

CONFERENCE REPORT
Thirtieth Anniversary of UNESCO
Convention on the Means of
Prohibiting and Preventing the Illicit
Import, Export and Transfer of
Ownership of Cultural Property
Paris, France
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The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 has been much in the news of late. On March 14, 2001, the British government announced that the United Kingdom would ratify it. Because the United Kingdom is one of the world's major markets in cultural heritage, this is a significant development in the life of the convention. But, in making this decision, the United Kingdom joins a similar group of states. Switzerland is well on the way to introducing the necessary legislation. Belgium has announced that it has begun the process of ratification. Sweden has said it will ratify. Japan is actively considering the same step. The thirtieth anniversary of the adoption of the convention by the Sixteenth UNESCO General Conference was thus an excellent time to assess what had been done and what the future held.

Professor Lord Renfrew of Kaimsthorn, director of the McDonald Institute of Archaeological Research at Cambridge, gave the opening paper that led to uproar in France. He referred to a request made by President Chirac of France to the President of Nigeria for the legitimization of the purchase of Nok antiquities allegedly looted from Nigeria and acquired from a Belgian dealer for display in the Louvre and ultimately the Musée du Quai Branly. Lord Renfrew stated that this "was not an honourable request to be made by a Head of State." Referring to the

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Director of the museum and others, he said that “they should hang their heads in shame that the President of France should be put in such a position presumably at their recommendation.” These statements were seized on by the newspaper *Libération* and led to a flurry of statements and counterstatements by the French and Nigerian governments. But Lord Renfrew’s references should be put within the context of his theme that the sale of unprovenanced antiquities should be stigmatized. He also criticized the Royal Academy of Arts in the United Kingdom for allowing the exhibition of a collection containing many objects without provenance, the display by a museum in Athens of the private collection of a former Prime Minister of Greece, the collecting policy of the Miho Museum in Japan, and the exhibition policies of the Boston Museum and the Metropolitan Museum in the United States. He emphasized particularly the dangers of museums exhibiting private collections containing unprovenanced antiquities and thereby increasing their sale value. But Lord Renfrew also stressed the need for greater protection to be given to sites and museums and for education encouraging people to learn about their own heritage.

The next speaker was Professor Folarin Shyllon from the University of Ibadan in Nigeria. The bulk of his paper was devoted to the illicit trade in ethnological material. However, he also discussed the role of governments in both suppressing and encouraging this trade. Special mention was made of the situation in Nigeria. General Roberto Conforti, *Comando Carabinieri Tutela Patrimonio Artistico*, from Italy then presented a study prepared by his command, showing the growth in illicit traffic of cultural heritage, together with the rate of recovery.

Lord Renfrew concluded his paper with the words: “Let us celebrate the UNESCO Convention, but let us also recognize that its work is far from done.” Patrick O’Keefe indicated the way the convention is currently working and the dangers it is facing. Statistics of actions involving the convention are rare but ignore the convention’s main role—in essence, provision of a basis for those who would change the morality of trade in cultural heritage. Here it has been very successful, but there must be vigilance to see that this moral authority is not undone by action such as the *amici curiae* brief by the American Association of Museums in the case *United States v. An Antique Platter of Gold*¹ and the recently proposed amendments to the United States Cultural Property Implementation Act. UNESCO itself needs to do much more in devoting staff and funds to implementing the convention as it does for the World Heritage Centre, which administers the Convention Concerning the Protection of the World Cultural and Natural Heritage 1972.

The final part of the morning was devoted to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995 and its relation to the UNESCO Convention. Professor Georges Droz, formerly Secretary-General of the Hague Conference for Private International Law, outlined the nature and op-

eration of the UNIDROIT Convention, and Dr. Lyndel Prott, director of the Cultural Heritage Division of UNESCO, spoke on the relationship between the two conventions. She stressed their ability to complement each other and that one should not be seen as detracting from the other.

The afternoon session began with a paper by Robin Thornes on Object ID. In 1993 the Getty Information Institute initiated a collaborative project with international organizations, government administrations, museums, dealers, police, customs, the insurance industry, and appraisers to develop an international documentation standard for the information needed to identify specific items of cultural property. Out of this came "Object ID" which has now been widely adopted around the world. For example, it was endorsed by the Thirtieth General Conference of UNESCO, November 1999, following a Recommendation of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, which adopted Object ID as the international standard for recording minimal data on movable cultural property, to be used to the fullest extent possible by all member states of UNESCO.

The next topic was listed as training in implementation of the conventions, although the three interventions—by Jean-Pierre Jouanny of INTERPOL, Commissaire principal Lelièvre of the Office central de lutte contre le trafic des biens culturels, and Manus Brinkman, Secretary-General of the International Council of Museums—took a much broader view than this. The first two discussed the problem of theft from a police perspective and the use of new techniques to combat this, particularly the use of computers and databases. Brinkman described the action ICOM had taken to combat illicit trade through the use of such publications as the *One Hundred Missing Objects* series and the *Red List (Stop the Looting of African Archaeological Objects)*. One aspect that emerged clearly from Brinkman's paper was that dealers, auctioneers, and museums, when challenged by ICOM over a particular acquisition or transaction, usually tried to respond by simply denying there was any problem. The final paper was by Mounir Bouchenaki, Assistant Director-General for Culture of UNESCO, who discussed the system of national reports under the 1970 Convention. Such reports have been called for in 1978, 1987, and 1995. The next set is due in 2003. They contain much information on national legislation, administration, and practical implementation. But Bouchenaki noted that national measures are ineffective without a system of international cooperation.

On the evening of November 15, there was a formal ceremony of commemoration in the presence of senior governmental representatives and ambassadors of UNESCO member states, followed by a reception. For this the Comando Carabinieri Tutela Patrimonio Artistico had prepared an exhibition of material seized during the course of the Command's investigations. This vividly illustrated the variety of objects subject to theft and smuggling. The evening ceremony also pro-

vided the opportunity for UNESCO to launch publications illustrating a variety of initiatives:

- (i) International Code of Ethics for Dealers in Cultural Property
- (ii) Information kit on illicit traffic in cultural property
- (iii) Article-by-article commentary on the 1970 UNESCO Convention in English
- (iv) Training Handbook for the implementation of the 1970 UNESCO Convention in French
- (v) Commentary on the 1995 UNIDROIT Convention in French

With the exception of item (iii), all are available from UNESCO on application to the International Standards Section.

The first publication consists of a folder illustrated by Paul Klee's *The Niesen*, stolen from the Museum of Fine Arts in Berne in 1976. It contains a copy of the code of ethics in French and English, together with an explanatory document in both languages. Work began on the code in 1987 following a request by the fifth 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. It was endorsed by the Thirtieth General Conference of UNESCO in November 1999. Part of the cost of this publication was met by the Comando Carabinieri Tutela Patrimonio Artistico.

The information kit on illicit traffic consists of a similar folder illustrated by a jade figurine stolen from a museum in Mexico in July 1999 during a travelling exhibition. It contains A4-size leaflets on a variety of aspects of the illicit traffic in cultural property: for example, a fact sheet; recent examples of successful returns; the texts of the 1970 and UNIDROIT Conventions; states party to the conventions; background on the International Standards Unit in UNESCO; and a selected bibliography. Also in the kit are six postcards illustrating five missing objects and one that has been found.

The article-by-article commentary on the 1970 Convention was written by Patrick J. O'Keefe and published by the Institute of Art and Law, Leicester, in 2000. Apart from the commentary, the book deals with the origins of the convention; some preliminary issues (such as retroactivity, import controls, reservations, and relationship to other international conventions); examples of implementation, particularly in Australia and the United States of America; and the convention's impact on recoveries, ethics, and policies.

The English version of the handbook by Pernille Askerud and Etienne Clément for the implementation of the 1970 Convention, entitled *Preventing the Illicit Traffic in Cultural Property*, was published by UNESCO in 1977. Also available in Chinese and Spanish, it has been widely distributed and is used in training workshops run by UNESCO.

Lyndel Prutt's commentary in English on the UNIDROIT Convention was published by the Institute of Art and Law, Leicester, in 1997. It contains an article-by-article commentary on the convention. The French version is published by UNESCO.

NOTE

1. 991 F. Supp. 222 (1997); 184 F.3d 131 (1999).