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la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

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**INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN OF  
CULTURAL PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS  
RESTITUTION IN CASE OF ILLICIT APPROPRIATION**

**Nineteenth Session**  
**UNESCO Headquarters, Room XI**  
**1 – 2 October 2014**

**Recommendations and Decision**

## **RECOMMENDATION 19.COM 1**

*The Committee,*

1. Having taken note of the changes in the composition of the Committee, as a result of the election which took place during the 37<sup>th</sup> Session of the General Conference,
2. Elects Mr S. Sidibé (Mali) as Chairperson of the Committee;
3. Elects Mr A. Gelunas (Lithuania) as Rapporteur of the Committee;
4. Elects Cyprus, Guatemala, Iraq and Republic of Korea, as Vice-Chairpersons of the Committee.

## **RECOMMENDATION 19.COM 2**

*The Committee,*

1. Having considered document ICPRCP/14/19.COM/2/REV2,
2. Adopts the agenda contained in the aforementioned document.

## **RECOMMENDATION 19.COM 3**

*The Committee,*

1. Having considered document ICPRCP/14/19.COM/3,
2. Takes note with appreciation of the report by the Secretariat on its activities since the last session in 2012;
3. Welcomes actions taken to enhance capacities and raise awareness of the fight against trafficking in cultural property as well as to enhance the capacities of museums;
4. Encourages States to conduct bilateral negotiations on the return and restitution of cultural property;
5. Also takes note of the increasing tasks assigned to the Secretariat and the need to further strengthen it with human and financial resources;
6. Invites its Member States and Observers to provide human and financial resources to Secretariat to ensure the sustainability of the Committee; and expresses its appreciation to States that have supported the work of the Secretariat and the Committee in terms of financial and human resources;
7. Also invites Member States to submit to the Secretariat information on ongoing bilateral negotiations in respect of return and restitution of cultural property, as well as on the successful conclusion of such cases.

## DECISION 19.COM 4

*The Committee,*

1. Having considered document ICPRCP/14/19.COM/4, as well as the 'Evaluation of UNESCO's Standard-setting Work of the Culture Sector: Part II – 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property' (Document IOS/EVS/PI/133 REV.),
2. Welcomes the findings of the evaluation and the recommendations provided therein;
3. Taking note of the creation, in 2012, of periodic statutory bodies (Meeting of States Parties and Subsidiary Committee of the Meeting of States Parties) specifically dedicated to the application as well as the monitoring of the implementation of the 1970 Convention,
4. Considering that it is necessary to focus on its essential tasks as defined in the Article 4 of its Statutes,
5. Decides to:
  - a. further promote the tools previously created under its auspices, in particular the 'International Code of Ethics for Dealers in Cultural Property', the 'Model Export Certificate for Cultural Objects' and 'the UNESCO-UNIDROIT Model Provisions on State ownership of Undiscovered cultural property' and to promote moreover the Recommendation on the International Exchange of Cultural Property (1976);
  - b. emphasize its role as facilitator of dialogue, mediation and direct negotiations concerning the return and restitution of cultural property;
  - c. authorize the use of the Fund of the Committee to establish a database on return and restitution cases operational in the short term, and request the Secretariat to present to the next ordinary session a report on last developments regarding the database;
  - d. develop initiatives to raise public awareness on the real nature, scale and scope of the question of the return and the restitution of cultural property; for this purpose request the Secretariat to prepare an analysis on the development of communication tools and present it to the next ordinary session of the Committee;
  - e. explore the possibilities to develop a methodology dedicated to the training of cultural heritage professionals including items linked to the return and restitution of cultural property; for this purpose requests the Secretariat to prepare proposals and present them to the next ordinary session of the Committee.
6. Reiterates the need to coordinate closely with the Subsidiary Committee of the Meeting of States Parties to the 1970 Convention in order to maximize the synergies and avoid duplicating the efforts of both Committees;
7. Requests the Secretariat to present to the Committee at its next session proposals for a possible review and strengthening of the Committee's role.

## **RECOMMENDATION 19.COM 5**

*The Committee,*

1. Having examined document ICPRCP/14/19.COM/5,
2. Encourages all States Members of UNESCO to submit cases of return and restitution to the Committee;
3. Requests these States to carefully follow the different procedural steps described in this document;
4. Also requests the Secretariat to assist Member States and Associate Member States of UNESCO in the preparation and the follow-up of the procedure related to the submission of a case to the Committee, in close cooperation with its Chairperson.

## **RECOMMENDATION 19.COM 6**

*The Committee,*

1. Having considered document ICPRCP/14/19.COM/6,
2. Encourages States whose experts have not yet been designated, especially Members of the Committee, to submit their names and curriculum vitæ to the Secretariat;
3. Requests the Secretariat to assist Member States and Associate Member States of UNESCO in the preparation and follow-up of a mediation or a conciliation procedure as cases may arise and if the parties concerned so agree;
4. Also requests that Member States and Associate Members of UNESCO to which a request for mediation or conciliation is addressed respond to such requests on the basis of goodwill, cooperation and equity within six months calculated from the date the request reaches them;
5. Underlines that in relation to cultural property claims pending before the Committee the mediation and conciliation procedures form a useful tool for the resolution of cultural property disputes.

## **RECOMMENDATION 19.COM 7**

*The Committee,*

1. Having examined document ICPRCP/14/19.COM/7,
2. Takes note of the Secretariat's efforts to communicate on the existence, usefulness and the opportunities offered by the Fund in order to encourage voluntary contributions;
3. Strongly encourages States to submit requests for funding and to increase further their voluntary contributions to the Fund in order to make it more operational.

## **RECOMMENDATION 19.COM 8**

*The Committee,*

Acknowledging relevant UNESCO recommendations expressing its continuing concern for a solution to the issue of the Parthenon Sculptures;

1. Acknowledges the fruitful cooperation between Greece and United Kingdom on cultural matters and expresses the wish that it should continue with a view to assist with the ongoing discussions in respect of the physical reunification of the Parthenon Sculptures;
2. Acknowledges that an official letter has been sent in August last year by UNESCO to the United Kingdom government and the British Museum saying:

‘Earlier this year, the Greek authorities approached UNESCO with a request that the Organization deploy its good offices to explore the possibility of the United Kingdom agreeing to the procedure foreseen in the Mediation and Conciliation Rules of Procedure (adopted in 2010) within the framework of the ICPRCP’

and takes note that the United Kingdom has not yet written back to UNESCO although has in the Nineteenth Session acknowledged that UNESCO stands ready to facilitate mediation discussions.

3. Invites the Director-General to assist in convening the necessary meetings between Greece and the United Kingdom with the aim of reaching a mutually acceptable solution to the issue of the Parthenon Sculptures; and invites both parties to consider making use of the mediation process, noting that Greece has already asked for mediation.

## **RECOMMENDATION 19.COM 9**

*The Committee,*

1. Decides to hold its 20th session in 2016,
2. Requests the Director-General to provide the Secretariat with adequate human and financial resources in order to effectively conduct this task.