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

SUMMARY

In accordance with Article 4, paragraph 8, of its Statutes, which were approved by the General Conference by resolution 4/7.6/5 adopted at its twentieth session, the Committee submits this report on its work to the twenty-second session of the General Conference.

Having taken note of the report submitted by the Committee to the twenty-first session (21 C/83), the General Conference adopted resolution 4/09.

Since the twenty-first session of the General Conference, the Committee held its second session in Paris from 14 to 18 September 1981, and its third session in Istanbul, Turkey, from 9 to 12 May 1983. The Final Report of the second session (document CC-81/CONF.203/10, dated 12 March 1982) has been reproduced in the working languages of the Committee and distributed to Member States. The Final Report of the third session is now at press; it will be issued under reference CLT-83/CONF.216/8, and sent to Member States.

The following report provides a summary of the proceedings and recommendations of both sessions.

I. SECOND SESSION OF THE COMMITTEE

A. Summary of the proceedings

1. The second 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 was held at Unesco Headquarters in Paris from 14 to 18 September 1981. All the twenty States which are members of the Committee were represented.<sup>1</sup> In addition, thirty-eight other Member States of Unesco, together with the Holy See, were represented by observers. Observers from five international governmental organizations, including the International Criminal Police Organization (INTERPOL), present for the first time, and seven international non-governmental organizations also took part in the work of the Committee.

1. By resolution 4/09, Part II, adopted at its twenty-first session and in accordance with Article 2 of the Statutes of the Committee the Conference elected the following ten Member States to be members of the Committee: Angola, Ecuador, Ghana, Greece, Honduras, Mexico, Pakistan, Socialist Republic of Viet Nam, Union of Soviet Socialist Republics and Yemen. The other members of the Committee elected at the twentieth session and whose term of office will expire at the end of the twenty-second session of the General Conference are as follows: Belgium, Congo, Cuba, Denmark, France, Lebanon, Nigeria, Senegal, Thailand, and Yugoslavia.

2. The session was opened by Mr Makaminan Makagiarsar, Assistant Director-General for Culture and Communication, who pointed out that the impact of the first session of the Committee, the attention devoted to this matter by the General Conference and the measures taken by the Unesco Secretariat, together with the cumulative effect of preparatory work carried out earlier, had contributed to bringing the issue of return and restitution to the forefront of professional concerns, particularly among museum professionals. Recent months had seen not only several cases of return or restitution but also an increased awareness among museum curators of the dimensions of the problem, of its complexity and its difficulties and of the need to produce workable solutions, through bilateral cooperation and in a spirit of genuine solidarity. The Committee at its first session had rightly emphasized the importance of devising tools and procedures which would enable the international community to apply the principles it had defined. Such practical matters were thus the core of the programme of work outlined in the provisional agenda for the second session.
3. The Committee unanimously re-elected as its Chairman the diplomat and writer Mr Salah Stétié, delegate of Lebanon to the session, who had been Chairman at its first session. The Committee unanimously elected the delegates of Angola, Ecuador, France and Viet Nam as Vice-Chairmen and Mrs Else-Marie Boyhus, delegate of Denmark, as Rapporteur.
4. In his report, the Chairman gave an account of the activities carried out since the Committee's first session. Mr. Stétié noted in particular that the Bureau and the Secretariat had co-operated closely to accomplish a number of tasks with which they had been entrusted. The Chairman cited the worldwide reaction to the recent return of Guernica, the famous Picasso painting, to the Government of Spain as a spectacular example of return of cultural property. Although the return of this painting was not a case of restitution as such, since it had been brought from the artist by the Spanish Government and held on deposit at the express request of Picasso only until such time as democracy was restored to Spain, the event nevertheless served as an example of the degree to which a cultural object could become a symbol of the cultural and political identity of a country or a people.
5. Mr Stétié also recalled the important principles which had been laid down at the first session of the Committee, and listed the various tasks which had been accomplished during the past year:
  - (1) a draft standard form concerning requests for return or restitution had been sent to all Member States and Associate Member States for comment and a revised draft form had been prepared in the light of the latter;
  - (2) case-studies on the situation in Ghana and Panama had been carried out and an experimental inventory project in Mali had been prepared in the light of an earlier case-study on that country;
  - (3) considerable public information efforts had been made, through meetings with journalists from the printed and audio-visual media. Two public colloquia on the subject of return and restitution of cultural property had been held, one in London, organized by the Africa Centre and the Commonwealth Arts Association, and the other in Paris, organized by the Société africaine de culture. The former colloquium in particular had received a considerable amount of publicity and was well attended by curators from major British museums and by the press. The BBC had also produced a one-hour television programme on the subject.
6. The Chairman expressed disappointment, nevertheless, that the media had not done more to awaken public awareness of the problem. He also stressed the responsibilities facing the countries which had been dispossessed of their heritage in making a more effective contribution, through their own vigilance, to the open-minded dialogue that had begun at the first session. Considerable interests of various kinds - psychological, political, economic and legal - were also obstacles on the side of the holding countries that needed to be removed. Yet the progress achieved so far was sufficient grounds for relative optimism.
7. The Committee then considered the activities undertaken by the Unesco Secretariat, the Member States and the International Council of Museums in order to implement the recommendations of the first session of the Committee. In the far-reaching discussion that ensued many fundamental problems relating to the return or restitution of cultural property were raised or commented upon by members of the Committee and observers alike. Participants who referred specifically to the activities undertaken by the Unesco Secretariat were unanimous in recording their appreciation of the work done, particularly with respect

to public information, the launching of inventories (in co-operation with ICOM), and the preparation of case-studies.

8. In effect, since its first session, the Committee had placed the issue of the return or restitution of cultural property in a global perspective, that of the protection of the movable heritage as a whole. It therefore emphasized the need to regard the return of cultural property as one of the aspects of international technical co-operation aimed at achieving better knowledge of the heritage of each people, the development of museums and conservation laboratories, the training of specialized personnel, the curbing of the illicit traffic in cultural property and the promotion of public information in all countries. It was accordingly possible to group the various points discussed during the general debate of the second session under the following headings which were adopted in formulating the recommendations set out in section I.B of this report:

- (a) promotion of bilateral negotiations for return or restitution of cultural property (including the revised draft standard form concerning requests for return or restitution);
- (b) international technical co-operation;
- (c) steps to curb illicit traffic in cultural property; and
- (d) public information.

9. Before the Committee went on to examine the draft recommendations, the Vice-Chairman representing Angola read out a declaration on behalf of the African Member States that were taking part in the session as Committee members or observers. In this declaration, which dealt with the measures to be taken to ensure the more effective protection of the African heritage, it was stated, in particular, that 'missions should be organized, with the assistance of Unesco and other bodies concerned, and conducted by the Vice-Chairman for Africa of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, in order to spread information on and create an awareness of ways and means of implementing the recommendations of that Committee and the provisions of this declaration'.

#### B. Recommendations

10. The Committee adopted the following recommendations:

##### 1. Promotion of bilateral negotiations for return or restitution of cultural property

11. The Intergovernmental Committee takes note of the report by the Unesco Secretariat on measures taken to implement the recommendations of its first session and expresses its appreciation of the results achieved. It considers that efforts to facilitate bilateral negotiations for the return or restitution of cultural property to its countries of origin as defined in Article 4 of the Committee's Statutes should be intensified. In view of the complexity of the problems involved, the Committee underlines the need for a global approach that takes into consideration all aspects of the protection of the cultural heritage of mankind. The active participation of the governments and professional circles concerned in all Member States of Unesco is indispensable to achieve the goals of the Committee. The contribution made by the International Council of Museums, the professional non-governmental organization for museums, is welcomed in particular, and the Committee requests ICOM to continue to co-operate with Unesco on the professional level which is its calling.

12. It further recommends the Director-General to invite the regional, intergovernmental, non-governmental and professional organizations to take part with Unesco in action to promote return or restitution.

13. Having approved the revised draft standard form concerning requests for return or restitution of cultural property as amended at the present session, the Committee urges that the form be communicated as soon as possible to Member States, so that it may be used to facilitate bilateral negotiations. The efficacy of the form could be thus tested and reviewed, if necessary, at the next session of the Committee (a copy of this form may be obtained from the Secretariat).

14. In view of the fact that numerous bilateral agreements on cultural co-operation are concluded by states among which return or restitution operations might possibly be implemented, the Committee suggests that such agreements should also set out the technicalities of such operations.

15. So as to assist Member States that might wish to be informed as to the correct procedures or to use the above-mentioned standard form, the Committee recommends that a handbook be prepared by Unesco, with the help of ICOM, and made available to the authorities and professional institutions concerned in the Member States.

16. The Committee takes note of the report by the representative of Ecuador concerning the case of 12,000 archaeological objects illicitly exported to Italy, which is now before the Italian courts; it requests the Chairman to bring its support of the demand of the Government of Ecuador to the attention of the Minister of Justice of the Italian Republic. The Committee likewise takes note of the statements of the Italian Government on this matter.

17. The Committee welcomes recent return or restitution operations, such as the Australian Museum's action in returning a ceremonial slit drum to Vanuatu, or that by the Wellcome Institute of London in returning a collection of archaeological items to Yemen.

## 2. International technical co-operation

### 2.1 Preparation of inventories

18. The Committee reiterates the fundamental importance of systematic inventories of cultural property both within the territory of its countries of origin and in other countries, as underlined by it at its first session. Such inventories should include all collections kept. It draws the attention of Member States to the importance of devising inventory systems which, taking account of the nature of the cultural property in question, are as uniform as possible and are compatible with the comprehensive use of computer processing techniques.

19. The Committee welcomes the two inventory projects concerning African cultural property outside Africa and cultural property in the museums of the Pacific region, launched by ICOM under contract with Unesco, and recommends that they be continued. It appreciates the results achieved under Phase 1 of the project to inventory cultural property from Oceania carried out by the Australian National Commission for Unesco and recommends that the funds required for Phase 2 be made available by Unesco under the regular programme.

20. The Committee also welcomes the experimental project for the inventory of cultural property in Mali (document CC-81/CONF.203/6) and recommends that Unesco make the necessary funds available to the Malian authorities under the regular programme. This project will take account of the practical implications of any subsequent computerization of the data, and should thus be viewed as a pilot project, more particularly in regard to methodology and specialist training.

21. The study of the situation in Panama (document CC-81/CONF.203/7), prepared by the Dirección de Patrimonio Histórico of that country, provides an excellent example of a national initiative to begin the inventory of cultural property both within the country and abroad, to create the infrastructures necessary for the protection of movable cultural property, and to initiate bilateral negotiations. The Committee encourages the Panamanian authorities to proceed with the activities foreseen in this document.

22. The Committee takes note of the study of the situation in Ghana (document CC-81/CONF.203/8) and expresses the hope that such national initiatives will be undertaken in other countries.

23. In order to make internationally available all documentation collected on the subject of cultural property, more particularly those objects that may be returned or restituted, an adequate mechanism should be established within the Unesco-ICOM Documentation Centre and the necessary resources should be provided under the regular programme. A feasibility study of the establishment of a World Data Bank and its financing should also be carried out and submitted to one of the coming sessions of the Committee.

### 2.2 Training of specialized personnel

24. The Committee emphasizes the need to increase training resources for museum curators, restorers and managers. It noted with satisfaction the development of training facilities at national and regional level. It particularly welcomes the projects submitted to the General Conference at its latest session concerning the establishment of new regional training centres in the Pacific (Australia), Eastern Europe, Africa (Niamey) and Latin America (Panama and Guatemala), and the interest which extra-budgetary sources of finance, particularly the UNDP and the World Bank, have shown in training.

### 2.3 Preparation and application of standards of protection

25. The Committee recommends that Unesco step up its assistance to Member States in the preparation of legal, administrative and technical standards for the protection of their cultural heritage.

### 2.4 Development of infrastructures for the protection of movable cultural property

26. The Committee stresses once again the necessity of strengthening museum infrastructures particularly in Member States which might make requests for the return or restitution of cultural property.

27. At both the national and the international levels, the authorities concerned must give priority and assign increased resources to:

the creation or strengthening of conservation facilities and the elaboration of conservation techniques adapted to local conditions;

research into and the design of buildings and construction procedures capable of ensuring both the conservation and the advantageous display of collections, especially in equatorial, tropical, subtropical or arid environments;

the subordination of each architectural operation, whether it involves construction or renovation, to a detailed and precise museographic programme, taking into account both the functioning and the equipment of the newly constructed or renovated establishment so that the desired objective can be attained under optimum technical and financial conditions.

28. In order to provide adequately for the museum development needs that will be created by progress in the field of return and restitution of cultural property, the Committee recommends to the Director-General of Unesco to assign priority and increased resources to museum development in the next Medium-Term Plan (22 C/4) and to make the necessary provision under the regular programme in the Draft Programme and Budget for 1984-1985. At the same time increased efforts should be devoted to obtaining extra-budgetary resources for this purpose.

29. A proposal was laid before the Committee to set up a special fund for promoting the return or restitution of cultural property. It requests the Director-General to carry out a feasibility study on the creation of a special fund for museum development and for promoting the return or restitution of cultural property to its countries of origin and to submit this study to the Committee at its next session.

### 3. Steps to curb illicit traffic in cultural property

30. The Committee re-emphasizes its deep concern at the persistent and increasing illicit traffic in cultural property, which continues to impoverish the cultural heritage of all nations by separating some parts of it from the rest. It recommends that the following measures be taken at the national and international level:

#### 3.1 Action at the national level

31. Member States should pass or strengthen the necessary protective legislation and create the administrative rules and frameworks necessary to implement such legislation.

32. In order to eliminate illicit traffic resulting from archaeological excavations, all states should supervise such activities, in particular by concluding contracts or agreements with both national and foreign archaeological missions in accordance with the Unesco Recommendation on International Principles Applicable to Archaeological Excavations (1956).

33. Member States should reinforce the guarding of cultural property, co-ordinate the efforts of specialized sections of their police services (in co-operation with INTERPOL) as well as of their customs services, or create such sections where they do not exist (the availability of inventories is particularly vital in this respect).

34. The competent authorities in Member States should study the possibility of obtaining the maintenance by art dealers of registers indicating where, when, how and from whom cultural property has been acquired and to whom it has been sold. The co-operation of the services responsible for the cultural heritage should be enlisted to assist in the maintenance of these registers.

35. Since it is more and more widely known that cultural property of foreign origin has been the object of illicit traffic, the Committee expresses the wish that both civil and criminal courts be as rigorous as possible in considering pleas of bona fide purchase.
36. All Member States should make efforts to inform the general public, including schoolchildren, of the continuing illicit traffic in cultural property and make people aware of the harmful effects of participating in such traffic.

### 3.2 Action at the international level

37. The Committee once again stresses the importance of the ratification or acceptance by as many Member States as possible of the Convention of 1970 on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Committee takes note of the fact that a report on the difficulties which may be experienced when considering the ratification or acceptance or in implementing the provisions of the Convention is being prepared by the Secretariat of Unesco for submission to the twenty-second session of the General Conference. The Committee expresses the hope that ways will be found to enable all Member States to ratify the Convention and will re-examine the matter at the session following the twenty-second session of the General Conference.
38. The Committee recommends to the Director-General that he convene a meeting of all international organizations, both intergovernmental and non-governmental, concerned with the various aspects of illicit traffic in order to pursue efforts already initiated by all these organizations and seek new ways and means of curbing this traffic. Regional organizations, legal experts, etc. should also be invited to participate in the meeting.
39. The Committee encourages the Secretariat of Unesco to continue the publication of national legislative provisions concerning the protection of movable cultural property (including recent legislation of a number of Member States whose earlier legislation has been already published).

### 4. Public information

40. The Committee strongly reiterates recommendation (iii) of its first session concerning public information, for it is convinced that wider awareness of the question of return and restitution of cultural property is indispensable in both possible requesting countries and in countries to which requests might be addressed. It believes that more efforts should be made in this direction by national authorities and at the international level. Information on recent developments should be provided on a regular basis to the mass media and a special effort should be made to encourage the use of television for information purposes. The Committee also draws the attention of the media authorities themselves to the importance of the problem and states its willingness to co-operate to the greatest possible extent in disseminating the principles underlying its action.
41. The Committee recommends that the Secretariat of Unesco make full use of existing publications, periodicals and other resources to bring the problem to the attention of international public opinion.
42. The Committee recommends that the national authorities should keep Unesco regularly informed of successful cases of return and restitution and should indicate the extent to which they wish this information to be disseminated. Special efforts should be made to inform young people, particularly through school and out-of-school education, in order to strengthen cultural identity in the context of intercultural dialogue.

### 5. Third session of the Committee

43. The Committee decided that its third session would take place in the first quarter of 1983 at Unesco Headquarters in Paris unless an invitation to hold it elsewhere were extended to the Director-General by a Member State. The Committee requested that invitations be sent to the international organizations listed in Annex II.

## II. THIRD SESSION OF THE COMMITTEE

### A. Summary of the proceedings

44. The third session of the Committee was held at the Hotel Etap Marmara, Istanbul, from 9 to 12 May 1983. Fifteen of the States members of the Committee were represented. In addition, seventeen other Member States of Unesco, as well as the Holy See, sent observers. Observers from five international governmental organizations and three international non-governmental organizations also took part in the work of the Committee.

45. Mr Oktay Cankardes, Assistant Under-Secretary of State, Turkish Ministry of Foreign Affairs, welcomed the participants, stressing the importance his country attached to the Committee's objectives.
46. Mr Makaminan Makagiansar, Assistant Director-General for Culture, who represented the Director-General of Unesco, thanked the Turkish Government for its generous invitation to hold the session in the city of Istanbul. He stated that the positive results achieved by the international community with respect to the return and restitution of cultural property stemmed from several parallel endeavours: the spirit of dialogue and understanding among Member States, the work of the Committee, the efforts of the Secretariat of Unesco and the co-operation of museums the world over, many curators having associated themselves with Unesco's action under the auspices of ICOM. There had been several instances of return or restitution in recent months and he was accordingly convinced that these initiatives marked the beginning of a new phase in international cultural relations. Greater awareness of the harm caused to cultural property by illicit traffic and of the need to intensify the campaign against such traffic was one of the most encouraging developments of these last years, as was reflected in the recent or imminent ratification by several Member States of Unesco's 1970 Convention. Mr Makagiansar declared that all those concerned had come closer to the goal of our reaching 'effective agreements ..... clearly understood and supported by all those who are committed to the establishment of international relations based on justice and solidarity', as the Director-General had stressed when opening the first session of the Committee in May 1980.
47. In a brief introductory address, the Chairman of the Committee, Mr S. Stétié, said how delighted the members of the Committee and the Secretariat felt at finding themselves in the magnificent setting of Istanbul: 'A solitary and splendid jewel adorning the two banks of the Bosphorus, it resolutely rejects the vast uniformity of the way of life and of thinking in our societies that is threatening us, and which our Committee, for its part, and with its own resources, has the task of combating. Each of us too for our part, wishes to save our major symbols, see ourselves reflected in the mirror of our restored identity, and, by bringing together all the products of our own individual genius that define us, give to others, to the future generations of other civilizations and cultures, that which is inimitable and irreducible in us; and to do so for the greater good of each and every one of us. What we wish to give, we should like to hand over with joy and in complete freedom, as our own donation, as our voluntary contribution to the ~~shared~~ wealth of the planet, to that universal cultural heritage that is so prized, demanded and desired - but that can never be universal in any one-sided way. We are here, men and women of goodwill, although armed with arguments and proofs, as representatives of the community of nations, to pursue the task of devising, promoting and putting into effect a new type of distributive justice in the sphere of culture - that is to say, a new world cultural order which will not be one imposed by the will of the strongest, but a negotiated and consummate order such as that of the tree when it finally bears fruit. The fruit is also the culmination of long and subtle processes, some of which are visible, while others take place below the surface, and it displays in its splendour and its flavour the balance that has finally been reached between the contradictory elements in nature...'
48. The Chairman, referring to the document entitled 'Report by the Unesco Secretariat on measures taken to ~~impleme~~nt the recommendations of the second 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 (14-18 September 1981)' (document CLT-83/CONF.216/2), referred briefly to the measures taken to implement the recommendations of the Committee's two previous sessions. He stressed the public information efforts made since the Committee's second session and mentioned in particular the seminar organized by Unesco for African journalists, together with a meeting of the African National Committees of ICOM, in February 1983, in Niamey, Niger. The seminar proved to be extremely fruitful, and made it possible to clarify some of the political, psychological and technical problems besetting the protection of the cultural heritage - particularly in the museums - in Africa. The impact of this seminar through its coverage by newspapers and other mass media had certainly helped to bring the problems of the return and restitution of cultural property to the attention of several African countries; furthermore, it had provided an opportunity for museum professionals and jouranalists to identify concrete problems characteristic of their region and to suggest constructive solutions. Similar seminars should therefore be organized in other regions as well for they could greatly facilitate decision-making at the regional level. Mr Stétié also recalled the importance attached by the World Conference on Cultural Policies (Mexico City, 26 July - 6 August 1982) to the question of the return or restitution of cultural property.
49. Consideration of the various items on the agenda was based on the approach adopted at the second session: thus the promotion of bilateral negotiations was the central

theme, closely linked to that of the international technical co-operation necessary for the preservation and presentation of cultural property. With regard to the promotion of bilateral negotiations, the Committee also considered the draft 'Guidelines for the use of the standard form concerning requests for return or restitution' prepared by ICOM at the request of the Secretariat following a recommendation made by the Committee at its second session. The Committee also looked into the question of the illicit traffic of cultural property; indeed, the importance of the problem and the need to strengthen the measures for combating illicit traffic claimed even greater attention than during the preceding session. Public information, one of the Committee's main objectives, was also discussed in detail.

50. At the close of the general discussion and at the Chairman's suggestion, the Committee asked the Rapporteur to prepare a single draft recommendation, comprising the same main subdivisions as the recommendations of the second session; the text was to form a unified whole, and be preceded by a general account of the Committee's objectives, the results achieved and the obstacles that remained. This recommendation of the Committee, which reflects the scope and significance of the discussions that took place, is reproduced in paragraph 57 below.

51. After adopting this recommendation, the Committee held a special closing session at which Mr Amadou-Mahtar M'Bow, Director-General of Unesco, took the floor.

52. In his address Mr M'Bow congratulated the Committee and its Chairman on the positive results they had obtained. He said that the Committee's action must be pursued systematically and permanently by all the members of the Committee as well as by the Unesco Secretariat in order to ensure informed opinion and more especially, new and greater awareness of the scourge of illicit traffic which in some countries was expanding more and more. As the Committee had very rightly pointed out, the fight against this traffic whose persistence and growth were impoverishing the heritage of many peoples should be urgently stepped up. Cultural property was being traded in more and more and was thus at the centre of unrestrained speculation from which neither the artist nor the country of origin derived any benefit. Many of the countries of origin of the most sought-after objects were not yet in a position to prevent their being exported illegally. Others simply did not take the trouble to do so. The Director-General stressed that this was an extremely serious situation. The illicit traffic could not be stopped as long as the governments involved--that is all governments--did not take the necessary measures. Sometimes there was too great a degree of slackness, not to say complicity in certain cases, on the part of those entrusted with enforcing the law, thus making things for the traffickers. In view of this the Director-General could not but welcome the important measures about to be taken by certain countries, in customs and by virtue of bilateral agreements, so as to prevent some forms of traffic. He also welcomed the very recent ratification by the French Parliament and the news of the imminent ratification by the United States of America of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. These initiatives filled him with the hope that other countries would soon ratify this Convention.

53. The Director-General went on to thank the members of the Committee for their pioneering work that was without precedent in history. The ground they had cleared with determination and no less patience, would no doubt yield new and fruitful harvests. The Director-General made special reference to the Chairman, Ambassador Salah Stétié, who for the past three years had guided the Committee's deliberations in a tactful and efficient manner; his personal action had been decisive on many occasions.

54. 'The task carried out by your Committee', said the Director-General in conclusion, 'bears witness to the spirit of understanding and solidarity that I spoke about in the appeal I made on 7 June 1978. I firmly believe that it constitutes a profound aspiration which is shared by all the world's peoples and is, given the present circumstances, the only possible basis for a peaceful and just world'.

55. Before closing the session, the Chairman made a brief statement. It was, he said, his last session as Chairman of the Committee and he concluded with two observations based on the preceding discussions: firstly the Committee had decided to give maximum support to bilateral negotiations by actively furthering and encouraging them behind the scenes, its role being that of a mediator --a mediator that was already known to possess sufficient moral authority to bring the legal position and the behaviour of Member States in actual



practice with respect to cultural property more closely into line with its ideals. The second observation was as follows: 'It is important, indeed essential, for our objectives to become better known and increasingly publicized and to be instilled ever more deeply into the collective awareness of the countries where cultural property originates and of those which are the "consumers" of such property. We, the Committee, the Bureau and the Secretariat have done everything possible--even the impossible--to give credibility to the whole of our undertaking which is one that only twenty years ago would have been quite out of the question, and to develop awareness among a vast public, using all the mass media resources at our disposal and sometimes even approaching them with a view to enlisting their aid'.

56. Mr Pierre Quoniam, Vice-Chairman of the Committee, then paid tribute to His Excellency Mr Salah Stétié, congratulating him on the constructive role he had played during the three years he had served as Chairman.

B. Recommendation

57. The following text was adopted by the Committee at its third session:

The Intergovernmental Committee at its third session,

Recognizing the progress it has made towards meeting its objectives since its creation by the twentieth session of the General Conference of Unesco (1978),

Recalling that its mandate as defined in Article 4 of its Statutes consists essentially of seeking ways and means of facilitating bilateral negotiations for the return or restitution of cultural property to its countries of origin and promoting multilateral and bilateral co-operation with a view to the return or restitution of cultural property to its countries of origin,

Recalling also that one of its fundamental objectives is to contribute to establishing the best possible conditions for the success of the above-mentioned activities,

Noting with satisfaction that not only have a number of returns or restitutions been achieved through the good offices of the Committee or as an indirect result of its efforts but that the public information campaign promoted by it on the real nature, scale and scope of the problems of return or restitution of cultural property has had a deep impact on professional and public opinion throughout the world,

Welcoming with particular satisfaction the spirit of goodwill and the manifest wish of states to engage in dialogue and bilateral negotiations within the framework of the Committee's Statutes,

Noting also that, as it recommended at its first and second sessions, Unesco's activities for the return or restitution of cultural property are being increasingly integrated with activities for the development of museums and conservation infra-structures and that both are foreseen under a combined subprogramme of the Medium-Term Plan (1984-1989),

Reiterating the importance of inventories as a vital instrument for the understanding and protection of cultural property, for the identification of dispersed heritages and also as a contribution to the advancement of scientific and artistic knowledge and intercultural communication,

Welcoming the inventory projects undertaken by Member States, Unesco and ICOM,

Deeply concerned by clandestine excavations and illicit traffic in cultural property which continue to impoverish the cultural heritage of all nations,

Encouraged nevertheless by the steps taken in recent years by several countries to limit such illicit traffic, particularly by ratifying the Convention of 1970 on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property,

Expresses its deep appreciation to Member States, to the Director-General of Unesco and to the International Council of Museums for the efforts they have undertaken to promote effective international co-operation and solidarity in this domain,

Aware, however, that diverse obstacles remain and that the Committee has ahead of it a long-term task before its responsibilities to the international community can be truly fulfilled,

Formulates the following recommendations:

I. PROMOTION OF BILATERAL NEGOTIATIONS FOR THE RETURN OR RESTITUTION OF CULTURAL PROPERTY

1. The Committee welcomes the draft Guidelines for the use of the standard form concerning requests for return or restitution prepared by ICOM. It requests the latter to take note of all modifications to this document proposed at the present session and to invite its respective National Committees to discuss the document in detail at the forthcoming thirteenth General Conference of ICOM (London, July-August 1983). It requests the Director-General to transmit the draft version to all states members of the Committee and to those states represented by observers at the present session in order to seek their comments and suggestions by 1 October 1983. On the basis of the comments submitted both to the Director-General and ICOM a revised version should be produced and distributed by Unesco as soon as possible.
2. In view of the fact that numerous bilateral agreements on cultural co-operation are concluded by states among which return or restitution operations might possibly be implemented, the Committee suggests that in these agreements the technicalities of such operations should be set out.
3. In this connection the Committee requests ICOM to prepare and make available to the Secretariat of the Committee technical information on the organization of programmes of bilateral co-operation such as those carried out between Belgium and Zaire, between Netherlands and Indonesia, between France and certain African countries.
4. The Committee warmly welcomes the restitution to Ecuador in 1983 of the 12,000 archaeological objects illicitly exported to Italy. It congratulates the Government of Ecuador for the persistence and seriousness with which it pursued its cause. It notes with satisfaction the exemplary manner in which the Italian authorities responded to the request of Ecuador.
5. The Committee also expresses its appreciation of the return to the National Museum in Baghdad, Iraq, by the Semitic Museum at Harvard University and the Oriental Institute of Chicago of a large number of cuneiform tablets.
6. The Committee takes note of the negotiations currently under way between Sri Lanka and several countries and requests the Secretariat to assist the Sri Lankan authorities in making adequate use of the standard form, if and when the need arises.
7. The Committee takes note of the fact that Greece intends to open bilateral negotiations with the United Kingdom for the return of the marbles of the Parthenon and expresses its satisfaction at the agreement of the Greek authorities to comply fully with the procedures for bilateral negotiation decided by it.
8. The Committee also takes note of the fact that the Islamic Republic of Iran intends to open bilateral negotiations with a certain number of states for the return of Iranian cultural property and expresses its satisfaction at the agreement of the Iranian authorities to comply fully with the procedures for bilateral negotiation decided by it.
9. The Committee also takes note of the concern expressed by the representatives of Turkey, Nigeria and countries of the Arab world, with respect to the expatriation of their cultural heritage and of their interest in the procedures set out by the Committee.

II. INTERNATIONAL TECHNICAL CO-OPERATION

2.1 Preparation of inventories

10. The Committee reiterates the fundamental importance of systematic inventories of cultural property both within the territory of its countries of origin and in other countries, as underlined by it at its first and second sessions. Such inventories should be based on internationally accepted documentation standards and shall include all collections kept. It draws the attention of Member States to the importance of devising inventory systems which, taking into account the nature of the cultural property in question, are as uniform as possible in view of allowing the exchange of data between countries and foresee the use of computer processing techniques.
11. The Committee also stresses the fact that inventories contribute to the advancement and exchange of knowledge and to the promotion of cultural identity and intercultural communication quite independently of any possible requests for return or restitution of

cultural property. It recommends therefore, that museum authorities in all countries co-operate fully in all projects concerning the inventory of both national collections and dispersed heritages and requests National Committees of ICOM to contribute to facilitating such projects.

12. In this spirit, the Committee expresses the hope that private collectors may also provide the information necessary for the preparation of such inventories.
13. The Committee welcomes the progress of the inventories of African cultural property outside Africa, of Pacific cultural property, of Oceanic cultural objects in Australian museums and in the United States of America and of the experimental inventory project in Mali. It requests the Director-General, in consultation with ICOM, to facilitate the completion of these inventories. It notes with satisfaction that a distinct subprogramme of the Second Medium Term Plan of Unesco includes activities to promote the preparation of inventories of the movable and immovable cultural heritage.
14. The Committee recommends to the Director-General in this connection that a manual on the preparation of inventories of movable cultural property be prepared and published.
15. Having taken note also of the Note on Ethiopian Cultural Objects Abroad (document CLT-83/CONF.216/INF.4), the Committee observes that no further case-studies of national situations with respect to dispersed heritages and museum development have been carried out since its second session. It recommends to Member States who have not already done so to undertake such case-studies.

#### 2.2 Training of specialized personnel

16. The Committee once again emphasizes the need to increase and systematize training facilities for museum curators, restorers and administrators. It stresses the importance of locally relevant training programmes set up at national or regional levels and recommends to the Director-General and Member States that increased support be extended to existing regional centres and that the creation of new centres such as the proposed centre at Niamey, Niger, be promoted effectively.

#### 2.3 Development of infrastructures for the protection of movable cultural property

17. The Committee fully endorses the view expressed at the World Conference on Cultural Policies that 'the return of cultural property to its country of origin should be accompanied by the training of key personnel and technicians and the provision of the necessary facilities for the satisfactory conservation and presentation of the property restored' and recommends that these activities should have recourse to the re-use and adaptation of traditional technologies used until recently for the production and protection of cultural objects rather than on the exclusive assimilation of modern technology.
18. The Committee endorses the observations formulated in the Report on the situation in Africa (document CLT-83/CONF.216/3) which it considers to be applicable to all developing countries and thanks Mr Henrique Abranches for his important contribution to the search for practical measures related to the return or restitution of cultural property as a vital factor in the strengthening of cultural identity.

#### 2.4 Exchanges of cultural property

19. The Committee also takes note, in accordance with Article 4, paragraph 7, of its Statutes, of the need to intensify exchanges of cultural property between Africa and other regions so as to stimulate among Africans a better awareness of the importance of their own cultural heritage and to deepen their contacts with the rest of the world.

### III. STEPS TO CURB ILLICIT TRAFFIC IN CULTURAL PROPERTY

#### 3.1 Action at the national level

20. The Committee reiterates its previous recommendation to Member States that they pass or strengthen the necessary protective legislation and create the administrative regulations and infrastructure necessary to implement such legislation.
21. Member States are requested to reinforce the guarding of cultural property and co-ordinate the efforts of specialized sections of their police (in co-operation with INTERPOL) and customs services.

22. States whose cultural property has been illicitly removed as a result of clandestine excavations, particularly the looting of monuments and sites, are requested to communicate to the Committee precise information on the subject; the Secretariat should make this information available through the Unesco-ICOM Documentation Centre and other appropriate channels.

23. National museum associations and museum professionals in all countries are requested to continue to adopt codes of professional practice based on well-defined ethical principles, considering, in particular, all the various ethical aspects of the acquisition of collections, and to promote the awareness of such standards among all institutions, specialists and private persons concerned.

### 3.2 Action at the international level

24. The Committee once again stresses the need for all states who have not become parties to the Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to do so as soon as possible. It welcomes the Director-General's proposals for the implementation of this Convention as contained in document 116/EX/CR/CLT/1, which were prepared on the basis of the recommendations formulated by the international consultation of experts and specialized organizations convened by Unesco from 1 to 4 March 1983, as recommended by the Committee at its second session.

25. In this connection the Committee supports the view expressed by the above-mentioned consultation that it would not be opportune to revise the Convention since fifty states were already parties thereto and more particularly because it was at present expected that several countries whose participation was considered important would soon ratify the Convention.

26. The Committee recommends to Unesco that it prepare an information note on the solutions actually adopted or technically feasible so as to overcome various problems encountered concerning the implementation of this Convention. This note would be intended for those Member States who experience difficulties in securing the ratification of the Convention.

27. The Committee notes with great satisfaction the ratification of the Convention by the French Parliament, the passage of implementing domestic legislation in the United States of America which will enable that state to deposit its instrument of ratification in the near future, and the measures also initiated in the USSR and the Arab Republic of Yemen to secure ratification.

28. In order to limit illicit traffic in cultural property the Committee recommends to Member States of the same geocultural region or in geographical proximity to one another to also investigate the possibility of passing bilateral agreements such as those made between Mexico and the United States of America, Peru and Guatemala or between the United States of America and Peru.

29. The Committee expresses its appreciation for the participation of INTERPOL in its activities and expresses the hope that this organization will submit to it, before its fourth session, a written report concerning its efforts to combat illicit traffic in cultural property.

30. The Committee recommends that the Unesco-ICOM Documentation Centre collect auction catalogues and make available to museum authorities who request it pertinent information about objects proposed for sale which may have been involved in illicit traffic.

31. On the basis of a comparative analysis of national codes of acquisition the Director-General is requested to prepare and publish an internationally acceptable statement of ethical principles in regard to acquisitions both by public institutions and private persons dealing in or collecting cultural property.

#### IV. PUBLIC INFORMATION

32. The Committee expresses its appreciation of the public information activities carried out by the Director-General and the Chairman and Vice-Chairmen of the Committee. Since these efforts have contributed in very large measure to the wider and more constructive understanding of the problems of return or restitution the Committee once again reiterates recommendation (iii) of its first session concerning public information ('public information campaigns should be conducted, firstly in the countries calling for

the return or restitution of cultural property, so that the whole population may realize the importance of protecting and preserving its artistic and historical heritage; and secondly in the countries to which requests are addressed, so as to make clear the justification for such requests and to dissipate any misunderstandings still existing on this subject. Educational and cultural institutions should be associated in this action'). It underlines the importance of making young people more aware of the issues involved.

33. The Committee notes the positive impact of the seminar of African journalists held jointly with a meeting of African National Committees of ICOM (Niamey, Niger, 21-26 February 1983) and recommends that such seminars, which bring together the press and specialists responsible for protection of movable cultural property, should continue to be organized in all regions.

34. The Committee also notes the usefulness of information and fact-finding missions such as the one carried out in several African countries by Mr Henrique Abranches (see also para. 18 above) and recommends that similar missions be carried out in other regions as well.

35. The Committee also notes the positive and educational effect of cultural agreements between states which provide for the exchange of objects and exhibitions and recommends that these be continued and reinforced.

36. The Committee recommends that the Director-General also continue to make full use of existing periodicals publications of Unesco (Museum, Cultures, The Unesco Courier, Unesco Features, etc.) to bring the problem of return and restitution to the attention of international public opinion.

37. In view of the influence of audio-visual media on public opinion and of the interest aroused by films already made by national television organizations in various countries the Committee strongly recommends to the Director-General that Unesco produce during the next biennium, in consultation with the Bureau of the Committee, a film on the question of the return or restitution of cultural property.

#### V. DATE AND PLACE OF THE FOURTH SESSION OF THE COMMITTEE

38. The Committee decides to recommend to the Director-General to accept the invitation of the Government of Greece to hold its fourth session in Delphi. It recommends that this session be held in the spring of 1985.

#### VI. INVITATIONS TO THE FOURTH SESSION OF THE COMMITTEE

39. The Committee recommends that invitations to its fourth session be extended to the same international organizations which were invited to its present session (as listed in Annex II to the Final Report of its second session, document CC-81/CONF.203/10).

#### Motion of thanks to the host country

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Deeply thanks the Government of Turkey for its generous invitation to hold the Committee's third session from 9 to 13 May in the prestigious city of Istanbul;

Expresses in particular its gratitude to the Ministry of External Affairs and the Ministry of Culture and Tourism for having provided the conditions necessary for the full success of the Committee's work;

Thanks the Turkish officials and scholars, representatives of a richly diversified and ancient cultural heritage, who enriched by their contribution the deliberations of the Committee.