

Opening address

by

**Madame Françoise RIVIERE
Assistant Director-General for Culture**

**on the occasion of the Athens International Conference on
the Return of Cultural Objects to their Countries of Origin**

**17-18 March 2008
New Acropolis Museum,
Athens (Greece)**

Mr President of the Republic,
Honourable Minister of Culture,
Mr President of the General Conference,
Ladies and Gentlemen,

It is an honour for me, acting on behalf of the Director-General of UNESCO, Mr Koïchiro Matsuura, to open the Athens International Conference on the Return of Cultural Objects to their Countries of Origin, jointly organized by the Ministry of Culture of the Hellenic Republic and UNESCO's Culture Sector, of which I am the director.

The proposal to hold this conference was made by Greece in June 2007, during the 14th 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. That proposal immediately received the unanimous approval of the Committee's 22 Member States, and a recommendation to the Director-General of UNESCO was made accordingly; but the initiative would undoubtedly never have come to fruition so soon if it had not been facilitated by a generous donation of €50,000 by Greece. Nor does the generosity end there: Greece is also paying the expenses of one member of each delegation from the 22 Member States of the Intergovernmental Committee; and I should point out that just recently Greece has made a further financial commitment by paying an additional contribution of €30,000 towards the Committee's funds on top of another, earlier contribution in the same amount.

This conference, which has gathered so many of you here today – museum directors, conservators, legal and technical experts, journalists specializing in the field of cultural property and its return –, is the first of a series organized by UNESCO and its Member States to serve as forums for considering and discussing the return of cultural property with a view to a better understanding of the issues at stake. The

intention is, by bringing the field's top professionals around the table with governmental decision makers, to provide an opportunity to scientists and politicians to consider means of strengthening the action of the Intergovernmental Committee in this regard.

We therefore decided, in close consultation with the Greek authorities, to devote the first day's work to particular cases of return, presented whenever possible, by those involved. They highlight successful experiences of international cooperation, whether between national governments, between a State and a community, or between museums in the world, which have enabled the return of cultural property. These presentations, and the discussions that follow, should give us a better understanding of the mechanisms and methods which led to a successful outcome in each case. They will be concerned with the displacement of objects of essential cultural significance for the communities concerned, in terms of their national identity or their common history. They will also enable us to look at the return of cultural objects and human remains to indigenous people.

The second part of our work, tomorrow, will be a wider discussion aimed at clarifying the current position of the debate about returns, in its various aspects. These discussions will focus on four workshops, each concentrating on a particular subject: ethical and legal aspects (the legitimacy and legality of claims for the return of cultural property); the means used to support such claims, such as cultural diplomacy or mediation; the question of sites, museums and cultural context; and, lastly, issues of international cooperation, research and academic study.

I can already tell you that the Proceedings of this conference will be published in several languages, and made available to Member States and to the public during the 15th session of the Intergovernmental Committee for promoting the return or restitution of cultural property in cases of illicit appropriation, in June 2009.

The whole area connected with the return or restitution of cultural property is marked by troubling events; but there have been also many success stories.

On the positive side, goodwill and the quest for justice are constantly at work, and have allowed voluntary restitutions or found creative ways of resolving conflicts over claims for the return or restitution of cultural property. Long-term loans, renewable deposits, exchanges of artefacts or their replacement with a high quality copy: these are alternatives to be kept in mind when literal restitution or return is not possible.

Temporary deposit offers another scenario. For instance, cultural property of Afghan origin was housed by the Bubendorf Museum in Switzerland under a contract with UNESCO, on the understanding that the objects would be returned to Afghanistan once conditions allowed; this in fact took place in March 2007, when UNESCO supervised the return to the National Museum in Kabul of some 1400 Afghan objects of ethnographic and archaeological importance. UNESCO has made similar agreements with three other institutions.

I may add that the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property becomes more universal every year. No fewer than 115 States are now party to this Convention, and

we have received 24 new ratifications since the new millennium, the latest being that of Germany in November 2007. The list now includes countries of great significance in the world's art markets, whether as importers of cultural property, or also as exporters (countries of origin): the United States, France, Greece, Australia, Canada, Italy, Japan and the United Kingdom.

Another convention, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, is likewise steadily receiving ratifications: 29 to date. I should emphasize that this instrument complements UNESCO's 1970 Convention, and contains operational civil law provisions which add considerably to the means of recourse available when objects are stolen and illegally exported, and which improve the implementation of procedures for their restitution. I therefore most warmly urge those States which have not yet done so to ratify both of these instruments.

Unfortunately, there is the other side of the coin, related to illicit traffic of cultural property which is particularly dark. Unauthorized excavations are proliferating throughout the world, especially in conflict zones. We are deeply concerned at the continued looting of the Afghan heritage and the decimation of that of Iraq. The damage inflicted on the National Museum in Baghdad, the increasingly precarious state and the systematic pillage of sites, are alarming facts which are great challenge to the international community. We may no longer merely react to such attacks when they are under way; on the contrary, we have to prepare for such eventualities in advance – to anticipate them if possible. That requires great efforts to co-ordinate the action of ordinary people, committees, institutions and States. When law is lacking or ignored, we must struggle harder for ethical outcomes; we must ring the alarm bells whenever the cultural heritage is in urgent need of protection; for it is a non-renewable resource, the seed of sustainable development, dialogue and cultural diversity. We must use all means available in its defence; and without any doubt those means include the Intergovernmental Committee.

That Committee was set up in 1978, in part to palliate inadequacies in the 1970 Convention, which of course is not retroactive. As the tide of decolonization flowed, it was unavoidably recognized that there were Member States which might regard themselves as victims. But they had no legal means of recourse to obtain the return of cultural property they considered theirs, legitimately if not legally. At that time, those States could only try bilateral negotiation, which unfortunately was seldom successful; and that is how the Intergovernmental Committee came into being. This year it celebrates its thirtieth anniversary.

The Republic of Korea has officially invited the Committee's 22 Member States to hold an extraordinary session in Seoul to mark this occasion in late November 2008. This extra-ordinary meeting should provide an opportunity to "stop" and think about what has been achieved so far, and to look at paths to explore in the future. I hope that the Committee's members and observers will offer suggestions and ideas for new ways of tackling the return and restitution of cultural property and of strengthening international cooperation in this area.

Indeed, this seems to me the right time to use the impetus of the present Athens International Conference, and the coming meeting in Seoul, to strengthen the Intergovernmental Committee's means of action in an area which can only prove

more important in the years to come. That applies, of course, to every aspect of the fight against illicit trafficking; and it also applies to every aspect of the return or restitution of property lost either through military occupation or colonization, or as a result of illicit traffic, made before the entry into force of the existing conventions, in particular this of 1970. Emphasis has been laid, and rightly, on exchanging information about countries' experience, including the positive experiences of return or restitution between countries. The Secretariat is indeed putting more effort into the diffusion of such good practice: we are developing a section on this subject on the UNESCO website, and helping to organize a series of international meetings like this one. We shall also need to explore ways of making the Committee's conciliation and mediation function more effective.

It is therefore our hope – without drawing any premature conclusions – that this meeting will make full use of the views expressed by all the specialists gathered here, to orient the Committee's future action, and give more substantial help to States which claim the return of cultural property.

I am confident that our discussion of the exciting subjects on our Agenda will have a most fruitful outcome.

Thank you.