

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

Preface: The Operational Guidelines for the implementation of the 1970

Convention, also known as **The Operational Guidelines 2015**, was adopted at the Third 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, UNESCO, Paris, 18-20 May, 2015.

The **Third 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 was held at **UNESCO Headquarters** (Room II) in Paris from **18 to 20 May 2015**. This meeting was organized pursuant to the Article 14.1 of the Rules of Procedure of Meeting of State Parties to the 1970 Convention.

In addition to the election of half of the Members of the Subsidiary Committee (election of 9 new Members), the State Parties were invited to discuss, among other items, the following: the possible adoption of the Draft Operational Guidelines which were approved by the Subsidiary Committee during its Second session from 30 June to 2 July 2014; the possible creation of a fund for the Convention; as well as the recommendations proposed by the Office of Internal Oversight Service of UNESCO (IOS) in the 'Evaluation Report on the 1970 Convention' (IOS/EVS/PI/133 REV.) published in April 2014.

Furthermore, taking into consideration the ongoing situation in certain countries, such as in Iraq, Libya and Syria, and the devastating impact of looting and illicit trafficking of cultural property on our shared heritage, the States Parties to the 1970 Convention are strongly encouraged to inform the Meeting of States Parties on the actions undertaken for the protection and safeguarding of cultural heritage at risk, particularly within the context of the United Security Council Resolution 2199 (15 February 2015).

Oral Report

Oral Report of the Rapporteur: EN/FR

Final documents

Resolutions (C70/15/3.MSP/RESOLUTIONS): EN | FR

Final Report (C70/15/3.MSP/Report): EN | FR

Working documents

Election of the Bureau (C70/15/3.MSP/2): EN | FR | SP | RU | AR | CH

Provisional Agenda (C70/15/3.MSP/3.REV): EN | FR | SP | RU | AR | CH

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

Report of the Subsidiary Committee (C70/15/3.MSP/5A):

EN | FR | SP | RU | AR | CH

Roadmap for the fulfillment of the functions of the Subsidiary Committee (C70/15/3.MSP/5B):

EN | FR | SP | RU | AR | CH

Report of the Secretariat (C70/15/3.MSP/6): EN | FR | SP | AR | RU | CH

Election of the Subsidiary Committee (C70/15/3.MSP/7): EN | FR | SP | RU | AR | CH

Follow-up to the recommendations of the Report on the Evaluation by the Internal Oversight Service of UNESCO's Standard-setting Work of the Culture Sector (Part II) and strategic discussions (C70/15/3.MSP/8):

EN | FR | SP | RU | AR | CH

Report on the Secretariat's Emergency Actions (C70/15/3.MSP/9): EN | FR | SP | RU | AR | CH

Consideration of the possibility to create a Fund for the 1970 Convention (C70/15/3.MSP/10):

EN | FR | SP | RU | AR | CH

Discussions on possible adoption of the draft Operational Guidelines: (C70/15/3.MSP/11): EN |

FR | SP | RU | AR | CH

Information documents

Provisional Timetable (C70/15/3.MSP/INF.3A.REV): EN | FR

Provisional List of Documents (C70/15/3.MSP/INF.3B.REV): EN | FR

Motivation **and** History

The idea of protecting cultural property only came about in the first half of the twentieth century. Newly independent states were trying to recover important cultural objects that are mostly found in the museums of their former colonizing state. Spiritual and material value was being accorded to cultural property during this time, justifying the protection of cultural property. Also, a market was created for cultural objects that command high prices on the international market due to increasing interest in cultural diversity.

Aware of this problem, UNESCO deployed normative, ethical and operational mechanisms to provide appropriate responses to these challenges. In April 1964, UNESCO appointed a Committee of Experts from some 30 States to draft preliminary recommendations for the establishment and implementation of a Convention. Four years later, the General Conference of UNESCO adopted **Resolution 3.334** which authorized the convening of a committee to draft a Convention. The UNESCO Director-General appointed a principal expert and four consultants from different regions of the world, to perform the drafting of the text for the

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

Convention; In August 1969, the UNESCO Secretariat circulated this 'draft' (the original draft) for comments by the UNESCO Member States. It was then revised in light of those comments, and the text was then sent to a Special Committee of Governmental Experts which prepared a final draft by April 1970. 61 States attended this meeting. As stated above, the Convention was adopted at the 16th General Conference on 14 November 1970.

The **UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property** is an international treaty. It is the first international instrument dedicated to the fight against illicit trafficking of cultural property. It was adopted at the 16th General Conference of UNESCO on 14 November 1970 in Paris and came into force on 24 April 1972. As of March 2016, 131 states are parties to the treaty.

Together with the trafficking in drugs and arms, the black market of antiquities and culture constitutes one of the most persistent illegal trades in the world. Thefts, illicit excavations of archaeological and paleontological sites, illicit import and export or Illicit trafficking on the internet of cultural property poses major threats to the preservation and protection of the Cultural Heritage of Humanity.

The illicit trafficking of cultural property generates a lucrative underground market with a great percentage of stolen artifacts never being recovered. As long as a demand for cultural property items exists, the market will continue to flourish. This situation poses a threat to the physical items, through looting and destruction, and also reduces the wealth of knowledge that could be gained from discovering such items in their archaeological surroundings. It causes irreversible damage that has lasting effects on the ability of societies to develop, take shape, and recover from crises.

The **1970 Convention** is the most important pioneering multilateral international agreement concerning the protection of illicitly traded cultural objects. It offers legal and political tools to be implemented in the national Law and permits broad and sustained international cooperation.

Practical and juridical tools have been devised by UNESCO and its partners in order to facilitate and improve the implementation of the UNESCO 1970 Convention.

* **UNESCO-UNIDROIT model provisions on state ownership of undiscovered cultural**

objects - 2011

The UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in case of Illicit Appropriation and the UNIDROIT Governing Council and their respective Secretariats worked together to improve the protection of cultural property. The resultant Model Provisions and their explanatory guidelines are available to the relevant domestic bodies and legislatures to help them establish and recognize State ownership of undiscovered cultural objects.

Model export certificate for cultural objects (UNESCO-WCO) - 2007

The model certificate has been drawn up by the Secretariats of the World Customs Organization (WCO) and UNESCO, and corresponds to the requirements for identifying and tracing cultural objects without, however, being too restrictive for exporters and customs.

Basic Actions concerning Cultural Objects being offered for sale over the Internet (INTERPOL-UNESCO-ICOM) - 2007

Faced with the growing trafficking of cultural property on the internet and the difficulties encountered by national authorities to control this phenomenon, UNESCO, in close cooperation with INTERPOL and the International Council of Museums (ICOM), have provided countries with basic actions concerning cultural objects on sale on the web.

UNESCO Database of national cultural heritage laws - 2005

The free access database, available in six languages, presents the national cultural heritage laws of its Member States. It currently contains more than 2500 texts from more than 180 countries. UNESCO Member States are invited to send copies of all legal texts concerning the protection of cultural objects to the UNESCO Secretariat for their inscription in the UNESCO Database of National Cultural Heritage Laws. By updating this Database the States can obtain good practices in any particular given field.

International code of ethics for traders in cultural property - 1999

Built on the principles of the UNESCO 1970 Convention, and based on various national codes of professional ethics and Dealers' Codes (such as the code of the International Federation of Art and Antique Dealers' Associations (Confédération internationale des Négociants d'Oeuvres d'Art, CINOA).

The OBJECT-ID standard - 1997

Object-ID is an international standard for describing cultural objects. It is the result of years of research in collaboration with the museum community, international police and customs

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

agencies, the art trade, insurance industry, and appraisers of art and antiques.

Press Review

“A special examination recently occurred in the Meander Medical Center. A nearly 1,000 year old mummy received a CT scan and had samples taken with an endoscope. Several hospital employees helped with this unique project in their free time. The leader of this study is the Amersfoort resident Erik Bruijn, an expert in the field of Buddhist art and culture and guest curator at the World Museum in Rotterdam. Gastrointestinal and liver doctor Reinoud Vermeijden and radiologist Ben Heggelman received the Chinese mummy at the hospital for internal examination on September 3rd. The mummy was part of the Mummies exhibition earlier this year and dates from the 11th or 12th century. The mummy is the mummified body of the Buddhist master Liuquan, who belonged to the Chinese Meditation School. The discovery of the mummy is of great cultural significance. It is not only the only one of its kind, but also the only Chinese Buddhist mummy that is available for scientific research in the West. With an endoscope made specially available by Surgical Technologies in Didam, Vermeijden took samples of a yet unidentified material and examined the thoracic and abdominal cavities. He made a spectacular discovery – among all kinds of rotten material in the space where there had one been organs, he found paper scraps that are printed with ancient Chinese characters. Heggelman took a CT scan that beautifully shows how the mummy looks inside and took samples of bone material for DNA testing. The research will be published in the monograph that will appear on Master Liuquan. The mummy has since been taken to Hungary where it will be on display at the National Museum of Natural History in Budapest until May 2015.” [...] Janene Pieters. “1000-YEAR-OLD CHINESE MUMMY GETS CT SCAN IN AMERSFOORT” , <http://nltimes.nl> (December 9, 2014 – 10:33)

“A statue of a sitting Buddha that made its way from a temple in China to a market in the Netherlands revealed an extraordinary secret — a 1,000-year-old mummified monk. The mummy was discovered, encased in a cavity in the statue, when a private buyer brought it to an expert for restoration. It’s unclear when or how the statue was removed from China. But it wasn’t until a team of researchers and scientists did a CT scan — a comprehensive three dimensional x-ray image — last year, did they discover the mummy’s organs were missing.” [...] Naomi Ng. “Scan reveals 1,000-year-old mummified monk hidden in statue” , cnn.com (March 3, 2015)

“What looks like a traditional statue of Buddha dating back to the 11th or 12th century was

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

recently revealed to be quite a bit more. A CT scan and endoscopy carried out by the Netherlands-based Drents Museum at the Meander Medical Centre in Amersfoort, showed the ancient reliquary fully encases the mummified remains of a Buddhist master known as *Liuquan* of the Chinese Meditation School. While it was known beforehand the remains of a person were inside, another startling discovery was made during the scan: where the organs had been removed prior to mummification, researches discovered rolls of paper scraps covered in Chinese writing. The *Liuquan* mummy has since been transported to Hungary where it will be on view at the Hungarian Natural History Museum through May of 2015." [...] Christopher Jobson. "CT Scan of 1,000-Year-Old Buddha Statue Reveals Mummified Monk Hidden Inside" , Colossal (on February 21, 2015)

"What looks like a traditional statue of Buddha dating back to the 11th or 12th century was recently revealed to be quite a bit more. A CT scan and endoscopy carried out by the Netherlands-based Drents Museum at the Meander Medical Centre in Amersfoort, showed the ancient reliquary fully encases the mummified remains of a Buddhist master known as *Liuquan* of the Chinese Meditation School. While it was known beforehand the remains of a person were inside, another startling discovery was made during the scan: where the organs had been removed prior to mummification, researches discovered rolls of paper scraps covered in Chinese writing. The *Liuquan* mummy has since been transported to Hungary where it will be on view at the Hungarian Natural History Museum through May of 2015." [...] Kelly McLaughlin. "Scientists shocked after CT scan of 1,000-year-old Buddha statue reveal mummified remains of meditating monk" , the Daily Mail (PUBLISHED: 16:48 BST, 22 February 2015 | UPDATED: 12:19 BST, 23 February 2015)

Category

Guidelines

Date

18-20 May, 2015.

Promulgation

The Third 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, UNESCO, Paris, 18-20 May, 2015.

The Operational Guidelines for the implementation of the 1970 Convention (The Operational Guidelines) (2015)


Descriptions

The **Operational Guidelines** (3.MSP) was adopted by the Third 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 on the Third Meeting, which based on the draft Operational Guidelines for the implementation of the 1970 Convention as approved by the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention during its second session in July 2014.


The **1970 Convention** constituted a step forward to stop and reverse the erosion of the cultural heritage by, inter-alia, damage, theft, clandestine excavation, and illicit transfer and trade.

The **Operational Guidelines** aim to strengthen and facilitate the implementation of the Convention to minimize risks related to disputes over the interpretation of the Convention as well as to litigation, and thus to contribute towards international understanding.

Source

 http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/OPERATIONAL_GUIDELINES_EN_FINAL.pdf

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 http://orcp.hustoj.com/wp-content/uploads/2017/06/OPERATIONAL_GUIDELINES_EN_FINAL.pdf

References


The Operational Guidelines for the implementation of the 1970 Convention (2015)

Background:

<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/operational-guidelines/>

<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/meeting-of-states-parties/3rd-msp-2015/>

Press Release:

 http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Discussions_on_Draft_Operational_Guidelines_EN.pdf

 http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/OPERATIONAL_GUIDELINES_EN_

The Operational Guidelines for the implementation of the 1970 Convention (The Operational Guidelines) (2015)

FINAL.pdf

 http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/RESOLUTIONS_EN_FINAL_01.pdf


Related events

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1964).

<http://orcp.hustoj.com/2015/10/24/illicit-import-1964/>

Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1964).

<http://unesdoc.unesco.org/images/0011/001145/114581f.pdf#page=149>

Operational Guidelines for the Implementation of the World Heritage Convention (2013).  <http://whc.unesco.org/archive/opguide13-en.pdf>

Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, Paris, 1970), First session, Paris, UNESCO Headquarters, Room XI, 2 and 3 July 2013.  <http://unesdoc.unesco.org/images/0022/002212/221213E.pdf>

Draft Operational Guidelines of the UNESCO 1970 Convention (Second draft, January 2014).


 http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Draft_Operational_Guidelines_UNESCO_1970Convention_Jan2014.pdf

International Alerts - Stolen

Artefacts. <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/international-alerts/>

Related publications

 Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, Paris, 1970)

 The Fight against the Illicit Trafficking of Cultural Objects: the 1970 Convention: Past and Future.

SAFE/Saving Antiquities for Everyone. <http://savingantiquities.org/a-global-concern/china/>

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)

Fighting Illicit Traffic. <http://icom.museum/programmes/fighting-illicit-traffic/>

Illicit Trafficking of Cultural Property.

<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property>

Hilgers, L. (2013). Tomb Raider Chronicles. *Archaeology*, 66(4), 55–60.  Tomb Raider
Chronicles

Experts Believe that 100,000 looters are currently active in China, with more than 400,000 ancient graves robbed in the last 20 years alone.

—Lauren Hilgers, “Tomb Raider Chronicles,” June 10, 2013


Red Lists Database. <http://icom.museum/resources/red-lists-database/>

Red List of Chinese Cultural Objects at Risk

This Red List has been designed as a tool to assist museums, dealers in art and antiquities, collectors, and customs and law enforcement officials in the Identification of objects that may have been looted and illicitly exported from China. To facilitate identification, the Red List illustrates a number of categories of objects that are at risk of being illicitly traded on the international antiquities market.

Objects of the types illustrated hereafter are protected by Chinese legislation that specifically prohibits their unauthorized export and sale. Therefore, ICOM appeals to museums, auction houses, dealers in art and antiquities, and collectors not to purchase such objects without first having checked thoroughly their origin and provenance documentation.

Because of the great diversity of Chinese objects, styles and periods, the *Red List of Chinese Cultural Objects at Risk* is not exhaustive, and any antiquity originating from China should be subjected to detailed scrutiny and precautionary measures.

 Download the Red List of Chinese Cultural Objects at Risk in English: Red List of Chinese Cultural Objects at Risk

Intellectual Property

The Operational Guidelines for the implementation of the 1970
Convention (The Operational Guidelines) (2015)



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