



United Nations  
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des Nations Unies  
pour l'éducation,  
la science et la culture

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

Организация  
Объединенных Наций по  
вопросам образования,  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

**21.COM**

**ICPRCP/18/21.COM/Decisions  
Paris May 2018  
Original: English**

Limited Distribution

**Intergovernmental Committee for Promoting the Return of Cultural  
Property to its Countries of Origin or its Restitution in Case of Illicit  
Appropriation**

**Twenty-First Session  
Paris, UNESCO Headquarters, Room XI  
30 and 31 May 2018**

**DECISIONS**

## **DECISION 21.COM 2**

*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 39<sup>th</sup> session of the General Conference:
2. Elects H.E. Mr Federico Salas Lotfe (Mexico) as Chairperson of the Committee;
3. Elects Mr Ali Al Taie (Iraq) as Rapporteur of the Committee;
4. Elects Armenia, Benin, Italy, Pakistan as Vice-Chairpersons of the Committee.

## **DECISION 21.COM 3**

*The Committee,*

1. Having examined document ICPRCP/18/21.COM/3/REV3;
2. Adopts the agenda contained in the aforementioned document.

## **DECISION 21.COM 5**

*The Committee,*

1. Having examined document ICPRCP/18/21.COM/5/REV,
2. Taking note of the Report of the Secretariat on the follow-up of the recommendations and decisions adopted during the 20<sup>th</sup> Session in 2016;
3. Recalling its Decisions 19.COM/4 (7) and 20.COM/5 (3) concerning strengthening the role of the Committee and organising a forum of discussions;
4. Also taking note of the Director-General's decision to hold a high level meeting on 1 June 2018 at UNESCO Headquarters on displaced cultural property and shared heritages;
5. Also recalling its Decision 20.COM/5 (5) and (7) concerning the list of mediators and conciliators, which also encourages Member States to submit nominations for the aforementioned List to the Secretariat,
6. Further recalling its Decision 20.COM/5 (10) and (11) concerning the establishment of a partnership with the University of Geneva concerning the consolidation of the ArThemis database, whose operational implementation is requested of the Member States by the second half of 2018,
7. Invites the Secretariat to implement its Decision 20.COM/5 3 to allocate one day, during its ordinary sessions, to a forum of discussions to ensure exchange of good practices and promotion of multilateral and bilateral cooperation with a view to the restitution and return of cultural property to its countries of origin;

8. Calls upon, the Member States to make more extensive use of the mediation and conciliation procedure in order to facilitate the resolution of cases of return and restitution of cultural property under discussion before the Committee and encourages the Member States to nominate experts and submit their *curriculum vitae* to the Secretariat;
9. Evokes, its recommendation 20.COM concerning the issue of the Parthenon Sculptures and expresses its continuing concern for the issue, and invites both sides to find an equally acceptable solution;
10. Acknowledges the submission of a new case to the committee on the Broken Hill Man Skull;
11. Encourages Member States to make further use of the Committee by submitting new cases;
12. Strongly encourages Member States to conduct bilateral negotiations on the return and restitution of cultural property and submit to the Secretariat information on ongoing bilateral negotiations as well as on the successful conclusion of such cases;
13. Also invites Member States and Observers to provide human and financial resources to the Secretariat to ensure the sustainability of the Committee's work.

## **DECISION 21.COM 6**

*The Committee,*

1. Recalling Decision 20.COM/5 and Decision 20.COM/14 as well as Resolution 39C/87 of the General Conference,
2. Considering the presentation by the Secretariat concerning the implementation of the relevant recommendations of the General Conference relating to the amendment of the Rules of Procedure of the Committee,
3. Taking note of the recommendations of the "Working group on governance, procedures and methods of work of the governing bodies of UNESCO" established by the General Conference, particularly those of Sub-group 2 on "Structure, composition and methods of work of UNESCO's international and intergovernmental bodies" and of the need to harmonize the Rules of procedure with other intergovernmental committees of the Culture Sector;
4. Welcomes Decision 6. SC/6 of the Subsidiary Committee to strengthen the cooperation with the ICPRCP, and expressing the same willingness to foster synergies with the Committee;
5. Acknowledges with thanks, the four proposals for amendments received from Ecuador, Greece, Honduras and Switzerland,
6. Highlights the importance of broad participation of UNESCO Member States and Associate Members in the process of amending the Rules of Procedure, in order to ensure that their views are fully taken into account;

7. Invites UNESCO Member States and Associate Members to submit to the Secretariat additional proposals in English and/or in French for amendment of the Rules of procedure of the Committee by 1 October 2018;
8. Requests, the Secretariat to circulate a consolidated Report on Member States proposals, together with the suggestions made by the Secretariat, by 15 April 2019;
9. Decides to establish a “Working group on the revision of the Rules of procedure of the ICPRCP” open to all ICPRCP Member States and observers in accordance with Rules 10.1 and 10.2 of the Rules of Procedure which shall meet in May 2019, to study the proposals submitted by Member States and Associate Members, in addition to the suggestions made by the Secretariat, and to submit its recommendations to the 22nd session of the Committee;
10. Encourages Member States to provide financial contributions for the establishment and functioning of the Working group.

## **RECOMMENDATION 21.COM 7**

*The Committee,*

Recalling that the issue of the Parthenon Sculptures has been a pending item in the Committee’s Agenda since 1984;

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

Also recalling that the Acropolis of Athens is an emblematic monument of outstanding universal value, inscribed in the World Heritage List;

1. Acknowledges the ongoing cooperation between Greece and the United Kingdom on cultural matters and expresses the wish that it should continue with a view to conclude the ongoing discussions in respect of the reunification of the Parthenon Sculptures;
2. Notes that Greece invites the United Kingdom to collaborate with Greece in exhibiting all the Parthenon Sculptures in their respective collections in the Acropolis Museum;
3. Takes note of the Acropolis Museum’s invitation to the British Museum in order to advance further collaboration on Parthenon studies; which the British Museum warmly accepted;
4. Also takes note of the good progress made by the Acropolis Museum and the British Museum in the collaborative programme of digital scanning of the sculptures of the Parthenon in both museums;
5. Further acknowledges that an official letter was sent in August 2013 by UNESCO to the United Kingdom government and the British Museum, inviting them to explore the possibility of the United Kingdom agreeing to the procedure foreseen in the Mediation and Conciliation Rules of Procedure within the framework of the ICPRCP;

6. Thoughtfully takes note of the fact that, in March 2015, the United Kingdom government and the Trustees of the British Museum informed UNESCO in separate letters respectively that they did not believe that the application of the mediation procedure would substantially carry forward the debate and that they had decided respectfully to decline the request;
7. Calls upon Greece and the United Kingdom to intensify their efforts with a view to reaching a satisfactory settlement of this long-standing issue, taking into account its historical, cultural, legal and ethical dimensions;
8. 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.

## **RECOMMENDATION 21.COM 8**

The Committee,

Acknowledges the Republic of Zambia's request for the return of the Broken Hill skull from the United Kingdom;

1. Also acknowledges correspondence that has been exchanged between the United Kingdom and Zambia;
2. Takes note of the position of both parties as set out in the Standard Form Concerning Requests for Return or Restitution and during discussion of the pending request at the 21<sup>st</sup> Session of the Committee;
3. Further acknowledges that this is the first time the case of the Broken Hill Skull has come up before the Committee for discussion as a pending case;
4. Welcomes with appreciation the general understanding that existence or non-existence of legislation at the time of removal of cultural property must not be the only issue in considering the return of cultural property to countries of origin;
5. Thanks the Government of the United Kingdom for its readiness to engage with Zambia on a bilateral and mutual basis on the return of the Broken Hill skull;
6. Also welcomes Zambia's willingness to engage with the United Kingdom in bilateral negotiations for the return of the Broken Hill skull;
7. Expresses its sincere hope that the pending request with regard to the Broken Hill skull will be solved amicably and notes with satisfaction the willingness of both parties to find a mutually acceptable solution on a bilateral basis and;
8. Invites the Director-General to assist in convening necessary meetings between the United Kingdom and Zambia aimed at resolving the matter.

## **DECISION 21.COM 12**

*The Committee,*

1. Decides to hold an extraordinary session at UNESCO Headquarters before the next General Conference, if the Rules of Procedure are ready for possible adoption, subject to the availability of extrabudgetary funds;
2. Also decides to hold its 22<sup>nd</sup> Session on (May 2020) at UNESCO Headquarters;
3. Requests the Secretariat to consult with members of the bureau of the committee, of any initiatives to be undertaken by UNESCO related to the committee functions as set by in article 4 of the General Conference Resolution number 20C/7.6/5.