



**EN**

**GOVERNING COUNCIL**  
**105<sup>th</sup> session**  
**Rome, 20-23 May 2025**

UNIDROIT 2025  
C.D. (105) 18  
Original: French  
May 2025

**Item No. 8 on the agenda: International Protection of Cultural Property:  
Thirty years of the 1995 Convention and update on implementation status**

(prepared by the Secretariat)

<i>Summary</i>	<i>Rapport on the status, follow-up activities and 30<sup>th</sup> anniversary 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 instruments on the international protection of cultural property and to mark the 30<sup>th</sup> anniversary of the Convention.</i>
<i>Mandate</i>	<i>Work Programme 2023-2025</i>
<i>Priority level</i>	<i>High</i>
<i>Related documents</i>	<a href="#"><u>UNIDROIT 2025 - C.D. (105) 2</u></a>

## **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 following the deposit of the fifth instrument of ratification pursuant to Article 12 of the Convention.
2. The high level of priority accorded to the implementation of UNIDROIT instruments was again confirmed in the 2023-2025 Work Programme. This document provides an update on UNIDROIT's activities concerning the promotion and implementation of the 1995 UNIDROIT Convention since the 103<sup>rd</sup> session of the Governing Council in May 2024. For activities prior to December 2024, see the 2024 Annual Report ([C.D. \(105\) 2](#)).
3. The Convention will celebrate its 30<sup>th</sup> birthday on 24 June 2025. This document takes stock of the main difficulties encountered over the past 30 years and discusses how to proceed going forward. It also showcases specific activities carried out or planned for the 30<sup>th</sup> anniversary of the Convention.

## II. IMPLEMENTATION STATUS

4. As at 20 April 2025, the Convention had 56 Contracting States (see the Annexe for details). Since the last session of the Governing Council, both Uruguay and Yemen deposited their instruments of accession with the Italian Government, with entry into force for Uruguay on 1 January 2025 and for Yemen on 1 April 2025.

5. Other States (notably including the Central African Republic, Iraq, Mauritania and Mongolia) are well advanced in the process of acceding to the Convention, or have even already begun the procedure.

## III. INSTITUTIONAL ASPECTS

### A. The G7 and the G20 for Culture

#### 1. The G7 for Culture 2024

6. On 20 and 21 September 2024, the G7 Ministers of Culture met in Naples, Italy to recall the central role of culture for all peoples and its intrinsic value beyond social, environmental and economic benefits. Also recalled was UNIDROIT's decisive role in implementing the commitments made at this meeting, which echoed those of the [2022 MONDIACULT Declaration](#) and the [2023 G20 Declaration](#) (i.e., preserving cultural resources from threats such as climate change, illicit trafficking, armed conflict and other disasters, etc.).

7. The [Culture Ministers' Declaration](#) stressed the damage caused by illicit trafficking, as well as the importance of strengthening international cooperation mechanisms to combat this scourge to the heritage of all peoples, in close cooperation with the relevant organisations, including UNIDROIT. In particular, the Declaration recalls the priority of encouraging widespread ratification and implementation of existing instruments, including the 1995 UNIDROIT Convention.

8. Moreover, the G7 Cultural Summit adopted the [Naples Statement on Culture for the sustainable development of Africa and the world](#). The G7 Ministers of Culture committed themselves to work with African governments and the African Union to make culture a key driver of sustainable development. This commitment includes establishing partnerships based on respect for cultural identities and mutual understanding. Recognising the unique challenges faced by African countries, UNIDROIT has developed and participated in targeted initiatives to strengthen their capacity to combat illicit trafficking (notably the UNIDROIT International Programme for Law and Development, as well as activities with the African Union and ECOWAS).

#### 2. The G20 Culture Working Group

##### a) *2024 G20 Summit in Brazil*

9. On 18 and 19 November 2024, world leaders met in Rio de Janeiro for the 2024 G20 Summit and again emphasised the important role played by culture in the [Rio de Janeiro Leaders' Declaration](#). They called on G20 member States to, among other things, support relevant laws and policies to strengthen the protection of cultural heritage and encourage open dialogue on the restitution of cultural property. This text builds upon [the Salvador da Bahia Declaration of the G20 Ministers of Culture](#) adopted on 8 November 2024, which reaffirmed "our commitment to strengthening the fight against crimes committed against cultural heritage and cultural institutions" and invited States to ratify and effectively implement international agreements and conventions safeguarding cultural heritage, including the 1995 UNIDROIT Convention. Finally, the Declaration emphasised elements of the Convention and certain activities which fully align with the Secretariat's activities, such as strengthening global coordination to reinforce the fight against illicit trafficking in cultural property

through cooperation, capacity-building, technical exchanges, due diligence and education, as well as support for open and inclusive dialogue on the return and restitution of cultural property, including illegally exported goods.

### **b) 2025 G20 Summit in South Africa**

10. As part of the G20 Culture Working Group under the Presidency of South Africa, a series of four one-day thematic webinars was organised in April 2025 to discuss the four priorities defined by the Presidency,<sup>1</sup> sharing members' expertise and best practices.

11. On 2 April 2025, UNIDROIT was invited to participate in the first thematic webinar of the Culture Working Group, on Priority 1 – "Safeguarding and Restitution of Cultural Heritage to protect Human Rights". This action-oriented initiative aimed to share knowledge and exchange best practices, identify gaps and priorities, and make recommendations to the G20 Culture Working Group.

12. Ms Marina Schneider, Senior Legal Officer and Treaty Depositary, represented UNIDROIT. She began by outlining the important role of UNIDROIT instruments such as the 1995 UNIDROIT Convention and the [Model Legislative Provisions on State Ownership of Undiscovered Cultural Objects](#) in supporting the Culture Working Group's objectives, as these instruments embody the principles of solidarity, equality and sustainability – the theme of South Africa's G20 Presidency – which are principles that lie at the very heart of the collective mission to safeguard cultural heritage and protect human rights. Ms Schneider was also invited to moderate the second part of the webinar, with participation of representatives from G20 members, guest countries, and international organisations, followed by an open discussion and then a conclusion presenting highlights, all to inform G20 members' thinking and the ultimate publication summarising the South African Presidency.

## **B. Resolution of the United Nations General Assembly**

13. On 6 December 2024, the United Nations General Assembly adopted – by consensus and with the co-sponsorship of 146 UN Member States – a resolution on "[Return or restitution of cultural property to the countries of origin](#)", which reaffirms the importance of the 1995 UNIDROIT Convention along with other international conventions, and invites Member States that are not yet Parties to consider doing so. This is the highest number of co-sponsors to date for such a resolution, including all 27 European Union Member States for the first time.

## **C. Observer status with ICESCO**

14. At its 45<sup>th</sup> session held in Tunis, Tunisia on 25-26 February 2025, the Executive Council of the Islamic World Educational, Scientific and Cultural Organization (ICESCO) formally approved UNIDROIT's status as an observer organisation. This decision underscores the alignment of the two organisations' missions concerning the protection of cultural property and reflects potential for mutually beneficial collaboration going forward.

15. This partnership will significantly contribute to the advancement of common objectives, notably in terms of strengthening the legislative framework for the protection of cultural heritage in ICESCO Member States, especially for the restitution and return of stolen or illicitly exported cultural property. A meeting to define joint actions will take place between the Director General of ICESCO, H.E. Mr Salim M. Al Malik, and the Secretary-General of UNIDROIT in Rome in June 2025.

---

<sup>1</sup> *Priority 1: Safeguarding and Restitution of Cultural Heritage to protect Human Rights; Priority 2: Integrating Cultural Policies in socio-economic strategies to ensure an Inclusive, Rights-based Development; Priority 3: Harnessing Digital Technologies for the Protection and Promotion of Culture and Sustainable Economies; Priority 4: The Intersection of Culture and Climate Change: Shaping Global Responses.*

#### **D. Association of Southeast Asian Nations (ASEAN)**

16. As a partner and stakeholder, UNIDROIT has been invited to contribute to both the ongoing review of ASEAN's Strategic Plan for Culture and Arts (2016-2025) and the development of a new work plan (2026-2035).

17. UNIDROIT also participated, for the second time, in a training course on the fight against the illicit trafficking of cultural property for ASEAN countries, organised by the Italian Carabinieri Special Brigade for the Protection of Cultural Heritage and the Ministry of Foreign Affairs and International Cooperation, in Vicenza, Italy in March 2025.

#### **E. European Commission Sub-group of experts on dialogue with the art market**

18. In 2023, UNIDROIT was invited to take part in the work of the European Commission's Sub-group of experts on dialogue with the art market, which meets twice a year. The Sub-group of experts represents a component of the European Commission's Action Plan against Trafficking in Cultural Goods 2022-2025 and aims to establish a regular dialogue with the art market on subjects relevant to the fight against illicit trafficking.

19. On 28 and 29 May 2024, UNIDROIT attended online the second meeting of the Working Group which focussed on Art market economics and trends; improving collaboration on data collection on the art market and on illicit trade of cultural goods; EU legislation on the introduction and the import of cultural goods (Regulation (EU) 2019/880); measures to improve the traceability of cultural goods sales within the EU and ways to improve stolen cultural goods databases of EU Member States; and consultation on the 4th Supra-National Risk Assessment (SNRA) on the prevention of money laundering and terrorist financing.

20. On 18 and 19 February 2025, UNIDROIT also attended the 3<sup>rd</sup> meeting online meeting of the Working Group which discussed EU legislation on the introduction and the import of cultural goods (Regulation (EU) 2019/880); the challenge of defining "national treasures" under Article 36 TFEU; the DG GROW-led Study on the scale and economic dimensions of the EU art market; the findings from the independent study on cultural goods traceability by DG HOME (aiming to investigate the status, gaps, and possible solutions for stolen cultural goods databases and explore next steps at EU level); The fight against trafficking of cultural goods in online platforms and the Digital Services Act as a possible tool; ICOM Presenting new EAC funded project – part of the Action Plan Against Trafficking.

### **IV. TRAINING AND TECHNICAL ASSISTANCE ACTIVITIES**

#### **A. UNIDROIT International Programme for Law and Development**

21. The 1995 UNIDROIT Convention was one of the instruments featured in the International Programme for Law and Development (IPLD) in 2024. With a presentation by the UNIDROIT Secretariat and the Italian Carabinieri Special Brigade for the Protection of Cultural Heritage, this was an opportunity to discuss the implementation of the Convention with States Parties as well as to provide full information on the accession process to representatives from other States. A specific meeting was organised for participants who were particularly interested in this area of UNIDROIT's work, and exchanges have continued since then.

22. On 21 June 2024, Mr José Angelo Estrella-Faria, former Secretary-General of UNIDROIT, led a seminar on "Restitution of colonial cultural property", familiarising IPLD participants with international legal frameworks relating to the restitution of cultural heritage lost during colonisation.

23. The 1995 UNIDROIT Convention, as well as other instruments on the international protection of cultural property, will again be presented at the 2025 “Africa Plus” edition of the IPLD, also this time with the support of the Italian Carabinieri Special Brigade for the Protection of Cultural Heritage.

## **B. National and regional capacity-building seminars**

24. At the institutional level, UNIDROIT continues to develop and strengthen its close collaboration with several organisations in this field, including UNESCO, the European Union, the Council of Europe, INTERPOL, the World Customs Organization (WCO), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM – in both Rome, Italy and Sharjah, United Arab Emirates), NATO, the International Council of Museums (ICOM), the Antiquities Coalition, and the Italian Carabinieri Special Brigade for the Protection of Cultural Heritage.

25. UNIDROIT regularly participates in national and regional capacity-building seminars towards combatting illicit trafficking in cultural property, including seminars organised upon specific request by States to improve their understanding of the 1995 UNIDROIT Convention, with a view to accession. To name but a few examples, in 2025, UNIDROIT took part in such national or regional seminars in: Albania (for magistrates, as a follow-up to the multidisciplinary training organised in September 2024); Egypt (for Sudan and Palestine, with the participation of ten additional States, and then a second seminar specifically for Sudan); Greece (for the launch of the ICOM Red List for Greece); and Moldova (for Ukraine and neighbouring countries). On 6 March 2025, UNIDROIT also took part in a webinar organised by the International Council of Archives (ICA) Group of Experts against Theft, Trafficking and Falsification (ICA/EGATTT). Additional workshops and conferences are planned in the coming weeks in Abu Dhabi (for a conference and training module specifically on the 1995 Convention), Algeria, Palestine, Colombia, Costa Rica, Egypt, Pakistan, and Peru, some specifically being in celebration of the 30<sup>th</sup> anniversary of the Convention. Additionally, the Italian Carabinieri and Ministry of Foreign Affairs and International Cooperation are organising a second seminar for East African countries in May 2025 in Rome, with the participation of UNIDROIT.

26. Finally, in 2025 UNIDROIT will also continue contribute to university courses in Italy and elsewhere (see the 2024 Annual Report) to present the 1995 Convention and its synergies with other instruments.

## **C. Publication of the Commentary on the 1970 UNESCO Convention and the 1995 UNIDROIT Convention**

27. The first single-volume commentary on the 1970 and 1995 Conventions was published in 2024 as part of the series [Oxford Commentaries on International Cultural Heritage Law](#). It provides an article-by-article analysis of the history, interpretation and application of the treaties; gives a critical historical and thematic overview of the rules of public and private international law governing trade in cultural property; and offers analysis in the context of other cultural conventions and related areas of international law (including humanitarian law, criminal law, human rights, and economic law). It identifies and explains the field’s current trends and possible future developments.

28. A presentation of this commentary will take place on the occasion of the May 2025 session of the Governing Council.

## **V. ACTIONS AND CHALLENGES AROUND THE 1995 UNIDROIT CONVENTION, 30 YEARS ON**

29. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects supplements the 1970 UNESCO Convention by addressing private law aspects through the creation of minimum rules for the restitution and return of property in a judicial setting. The aim of the mechanism is not so much to increase the number of restitutions as to modify the behaviour of market players by

introducing an imperative of due diligence, automatic restitution in the event of theft, and extraterritorial recognition of national export prohibition legislation.

30. After 30 years of existence and on the eve of UNIDROIT's Centenary – an opportunity to reflect in greater depth on the state of play and the future of the 1995 Convention – the Secretariat is considering the obstacles and challenges encountered by the Convention and the actions that could be taken to facilitate ratification and implementation.

## A. Obstacles to ratification and implementation

### 1. At the international level

29. The Secretariat has identified a number of obstacles to ratification and implementation of the 1995 Convention at the international level:

- **Number of ratifications/accessions.** To date, the Convention counts 56 States Parties, but key market countries such as Switzerland and France have only signed and not yet ratified the Convention; additionally, neither the United Kingdom nor the United States of America have ratified the Convention, thus limiting the effectiveness of its international outreach. This situation has created an imbalance: while many common States of origin of cultural property are Parties, many States of destination are not and therefore are not bound by the treaty.
- **Differing priorities.** For a considerable time, negotiating States have been divided between those in favour of the free circulation of cultural goods and those in favour of national heritage preservation. This split continues today in the form of political reticence: some States fear that ratification would hinder legal trade in antiquities or clash with conceptions of cultural sovereignty.
- **Concomitant non-ratification of the 1970 UNESCO Convention.** Although some States ratified the two Conventions at the same time to emphasise their complementarity (e.g., Finland and New Zealand), States have often first adopted the 1970 Convention and shown reluctance to ratify the complementary UNIDROIT instrument before the principal 1970 framework is effective domestically, or because of the hesitation – if not opposition – of the art market.

### 2. At the national level

30. The Secretariat has also identified a number of national obstacles to the ratification and implementation of the 1995 Convention:

- **Binding nature of the Convention.** Several countries have refrained from ratifying due to specific national legal characteristics. For instance, the Netherlands has explicitly listed its objections: the very broad definition of “cultural property”, the obligation to automatically return stolen objects regardless of the *bona fide* status of the purchaser, the very long statute of limitations (50 years) representing an -allegedly- intolerable burden for the art trade, and the fact that there are no reservations permitted to the scope of the treaty (see Article 18 of the Convention) <sup>2</sup>.
- **Opposition from some instances of the art market in given jurisdictions.** In France, the National Union of Antique Dealers (SNA, *Syndicat national des antiquaires*) has campaigned against ratification, arguing that Article 3(1) of the Convention (the absolute restitution of stolen property) would undermine the French Civil Code's presumption of good faith. Dealers fear that they would have to verify the legality of each export and forfeit all

---

<sup>2</sup> Incidentally, this is considered one of the main strengths of the 1995 Convention.

compensation in the event of restitution, particularly when no reliable provenance database existed at the time. Cultural institutions also fear the impact of a restrictive text on collections that entered museums under questionable conditions. In practice, this all has hampered ratification and made professionals wary in several countries.

- **Insufficient operational resources.** National implementation sometimes requires legislative amendments (property law, civil procedure) and the creation of specialised registers or departments. Due to a lack of resources, few States have incorporated the treaty into national law. Moreover, courts are often ill-equipped and ill-informed: for example, in France, despite having ratified the 1970 UNESCO Convention in 1983, it is rarely invoked, and judges have not referred to UNIDROIT in rulings for some time. The absence of relevant case law reinforces the sense of legal uncertainty and slows down practical implementation.

### 3. Links and complementarities - UNESCO 1970 and UNIDROIT 1995

31. The two Conventions were conceived as complementary. The 1970 UNESCO Convention commits States to prevention (prohibition of illicit import/export, inventories, criminal sanctions) and diplomatic claims for stolen or illicitly exported objects. On the other hand, it does not set out a specific legal mechanism for the return of goods – requests for return have gone through diplomatic procedures and have depended on States' goodwill. The 1995 UNIDROIT Convention "reinforces the provisions of the 1970 Convention" by establishing "minimum rules for the restitution and return of cultural objects" and guaranteeing uniform international legal procedures. For example, Article 3.1 provides for an "automatic" obligation to return stolen property, and Article 4 introduces a duty of diligence, extending the scope of Article 7 of the 1970 UNESCO Convention.

32. However, as the implementation of the 1995 Convention is bilateral, its effectiveness depends on double ratification: if the possessing State is not a party, restitution on the basis of the 1995 Convention cannot be ordered. This illustrates the importance of high a level of accession, compared with the more universal 1970 Convention.

### 4. Key political, economic and legal issues

- **Political.** The debate surrounding the 1995 Convention has pitted source countries (often from the Global South, seeking to recover heritage) against market countries (often from the Global North and certain emerging economies). The debate raises issues of historical rights, cultural diplomacy, and sovereignty. For example, some countries demand restitution from foreign museums, which can sometimes block multilateral negotiations. In practice, political interests (legal certainty, bilateral cooperation) collide with heritage-related concerns. Balancing the protection of heritage and legitimate trade remains a complex challenge.
- **Economic.** Some art professionals fear that legal transactions will become more cumbersome. The systematic restitution obligation inverts traditional risk: buyers now have to prove their "due diligence", which might lead to potentially high administrative and insurance costs. Initially, this led to a reaction on the part of some dealers (*e.g.*, uncertainty and market slowdown in France in the 2000s). In the long run, however, certain arguments have backfired: studies show that an item accompanied by a clear provenance dossier sells better than a comparable one without complete provenance. Nevertheless, the prospect of having to pay only to return a stolen or illegally exported item (as opposed to keeping it) continues to deter buyers, especially due to the limit to "fair and reasonable compensation" (as opposed to the full purchase price).
- **Legal.** In civil and procedural terms, the 1995 Convention may indeed challenge some national regimes. For example, again, the good faith of the purchaser is presumed under French law (Art. 2274 of the Civil Code); Article 3.1 of the UNIDROIT Convention nevertheless obliges the purchaser to return stolen goods, regardless of any such presumption. Similarly, the duty of due diligence (Article 4) indirectly overrides previous practices of disregarding

provenance. The fixed statutes of limitations (50 years) are perceived as excessive by merchants and are not retroactive, which does not help to assuage fears of extensive application to future transactions. Finally, courts are not standardised in matters of conflicts of law and recognition or enforcement of foreign judgments: a judgment ordering restitution could be denied enforcement in the possessor's State of residence for reasons of public policy or local jurisdiction. These and other procedural difficulties remain largely unexplored, due to the paucity of precedents.

## 5. Best practices and initiatives promoting implementation

33. Despite the obstacles, several positive developments have occurred:

- **Market self-regulation.** Many museums and dealers now require documented proof of provenance for all acquisitions, in accordance with Article 4(4) of the Convention. The International Council of Museums (ICOM) prohibits acquisition of "illegally exported" heritage objects. These ethical measures have "standardised" the market: a well-documented object is more easily sold and protects the purchaser.
- **Regional legislative initiatives.** The European Union has drawn extensive inspiration from, and in fact directly codified certain principles of, the Convention in its Directive (EC) 2014/60 on the return of cultural objects unlawfully removed from the territory of a Member State, which introduced a uniform procedure across the 27 EU Member States and the concept of due diligence (verification of legality). Additionally, the Commonwealth has established a "Scheme" for the Protection of Cultural Heritage, which facilitates returns between member countries and proposes a model law for the harmonisation of national legislation. These regional frameworks take up and reinforce the principles of the 1995 Convention, demonstrating their practical feasibility.
- **International cooperation and awareness-raising.** INTERPOL and the United Nations Office on Drugs and Crime (UNODC) work to uncover illicit networks and identify stolen objects by cooperating with national police forces. UNIDROIT organises seminars, notably in partnership with UNESCO and often in the framework of the 1995 UNIDROIT Convention Academic Project (UCAP), to disseminate best practices; these include regional conferences (Asia-Pacific, Africa, Balkans, Central Asia) to present the Convention and identify relevant roadblocks to ratification. In 2012, UNIDROIT convened the "Special Committee" provided for by Article 20 of the Convention to review and discuss the implementation of the Convention. Finally, in 2017, an informal "Task Force" was created under the auspices of the United Nations to encourage exchanges between States with regard to accession, ratification and implementation of the Convention <sup>3</sup>. These measures are a testament to the growing involvement of public and private actors in applying the framework of the UNIDROIT Convention.

## B. Recommendations for concrete actions by UNIDROIT

34. The Secretariat suggests developing (and/or continuing) various activities, including the following:

---

<sup>3</sup> The importance of this Task Force was recalled in the United Nations General Assembly [Resolution 79/133](#) on Return or restitution of cultural property to the countries of origin (see para. 11: "Acknowledges the 1995 UNIDROIT Convention Academic Project and the Informal Ratification Task Force as a platform for the exchange of views, information and assistance on issues such as the ratification and implementation of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects;").



- **Encouraging ratification:**

- Continue diplomatic outreach campaigns (e.g., through events with regional and global partners) and highlight positive examples. For instance, UNIDROIT initiated discussions on the potential ratification of West and East African countries after welcoming the entry into force for Benin in 2021 and Yemen in 2025. It would be useful to increase this type of advocacy in other regions (Latin America, Asia-Pacific), emphasising complementarity with the 1970 Convention during intergovernmental meetings and the significant legal progress made (during panels on “legislative convergence”, for example).
- UNIDROIT should also continue and expand the Informal Ratification Task Force by holding regular meetings in Rome. This network promotes discussion on obstacles to accession and the sharing of best practices. Moreover, it is important that UNIDROIT organise additional meetings dedicated to the 1995 Convention.<sup>4</sup> The Task Force would bring together and assist States in the process of ratification/accession (including with explanations of mandatory and optional declarations, and the procedure in general) and even play a crucial role in helping States to conclude the final steps in the process (presently, Iraq, Mauritania, and the Central African Republic, the parliaments of which have adopted the necessary laws, but which have not yet deposited their instruments of accession, precisely because the mandatory declarations are missing).
- These activities could be carried out in coordination with the [UNIDROIT Asian Transnational Law Centre](#) and the [UNIDROIT Nordic Law Centre](#) and within the framework of the [UCAP](#).

- **Facilitating national implementation:** although the 1995 Convention is directly applicable, it could be advisable to:

- Draft and publish a *guide to enactment* or *model provisions* for transposing the Convention into national law, similar to the above-mentioned models proposed by the Commonwealth and the EU Directive. UNIDROIT could also strengthen the technical legal assistance (expert advice) it provides to interested parliaments and governments and encourage the (unofficial) translation of the Convention<sup>5</sup> and its Explanatory Report. It is essential to get local stakeholders involved from the outset.
- Facilitate contacts and seek information: UNIDROIT will ask States Parties to designate focal points for the 1995 Convention.

- **Strengthening international cooperation:**

- Make full use of existing mechanisms for the mutual recognition of restitution judgments (except by using the grounds of jurisdiction provided for in Article 8 of the Convention). For example, encourage States Parties to conclude conventions on mutual assistance in civil matters so that restitution judgments are easily enforceable abroad.

---

<sup>4</sup> Since the adoption of the Convention, the only such meetings have been the first (and, to date, only) meeting of the Special Committee to Review the Practical Operation of the Convention, which took place in June 2012 just prior to a statutory meeting on the 1970 UNESCO Convention, along with the conferences celebrating the 20<sup>th</sup> and 25<sup>th</sup> anniversaries of the Convention, held on 8 May 2015 at the Capitoline Museum and 8-9 October at the seat of UNIDROIT, respectively.

<sup>5</sup> Beyond the 13 existing translations.

- Similarly, UNIDROIT could promote the use of nonjudicial mechanisms (e.g. arbitration, cultural mediation) to resolve cross-border disputes (provided for in Article 8(2) of the Convention).
- At the institutional level, the *ad hoc* committee provided for in Article 20 of the Convention should be revived: a periodic meeting (e.g., every five years) of the States Parties would allow for an overall assessment, an update on problems encountered, and the proposal of best practices.
- UNIDROIT should also organise and coordinate efforts with partners for the training of magistrates and their equivalents in various legal systems. The Secretariat could develop a “toolkit” specific to the 1995 Convention (including best practice guides for magistrates).

## Conclusion

35. After 30 years, the 1995 UNIDROIT Convention remains a seminal but underutilised text. Its principles (restitution of stolen property, due diligence on the part of the purchaser, protection of archaeological property, etc.) are widely recognised as necessary, but implementation requires strong political commitment and a willingness to engage in legal reform. Experience has shown that coordination with regional instruments (EU Directive, Commonwealth Scheme) and the mobilisation of market players have been positive factors in disseminating these principles. To accelerate progress, UNIDROIT must redouble its efforts on the legal front: assisting States in legislative matters, facilitating consultation between interested parties, and strengthening international judicial cooperation. By emphasising the complementarity of the Convention with existing law, and by providing concrete tools (guides, training, legal models), UNIDROIT can contribute to further expanding the total of States Parties and making the 1995 Convention truly effective in the fight against the illicit trafficking of cultural property.

## VI. ACTION TO BE TAKEN

36. *The Governing Council is invited to take note of the activities to promote the UNIDROIT instruments on the international protection of cultural property and to mark the 30<sup>th</sup> anniversary of the 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:** **56**

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

STATE / ETAT	SIGNATURE	RATIFICATION / ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECLARATIONS
Afghanistan	–	23-09-05	01-03-06	Arts. 16, 17
Algeria / Algérie	–	09-04-15	01-10-15	Arts. 16, 17
Angola	–	19-06-14	01-12-14	Arts. 16, 17
Argentina / Argentine	–	03-08-01	01-02-02	Arts. 16, 17
Azerbaijan / Azerbaïdjan	–	06-06-03	01-12-03	Arts. 16, 17
Benin / Bénin	–	11-01-21	01-09-21	Arts. 16, 17
Bolivia / Bolivie	29-06-96	13-04-99	01-10-99	Arts. 16, 17
Bosnia-Herzegovina / Bosnie-Herzégovine	–	08-05-17	01-11-17	Arts. 16, 17
Botswana	–	28-08-17	01-02-18	Arts. 16, 17
Brazil / Brésil	–	23-03-99	01-09-99	Arts. 16, 17
Burkina Faso	24-06-95	02-10-18	01-04-19	Arts. 16, 17
Cambodia / Cambodge	24-06-95	11-07-02	01-01-03	Arts. 16, 17
China / Chine	–	07-05-97	01-07-98	Arts. 3(5), 16, 17
Colombia / Colombie	–	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 / Croatie	24-06-95	20-09-00	01-03-01	Arts. 16, 17
Cyprus / Chypre	–	02-03-04	01-09-04	Arts. 16, 17
Denmark / Danemark	–	01-01-11	01-07-11	Art. 14, 16, 17
Ecuador / Equateur	–	26-11-97	01-07-98	Arts. 3(5), 16, 17
El Salvador	–	16-07-99	01-01-00	Arts. 16, 17
Finland / Finlande	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 / Géorgie	27-06-95	–	–	–
Ghana	–	20-09-19	01-03-20	Arts. 16, 17
Greece / Grèce	–	19-07-07	01-01-08	Arts. 13(3), 16, 17
Guinea / Guinée	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
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
Uruguay	–	30-07-24	01-01-25	Arts. 16, 17
Yemen	–	07-10-24	01-04-25	Arts. 16, 17
Zambia / <i>Zambie</i>	24-06-95	–	–	–