

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

Third session

Istanbul, Turkey, 9-12 May 1983

FINAL REPORT

I. INTRODUCTION

1. The third 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 the Hotel Etap Marmara, Istanbul, from 9 to 12 May 1983. Fifteen states members of the Committee were represented. In addition, seventeen other Member States of Unesco, as well as the Holy See, were represented by observers. Observers from five international governmental organizations and three international non-governmental organizations also took part in the work of the Committee. The complete list of participants is given in Annex II to the present report.
2. In accordance with Article 10 (1) of its Statutes, the Secretariat of the Committee was provided by the Unesco Secretariat.
3. The session was opened by the Chairman, H.E. Mr Salah Stetié, who immediately gave the floor to Mr Oktay Cankardes, Assistant Under-Secretary of State of the Ministry of External Affairs. In his welcoming speech Mr Cankardes, on behalf of the Turkish Government, extended a warm welcome to all the participants. He congratulated Unesco and the Intergovernmental Committee on the constructive, arduous and patient work that had enabled them to achieve the progress made so far. The cultural development of societies (he said) and the furthering of their creativity depended on the existence and accessibility of their cultural heritage, both as a permanent point of reference for the community and as a source of inspiration for new creative work. The safeguarding of cultural property involved protecting it not only against the effects of time and nature but also against its being lost or being moved so that it was no longer accessible to those who had created it, as a result of various historical factors and on account of illicit practices. Turkey was one of the countries that had suffered seriously from all these forms of dispossession and its government, aware of its responsibilities at the present time, was making very considerable efforts to protect its heritage. But regardless of the efforts and sacrifices made at the national level in order to preserve the cultural heritage, effective international co-operation was proving necessary to solve the problems bound up with the return or restitution of cultural property. The Republic of Turkey, guided since the time of its foundation by the ideals of justice,

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freedom and peace among nations, was convinced that, as had been reaffirmed by the United Nations General Assembly, the restitution to a country of its displaced cultural or artistic treasures would help to strengthen international co-operation and to promote universal cultural values.

4. Mr Makaminan Makagiansar, Assistant Director-General for Culture, who was representing the Director-General of Unesco, then took the floor. He began by thanking the Government of Turkey for its most generous invitation to hold the session in the great city of Istanbul and recalled that the progress made by the international community with respect to the return and restitution of cultural property was the fruit of a combined effort: the spirit of dialogue and understanding among Unesco's Member States, the work of the Committee, the efforts of the Unesco Secretariat and the co-operation of the museum world itself, whose most active and forward-looking curators had joined hands with Unesco under the aegis of ICOM. Judging from several cases of return or restitution recorded in recent months he was convinced that these initiatives marked the beginnings of a new phase in international cultural relations. The heightened awareness of the harm caused by illicit traffic in cultural property and of the need to reinforce the fight against it was also one of the most encouraging developments of the last few years as shown by recent or imminent ratifications of Unesco's 1970 Convention on the part of several Member States. Mr Makagiansar declared that all those concerned had together come closer to the goal of reaching the 'effective agreements . . . clearly understood and supported by all those who are committed to the establishment of international relations based on justice and solidarity', which the Director-General identified when he opened the first session of this Committee in May 1980. Yet, since a number of obstacles still remained the Committee would be concerned essentially over the next few days with reflection and stock-taking of the results achieved so far-- a stock-taking which would undoubtedly pave the way to new forms of co-operation.

5. The Chairman then made a brief introductory statement in which he expressed the emotion felt by the members of the Committee and the Secretariat on finding themselves in the admirable setting provided by the city of Istanbul, most symbolic of cities but also 'a city at the crossroads of time and space, the city of meditations . . . It admirably protects all that originates in its prestigious past and guarantees its future: a solitary, splendid jewel on the two shores of the Bosphorus, it says a decisive no to the immense uniformity of the ways of living and thinking that threaten us and which our Committee, for its part and with its own means, has the task of combating. We too, we are all individually intent on saving the most important distinguishing features of our respective cultures; we wish to gaze upon ourselves in the mirror of our restored identity and, by bringing together the productions of our personal genius which define us, to give to others, to the children of other civilizations and cultures, that in us which is inimitable and irreducible, for the greater good of each and everyone. What we want to give, we want to give joyfully, in total freedom, as our own, as our non-obligatory contribution to the common fortune of the planet, to that much-praised, much-sought, much-desired universal cultural heritage, but which cannot be universal in one direction only. Men and women of goodwill, albeit armed with arguments and proof, we have come together here, as representatives of the community of nations, to pursue the task of conceiving, promoting and giving effect to a new distributive justice in regard to culture, a new world cultural order which is not an order imposed by the strongest but the order negotiated and achieved by the tree when it at last bears fruit. The fruit is also the result of long and subtle negotiations, of which some are visible and some are concealed, and by its splendour and its flavour it bears witness to a balance at last achieved between the conflicting forces of nature . . .'

II. ADOPTION OF THE AGENDA

6. The Committee adopted the agenda set out in document CLT-83/CONF.216/1. In the light of this agenda it also concluded that it could complete its work by the afternoon of Thursday, 12 May, at which time it would hold a special closing session. Mr Amadou-Mahtar M'Bow, Director-General of Unesco, would address the Committee at this closing session.

III. REPORT OF THE CHAIRMAN

7. The Chairman referred to the document entitled Report by the Unesco Secretariat on measures taken to implement the recommendations of the second session of the Intergovernmental Committee . . . (document CLT-83/CONF.216/2) and reported briefly on the measures taken to implement the recommendations of the Committee's two previous sessions. He stressed the public information efforts that had been made since the second session of the Committee, mentioning in particular the seminar for African journalists organized by Unesco together with a meeting of African National Committees of ICOM at Niamey, Niger, in February 1983. This seminar had proved very fruitful in clarifying some of the political, psychological, and technical problems besetting the protection of the cultural heritage--particularly museums--in Africa. Thus the seminar's impact was measurable not only through its coverage by newspapers and other media, which had certainly brought the problems of return and restitution to the attention of many people in African countries, but also in the fact that museum professionals and journalists had been given the opportunity to identify concrete problems characteristic of their region and suggest some constructive solutions to them. Similar seminars should therefore be organized in other regions as well, for they could greatly facilitate common regional approaches.

8. Mr Stétié also recalled the importance given by the World Conference on Cultural Policies (Mexico City, 26 July-6 August 1982) to the question of return or restitution of cultural property and informed the Committee of the personal observations he had submitted to the Conference as part of a document entitled The Cultural Heritage of Mankind: A Shared Responsibility. In these observations he had attempted to present, as objectively and frankly as possible, an analysis of the causes and effects of the retention by certain countries of cultural property created by others and the absence of infrastructures of the protection in many of those countries of origin which explained the unwillingness of many holding countries to return certain objects. Since then, however, he had been happy to note the steps taken by some of the latter to return cultural objects to their countries of origin or at least their willingness to commence dialogue in order to determine possible ways and means for such returns.

IV. DISCUSSION OF ITEMS ON THE COMMITTEE'S AGENDA

A. Promotion of bilateral negotiations for the return or restitution of cultural property

9. The Committee discussed the results it had already achieved in defining a procedure for the promotion of bilateral negotiations. Several members and observers directed their remarks to the nature of the Committee's mandate and the role it would play in the future.

10. Opening the discussion on this question the Chairman requested the Secretary to inform the Committee of the progress of bilateral negotiations for the return or restitution of cultural property. The latter referred to the information contained in the report of the Secretariat and provided additional up-to-date

information on several cases. It was thus confirmed that in January 1983 the Turin magistrature had ordered the restitution to Ecuador of the important collection of pre-Columbian ceramics illicitly exported to Italy in 1974 and that the archaeological objects were en route for their country of origin, where they would be put on display very shortly in a special exhibition recounting the facts and the significance of this restitution. Although Ecuador's fight to obtain this result had been waged entirely in the legal arena and the decision was that of an Italian court acting in total independence, the moral support expressed by the Committee had been recognized by the Ecuadorian authorities as a significant factor in the success of their cause.

11. The Chairman reminded the Committee of the requests formulated by Sri Lanka and informed it that a number of standard forms had been received by the Secretariat recently which were not completed according to the criteria defined by the Committee. These forms gave no indication whatsoever of whether bilateral negotiations had taken place with the holding countries and it would be necessary therefore to return them to the Sri Lankan authorities, who would be given all the assistance needed to fill them out. These requests could eventually be discussed at the next session. The problems encountered by Sri Lanka in filling out the standard form illustrated the real need for a vademecum concerning the use of the form which ICOM had been requested to prepare (see discussion on the subject, paragraphs 24-27 below).

12. The Chairman further pointed out that Sri Lanka had submitted these standard forms without indicating whether bilateral negotiations had proved to be unsuccessful. The need for states to themselves begin bilateral negotiations and to address themselves to the Committee only when these attempts had failed was strongly emphasized by the Chairman. Only in such cases could the procedure defined by the Committee become applicable, as an essentially diplomatic process, a recourse to the Committee's moral support. He recalled that the latter had decided at its second session that once a request was submitted to it and transmitted to a holding country, the latter would be given one year to react to the claim. If at the end of the one-year period the Committee felt that the position of the holding country was unjustified it could extend its good offices or perhaps even arbitrate in order to find an acceptable solution.

13. Several members then took the floor to stress that the method of bilateral negotiation must be respected absolutely. One member asked, however, what exactly the Committee could do if negotiations were completely blocked. Another member stated that it was not possible for his country to accept the idea of 'arbitration' on the part of the Committee, for the latter's role was one of mediation only. To arbitrate would be to support the position of a particular country; it was not for the Committee to pass judgement in such a manner but rather to analyse the reasons for the failure of an attempt to obtain a return or restitution through bilateral channels. This view was supported by an observer.

14. On the other hand, the observer of the Arab League Educational Scientific and Cultural Organization (ALECSO) stated at this juncture that while the Arab countries were most interested in recourse to the Committee and the procedures it had defined and therefore agreed with the need to engage first in bilateral negotiations they felt that the crucial question concerning the Committee's future would be the role it should play. Would its role be to advise, to mediate, to extend its good offices or to arbitrate?

15. In the ensuing discussion several members and observers expressed their concern with respect to the possibilities open to the Committee should two states find themselves in an impasse. The Chairman recalled the wording of Article 4 of the Statutes, which stipulated that the Committee 'shall be responsible for:

- (1) seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to its countries of origin when they are undertaken according to the conditions defined in Article 9;
- (2) promoting multilateral and bilateral co-operation with a view to the restitution and return of cultural property to its countries of origin'.

He referred also to the report of the Committee's first session and explained in this connection that he had used the word 'arbitration' in a general way and stated that whatever opinions he expressed should be corrected in the light of the Statutes. The Committee could only bring together people of goodwill eager to find workable solutions: its path was that of mediation and moral pressure.

16. At this juncture the representative of the Director-General recalled the terms of the latter's 1978 Appeal, 'A plea for the return of an irreplaceable cultural heritage to those who created it' and in particular its closing sentence: 'The return of a work of art or record to the country which created it enables a people to recover part of its memory and identity, and proves that the long dialogue between civilizations which shapes the history of the world is still continuing in an atmosphere of mutual respect between nations'. He also reminded the Committee of Article 1, paragraph 3 of the Constitution of Unesco which stated: 'With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the states members of this Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction'. He also referred to the phrase in Article 1 which stated that Unesco will 'maintain, increase and diffuse knowledge . . . by encouraging co-operation among the nations in all branches of intellectual activity . . .'. Such encouragement was characteristic of the United Nations system as a whole, for Member States are sovereign and the United Nations and each Specialized Agency strive to encourage optimal conditions for dialogue. In this context, therefore, Unesco's mission was to seek all ways and means to enable Member States to engage in fruitful dialogue on the basis of mutual respect and dignity and in a spirit of international solidarity. From such dialogue developed fruitful ideas. He cited the example of the notion of cultural identity, which was barely recognized just ten years earlier, but which had progressed to become a basic principle of international cultural relations as shown clearly at the World Conference on Cultural Policies (Mexico, July-August 1982). Similar progress could be expected with respect to the idea of return of cultural property. Finally, the Assistant Director-General recalled the wording of Article 4 of the Committee's Statutes and reminded the meeting that it was for the General Conference, which had in fact adopted these Statutes, to judge the success of the Committee's efforts and perhaps formulate suggestions for the direction its work should take in the future.

17. The Chairman and several members of the Committee warmly welcomed this statement. It was pointed out that the Committee had already achieved significant results and that many Member States had acted in a spirit of friendship and goodwill. One member pointed out that while a new awareness of the just claim of many peoples to the recovery of part of their cultural memory had really been created and given concrete expression a very considerable task still lay ahead; this could not possibly be achieved, nor could the Committee stand the test of time, if its Statutes were not scrupulously respected.

18. The representative of Greece referred to the position adopted by the Committee when he informed it that his government intended to pursue its claim for the marbles of the Parthenon and that by stepping forward into bilateral negotiations it would comply fully with the procedures for bilateral negotiation as clarified at the present session. The representative of Greece chose not to dwell upon the facts of a case which had already been widely discussed in other fora and the facts of which were certainly well known to all. He pointed out, however, that Greece did

not intend to request the return of all categories of object but only those which had belonged to unique monuments. Such were the Parthenon marbles; Greece would insist upon their return, and appeal to the moral support of the Committee.

19. The observer from the United Kingdom made a statement in which he pointed out that his country was a pluralistic society, with a great deal of institutional independence and powers of government were strictly limited. In formulating policy it also had to take into account two possibly conflicting considerations: the aspiration of developing countries to obtain irreplaceable objects relating to their cultural heritages and the need for great, universal museums, created during a long span of years, and open for the international community as a whole. The way to resolve the potential conflict between these considerations lay in international and particularly bilateral cultural co-operation. He stated that 'the fact that the United Kingdom does not accept the principle of the return of cultural property except in cases of illegal acquisition does not mean that we are opposed in principle to the return of objects. Each institution is free to act as it wished within the confines of its statutes'. The return of objects is only one of a possible range of options which can be explored bilaterally. He ended by referring to the possibility of making use of bilateral aid programmes for the purpose of providing technical co-operation in museum management and the corresponding techniques of conservation, etc.

20. The observer from the Islamic Republic of Iran informed the Committee of some of the problems facing his country. He mentioned how, from the beginning of the nineteenth century 'various colonial and imperialist powers had plundered Iran . . . under different disguises of excavating in historical and archaeological lands, buying very precious objects from ignorant people and exporting the most exceptional and valuable articles'. He cited the following examples of Iranian cultural property held in other countries: unique carpets at the Victoria and Albert Museum, London; several thousand famous manuscripts in the United States of America and European countries; specific objects at the Hermitage Museum, Leningrad; the Hammurabi Codex found at Suse, now at the Louvre, Paris. The observer from Iran stated that his country would adopt the procedure defined by the Committee and submit its requests accordingly.

21. The observers from the host country took the floor to inform the Committee of the situation of Turkey in general and particularly with respect to three important art historical periods: prehistory, the Graeco-Roman and Byzantine period, and finally the Islamo-Turkish period. The head of the Turkish delegation first recalled the historical factors which had created the rich and varied cultural heritage of Turkey and described the measures taken by the Turkish Republic to protect and present this heritage. He underlined the keen interest of his government in the work of the Committee, particularly since Turkey had suffered considerable pillage in the past and continued to do so through clandestine excavations and illicit traffic. He declared that the Committee should recommend measures to prevent the sale in foreign countries and to foreign museums of objects illicitly exported and that Turkey would have recourse to the Committee in order to request the return of objects it had so far failed to obtain through bilateral negotiations.

22. Three scholars in the Turkish delegation provided some details. The first referred to almost 7,000 cuneiform tablets dating from the second millennium B.C. sent to the 'Staatliche Museen' (now in Berlin, German Democratic Republic) in 1917 for conservation treatment. These tablets had not been returned since that date and the fact that the collection of tablets, invaluable testimony of the Hittite civilization, was thus divided made it impossible even to study them as archaeological evidence. The Turkish Directorate-General of Museum and Antiquities had begun bilateral negotiations with the holding country in 1980. Furthermore, continuing illicit traffic based on clandestine excavations is destroying the scientific information contained in ancient sites, mounds and tumuli throughout the eastern Mediterranean region. Several examples were cited of Turkish objects, illicitly

exported, which had been put up for sale in European and North American auctions and art galleries; it was suggested that a mechanism should be created in order to collect the relevant booklets and auction catalogues and inform the countries of origin, since some of the objects involved may have been exported illegally. Concerning the Greek, Roman and Byzantine periods, another scholar cited recent cases of theft or illicit traffic. Attempts to obtain the restitution of fragments of a marble sarcophagus had succeeded with the co-operation of the Paul Getty Museum in the United States of America, whereas other fragments of the same sarcophagus were still in the Federal Republic of Germany. In 1982 a Swiss collector had also returned a Hellenistic bronze jug to the Ephesus Museum when it was shown by the Turkish Directorate of Museums that the objects had been stolen from the Museum. Another case was that of a large collection of Byzantine ecclesiastical silver, also exported illicitly, the bulk of which is stored at Dumbarton Oaks (Centre of Byzantine Studies) in Washington, D.C. With respect to the Turkish period, examples were also cited of articles stolen or illicitly exported and which are now in foreign museums or private collections. The members of the Turkish delegation expressed their interest in opening bilateral negotiations to obtain the return or restitution of some of these objects and, apart from the practical suggestions concerning measures to combat illicit traffic, they expressed the hope that the Committee would be able to assist them for this purpose.

23. In the context of bilateral negotiations several speakers referred to outstanding examples of return or restitution which had been part of overall programmes of co-operation (e.g. the agreements between Belgium and Zaire, between the Netherlands and Indonesia). It was recalled that at its second session the Committee had already suggested that operations of return or restitution should be set out within such agreements whenever possible. To assist countries in formulating the details of such operations technical information on some of the agreements already concluded could prove to be very useful. The suggestion was therefore made that ICOM should prepare and make available to the Secretariat of the Committee such technical information.

24. In this connection, the representative of Nigeria also mentioned the results of various bilateral negotiations launched by her country (as well as outright purchase of objects so as to obtain their return to Nigeria) and indicated the hopes it placed in the work of the Committee. The observer from ALECSO indicated that many Arab countries were deeply concerned with the problem of expatriated cultural property and would certainly intend to have recourse to the good offices of the Committee.

25. The Committee had before it a draft booklet entitled Guidelines for the use of the 'Standard form concerning requests for return or restitution' established by the Intergovernmental Committee which had been prepared by ICOM in consultation with the Secretariat. At the second session of the Committee it had been pointed out that 'official and professional circles in Member States were often insufficiently familiar with the principles defined by the Committee and the procedures it had adopted'. It had been recommended therefore 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.

26. The Secretariat presented the draft Guidelines. Invited by the Chairman to comment, the observer from ICOM requested the participants to react to the document, whose provisional nature he underlined. While several members and observers felt that the draft should be studied in the course of the present session others expressed the opinion that far more time should be allowed for this study and that comments should be provided later. An observer suggested that the National Committees of ICOM in various countries should also be invited to express their views on the document; the observer from ICOM indicated that it could be

specially discussed at the forthcoming thirteenth General Conference of his organization (London, 24 July-2 August 1983). After further debate the Committee decided to request ICOM to so consult its National Committees and to ask them to provide their comments to the author of the draft, Dr H. Ganslmayr (Chairman of the Advisory Committee of ICOM). It also asked the Secretariat of Unesco to send the draft Guidelines to all the states members of the Committee as well as all the states represented as observers at the present session and request them to make comments and suggestions on the document. It was felt that a deadline should be established for this purpose; the Committee was of the opinion that the date of 1 October 1983 would leave enough time for Member States to study the document and also enable the Secretariat to prepare a final version on the basis of comments received both from Member States and through ICOM. It was also pointed out by one member that these Guidelines would necessarily evolve over time and that they should be considered temporary, just as the standard form itself would have to be tested in its actual use.

27. Particular attention was paid to the Introduction to the draft Guidelines. One member could not accept the idea expressed therein with respect to certain definitions relating to transfers of ownership during the colonial period. Discussion of this point, which involved the two key concepts of 'return' and 'restitution', contained in the Committee's Statutes, led other members and observers to note further aspects of the Introduction which might need to be deleted or amended. It was therefore decided to entrust the revision of this introductory text to an ad hoc working group (made up of representatives of Angola, Cuba, France, Belgium and the observer from ICOM). The working group's suggestions were accepted by the Committee; the version of the draft Guidelines to be submitted for comment should make clear what these changes were.

28. The contents of the second volume of the draft containing technical annexes were also discussed. A speech made at an international conference by a Minister of Culture of a certain Member State, together with press clippings concerning the claim of that country had been included. Several speakers questioned the inclusion of such material. The Committee agreed with the conclusion reached by the Chairman that the text of the Guidelines, particularly its annexes, should be exclusively technical and international in scope.

B. International technical co-operation

29. With respect to inventories of movable cultural property the Secretariat informed the Committee of progress made with respect to various inventories which had been launched, as recommended by previous sessions. These were the inventory of African cultural objects held outside Africa being prepared by the Unesco-ICOM Documentation Centre on the basis of information published in museum (and some auction) catalogues and art books; the inventory of cultural property in the museums of the Pacific region launched by ICOM under contract with Unesco; the inventory of Oceanic cultural objects in museums in the United States of America and the second phase of the inventory of cultural property from Oceania in museum collections in Australia.

30. With respect to the latter inventory, the observer from Australia informed the Committee of the progress made by the Australian Museum in Sydney, which is co-ordinating the survey. Because of funding delays this phase was about four months behind schedule and would not be complete until late June 1983 at the earliest. Once completed the full inventory will be entitled 'Polynesian and Micronesian Artefacts in Australia: An Inventory of Major Public Collections'. It will be in three volumes: Micronesia, Polynesia (1) and Polynesia (2). The introduction to the

volumes will address some of the difficulties in preparing the inventory and stress the importance of defining clearly what the publication is attempting to achieve. In this context the observer from Australia suggested that the Committee consider asking the Secretariat to prepare a practical manual to advise Member States on how to draw up an inventory, describing the objectives, methods and problems involved. Several other participants agreed with the proposal and the Secretariat indicated that such a project would usefully complement a manual on inventories of monuments and sites now in press; it would also fall squarely within the scope of a specific subprogramme of Programme XI.1 - Cultural heritage in Unesco's Medium-Term Plan (1984-1989).

31. In commenting briefly on several inventory projects currently under way the observer from ICOM drew the distinction between inventories carried out within a country to identify its existing heritage of movable cultural property and inventories carried out with respect to material dispersed outside its countries of origin. Asked by the Chairman to identify difficulties encountered in the preparation of inventories in the latter category he indicated that in certain cases museums do not wish to reply to official requests for information from countries of origin whereas requests purely from museum to museum pose no such problems. Access to private collections is of course the most difficult.

32. A number of speakers confirmed these observations and stressed that inventories were a fundamental tool of scientific research, in the identification and analysis of the cultural heritage as a whole. One member underlined the importance of understanding the intrinsic importance of inventories as a means of defining cultural identity and as a basis for all future research on the subject. Their elaboration was not necessarily linked to requests for return or restitution of cultural property, a point which should be made clear so as to avoid negative reactions on the part of certain countries. Another member cited the experience of his own country where private collectors had been reluctant to co-operate in the establishment of a national inventory of cultural property; their fears had gradually been allayed, however, to the extent that these same private owners were now demanding the inclusion in the national inventory of the objects in their possession. The same member also stressed the role of informatics in the inventory process; computers would have to be considered as a basic tool, particularly in the perspective of a common world heritage. This view was supported by several other participants.

33. Speaking on the subject of international technical co-operation a number of members and observers also stressed the importance of training specialized personnel in all branches of the care of cultural property (conservation, curatorship and museum management). One member recalled the recommendation made by the Committee at its second session and expressed the hope that this important theme would also be highlighted by the present session. Several speakers from developing countries dwelt on the need to draw up training programmes and methods which were adapted to local conditions and mentioned the key role that regional training centres should play in meeting this need. Several participants from Africa mentioned plans to create a new regional training centre at Niamey, Niger, and hoped that it would be supported actively both by Unesco and the Member States of the region.

34. Several participants also spoke on museum development and the general lack of infrastructures in developing countries for the protection of cultural property. These remarks were made in the course of debate concerning a document presented by the African Vice-Chairman of the Committee, Mr Henrique Abranches. The latter's Report on the situation in Africa (document CLT-83/CONF.216/3) had been prepared on the basis of a mission carried out in the Congo, Gabon and Nigeria, on interviews with responsible officials in these and other countries and on discussions at the meeting of African National Committees of ICOM held at Niamey, Niger, from 21 to 26 February

1983. This report covered the following topics: (1) sensitizing the authorities and inciting them to action; (2) decision as to what expatriated property should be returned to its countries of origin and the issue of property which will not be returned; (3) gathering of precise data on expatriated cultural heritage; (4) the apparent non-conformity between objects' ethnic origin and the legally established borders of African nations; (5) technological requirements for the conservation of the material cultural heritage in Africa and Europe; (6) museums, heritage and education; (7) the most constructive exchanges of African cultural heritage, among African countries on the one hand, and between Africa and the rest of the world, on the other; and (8) protection of the African cultural heritage and the struggle against illicit traffic.

35. In presenting the document Mr Abranches made several additional observations.

He stressed the fact that the absence of museums and other infrastructures were a stumbling-block faced by many African countries and pointed out that there was not just one Africa but many, which resulted from the different patterns of colonization different countries had undergone. In fact, the 'cultural decolonization' of African countries was still incomplete, hence the need to look afresh at the question of return in a global perspective: African museums could not be content with African cultural property alone (although the development of exchanges of objects within Africa was a vital necessity) for the continent should evolve new relationships with other regions, involving better communication and exchanges of cultural property.

36. After congratulating Mr Abranches for his presentation, the Chairman underlined the great practical usefulness of such fact-finding missions and requested the Secretariat to foresee similar missions in other regions. A number of members and observers expressed their appreciation of the observations and pertinent criticism formulated by Mr Abranches. Several African participants agreed that adequately developed museums would be a positive factor in obtaining the return of cultural property and that their countries had not yet done enough in this domain. The need for exchanges within and beyond Africa was also agreed to be a necessity. Referring to the large number of African cultural objects in museums and private collections abroad (objects in private collections were the most serious problem) one member stated that she could not accept the reasons put forward for their non-return. She questioned particularly the morality of having to purchase objects from certain holding countries in order to obtain their return. She also emphasized the need to support contemporary art and artists in Africa. The member from Cuba also underlined how important for Latin America and the Caribbean was the reconstitution of Africa's cultural identity.

37. The observer from the Organization of African Unity (OAU) referred to the need to inform and sensitize African cultural authorities as mentioned in Mr Abranches's report and stated that his Organization could serve as a relay to disseminate such information. At the request of an African Head of State the subject of return and restitution of cultural property would be discussed at a forthcoming meeting of African Ministers of Culture. Referring to the recommendation of the Niamey meeting of African National Committees of ICOM which called for the reinforcement of the OAU Charter concerning the protection of the cultural heritage he stated that the OAU intended to create an African cultural fund and hoped that Unesco would lend its support to this undertaking.

38. The observer from ALECSO stated that the conclusions drawn by Mr Abranches were applicable to a great extent in the Arab world as well; this view was also expressed by a member from an Arab country. The former endorsed the observations concerning the technological requirements for the conservation of the cultural heritage and hoped that the Committee could go beyond the promotion of return and restitution and promote technical co-operation between requesting and holding countries in order to achieve better conditions for the conservation of cultural property.

39. A member of the French delegation cited several examples of bilateral co-operation launched by the French authorities concerning protection of the cultural heritage in various African countries: the construction of a National Museum at Bamako and the organization of a campaign to collect cultural property in Mali; the creation of the Historical Museum at Ouida and the Ethnographical Museum at Porto Novo and the restoration of the Royal Palace of Omnes at Porto Novo, Benin; various programmes concerning the protection of the cultural heritage in Burundi, etc.
40. The observer from ICOM, Dr Herbert Ganslmayr, having taken the floor to explain that the Niamey seminar, already mentioned above, had been organized precisely with the aim of identifying avenues of bilateral co-operation and promoting effective contacts to this end, the Chairman paid a special tribute to the pioneering work carried out by Dr Ganslmayr on the African continent and which had earned him the high esteem of many African museologists and cultural officials. Several participants confirmed their appreciation of Dr Ganslmayr's constructive efforts.
41. With respect to the necessary connections between the return of cultural property and its better identification through inventories as well as the strengthening of infrastructures of protection, the Secretariat informed the Committee that its present concerns, also expressed earlier at its second session, had been reflected in both Unesco's Medium-Term Plan (1984-1989) and in the Draft Programme and Budget for 1984-1985. It was underlined, however, that projects to carry out inventories, case-studies, etc., had to be based on needs expressed by Member States themselves; the present discussion revealed the need for initiatives to be taken by the latter and to create a demand to which Unesco itself was always ready to respond. In this connection, the Secretariat drew the attention of the Committee to the Note on Ethiopian Cultural Objects Abroad (document CLT-83/INF.216/INF.4). This document had been received by the Secretariat in August 1981, too late for submission to the Committee's second session. It constituted a very preliminary general survey of Ethiopian property abroad. Since it was submitted, however, the Ethiopian authorities had made no further communication to the Secretariat.

C. Steps to curb illicit traffic in cultural property

42. The fight against illicit traffic in cultural property was discussed at some length by the Committee. At the request of the Chairman, the Secretariat presented a document which had been prepared by the Director-General for the consideration of the Committee on Conventions and Recommendations of the 116th session of the Executive Board of Unesco. This document (116 EX/CR/CLT/1) entitled 'Proposals for the implementation of the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property' was now being presented to the Committee for its information only. The attention of the meeting was drawn to the Director-General's six suggestions in Part II of the document. It was recalled that, in pursuance of a recommendation made by the Intergovernmental Committee at its second session, a consultation of experts on the implementing of the 1970 Convention had been held in Paris from 1 to 4 March 1983. The Director-General's suggestions were based on the conclusions of this meeting, which had noted the encouraging trend towards ratification of the Convention by certain countries which had so far experienced legal, administrative or financial difficulties in this regard. The experts had expressed the opinion, however, that if the political will existed, these difficulties could be overcome. Examples cited were that of Canada, which had ratified the Convention in 1978, of France, whose Parliament had recently authorized ratification of the Convention and of the United States of America, which would soon be in a position to do so.
43. The Committee welcomed the constructive proposals put forward in the document as well as the news of recent or impending ratifications by various Member States. Members and observers who took the floor also expressed their deep concern

at the persistence of the scourge of illicit traffic in cultural property and stressed the need to strengthen measures already taken in order to combat it. Several members and observers also informed the Committee of the legal steps taken in their countries to prevent the export of their cultural property or to check the import of objects illicitly transferred from the countries of origin. A number of observations and suggestions were made in the course of the discussion; these concerned action at both the national and the international levels and are summarized below.

(i) Action at the national level

44. Several speakers felt that it was necessary to stress the responsibilities incumbent upon governments and the specialized bodies entrusted with heritage protection in each country. Apart from the strengthening of protective legislation, the need to reinforce administrative structures such as the police and customs services was once again underlined. These efforts, however, had to be supported by a greater involvement of the populations concerned, who were often ignorant of the value of their own heritage (the importance of inventories becomes clearly apparent in this connection). States should therefore increase and renew their efforts to sensitize public opinion about the protection of its own movable cultural heritage as well as that of other peoples.

45. The idea that each country should also take more interest in international efforts to combat illicit traffic was also put forward by several speakers. Illicit traffic resulting from the pillage of archaeological sites, for example, could be checked if national authorities would communicate to the Committee detailed and precise information about objects looted from archaeological sites or monuments.

46. Several speakers, having raised the question of the stance taken by museums, both public and private, in relation to illicitly exported or imported cultural property, the representative of ICOM recalled the principles concerning ethics of acquisition established by his organization. He also referred to the adoption, in several countries, of codes of ethics governing museum acquisition. In commenting on the existence of such nationally defined codes, various speakers felt that these should be adopted by associations of museum professionals or museums in countries where this was not already the case. Several speakers also spoke of the need to promote such standards among private collectors, for the bulk of illicitly exported cultural property found its way into the hands of individual owners. As mentioned in paragraph 21 above, the representatives of Turkey also provided examples of illicitly exported property now in private collections.

(ii) Action at the international level

47. As mentioned in paragraphs 42 and 43 above, the attention of the Committee had been focused on the ratification and implementation of the Convention of 1970. Many members and observers called on states which had not already done so to ratify this Convention as soon as possible. They accepted the conclusion reached by the March 1983 consultation of experts, which was that it would not be opportune to revise the Convention so as to solve some of the difficulties which had arisen since fifty states were already parties thereto and more particularly since it was expected that several countries whose participation was considered important would soon ratify the Convention. The representative of Belgium stated, however, that since his country could not ratify the Convention unless it was subjected to certain revisions he could not subscribe to this view. An observer recalled the difficulties encountered by her country and stated that the latter would not be able to ratify the Convention. The Chairman urged the Secretariat to ensure that ways be found to obtain a flexible interpretation of the text of the Convention, which itself could not be changed, so as to enable as many states as possible to become parties to it.

48. In this connection one member suggested that an explanatory or interpretative text be prepared so as to assist states in finding solutions to problems concerning ratification. After some discussion of the nature of such a text, the Committee agreed that it should not be considered as a 'protocol', i.e. legally binding in any sense, but should take the form of an information note which would identify some of the solutions adopted by certain countries or which appeared to be technically feasible.
49. In the course of the discussion the observer from the United States of America informed the Committee that since implementing domestic legislation concerning the Convention had been signed by the President in January 1983 the United States of America would soon ratify the instrument, subject to a number of reservations and 'understandings'.
50. The representative of the Union of Soviet Socialist Republics informed the meeting of measures taken in his country to ensure the protection of cultural property, to check illicit traffic and to encourage private collectors to donate their collections to public museums. He also indicated that certain of these legislative measures, adopted in late 1982, opened up the way to the ratification by the USSR of the 1970 Convention. The representative of the Arab Republic of Yemen also stated that in his country steps were being taken towards ratification.
51. Stressing the need for practical measures of co-operation between governments, the representative of Mexico cited the usefulness of bilateral agreements between countries, particularly when they were in geographical proximity to one another or within the same region. He cited a number of successful restitutions obtained by virtue of the bilateral agreements between Mexico and Peru, Guatemala and the United States of America or between the latter and Peru. Such agreements could involve collaboration between countries with shared cultural traditions; they could also link countries which, because of geographical and economic factors, found themselves in the position of 'exporting' and 'importing' countries respectively. Arrangements of this nature worked in the Americas and could well be envisaged in other regions as well.
52. The observer from INTERPOL described the role of his organization in the fight against illicit traffic. He explained certain principles on which INTERPOL's activity was based: voluntary participation, respect for national sovereignty, primacy of national legislations, intervention limited to cases of penal infraction. He stated that INTERPOL would be submitting a detailed report, which would help members of the Committee to better understand the nature of its work and the means at its disposal. Explaining the functioning of the avis de recherche internationaux, he pointed out that the majority of requests were made by European countries, less than one hundred requests per year being received from all the other countries combined. He expressed regret that the latter did not inform INTERPOL headquarters of losses of cultural property. National authorities, in co-operation with museums, should transmit relevant information regularly to the Secretary-General of INTERPOL.
53. The observer from the International Confederation of Art Dealers (CINOA) stated that very little of the dealing done by members of his organization involved illicitly transferred objects. He suggested that private collectors should be invited as observers to sessions of the Committee and also pointed out that art dealers had at their disposal very little detailed and precise information which might enable them to avoid acquiring stolen or smuggled objects. Referring to the suggestion made by the representatives of Turkey that auction catalogues be systematically scrutinized, he said that he would be ready to send to a centrally designated body the catalogues of all such auctions held in his country of residence.

54. The observer from ICOM mentioned the campaign undertaken by his organization to promote stricter standards of acquisition among museums throughout the world. He welcomed the suggestion that data from auction catalogues be collected and analysed by the Unesco-ICOM Documentation Centre. The Chairman's proposal that Unesco, in consultation with ICOM, also carry out a comparative analysis of national codes of acquisition and, on the basis of this study, prepare and publish an internationally acceptable statement in regard to acquisitions by public institutions or private persons was welcomed by all the participants.

D. Public information

55. Members and observers who took the floor on the subject of public information noted the wide and constructive impact which had been created by efforts made over the last two years. In presenting a number of articles which had appeared in the African press since the seminar held at Niamey in February 1983 (and which had been received too late for inclusion in the Press File --document CLT-83/CONF.216/INF.3) the Secretariat informed the session that the attitude of the media had evolved considerably in the recent past. The Committee was no longer obliged to seek out journalists who might write on the subject; on the contrary, requests from journalists for information and clarifications, concrete examples and interviews had become extremely frequent. The Secretariat also remarked on the usefulness of information seminars organized in developing countries which brought together museum and heritage specialists on the one hand and journalists on the other.

56. Indeed, several speakers stressed the urgent need for more active public information campaigns in countries still being dispossessed of their heritage. Thus they not only expressed their satisfaction at the holding of the Niamey seminar jointly by Unesco and ICOM but also welcomed a suggestion made by the Chairman that similar seminars be organized in all regions. In the same spirit, several speakers referred to the impact of the information and fact-finding mission carried out by the African Vice-Chairman of the Committee (see paragraphs 34-38 above) and were of the opinion that such missions be envisaged in other regions also.

57. A number of speakers felt that public information about the problems of return or restitution of cultural property should always be conceived in the perspective of the common heritage of humanity. Public information should be linked to the organization of exchanges of objects and temporary exhibitions for it is through understanding and appreciation of one's own cultural identity as well as that of others that a deeper awareness of the need to protect it could be instilled. In the spirit of regional or interregional co-operation, existing structures such as the Organization of Museums, Monuments and Sites in Africa (OMMSA), the Arab League Educational, Scientific and Cultural Organization (ALECSO), etc., should also use their own networks of co-operation in order to promote public information.

58. The Committee was informed of the regular coverage given to the subject of return and restitution of cultural property in various Unesco publications, particularly Museum and Unesco Features. Several speakers expressed their appreciation of such systematic use of the various possibilities available to Unesco. These efforts should be maintained and intensified in the coming years. Underlining the impact of film as a medium, one member proposed that Unesco produce a film on the subject. He declared that special programmes prepared by various national television companies had attracted a great deal of attention; the time appeared ripe, therefore, for a serious documentary film which would explain the present situation with regard to the return of cultural property, the objectives of the Committee and the results it had achieved, particularly returns or restitutions already carried out. The members of the Committee unanimously supported this proposal, on the understanding that the Secretariat of Unesco would consult the Bureau of the Committee when preparing such a film.

V. ADOPTION OF THE COMMITTEE'S RECOMMENDATION

59. At the close of its general discussion on 10 May 1983 and on the suggestion of the Chairman, the Committee requested the Rapporteur to prepare a single draft recommendation, divided into the same major sections as the recommendation of the second session. The text should be conceived as a unified whole and should be preceded by a general overview of the Committee's objectives, the results so far achieved and the obstacles still to be overcome. It was decided that the members of the Committee's Bureau present at the session would examine a preliminary draft recommendation. The observers from ICOM were invited to advise the Bureau on this occasion.
60. The meeting of the Bureau was held in the evening of 11 May and a revised text was prepared for submission to the Committee the following day.
61. When the Committee met on 12 May to adopt its recommendation brief statements were made by the observers from the Islamic Republic of Iran (see paragraph 20 above) and from the Agency for Cultural and Technical Co-operation (ACCT). The latter indicated the ACCT's interest in co-operation with Unesco and the Committee.
62. The ad hoc subcommittee on the subject of the Guidelines prepared by ICOM also presented its suggestions: cuts and modifications in the introduction; the addition of the reports of the Committee's sessions in the annexes and the exclusion of all statements of a political nature. These proposals were accepted by the Committee. The representative of Greece expressly requested that his disagreement with the last of these proposals be recorded in the present report. The representatives of Nigeria and ALECSO also expressed reservations concerning the definitions of the terms 'return' and 'restitution'. The representative of ICOM thanked the Committee for its observations. He pointed out, however, that ICOM was a non-governmental organization composed of professionals and that the final version it would propose to the Bureau of the Committee might not wholly satisfy all members.
63. The Committee then proceeded to examine the draft recommendation. In the ensuing discussion it agreed to insert a new third preambular paragraph, following a proposal made by one member to stress the need to establish the best possible conditions for dialogue and bilateral negotiations. The Vice-Chairman from Africa proposed a new paragraph concerning exchanges of cultural property under section II--International Technical Co-operation. The text proposed by him, slightly amended by the Committee, was adopted as subsection 2.4 of the final recommendation. Some small additions and clarifications were made to a number of other paragraphs in the course of the discussion.
64. The recommendation reproduced herewith as Annex I to the present report also contains the Committee's proposal concerning item 8 of its agenda (Date and place of the fourth session). This proposal was made in response to the invitation extended by the representative of Greece on behalf of his government. The Committee's decision on item 9 of the agenda (Invitations to the fourth session) is also recorded in the recommendation.

VI. CLOSING SESSION

65. The Chairman opened the special closing session by welcoming Mr Amadou-Mahtar M'Bow, Director-General of Unesco. Before giving him the floor the Chairman recalled that it was the Director-General's Appeal of 7 June 1978 which was the principal inspiration for the work of the Committee.

66. In his address, Mr M'Bow congratulated the Committee and its Chairman on the significant results it had achieved. He pointed out that the Committee's action should be continued systematically and permanently by all the members of the Committee, as well as by the Unesco Secretariat, in order better to inform the public and, in particular, to develop new and greater awareness of the scourge represented by the illicit traffic which, in some countries, was steadily increasing. As the Committee had very rightly pointed out, measures to prevent this traffic whose persistence and growth were impoverishing the heritage of many peoples should be urgently stepped up. Cultural property was an increasingly important item of trade and was consequently giving rise to unbridled speculation which was not a source of profit either to its creators or to the countries to which they belonged. Many countries from which the most sought-after objects originated were not yet in a position to prevent them from being exported illegally. Others were not taking the trouble to do so. The Director-General emphasized that this was an extremely serious situation. The illicit traffic would not be halted so long as the governments concerned--in other words, all governments--did not take the necessary measures. There was sometimes too great a degree of slackness, not to say connivance in some cases, on the part of those responsible for enforcing the law, thus making things easy for the traffickers.

The Director-General could not but welcome, therefore, the important measures about to be taken by some countries, in regard to customs controls and by virtue of bilateral agreements, in order to prevent certain forms of trafficking. 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 gave grounds for hoping that other countries would soon be ratifying that Convention.

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

68. 'The task carried out by your Committee', the Director-General concluded, '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'.

69. Before closing the meeting the Chairman in turn made a brief address. He thanked all the participants for having facilitated his task and expressed his great appreciation for the competent and devoted services provided by the Secretariat of Unesco. He also thanked the representatives of ICOM for their skilful and loyal assistance, and the representatives of the other international organizations who had taken part in the session. Since a special debt of gratitude was owed to the Turkish authorities, the Chairman proposed a motion of thanks to the host country which was adopted by acclamation (this motion is reproduced at the end of the Recommendation).

70. The Chairman referred to the fact that the present session was the last that he would preside over and concluded by making two observations on the basis of the discussions of the preceding days. The first was that the Committee had decided to attach the utmost importance to bilateral negotiations, facilitating and actively encouraging them behind the scenes, defining itself in the field as a mediator, in which capacity its undoubted moral authority had already enabled it to bring into closer convergence with its ideals the juridical approach and practical behaviour of states regarding cultural property.

71. His second conclusion was couched in the following terms: 'It is important, it is essential, that our aims be increasingly well known, increasingly well publicized, that they be more and more deeply engraved on the collective consciousness, in countries producing expatriated cultural property and countries consuming it. We, the Committee, Bureau and Secretariat, have done all that was in our power, and I would say more, to give credibility to our entire undertaking, which would have been unthinkable only twenty years ago, and, through all the media to which we have had--or sometimes even requested--access, to arouse the interest of the largest possible number of people'.

72. Mr Pierre Quoniam, Vice-Chairman of the Committee, was the last to speak, taking the floor on behalf of all the members of the Committee in order to pay tribute to the Chairman. He expressed himself as follows:

'Allow me in my turn to give you an assurance in the form of a word of thanks. No, you certainly have not been unworthy of the confidence that, from the outset, three years ago, those working with you placed in you and, on behalf of those colleagues, on behalf of all those, who during those three years, followed your path, I should like to tell you that your chairmanship will leave us with the memory, firstly, of positive action, in regard to aims, in regard to procedures, in regard above all, and it is this that is most important, to the spirit in which you discharged your mission.

It was not an easy one. Each one of us, three years ago, coming to this Committee, asked himself questions, serious questions. We raised those questions with one another and, even if we did not manage to answer all of them--it was unlikely that we would--at least today, taking stock of these three years, as the Director-General of Unesco has just done, as you have retraced them, and as we ourselves have noted during these meetings, we can say that, thanks to you, a vast sum of highly positive work has been achieved; and it has been achieved thanks to the qualities you have brought to it: a way of communicating, first of all, the way of communicating of a man of letters, of a man of culture; an ability to take initiatives, the initiatives also of a man of feeling, altogether characteristic of the inhabitant of a country whose merits and sufferings are well known to us and to which, in your person, we wish to pay tribute; and you also succeeded through your patience, which is said to be a cardinal virtue for diplomats but is also one for other men, and which, in the circumstances, proved more than usually necessary.

The stock-taking is completed. Unquestionably, the Committee has now become an established institution; its future is, I think, clearly outlined. Once again all this has been achieved thanks to you. As you will have realized, I am saying this without resorting to set phrases; I am saying it from the bottom of my heart: Mr Stétié, on behalf of all the members of this Committee: thank you!'

73. The session was closed at 6.15 p.m. on Thursday 12 May 1983.

ANNEX I

RECOMMENDATION

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 infrastructures and that both are foreseen under a combined sub-programme of the Medium Term Plan (1984-89),

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 Zaïre, between the 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 underway 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 COOPERATION

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 cooperate 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 sub-programme 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 taking 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 audiovisual 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).

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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.

ANNEX II

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

1. Etats membres du Comité/States members of the Committee

ANGOLA M. Henrique M. ABRANCHES
Directeur du Laboratoire national d'anthropologie

BELGIQUE/BELGIUM M. Georges DUMONT
Secrétaire général de la Commission nationale pour
l'Unesco

CUBA Mme Marta ARJONA
Directeur du Patrimoine culturel auprès du Ministère
de la Culture

DANEMARK/DENMARK Mrs. Else-Marie BOYHUS
Curator

Mr. Bent Von LINSTOW
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M. Hervé LE PORZ
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SENEGAL M. Amadou Lamine SY
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Counsellor, USSR National Commission for Unesco

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Principal Expert, Ministry of Culture

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YUGOSLAVIE/YUGOSLAVIA M. Džemal ČELIĆ
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2. Observateurs / Observers

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ALGERIE/ALGERIA M. Mohammed TEMMAM
Conservateur du Musée national des Antiquités, Alger

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Ministry of Cultural Affairs

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M. Koralika BANDACK
Consulat général à Istanbul

EGYPTE/EGYPT M. Mohamed MOHSEN
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Organisation des Antiquités égyptiennes

ETATS UNIS D'AMERIQUE /
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First Secretary, American Embassy, Ankara

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Cultural Affairs Officer,
American Consulate General, Istanbul

INDONESIE/INDONESIA
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Head of Information, Section of Culture,
Indonesian Embassy, Ankara

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Mr. Ali MILANI
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Dr. Reza SHABANI SAMGHABADY
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ITALIE/ITALY
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Expert au Ministère des Biens culturels

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Miss Jean RANKINE
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Dr. Ufuk ESIN
Professor of Prehistory

B - Etat non membre/ Non-member State

SAINT-SIEGE/HOLY SEE
Mgr. F. Vittorio del GIORNO
Secrétaire de la Nonciature Apostolique à Ankara

Mgr. Antuan MAROVIC
Nonciature Apostolique à Ankara

C - Organisations internationales gouvernementales et non-gouvernementales/
International governmental and non-governmental organizations

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(ACCT)

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Vice-Président

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M. Herbert GANSLMAYR

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Expert

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(OMMSA)

Mr. Kwasi MYLES
Secretary-General

ORGANISATION DE L'UNITE AFRICAINE/
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M. Marcel DIOUF
Chef du Service des Affaires
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D - Secrétariat de l'Unesco/Unesco Secretariat

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M. Yudhishthir Raj ISAR	Division du patrimoine culturel
Mme Marie-Josée THIEL	Division du patrimoine culturel
M. Oscar LARRAURI	Chef d'équipe des interprètes
Mme Catherine ANDRE-VERDILLON	Secrétaire