

The Gyeongju Recommendation (Draft 10/19)

We, the participants of the "6th International Conference of Experts on the Return of Cultural Property," held in Gyeongju, Republic of Korea, from 17 to 19 October 2016,

Expressing our sincere gratitude to our hosts, the Ministry of Foreign Affairs and the Cultural Heritage Administration of the Republic of Korea, to our organizers, the Overseas Korean Cultural Heritage Foundation and the Cultural Property Return Campaign Center, and last but not least to our sponsors, Gyeongsangbuk-do Provincial Government, the City of Gyeongju, and the Korean National Commission for UNESCO, for their outstanding efforts and dedication,

Recognizing that the International Conference of Experts on the Return of Cultural Property, which was first proposed by the Republic of Korea in 2011 and whose first session was held in Seoul in the same year, with the second session in Seoul in 2012, third session in Ancient Olympia, Greece in 2013, fourth session in Dunhuang, China in 2014, fifth session in Nevşehir, Turkey in 2015, and sixth session here in Gyeongju, the Republic of Korea this year, has provided precious opportunities for the international community to share its experiences and knowledge on the return of cultural property and join the fight against the illicit trade in cultural property,

Welcoming the U.N. Resolution A/70/76, unanimously adopted in its December 9, 2015 General Assembly meeting and especially the operative

paragraph 7 of this Resolution, where for the first time the recent institution of International Conference of Experts on the Return of Cultural Property as well as their concluding documents were recognized,

Recalling the Seoul Declaration (2011), the Seoul Recommendation (2012), the Ancient Olympia Recommendation (2013), the Dunhuang Recommendation (2014), and the Cappadocia Recommendation (2015) adopted by the previous International Conferences of Experts on the Return of Cultural Property.

Noting that international legal instruments, including the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its two protocols (1954 and 1999), the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (1970), and the UNIDROIT Convention on Stolen or Illicitly Exported Cultural Objects (1995), as well as the devoted efforts and subsequently-adopted resolutions of the United Nations (UN) and legal instruments of the United Nations Educational, Scientific and Cultural Organization (UNESCO), have contributed to the prevention of the illicit trade in cultural property and its return to countries of origin,

Acknowledging that not only international non-governmental organizations, such as the International Council of Museums (ICOM), but also public and private institutions, including museums, libraries, and religious organizations, as well as the general public and local communities, have ever-increasing roles to play in the struggle against the illicit trade in cultural property,

Commending, in particular, that the amicable efforts by Korean civil society and religious organizations to recover illicitly exported cultural property by means of dialogue and mutual exchange cooperating with other foreign institutions in possession thereof have set a positive precedent that can be emulated by numerous states which have similarly suffered from the illicit export of their cultural property,

Observing greater need for administrative and judicial mutual assistance between countries and closer cooperation from auction houses, museums, and libraries in each country to prevent new means of illicit trade in cultural property in the art market, including online sales,

Condemning any uncivilized acts of vandalism directed against cultural property, including the recent destruction and illegal removal of cultural property in the conflict-ridden Middle East and the rest of the world,

Recommend that:

1. Each State should closely cooperate with other States for the return or restitution of illegally exported cultural property and the prevention of the illicit export of cultural property, and reinforce existing networks among public and private organizations, as well as individuals to share and exchange information concerning stolen or illicitly exported cultural property and its restitution;
2. Each State should continue to update the existing inventory of state owned and privately owned cultural property, as well as the databases of stolen or illicitly exported cultural property, and share actively such information with

governments, relevant institutions, and non-governmental organizations of other States aiming to establish a common publicly available international platform;

3. Each State should continuously monitor the art market, including online markets, to control the illicit trade in cultural property, raise awareness of the legal and ethical duties of due diligence for participants of such markets, and impose administrative and judicial sanctions, when appropriate;

4. Each State should allocate resources to encourage provenance research, to facilitate licit trade in cultural property, and develop and implement educational programs to share and disseminate the outcomes of such research, thereby improving the capacity of those who work in the area.

5. Museums, libraries, and other public and private organizations that hold cultural property and collections are encouraged to:

a) Take appropriate action to facilitate the rapid return of human remains and sacred cultural property when they receive a request for the return of such property, taking into account the wishes of the departed, the interests and beliefs of the members of the community, ethnic group or religious society from whom the property was taken;

b) Make every effort before acquisition, in compliance with Article 4.4 of the 1995 UNIDROIT Convention, to ensure that any cultural property offered for purchase, donation, or any other transfer thereof, has clear title,

- c) Provide their directors, personnel, and volunteers with periodic training and educational sessions to raise awareness of illicit trade in cultural property and endeavor to ensure that the ICOM Code of Ethics for Museums is fully complied with;

And also,

- 6. Auction houses, museums and art dealers should accept for consignment, acquire or trade in cultural property only when they are satisfied that a valid title is held and should make public all available provenance-related information on cultural property;
- 7. Governmental organizations, non-governmental organizations, the general public and local communities, private research institutes, museums, libraries, international academic institutions etc. should continue their efforts to further promote the purpose and spirit of this Conference which has been held annually in the Republic of Korea, Greece, China, and Turkey since 2011, respectively, for prohibiting and preventing illicit trade in cultural property and promoting return or restitution of illicitly exported or stolen cultural property.