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

SUMMARY

Since the twenty-third session of the General Conference, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation has met once, on the occasion of its fifth session, which was held in Paris from 27 to 30 April 1987.

The Committee here submits to the General Conference the final report on its work at this session, in accordance with Article 4, paragraph 8 of its Statutes.

02 JUL 1987

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

Fifth Session

Unesco Headquarters, Paris, 27-30 April 1987

FINAL REPORT

I. INTRODUCTION

1. The fifth 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 27 to 30 April 1987. Eighteen of the 20 states members of the Committee took part in it. A representative of the International Council of Museums (ICOM) attended the meeting in an advisory capacity. Thirty-four Member States of Unesco that were not Committee Members were represented at the meeting by observers, as well as one non-Member State of Unesco and several international organizations, including the International Criminal Police Organization (INTERPOL).

II. OPENING OF THE SESSION

2. Speaking on behalf of the Director-General, the Assistant Director-General for Culture and Communication noted that over the last ten years, since the Director-General had launched his solemn appeal in June 1978 for the return of an irreplaceable cultural heritage to those who created it, attitudes towards the problem had evolved in a very positive way. The climate of understanding that had developed had been conducive to the conclusion of bilateral agreements. In this connection he drew the attention of the Committee to recent cases of the return of cultural property between museums, and informed it of the Director-General's wish that further agreements might be concluded directly between institutions or governments with a view to the early return of objects to countries from which they had been taken. The Assistant Director-General stressed the importance of strengthening museums and similar institutions, and also of intensifying training programmes for personnel specializing in museology and conservation techniques; he described Unesco's objectives and achievements in this area. He also stressed the importance of inventories as essential tools for protecting and preserving the cultural heritage.

3. The Assistant Director-General re-emphasized the paramount importance of the 1970 Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. He pointed out that this legal instrument provided a valuable framework for the protection of the cultural heritage and had already had an appreciable impact on the development of standards with regard to the acquisition of cultural property, both by museums and by art dealers. Member States that had not yet ratified the Convention were requested to do so and thereby help to strengthen international co-operation in action to combat illicit traffic in works of art.

III. ELECTION OF THE CHAIRMAN

4. On the proposal of a Committee member, which was widely seconded, the outgoing Chairman, His Excellency Mr Luis Villoro Toranzo, Ambassador and Permanent Delegate of Mexico to Unesco, was re-elected.

IV. ADOPTION OF THE AGENDA

5. The agenda contained in document CC-87/CONF.207/2 was adopted without any change.

V. ELECTION OF THE VICE-CHAIRMEN AND THE RAPPOREUR

6. Mr M.a M. Ngal, delegate of Zaire, was elected Rapporteur. The delegates of the four following states members of the Committee were elected Vice-Chairmen: Australia, Egypt, Democratic Kampuchea, Union of Soviet Socialist Republics. The delegate of the Lao People's Democratic Republic expressed a reservation regarding the election of the representative of Democratic Kampuchea as Vice-Chairman.

VI. SECRETARIAT REPORT ON THE MEASURES TAKEN TO IMPLEMENT THE RECOMMENDATIONS FORMULATED BY THE INTERGOVERNMENTAL COMMITTEE AT ITS FOURTH SESSION

7. The representative of the Director-General began by informing the participants about progress in the cases that had been referred to the Committee. With regard to the 'Elgin Marbles', currently held in the British Museum, the United Kingdom had stated on 31 October 1985 that it was unable to accede to Greece's request, since the trustees of the British Museum were prohibited by law from disposing of these sculptures and returning them to their countries of origin. Regarding the illicit export to Belgium of a collection of objects from the site of Khurvin in Iran, the case had been brought before the Belgian courts; the Secretariat was following the proceedings closely and would keep the Committee informed of developments. The case of the sandstone panel of Tyche with the Zodiac had been brought to a satisfactory conclusion. The two parties concerned, i.e. the Department of Antiquities of Amman (Jordan) and the Cincinnati Art Museum (Ohio, United States) had come to a joint agreement to exchange casts of the parts held by each of them.

8. She also informed the Committee of an agreement concluded by the United States and Mexico, under which a set of Mexican murals from the archaeological site of Teotihuacan had been returned to Mexico in February 1986. The murals were currently on show at the National Anthropological Museum in Mexico.

9. With regard to international technical co-operation, she noted the assistance given to several Member States under the participation programme to enable them to prepare inventories of movable cultural property. The Secretariat was also seeking to spread knowledge of the methods used to draw up inventories and compile museological documentation through various publications, such as the Basic Museum Documentation Handbook, which was to be issued this year.

10. Many activities had been conducted with a view to improving museums and similar institutions, for example the organization of conferences and symposia on different aspects of museology, the award of fellowships for the training of curators, the dispatch of advisory missions and the supply of laboratory equipment.

11. Turning to the question of illicit traffic, the representative of the Director-General informed the Committee that 60 Member States were already Parties

to the 1970 Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. Moreover, ICOM (the International Council of Museums) had in the autumn of 1986 adopted a Code of Professional Ethics, thanks to assistance from Unesco in widening the scope of application of the ethical standards for the authentication and evaluation of cultural property by museum officials. Unesco assists the States Parties to the 1970 Convention in the search for stolen objects through the extensive dissemination of illustrated data sheets describing the objects in question, and provides museums with technical assistance for the improvement of their security systems.

12. The Secretariat said that a commentary in French on the 1970 Convention had been prepared, further to a recommendation made by the Committee at a previous session, and that a study had been carried out by UNIDROIT (the International Institute for the Unification of Private Law) on behalf of Unesco on the provisions of international private law concerning the transfer of ownership of cultural property. In addition, a study on 'National legislation and regulations designed to combat illicit traffic in cultural property' had been issued in several languages. Finally, the laws and regulations of some 20 countries had been published in full in a series of volumes, in order to provide the maximum information on the legal status of cultural property.

13. The Secretariat also informed the Committee members of the preparation of a guide in English summarizing legislation and regulations regarding exports in over 150 States, which was intended to serve as a manual for customs officials, museum staff, art dealers and collectors. A poster denouncing the plundering of archaeological sites had been prepared and distributed to Member States for display in airports, tourist information offices, antique shops, museums, etc.

14. The representative of the Director-General informed the Committee of the importance attached by Unesco to informing the public both about the return and restitution of cultural property, and about illicit traffic in it. To this end, the periodical Museum continued to publish articles dealing with the problem, while co-operation was being pursued with the International Foundation for Artistic Research (IFAR), which publishes Stolen Art Alert, a bulletin dealing with stolen works of art.

VII. CASE-STUDIES

15. The Committee first of all examined the request submitted by Greece to the United Kingdom concerning the return of the 'Elgin Marbles' which were held in the British Museum. It noted that there had been no new developments since the United Kingdom's negative reply in October 1985. The Committee was informed of the establishment of a new museum in Athens which would be suitable for housing the 'Elgin Marbles' and those of the Erechtheion; also of a change of attitude on the part of the United Kingdom, which was now showing greater understanding of the problem. The Committee took note of the suggestions and ideas that were advanced in the hope that a solution might be found; many of the participants hoped that the Intergovernmental Committee or the Director-General would take action in the ways deemed most appropriate to achieve progress. It was also suggested that the Committee should call in experts who might as necessary provide advice of a technical nature. As regards the creation of a new museum in Athens, it was proposed that a clearer definition should be given to the importance and degree of priority assigned to host facilities in connection with the return of cultural property. It was felt that the limited number of requests for the return of cultural property proved that Member States were primarily concerned with strengthening their facilities, secondary importance being attached to consideration of the return of cultural property which was regarded as desirable for the constitution of representative collections. The Committee also took note of the suggestion to launch an

international information campaign in order to heighten public awareness of the particular case of the 'Elgin Marbles'. Several Committee members stressed the importance they attached to a continuation of the discussions on the matter, and hoped that the Committee would do all it could to facilitate them. Here the Chairman reminded the Committee that, far from being a court or even an arbiter, the Committee was responsible, under Article 4.1 of its Statutes, for seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property; and that its mandate was purely advisory. He also stressed Article 4.4 of the Statutes, which made the Committee responsible for fostering a public information campaign on the real nature, scale and scope of the problem of the return of cultural property to its countries of origin; and Article 4.6, concerning the Committee's role in the development of museums and similar institutions and the training of conservation specialists. He reminded participants that the Intergovernmental Committee's role was limited to this clearly-defined context. Accordingly, in the case of the 'Elgin Marbles'. It was incumbent on the Committee to make sure that the negotiations did not reach a deadlock, but were on the contrary continued with a view to achieving a solution acceptable to both parties concerned.

16. The discussion then turned to the case of the illicit export to Belgium of a collection of objects from the archaeological site of Khurvin in Iran. A member of the Unesco Secretariat, who had attended the hearing in the court of first instance in Brussels as an observer when it examined the case on 21 January 1987, reported thereon to the Committee. The collection had been assembled in Iran in the 1940s and 1950s, and transferred to Belgium in 1962/1963. It had been illicitly exported from Iran, as a law passed in Iran in 1930 explicitly stipulated that an authorization was required in order to export antiquities and no such authorization had been given in the case of the objects from Khurvin. The Iranian authorities consequently asked the Belgian court to order the restitution of the collection to Iran. Reference was made to the principles laid down in Unesco's 1970 Convention on illicit traffic in cultural property, and the court was informed that an observer from Unesco was present. A hearing concerning two related cases is to be held on 16 October 1987, and the Secretariat assured the Committee of its intention to follow the proceedings closely in these cases, as they are particularly relevant to the work of both the Organization and the Committee. The main question is whether the court in Brussels will recognize and apply the law of a foreign country concerning the export of cultural property. If such is the case, it will create a precedent which may be followed by the courts of other countries in similar cases.

17. The Chairman thanked the Unesco Secretariat for having given the matter its close attention, and said that the Committee would await the decision of the court in Brussels before pursuing the matter any further. He also informed the participants at the meeting that the Committee had received two requests for the return of cultural property, one from Iraq and one from Turkey, in April 1987. It had not been possible to include these requests on the agenda of the present session, since Rule 3.2 (e) of the Rules of Procedure stipulated that requests should reach the Secretariat six months before the opening of the session. One of the cases was described by an observer, who explained how at the beginning of the century a collection of cuneiform tablets and two sphinxes, taken from the archaeological site of Bogazköy in Turkey, had been sent shortly after their discovery to the Berlin Museum for restoration. A very few of these objects had been returned to Turkey, but some 7,400 tablets and one sphinx remained in Berlin, despite 12 years of bilateral negotiations between Turkey and the German Democratic Republic. The observer drew the Committee members' attention to the fact that the splitting up of this collection of Hittite tablets constituted an obstacle to scientific research. He then told the Committee about the fruitful results of bilateral negotiations between the Museum of Archaeology of Antalya (Turkey) and the Paul Getty Museum in Los Angeles (United States), at the conclusion of which part of a sarcophagus representing the Twelve Labours of Hercules was restored to Turkey. He emphasized

that this item had been acquired at a very high price by the Paul Getty Museum, and he paid tribute to the lofty moral sentiment of the curators who had restored such an inestimable treasure to Turkey. Finally, he said that the Turkish authorities were pursuing their negotiations with the Dumbarton Oaks Museum in Washington and the Metropolitan Museum in New York, which had in their possession illegally exported cultural property whose absence was a source of great concern to the countries of origin. The Chairman of the Committee said that these requests for return would be examined, and if they were in line with the established rules, they would be transmitted to the holding Member States. He added that if after one year the negotiations did not produce a satisfactory outcome, the Committee would seek alternative ways of reaching a satisfactory solution.

VIII. INTERNATIONAL TECHNICAL CO-OPERATION

18. The Director of the Division of Cultural Heritage took the floor to draw the Committee's attention to the fundamental role of inventories. In view of the complexity and great cost of the work involved, it would be desirable to organize major projects for international co-operation in preparing systematic inventories of cultural property in countries lacking the resources to carry through such large-scale surveys. Such a plan would be difficult to implement without specific proposals to co-operate from States who were prepared to participate in such projects. To this end, it would be very helpful if Committee members could assist the Secretariat in encouraging Member States to make such proposals. The crucial importance of inventories as a means of putting on record and accurately supervising cultural property was confirmed by several speakers. Inventories should therefore be carried out which would cover not only museums and other conservation institutions but also private collections and cultural property located in religious buildings. Several speakers said that inventories were being drawn up in their countries. One Committee member announced that his country, Peru, planned to carry out an exhaustive inventory of its cultural property, using highly efficient data processing equipment. ICOM's assistance in training of specialists in inventory methods would be extremely desirable. ICOM undertook to co-operate in this area. The question of the computerization of cultural heritage inventories was considered. One delegate observed that it was a time-honoured custom for museums to keep records, and that computerization was now in a position to take over this extremely time-consuming task. Another speaker said that although the computer-based inventorying of cultural property had its advantages, it could not fully take the place of traditional inventories, which included extremely valuable photographs and documentation. However, he referred to the possibility of working with microfilms, which in the future might prove to be both very useful and easy to handle. Another delegate spoke of his country's satisfactory experience in this area, emphasizing that a well-planned national information network was a highly effective method of ensuring the rapid transmission of information concerning the cultural heritage. The adoption of computerized systems by a large number of States would make it possible to set up international exchanges of information which would have the advantage, among other things, of providing an additional way of supervising the movements of works of art. The Committee duly noted that a project presenting the basic structures of such a system designed to establish regulations for the free exchange of information would be submitted to the Secretariat for study.

19. As regards the development of museums, reference was made to Unesco's many activities in particular the installation of the National Museum of Libya in Tripoli, which was financed by funds-in-trust, and the preparatory work on the Nubia Museum in Aswan and the National Museum of Egyptian Civilization in Cairo, these being major projects for which international co-operation is essential. One speaker stressed that the development of museums at the regional level should be discussed in the context of the World Decade for Cultural Development, due to begin in 1988. Finally, several delegates announced that their countries were

planning to pursue their activities with regard to the establishment of regional museums, being aware of their importance and of their fundamental role in the setting up of integrated national networks for the conservation of cultural property.

IX. STEPS TO CURB ILLICIT TRAFFIC IN CULTURAL PROPERTY

20. The representative of the International Criminal Police Organization (INTERPOL) took the floor to inform the members of the Committee of his Organization's activities for countering illicit traffic in cultural property. He first recalled the principles on which international police co-operation was founded, and then described the international machinery set up by INTERPOL, which plays a fundamental role in action to counter international crime, including traffic in stolen goods. INTERPOL's international files contain thousands of dossiers relating to international criminals and to international cases of theft of cultural property, including lists of persons involved in cases of fraud. INTERPOL also has a radio network which links up its Secretariat with the National Central Bureaux of more than 70 countries, that is to say, half of the 142 Member States of INTERPOL (in 1986, approximately 800,000 radio messages were transmitted by its radio network, 300 or 400 of which related to thefts of cultural property). The transmission of messages enables countries which have suffered thefts to warn others in the event of the stolen property entering their territory. Finally, INTERPOL ensures the distribution of international data sheets on stolen objects which have not been recovered or which run the risk of being the subject of illicit traffic towards foreign countries. To facilitate the production of these data sheets the INTERPOL Secretariat has devised a standard form entitled 'Theft of cultural property' for use by the National Central Bureaux in providing a detailed description of the object concerned in order to permit its identification. The form deals with typology, technique, style, period, dimensions; it bears the name of the artist and the inventory number, and must be accompanied by a photograph of the object. Data sheets are distributed not only to police forces but also to customs authorities, museums, auctioneers and art dealers in the Member States of INTERPOL. Statistics compiled in recent years on the data sheets show that very few countries report thefts of cultural property to the INTERPOL General Secretariat. From 1984 to 1986, some 200 data sheets were produced on average each year, a third of which came from Italy. In a third of the cases, the stolen objects were paintings removed from religious buildings. Apart from Italy, most of the countries which have produced data sheets are European, a fact which is perhaps due to geographical and historical reasons. It is also possible that the local police forces in developing countries do not distinguish the theft of cultural property from that of other types of property. Lastly, the INTERPOL representative informed the Committee members that the computerization of files relating to stolen cultural property was in progress.

21. Several Committee members were of the opinion that many more States ought to make use of the structures set up by INTERPOL and ought to participate in the network established by the Organization in order to counter illicit traffic in cultural property. INTERPOL should be informed as quickly as possible of any case of theft, and be provided promptly with photographs and accurate documentation enabling the identification of the stolen objects in order to facilitate effective police investigation.

22. The ICOM representative thought that the first problem to be dealt with was that of security, and that it would be advisable to strengthen direct cooperation between museum professionals. He also said that ICOM was continuing to make greater efforts to disseminate specific information on the theft of works of art.

23. In the course of the discussion on illicit traffic in cultural property several cases were described in order to illustrate particularly serious situations which deserved special attention from the Committee. One Committee member referred to the case of a collection of works of art which had been seized when they were temporarily in a country neighbouring on their country of origin, awaiting dispatch towards a third country to be disposed of in that country. Also discussed was the case of another set of objects having left their country of origin at an unknown date and transited through a neighbouring country before being seized at the border with another state. As the objects concerned come from the plundering of ancient tombs, it has not been possible to determine whether they were exported illicitly before or after ratification of the 1970 Convention by their country of origin. In order to solve this case it would be necessary for the country of transit to co-operate by submitting an official request for restitution. Closer regional cooperation is required in order to counter the problems of transit of stolen works of art via one or more countries. Co-operation would be made more effective through ratification of the 1970 Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. A number of cases were described concerning works of art which had been kept in churches and other religious buildings and were thus easy to steal. It was noted as an urgent requirement that cultural property preserved in churches and other religious buildings should be listed in inventories conducted as comprehensively as possible, and that modern security systems ought to be installed in such buildings in order to protect them from pillage.

24. In addition to the importance of national legislation aimed at stemming the flow of cultural property from its country of origin, the possibility was discussed of introducing tax incentives as a useful way of limiting the exportation of works of art. It was also suggested that a special fund could be set up in each State for the specific purpose of protecting and maintaining the country's cultural heritage as a whole. With regard to the measures to be taken at regional level, discussion related firstly to the example of the mutual assistance agreement concluded between the USSR and seven other States. It was noted that the agreement had been drafted in accordance with the spirit of the Unesco Convention on illicit traffic. Several delegates expressed the desire to see regional agreements concluded along those lines in order to strengthen co-operation within the regions in countering illicit traffic in cultural property. In this connection the Committee was informed of the recommendations adopted at a seminar held in Brisbane, Australia, at which experts suggested that regional workshops be held in Asia and the Pacific. The aim of the workshops would be to study means of strengthening regional co-operation for the protection of the movable cultural heritage, particularly through the harmonization of legislation at regional level and the preparation of conventions aimed at establishing effective co-operation between the States of the region. Again with a view to co-ordination, it was noted that the different national legislations should be harmonized, and that this might be done through a homogeneous and rational regional approach.

25. Lastly, the Secretariat referred to the proposal to organize a regional workshop, already put forward in the Unesco Draft Programme and Budget for 1988-1989. The purpose would be to determine modalities of action which would make it possible to adopt measures, both nationally and regionally, to give a more effective structure to action to combat illicit traffic in the region.

26. The question of trading in cultural property, and particularly the constant price spiral and the astronomical profits made on the art market, was a subject of concern to the participants, who feared that this increasingly lucrative traffic would lead to renewed pillage of archaeological sites and traffic in cultural property. A delegate referred to the case of a set of cultural objects which, after being replaced by copies, were illegally exported from their country of origin in order to be sold. Various proposals were made with a view to restricting fraudulent trading practices. Every object put up for sale on the art market should be

automatically accompanied by an explicit certificate of origin which would include a detailed description. The States Parties to the 1970 Convention should encourage art collectors and dealers in their countries to carry out an inventory of the cultural property in their possession.

27. The question of inventories was again given special attention by delegates, who recognized that inventories have a vital role in combating and preventing illicit traffic in cultural property. It was considered essential to draw up inventories of objects located in religious buildings, belonging to private collections or held by art and antique dealers. All collections should be the subject of comprehensive inventories, which would include not only objects on display but also objects held in storage or undergoing restoration or scientific examination in workshops. Every object listed in inventories should be accompanied by relevant documentation and photographs. Attention also focused on the dangers of pillage which threaten excavation sites. To counter this, the Committee envisaged the possibility of introducing a specific clause in excavation permits which would require archaeologists and palaeontologists to provide the national authorities with photographic documentation of each object unearthed during excavations, immediately after its discovery. Lastly, attention was given to the drawing up of inventories in territories which were the subject of conflict. One speaker dwelt on the importance of this particularly delicate problem.

28. The importance was reaffirmed of the 1970 Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. Those States which had not yet done so were invited to ratify the Convention, which was the cornerstone of the international system of prevention of illicit traffic in works of art. It was noted that most of the European countries were not yet parties to the Convention. Prompt ratification was urged at length by several delegates. The Secretariat recalled that under the Convention Unesco was empowered to provide substantial aid in various forms: in the case of thefts of works of art, such as those which occurred recently in Mexico and Nigeria, the Secretariat assumed responsibility for the dissemination, and preparation where appropriate, of information brochures and data sheets illustrated with photographs, designed for circulation to a wide public. Furthermore, the Secretariat could provide assistance to States on request in strengthening the security systems in their museums or other conservation institutions. It was pointed out that no unilateral measure could prevent illicit traffic from continuing. Coordinated action at regional level was required as a logical follow-up to action at national level.

29. One observer expressed doubts as to the validity of the suggestion that cultural property should be restored only in cases where the requesting country possessed well-established museum facilities. He also thought that the concept of the museum should be redefined, pointing out that an entire country could be regarded as a museum. Lastly, a member of the Committee remarked that few complaints were received from African countries, although they were often extensively affected by the problems of illicit traffic in cultural property. Numerous works of art which had been lent for exhibitions organized throughout the world had not been returned to their country of origin. He deduced from this that effective action to combat harmful practices of this kind required the adoption of measures, particularly with regard to inventories and the harmonization of legislative texts.

X. PUBLIC INFORMATION

30. The representative of the Director-General briefly drew the attention of Committee members and other participants to the various activities undertaken by the Secretariat with a view to informing the public, briefing journalists, publishing well-documented articles and organizing seminars in order to spread knowledge throughout the world of the objectives sought, the problems to be solved,

the overriding requirements and the hoped-for results in respect of the return of cultural property to its countries of origin and action to combat illicit traffic in works of art. At the same time, she made it clear that Member States could themselves take effective action in that area, and that it was also their responsibility to engage in information activities specifically adapted to the needs and situation of each State in order to alert the public at large to those basic issues.

31. One member of the Committee said that it was vital to provide information to professional personnel; he congratulated the editorial staff of Museum for the high quality of the information widely disseminated by the journal. Another delegate emphasized the importance of 'getting the message across' to the general public, and backed up his point with the very positive example of an underwater explorer who discovered an ancient object during a dive and spontaneously handed it over to the authorities of the country concerned. The display of posters condemning the illicit traffic in cultural property was an excellent initiative. The suggestion was made that such posters should be displayed also in post offices.

32. The representative of the Director-General stressed the importance of education in combating the illicit traffic in cultural property. Education should be provided at all levels, starting with primary education, laying emphasis on the need to develop in each individual respect for the cultural heritage in all its forms and a sense of responsibility for its preservation. One delegate informed the Committee of a mission which he had carried out on behalf of the Agency for Cultural and Technical Co-operation with a view to drawing up an inventory of the cultural heritage of the Comoros, after which legislation was to be drafted. He explained that a major concern of the authorities was the implementation of a programme aimed at educating the population about the cultural heritage. The emphasis was on preventive action, which meant educating all members of the population. A short-term plan had been proposed with a view to introducing appropriate national legislation as a matter of urgency; there were plans for national information seminars to be attended by national and local civil servants, the staff of research centres and museum curators. A long-term plan was also envisaged in order to strengthen education at all levels, and making use of radio and television. In that context, the point was made that countries which did not have radio and television networks should seek other local forms of communication in keeping with their specific situation. The adaptation of history textbooks was recommended in order to give young people a feeling for their past; this called for co-operation between historians and specialists in the preservation of cultural property.

XI. OTHER BUSINESS

33. The Committee decided that the Final Report of the fifth session would be submitted as the Committee's report to the twenty-fourth session of the General Conference of Unesco in accordance with Rule 9.3 of the Rules of Procedure.

XII. DATE AND PLACE OF THE SIXTH SESSION OF THE COMMITTEE

34. It was decided that for its sixth session the Committee would meet again at Unesco Headquarters, Paris, in the spring of 1989.

XIII. INVITATIONS TO THE SIXTH SESSION OF THE COMMITTEE

35. After examining the list of the organizations to be invited (which was established at the second session of the Committee in 1981) and taking account of the extent of participation on previous occasions, the Committee adopted the following new list:

1. Intergovernmental organizations

Agency for Cultural and Technical Co-operation (ACCT)
International Centre for the Study of the Preservation and
Restoration of Cultural Property (ICGROM)
Customs Co-operation Council (CCC)
Council of Europe
African Cultural Institute (ACI)
International Institute for the Unification of Private Law (UNIDROIT)
The Arab League Educational, Cultural and Scientific Organization
(ALECSO)
International Criminal Police Organization (INTERPOL)

2. Non-governmental organizations

International Association of Art Critics
International Association of French-Speaking Parliamentarians
International Council on Archives
International Council on Monuments and Sites (ICOMOS)
International Council of Museums (ICOM) (consultative status)
Organization of Museums, Monuments and Sites of Africa (OMMSA)
(consultative status)
International Union of Local Authorities

3. Other organizations

Commonwealth Parliamentary Institution
International Confederation of Art Dealers (CINOA)
International Foundation for Art Research (IFAR)

XIV. ADOPTION OF THE RECOMMENDATIONS OF THE SESSION

36. The Committee examined item by item the draft recommendations presented by the Rapporteur. After taking into consideration the amendments proposed by several members, the Committee adopted by consensus the draft resolutions as thus amended. The final version of the Recommendations is contained in the Annex to this report.

XV. CLOSURE OF THE SESSION

37. The Chairman thanked all the participants for their active co-operation and their contribution to the success of the session. He recalled the lofty aims of the Committee, which seeks to safeguard the cultures of all peoples through a constant effort to preserve and add to them. On behalf of all the participants, one member of the Committee thanked the Chairman for the masterly way in which he had conducted the discussions. The Chairman then closed the fifth 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.

ANNEX
RECOMMENDATIONS

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

1. The Committee approved the final versions of the Standard Form concerning Requests for Return or Restitution and of the Guidelines for its use, and decided that this Form should henceforth be used by all Member States of Unesco requesting the Committee's good offices.

2. Having noted with satisfaction the agreements reached between the Department of Antiquities of Jordan and the Cincinnati Art Museum (Ohio, United States of America) concerning the Sandstone Panel of Tyche with the Zodiac, and between the Museum of Archaeology of Antalya (Turkey) and the Paul Getty Museum in Los Angeles (United States of America) for the return of part of the sarcophagus representing the twelve labours of Hercules, the Committee invites Member States, museums and other conservation institutions to draw inspiration from these examples with a view to settling similar cases on a friendly basis.

3. Having learnt of the negative reply of the British authorities concerning the return to Greece of the "Elgin Marbles" and having heard the statements and suggestions of the Greek delegate, other delegates and observers, the Committee invites its Chairman to persevere in seeking the most appropriate means of continuing the negotiations and to study the different solutions that might be envisaged. To that end, he should, if necessary, call on all the expert advice that seems to him to be helpful.

4. Having learnt that the case of the illicit export of a collection of objects from the archaeological site of Khorvin in Iran has been brought before the Belgian Courts and that a first hearing took place in January 1987 in Brussels, the Committee requests the Secretariat to follow developments in the case and to keep it informed.

II. INTERNATIONAL TECHNICAL CO-OPERATION

5. The Committee recommends that Member States and the Director-General give priority, within the context of the World Decade for Cultural Development, to all activities such as will promote the development of museums and inventories.

6. The Committee considers, in fact, that it is urgent to prepare as soon as possible comprehensive inventories not only of movable cultural property held by museums, religious buildings and other similar institutions, but also, in so far as possible, of private collections. To speed up this work, the Committee recommends that Member States, in collaboration with the Director-General, avail themselves of all the existing means of bilateral and multilateral technical and financial co-operation.

III. STEPS TO CURB ILLICIT TRAFFIC IN CULTURAL PROPERTY

Action at the national level

7. Aware of the usefulness of inventories as a means of control and prevention in regard to illicit traffic in cultural property, the Committee recommends that Member States:

- a) ensure that inventories of museum collections include not only objects exhibited but also those held in reserves, and that they include all the necessary documentation, particularly photographs of each object;
- b) study the possibility of including in excavation permits a clause requesting archaeologists and palaeontologists to provide the national authorities with photographic documentation on each object found during excavations, immediately after its discovery.

8. The Committee appeals to Member States to inform Interpol promptly of all cases of theft of cultural property, providing adequate documentation including photographs on each object stolen.

9. The Committee underlines the importance of strengthening and modernizing the security of museums, religious buildings and other institutions holding collections of cultural property.

Action at the regional and international levels

10. The Committee once more calls on those States which are not Parties to the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property to take the necessary steps to ratify this instrument. The Committee recommends that the DirectorGeneral make renewed efforts to encourage other countries to participate in the system of international co-operation established by the Convention and, in particular, those countries to which stolen or looted objects are often transferred.

11. The Committee recommends that States Parties to the Convention provide full information to the Secretariat on measures taken for its application at the national level. In the case of theft of cultural property from a museum or a religious or secular public monument or similar institution, appropriate information and good quality photographic documentation enabling identification of each object stolen should be forwarded as soon as possible to the Secretariat which will assure its distribution to all States Parties to the Convention.

12. With respect to the trade in cultural property, the Committee recommends that the Director-General explore the possibility of preparing for consideration by the Committee at one of its next sessions ethical standards addressed to art and antique dealers. Such standards could include a clause obliging dealers not to acquire any cultural property unless it is accompanied by a certificate of origin.

13. The Committee draws attention to the need for closer regional co-operation to combat the illicit movement of cultural property. It takes note in this regard of the final recommendations of the Unesco Regional Seminar on the protection of movable cultural property held in Brisbane (Australia) from 2 to 5 December 1986. The Committee recommends that the Director-General explore the possibility of drawing up conventions for the purpose of regional cooperation in this field, taking into account relevant experiences such as the agreement concluded between the USSR and several other States. As a first step, regional meetings could be organized to discuss measures which should be taken to harmonize the relevant provisions of national legislation; these meetings would also provide an opportunity to exchange information on measures to be taken at the national level to assure better protection of cultural property (adequate documentation, security, etc.).

14. The Committee also recommends that where necessary to strengthen bilateral co-operation to combat illicit traffic in cultural property, States consider the possibility of drawing up bilateral agreements for the recovery of cultural property.

IV. PUBLIC INFORMATION

15. Recognizing the impact of Museum among professionals and noting its world-wide distribution, the Committee invites the editors of that periodical to continue regular publication of articles concerning the return or restitution of cultural property and the question of illicit traffic.

16. The Committee recognizes the importance of preventive actions, and in particular the contribution of education, starting with primary education, in informing all people as widely as possible of the wealth of their historical heritage, and in developing an awareness of the role of the individual in its preservation. The Committee accordingly recommends that Member States and the Director-General promote all activities such as will contribute to achieving these objectives.



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Item 5.5 of the provisional agenda

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

CORRIGENDUM

Paragraph 15 - The third sentence should read as follows:

'The Committee was informed of the establishment of a new museum in Athens which would be suitable for housing the "Elgin Marbles" and those of the Erechtheion; also of a change of attitude in the United Kingdom, where there was now a greater understanding of the question'.

16 OCT 1987