

## General Assembly

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### Fifty-fourth session

#### Agenda item 24

#### Return or restitution of cultural property to the countries of origin

**Afghanistan, Azerbaijan, Bangladesh, Cambodia, Cameroon, Chad, Costa Rica, Cyprus, Czech Republic, Democratic Republic of the Congo, Egypt, Gabon, Greece, Guatemala, Guinea, Hungary, Lebanon, Malawi, Mali, Mongolia, Republic of Korea and the former Yugoslav Republic of Macedonia:  
draft resolution**

#### Return or restitution of cultural property to the countries of origin

*The General Assembly,*

*Reaffirming* the relevant provisions of the Charter of the United Nations,

*Recalling* its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995 and 52/24 of 25 November 1997,

*Recalling* the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,

*Recalling* the Unidroit Convention on Stolen or Illegally Exported Cultural Objects, adopted at Rome on 24 June 1995,

*Recalling also* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property<sup>1</sup> adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

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<sup>1</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session*, vol. I, *Resolutions*, p. 135.

*Taking note* with satisfaction of the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,<sup>2</sup>

*Aware* of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

*Expressing* concern about the loss, destruction, damage, removal, theft, pillage or misappropriation of and any acts of vandalism directed against cultural property in areas of armed conflict,

*Expressing* concern about the illicit traffic of cultural property and its damages on the cultural heritage of nations,

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Reaffirms* the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954, and invites Member States which have not already done so to become parties to the Convention and facilitate its implementation;

3. *Welcomes* the adoption of the Second Protocol to the Convention, adopted at The Hague on 26 March 1999, and invites States Parties to the Convention which have not yet signed the Second Protocol to the Convention to consider becoming parties to it;

4. *Reaffirms also* the importance of the provisions of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects,<sup>2</sup> adopted at Rome on 24 June 1995 and invites those Member States which have not already done so to consider becoming parties to it;

5. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin, and to provide appropriate support accordingly;

6. *Invites* Member States to continue drawing up, in cooperation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of their cultural property, including movable cultural property;

7. *Requests* the Secretary-General, in collaboration with the United Nations Educational, Scientific and Cultural Organization, to continue to develop all possibilities for bringing about the attainment of the objectives of the present resolution and to consider any further initiatives aiming at its implementation;

8. *Commends* the efforts of the United Nations Educational, Scientific and Cultural Organization to encourage the linking of existing databases and identification systems, such as that developed by the International Criminal Police Organization, to allow for electronic

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<sup>2</sup> A/54/436.

transmission of information concerning stolen cultural property, including those removed from areas of conflict and territories that are occupied;

9. *Also requests* the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Return or restitution of cultural property to the countries of origin".

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## UNESCO

Tenth Session of the Restitution and Return Committee (Paris, 25-28/1/99)

### RECOMMENDATION No 1

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

Expressing its concern for the resolution of the issue of the Parthenon Marbles;

Noting the efforts of the Director-General to undertake initiatives for the promotion of bilateral negotiations between the two Member States;

1. Invites the Director-General to undertake further initiatives to promote bilateral negotiations between the two Member States;
2. Further invites the Director-General to contribute, through the expert consultative bodies to UNESCO, to the international scientific debate on the conservation of the Parthenon Marbles;
3. Takes note that international conferences and seminars will be held in Washington (February 1999), London (British Museum, November 1999), Athens (December 1999) and elsewhere concerning the Parthenon Marbles, including their conservation; and
4. Invites the Director-General to report back to the Committee at its eleventh session on the result of these discussions.

# PARLEMENT EUROPÉEN

**3 novembre 1998**

**0008/98**

## DÉCLARATION ÉCRITE

**déposée conformément à l'article 48 du règlement**

**par M. Alfred Lomas**

**sur la restitution des frises du Parthénon**

**DOC\_FR\DV\364\364268**

**PE 167.819  
Or. en**

0008/98

### Déclaration sur la restitution des frises du Parthénon

#### Le Parlement européen,

- A. observant que, selon un sondage d'opinion réalisé cet automne par l'institut MORI, une large majorité des Britanniques sont favorables à la restitution des frises du Parthénon à la Grèce et qu'un précédent sondage, dû à la chaîne de télévision *Channel 4*, situe cette majorité à plus de 90 %,
- B. considérant l'article 128 du traité de coopération entre l'Union européenne et des organisations internationales vouées à la culture, telles que l'Unesco et considérant également qu'à Mexico, en 1982, celle-ci a inclus le Parthénon dans le patrimoine culturel mondial et qu'elle se prononce, elle aussi, pour la restitution,
- C. faisant référence à la réponse de la Commission à la question E-2800/98, du 30 septembre 1998, selon laquelle le Parthénon de l'Acropole et ses frises ont une valeur inestimable qui en fait une partie intégrante du patrimoine culturel et architectural européen,
- D. notant que les frises du Parthénon ont été enlevées d'Athènes pendant l'occupation ottomane,
  - 1. estime que la restitution des frises du Parthénon à la Grèce serait un geste d'une grande portée en faveur du patrimoine culturel commun de l'Europe;
  - 2. demande au gouvernement du Royaume-Uni d'examiner d'un oeil favorable la requête adressée des autorités grecques visant à replacer les frises dans leur cadre naturel;
  - 3. charge son Président de transmettre la présente déclaration au Conseil, à la Commission, aux gouvernements et parlements du Royaume-Uni et de Grèce, à l'Unesco et au secrétaire général de l'ONU.

## The European Parliament

- A. noting that a MORI Institute opinion poll conducted in the UK this autumn found that a substantial majority of the population is in favour of returning the Elgin Marbles to Greece and that a previous opinion poll organised by Channel 4 TV showed over 90% in favour,
- B. having regard to Article 128 of the Treaty on cooperation between the European Union and international cultural organisations such as UNESCO, and whereas, in Mexico in 1982, UNESCO declared the Parthenon a World Cultural Heritage site and supports the return of the Marbles,
- C. having regard to the Commission's answer to Question E-2800/98 on 30 September 1998 in which it stated that 'the Parthenon on the Acropolis and its sculptures form an integral and invaluable part of the European cultural and architectural heritage',
- D. noting that the Elgin Marbles were removed from Athens during its occupation by the Ottoman Empire,
  - 1. Takes the view that the return of the Elgin Marbles to Greece would be a key move in promoting Europe's common cultural heritage;
  - 2. Calls on the UK Government to give positive consideration to Greece's request for the return of the Elgin Marbles to their natural site;
  - 3. Instructs its President to forward this Declaration to the Council, the Commission, the governments and parliaments of the UK and Greece, UNESCO and the UN Secretary-General.

## UNESCO

Ninth Session of the Restitution and Return Committee (Paris, 16-19/9/96)

### RECOMMENDATION No 1

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

Recalling the request of Greece to the United Kingdom for the return of the marbles from the Parthenon held in the British Museum,

Noting the Recommendation adopted in 1982 at the UNESCO World Conference on Cultural Policies in Mexico “considering it right and just that these marbles be returned to Greece”,

Recalling the previous Recommendations adopted by the Committee on this question,

Aware of the continuing concern of the Greek authorities for the resolution of this claim,

Noting the legal and cultural arguments which have been made by both the States concerned over a number of years,

Recognizing the efforts of the Director-General to ensure that dialogue continues,

1. Invites the Director-General to continue his good offices to resolved this issue and to undertake as a matter of priority further discussions with both States;
2. Further invites the Director-General to report back to the Committee at its tenth session on the result of these discussions.



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

Fourth Session

(Athens and Delphi, Greece, 2-5 April 1985)

Report by the Unesco Secretariat on measures taken to implement the  
recommendations of 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 (9-12 May 1983)

1. The present document outlines measures taken by the Secretariat of Unesco, with the co-operation of the authorities concerned in various Member States, the International Council of Museums and interested specialists, to implement the recommendations of the third session of the Intergovernmental Committee. It should be understood, of course, that the recommendations of the third session were themselves based on the progress achieved in a continuous process, initiated at the Committee's first session in 1980. Members of the Committee are now invited to express their opinion both on the activities carried out to date and on further work that should be undertaken by the Secretariat. The information provided may also be useful to the Committee in considering the directions that its own action may now take, within the framework of its Statutes and the methodological guidelines it defined at its first, second and third sessions.

I. PROMOTION OF BILATERAL NEGOCIATIONS FOR RETURN OR RESTITUTION OF  
CULTURAL PROPERTY

2. Since the Committee's third session, two requests for the return of cultural property have been received by the Secretariat and communicated to the authorities of the countries in which this property is held. Copies of the two requests were also communicated to all the States Members of the Committee and to the International Council of Museums.

3. On 11 October 1983, the Minister of education of Jordan submitted to the Intergovernmental Committee a request for the return of the "Sandstone Panel of Tyche with the Zodiac" held by the Cincinnati Art Museum, Cincinnati, Ohio, United States of America (Annex 1). The object requested was in fact the upper part of a Nabatean sand-stone relief, of which the lower part is in the Archaeological Museum of Amman. This request was forwarded on 28 November 1983 to the Permanent Delegate of the United States of America. No official response to the request was received by the Secretariat within the stipulated period of one year from the date of receipt. In the meantime, however, in accordance with the professional role the International Council of Museums has always played with respect to this issue, the Secretary-General of ICOM wrote to the Director of the Cincinnati Art Museum in informal terms so as to ascertain the museum's position on this request. He recalled the scientific and museological principle of reuniting dismembered works of art, cited several examples of successful co-operation to this effect between American museums and institutions in France and Syria, and offered the good offices of ICOM for this purpose. In a reply to the Secretary-General of ICOM dated 7 November 1984 the Director of the Cincinnati Art Museum stated that the request had been discussed "thoroughly some years ago" and quoted the following terms of a letter he sent to Dr. Adnan Hadidi, Director-General of Antiquities of Jordan, on 2 May 1980: "The Museum's Board of Trustees met on 23 October 1979, and did not consent to your request, declining to reunite the sculpture in Amman. While we understand your interest in reuniting these sculptures, our Museum feels that the Zodiac Tyche is an important part of our Nabatean Collection and an essential element in its display".

4. On 24 September 1984, the Secretariat received a request submitted by the Minister of Culture of Greece for the return of the collection of marble sculptures, reliefs and architectural pieces from the Acropolis of Athens known as the "Elgin Marbles" and held by the British Museum, London. The Assistant Director-General for Culture forwarded this request on 19 October 1984 to the Secretary of the United Kingdom National Commission for Unesco. In accordance with the procedure laid down by the Committee, copies of the request were also sent to the States Members of the Committee and to ICOM. The period of one year within which the holding country is expected to respond officially to this request will therefore elapse only in October 1985. Additional copies of the request may be made available upon request during the Committee's fourth session.

5. The Secretariat has prepared a revised draft of a set of Guidelines concerning the formulation of requests for the return and restitution of cultural property. At its second session in 1981, the Intergovernmental Committee devised a standard form as the basic instrument for the formulation and processing of such requests. The Committee noted that some of the principles and procedures which it had defined might not be familiar to all museum curators and concerned officials in Unesco's Member States. It was recommended, therefore, that a handbook "be prepared by Unesco, with the help of the International Council of Museums (ICOM), so as to assist Member States". A first draft of such a handbook was prepared by ICOM, under contract with Unesco, and submitted to the Intergovernmental Committee at its third session (1983). As representatives of Member States present at that session will recall, discussion of the booklet showed that although the document went a fair way towards serving the purpose set out for it, considerable further refinement would be necessary. With limited time at its disposal, the Committee was unable to do full justice to the task but nevertheless gave a number of precise indications to the Secretariat. It also requested, however, that the National Committees of ICOM, the States Members of the Intergovernmental Committee as well as States participating as observers all be given more time for a more detailed consideration of the draft. On the basis of the various comments received Unesco was asked to prepare a revised version.

6. Although the Intergovernmental Committee recommended that the revision should be produced and distributed as soon as possible, the nature of the comments sent to ICOM and Unesco in 1983-84 indicates that some difficulties still remain with regard to the formulation of an orientation document of this type. Comments were made by the following Member States: Australia, Federal Republic of Germany, The Netherlands, Switzerland, Syrian Arab Republic, United Kingdom. The Secretariat of ICOM received comments from National Committees of ICOM in Denmark and the United Kingdom.

7. Having regard to the progress achieved by the Committee in securing an ever-wider acceptance of the principle of return or restitution of cultural property, the reactions of certain "holding" countries raise the question of whether the earlier draft version of the guidelines might not have contained certain elements that, regardless of the best intentions of those who formulated them, were liable to have a regressive effect. The guidelines' purpose, however, is to contribute to establishing optimum conditions for the advancement of the Committee's essential function, that of facilitating bilateral negotiations for the return or restitution of cultural property to its countries of origin. Hence a revised version is submitted to the Intergovernmental Committee at its fourth session in draft form. It bears the reference CLT-85/202/3.

## UNESCO

World Conference on Cultural Policies, Mexico City, 26 July-August 1982,  
CLT/MD/1, Paris 1982

### RECOMMENDATION No. 55

The Conference,

Recalling resolution 4/09 adopted by the General Conference of Unesco at its twenty-first session, on the return of cultural property to its countries of origin,

Recalling the recommendations 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 second session (Paris, 14 - 18 September 1981),

Considering that the removal of the so-called Elgin marbles from their place in the Parthenon has disfigured a unique monument which is a symbol of eternal significance for the Greek people and for the whole world,

Considering it right and just that those marbles should be returned to Greece, the country in which they were created, for reincorporation in the architectural structure of which they formed part,

1. Recommends that Member States view the return of the Parthenon marbles as an instance of the application of the principle that elements abstracted from national monuments should be returned to those monuments;
2. Recommends that the Director-General give his full support to this action which comes properly under the heading of the safeguarding of the cultural heritage of mankind.