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Item No. 9 on the Agenda: International Protection of Cultural Property

Implementation and status of the 1995 Convention

(prepared by the 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>Mandates</i>	<i>Work Programmes 2020-2022 and 2023-2025</i>
<i>Priority level</i>	<i>High</i>
<i>Related document</i>	<i>Annual Report 2022 - C.D. (102) 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 and 2023-2025 Work Programmes, 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 101st session of the Governing Council meeting in June 2022, as the activities carried out prior to June 2022 are detailed in the documents related to the UNIDROIT Academy ([C.D. \(102\) 21](#)) and the Annual Report 2022 ([C.D. \(102\) 2](#)).

II. STATUS

3. Since the last session of the Governing Council, one additional State became Contracting State to the 1995 UNIDROIT Convention: Morocco acceded on 3 August 2022 (entry into force 1 February 2023).

4. As of 1 April 2023, the Convention has 54 States (see the Annexe for further details). Other States are currently in the process of finalising ratification/accession to the 1995 UNIDROIT Convention (such as Central African Republic and Niger).

5. On 10 and 11 November 2022, UNIDROIT participated in the first National Consultation for the Prevention of Crimes and Violations against Cultural Heritage, initiated by the Office of the President of Mongolia and organised by the Ministry of Culture, the Department of Culture and Arts Authority of the Implementing Agency of the Government of Mongolia, and the Mongolian National Commission for UNESCO. The prospect of accession to the 1995 UNIDROIT Convention was thoroughly discussed. This consultation followed the visit of a delegation of Mongolia to UNIDROIT on 2 May 2022, led by the Vice-Minister of Justice and Home Affairs and including other representatives of the Ministry, as well as members of Parliament and the Director of the National Legal Institute of Mongolia.

III. ACTIVITIES UNDERTAKEN

A. G20 Culture Working Group

6. The G20 Culture Ministers met for the first time in 2020 in Saudi Arabia and highlighted culture's cross-cutting contribution to advancing the G20 agenda. Recognising the synergies between culture and other policy areas, and considering the impact of culture, cultural heritage and the creative economy on the economic, social and environmental dimensions of development, culture was integrated into the G20 agenda as a Culture Working Group in 2021. Under Italy's G20 Presidency, the final [declaration](#) adopted on 30 July 2021 recalled the importance of the ratification of the relevant instruments, including the 1995 UNIDROIT Convention.

7. Under India's G20 Presidency, UNIDROIT was invited by the Government of India to join the G20 Culture Working Group, which stands among the 13 thematic Working Groups set up to frame the G20 process in 2023 as part of the Sherpa Track. The Culture Working Group brings together representatives from G20 member countries (Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Republic of Korea, Mexico, Russian Federation, Saudi Arabia, South Africa, Türkiye, United Kingdom and United States of America), the European Union, nine guest nations (Bangladesh, Egypt, Mauritius, Netherlands, Nigeria, Oman, Singapore, Spain and United Arab Emirates), and international organisations, to discuss priorities and provide recommendations around four culture-related priorities set forth by the Indian Presidency. The priority areas of focus for the Culture Working Group are the following: (i) Protection and Restitution of Cultural Property; (ii) Harnessing Living Heritage for a Sustainable Future; (iii) Promotion of Cultural and Creative Industries and Creative Economy; and (iv) Leveraging Digital Technologies for the Protection and Promotion of Culture.

8. The Working Group is expected to meet four times in person over the course of the working process – in Khajuraho (22-25 February 2023), Bhubaneswar (14-17 May 2023), Hampi (15-18 July 2023) and Varanasi (21-23 August 2023) – to discuss the areas of priority and key actionables, leading up to a G20 culture ministerial meeting on 23 August 2023. The outcomes of the Culture Working Group will also feed into the 18th G20 Leaders' Summit, to be held on 9-10 September 2023.

9. UNIDROIT attended the first meeting in Khajuraho in February 2023, as well as the four webinars organised on each priority area of focus to feed the future discussions of the Culture Working Group in order to prepare the declaration to be adopted by the ministerial meeting. UNIDROIT moderated a segment of the webinar on "Protection and Restitution of Cultural Property" and was a speaker during another segment.

B. International UNIDROIT Summer School

10. The 1995 Convention is one of the instruments that was presented at the International UNIDROIT Summer School (June-July 2022) by Ms Marina Schneider, Principal Legal Officer and Treaty Depositary, and Professor Manlio Frigo (Università degli Studi di Milano), who participated in the elaboration of the Convention. The Summer School was an opportunity to discuss the implementation

of the Convention with States already Parties to it and to examine the process of accession with representatives of States not yet Parties. A specific meeting was organised for the participants particularly interested in this field of UNIDROIT's work, and exchanges continued after the Summer School ended.

11. The 1995 UNIDROIT Convention—along with other instruments on the international protection of cultural property—will be presented at the 2023 edition, renamed *International Programme for Law and Development*. This year the presentation will be made by Ms Schneider, together with Magg. Michelange Stefano, Head of the Trainings and Studies Division, Special Carabinieri Squad for the Protection of Cultural Heritage.

C. 25th anniversary of the 1995 UNIDROIT Convention – publication of the Acts

12. UNIDROIT celebrated the 25th anniversary of the 1995 Convention by organising an [International Conference](#) held on 8 and 9 October 2020 at the seat of the Institute in Rome, entitled “The 1995 UNIDROIT Convention - Cultural Property at the Crossroads of Rights and Interests”. The Conference attracted a great deal of interest and the hybrid format allowed for the participation of over 300 people from all over the world. The Conference provided an opportunity to take stock of the implementation of the Convention, raise awareness as to the importance of uniform laws for the restitution and return of cultural objects, strengthen synergies between the Convention and other international instruments, and explore the future steps of projects aimed at promoting a legal framework conducive to the successful implementation of the Convention's purpose, such as the 1995 UNIDROIT Convention Academic Project (UCAP).

13. The Secretariat was hoping to distribute the publication of the contributions—which will be more than 400 pages—at the 102nd session of the Governing Council, but due to delays in obtaining some contributions and other administrative reasons, this will not be possible. All contributions have now been received and the publication is undergoing its editorial process with the publisher. The publication will be made available shortly.

D. UNIDROIT and its partners

1. UNESCO

14. UNIDROIT was associated to the celebration of the UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT Conference), which took place in Mexico from 28 to 30 September 2022. Professor Ignacio Tirado, Secretary-General, and Ms Marina Schneider, Principal Legal Officer and Treaty Depositary, attended. MONDIACULT brought together almost 2,600 participants, 150 State delegations, 135 Ministers of Culture, 32 intergovernmental organisations, 83 non-governmental organisations, and nine UN agencies. Professor Tirado intervened as observer in the Ministerial Thematic Session II on “Heritage and cultural diversity in crisis”, and Ms Schneider moderated the Ministerial Thematic Session III on the same subject.

15. The Final Declaration was adopted by acclamation and, *inter alia*, emphasised the commitment of States to intensify the fight against illicit trafficking in cultural property and called for an open and inclusive international dialogue for the return and restitution of cultural property to countries of origin. UNIDROIT featured twice in the Final Declaration. At that time, Mexico had recently acceded to the 1995 UNIDROIT Convention.

16. On 28 January 2022, UNIDROIT was invited to attend the Technical Expert Consultation on the preliminary draft capacity-building programme related to Flagship Programme 3 of UNESCO's Operational Strategy for Priority Africa (“Fostering Cultural Heritage and Capacity Development”) and, specifically, its second objective: “Support[ing] African Member States in the fight against illicit

trafficking in cultural property under the 1970 Convention and in facilitating the return and restitution of cultural property under 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 in the promotion of museums.”

17. UNIDROIT has presented its instruments at institutional meetings and various capacity-building workshops and expert meetings organised by UNESCO since June 2022, including:

- the 10th session of the Subsidiary Committee of the Meeting of States Parties to the 1970 UNESCO Convention (May 2022 at UNESCO Headquarters in Paris);
- National Training Workshop on Building Capacities in the Fight against Illicit Trafficking of Cultural Objects: Protection, Mitigation & Recovery in Emergency, organised by UNESCO (24-28 October 2022 in Adama, Ethiopia); and
- Regional capacity-building workshops on the fight against illicit trafficking in cultural property in Central and Eastern Africa (December 2022 in Libreville and Nairobi).

2. ECOWAS

18. UNIDROIT is also continuing its collaboration with the Economic Community of West African States (ECOWAS) on the implementation of the 2019-2023 Action Plan for the Return of African Cultural Property to their Countries of Origin, which was validated by the ECOWAS Ministers of Culture in Cotonou (Benin) in April 2019 and which, among other things, calls on Member States to take the necessary steps to become party to the 1995 UNIDROIT Convention as soon as possible.

19. The ECOWAS Commissioner for Culture continued to undertake political advocacy with Member States, and UNIDROIT has organised (and participated in) concomitant online technical meetings to accompany States (to date, with Gambia, Guinea Bissau—where the ratification of the 1995 Convention was included in the country’s first Cultural Strategy adopted on 30 July 2021, Liberia, Niger, Senegal, Sierra Leone and Togo).

20. As part of the implementation of the 2019-2023 ECOWAS Action Plan, UNIDROIT supported ECOWAS with an online presentation of the 1995 Convention at a training of heritage experts on the conservation and protection of museum collections according to international standards, held in Porto-Novo (Benin) from 30 May to 6 June 2022 at the Ecole Nationale du Patrimoine.

21. In March 2023, UNIDROIT was invited to attend the International Symposium on Approaches to the Restitution of African Cultural Property to its Countries of Origin, organised in Dakar (Senegal). The Symposium stressed that African States should not only be reflecting on a strategy and policy for the restitution of property that left during the colonial period, but also on preventing what remains from being plundered, while at the same time highlighting the will of States to secure the legal status of returned cultural property. The Dakar Declaration reaffirms the importance of the 1995 UNIDROIT Convention and invites all African States to ratify it.

22. The next action ECOWAS and UNIDROIT are planning together in 2023, in the framework of the Action Plan, is a meeting with African lawyers to strengthen the capacities of Member States on legal issues and procedures relating to the restitution of cultural property. It also aims at creating a network of African lawyers who specialise on those issues. Each ECOWAS Member State will be called to designate a lawyer and a heritage professional to attend the meeting. There will also be a meeting of the Follow-up Committee of the Action Plan to validate what has been done between 2019 and 2023 and decide on future steps. The meeting is scheduled in Accra (Ghana) for July 2023.

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

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

24. Following this online course, the Ministry of Culture (MoC) of Saudi Arabia (KSA) has proposed to ICCROM-ATHAR to organise a follow-up to the Cultural Conventions Courses, in a more practical key and, if possible, on site in Saudi Arabia, with a significant number of new participants. This second phase, to which UNIDROIT would be associated, would consist of a module focusing on cultural legislation in its international dimension (the history of the creation of the corpus of international cultural conventions, and finalising the hierarchy of normative instruments, Conventions, Recommendations, Charters, Declarations, etc.).

4. The International Law Association (ILA)

25. In 2023, UNIDROIT will be partnering with the International Law Association 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).

26. UNIDROIT has been interviewed by the ILA Group in charge of the White Paper on Cultural Heritage on several issues relating to its instruments and its work in this field. This Paper, like the other 22, has been prepared on the basis of a broad consultation, presenting the main difficulties and issues international law may have to face in the coming years and a roadmap for future research. The [White Paper on Cultural Heritage](#) (number 19) covers two main questions: i) Is the legal protection currently granted to cultural heritage satisfactory under international law?, and ii) What kind of legal solutions can be provided to the foreseen and unforeseen changes affecting cultural heritage?

5. Carabinieri Tutela Patrimonio Culturale

27. UNIDROIT continued its collaboration with the Italian Carabinieri’s Specialised Cultural Heritage Unit in 2022 by participating in the Unit’s officer specialisation course and delivering a presentation on the international instruments relevant to the protection of heritage, especially the 1995 UNIDROIT Convention (the 22nd such course took place in October 2022).

28. UNIDROIT was also invited to participate in the second and third editions of trainings organised by the Carabinieri for African countries, in the framework of an agreement between the Italian Ministry of Foreign Affairs and International Cooperation and the African Union: specifically, on 21 June 2022 for Burkina Faso, Cameroon, Chad, Cote d’Ivoire, Democratic Republic of Congo, Mozambique, Niger, Senegal, Seychelles, Togo and Tunisia, and on 14 March 2023 for Botswana, Egypt, Mauritius, Uganda, Sierra Leone, Tanzania, Zambia, and Zimbabwe.

E. Conferences/lectures

29. UNIDROIT is a partner of the Art-Law Centre of the University of Geneva in the Certificate of Advanced Studies (CAS) on International Cultural Heritage Law (as member of the Scientific Committee and lecturer). 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.

30. UNIDROIT was invited to deliver a number of conferences/lectures, including:
- the 11th International Symposium on Theft and Illicit Trafficking of Works of Art, organised by INTERPOL (6 July 2022);
 - the International Conference on the Protection of Cultural Property “The Prevention of Illicit Trafficking of Cultural Properties—An ASEAN Perspective”, organised on 5 to 8 September 2022 by the Ministry of Culture and Fine Arts of the Kingdom of Cambodia as the 2022 Chair of ASEAN, in cooperation with the Antiquities Coalition, in Siem Reap, Cambodia (online presentation);
 - a conference entitled “Acting together against archaeological looting in France and in the Mediterranean basin and the trafficking of antiquities”, organised in Marseille (France) by the Regional Directorate of Cultural Affairs of Provence-Côte d’Azur on 12 and 13 October 2022;
 - a high-level virtual panel discussion marking the third International Day Against Illicit Trafficking of Cultural Property, hosted by the Qatar National Library, about efforts to counter the sale and illegal circulation of antiquities and documentary heritage in the Middle East and North Africa (14 November 2022);
 - the sixth International Study Day on “Heritage in Danger and the Fight against Illicit Trafficking in Cultural Property”, on the theme of “Illicit Circulation and Money Laundering of National and Oriental Cultural Property in the Art Worlds”, on 8 December 2022 in Poitiers (France);
 - the “Heritage at Risk” colloquium, co-organised by the Centre de recherche Droits et Perspectives du droit (CRDP), the Institut Droit Éthique Patrimoine (IDEP), the Institut d’Études de droit public (IEDP) and the Centre de Recherche Juridique Pothier (CRJP) at the University of Orléans (France) on 9 December 2022 in Paris; and
 - the launch event of the Brazilian Red List, organised by the International Council of Museums (ICOM) and ICOM Brazil on 14 and 15 February 2023 in São Paulo.

IV. ACTION TO BE TAKEN

31. *The Governing Council is invited 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*: **54**

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	Arts. 16, 17
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	Arts. 16, 17
Morocco / <i>Maroc</i>	-	03-08-22	01-02-23	Arts. 16, 17
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	-	-	-