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Item No. 9 on the agenda: International Protection of Cultural Property

Implementation and status of the 1995 Convention

(prepared by the Secretariat)

<i>Summary</i>	<i>Report on the status, follow-up and promotion of the 1995 UNIDROIT Convention and related instruments</i>
<i>Action Requested</i>	<i>The Governing Council is invited to take note of the activities to promote the UNIDROIT instruments relating to the international protection of cultural property</i>
<i>Mandate</i>	<i>Work Programme 2023-2025</i>
<i>Priority</i>	<i>High</i>
<i>Related Documents</i>	UNIDROIT 2024 - C.D. (103) 2 ; UNIDROIT 2024 - C.D. (103) 21

I. INTRODUCTION

1. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (“the [1995 UNIDROIT Convention](#)”) was opened for signature in Rome on 24 June 1995 and entered into force on 1 July 1998 following the deposit of the fifth instrument of ratification in accordance with Article 12 of the Convention.

2. The high priority given to the implementation of UNIDROIT instruments was again confirmed in the 2023-2025 Work Programme. This document provides an update on UNIDROIT's activities related to the promotion and implementation of the 1995 UNIDROIT Convention since the 102nd session of the Governing Council in May 2023, with activities prior to December 2023 detailed in the 2023 Annual Report ([C.D. \(103\) 2](#)) and the document on the UNIDROIT Academy ([C.D. \(103\) 21](#)) for those undertaken within the framework of the 1995 Convention Academic Project.

II. STATES PARTIES

3. As of 20 April 2024, the Convention has 54 Contracting States (see Annexe for details). Other States are well advanced in the process of acceding to the 1995 UNIDROIT Convention, in particular Iraq, Mauritania, the Central African Republic and Uruguay, or have begun formal consideration of accession, such as Saudi Arabia.

III. PROMOTION ACTIVITIES

A. G20 Working Group on Culture

4. In 2023, UNIDROIT was invited by the Indian G20 Presidency to participate in the work of the G20 Working Group on Culture – and the Ministerial Meeting – which focused on four priority areas: (i) the protection and restitution of cultural property; (ii) harnessing living heritage for a sustainable future; (iii) promoting cultural and creative industries and the creative economy; and (iv) leveraging digital technologies for the protection and promotion of culture.

5. The document adopted by the Working Group, the “Kashi Culture Pathway”, called for “a strengthened and effective global coalition to bolster the fight against illicit trafficking of cultural property, particularly by encouraging the ratification and effective implementation of international agreements and conventions as relevant – notably (...) the UNIDROIT Convention on Stolen or Illegally Exported Cultural Property (1995) (...) while also ensuring progress and better implementation of international standards, in close cooperation with relevant organisations, including UNESCO, ICCROM, ICOM, ICOMOS and UNIDROIT”.

B. UNIDROIT International Programme of Law and Development

6. During the 2023 edition of the International Programme for Law and Development, the 1995 UNIDROIT Convention was presented by the UNIDROIT Secretariat and a representative of the Italian Carabinieri’s Specialised Unit for Cultural Heritage. It was an opportunity to discuss the implementation of the Convention with States already parties and to provide a comprehensive briefing of the accession process to representatives of States not yet parties. A special meeting was organised for participants particularly interested in this area of work, and exchanges have continued after the session. The 1995 UNIDROIT Convention – along with other instruments on the international protection of cultural property – will be presented at the 2024 edition.

C. Publications

1. Publication of the contributions to the 25th anniversary of the 1995 UNIDROIT Convention

7. UNIDROIT celebrated the 25th anniversary of the 1995 Convention by organising an international conference held on 8 and 9 October 2020 at the seat of the Institute in Rome, entitled “The 1995 UNIDROIT Convention - Cultural Property at the Crossroad of Rights and Interests”. The Conference had generated a great deal of interest, and the hybrid format allowed the participation of more than 300 people from all over the world. The Conference provided an opportunity to take stock of the implementation of the Convention, to raise awareness on the importance of uniform laws for the restitution and return of cultural property, to strengthen synergies between the Convention and other international instruments, and to explore future steps in projects aimed at promoting a legal framework conducive to the successful implementation of the objectives of the Convention, such as the 1995 UNIDROIT Convention Academic Project (UCAP). In December 2023, UNIDROIT published the contributions to the conference in a book of more than 400 pages.



2. Publication of the Commentary to the 1970 UNESCO Convention and the 1995 UNIDROIT Convention

8. The first commentary on the 1970 and 1995 Conventions in a single volume was published in 2024 in the collection [Oxford Commentaries on International Cultural Heritage Law](#). It provides

(i) an article-by-article analysis of the history, interpretation and application of the treaties; (ii) a critical historical and thematic overview of the rules of public and private international law governing trade in cultural property; and (iii) analysis in the context of other cultural conventions and related areas of international law, including humanitarian law, criminal law, human rights law, and economic law. Moreover, it identifies and elaborates current and future trends in the field.

D. UNIDROIT and its partners

9. At the institutional level, UNIDROIT has continued to maintain and further develop its close collaboration with several organisations in this field, including UNESCO, the European Union, the Council of Europe, INTERPOL, the World Customs Organization (WCO), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) – in both Rome and Sharjah (United Arab Emirates)-, NATO, the International Council of Museums (ICOM), the Antiquities Coalition, and the Italian Carabinieri's Specialised Unit for Cultural Heritage.

10. UNIDROIT regularly participates in national and regional capacity-building seminars on the fight against illicit trafficking of cultural property organised at the specific request of countries to improve their understanding (towards accession) of the 1995 UNIDROIT Convention. In 2023, UNIDROIT participated in such (national or regional) seminars in Brazil, Comoros, Ethiopia, India, Israel, Latvia, Qatar, Saudi Arabia, and Türkiye, in addition to many countries throughout East, Central and West Africa.

11. UNIDROIT also continued its collaboration with the Economic Community of West African States (ECOWAS) on the implementation of the 2019-2023 Action Plan for the Return of African Cultural Property to its Countries of Origin, which was validated by ECOWAS Ministers of Culture in Cotonou, Benin, in April 2019 and which, *inter alia*, calls on Member States to take the necessary measures to become party to the UNIDROIT 1995 Convention as soon as possible. Following the International Symposium on Approaches to the Restitution of African Cultural Property to its Countries of Origin, held in Dakar in March 2023, UNIDROIT organised a meeting with ECOWAS in Accra, Ghana, in July 2023 to strengthen the capacities of Member States on legal issues and procedures relating to the restitution of cultural property, which also aimed to create a network of African lawyers specialised in these matters. Follow-up work is envisaged in the near future.

12. UNIDROIT was invited to take part in the work of the European Commission's Working Group on Dialogue with the Art Market - Sub-Group to the Commission Expert Group on Cultural Heritage (which is due to meet twice a year) and was represented at its first meeting held in Brussels on 18 and 19 December 2023. This group of experts, which is a component of the European Commission's Action Plan against Trafficking in Cultural Property 2022-2025 (AP), aims to establish a regular dialogue with the art market on topics relating to the fight against illicit trafficking of cultural property.

13. At the express request of the Prosecutor General's Office of Ukraine, UNIDROIT participated in two workshops organised in February 2024 by the European Union Advisory Mission to Ukraine (EUAM) in Kyiv and Poltava on crimes against Ukrainian cultural heritage. The workshops were destined for Ukrainian investigators, members of the State Security Services, and prosecutors. A follow-up is foreseen.

IV. ACTION REQUESTED

14. *The UNIDROIT Secretariat invites the Governing Council to take note of developments relating to the promotion of the 1995 UNIDROIT Convention and its other instruments relating to the international protection of cultural property.*

ANNEXE

**UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS
CONVENTION D'UNIDROIT SUR LES BIENS CULTURELS VOLES OU ILLICITEMENT EXPORTEES**

Adoption: Place / *Lieu*: Rome / Date: 24-06-1995

Entry into force / *Entrée en vigueur*: Yes / *Oui* ≈ Date: 01-07-1998
Conditions: 5 ratifications (Art. 12)

Contracting States / *États contractants*: **54**

Depositary / *Dépositaire*: Italian Government / *Gouvernement italien*

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>	DECLARATIONS
Afghanistan	-	23-09-05	01-03-06	Arts. 16, 17
Algeria / <i>Algérie</i>	-	09-04-15	01-10-15	Arts. 16, 17
Angola	-	19-06-14	01-12-14	Arts. 16, 17
Argentina / <i>Argentine</i>	-	03-08-01	01-02-02	Arts. 16, 17
Azerbaijan / <i>Azerbaïdjan</i>	-	06-06-03	01-12-03	Arts. 16, 17
Benin / <i>Bénin</i>	-	11-01-21	01-09-21	Arts. 16, 17
Bolivia / <i>Bolivie</i>	29-06-96	13-04-99	01-10-99	Arts. 16, 17
Bosnia-Herzegovina / <i>Bosnie-Herzégovine</i>	-	08-05-17	01-11-17	Arts. 16, 17
Botswana	-	28-08-17	01-02-18	Arts. 16, 17
Brazil / <i>Brésil</i>	-	23-03-99	01-09-99	Arts. 16, 17
Burkina Faso	24-06-95	02-10-18	01-04-19	Arts. 16, 17
Cambodia / <i>Cambodge</i>	24-06-95	11-07-02	01-01-03	Arts. 16, 17
China / <i>Chine</i>	-	07-05-97	01-07-98	Arts. 3(5), 16, 17
Colombia / <i>Colombie</i>	-	14-06-12	01-12-12	Arts. 16, 17
Côte d'Ivoire	24-06-95	23-12-20	01-07-21	Arts. 16, 17
Croatia / <i>Croatie</i>	24-06-95	20-09-00	01-03-01	Arts. 16, 17
Cyprus / <i>Chypre</i>	-	02-03-04	01-09-04	Arts. 16, 17
Denmark / <i>Danemark</i>	-	01-01-11	01-07-11	Art. 14, 16, 17
Ecuador / <i>Equateur</i>	-	26-11-97	01-07-98	Arts. 3(5), 16, 17
El Salvador	-	16-07-99	01-01-00	Arts. 16, 17
Finland / <i>Finlande</i>	01-12-95	14-06-99	01-12-99	Arts. 13(3), 16, 17
France	24-06-95	-	-	-
Gabon	-	12-05-04	01-11-04	-
Georgia / <i>Géorgie</i>	27-06-95	-	-	-
Ghana	-	20-09-19	01-03-20	Arts. 16, 17
Greece / <i>Grèce</i>	-	19-07-07	01-01-08	Arts. 13(3), 16, 17
Guinea / <i>Guinée</i>	24-06-95	-	-	-
Guatemala	-	03-09-03	01-03-04	Arts. 3(5), 16, 17
Honduras	-	27-08-13	01-02-14	-

Hungary / <i>Hongrie</i>	24-06-95	08-05-98	01-11-98	Arts. 3(5), 16, 17
Iran (Islamic Rep. of / <i>Rép. islamique d'</i>)	-	22-06-05	01-12-05	Arts. 16, 17
Italy / <i>Italie</i>	24-06-95	11-10-99	01-04-00	Arts. 13(3), 16, 17
Lao People's Democratic Republic / <i>Rép. Dém. Pop. Lao</i>	-	18-05-17	01-11-17	Arts. 16, 17
Latvia / <i>Lettonie</i>	-	08-02-19	01-08-19	Art. 16
Lithuania / <i>Lituanie</i>	24-06-95	04-04-97	01-07-98	Arts. 16, 17
Madagascar	-	06-12-21	01-06-22	Arts. 16, 17
Mexico / <i>Mexique</i>	-	12-05-22	01-11-22	Arts. 16, 17
Montenegro	-	08-07-19	01-01-20	Art. 16
Morocco / <i>Maroc</i>	-	03-08-22	01-02-23	Arts. 16, 17
Myanmar	-	20-06-18	01-12-18	Arts. 3(5), 16, 17
Netherlands / <i>Pays-Bas</i>	28-06-96	-	-	Arts. 3(5), 13(3), 17
New Zealand / <i>Nouvelle-Zélande</i>	-	16-11-06	01-05-07	Arts. 16, 17
Nigeria / <i>Nigéria</i>	-	10-12-05	01-06-06	-
North Macedonia / <i>Macédoine du nord</i>	-	22-08-13	01-02-14	Arts. 16, 17
Norway / <i>Norvège</i>	-	28-08-01	01-03-02	Arts. 13(3), 14, 16, 17
Pakistan	27-06-96	-	-	-
Panama	-	26-06-09	01-12-09	Arts 3(5), 16, 17
Paraguay	13-06-96	27-05-97	01-07-98	Arts. 16, 17
Peru / <i>Pérou</i>	28-06-96	05-03-98	01-09-98	Arts. 16, 17
Portugal	23-04-96	19-07-02	01-01-03	Arts. 16, 17
Romania / <i>Roumanie</i>	27-06-96	21-01-98	01-07-98	Arts. 16, 17
Russian Fed. / <i>Féd. de Russie</i>	29-06-96	-	-	-
Senegal / <i>Sénégal</i>	29-06-96	-	-	-
Slovakia / <i>Slovaquie</i>	-	16-06-03	01-12-03	Arts. 16, 17
Slovenia / <i>Slovénie</i>	-	08-04-04	01-10-04	Arts. 16, 17
South Africa / <i>Afrique du Sud</i>	-	09-01-18	01-07-18	Arts. 16, 17
Spain / <i>Espagne</i>	-	21-05-02	01-11-02	Arts. 3(5),13(3), 16, 17
Sweden / <i>Suède</i>	-	28-06-11	01-12-11	Arts. 13(3), 16, 17
Switzerland / <i>Suisse</i>	26-06-96	-	-	-
Syrian Arab Republic / <i>République arabe syrienne</i>	-	27-04-18	01-10-18	Arts. 16, 17, D
Togo	-	03-09-21	01-03-22	Arts. 16, 17
Tunisia / <i>Tunisie</i>	-	02-03-17	01-09-17	Arts. 16, 17
Zambia / <i>Zambie</i>	24-06-95	-	-	-