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**Statement by the
President of UNESCO's General Conference
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On the occasion of the international conference:

« The Return of Cultural Property to its Countries of Origin »

17 March 2008; Athens, Greece

Mr. Minister of Culture,
Ladies and Gentlemen,

It is a pleasure for me, as the President of the UNESCO General Conference, to be with you and to share with you my thoughts on one of the most important cultural issues that we have recently reexamined.

At the 34th session of the General Conference, which took place in Paris from 16 October to 3 November 2007, UNESCO's Member States unequivocally reaffirmed their support for the 1970 international *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. They also stressed the greater role played by UNESCO in combating illegal trafficking and the Intergovernmental Committee in promoting the return of cultural property to its countries of origin.

To the unacquainted viewer, this appeared at first as a most anodyne appeal: once again, Member States of an intergovernmental organization reaffirmed their adherence to one of its own normative texts. What could well be the added value of this statement?

If you allow me, I would like to differ from this overly simplistic interpretation of events. As I was presiding over the 34th session of the General Conference when this Resolution and UNESCO's Medium Term Strategy for 2008-2013 were adopted, I, quite to the contrary, personally perceived this moment as a remarkable feat, despite its apparent banality.

Indeed, if we take a historical perspective on the event, we can appreciate the tremendous progress undergone. Let us not forget that in the early 1970's, the Convention was seen by many leading curators and collectors (both in the public and private domains), as an unwarranted limitation on the effective controls of the free market. For these professionals devoted to collecting the world's finest "masterpieces", the 1970 Convention was perceived - at the time - as no more than an obstacle in the way of their unregulated acquisition plans.

Thirty-six years after the entry into force¹ of the 1970 Convention, we can pride ourselves in the fact that this former conception of art collections and museums no longer represents the opinion of the majority. This is the case, even though some more determined traditionalists, with the help of the new information and communication technologies, are setting themselves up as the proponents of digital repatriation – a convenient albeit pale excuse for old collections to stay where they are, offering plundered cultures the weak compensation of an access to cultures without a soul. It is hence no accident at all, that the 34th session of UNESCO's General Conference asserted in 2007 that virtual access to cultural property cannot supplant enjoyment of such property in its original and authentic setting.

As of today, 115² countries have ratified the treaty, including those countries that have historically been the least favorable to it, such as Japan, Switzerland, the United Kingdom, Sweden, Denmark, Norway, and Germany, to name only a few.

Furthermore, inspired by the 1970 Convention, the majority of museums have adopted the *ICOM Code of Professional Ethics*³, which lays down a set of principles governing museums and the museum profession in general, and acquisitions and transfers of ownership of collections in particular. UNESCO also launched the International Code of Ethics for Dealers in Cultural Property. Adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its Tenth Session, January 1999, the Code was endorsed by the 30th General Conference of UNESCO in November 1999.

Lastly, as a further testimony to the international community's unwavering determination to uphold the values of the Convention, the world counts today at least 65 countries with cultural heritage laws, all of which are inventoried in the "UNESCO Cultural

¹ Entry into force of the 1970 Convention in 1972.

² Germany was the last to date to ratify on 30 November 2007.

³ These code of ethics were first elaborated in 1986 and regularly updated since. The last version of the Code was adopted by the ICOM's 21st General Assembly held in Seoul (Republic of Korea) in October 2004. For more information consult: <http://icom.museum/measure.html>.

Heritage Laws Database”⁴ launched in February 2005 at the 13th session of the Inter-governmental Committee⁵. This resource offers Governments, customs officials, art dealers, organizations, lawyers, buyers and others a complete and easily accessible source of information on laws and procedures applicable to cultural heritage as a whole whether movable, immovable, intangible, underwater or natural. Both public authorities and art markets have much to gain from this database. It provides free access to national laws, allowing buyers easily to verify the legal antecedents of cultural property, and in turn making it more difficult for traffickers to claim to be ignorant of the law and thus of the illegal nature of their dealings.

Despite these undeniable signs of progress, our current economic and political environment is reframing discussions in terms that bring to light new trends and challenges that must be addressed without further ado.

Among these, we are observing an increasing number of requests from countries for the return of objects preserved outside of their borders, as well as for assistance in reconstituting their cultural memory and traditional knowledge. We have to keep in mind that Africa has lost around 95% of its cultural property⁶. We are also witnessing an unprecedented increase in trafficking via internet⁷ and the willful damaging and illicit trafficking of cultural property during conflict. The Iraqi case is, after Afghanistan, the most striking.

Many hypotheses could be brought forward to explain these phenomena; two in particular strike me as most relevant to our discussions in order to understand the environment in which we are working.

These tendencies can be partly explained by the fact that, more generally, the culture sector is an increasingly lucrative business, generating a strong and diversified demand and supply of cultural goods and services.

Cultural consumptions occupy a growing proportion of individual budgets and national economies, as we note from the fact that museums are flourishing around the globe and the number of visitors is growing⁸. Globally, it is estimated that trade in cultural goods

⁴ Database can be found at: <http://www.unesco.org/culture/natlaws>.

⁵ Inter-governmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, established in 1972.

⁶ Alain Godonou, Directeur de l’Ecole du patrimoine en Afrique, Débat public sur « Mémoire et mondialisation : nouveaux enjeux pour les Musées, UNESCO, Paris, 05.02.07.

⁷ Joint ICOM, UNESCO & Interpol appeal available at: <http://icom.museum/release.common.initiative.html>

⁸ Bernier, Christine (2002) Globalized Museumification. *L’art au musée. De l’oeuvre à l’institution*; pp243 et seq. L’Harmattan. Paris.

has grown from \$39.3 billion in 1993 to nearly \$60 billion, an increase of 50%, in merely 10 years⁹.

Tied to this commodification of culture, is the growing recognition, since the Perez de Cuellar Commission, of the essential role culture and cultural industries play in economic growth and human development. With this comes the acknowledgment that cultural policies are “one of the key components of endogenous and sustainable development”¹⁰. It is therefore not surprising that the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* includes a focus on the need to take a “holistic view of the development process, bringing the cultural dimensions of development together with economic and environmental objectives within a sustainability framework” (article 13).¹¹

In parallel to this economic “boom” of the culture sector, we are also witnessing a general move away from purely economic analyses of power, and turning towards culture as an identity-marker, thereby defying classic economic and military understandings of wealth and prestige. Societies are asserting their sovereign rights by claiming their cultural specificities and demanding, as their corollary, the right to reclaim and re-describe previously stigmatized or even unspoken parts of their history in the name of the promotion of cultural diversity and identity.

In this context, museums have become much more than sites of aesthetic contemplation and judgment. How can I not underline at this point that this relatively recent development of museums brings them back to the original sense of the Greek term “*Mousseion*”, which means the “lodging of the Muses”, all nine Muses, a place devoted to the learning of all the Arts and coming to terms with the world. Today’s museums, whatever they may be, are rediscovering their holistic vision: they have become open spaces of cultural expression, exchange and dialogue, and the invaluable vehicle for the preservation of cultural diversity as a common heritage of humanity. In the same buildings that house permanent collections and retrace periods of our common history, museums are also now hosting live performances, conferences, workshops and film festivals that establish the connection between cultural objects and the values, cosmogonies, communities and talents that produced them.

⁹ *Culture or Commerce? A Comparative Assessment of International Interactions and Developing Countries at UNESCO, WTO, and Beyond* by J. P. SINGH; in *International Studies Perspectives* (2007) 8, 36–53.

¹⁰ UNESCO, 1998. *Final report of the Intergovernmental Conference on Cultural Policies for Development: the power of culture*, Stockholm, 30 March–2 April. Paris: UNESCO.

¹¹ *Culture in sustainable development: insights for the future implementation of article 13*; by David Throsby; Professor of Economics Macquarie University, Sydney, Australia. Member of the Three Independent Expert Meetings on the Preliminary Draft of the Convention (2003-2004)

This vision of culture, as a series of concentric circles with at the centre the community of origin, challenges traditional conceptions of “universalism”. It emphasizes the organic bond that links the work of art or artifact and the location at which it was created.

But what do we exactly mean by “universal”? And how does this principle relate to the notion of ownership? How can we promote universal access to cultural objects while honouring legitimate requests for the return and restitution of cultural property? Are we truly eroding the authority and ideal of “universal museums” by encouraging the greater mobility and return of cultural objects? Or are we merely encouraging more innovative arrangements and conceptions of museography or even “museology”?

When Victor Hugo proclaimed that **“monuments belong to their owner, their beauty to everyone”** he unwittingly captured a singular truth about cultural objects that, I believe, still holds true today. Monuments contribute to the creation of cultural consciousness in a given geographic area. They are firmly rooted in the earth and pavements that they stand on and in the collective memories and minds of the people that observe them. It is for this reason that the General Conference of UNESCO underlined that the notion of universal access to cultural property exhibited in some museums of universal character cannot take precedence over the moral and legal notion of ownership of cultural property.

The increasing mobility of people has enabled easy access to elements of countries’ heritage long unknown to the wider public. Some would argue that people have a far greater opportunity today to visit “universal” museums to rediscover traces of their own culture. This has unfortunately led numerous objects to acquire not a status of “universality” but of “familiarity” that progressively erases the singularity and inherent symbolic values of cultural objects¹². Does this “familiarity” suffice to guarantee the universal character of the work of art? I believe not. The reverse situation would be far more rewarding. Indeed, would we not be expanding the universality of cultural objects by, on the contrary, promoting the maintenance or restitution of cultural objects in their places of origin, since this would bring closer the visitors to the objects and their settings, instead of bringing the objects to the visitors.

I am convinced that if we do not anchor these objects in their original environment and history, we run the risk of voiding them of their universal quality and beauty, by making them “familiar” objects of consumption.

¹² UNESCO; MUSEUM n° 235: The Stakes of the collection in the XXIst century ; September 2007;

Neither the existence of universal museums nor the multiplication of museums in different sites can resolve the problem of the relation between the cultural object and the society of yesterday, today and tomorrow that produced it. The situation asks for a “cultural or pedagogic accompaniment”, a narrative, an explanation of the context, in addition to the common political will and ability to protect and preserve our common heritage. This is particularly true in this area where the shared knowledge on works of art and collections, is one of the fundamental factors that allow us to get closer to a universal ideal.

Ladies and Gentlemen,

I believe that it is both the economic expansion of the culture sector and the increased valorization of cultural diversity that are driving changes in the policy environment in which we operate. Against this background, we, as an international community of stakeholders, must explore all paths that lead us to the most appropriate solutions for all, in accordance with internationally agreed norms.

The examples you will be studying today will uncover some effective strategies in this direction. These are so-called success stories that have been resolved in and out of the realm of the Inter-governmental Committee and hence offer invaluable insights into the resolution of diplomatic, legal and ethical dilemmas associated with the return of cultural property.

In these cases and others not specifically being discussed, we see a modification of modalities pertaining to the circulation of works of art. This is notably expressed in the rise of contractual agreements and privatization mechanisms taking the form of long-term cultural cooperation agreements. Such texts envisage various arrangements, such as reciprocal loans, negotiated in the spirit of “loyal collaboration”, to quote the 2007 Agreement between the Ministry for Cultural Heritage and Activities of the Italian Republic and the Metropolitan Museum of Art, New York, an Agreement that could be considered historic, since it is the first time that one of the most important museums in the world acknowledged the true ownership of cultural objects that had reached it through illegal trafficking.

These breakthroughs and innovations have only begun to alter the sense of universalism that governed the creation of museums. The future of our collections and their “universal character” is in the making and in many ways rests on our goodwill and ability to come to similar agreements.

Because there are many cases pending, it is my personal hope that, as foreseen in the mandate of the Inter-Governmental Committee, the exchanges that will take place over the

next two days enrich our common understanding of our mutual interests and gains in order that we part at the close with a renewed determination to find sustainable solutions to our respective aspirations as well as with a panoply of strategies to take action.

May the ancient Acropolis under your gaze, inspire you in your own dialogues as it inspired countless others before you.

Thank you.
