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Item No. 7 on the Agenda: International Protection of Cultural Property

Implementation and status of the 1995 Convention

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Report on the status and the follow-up activities and promotion of the 1995 UNIDROIT Convention and related instruments</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the activities to promote the UNIDROIT's instrument relating to the international protection of cultural property</i>
<i>Mandate</i>	<i>Work Programme 2020-2022</i>
<i>Priority level</i>	<i>High</i>
<i>Related document</i>	<i>Annual Report 2021 - C.D. (101) 2</i>

I. INTRODUCTION

1. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (the 1995 UNIDROIT Convention) was opened for signature in Rome on 24 June 1995 and entered into force on 1 July 1998 after the deposit of the fifth instrument of ratification pursuant to Article 12 of the Convention.

2. Under the 2020-2022 Work Programme, the high degree of priority for the implementation of UNIDROIT's instruments was confirmed. This document provides an update on UNIDROIT's activities regarding the promotion and implementation of the 1995 UNIDROIT Convention since the 100th session of the Governing Council meeting in September 2021, as the activities carried out prior to September 2021 are detailed in the documents related to the UNIDROIT Academy (C.D. (101) 18) and the Annual Report 2021 (C.D. (101) 2).

II. STATUS

3. Since the last session of the Governing Council, the 1995 UNIDROIT Convention has gained three new Contracting States. Togo acceded on 3 September 2021 (entry into force on 1 March 2022) and Madagascar on 6 December 2021 (entry into force on 1 June 2022).

4. On 18 November 2021, the plenary session of the Senate of the Republic (Mexico) approved the accession to the 1995 UNIDROIT Convention. The formal deposit of the instrument of approval

took place with the Italian Government on 12 May 2022 and the Convention will enter into force for Mexico on 1 November 2022.

5. As of 12 May 2022, the Convention has 53 Contracting States. Other States are in the process of finalising ratification/accession to the 1995 UNIDROIT Convention. See the Annexe for further details.

III. ACTIVITIES

A. International UNIDROIT Summer School

6. The 1995 UNIDROIT Convention is one of the instruments that will be presented at the International UNIDROIT Summer School (June-July 2022) by Professor Manlio Frigo (Università degli Studi di Milano) who participated in the elaboration of the Convention. As one of the mechanisms established by the Convention for the restitution and return of illicitly traded cultural objects is a court procedure (Article 16(1)), it is very important to raise awareness among judges on the use of multilateral conventions in order to achieve the goal of global uniformity in their implementation.

B. Collaboration with other institutions

1. UNESCO

7. UNIDROIT was invited by UNESCO to participate in the International conference 'The Fight Against Illicit Trafficking in Cultural Property: For a Strengthened Global Dialogue' organised on 14 September 2021. The conference, organised in partnership with the European Union within the framework of the celebrations of the 50th anniversary of the 1970 Convention, brought together all the actors in the fight against illicit trafficking of cultural property. The event's purpose was to open the dialogue on a united and collaborative approach to strengthen the fight against illicit trafficking at global level and on concrete activities to be implemented. UNIDROIT participated in a panel discussion on 'Due diligence of professionals in the fight against the trafficking of cultural property'.

8. UNIDROIT also participated in the regional consultations on cultural policies, both for Africa (31 January-1 February 2022) and for Latin America and the Caribbean (14 and 15 February 2022), ahead of the world conference Mondiacult 2022 which will be held in Mexico on 28-30 September 2022.

9. UNIDROIT has presented its instruments at various capacity-building workshops and expert meetings which have been organised by UNESCO since September 2021 and during the first months of 2022, including:

- regional and national hybrid seminars on the fight against illicit trafficking in cultural property organised by UNESCO in Comoros and Djibouti (October 2021), Namibia (October 2021), Mongolia (October 2021);
- online training on the challenges of illicit trafficking in cultural objects in West and Central Africa, together with UNESCO and the École du Patrimoine Africain (EPA) – follow-up of the first session held in June (December 2021);
- technical Expert Consultation meeting on the preliminary draft capacity building program related to UNESCO Operational Strategy for Priority Africa Flagship programme ("Fostering cultural heritage and capacity development" and its objective 2 'Supporting African Member States in the fight against the illicit trafficking of cultural property within the framework of the 1970 Convention; and in facilitating the return and restitution of

cultural property in the framework of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of illicit Appropriation (ICPRCP), as well as the promotion of museums' (January 2022).

2. African Union

10. In the framework of the African Union's "Year 2021 of Arts, Culture and Heritage: Levers for Building the Africa We Want" and Aspiration 5 of Agenda 2063, UNIDROIT was invited to attend a Continental Experts' Workshop on the restitution of cultural property and heritage' in Dakar on December 2021. Professor Atangcho Akonumbo, Dean at the Faculty of Laws and Political Science of the University of Buea (Cameroon) presented the 1995 Convention and its benefits for African States.

3. International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)

11. UNIDROIT participated in an online course organised by ICCROM Office in Sharjah in cooperation with the Ministry of Culture of the Kingdom of Saudi Arabia for high level selected participants mostly from the academic world and at the governmental level. On 9 May 2022, UNIDROIT presented the 1995 Convention, its complementarity with other relevant international instruments together with an assessment of the Saudi legislation as regards such instruments.

12. UNIDROIT continued its collaboration with the ICCROM Office in Sharjah in the framework of the project on strengthening legal and institutional frameworks for the protection of cultural heritage in the region (together with UNESCO Office in Doha and INTERPOL), through the development of regional co-operation and national capacity building. In particular, a cycle of online courses and webinars prepared by the different partners were due to start early 2022 but had to be postponed to September.

13. UNIDROIT finally joined ICCROM in organizing, within the IV International Forum of Gran Sasso, the 3rd Conference for a Euro-African Academic Partnership, together with the Università degli Studi di Teramo and the Diocese of Teramo, entitled "Building the future together: The role of academic cooperation in shaping a new socio-economic integration project for youth". This conference aimed to broaden the horizons in the perspective of a renewed cultural dialogue and a new collaboration for the development of peoples. President Malaguti, Deputy Secretary-General Anna Veneziano and Principal Legal Officer and Treaty Depository Marina Schneider participated in various sessions.

14. Following this conference, and building on its outcomes, ICCROM invited UNIDROIT to attend a strategic planning meeting held in Porto Novo (Benin) in November 2021 within the ICCROM Youth Heritage Africa flagship programme. It was also an opportunity to visit the École du Patrimoine Africain (EPA) and discuss possible training sessions.

4. NATO

15. UNIDROIT participated in the Annual Conference of the NATO Stability Policing Centre of Excellence (NSPCoE) entitled "*NATO Stability Policing in Cultural Property Protection*", in Vicenza (Italy), from 15 to 18 November 2021. This event gathered a heterogeneous host of experts from the Alliance, academia, international organisations and practitioners in the field of cultural heritage, seeking to assess the implications deriving from NATO adopting or not a Stability Policing capability dedicated to Cultural Property Protection. The participants were asked to work on a *Strengths, Weaknesses, Opportunities and Threats (SWOT)* analysis to help to identify and drive the changes within the Alliance required to remain competitive and a network was created.

16. Following this event, UNIDROIT was involved in the follow-up online meeting organised by the NSPCoE on 28 February 2022 to discuss several possible actions and cooperation among which e-learning courses developed by NATO SP CoE as a solution to improve the awareness within the Alliance.

5. The International Law Association

17. During 2023, UNIDROIT will be partnering with the International Law Association (ILA) to organise [2023 ILA PARIS](#) for its 150th anniversary celebrations ('Build tomorrow'). A series of webinars (at least once a month) are already being organised and, in June 2023, an important conference will be held in Paris (18-20 June 2023).

18. UNIDROIT has been interviewed by the ILA Group in charge of the cultural heritage White Book on several issues relating to its instruments and its work in this field. [23 White Papers](#) will be prepared on the basis of a broad consultation and published between June and September 2023, presenting the main difficulties and issues international law may have to face in the following years and a roadmap for future research.

C. Conferences/lectures

19. UNIDROIT is a partner of the Art-Law Centre of the University of Geneva in the Certificate of Advances Studies (CAS) on International Cultural Heritage Law (member of the Scientific Committee and lecturer) in Geneva. This programme, which began in January 2022 and will end in June 2023, aims to raise awareness and high-level understanding of the substantive themes of international cultural heritage law through a modern and dynamic problem-based learning method.

20. UNIDROIT was invited to deliver a number of conferences/lectures including:

- an awareness raising course on the protection of cultural property for ASEAN countries, organised by the Carabinieri Tutela Patrimonio Culturale and the Italian Ministry of Foreign Affairs and International Cooperation, Vicenza (Italy) (November 2021);
- the third edition of the Master in Cultural Property Protection in Crisis Response at the Università degli Studi di Torino (Italy) (class of 15 civilian students, 2 military personnel and 1 Carabiniere from the Cultural Heritage Protection Unit) (February 2022);
- Conference 'The Italian Law of Cultural Heritage: a Dialogue with the United States', a joint effort by the School of Law of the University of Florence and the Soprintendenza of Florence, Pistoia and Prato (a branch of the Ministry of Culture) (June 2022).
- Conference 'Acting together against archaeological looting in France and in the Mediterranean basin and the trafficking of antiquities' organised in Marseille by the Regional Directorate of Cultural Affairs of Provence-Côte d'Azur (France) (October 2022).

IV. ACTION TO BE TAKEN

21. *The UNIDROIT Secretariat would invite the Governing Council to take note of the developments in relation to the promotion of the 1995 UNIDROIT Convention.*

ANNEXE

**UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS
CONVENTION D'UNIDROIT SUR LES BIENS CULTURELS VOLÉS OU ILLICITEMENT EXPORTÉS**

Adoption: Place / *Lieu*: Rome / Date: 24-06-1995

Entry into force / *Entrée en vigueur*: Yes / *Oui* ≈ Date: 01-07-1998

Conditions: 5 ratifications (Art. 12)

Contracting States / *États contractants*: **53**

Depositary / *Dépositaire*: Italian Government / *Gouvernement italien*

STATE / <i>ÉTAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTRÉE EN VIGUEUR</i>	DECLARATIONS
Afghanistan	-	23-09-05	01-03-06	Arts. 16, 17
Algeria / <i>Algérie</i>	-	09-04-15	01-10-15	Arts. 16, 17
Angola	-	19-06-14	01-12-14	Arts. 16, 17
Argentina / <i>Argentine</i>	-	03-08-01	01-02-02	Arts. 16, 17
Azerbaijan / <i>Azerbaïdjan</i>	-	06-06-03	01-12-03	Arts. 16, 17
Benin / <i>Bénin</i>	-	11-01-21	01-09-21	Arts. 3(5), 16, 17
Bolivia / <i>Bolivie</i>	29-06-96	13-04-99	01-10-99	Arts. 16, 17
Bosnia-Herzegovina / <i>Bosnie-Herzégovine</i>	-	08-05-17	01-11-17	Arts. 16, 17
Botswana	-	28-08-17	01-02-18	Arts. 16, 17
Brazil / <i>Brésil</i>	-	23-03-99	01-09-99	Arts. 16, 17
Burkina Faso	24-06-95	02-10-18	01-04-19	Arts. 16, 17
Cambodia / <i>Cambodge</i>	24-06-95	11-07-02	01-01-03	Arts. 16, 17
China / <i>Chine</i>	-	07-05-97	01-07-98	Arts. 3(5), 16, 17
Colombia / <i>Colombie</i>	-	14-06-12	01-12-12	Arts. 16, 17
Côte d'Ivoire	24-06-95	23-12-20	01-07-21	Arts. 16, 17
Croatia / <i>Croatie</i>	24-06-95	20-09-00	01-03-01	Arts. 16, 17
Cyprus / <i>Chypre</i>	-	02-03-04	01-09-04	Arts. 16, 17
Denmark / <i>Danemark</i>	-	01-01-11	01-07-11	Art. 14, 16, 17
Ecuador / <i>Équateur</i>	-	26-11-97	01-07-98	Arts. 3(5), 16, 17
El Salvador	-	16-07-99	01-01-00	Arts. 16, 17
Finland / <i>Finlande</i>	01-12-95	14-06-99	01-12-99	Arts. 13(3), 16, 17
France	24-06-95	-	-	-
Gabon	-	12-05-04	01-11-04	-
Georgia / <i>Géorgie</i>	27-06-95	-	-	-
Ghana	-	20-09-19	01-03-20	Arts. 16, 17
Greece / <i>Grèce</i>	-	19-07-07	01-01-08	Arts. 13(3), 16, 17
Guinea / <i>Guinée</i>	24-06-95	-	-	-
Guatemala	-	03-09-03	01-03-04	Arts. 3(5), 16, 17

Honduras	-	27-08-13	01-02-14	-
Hungary / <i>Hongrie</i>	24-06-95	08-05-98	01-11-98	Arts. 3(5), 16, 17
Iran (Islamic Rep. of / <i>Rép. islamique d')</i>	-	22-06-05	01-12-05	Arts. 16, 17
Italy / <i>Italie</i>	24-06-95	11-10-99	01-04-00	Arts. 13(3), 16, 17
Lao People's Democratic Republic / <i>Rép. Dém. Pop. Lao</i>	-	18-05-17	01-11-17	Arts. 16, 17
Latvia / <i>Lettonie</i>	-	08-02-19	01-08-19	Art. 16
Lithuania / <i>Lituanie</i>	24-06-95	04-04-97	01-07-98	Arts. 16, 17
Madagascar	-	06-12-21	01-06-22	Arts. 16, 17
Mexico / <i>Mexique</i>	-	12-05-22	01-11-22	Arts. 16, 17
Montenegro	-	08-07-19	01-01-20	Art. 16
Myanmar	-	20-06-18	01-12-18	Arts. 3(5), 16, 17
Netherlands / <i>Pays-Bas</i>	28-06-96	-	-	Arts. 3(5), 13(3), 17
New Zealand / <i>Nouvelle-Zélande</i>	-	16-11-06	01-05-07	Arts. 16, 17
Nigeria / <i>Nigéria</i>	-	10-12-05	01-06-06	-
North Macedonia / <i>Macédoine du nord</i>	-	22-08-13	01-02-14	Arts. 16, 17
Norway / <i>Norvège</i>	-	28-08-01	01-03-02	Arts. 13(3), 14, 16, 17
Pakistan	27-06-96	-	-	-
Panama	-	26-06-09	01-12-09	Arts 3(5), 16, 17
Paraguay	13-06-96	27-05-97	01-07-98	Arts. 16, 17
Peru / <i>Pérou</i>	28-06-96	05-03-98	01-09-98	Arts. 16, 17
Portugal	23-04-96	19-07-02	01-01-03	Arts. 16, 17
Romania / <i>Roumanie</i>	27-06-96	21-01-98	01-07-98	Arts. 16, 17
Russian Fed. / <i>Féd. de Russie</i>	29-06-96	-	-	-
Senegal / <i>Sénégal</i>	29-06-96	-	-	-
Slovakia / <i>Slovaquie</i>	-	16-06-03	01-12-03	Arts. 16, 17
Slovenia / <i>Slovénie</i>	-	08-04-04	01-10-04	Arts. 16, 17
South Africa / <i>Afrique du Sud</i>	-	09-01-18	01-07-18	Arts. 16, 17
Spain / <i>Espagne</i>	-	21-05-02	01-11-02	Arts. 3(5),13(3), 16, 17
Sweden / <i>Suède</i>	-	28-06-11	01-12-11	Arts. 13(3), 16, 17
Switzerland / <i>Suisse</i>	26-06-96	-	-	-
Syrian Arab Republic / <i>République arabe syrienne</i>	-	27-04-18	01-10-18	Arts. 16, 17, D
Togo	-	03-09-21	01-03-22	Arts. 16, 17
Tunisia / <i>Tunisie</i>	-	02-03-17	01-09-17	Arts. 16, 17
Zambia / <i>Zambie</i>	24-06-95	-	-	-