

UNITED NATIONS EDUCATIONAL,  
SCIENTIFIC AND CULTURAL ORGANIZATION

INTERGOVERNMENTAL COMMITTEE FOR PROMOTING THE RETURN OF CULTURAL  
PROPERTY TO ITS COUNTRIES OF ORIGIN OR ITS RESTITUTION  
IN CASE OF ILLICIT APPROPRIATION

Second Session

(Paris, 14-18 September 1981)

Report by the Unesco Secretariat on measures taken to implement the recommendations of the first 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 (5-9 May 1981)

1. The present document outlines measures taken by the Secretariat of Unesco, with the co-operation of the International Council of Museums and interested specialists, to implement the recommendations of the first session of the Intergovernmental Committee. Members of the Committee are invited to express their opinion both on the activities carried out and on further work that should be undertaken by the Secretariat. The information provided may also be useful to the Committee in considering the directions that its own action may take, within the framework of its statutes and the methodological guidelines it defined at its first session.

I. INVENTORIES

2. Members of the Intergovernmental Committee will recall the fundamental importance they attached at the Committee's first session to the preparation of inventories (21 C/83 paras. 15, 34(i)). Such inventories would be concerned not only with cultural property itself - that still remaining with the territory of a requesting country and the property originating from that country that is now held abroad - but also with requirements in terms of museum facilities and the means that could be put at the disposal of requesting nations. The Committee will recall that initial assessments of these various aspects were contained in three "case-studies" prepared by the International Council of Museums on behalf of Unesco, concerning Bangladesh, Mali and Western Samoa. Two further case-studies pertaining to Ghana and Panama, carried out by specialists from these countries, are being submitted to the Committee at its second session (documents CC-81/CONF.203/7 and CC-81/CONF.203/8). These studies examine existing collections and analyse their lacunae and representativeness, list existing museums and assess their curatorial and conservation infrastructures, evaluate the links built up by these museums with museums in other countries, enumerate the main obstacles to possible projects concerning return and outline plans for future development of resources, bilateral collaboration for museum development and the strengthening of national collections.

3. With respect to the case-study concerning Mali, which was submitted to the Committee at its first session, further work has been carried out so as to define the methodology and logistics involved in the preparation of an inventory of this country's movable cultural property both in public and private collections within Mali and currently held in collections elsewhere. The purpose of this extension is to provide clear guidelines, relevant to a typical national situation in a potential requesting country, with respect to the professional organization and co-operation, financing and timetable that would be required for a national inventory project. A project proposal for this work is contained in document CC-81/CONF.203/6.
4. The International Council of Museums has been entrusted with the task of initiating a large-scale survey pertaining to cultural property from Africa. This will attempt to document on microfiche all the movable cultural property from Africa that is now held in other regions and about which published information is available (i.e. in museum catalogues, archives, art books, catalogues of auction houses, etc.). It is expected that by the end of 1981 about twenty thousand objects will have been so inventoried. The microfiche storage format and accompanying documentation will be standardized by the Unesco-ICOM Documentation Centre, so as to enable the wider adoption of this procedure. The observer from the International Council of Museums will be able to provide further details on the nature of the work if so requested by the Committee.
5. Two inventories, the first covering cultural property from Oceania to be found in museums in Australia and second covering Oceanic objects in museums in the United Kingdom and the Irish Republic have been carried out within the framework of the Unesco project for the study of Oceanic cultures. The Australian inventory was commissioned by the Australian National Commission for Unesco and the latter by the Unesco Secretariat. Similar inventories are nearing completion in the United States of America (also commissioned by the Unesco Secretariat) and in New Zealand (organized by the National Commission for Unesco). It is now intended, in line with the Committee's emphasis on this matter, to bring together in one comparative survey the information gathered in these various inventories, particularly with respect to cultural property of outstanding importance. The preparation of further inventories pertaining to Oceanic material in European collections is also envisaged. The ultimate aim of the project is to constitute and make available a photographic archive of outstanding objects of the material culture of each island area that is currently held abroad.
6. Another inventory, whose purpose is to contribute to the awareness of people in the South Pacific of cultural property dispersed throughout their region, is being co-ordinated by ICOM, on behalf of Unesco, and in consultation with the South Pacific Commission. This will entail the active co-operation of all museums in the area, who have been asked to photograph and document the cultural objects from other islands and territories in the South Pacific which form part of their collections.

## II. ILLICIT TRAFFIC IN CULTURAL PROPERTY

7. Although concern continues to grow in the international community over the great losses experienced, in particular by the developing countries as parts of their cultural heritage are illegally exported (cf. 21 C/83, paras. 16, 34. (ii)), only a relatively low number of additional states have joined those already

participating in the system of international co-operation established by the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property adopted in November 1970. During the period 1 January 1980 to 15 June 1981, five countries (Cuba, Greece, Pakistan, Sri Lanka and Turkey) have ratified or accepted the Convention, bringing to 50 the total number of states parties. Studies continued on the problems raised for some states by the application of the Convention. In the light of those studies, a report setting out proposals for the implementation of the Convention will be prepared for submission to the General Conference at its twenty-second session.

### III. PUBLIC INFORMATION

8. Public information efforts launched in 1979-1980 have been intensified since the first session of the Committee. The Secretariat has assisted in the publication of feature articles on the subject in major newspapers and periodicals in Europe and North America as well as in other regions. A complete file of articles that have appeared and are available to the Secretariat may be consulted by members of the Committee. Journalists in France and the United Kingdom have been contacted on an individual basis and provided with up-to-date information on the subject and many of them have interviewed the Chairman of the Intergovernmental Committee. Journalists from the following organs have been so contacted: France: Le Continent, La Croix, L'Express, Le Figaro, France Culture, FR3, International Herald Tribune, Institut national de l'audiovisuel, Jeune Afrique, Le Matin, Le Monde, Le Nouvel Observateur, Le Point, Le Progrès de Lyon, Le Quotidien de Paris, Témoignage chrétien, correspondents of Interpress, Le Soir (Brussels) and Ya (Spain); Federal Republic of Germany: Art, Ambiente; Italy: Casa Vogue; United Kingdom: BBC 1, BBC 2, BBC Home Service, BBC Welsh Service, BBC World Service, Gemini News Service, The Glasgow Herald, The Guardian, The Observer, The Sunday Times, South (the Third World magazine), the London correspondents of Radio Canada, West Africa, Africa Now (in connection with the symposium described in para. 10 below).
9. A special issue of Unesco Features reported on the first session of the Intergovernmental Committee and on requests for return or restitution formulated by several Member States. The professional quarterly Museum now contains a regular rubric on the subject of return or restitution of cultural property, whose purpose is to present to its specialist readership both reflection on the subject by concerned colleagues and to report on requests for return or restitution and on cases of return that have actually been carried out (off-prints of these articles will be made available to the members of the Committee).
10. On 21 May 1981, the Commonwealth Arts Association (whose journal, Art Links, had with the help of Unesco published an article on the subject) and the Africa Centre, London, organized a public symposium on the subject entitled "Lost Heritage". The Chairman of the Intergovernmental Committee and the Secretary-General of the Organization for Museums, Monuments and Sites of Africa (OMMSA) took part in the symposium, which was attended by curators of leading British museums (including the Director and senior curators of the British Museum), journalists and diplomatic representatives from a number of Commonwealth countries. The symposium received extensive coverage on BBC radio and television, other British radio stations and Commonwealth broadcasting organizations. It led to the publication of feature articles in a number of important journals (British dailies and weeklies, magazines dealing with Third World issues, etc.). An article was also published in Unesco Features. The symposium has also resulted in the setting up of a working party of British museum curators, journalists and representatives of interested cultural institutions, who would hope to improve public information on this issue and carry out some form of action to promote more constructive attitudes towards it.

11. On 27 May 1981, a fifty minute film on the subject, entitled "Whose Art Is It Anyway", including an interview with the Director-General and material made available by Unesco, was shown on the peak-hour "Chronicle" programme on the BBC 2 television channel in the United Kingdom.

12. At the request of Unesco, the Société Africaine de Culture, the International Council of Museums, the Organization of Museums, Monuments and Sites in Africa and the International Council of Philosophy and Humanistic Sciences (CIPSH) have co-sponsored a public symposium that will be held in Paris on 11 September 1981. The symposium will include presentations by specialists from INTERPOL, from French- and English-speaking African countries and from Member States in other regions who are attending the present session of the Committee. A special effort will be made to ensure the best possible coverage of this event by the public information media. A report on the event will be submitted orally to the Committee.

13. The Unesco Secretariat has also assisted in the preparation of a film on the subject by the French Institut National de l'Audiovisuel (INA), on which production commenced in June 1981.

14. A special public information brochure on the subject of return and restitution of cultural property has been prepared for the benefit of the non-specialist public and for the ready information of journalists, etc. The Secretariat is also preparing a small portable didactic exhibition concerning cultural property that could be the object of requests for return or restitution or which has been returned already to its countries of origin as a result of the change in professional attitudes that is clearly beginning to emerge.

#### IV. DRAFT FORM FOR REQUESTS CONCERNING THE RETURN OR RESTITUTION OF CULTURAL PROPERTY

15. As recommended by the first session of the Intergovernmental Committee, a draft standard form was prepared with the assistance of the International Council of Museums and sent by the Director-General to Member States for comment on 26 March 1981. The comments and suggestions of Member States guided the Secretariat in the preparation of a revised draft which is submitted for adoption by the Intergovernmental Committee under cover of document CC-81/CONF.203/4.

#### V. PROMOTION OF BILATERAL CONTACTS TO FURTHER THE RETURN OR RESTITUTION OF CULTURAL PROPERTY

16. On 26 March 1981 at a ceremony in Sydney, the Australian Museum presented to the National Cultural Centre of Vanuatu a rare ceremonial slit-drum that had been in the museum's collection since 1897. The Director of the Australian Museum had agreed to propose to the museum's trustees that they accede to the request of the Vanuatu authorities after discussion with a member of the Unesco Secretariat and in accepting the slit-drum the representative of the Prime Minister of Vanuatu spoke warmly of the Unesco initiatives on this subject.

17. The Committee will recall that two instances had been brought to its attention at its first session, viz. the request of the Government of the Democratic Socialist Republic of Sri Lanka for the return of cultural property located within the territory of certain foreign countries (document CC-79/CONF.206/6) and the Government of Ecuador's request for the restitution of a major collection of archaeological objects which have reportedly been illegally exported from its territory and were in the possession of a private collector in Italy. In the

case of Sri Lanka, the documentation concerning its request had been sent on 25 April 1980 to the eight Member States concerned for their examination. The Committee expressed the wish that the states involved should contact each other and that the results of their negotiations be communicated at its next session (document 21 C/83, para. 20). On 4 June 1981 the Secretariat wrote to the authorities of Sri Lanka requesting information on negotiations under way in this respect. In the case of the request of Ecuador the matter had been referred to the Italian judicial authorities and negotiations between the governments of the two states had been initiated at the Committee's first session. According to information received from the Ecuadorian authorities, the case came up for hearing in an Italian court on 20 May. Information concerning the case will be provided to the Intergovernmental Committee at its second session.