

Agreement Between the Swiss Federal Council and the Government of the Arab Republic of Egypt regarding the illicit import and the transit as well as the recovery of antiquities to their place of origin

Concluded on April 14, 2010

Entered into force on February 20, 2011

Preamble:

Reaffirming the ties of cooperation between the Swiss Confederation and the Arab Republic of Egypt;

Considering that fruitful cooperation between the two States towards the recovery of illicitly removed antiquities will strengthen these ties;

Recognizing the unique nature of the antiquities of each State, and» the importance of preventing the illicit import and transfer of these antiquities;

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

Considering the importance of protecting and preserving cultural heritage, in accordance with the principles embodied in 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

Swiss Federal Council and the Government of the Arab Republic of Egypt hereinafter referred to as "the Parties",

have agreed to the following;

Article 1 Subject of this Agreement

The purpose of this Agreement is to identify the methods of cooperation aimed at preventing the import and transit of antiquities that were illicitly removed from the territory of one of the parties and brought to the territory of the other and their recovery, in addition to the methods of protection of such antiquities pending their return.

Article 2 Definitions And Classifications

This Agreement shall apply to all pieces, referred to in the annex of this Agreement, classified as antiquities by both parties according to the domestic laws of each Party.

For those antiquities that are not part of the annex legal assistance in accordance with the Treaty between Switzerland and the Arab Republic of Egypt concerning legal assistance in criminal matters of the 7th October 2000¹ shall be applicable.

Article 3 Import Prohibition

The import and transit of antiquities which are illicitly exported from one of the two Parties are prohibited.

Article 4 Legal Procedures, Jurisdiction and Applicable Law

(1) Either Party may file a lawsuit in the other Party for the purposes of recovering antiquities that entered the territory of the latter in an illicit manner.

(2) The lawsuit may be filed before the competent court that has jurisdiction over the area where the antiquity illicitly removed from its country of origin is located.

(3) The conditions required to file a lawsuit shall be determined according to the domestic law of the Party in whose territory the antiquity to be recovered is located.

(4) The Party filing the lawsuit shall demonstrate that the antiquity belongs to one of the categories listed in the annex to this Agreement and that it was illicitly imported to the other Party to this Agreement after this Agreement entered into force.

(5) The recovery lawsuits filed by any of the Parties shall be subject to a maximum time limit of one year from the time the competent authority referred to in article 11 of this Agreement of the Party filing the lawsuit gains knowledge of the location and the current possessor of the antiquity in question.

(6) This Agreement shall not prevent either Party from requesting legal assistance in criminal matters in accordance with the Treaty between Switzerland and the Arab Republic of Egypt concerning legal assistance in criminal matters of the 7th October 2000, even for illicit activities that have taken place prior to the present Agreement.

Article 5 Obligations of the Competent Authorities

In accordance with article 11 of this Agreement, the competent authority of the Party in whose territory the antiquity is currently located shall assist the Party filing the lawsuit in locating the antiquity which the other Party seeks to recover, as well as in identifying the competent court and finding legal representation and experts. The Party in whose territory the antiquity is located shall also take the necessary measures to protect the cultural property pending its return to its country of origin.

Article 6 Expenses and Compensations

(1) The Party filing the lawsuit shall bear insurance, maintenance and recovery expenses.

(2) The Party filing the lawsuit shall pay just compensation to those who may possess the antiquity in good faith. The competent court in the State where the lawsuit

¹ SR 0.351.932.1

was filed shall determine the compensation, in accordance with domestic legislation. The Party filing the lawsuit may appeal the court's decision.

(3) Either Party may apply to the other for available financial assistance that could help the payment of such compensation.

(4) The antiquity shall not be returned before compensation has been paid. The Party on whose territory the antiquity to be recovered is currently located shall assist the Party filing the lawsuit in affording the greatest possible protection for the antiquities pending their return.

Article 7 Notification Requirements

The Parties shall notify the relevant administrative and competent authorities, such as the Arts Trading Authorities, the Customs Authorities, the Criminal Prosecution Authorities, the Tourism and Antiquities' Police as well as the Art Trade, of this Agreement.

Article 8 Information Exchange

(1) The Parties shall inform each other about illicit imports, thefts, looting, loss or any other incidents affecting antiquities through the competent authorities in accordance with article 11 of this Agreement.

(2) The Parties shall inform each other immediately and reciprocally regarding any changes in domestic laws relating to the transfer and protection of antiquities.

Article 9 Exemption from Customs Duties and Similar Fees

The Parties shall exempt recovered antiquities from customs or other fees in accordance with this Agreement.

Article 10 International Cooperation

The Parties shall implement this Agreement in cooperation with the international institutions responsible for countering illicit transfer of antiquities such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Criminal Police Organization (INTERPOL), the International Council of Museums (ICOM) and the World Customs Organization (WCO).

Article 11 Competent Authorities

The following shall be the competent authorities in complementing this Agreement:

- a. In the Swiss Confederation: Specialised Body for International Cultural Property Transfer, Federal Office of Culture.
- b. In the Arab Republic of Egypt: The Supreme Council of Antiquities.

These two authorities are authorized to cooperate directly within the framework of their responsibilities.

Article 12 Follow-up

The Parties shall periodically review the implementation of the provisions of this Agreement, and may propose any changes they deem appropriate. The representatives of the Parties shall meet upon the request of either of them to discuss any issue relating to the implementation of this Agreement. They may also discuss proposals that promote further cooperation in the field of Cultural Exchange.

Article 13 Dispute Settlement

The competent authorities, referred to in article 11 of this Agreement shall settle any disputes resulting from the interpretation, implementation, or application of this Agreement, whether directly or through diplomatic channels. If the dispute is not settled within six months, it shall be referred to arbitration pursuant to the rules of the Permanent Court of Arbitration in The Hague.

Article 14 Relationship of this Agreement to the international Conventions/Treaties

This Agreement shall in no way affect the obligations of either of the Parties resulting from any bilateral or multinational convention or treaty to which it is party.

Article 15 Entry Into Force, Timeframe & Consequences of Termination

(1) Each Party shall notify the other upon completing the legal procedures necessary for entry into force. This Agreement shall enter into force on the date of the latest notification.

(2) This Agreement shall be effective for a period of five years from its date of entry into force, and is automatically renewed if neither of the Parties notifies the other in writing of the desire to terminate this Agreement, six months prior to its termination. The lawsuits relating to the recovery of cultural property that have not yet been resolved shall not be affected by the termination of this Agreement.

(3) This Agreement and its annex may be amended upon agreement of both Parties. The amendments shall enter into force pursuant to the agreed upon procedure stipulated in paragraph 1 of this article.

Done at Cairo on April 14, 2010 (in triplicate in the Arabic, French and English), each being equally authentic. In case of divergence, the English text shall prevail.

For the
Swiss Confederation

For the
Arab Republic of Egypt

Categories of Swiss and Egyptian Antiquities

The following categories will apply to antiquities from prehistoric times until 1500 AD.

I. Stone

A. Architectural and decorative elements or parts of it: Made of granit, sandstone, limestone, volcanic stone, marble and other types of stone. Construction/architectural elements belonging to different types of grave and grave sites, sacred and holy sites, and settlements and residences such as chapiters, pilaster strips, columns with different crowns and decorations, akroters, friezes, jambstones between two windows, mosaics, and different other objects and elements tarsias and mouldings made of marble, etc.

B. Sunken reliefs: On various types of stone. Altars, gravestones, stelae, honorary inscriptions, etc.

C. Raised reliefs: Made of limestone and other types of stone. Stone reliefs, gravestone reliefs, sarcophagi decorated or undecorated, cinery urns, stelae, 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, portraits and 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, etc.

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, etc.

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, etc.

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

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

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

IV. Glass and glass paste/Faience

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

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

C. Amulets: Scarabes, seals and seal impressions, etc.

V. Bone/Ivory

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

B. Vessels: Made of bones and ivory. Parts of vessels, etc.

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

D. Jewelry/Costumes: Made of bone, antlers, ivory and animal 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, etc.

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/sandals, 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/Wall paintings: Made on mortar. Murals of various subjects, etc.

IX. Amber

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

X. Papyri/Manuscripts

A. Papyri with paintings or symbols, etc.

B. Manuscripts written on leather, papers, etc.

XI. Mummies

Complete Human and animal mummies, parts of mummies, skeletons, skulls, etc.

