



United Nations
Educational, Scientific and
Cultural Organization



Convention for the fight
against the illicit trafficking
of cultural property

1.SC

C70/13/1.SC/4
Paris, June 2013
Original English

Limited distribution

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

Provisional agenda item 4:

Preparation of the Operational Guidelines for the implementation of the 1970 Convention

This document contains the draft Operational Guidelines for the implementation of the 1970 Convention.

Decision required: paragraph 7

1. Article 14.6 of the Rules of Procedure adopted by the Second Meeting of States Parties to the 1970 Convention in June 2012, set forth the functions of the Subsidiary Committee, as follows :
 - a) To promote the purposes of the Convention, as set forth in the Convention;
 - b) To review national reports presented to the General Conference by the States Parties to the Convention;
 - c) To exchange best practices, and prepare and submit to the Meeting of the States Parties recommendations and guidelines that may contribute to the implementation of the Convention;
 - d) To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
 - e) To initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property;
 - f) To report to the Meeting of States Parties on the activities it has carried out.
2. By 190 EX/Decision 43, the Executive Board authorized the Director-General to convene an Extraordinary Meeting of States Parties mandated, in particular, to organize the election of the members of the Subsidiary Committee in July 2013. This election and the first session of the Subsidiary Committee will provide States Parties and other UNESCO Member States with the opportunity to consider the draft Operational Guidelines prepared by the Secretariat for their adoption.
3. As neither the 1970 Convention nor the above Rules of Procedure specify the content of the Operational Guidelines, the Secretariat asked Professor Lyndel V. Prott, an eminent specialist in cultural heritage protection law, to prepare a document providing the Secretariat with a basis for the elaboration of the Operational Guidelines¹. In the meantime, the Secretariat reviewed other operational guidelines adopted with regard to other UNESCO's conventions on the protection of cultural heritage, in particular:
 - The Operational Guidelines for the Implementation of the World Heritage Convention (WHC. 12/01, July 2012);
 - The Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (as amended in June 2012);
 - The Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (November 2009).
4. Furthermore, the Secretariat consulted the "Commentary on the 1970 UNESCO Convention" by Patrick O'Keefe (Second Edition, 2007) and took into account the preparatory documents for the elaboration of the 1970 Convention, in particular:
 - "Means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property: Preliminary report prepared in compliance with Article 10.1 of the Rules of Procedure concerning Recommendations to Member States and

¹ Document C70/13/1.SC/INF.2

International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution”²;

- “Means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property: Final report prepared in compliance with Article 10.1 of the Rules of Procedure concerning Recommendations to Member States and international Conventions covered by the terms of article IV, paragraph 4, of the Constitution”³;
- “Draft Convention on the Means of Prohibiting and Preventing the illicit import, Export and Transfer of Ownership of Cultural Property”⁴.

5. The draft Operational Guidelines prepared by the Secretariat and enclosed in the Annex to this document are neither a commentary on the 1970 Convention, nor a listing of the national best practices. Their aim is to assist the States Parties in the implementation of the 1970 Convention by outlining practical means and other relevant tools (legal, operational, ethical, etc.) developed by UNESCO and its partners to assist the States Parties in the implementation of this Convention. When discussing the draft Operational Guidelines, the States Parties may wish to analyze the existing legal and practical instruments concerning the fight against illicit traffic in cultural property and to determine how UNESCO and its partners can take new steps in the implementation the 1970 Convention and its complementary instruments.

6. Following these discussions, the Committee may wish to adopt draft Decision 1.SC 4.

7. DRAFT DECISION 1.SC 4

The Subsidiary Committee of the Meeting of States Parties,

1. Having examined Document C70/13/1.SC/4;
2. Decides to ...

² Document SHC/MD/3

³ Document SHC /MD/5

⁴ Document 16 C/17

ANNEX

Draft Operational Guidelines for the implementation of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

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ACRONYMS AND ABBREVIATIONS

ICOM	International Council of Museums
ICPO-INTERPOL	International Criminal Police Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDROIT	International Institute for the Unification of Private Law
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization

I. INTRODUCTION

I.A The Operational Guidelines

1. The Operational Guidelines for the implementation of the UNESCO 1970 Convention (hereafter referred to as the Operational Guidelines) aim to facilitate the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereafter referred to as “the 1970 Convention” or “the Convention”) by its States Parties.

In some areas there are divergences of practice which represent divergences of views among the States Parties. In such cases, the Secretariat does not have authority to adopt a particular interpretation: it must be settled by the States Parties or referred to a judicial or arbitral tribunal.

2. The Operational Guidelines may be revised to reflect the decisions of the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention (hereafter referred to as the “Subsidiary Committee”).

I.B The 1970 Convention

3. The cultural heritage is among the priceless and irreplaceable assets, not only of each nation, but of humanity as a whole. The loss, through theft or illicit exportation, of any of these most prized assets constitutes an impoverishment of the heritage of all of the peoples of the world.
4. To ensure, as far as possible, the protection of their cultural property against the illicit import, export and transfer of ownership, the Member States of UNESCO adopted the 1970 Convention on 14 November 1970 at the 16th Session of the General Conference of UNESCO.

Records of the General Conference, Sixteenth session, Paris, 12 October – 14 November 1970, Volume I Resolutions

I.C The States Parties to the 1970 Convention

5. States are encouraged to become Parties to the Convention. Model instruments for ratification/acceptance and accession are included as Annex I. The original signed version of the instrument shall be sent to the Director-General of UNESCO. Article 20 of the 1970 Convention
6. The list of States Parties to the Convention is available at the following website: <http://www.unesco.org/culture/en/illicittrafficking>
7. States Parties recognize that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international co-operation constitutes one of the most efficient means of protecting each country's cultural property against these threats. To this end, the States Parties undertake to oppose such practices with means at their disposal and particularly by removing their causes, putting a stop to current practices, and by helping to make the necessary reparations. Therefore, States Parties are encouraged to promote and educate in the fundamental principles of the Convention. Articles 2 and 3 of the 1970 Convention
8. There is also an obligation for States Parties to respect the cultural heritage within the territories for the international relations of which they are responsible and to take all appropriate measures to prohibit and prevent the illicit import, export and transfer of cultural property in such territories (in consultation, if necessary, with the competent authorities of these territories). Articles 12 and 22 of the 1970 Convention
9. To ensure the effective implementation of the Convention, the States Parties undertake, as appropriate for each country, to set up one or more national services for the protection of cultural property, with sufficient staff and adequate budget. States Parties are encouraged to ensure their national heritage services support adequately all the functions entrusted to them. Since previous experiences have proven their efficacy, States Parties are encouraged to create specialized police units dedicated to the protection of cultural property and the recovery of stolen cultural property. Articles 5 and 14 of the 1970 Convention
10. States Parties are encouraged to attend the Meetings of States Parties as well as the sessions of the Subsidiary Committee of the Meeting of States Parties, and any other subsidiary body.

I.D The Meeting of States Parties to the 1970 Convention

11. The 1970 Convention does not provide for the establishment of a statutory body(ies).
12. First Meeting of States Parties
Pursuant to paragraph 9(b) of the Executive Board's Decision 165 EX/6.2 inviting the Director-General to organize a meeting of States Parties to conventions on which reports are due, and in consideration of document 32C/24 (Implementation of the Convention on the Means of

Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970): Reports of Member States and other States Parties on Measures they have adopted to Implement the Convention), a Meeting of States Parties to the 1970 Convention took place on 13 October 2003 at UNESCO's Headquarters.

13. At that session, the Meeting of States Parties elected a Chairperson and a Rapporteur, adopted Rules of Procedure, as well as Recommendations with regard to the implementation of the 1970 Convention. CLT/CH/INS-2003/3 (Recommendations)
CLT-2003/CONF/207/5 (Final report)
14. Second Meeting of States Parties
In accordance with 187 EX/Decision 43 and in consideration of the discussions held at the meeting to celebrate the 40th anniversary of the 1970 Convention (15-16 March 2011, UNESCO Headquarters), a Second Meeting of States Parties was convened on 20 and 21 June 2012 at UNESCO Headquarters.
15. The purpose of the Second Meeting of States Parties was to examine the impact of the measures taken by States Parties to optimize the implementation of the Convention at the national and regional levels, appraise its efficiency with regard to new trends in trafficking in cultural property, and reflect on possible modalities for ensuring its effective and regular application and follow-up.
16. During this meeting, the States Parties adopted new Rules of Procedure (Resolution 2.MSP 3) (hereafter referred to as the "Rules of Procedure") and agreed that the Meeting of States Parties would be convened every two years. Article 14.1 of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.
- I.E The Subsidiary Committee of the Meeting of States Parties to the 1970 Convention**
17. The Second Meeting of States Parties also established a Subsidiary Committee to be convened by the Secretariat every year. Article 14.2 and 14.3 of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.
18. The Subsidiary Committee is composed of representatives of 18 States Parties: 3 per regional group in order to ensure equitable geographical representation and rotation. Article 14.4 of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.
19. The members of the Subsidiary Committee are elected by the Meeting of States Parties for a term of four years. Every two years, the Meeting of States Parties will renew half of the members of the Committee. Article 14.4 of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.
20. The functions of the Committee are, in cooperation with States Parties:
a) to promote the purposes of the Convention, as set forth in the Convention;
b) to review national reports presented to the General Conference by the States Parties to the Convention;
c) to exchange best practices, and prepare and submit to the Meeting of States Parties recommendations and guidelines that may contribute to the implementation of the Convention; Article 14.6 of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.

- d) to identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
- e) to initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property;
- f) to report to the Meeting of States Parties on the activities it has carried out.

I.F The Secretariat to the 1970 Convention and to the Subsidiary Committee

Secretariat
 7, place de Fontenoy
 75352 Paris 07 SP
 France
 E-mail:
 convention1970@unesco.org

21. The Secretariat of the 1970 Convention is appointed by the Director-General of UNESCO and is provided by the Organization's Culture Sector. The Secretariat assists and collaborates with the States Parties, the Meeting of States Parties and the Subsidiary Committee to the Meeting of States Parties. The Secretariat works in close co-operation with other Sectors and Field Offices of UNESCO.

22. The States Parties may call on the technical assistance of the Secretariat, particularly with regard to information and training; consultation and expert advice; co-ordination and good offices.

Article 17(1) of the 1970 Convention

23. At the request of at least two States Parties which are engaged in a dispute over the implementation of the Convention, the Secretariat may extend its good offices to reach a settlement between them.

Article 17(5) of the 1970 Convention

24. The Secretariat's main tasks are:

- a) organizing of the statutory meetings;
- b) providing assistance to States Parties in the implementation of the 1970 Convention;
- c) promoting the 1970 Convention through the dissemination of information to States Parties, the specialized public and the general public, through the organization of capacity-building programmes (regional or national);
- d) co-operating with partner Organizations ; and,
- e) assisting in the preservation of movable cultural heritage in case of emergency situations caused by natural disaster or conflict.

25. The Secretariat may, on its own initiative,

Article 17(2-4) of the 1970 Convention

- a) conduct research and publish studies on matters relevant to the illicit movement of cultural property;
- b) call on the co-operation of any competent non-governmental organization; and,
- c) make proposals to States Parties for the implementation of the Convention.

I.G International partners for the fight against illicit trafficking of cultural property

- 26.** Partners for the fight against illicit trafficking of cultural property may be intergovernmental or non-governmental organizations which have an interest, involvement and appropriate competence and expertise in the protection of cultural objects and are recognized by UNESCO as having specialized appropriate skills. They are in particular invited to participate in expert studies and regional meetings and workshops organized by UNESCO.

International Criminal Police Organization (ICPO-INTERPOL)

- 27.** Concerning stolen works of art, INTERPOL provides a number of tools that facilitate the global exchange of information on criminal actions involving works of art, the details of the stolen artworks and the individuals involved. In this area, INTERPOL serves as a central repository for this data, providing analysis to identify trends in art thefts such as the proliferation of counterfeit, faked or forged works; or the use of the Internet for selling works of dubious background.
- 28.** Among the most important tools and services available to law enforcement, cultural agencies and the public are: website alerts and media releases, posters of the most wanted works of art, as well as the Stolen Works of Art Database (regarding the database, see paragraphs 130-132).
- 29.** The specific role of INTERPOL in relation to the 1970 Convention is described in the Cooperation Agreement between UNESCO and INTERPOL signed in 1999. This Cooperation Agreement contains provisions on mutual consultations, exchange of information, reciprocal representation and technical cooperation. In addition, in 2003, in accordance with Article 4(4) of this Cooperation Agreement, UNESCO and INTERPOL entered into a Special Agreement with regard to the protection of Iraqi cultural property.

INTERPOL
General Secretariat
200, quai Charles de Gaulle
69006 Lyon
France
<http://www.interpol.int>

International Institute for the Unification of Private Law (UNIDROIT)

- 30.** The International Institute for the Unification of Private Law (UNIDROIT) is an independent intergovernmental Organization. Its purpose is to study needs and methods for modernising, harmonising and co-ordinating private law as between States and groups of States and to formulate uniform law instruments, principles and rules to achieve those objectives.
- 31.** The specific role of UNIDROIT in relation to the 1970 Convention includes: working on the private law aspects of the fight against illicit traffic in cultural objects (on the basis of an Agreement entered into between UNESCO and UNIDROIT in 1954 containing provisions specifically on mutual consultations, exchange of information, reciprocal representation and technical cooperation), monitoring and promoting the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) (hereafter referred to as the “UNIDROIT

UNIDROIT
28 Via Panisperna
00184 Roma
Italy
<http://www.unidroit.org>

Agreement between
UNIDROIT and UNESCO,
Roma, 12 January 1954

Convention”), participating in expert studies and co-organizing with UNESCO regional meetings or workshops for the fight against illicit trafficking of cultural property.

United Nations Office on Drugs and Crime (UNODC)

32. UNODC is mandated to assist Member States in their struggle against drug trafficking, crime and terrorism. In the Millennium Declaration, Member States also resolved to intensify efforts to fight transnational crime in all its dimensions, to redouble the efforts to implement the commitment to counter the world drug problem and to take concerted action against international terrorism.

UNODC
Vienna International Centre
PO Box 500
1400 Vienna
Austria
<http://www.unodc.org>

United Nations Convention
against Transnational
Organized Crime (UNTOC,
Palermo, 2000)

33. The United Nations Economic and Social Council (ECOSOC), in its resolutions 2010/19 and 2011/42, and the General Assembly, in its resolution 66/180, requested UNODC, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with UNESCO, INTERPOL and other competent international organizations, to include in its work the possibility of developing specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property.

34. The specific role of UNODC in relation to the 1970 Convention includes: working on the criminal aspects of the fight against illicit trafficking of cultural property and strengthening crime prevention and criminal justice responses to protect cultural property.

World Customs Organization (WCO)

35. WCO provides leadership in Customs matters at the international level and advises customs administrations worldwide on management practices, tools and techniques to enhance their capacity to implement efficient and effective cross-border controls along with standardized and harmonized procedures to facilitate legitimate trade and travel and to interdict illicit transactions and activities.

WCO
Rue du Marché, 30
B-1210 Brussels
Belgium
<http://www.wcoomd.org>

36. The specific role of WCO in relation to the 1970 Convention includes: being a partner of UNESCO in the fight against illicit trafficking of cultural property as border control is the front line defence against illicit traffic of arms, drugs, currency but also cultural property. Indeed, alert customs officials play a key role in identifying and holding cultural objects which are falsely declared or identifiable as a result of looting.

International Council of Museums (ICOM)

37. ICOM is the only international organization representing museums and museum professionals. ICOM assists members of the museum community in their mission to preserve, conserve and share cultural heritage.

ICOM
General Secretariat
22 rue de Palestro
75002 Paris
France
<http://icom.museum/>

38. The specific role of ICOM in relation to the 1970 Convention includes:

<http://icom.museum/program>

providing advice to UNESCO on museum matters, training museum staff to protect the cultural objects by offering tools to make inventories of the collections and publishing international guidelines of security, publicizing endangered heritage (particularly by means of the Red Lists, see paragraphs 133-134) or stolen works of art (particularly by means of the One Hundred Missing Objects collection).

[mes/fighting-illicit-traffic/](https://www.unesco.org/en/unesco/unesco-fighting-illicit-traffic/)

I.H Selected conventions relating to the protection of cultural property

39. UNESCO Conventions

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

First Protocol (1954)

Second Protocol (1999)

Convention concerning the Protection of the World Cultural and Natural Heritage (1972)

Convention on the Protection of the Underwater Cultural Heritage (2001)

Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

40. Other Conventions

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995)

The specific complementary role of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)

41. The UNIDROIT Convention underpins the provisions of the 1970 UNESCO Convention, supplementing them by formulating minimal legal rules on the recovery and return of cultural objects. It finds a solution to some of the problems of private law which were interfering with the implementation of the provisions of the 1970 Convention. The two conventions are at once compatible and complementary.

42. The UNIDROIT Convention represents a middle road between diametrically opposed positions: one favouring maximum freedom of trade and the other the protection of national heritage. The aim of the UNIDROIT Convention is twofold: first, it seeks to deal with the technical problems resulting from differences among national rules and to draw upon the progress that has been permitted by the evolution of ideas; second, it is intended to contribute to the fight against the increase of the illicit traffic in cultural objects and to show how the national protection of cultural heritage may be adapted to, or accompanied by, enhancing solidarity between States.

43. This UNIDROIT Convention also settles serious difficulties that could not

be dealt with in the 1970 Convention. The main principles are the following:

- Undiscovered antiquities should be treated as stolen where the State of origin has claimed ownership in its legislation; and,
- A clear test of 'due diligence' is given, which establishes a standard test for 'good faith'
- Some special provisions on time limitations for claims are settled.

44. The States Parties to the 1970 Convention, convinced of the necessity of protecting the cultural heritage and willing to further develop its protection are encouraged to become Parties to the UNIDROIT Convention.

II. DEFINITION AND LINKS BETWEEN HERITAGE AND STATE

II.A The definition of cultural property

45. Cultural property is defined in Article 1 of the 1970 Convention.

Article 1 of the 1970
Convention

Article 1

For the purposes of this Convention, the term 'cultural property' means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

- (a) *rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest;*
- (b) *Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;*
- (c) *products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;*
- (d) *elements of artistic or historical monuments or archaeological sites which have been dismembered;*
- (e) *antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;*
- (f) *objects of ethnological interest;*
- (g) *property of artistic interest such as:*
 - (i) *pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);*
 - (ii) *original works of statuary art and sculpture in any material;*
 - (iii) *original engravings, prints and lithographs;*
 - (iv) *original artistic assemblages and montages in any material;*
- (h) *rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;*
- (i) *postage, revenue and similar stamps, singly or in collections;*
- (j) *archives, including sound, photographic and cinematographic archives;*
- (k) *articles of furniture more than hundred years old and old musical*

instruments.

46. In the preliminary report on the draft 1970 Convention made in 1969, the Committee recommended that it was desirable for all States Parties to apply a common definition, so as to facilitate the control of exports and imports of cultural property. This view was accepted by the Member States and the Special Negotiating Committee in 1970. Doc. SHC/MD/3, point 29.
47. The above list of categories is broad, but not exhaustive. Moreover, the States Parties have to specifically designate the cultural property considered as being important (list, categories, etc.). Consequently, the States Parties are encouraged to designate the cultural objects that are protected under their national law and to keep the classification under review.

II.B Links between cultural property and State

48. For a State to be able to claim a cultural object as its own cultural heritage, a number of links have been set out to make evident the relation of the cultural item to the State or its citizens. States Parties are required to recognize those links.
49. The criteria to establish the links between cultural property and a State Party is defined in Article 4 of the 1970 Convention Article 4 of the 1970 Convention

Article 4

The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

- (a) cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;*
 - (b) cultural property found within the national territory;*
 - (c) cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;*
 - (d) cultural property which has been the subject of a freely agreed exchange;*
 - (e) cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.*
50. In a situation where more than one State Party may have a claim over the same cultural object or may regard a cultural object as part of its cultural heritage, the Convention does not attempt to establish priorities. States Parties are encouraged to cooperate to ensure that appropriate arrangements are established to allow the interested States, where this can be done without damage to the object, to realize their interests in a compatible way.

III. ASSISTANCE IN THE IMPLEMENTATION OF PREVENTION

III.A National legislation on and regulation of the protection of cultural heritage

51. States Parties have to adopt appropriate legislation for the protection of the cultural property. Article 5(a) of the 1970 Convention

52. In consideration of the sovereignty of States with regard to the enactment of legislation concerning the protection of cultural property, States Parties to the Convention are encouraged to review their legislation from time to time to ensure that it takes into account best practice.

UNESCO Database of National Cultural Heritage Laws

53. To ensure, as far as possible, the publicity and visibility of the national laws/rules concerning the protection of cultural property, UNESCO has established a Database of National Cultural Heritage Laws, a source of information easily and freely accessible (hereafter referred to as the “UNESCO Database”). (see <http://www.unesco.org/culture/natlaws>)

54. The development of this innovative tool was approved by the UNESCO General Conference in 2003 and launched in 2005 by the 13th session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (hereafter referred to as “the ICPRCP”). 12th Session of the ICPRCP (March 2003), Recommendation No.5
32th General Conference of UNESCO (October 2003)

13th Session of the ICPRCP (February 2005), Recommendation No.5

55. States Parties are encouraged to incorporate and update the relevant legislation, as well as export certificates, in the UNESCO Database. Article 6(c) of the 1970 Convention

Model Provisions on State Ownership of Undiscovered Cultural Objects

Annex 2

56. Following the UNESCO Recommendation on International Principles Applicable to Archaeological Excavations (1956) and the ECOSOC Resolution 2008/23 on the need for States to assert State ownership of the archaeological subsoil, and as requested by the ICPRCP at its 16th session in 2010, the UNESCO and UNIDROIT Secretariats convened a group of experts and mandated them to draft a text that would appropriately address the subject. The text was finalized and adopted at the 17th session in 2011. UNESCO Recommendation on International Principles Applicable to Archaeological Excavations (1956) (II.5.(e))
ECOSOC Resolution 2008/23 Protection against trafficking in cultural property

16th Session of the ICPRCP (September, 2010), Recommendation No.3

17th Session of the ICPRCP (July, 2011), Recommendation No.4

57. These Model Provisions are intended to assist domestic legislative bodies in the establishment of a legislative framework for heritage protection, to adopt effective legislation for the establishment and recognition of the State’s ownership of undiscovered cultural objects with a view to facilitating return in case of unlawful removal. They are followed by guidelines aimed at ensuring better understanding the provisions.

- 58.** States Parties are encouraged to incorporate in their legislation the six principles of State ownership of undiscovered cultural objects in order to ensure that foreign courts will be fully informed of the legislative provisions in foreign national legislation regarding this matter.

III.B Inventories and inalienability

- 59.** The creation of inventories and lists is a key step in the protection of movable cultural heritage of each State Party. For the purposes of controlling export, establishing a list of important public and private cultural objects whose export would constitute an appreciable impoverishment of the national cultural heritage is a step foreseen by the Convention.

Article 5(b) of the 1970 Convention

This may be based on a national inventory of cultural heritage from which selected objects may be listed as prohibited exports. States Parties have the indefeasible right to classify and declare certain cultural property as inalienable, which should therefore not be exported.

Article 13(d) of the 1970 Convention

- 60.** Museums and similar institutions located on the territory of States Parties are encouraged to have their items inventoried if they are to make claims for return on the basis of the Convention. Moreover, it is necessary to have detailed descriptions of objects if seeking the assistance of INTERPOL (or other partners, i.e. specialized police services), or publicity through an electronic database or other media.

Object-ID Standard

Annex 3

- 61.** The Object-ID is the result of years of research in collaboration with the museum community, police and customs agencies, the art trade, the insurance industry, and valuers of art and antiques. Launched in 1997, it facilitates rapid transmission of basic information on lost and stolen cultural objects and is promoted by major law enforcement agencies, such as national police units. The Standard records eight key identifying elements which, together with a photograph, make the identification of an object and its tracking much simpler.

- 62.** States Parties which do not have extensive inventories and need to generate them quickly in order to make use of the international procedures now available for tracking cultural objects are encouraged to use the Object-ID Standard.

III.C Export certificates

- 63.** The Convention requires the States Parties to introduce an appropriate certificate specifying that the export of a cultural heritage item in question is authorized. It also requires States Parties to prohibit the exportation of cultural property from their territory unless accompanied by such a certificate.

Article 6(a) and (b) of the 1970 Convention

- 64.** The certificate is an official instrument issued by the competent authority (national service for the protection of cultural property) of the

exporting country certifying that it has authorized the export of the cultural object described. This document is essential for effective control, and implies co-operation between the service of cultural property and the customs service.

- 65.** States Parties may also introduce special provisions for certificates or licenses for temporary export. Such temporary export permits may be issued for exhibitions and return, for study by specialized research institutions or for another reasons agreed between States Parties.
- 66.** States Parties are encouraged to give particular attention to the issue, form and security of the export certificate and to ensure close liaison between the customs forces, heritage managers and police officers for its control and reliability.

Model Export Certificate for Cultural Objects

Annex 4

- 67.** Developed jointly by the UNESCO and the WCO Secretariats, this Model Export Certificate is an operational tool for the fight against illicit trafficking of cultural property. It has been specially adapted to the growing phenomenon of cross-border movements of cultural objects and is useful to the police and customs services, enabling them to combat trafficking in cultural property more effectively.
- 68.** States Parties are encouraged to use or adapt the model export certificate and to consider whether a temporary export certificate would suit their protective scheme.

III.D Penal and administrative sanctions

- 69.** States Parties are required by the Convention to impose penalties or administrative sanctions on any person who exports a cultural object without an export certificate. In consequence, if proof legal export cannot be produced, such a cultural object may then be retained by the customs officials and returned to the State concerned.
- 70.** As the Convention does not specify what sort of penalties are to be applied, States Parties are encouraged to use civil, criminal or administrative penalties, consistent with their national practice, of sufficient severity to deter the practices dealt with in the Convention.

Articles 6(b), 7(b) and 8 of the 1970 Convention

III.E Archaeological excavations

- 71.** States Parties are encouraged to protect by national legislation and, if necessary, by other specific measures, sites of archaeological interest, including their movable items. Concerning the legislation, the relevant provisions of the part “National legislation on and regulation of the protection of cultural heritage” (III.A) should be followed.
- 72.** Specific activities should be established to protect the archaeological heritage in accordance with the principles contained in the UNESCO Recommendation on International Principles Applicable to

Article 5(d) of the 1970 Convention

UNESCO Recommendation on International Principles Applicable to Archaeological Excavations (1956)

Archaeological Excavations (1956).

73. States are also encouraged to make legislative provision on the use of metal detectors and other scientific methods of ground-penetrating analysis. States are encouraged to forbid unauthorized use of such equipment on archaeological sites.

III.F Ethical principles

74. States Parties are encouraged to take action to establish rules in conformity with the ethical principles set forth in the 1970 Convention and especially to ensure their observance. These rules may be either compulsory, as in legislation, or voluntary, such as codes of ethics.

Article 5(e) of the 1970 Convention

75. In this regard, States Parties and all Member States of UNESCO are encouraged to make use of rules based on ethical principles. Such rules may be developed on a national, international, regional or professional level. Anthropologists, archaeologists, auctioneers, conservators, curators, dealers, restorers and all professional staff working with cultural objects should conform to rules based on ethical principles which refuse service for cultural objects whose provenance appears faulty or dubious.

UNESCO International Code of Ethics for Dealers in Cultural Property

76. In 1999, the ICPRCP adopted the International Code of Ethics for Dealers in Cultural Property. This Code incorporates the principles developed in the 1970 Convention and subsequently in the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995). This Code also takes into account the experience of various national codes, the Code of the Confédération internationale des Négociants d'Oeuvres d'Art (CINOA) as well as the Code of Professional Ethics of the International Council of Museums (ICOM).

Adopted by the 10th Session of the ICPRCP (September 1999), Recommendation No.3

Endorsed by the 30th General Conference of UNESCO (November 1999)

III.G Control of trade and Registers

77. States Parties are encouraged to ensure that equally constraining rules, whether legislative or ethical codes, include the same provisions for dealers as those being observed by museums or other national institutions, particularly those concerning the provenance of the cultural property.

Doc. SHC/MD/3, point 49.

78. Regarding the trade in cultural property, and the trade of antiquities in particular, States Parties undertake to respect their obligations under the Convention to supervise the activities of dealers and to use appropriate means to control illicit transactions, such as the maintaining of registers recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject. These obligations are subject penal or administrative sanctions.

Article 10(a) of the 1970 Convention

III.H Import

- 79.** States Parties are required to prohibit the import of cultural property stolen from a museum or a religious/secular public monument or similar institution provided that such property is documented as appertaining to the inventory of that institution. Article 7(b)(i) of the 1970 Convention
- 80.** States Parties are invited to establish appropriate procedures for their customs authorities to properly supervise the declarations and seizures, to collaborate with the customs authorities of other States Parties and to ensure that the regulations in this area take into account the best practice for the protection of cultural heritage items. Doc. SHC/MD/3, point 55.

III.I Sales on Internet

- 81.** At the time of the drafting of the 1970 Convention, Internet was not a major channel for sales. Consequently, the 1970 Convention does not foresee rules in this regard. However, some States Parties have expressed concern about the increasing use of the Internet to sell or traffic stolen or illegally exported cultural objects. The exponential growth of this channel is causing serious concern to many countries.
- 82.** Some States Parties are not sufficiently organized to supervise and quickly follow-up offers on the Internet that appear to be advertising newly imported, excavated cultural property. Most national cultural administrations do not have sufficient resources to continually check offers on the Internet. National authorities are therefore encouraged to promote the supervision by the public (specialists or other individuals interested in particular cultures) to be vigilant concerning Internet offers and to inform the administration when it appears that an object of national heritage not previously known is being offered on a website or when an object of threatened foreign heritage is offered with a local address. Such notifications should be examined immediately by the cultural administration; if necessary, using experts (from universities, museums, libraries and other institutions) to verify the nature and importance of the item(s) being offered. When the evidence justifies it, prosecutions should be undertaken by the national authorities.

Basic Actions concerning Cultural Objects being offered for Sale over the Internet

Annex 6

- 83.** Following a recommendation adopted by the third annual meeting of the INTERPOL Expert Group on Stolen Cultural Property (7-8 March 2006, INTERPOL General Secretariat), INTERPOL, UNESCO and ICOM have developed a list of Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet.
- 84.** While the 'Basic Actions' are neither "Recommendations", nor "Declarations, Charters or similar standard-setting instruments" adopted by the General Conference of UNESCO, nor "Resolutions" adopted by the General Assembly of INTERPOL, they represent 'best practice' at this time. Hence, States Parties are encouraged to incorporate all or part of the Basic Actions as a tool within their national context.

III.J Conservation and development

- 85.** In order to ensure the protection of cultural property, States Parties are encouraged to promote the development and establishment of scientific and technical institutions. Article 5(c) of the 1970 Convention
- 86.** States Parties are encouraged to establish national specialist institutions where circumstances permit or to make arrangements for access to specialist institutions outside their own country where necessary.

IV. MEASURES CONCERNING RETURN OR RECOVERY

IV.A The request of the State Party

- 87.** The request of a State Party to recover and return cultural property shall be made through diplomatic offices. The request shall be accompanied with all relevant the documentation and evidence(s) necessary to establish its claim for recovery and return. Article 7(b)(ii) of the 1970 Convention
- 88.** If necessary, the State Party may call for the technical assistance of the Secretariat (see paragraph 103).

IV.B The role of inventories in the recovery of stolen cultural property

- 89.** A State Party can introduce a request for the recovery and return of cultural property under the Convention only for cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to the Convention, provided that such property is documented as appertaining to the inventory of that institution. Article 7(b)(ii) of the 1970 Convention
- 90.** States Parties who do not have extensive inventories are therefore encouraged to develop them as soon as possible in order to make use, if necessary, of the procedures of recovery under the Convention (see also section III.B. concerning inventories).

IV.C Non-retroactivity of the 1970 Convention

- 91.** Unless otherwise expressly provided, the general rule of public international law embodied in Article 28 of the Vienna Convention on the Law of Treaties does not provide for retroactive application. No express provision has been included in the 1970 Convention. Article 28 of the Vienna Convention on the Law of Treaties (1969)
- 92.** A State Party can seek the recovery and return of stolen cultural property under the Convention for cultural property illegally imported into another State Party **only** after the entry into force of this Convention in both States concerned. However the non-retroactivity of the 1970 Convention does not affect cases prior the entry into force of the 1970 Convention Article 7(b)(ii) of the 1970 Convention

Convention involving non-States Parties or falling outside the 1970 Convention.

- 93.** For irreplaceable items of cultural heritage illegally exported or imported after the entry into force of the Convention in one of the States concerned, States Parties are encouraged to find a mutually acceptable agreement which does not reflect the strict application of the provisions of the Convention but is nevertheless in accordance with its spirit and its principles.
- 94.** If the States Parties involved cannot find a mutually acceptable agreement on the basis of the spirit of the Convention, there are other possibilities to continue the discussions through diplomatic channels or via the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) (see paragraphs 104-106).

IV.D Just compensation and due diligence

- 95.** The Convention provides that the requesting State shall pay just compensation to an innocent purchaser or to a person who has a valid title to that property. However, some States Parties have made reservations which, among others, absolve other States Parties from having to pay just compensation (Cf. the list of reservations to the 1970 Convention on UNESCO's Website). Article 7(b)(ii) of the 1970 Convention
- 96.** The Convention does not mention the terms "good faith" or "bona fide" but uses other terminology (namely "innocent purchaser" and "person who has a valid title"), which may include acquisition by lapse of time, gift or inheritance, depending on which system of national law applies.
- 97.** In national laws, "good faith" varies from an assumption of good faith to requirements of certain basic cautions against acquiring stolen or illegally removed cultural objects. This has made the application of good faith provisions very diverse, encouraging sophisticated traffickers to exploit the systems most advantageous to them.
- 98.** The compensation for stolen or illegally exported cultural objects should be restricted to acquirers who have genuinely researched the title to the object and can bring the proof that they exercised due diligence when acquiring the cultural objects in question. Article 4(1) of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).
- 99.** In this regard, the UNIDROIT Convention introduced a carefully crafted standard of precautions to be taken when acquiring cultural objects which has been adopted by the States Parties to the UNIDROIT Convention and also by others not parties to the latter convention. In determining whether the possessor exercised due diligence, and consequently is entitled to just compensation, these criteria concerning the circumstances of the acquisition represent current best practice. They include: This standard of due diligence (precautions to be taken) is provided by the Article 4(4) of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).
- the character of the parties,
 - the price paid,
 - whether the possessor consulted any reasonably accessible register of stolen cultural objects (as for example the INTERPOL stolen

- works of art Database),
- whether the possessor consulted any other relevant information and documentation which it could reasonably have obtained,
- whether the possessor consulted accessible agencies,
- whether the possessor took any other step that a reasonable person would have taken in the circumstances.

100. States Parties are encouraged to use the criteria of “due diligence” in assessing “good faith” or “purchaser innocence”. States Parties that seek compensation are encouraged to adopt recent best practice, which makes compensation dependent on the UNIDROIT standard of due diligence.

IV.E Action for the recovery of stolen cultural property

101. Consistent with the laws of each State, the States Parties are required to admit actions for recovery of lost or stolen cultural property brought by or on behalf of the rightful owner(s).

Article 13(c) of the 1970 Convention

102. If there is no such action available in a State Party, this provision would require it to create one. States Parties are therefore encouraged to check that there exists, in their national system, a legal proceeding available to an owner of lost or stolen goods, and, if there is none, to institute one.

IV.F Co-ordination and good offices

103. Concerning return of cultural property which has been stolen or illegally exported from its country of origin, States Parties may call technical assistance of the Secretariat, particularly good offices, to help reaching a solution mutually acceptable by them.

Article 17.1(c) of the 1970 Convention

IV.G The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (“the ICPRCP”)

104. In cases where no bilateral or multilateral agreement can be applied and the bilateral discussions have failed or are suspended, UNESCO Member States may submit a request to the ICPRCP for the return or restitution of cultural property of major significance that they consider as having been wrongfully taken. This intergovernmental body, created in 1978 and composed of 22 Members, has primarily an advisory role. It also provides a forum for discussion and negotiation on inter-State disputes in cultural property. It does not issue legally decisions.

105. In order to resolve disputes on cultural property, States may also use the mediation or the conciliation procedure proposed by the ICPRCP.

106. As the issues of stolen or illicitly exported cultural property and restitution or return of cultural property are linked, the ICPRCP and the Subsidiary Committee of the Meeting of States Parties to the

Article 14.6 (e) of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.

1970 Convention must collaborate in order to achieve their complementary goals.

V. INTERNATIONAL COOPERATION

V.A International cooperation when cultural property is in jeopardy

- 107.** A State Party whose archaeological or ethnological heritage is endangered is encouraged to call upon UNESCO, UNESCO's partners and other States Parties to undertake a concerted international effort to carry out measures including the control of exports, imports and international trade in the specific objects concerned. Article 9 of the 1970 Convention
- 108.** UNESCO, its partners and other States Parties (particularly neighboring and transit countries) are encouraged to respond positively, with all possible means, to the call of the requesting State Party whose cultural property is in jeopardy (pillaging of archaeological or ethnological materials). Particularly in case of conflict or natural disaster, the international community is also invited to participate in the concerted effort through UNESCO and the UN to carry out measures including the control of imports and international commerce (including on the Internet).
- 109.** To prevent irremediable damage to the cultural heritage of the requesting State Party, some provisional measures, where feasible, may be taken pending a prospective bilateral or multilateral agreement. The conclusion of such agreement is not required before any action can be taken but could stimulate a fruitful relationship between two or more States and enable better understanding of the requesting State Party's particular situation. It may also enhance collaboration to improve training and protection on site.

V.B Occupation

- 110.** It is contrary to international law to remove cultural objects from occupied foreign territory. This is now a principle of customary international law, which should be made clear in each national legislation. Article 11 of the 1970 Convention
- The 1954 (First) Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- Article 9 of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1999)
- Rule 41, International Committee of the Red Cross Study on Customary International Humanitarian

V.C Inter-State cooperation

- 111.** In accordance with the legislation in force in each country, States Parties must ensure that their competent services cooperate in facilitating the earliest possible recovery of illicitly exported cultural property to its rightful owner. Article 13(b) of the 1970 Convention
- 112.** If the States concerned by the recovery have a specialized police unit in charge of the protection of cultural heritage, this unit can play an essential role in international cooperation, in particular through the National Central Bureaus of INTERPOL.

V.D Bilateral/Multilateral agreements

- 113.** States Parties may conclude special agreements among themselves on illicit traffic or continue to implement others already established before the Convention was adopted. Article 15 of the 1970 Convention
- 114.** States Parties are encouraged to incorporate into bilateral or regional agreements the highest level of protection developed in the 1970 Convention and other complementary instruments so as to ensure that such agreements embody the best protection for their cultural objects.

VI. PERIODIC REPORTS ON THE IMPLEMENTATION OF THE 1970 CONVENTION**VI.A Objectives**

- 115.** States Parties are requested to submit reports to the UNESCO General Conference on the legislative and administrative provisions they have adopted and other action they have taken for the application of the Convention, including the details of the experience acquired in this field. Articles IV.4 and VIII of the Constitution of UNESCO
Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions
Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (1964)
Article 16 of the 1970 Convention
- 116.** Periodic reporting is valuable for the exchange of information on the manner in which different national systems are dealing with the question of illicit traffic and can assist other States Parties in implementing the provisions of the Convention. Periodic reporting also serves the important function of strengthening the credibility of the implementation of the Convention.

VI.B Procedure and format

- 117.** Reports on the implementation of the 1970 Convention must be submitted every four years. 32 C/Resolution 38
- 118.** To assist the national authorities, a questionnaire is at the disposal of the UNESCO Member States to ensure that their reports contain sufficiently precise information on the ratification process and legal and operational implementation of the 1970 Convention, but also on the application of other complementary normative instruments such as the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. 184 EX/Decision 25
177 EX/Decision 35 (II)
Annex 7
- 119.** In order to facilitate management of information, States Parties shall submit reports in English or French, in electronic as well as in printed form to:
- Secretariat of the 1970 Convention
7, place de Fontenoy
75352 Paris 07 SP
France
E-mail: convention1970@unesco.org

VI.C Evaluation and monitoring

- 120.** Before the creation of periodical statutory bodies (in June 2012), consideration and monitoring of these reports were entrusted to the Committee on Conventions and Recommendations of the UNESCO Executive Board. During, the 177th session of the UNESCO Executive Board (November 2007), a specific multi-stage procedure for the implementation of UNESCO conventions and recommendations was adopted for which no specific institutional mechanism has yet been provided. 177 EX/Decision 35 (I)
- 121.** When it was created in June 2012, the Subsidiary Committee has had, as part of its mandate, the responsibility of reviewing national reports presented to the General Conference by the States Parties to the Convention. Article 14.6 (b) of Rules of Procedure of the Meeting of States Parties to the 1970 Convention.

VII. EDUCATION, AWARENESS-RAISING, CAPACITY-BUILDING AND PROMOTION ON THE 1970 CONVENTION

VII.A Objectives

- 122.** All means need to be used on the national and international levels to Article 10 of the 1970 Convention

restrict the illicit movement of cultural property by appropriate education, information and vigilance. Educational means in particular should be used to help the public appreciate the value of cultural heritage and the threat to it from theft, clandestine excavations and illicit trafficking.

VII.B Education and awareness-raising

- 123.** The national services for the protection of the cultural heritage, mentioned in paragraph 9, are specifically tasked with stimulating and developing respect for the cultural heritage of all States and spreading knowledge of the provisions of this Convention. This obligation can be met in various ways.

Article 5(f) of the 1970 Convention
Article 13(a) of the 1970 Convention

Education

- 124.** In each State Party, appropriate information on the local and national heritage and the universal heritage of the world's cultures should be coordinated with educational institutions at primary, secondary, tertiary level as well as lifelong learning programmes.

Publications

- 125.** States Parties are encouraged to publish materials on heritage protection (books, videos, games for children, etc.)

Awareness-raising for diplomatic staff

- 126.** Diplomatic officers should be reminded by the sending States of their duty to respect the rules of the States to which they are posted, especially those protecting national heritage. The receiving States should remind newly appointed diplomats of their duty to respect those laws, calling their attention to the obligations of the Vienna Convention on Diplomatic Relations (1961).

Articles 36(2) and 41(i) Vienna Convention on Diplomatic Relations (1961)

VII.C Strengthening of capacities

- 127.** On the national level and as a top priority, the States Parties need to ensure that all authorities dealing with cultural heritage items (customs officers, police, museums, including central and regional administrative divisions) are regularly made aware of the provisions of the Convention, their significance for the national heritage and the importance of complying with its obligations.

- 128.** The Secretariat (Headquarters and Field Offices) provides assistance to the States Parties by developing national and regional trainings/workshops.

VII.D Communication and information

129. The national services for the protection of the cultural heritage have the obligation to publicize missing cultural objects in the most efficient manner. Publicity through mass communication might make an object unmarketable and might persuade its holder to surrender it without compensation. Since communication means have become more widespread and more readily available, States Parties are strongly encouraged to make use of the mass media to publicize lost and stolen cultural objects.

Article 5(g) of the 1970
Convention

INTERPOL Stolen Works of Art Database

130. INTERPOL developed a highly efficient system for centralizing and circulating information globally in the form of a database accessible not only to law enforcement agencies but also to members of the public who have been provided with specific access rights.

131. The entities authorized to submit information to be included in the database are the INTERPOL National Central Bureaus (NCBs). In addition, under the terms of particular cooperation agreements, ICOM and UNESCO are also authorized to send information. This database cannot function efficiently without the active collection of theft information and the establishment of reporting mechanisms on a national level (especially in the absence of specialized law enforcement unit for cultural property crime). Lack of regular contacts or established working relationships between cultural or religious institutions, museums, Ministries of Culture or customs authorities can constitute another obstacle to information transmission. By consequence, States Parties, via the national services, must improve the reporting of thefts of cultural objects to the INTERPOL National Central Bureaus in order to update the Stolen Works of Art Database.

132. The same support has to be given by the States Parties to the Project Psyche (Protection System for Cultural Heritage) launched by INTERPOL and the Carabinieri Department for the Protection of Cultural Heritage (TPC) to further increase the contents of the Stolen Works of Art Database and to facilitate on-line data searches.

ICOM Red Lists

Annex 8

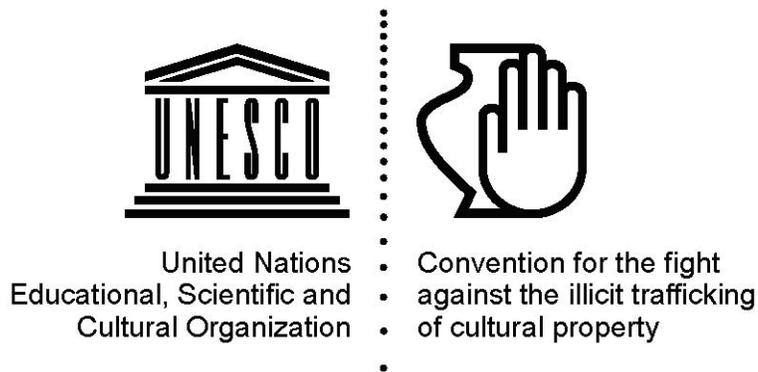
133. The Red Lists do not concern lost cultural objects, but contribute to the protection of cultural heritage at the international level. The aim of this documentation is to classify the endangered categories of archaeological objects or works of art in the most vulnerable areas of the world, in order to prevent them being sold or illegally exported.

134. States Parties are encouraged to disseminate these Red Lists to all stakeholders involved in the protection of cultural property (especially police and customs services).

VIII. THE 1970 CONVENTION EMBLEM

VIII.A Preamble

135. On the occasion of the 40th anniversary commemorative meeting of the 1970 Convention held in March 2011, the Secretariat proposed an Emblem of the 1970 Convention. This emblem has not been formally adopted by the States Parties, but a large number of States Parties expressed their appreciation of its creation.
136. The Emblem consists of two simple silhouettes: the palm of a hand is superimposed on a vase without handles. The Emblem symbolizes the importance of stopping (indicated by the hand in the halt position) illicit trafficking of cultural property (symbolized by the vase (archaeological objects found in the sub-soil or already belonging to a collection) in conformity with the principles of the 1970 Convention. The pictogram also symbolizes the action of looting, which deprives an individual or a community of its cultural heritage and, therefore, of its identity. The clear outline set off against a white background contributes to making the logo easily legible and universally understood.



137. The Secretariat proposes that the Emblem be used, in any colour or size, in consideration of the intended use, the technical possibilities and graphic and aesthetic considerations.
138. The Emblem should carry the text “Convention for the fight against the illicit trafficking of cultural property”.

VIII.B Intellectual property

139. The Emblem of the 1970 Convention and its derivatives should be adopted and then registered under Article 6ter of the Paris Convention for the Protection of Industrial Property in order to be protected.

VIII.C Responsibilities of States Parties

140. States Parties to the Convention should take all possible measures to prevent the use of the logo in their respective countries by any group or for any purpose contrary to the 1970 Convention. States Parties are encouraged to make full use of national legislation including trademark laws.

LIST OF PROPOSED ANNEXES

- Annex 1 Model Instrument of Ratification
- Annex 2 UNESCO-UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects
- Annex 3 Object-ID Standard
- Annex 4 UNESCO-WCO Model Export Certificate for Cultural Objects
- Annex 5 UNESCO International Code of Ethics for Dealers in Cultural Property
- Annex 6 Basic measures concerning cultural items offered for sale on the Internet
- Annex 7 Questionnaire for the preparation of reports by Member States on the application of the 1970 Convention
- Annex 8 Listing of existing ICOM Red Lists and ICOM ‘One hundred missing objects’