biens culturels, *Rev. dr. unif.* 2003, p. 582
- SÁNCHEZ CORDERO DÁVILA, J., The Protection of Cultural Heritage: a Mexican Perspective, Unif. L. Rev. 2003, p. 566

- SCHNEIDER, M., The UNIDROIT Convention on Cultural Property: State of Play and Prospects for the Future, Unif. L. Rev. 1997, p. 445  
SCHNEIDER, M., La Convention d'UNIDROIT sur les biens culturels: état de mise en œuvre, *Rev. dr. unif.* 1997, p. 495
- SCHNEIDER, M., 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: Explanatory Report prepared by the Unidroit Secretariat Unif. L. Rev. 2001, p.477  
SCHNEIDER, M., Convention d'UNIDROIT de 1995 sur les biens culturels volés ou illicitement exportés: rapport explicatif préparé par le Secrétariat d'Unidroit, *Rev. dr. unif.* 2001, p. 478
- SCHNEIDER, M., Explanatory Report on the Draft UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects, Unif. L. Rev. 1993, p.190  
Schneider, M. Rapport explicatif sur le Projet de Convention d'UNIDROIT sur le retour international des biens culturels volés ou illicitement exportés, *Rev. dr. unif.* 1993, p. 118
- SCHNEIDER, M., Explanatory Report on the Preliminary Draft UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, Unif. L. Rev. 1990, p.27  
SCHNEIDER, M., Rapport explicatif sur l'avant-projet de Convention d'UNIDROIT sur les biens culturels volés ou illicitement, *Rev. dr. unif.* 1990, p.26
- SHYLLON, F., The Recovery of Cultural Objects by African States, Unif. L. Rev. 2000, p.220  
SHYLLON, F., La revendication par les Etats africains de leur biens culturels en vertu des Conventions d'UNESCO et d'UNIDROIT : les nouvelles perspectives ouvertes par l'arbitrage (Résumé), *Rev droit unif.* 2000, p. 241
- SIEHR, K., A Special Regime for Cultural Objects in Europe, Unif. L. Rev. 2003, p.552
- SIEHR, K., The Protection of Cultural Property: the UNIDROIT Convention of 1995 and the EEC Instruments of 1992-1993, Unif. L. Rev., 1998, p. 672
- VOULGARIS, I., Les principaux problèmes soulevés par l'unification du droit régissant les biens culturels, *Rev. dr. unif.* 2003, p. 542



## APPENDIX III

**UNIDROIT Scholarships programme****Research topic – The international protection of cultural property  
(1995 – 2011)**

- Mr Luiz Guilherme DE ANDRADE VIEIRA LOUREIRO (Brazil), Magistrate at the Tribunal of Atibaia (SP).  
Research period: January/February 1995 -Research topic: "Protection of Cultural Property".
- Mr Kresimir SAJKO (Croatia), Director, Institute of International and comparative Law (Zagreb).  
Research period: September 1996 -Research topic: "The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects".
- Mr Folarin SHYLLON (Nigeria), Professor, Law Faculty, University of Ibadan. Research period:  
October/November 1999 - Research topic: "The 1995 UNIDROIT Convention and Arbitration  
Mechanisms for the Settlement of Disputes (from the point of view of African States)".
- Mr Kamel RAHMAOUI (Algeria), Lecturer, Law Faculty of Annaba. Research period: October/November.  
1999 -Research topic: "Legal Instruments for the Protection of Cultural Heritage and their  
Application in Algeria and Arab Maghreb Countries".
- Mr Fernando FERNANDEZ DA SILVA (Brazil), Practicing Lawyer, Assistant Professor at University of  
Sao Judas Tadeu of Sao Paulo. Research period: October/November 1999 -Research topic:  
"UNESCO and UNIDROIT Instruments for the Protection of Cultural Property and their Application in  
the MERCOSUR".
- Mr Nikoloz DEVDARIANI (Georgia), Legal Attaché, Ministry of Justice, Tbilisi. Research period:  
September/October 2001 - Research topic: "Unification of Private Law and the Activities of  
UNIDROIT".
- Mrs Khandsuren KHUU (Mongolia), Officer, Legal Policy Dep., Ministry of Justice and Home Affairs of  
Mongolia. Research period: October/November 2003 – Research topic: "Protection of Cultural  
Property under Copyright Legislation – International Law Aspects".
- Mrs Magdalena PETRIC (Slovenia), Legal Adviser, Cultural Heritage Administration, Ministry of Culture,  
Ljubljana. Research period: October/November 2003 – Research topic: "Restitution of Cultural  
Property from Public &Private International Law Aspects".
- Mr Dmitry MAZEIN (Federation of Russia),Lecturer, Institute of State and Law under the Russian Academy  
of Science, Moscow. Research period: October/December 2006 - Research topic: "Implementation  
of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects into the Legal System of  
the Russian Federation".
- Mrs Svetlana KARPUSHINA (Belarus), Second Secretary, Multilateral Treaties Division, General Legal  
Department, Ministry of Foreign Affairs of Belarus.Research period: October/December 2006 -  
Research topic: "Theoretical and Practical Aspects of the Participation of the Republic of Belarus in  
the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects".
- Mr Gao SHENG (People's Republic of China), PhD, Associate Professor, School of Humanities and Law,  
Shandong University of Science and Technology, People's Republic of China. Research period:  
January/February 2007 - Research topic: "The International Protection of Cultural Property".
- Ms LAI Jiaying (People's Republic of China),Master's Degree of Law (LL.M) Transnational Law & Business  
University (TLBU), Seoul. Research period: 5 October/1 November2011 – Research topic: "The  
Retrieval of Chinese Stolen Cultural Objects under an International Law Perspective: an Overview".
- Ms WANG Qiao (People's Republic of China)Master's Degree of Law (LL.M), Master's Degree of Law  
(LL.M), Transnational Law & Business University (TLBU), Seoul. Research period: 5 October/11  
November 2011 – Research topic: "The Application of the 1995 UNIDROIT Convention and the  
Protection of Cultural Objects Illegally Exported from other States to China".

## APPENDIX IV

TRAINING WORKSHOPS <sup>37</sup>

(2000 – May 2012)

## 2000

- Joint National Session organised by the Ministry of Justice of the Arab Republic of **Egypt** and UNIDROIT on 29 January 2000
- Conference on the implementation of the principle of good faith and the illicit trafficking on cultural property organised by the Italian Carabinieri, Rome, June 2000
- National workshop organised in by the national Commission of UNESCO for **Armenia**, Erevan, December 2000. Participants: government officials of the Ministries of Culture, Directors of museums, police and customs officers
- Commemoration of the 30<sup>th</sup> Anniversary of the 1970 **UNESCO** Convention, organised in Paris on 15 November 2000, a session was devoted to the 1995 UNIDROIT Convention.

## 2001

- 11th session of **UNESCO's** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, Phnom Penh (Cambodia), March 2001. <sup>38</sup>
- Conference on archaeological property and the illicit trafficking on cultural property organised by the Italian Carabinieri, **Rome**, June 2001.  
Workshop on the Protection of Cultural Heritage in Southeast Asia, organised by ICOM, Hanoi (**Vietnam**), April 2001
- First meeting of the European Forum for the Prevention of Organised Crime, with a specific workshop focusing on the prevention of trafficking in cultural goods, organised by the **European Commission**, Directorate General for Justice and Home Affairs, Brussels, May 2001
- Third Conference on Illicit Traffic in Cultural Property Stolen in Central and Eastern Europe organised by ICPO-Interpol, Brijuni (**Croatia**), May 2001
- Regional Workshop on Cultural Legislation for Central Asian Countries organised by UNESCO, Dushanbe (**Tadjikistan**), May 2001
- National Seminar to fight illicit traffic of Cambodian cultural property, adoption of an appropriate legal framework, organised by UNESCO, Phnom Penh (**Cambodia**), June 2001
- **Interregional** Conference on Co-ordination of Implementation of UNESCO Conventions and other International Instruments on the Protection of Cultural Heritage, organised by UNESCO in Erevan in September 2001 and following a workshop on cultural legislation organised by UNESCO's National **Armenian** Commission in 2000 which UNIDROIT attended,
- National Workshop on International Standards for the Protection of Cultural Heritage organised by UNESCO in Baku (**Azerbaijan**), September 2001
- Seminar on Fighting Against the Illicit Traffic and Smuggling of Chinese Cultural Heritage following a first seminar (1998), organised by the Chinese Government and UNESCO in Shenzhen (**China**) in October 2001

## 2002

- **Regional** workshop on the illicit trafficking of cultural property for Arab States organised by UNESCO, Beirut (**Lebanon**), February 2002
- **International** Conference on illicit trafficking of cultural property organised by the Ministry of Culture of the Russian Federation, UNESCO and the Russian Committee of the International Council of Museums (ICOM) in **Moscow**, September 2002. This Conference brought together representatives of the Russian Federation, of the Community of Independent States (**CIS**) and of **Baltic States**.

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<sup>37</sup> Workshops at which the UNIDROIT Secretariat was either present or represented.

<sup>38</sup> Soon after this meeting, Cambodia initiated the parliamentary procedure in view of ratification (entry into force of the Convention for Cambodia on 1.1.2003).

- Second Workshop for the "Prevention of Illicit Trafficking of Cultural Property" of the "EU Forum on Prevention of Organised Crime", organised in Brussels on 9 December 2002 by the European Commission, Directorate General "Justice and Home Affairs"

## 2003

- 12th session of **UNESCO** Intergovernmental Committee Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, Paris, March 2003
- First meeting of the States Parties to the 1970 **UNESCO** Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property, Paris on 15 October 2003
- Colloquium organised by the Senate of Belgium, entitled "Restitution of Cultural Property – What is the Role of **Belgium?**", within the framework of the ratification by Belgium of the 1970 UNESCO Convention, Brussels, January 2003
- Colloquium on the Protection of **African Cultural Property**, organised by the French senators elected at the Parliamentary Assembly of the Council of Europe, Paris, March 2003
- 7<sup>th</sup> Seminar on International Law organised by the Permanent Court of Arbitration on "The Resolution of Cultural Property Disputes", The Hague, May 2003
- 1<sup>st</sup> specialised meeting on the traffic in stolen works of art and religious and archaeological items, organised by INTERPOL, Bamako (**Mali**), September 2003
- Colloquium organised by the *Syndicat National des Antiquaires*, Paris, November 2003
- Regional seminar on international instruments for the protection of cultural property, organised by UNESCO, Abuja (**Nigeria**), November 2003

## 2004

- The French *Observatoire des mouvements internationaux d'oeuvres d'art* has invited a member of the Secretariat to attend two meetings, one of which totally devoted to the 1995 Convention (Paris, 24 March and 26 May 2004). It has been an opportunity to meet persons from all professional categories of the art world in **France** to make the Convention better known
- The Ministry of Culture, following the accession of the Republic of **Azerbaijan** to the Convention in 2003, organised a Conference totally devoted to the 1995 Convention to explain to the professionals how to better apply the Convention (Baku, June 2004)
- In the context of the Dutch presidency of the **European Union**, the Dutch Ministry of Culture organised a Conference entitled "Fighting Illicit Traffic in Cultural Goods within the European Union" which emphasised in particular the implementation of the European texts in this field, as well as the two relevant international conventions, the 1995 UNIDROIT Convention being one (Rotterdam, November 2004)

## 2005

- 13<sup>th</sup> session of the **UNESCO** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation was held in Paris in February 2005
- the Italian Association of Historic Houses organised in **Rome**, on 15 April 2005, a conference at which the Secretariat of UNIDROIT was invited to explain the benefits private owners would get from the Convention in case their cultural objects were stolen or illegally exported
- International Colloquium on the legal protection of cultural objects organised in May 2005 by the Law Faculty of the University of Annaba (**Algeria**) - the Convention was extensively presented to representatives of the Maghreb countries, Iraq and Syria
- 6<sup>th</sup> International Symposium on the Theft of and Illicit Traffic in Works of Art, Cultural Property and Antiques organised by ICPO-INTERPOL in Lyon, June 2005; more than 40 countries and ten international organisations were represented at the Symposium
- the Spanish Guardia Civil and the TAIEX (Directorate General Enlargement of the **European Commission**) co-organised an International Seminar on Illegal Trafficking of Cultural Goods in Madrid from 29<sup>th</sup> November to 1<sup>st</sup> December 2005, for new Member States, Candidate Countries and Western Balkan countries in particular

## 2006

- UNESCO Office in Venice - UNESCO Regional Bureau for Science and Culture in Europe (BRESCE) organised, in co-operation with the Ministry of Culture of the Former Yugoslav Republic of Macedonia, a **regional** workshop on the prevention of illicit traffic of cultural heritage and other illegal actions which was held in **Ohrid** in March 2006.
- the Ministry of Culture of Albania together with the UNESCO Office in Venice - UNESCO Regional Bureau for Science and Culture in Europe (BRESCE) held an international meeting on the fight against illicit traffic in cultural objects in Tirana (**Albania**), June 2006
- in the context of its programme relating to information on and promotion of existing international instruments, the International Trade Center UNCTAD/WTO (ITC) has organised a workshop in **Vietnam** (Hanoi), at which Prof. Kessedjan (Paris) presented the 1995 UNIDROIT Convention.<sup>39</sup>
- Prof. Philippe Kahn (**France**) has made a presentation of the integration of the 1995 UNIDROIT Convention in French law at a seminar organised by the CNRS on the protection of archives in Paris on 15 June 2006
- the Mexican Ministry of Foreign Affairs and the Mexican Center of Uniform Law organised, under the auspices of UNIDROIT, an international seminar on the legal protection of cultural objects (**Mexico City**, September 2006)
- European Center for Peace and Development (ECPD), together with the Republic Institute for the Protection of Cultural, Historical and Natural Heritage of Srpska, held an international seminar in Banja Luka (**Bosnia-Herzegovina**), October 2006
- the Convention has also been discussed at a workshop on harmonisation of business law organised in Tshwane (South Africa) by the **African Union**

## 2007

- 14<sup>th</sup> session of the **UNESCO** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, Paris, June 2007;
- UNESCO Beirut **Sub-Regional** Seminar on "the Protection of Cultural Property through Application of Conventions and its Tools", Amman (**Jordan**), June 2007;
- INTERPOL, Regional Seminar for Central and Eastern Europe on the illicit traffic in cultural property, Crakow (**Poland**), September 2007;

Council of Europe and its Parliamentary Assembly, Conference on "International Conventions and Major Texts for Heritage: Current Situation and Prospects", Vilnius (Lithuania), October 2007;

Ludwig Boltzmann Institut für Europarecht, Symposium on the Restitution of Cultural Objects, Vienna, October 2007;

Milan University, Conference on "The Role of the Code of Ethics in the Protection of Cultural Heritage and the Art Market", Milan, October 2007;

European Center for Peace and Development (ECPD), together with the Republic Institute for the Protection of Cultural, Historical and Natural Heritage of Srpska, held an international seminar in Banja Luka (Bosnia-Herzegovina), October 2007.

## 2008

- Athens International Conference on the "Return of Cultural Property to its Country of Origin, organised by UNESCO and the Greek Ministry of Culture, at which several cases involving the return of cultural property were analysed – **Athens**, March 2008;
- International Colloquium on "The dispersal of the cultural heritage – the state of play and a tentative response" organised by the Faculty of Law and Political Science at Tunis and the international research group "Droit du patrimoine culturel et droit de l'art" (CNRS) (*The Law of Cultural Heritage and the Law of Art*)– **Tunis**, May 2008;

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This country has then decided to further scrutinise it in view of a possible accession

- The European Centre for Peace and Development (ECPD), together with the Institute for the Protection of the Cultural, Historical and Natural Heritage of the Republic of Srpska, organised a third international seminar at Banja Luka (**Bosnia-Herzegovina**) in October 2008;
- Legal training course on the protection of the Iraqi cultural heritage intended **for Iraqi experts** (lawyers, civil servants and museum staff) organised by UNESCO's Iraqi Bureau – Beirut, November 2008;
- Expert meeting and extraordinary session to celebrate the 30<sup>th</sup> anniversary of UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation: its past and its future – **Seoul**, November 2008;
- International Conference on Organised Crime in Art and Antiquities, organised on the initiative of ISPAC, in co-operation with the United Nations Office on Drugs and Crime (**UNODC**) – Courmayeur, December 2008.

## 2009

- Conference organised by the Europae Archaeological Consilium and the Parliamentary Assembly of the **Council of Europe** entitled "Who steals our Past? Europe's Archaeological Heritage under Threat" – Strasbourg, March 2009;
- 15<sup>th</sup> session of the **UNESCO's** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation – Paris, May 2009;
- Legal training course on the protection of the cultural heritage **for African countries**, organised by the CoESPU (Center of Excellence for the Stability Police Units) and UNESCO - Vicenza, June 2009;
- International Conference on "Governance of Cultural Property: Preservation and Recovery" organised by the Basel Institute on Governance - **Basel**, September 2009;
- **Regional** workshop on "Protection of religious cultural objects in South America and Caribbean", organised by UNESCO - **Mexico City**, September/October 2009;
- 2<sup>nd</sup> **Panafrican** Cultural Congress on "Inventory, Protection and Promotion of African Goods" organised by the African Union - **Addis Ababa**, November 2009;
- **Sub-regional** seminar on "Strengthening the legislative and institutional framework – Protection of collections – Illicit traffic" organised by UNESCO's Lebanese Bureau and EUROMED Heritage – **Beirut**, November 2009;
- Open-ended Intergovernmental Expert Group Meeting on the Protection against Trafficking in Cultural Property, organised by the United Nations Office on Drugs and Crime (**UNODC**) – Vienna, November 2009;
- **Regional** workshop on legal measures for the prevention and fighting against illicit trafficking in cultural objects, organised by the Istituto Italo-Latino Americano (**IILA**) - Buenos Aires, Nov./December 2009;
- **International** meeting on illicit traffic in cultural objects organised by the Italian Ministry of Culture during the Italian presidency of the G8 – **Rome**, December 2009.

## 2010

- Workshop on the protection of cultural objects, organised by the *Istituto Italo-Latino Americano (IILA)* – **Rome**, April 2010; this workshop follows the Regional Workshop on legal measures for the prevention and fighting against illicit trafficking in cultural objects organised by IILA in Buenos Aires in 2009 to which UNIDROIT took part;
- Workshop of the PNI Institutes on "Protecting Cultural Property" organised by the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC) – **Vienna**, 17 May 2010
- Workshop on the protection of cultural objects within the 19th session of the Commission on Crime Prevention and Criminal Justice (**UNODC**) – Vienna, May 2010;
- 6<sup>th</sup> **INTERPOL** Conference on illicit traffic in cultural objects in Central and Eastern European countries – Vienna, June 2010;

- Information and exchange meeting on the occasion of the 40<sup>th</sup> anniversary of the 1970 UNESCO Convention and the 5 years of implementation of the Swiss Law on the international transfer of cultural objects, organised by the Swiss Commission for UNESCO in co-operation with the Federal Office for Culture – **Bern**, 1<sup>st</sup> June 2010;
- Workshop on the protection of the cultural heritage of **Mediterranean countries** within the 3<sup>rd</sup> Convention of the Lawyers of the Mediterranean, organised by the *Fondation de droit continental* – Rome, 9 June 2010;
- 16<sup>th</sup> session of the **UNESCO's** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation – Paris, September 2010;
- Information meeting on the issue of the ratification of the 1995 UNIDROIT Convention, organised by the Belgian French speaking and German speaking Commission for UNESCO – **Brussels**, 16 November 2010;
- **Regional** Workshop on the prevention against illicit trafficking in cultural objects, for countries of the Gulf Cooperation Council (**GCC**) and **Yemen**, organised by the Ministry of Culture of the Kingdom of **Bahrain** and UNESCO – Manama, November 2010.

## 2011

- International Conference entitled "*Patrimoine universel/revendications locales*" organised par the *Musée d'art et d'histoire de Genève* and the University of **Geneva**, February 2011
- International Conference on "The fight against illicit trafficking of cultural property – The 1970 Convention: past and future" organised by **UNESCO** - Paris, March 2011;
- 17<sup>th</sup> session of the **UNESCO's** Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation – Paris, June/ July 2011;
- **Regional** Workshop on the "Prevention and fight of illicit traffic in cultural goods in **Southern African region** – current situation and way forward", organised by the UNESCO Office in Windhoek and Harare and the relevant governmental partners in Namibia (countries represented: Botswana, Kenya, Lesotho, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe,– Windhoek, September 2011.
- Training course for judges from Ecuador, Istituto italo-Latino Americano (**IILA**), Rome – November 2011
- Participation in a group of expert to elaborate "draft Guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property", the United Nations Office on Drugs and Crime (**UNODC**), Vienna – November 2011

## 2012

- International Conference on the retrieval of cultural objects, organised by the Saudi Commission for Tourism and Antiquities, **Riyad**, February 2012
- International Conference on "Cross Border Movements of Cultural Goods" organised by the Hellenic Society for Law and Archaeology in collaboration with the Institut für Kunst und Recht (IFKUR), **Athens**, 19 May 2012.