

## Cultural Property Transfer / Transfert des biens culturels / Trasferimento dei beni culturali / Kulturgütertransfer

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This publication contains the official texts of the UNESCO Convention 1970 in English and French as well as unofficial German and Italian versions. Furthermore, unofficial English translations of the official German, French and Italian texts of the Cultural Property Transfer Act and Ordinance are also presented. This publication specifically pursues four goals: (i) to give an overview of the UNESCO Convention 1970; (ii) to introduce the new federal laws, so important for Swiss cultural operations and the art trade to English-speaking practitioners; (iii) to provide legal advisors in Switzerland an aid on issues of culture and art trade for cooperation with foreign colleagues in English, French, Italian or German; and finally, (iv) to simplify a direct comparison of the three official language versions of the Cultural Property Transfer Act and Cultural Property Transfer Ordinance.

The introduction prior to the release of the Convention and legal texts is intended to provide the domestic and foreign reader an introduction into the world of the international transfer of cultural property. This introduction into the new law uses easily understandable language. It is not, however, intended to be a commentary on the UNESCO Convention 1970, the Cultural Property Transfer Act and the Cultural Property Transfer Ordinance.

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The Federal Act on the International Transfer of Cultural Property (Cultural Property Transfer Act) and the Ordinance on the International Transfer of Cultural Property (Cultural Property Transfer Ordinance) enter into effect on June 1, 2005. These laws regulate for the first time under Swiss Law the import, export, and transfer of cultural property. Switzerland thus complies with international obligations made upon joining the UNESCO Convention from November 14, 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO Convention 1970). At the same time, Switzerland underscores its commitment to protecting the cultural heritage as a fundamental interest of Swiss cultural policy. Thus, on the one hand, protecting Switzerland's own heritage while, on the other, respecting the cultural heritage of other nations. As a member of the international community and as a significant center for art trade, Switzerland wants to actively support efforts aimed at protecting endangered cultural property. This is even more pressing today as increasing globalization also suggests a corresponding increase in the illicit art trade. Transparent market rules and coordinated interaction of the same are required to guarantee effective cultural property protection at both a national and international level as well as exchanges between equal partners.

**Die vorliegende Publikation verfolgt insbesondere vier Ziele:**

- sie soll einen Überblick über die UNESCO-Konvention 1970 in Englisch, Französisch, Italienisch und Deutsch vermitteln;
- dem englischsprachigen bzw. ausländischen Praktiker soll der Zugang zu den für den Schweizer Kulturbetrieb und Kunsthandel bedeutsamen neuen Bundeserlassen eröffnet werden;
- dem in der Schweiz im Kulturbereich und Kunsthandel tätigen Rechtsberater soll ein Hilfsmittel für die in englischer, französischer, italienischer oder deutscher Sprache erfolgende Zusammenarbeit mit ausländischen Kollegen an die Hand gegeben werden;
- sie will ferner den direkten Vergleich der drei amtlichen Textfassungen des Kulturgütertransfergesetzes und der Kulturgütertransferverordnung erleichtern.

**La présente publication poursuit essentiellement quatre buts :**

- fournir une vue d'ensemble de la Convention de l'UNESCO de 1970 en anglais, français, italien et allemand,
- offrir au praticien de langue anglaise un accès facilité à la nouvelle législation fédérale dont l'impact sur l'activité culturelle et le marché de l'art en Suisse est majeur,
- faciliter la collaboration des praticiens suisses avec leur correspondants étrangers et
- permettre la comparaison critique des trois versions officielles de la loi et de l'ordonnance.

**La pubblicazione persegue qui quattro obiettivi particolari:**

essa vuole fornire una panoramica concisa della Convenzione UNESCO 1970 in lingua inglese, francese, italiana e tedesca; si vuole consentire agli esperti anglofoni o stranieri l'accesso a questi nuovi atti legislativi, importanti per l'attività culturale e il commercio d'arte in Svizzera; si vuole dotare il consulente giuridico operante in Svizzera nell'ambito della cultura e del commercio d'arte di un ausilio per la collaborazione con colleghi esteri in lingua inglese, francese, italiana o tedesca e, infine, si vuole facilitare un confronto diretto delle tre versioni ufficiali del testo della Legge sul trasferimento dei beni culturali e dell'Ordinanza sul trasferimento dei beni culturali.

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