

AGREEMENT

BETWEEN

THE SWISS FEDERAL COUNCIL

AND

**THE GOVERNMENT OF THE REPUBLIC OF
TÜRKİYE**

**ON PREVENTING THE ILLICIT IMPORT AND
TRANSIT AND THE REPATRIATION OF
ARCHAEOLOGICAL CULTURAL PROPERTY**

*The Swiss Federal Council
and
the Government of the Republic of Türkiye,*

in application of the November 14, 1970 UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are a party,

in consideration that theft, looting and the illicit import and export of cultural property hinders legal cultural exchanges,

understanding that the loss of cultural property represents a danger to the cultural heritage of mankind,

endeavoring to make a contribution to maintain and secure cultural heritage and to lessen any incentive for the illegal transfer of cultural property,

in the belief that cooperation between both countries may constitute an important contribution in this regard,

endeavoring to ease the repatriation of illicitly imported cultural property and to intensify contacts between both countries with regard to cultural exchanges,

considering that the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations,

have agreed as follow:

Art. I Subject

(1) This agreement regulates the import, transit as well as the repatriation of cultural property in order to prevent its illicit transfer as it relates to both parties to the agreement.

(2) This agreement applies exclusively to categories of cultural property listed as an appendix to this agreement.

Art. II **Import prohibition**

(1) Cultural property may not be imported to one of the parties to the agreement unless it is demonstrated to the custom authorities that the export regulations of the other party to the agreement are fulfilled. If the law of this party to the agreement requires a permit to export cultural property, it must be presented to the customs authorities of the other party to the agreement.

(2) The following must be provided at the customs declaration:

- a. the cultural property object type;
- b. as detailed a description as possible on the place of manufacture, or if the result of archeological or paleontological excavations, the place where the cultural property was found.

Art. III Claims for repatriation: Jurisdiction, applicable law, support

- (1) One party to the agreement may file action for the repatriation of cultural property at the other party to the agreement in whose territory the cultural property was illicitly imported.
- (2) The action may be filed before the competent courts at the location of the cultural property.
- (3) The action is governed by the national law of the party to the agreement where the cultural property is located.
- (4) The competent authority pursuant to Art. IX of this agreement where the cultural property is located advises and supports the party of the agreement filing within the means at its disposal to:
 - a. locate the cultural property;
 - b. clarify competent court;
 - c. find specialized legal representatives;
 - d. temporary custody and conservative care of the cultural property until its repatriation.
 - e. to research how the cultural property that was imported illicitly entered their territories and to share this information with the other party to the agreement.

Art. IV Repatriation regime: Modalities

- (1) The party filing suit must demonstrate:
 - a. that the cultural property belongs to one of the categories listed in the appendix, and
 - b. that it was illicitly imported to the other party to the agreement after this agreement entered into effect.
- (2) If the protection of the cultural property is not guaranteed during repatriation in the territory of the party to the agreement filing suit, due to natural disasters, armed conflicts and other exceptional events that endanger the cultural heritage of this party to the agreement, the other party to the agreement may suspend execution of repatriation until the protection of the cultural property is guaranteed during repatriation.
- (3) Claims for repatriation by a party pursuant to this Agreement are subject to a statute of limitation according to the applicable national law of the party to the agreement where the cultural property is located.
- (4) The parties to the agreement support negotiations about the voluntary repatriation of cultural property that was illicitly imported to the other in the framework of reciprocal good faith without limitaton in the time.

Art. V Repatriation regime: Costs, compensation

(1) The party to the agreement filing suit carries the costs for measures necessary for securing, maintaining, and repatriating the cultural property.

(2) In accordance with the applicable national law of the party to the agreement where the cultural property is located and with reference to Art. 7 let. b (ii) of the UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, the party to the agreement filing suit shall pay just compensation to the person who acquired the cultural property in good faith and must return it to the party to the agreement filing suit. The competent court shall determine the just compensation in accordance with the applicable national law.

Art. VI Treatment of returned cultural property

The party to the agreement filing suit is obligated to ensure that the returned cultural property is reasonably protected, accessible and provided for exhibition purposes in the territory of the other party to the agreement.

Art. VII Announcement requirements

The parties to the agreement are required to announce the contents of this agreement, in particular, to circles impacted by this agreement such as cultural and art sectors and collectors as well as customs and criminal prosecution authorities.

Art. VIII Promotion of cooperation and training

The Parties shall endeavour to promote cooperation and training within the scope of this Agreement such as:

- a. Exchange of experiences, organisation of joint projects, seminars, workshops or other meetings.
- b. Conservation and promotion of archaeological sites and ancient monuments, as well as issues concerning archaeological and ethnographical museums.
- c. Exchange or organisation of archaeological exhibitions of mutual interest.

Art. IX Competent authorities

(1) The competent authorities for the execution of this agreement are:

- a. in the Swiss Confederation: Federal Department of Home Affairs, Federal Office of Culture, Specialized Body for the International Transfer of Cultural Property;
- b. in the Republic of Türkiye: Ministry of Culture and Tourism.

(2) These authorities are authorized to cooperate directly with one another within the framework of their competencies.

(3) The competent authorities transmit the relevant phone and fax numbers to one another after this agreement enters into force and appoint a point-of-contact that is familiar with the language of the other party to the agreement, if possible.

(4) The competent authorities must immediately report changes of competencies or designations of the authorities pursuant to paragraphs 1 and 2.

Art. X Reciprocal information

(1) The parties to the agreement report to each other via the competent authorities pursuant to Art. IX of this agreement thefts, lootings, loss and other events impacting cultural property listed under the categories in the appendix.

(2) The parties to the agreement immediately and reciprocally report any changes to domestic law on the transfer of cultural property.

Art. XI Reciprocal engagement

The parties to the agreement cooperate in the execution of this agreement with international institutions responsible for combating the illegal transfer of cultural property such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), Interpol (International Criminal Police Organization), the International Council of Museums (ICOM) and the World Customs Organization (WCO).

Art. XII Follow-up

(1) The competent authorities pursuant to Art. IX of this agreement review the application of this agreement on a regular basis and propose changes as appropriate. They may also discuss proposals that promote further cooperation in the area of cultural exchanges.

(2) Representatives of the competent authorities meet, at the latest at the end of the period of this agreement, and alternatively in Switzerland and Türkiye; furthermore, a meeting may be convened at the request of one party to the agreement, in particular, for important changes to applicable legal and administrative regulations relating to the transfer of cultural property.

Art. XIII Relationship to other international treaties

This agreement in no way impacts obligations of the parties to the agreement from other international, multilateral or bilateral treaties to which they are parties.

The European Convention on Mutual Assistance in Criminal Matters of 20th April 1959 is of particular importance for the prevention of the illicit transfer of cultural property and shall be applicable.

Art. XIV Exchange of views and settlement of differences

(1) Competent authorities pursuant to Art. IX of this agreement may exchange views in writing or meet for an oral exchange on the application or execution of this agreement in general or as relates to specific cases.

(2) Disputes regarding interpretation, application and execution of this agreement may be the subject of consultations and negotiations among the parties to the agreement.

Art. XV Timeframe and consequences of termination

(1) This agreement shall enter into force 30 days after the date of the receipt of the last written notification by which the Parties notify each other, through diplomatic channels, of the completion of their internal legal procedures required for the entry into force of the concerned document.

(2) This Agreement is concluded for five (5) years and it shall be renewed automatically for successive periods of five (5) years, unless one of the Parties notifies the other in writing through diplomatic channels of its intention to terminate the Agreement six (6) months prior to its expiration.

(3) This Agreement may be amended by mutual written consent of the Parties at any time. The Amendments shall enter into force in accordance with the same legal procedure prescribed under the first paragraph of this Article.

(4) Pending actions for repatriation are unaffected by termination of this Agreement.

So agreed to and drawn up in duplicate in French, Turkish and English on 15 November 2022, in Ankara, all versions being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the
Swiss Federal Council:

For the
Government of the Republic of Türkiye:

Alain BERSET
Federal Councillor, Head of the
Federal Department of Home Affairs

Mehmet Nuri ERSOY
Minister of Culture and Tourism

Categories of Swiss cultural property

The following categories will apply to objects dating from prehistoric times through to 1500 A.D., including but not limited to the following objects:

I. Stone

A. Architectural and decorative elements: Made of granite, sandstone, limestone, volcanic stone, marble and other types of stone. Construction elements belonging to grave sites, religious sites, and residences such as capitals, pilaster strips, columns, akroters, friezes, jambstones between two windows, mosaics, mouldings and tarsias made of marble, etc.

B. Inscriptions: On various types of stone. Altars, gravestones, stele, honorary inscriptions, etc.

C. Reliefs: Made of limestone and other types of stone. Stone reliefs, gravestone reliefs, sarcophagus decorated or undecorated, cinery urns, stele, decorative elements, etc.

D. Sculptures/Statues: Made of limestone, marble and other types of stone. Grave and votive statues, busts, statuettes, parts of grave furnishings, etc.

E. Tools/Devices: Made of flint and other types of stone. Various tools, for example, knife and dagger blades, axes, devices for craft activities, etc.

F. Weapons: Made of slate, flint, limestone, sandstone and other types of stone. Arrowheads, wrist guards, cannonballs, etc.

G. Jewelry/Costumes: From various types of stone, precious and semi-precious stones. Pendants, pearls, finger ring settings, etc.

II. Metal

A. Statues/Statuettes/Busts: Made of nonferrous metal, rare precious metal. Depictions of animals, humans and gods, portrait busts, etc.

B. Vessels: Made of nonferrous metals, rare precious metals and iron. Kettles, buckets, cups, pots, sieves, etc.

C. Lamps: Made of nonferrous metals and iron. Lamps and lighting fragments, etc.

D. Jewelry/Costumes: Made of nonferrous metals, rare precious metals. Leg, neck, arm and finger rings, pearls, needles, brooches (cloakpins), belt buckles and trimmings, pendants.

E. Tools/Devices: Made of iron and nonferrous metals, rare precious metals. Hatchets, axes, sickles, knives, tongs, hammers, drills, writing utensils, spoons, keys, locks, carriage parts, harnesses, horse shoes, chains, bells, etc.

F. Weapons: Made of iron and nonferrous metals, rare precious metals. Daggers, swords, lance tips, arrowheads, knives, shield boss, cannonballs, helmets, armor.

III. Ceramics

A. Vessels: Made of fine or rough ceramics of various color sources, to some extent, decorated, paint coating, glazed. Locally manufactured vessels and imported vessels. Pots, plates, dishes, cups, small vessels, bottles, ampules, sieves, etc.

B. Devices/Utensils: Made of ceramics. Crafts-related devices and various utensils. Lots of variants.

C. Lamps: Made of ceramics. Various types of oil and tallow lamps.

D. Statuettes: Made of ceramics. Depiction of figures of humans, gods, animals and body parts.

E. Stove tiles/Architectural elements: Made of ceramics, stove tiles often glazed. Architectural terracotta and paneling. Cup shaped stove tiles, decorated flat tiles, niche ledge, ledge tiles, corner tiles, cornice tiles, decorated/stamped floor tiles and roof tiles.

IV. Glass and glass paste

A. Vessels: Made of colored or clear glass. Bottles, cups, glasses, bowls, glass seals for bottles.

B. Jewelry/Costumes: Made of colored or clear glass. Arm rings, pearls, beads, jewelry elements.

V. Bone

A. Weapons: Made of bones and antlers. Arrowheads, harpoons, etc.

B. Vessels: Made of bones. Parts of vessels.

C. Devices/Utensils: Made of bone, antlers and ivory. Pickers, chisels, hatchets, axes, needles, awls, combs and decorated objects.

D. Jewelry/Costumes: Made of bone, antlers, ivory and teeth. Needles, pendants, etc.

VI. Wood

A. Weapons: Made of various types of wood. Arrows, bows, etc.

B. Devices/Utensils: Made of various types of wood. Flint axe, adze, spoons, knife handles, combs, wheels, small writing tablets, etc.

C. Vessels: Made of various types of wood. Various types of wood vessels.

VII. Leather/Cloth/Various organic materials

A. Weapons accessories: Made of leather. Shield coverings, etc.

B. Clothing: Made of leather, cloth and plant fibers. Shoes, clothing, etc.

C. Devices: Made of plant fibers and leather. Nets, quivers, etc.

D. Vessels: Made of plant fibers. Various vessels, woven, sewn, etc.

E. Jewelry/Costumes: Made of snail shells, lignite, etc. Arm rings, pearls, etc.

VIII. Painting

A. Murals: Made on mortar. Murals of various subjects.

IX. Amber

A. Jewelry/Costumes: Made of amber. Figures or simple jewelry elements.

Categories of Turkish cultural property

The following categories will apply to objects dating from prehistoric times through to 1500 A.D., including but not limited to the following objects:

I. Stone

A. Architectural decoration and elements

B. Monuments

C. Furniture

D. Sculptures and sculpture bases

E. Statuary and portraits

F. Statuettes and figurines

G. Reliefs

H. Inlay sculpture

I. Inscription

J. Tools

- K. Weapons*
- L. Sarcophagi and ossuaries*
- M. Altars*
- N. Seals*
- O. Jewellery*
- P. Vessels*
- Q. Mihraps*
- R. Minbers, Islamic and other religious decoration elements*
- S. Mosaics*
- T. Steles and Gravestones*
- U. Other daily use objects*

II. Metal

- A. Sculptures*
- B. Statuary and portraits*
- C. Statuettes and figurines*
- D. Reliefs*
- E. Inscribed and decorated metal sheets and plates*
- F. Vessels*
- G. Weapons*
- H. Tools*
- I. Armors*
- J. Jewellery*
- K. Coins*
- L. Ceremonial Objects*
- M. Seals*
- N. Inscriptions*
- O. Mirrors*
- P. Other daily use objects*

III. Ceramic

- A. Architectural decoration and elements*
- B. Vessels*
- C. Inscriptions*

- D. Tiles and plaques*
- E. Seals*
- F. Tablets*
- G. Sculptures*
- H. Statuary and portraits*
- I. Sarcophagi and ossuaries*
- J. Steles*
- K. Terracotta plaques*
- L. Models*
- M. Lamps*
- N. Other daily use objects*

IV. Wood

- A. Tools*
- B. Weapons*
- C. Armors*
- D. Icons*
- E. Coffins*
- F. Architectural elements*
- G. Ships and parts of other vehicles*
- H. Other daily use objects*

V. Bone and ivory

- A. Tools*
- B. Weapons*
- C. Jewellery*
- D. Small statuary and figurines*
- E. Seals*
- F. Tablets*
- G. Other daily use objects*

VI. Glass

- A. Architectural decoration and elements*
- B. Vessels*

- C. Tiles*
- D. Seals*
- E. Sculptures*
- F. Beads and jewellery*
- G. Mosaics*

VII. Paperwork

- A. Papyrus*
- B. Parchment*
- C. Manuscripts*
- D. Official documents*

VIII. Textile

- A. Dress*
- B. Carpets and kilims*
- C. Prayer rugs*
- D. Flags and pennants*
- E. Other textile fragments*

IX. Plaster and Stucco

Plaster and Stucco of all sorts.

X. Human and animal remains

Human and animal remains of all sorts.

XI. Fossils

Fossils of all sorts.

XII. Others

- A. Wall paintings*
- B. Rock art*
- C. Panel paintings*