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Return or restitution of cultural property to the countries of origin

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Return or restitution of cultural property to the countries of origin

The General Assembly,

Reaffirming the relevant provisions of the Charter of the United Nations,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995, 52/24 of 25 November 1997, 54/190 of 17 December 1999, 56/97 of 14 December 2001, 58/17 of 3 December 2003, 61/52 of 4 December 2006, 64/78 of 7 December 2009 and 67/80 of 12 December 2012,

Recalling also the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,¹ the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,² the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict³ and the two Protocols thereto,⁴ the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage,⁵ the 2001 Convention on the Protection of

¹ United Nations, *Treaty Series*, vol. 823, No. 11806.

² *Ibid.*, vol. 2421, No. 43718.

³ *Ibid.*, vol. 249, No. 3511.

⁴ *Ibid.*, vol. 249, No. 3511 and vol. 2253, No. 3511.

⁵ *Ibid.*, vol. 1037, No. 15511.



the Underwater Cultural Heritage,⁶ the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage⁷ and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions,⁸

Appreciating the positive results of the second meeting of the States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, in June 2012, which adopted rules of procedure of the meeting of States parties that, inter alia, stipulate that the meeting of States parties shall be convened every two years, and also established a subsidiary committee, which will be convened every year,

Welcoming the positive results of the third meeting of the States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, in May 2015, and, in particular, the adoption of the operational guidelines for the implementation of the Convention,

Noting the adoption of the United Nations Convention on Jurisdictional Immunities of States and Their Property on 2 December 2004,⁹ as it might apply to cultural property,

Recalling the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 October 2003 of the Declaration concerning the Intentional Destruction of Cultural Heritage,¹⁰

Noting the adoption by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 November 2015 of the Recommendation concerning the preservation of, and access to, documentary heritage including in digital form,

Noting also the adoption of the Universal Declaration on Cultural Diversity and the Action Plan for its implementation, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,¹¹

Recalling that the 2030 Agenda for Sustainable Development¹² includes, inter alia, a pledge to foster inter-cultural understanding, tolerance, mutual respect and an ethic of global citizenship and shared responsibility, an acknowledgement of the natural and cultural diversity of the world and a recognition that all cultures and civilizations can contribute to, and are crucial enablers of, sustainable development, as well as targets related to the protection and restitution of cultural property,

Recalling also its resolution 69/196 of 18 December 2014 by which it adopted the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences,

⁶ Ibid., vol. 2562, No. 45694.

⁷ Ibid., vol. 2368, No. 42671.

⁸ Ibid., vol. 2440, No. 43977.

⁹ Resolution 59/38, annex.

¹⁰ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-second Session, Paris, 29 September-17 October 2003*, vol. 1: *Resolutions*.

¹¹ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*.

¹² Resolution 70/1.

Recalling further the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted on 19 April 2015,¹³ and notes the commitment expressed by Member States therein to strengthen and implement comprehensive crime prevention and criminal justice responses to illicit trafficking in cultural property for the purpose of providing the widest possible international cooperation to address such crime, to review and strengthen domestic legislation to counter trafficking in cultural property, where appropriate, in accordance with their commitments under international instruments, and to continue to gather and share information and statistical data on trafficking in cultural property, in particular on trafficking that involves organized criminal groups and terrorist organizations,

Welcoming the report of the Secretary-General submitted in cooperation with the Director General of the United Nations Educational, Scientific and Cultural Organization,¹⁴

Aware of the importance attached by the countries of origin to the return of cultural property that is of fundamental spiritual, historical and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Commending Member States, cultural and educational institutions, museums and civil society for their efforts to combat the illicit trade in cultural properties, and welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of cultural properties that have been illicitly appropriated,

Expressing deep concern about the continuing illicit traffic in cultural property and its damage to the cultural heritage of nations,

Expressing deep concern also that cultural property, including religious sites and objects, is increasingly targeted by terrorist attacks, often resulting in damage, theft or their complete destruction, and condemning such attacks,

Expressing deep concern further about the loss, destruction, theft, pillage, illicit removal or misappropriation of cultural property from archaeological sites, museums, libraries, archives and other sites and any acts of vandalism or damage directed against cultural property, in particular in areas of armed conflict, including territories that are occupied, whether such armed conflicts are international or non-international,

Reaffirming in this regard the necessity of strengthened international cooperation in preventing and combating all aspects of trafficking in cultural property, which is particularly at risk in the Middle East, and noting that such cultural property is often transferred either through illicit markets worldwide or through licit markets such as auctions, including through the Internet,

Recalling its resolution 69/281 of 28 May 2015, entitled “Saving the cultural heritage of Iraq”,

¹³ See *Report of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.222/17)*.

¹⁴ See *A/67/219*.

Recalling also Security Council resolution 1483 (2003) of 22 May 2003, in particular paragraph 7, relating to the restitution of the cultural property of Iraq, and Security Council resolution 2056 (2012) of 5 July 2012 on the situation in Mali,

Recalling further Security Council resolution 2199 (2015) of 12 February 2015, in particular paragraphs 15 to 17,

1. *Recognizes* the leading role of the United Nations Educational, Scientific and Cultural Organization in combating trafficking in cultural property, including its specific mandate within the context of Security Council resolution 2199 (2015), and encourages the Organization to continue to strengthen cooperation and synergies in this field with other international bodies, including the International Criminal Police Organization and the United Nations Office on Drugs and Crime;

2. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property and the implementation of the Object-ID standard related thereto, as well as for the reduction of illicit traffic in cultural property and the dissemination of information and tools to the public, institutions, Member States and others, and encourages the continuation of such endeavours;

3. *Commends* the United Nations Educational, Scientific and Cultural Organization on the launch of its international awareness-raising and training campaigns for museum experts, police forces, Customs services and legal experts from Member States in the African, Asia-Pacific, Eastern European, Latin America and Caribbean, Western European and Others groups, from 2012 to 2015, aimed at preventing the illicit import, export and transfer of ownership of cultural property by providing the legal and operational knowledge and directly applicable skills to strengthen the protection of cultural property;

4. *Also commends* the United Nations Educational, Scientific and Cultural Organization on the launch of the campaign #Unite4Heritage to raise the awareness of young people regarding the value of cultural heritage and the necessity to protect it, and calls upon Member States to promote and support such campaigns;

5. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin and to provide appropriate support accordingly;

6. *Reaffirms* the importance of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,¹ the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,² the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict³ and the two Protocols thereto,⁴ the 1972 Convention for the Protection of the World Cultural and Natural Heritage,⁵ the 2001 Convention on the Protection of the Underwater Cultural Heritage,⁶ the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage⁷ and the 2005 Convention on the

Protection and Promotion of the Diversity of Cultural Expressions,⁸ and invites Member States that have not already done so to consider becoming parties to the aforementioned conventions and protocols that specifically address the return and restitution of cultural property to the countries of origin;

7. *Takes note* of the declarations and recommendations of the International Forums on the Return of Cultural Property, held in Seoul in July 2011 and October 2012, in Olympia, Greece, in October 2013, in Dunhuang, China, in September 2014 and in Nevşehir, Turkey, in October 2015;

8. *Notes with appreciation* the conference to celebrate the twentieth anniversary of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, held in Rome on 8 May 2015;

9. *Welcomes* the decision of the second meeting of the States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which adopted the rules of procedure of the meeting of States parties, by which, inter alia, it was decided that the meeting of States parties should be convened every two years, and which established a subsidiary committee that is convened every year in order to, inter alia, promote the purposes of the Convention, review national reports and prepare and submit to the meeting of States parties recommendations and guidelines that can help in the implementation of the Convention and identify problems arising from its implementation;

10. *Recognizes* the importance of the United Nations Convention on Jurisdictional Immunities of States and Their Property,⁹ notes that the Convention has still not entered into force, and invites Member States that have not already done so to consider becoming parties to the Convention;

11. *Deplores* damage to the cultural heritage of countries in situations of crisis, conflict and post-conflict, in particular recent attacks on world cultural heritage sites, calls for an immediate end to such acts, and reminds States parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict of the provisions contained therein to safeguard and respect cultural property and to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of and any acts of vandalism directed against cultural property;

12. *Calls upon* all Member States in a position to do so to assist the affected States in combating trafficking in cultural property illegally excavated from archaeological sites and taken from museums, libraries, archives and manuscript collections, including through international cooperation in the restitution of stolen or illicitly exported cultural property, as appropriate;

13. *Welcomes* the most recent efforts made by the United Nations Educational, Scientific and Cultural Organization for the protection of the cultural heritage of countries in conflict, including the safe return to those countries of cultural property and other items of archaeological, historical, cultural rare scientific and religious importance that have been illegally removed, and calls upon the international community to contribute to these efforts;

14. *Urges* Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including by publicizing legislation and offering special training for police, Customs and border

services, and invites Member States to make trafficking in cultural property, including stealing from and looting of archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime,¹⁵ with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting all forms and aspects of trafficking in cultural property and related offences;

15. *Urges* all States to take appropriate measures to ensure that all actors involved in the trade of cultural property, including but not limited to auction houses, art dealers, art collectors and museum professionals, are required to provide verifiable documentation of provenance as well as export certificates, as applicable, related to any cultural property imported, exported or offered for sale, including through the Internet;

16. *Invites* States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to apply the operational guidelines for the implementation of the 1970 Convention, which represent a useful tool to guide and assist States parties in implementing the Convention, including by learning from the best practices of States parties geared to enhancing the effective implementation of the Convention, and to identify ways and means to further the achievement of the goals of the Convention through strengthened international cooperation;

17. *Reiterates its strong encouragement* to Member States to apply, to the maximum extent possible, where appropriate, with a view to strengthening international cooperation in this field, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, which represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences;

18. *Invites* Member States, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to continue to draw up systematic inventories of their cultural property;

19. *Invites* States to consider establishing and developing national, regional and international databases inventorying cultural property, which would also register trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, and illicitly dealt-in, cultural property, and encourages States to enhance the exchange of information by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted or illicitly excavated, and illicitly dealt-in, cultural property and contributing to international inventories and databases;

20. *Recognizes* the advancement of the Database of National Cultural Heritage Laws of the United Nations Educational, Scientific and Cultural Organization, which includes legislation from 188 Member States, and invites Member States to provide their legislation in electronic format for inclusion in the database if they have not yet done so, to provide regular updates to the database and to promote it;

¹⁵ United Nations, *Treaty Series*, vol. 2225, No. 39574.

21. *Applauds* the efforts of the United Nations Educational, Scientific and Cultural Organization to promote the use of identification and inventory systems, in particular the application of the Object-ID standard, and to encourage the linking of identification systems and existing databases, including the one developed by International Criminal Police Organization, to allow for the electronic transmission of information in order to reduce illicit trafficking in cultural property, and encourages the United Nations Educational, Scientific and Cultural Organization to make further efforts in this regard in cooperation with Member States, where appropriate;

22. *Notes* the adoption by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, at its sixteenth session, of the rules of procedure on mediation and conciliation,¹⁶ and invites Member States to consider the possibility of using such processes, as appropriate;

23. Welcomes the presentation by the United Nations Educational, Scientific and Cultural Organization and the International Institute for the Unification of Private Law of model provisions on State ownership of undiscovered cultural objects, and encourages Member States to consider using these model provisions and adopting effective legislation for the establishment and recognition of States' ownership of their heritage, as appropriate under national laws, with a view to facilitating restitution in cases of unlawful removal;

24. *Notes with appreciation* the Model Export Certificate for Cultural Objects developed by the United Nations Educational, Scientific and Cultural Organization and the World Customs Organization as a tool to combat illicit trafficking in cultural property, and invites Member States to consider adopting the model export certificate as their national export certificate, in accordance with domestic law and procedures;

25. *Takes note* of the resolution adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session, in November 2015, on the reports by Member States on the measures taken for the implementation of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

26. *Recognizes* the public awareness and increased mobilization and action in favour of heritage values achieved in 2002, the United Nations Year for Cultural Heritage, and on the occasion of the fortieth anniversary of the Convention for the Protection of the World Cultural and Natural Heritage, and calls upon the international community and the United Nations to continue to cooperate with the United Nations Educational, Scientific and Cultural Organization on the basis of that work;

27. *Invites* those who deal with trade in cultural property and their associations, where they exist, to encourage the effective implementation of the International Code of Ethics for Dealers in Cultural Property, as endorsed by the General Conference of the United Nations Educational, Scientific and Cultural

¹⁶ [A/67/219](#), annex I, recommendation No. 4.

Organization on 16 November 1999,¹⁷ the International Council of Museums Code of Ethics for Museums and other existing codes;

28. *Welcomes* the recently launched partnerships between the United Nations Educational, Scientific and Cultural Organization and cultural institutions, encompassing several lines of action aimed at combating illicit trafficking in cultural property, in order to implement awareness-raising activities for the general public, close collaboration and information exchange and cooperation on training and capacity-building initiatives, and encourages the development of further partnerships;

29. *Recognizes* the importance of the continued efforts of the United Nations Educational, Scientific and Cultural Organization to enhance discussions with art market professionals in order to improve practices and raise awareness in areas such as provenance investigations, ethics, restitution procedures and knowledge of the international legal framework;

30. *Also recognizes* the importance of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, launched in November 2000, and invites Member States to increase further their voluntary contributions to the Fund in order to enhance its efficiency, and to make use of the Fund;

31. *Further recognizes* the importance of cooperation among States in the fight against illicit trafficking in cultural property, as well as its illegal removal from the countries of origin, through, inter alia, the conclusion of bilateral agreements and mutual legal assistance, including the prosecution of persons involved in such activities and extradition, in accordance with the laws of cooperating States and under applicable international law;

32. *Requests* the Secretary-General to cooperate with the United Nations Educational, Scientific and Cultural Organization in its efforts to bring about the attainment of the objectives of the present resolution;

33. *Also requests* the Secretary-General, in cooperation with the Director General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its seventy-third session a report on the implementation of the present resolution;

34. *Decides* to include in the provisional agenda of its seventy-third session the item entitled "Return or restitution of cultural property to the countries of origin".

¹⁷ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirtieth Session, Paris, 26 October-17 November 1999*, vol. 1 and corrigendum: *Resolutions*.