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PRESERVATION AND FURTHER DEVELOPMENT OF CULTURAL VALUES,
INCLUDING THE PROTECTION, RESTITUTION AND RETURN OF
CULTURAL AND ARTISTIC PROPERTY

Report of the Third Committee

Rapporteur: Miss Olajumoke Oladayo OBAFEMI (Nigeria)

I. INTRODUCTION

1. The item entitled "Preservation and further development of cultural values, including the protection, restitution and return of cultural and artistic property" was included in the provisional agenda of the thirty-fifth session of the General Assembly in accordance with Assembly resolution 33/50 of 14 December 1978.
2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered this item jointly with items 68, 69, 71, 72, 73, 76, 79 and 81 at its 35th to 46th, 49th and 50th meetings, from 28 October to 5 November and on 7 November 1980. The views expressed by the representatives of Member States, specialized agencies and observers on this item are contained in the summary records of those meetings (A/C.3/35/SR.35-46, 49 and 50).
4. The Committee had before it the following documents:
 - (a) Note by the Secretary-General transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the preservation and further development of cultural values, including the protection, restitution and return of cultural and artistic property (A/35/349);
 - (b) Letter dated 20 August 1980 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General transmitting the documents of the Eleventh Islamic Conference of Foreign Ministers, held at Islamabad from 17 to 22 May 1980 (A/35/419).

5. At the 36th meeting, on 29 October, the Director of the UNESCO Liaison Office with the United Nations introduced the report of the Director-General of UNESCO relating to the item.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/35/L.22

6. At the 40th meeting, on 3 November, the representative of Poland introduced a draft resolution (A/C.3/35/L.22) entitled "Preservation and further development of cultural values, including the protection, restitution and return of cultural and artistic property", sponsored by the Bahamas, Barbados, Benin, Bulgaria, the Byelorussian Soviet Socialist Republic, Colombia, Costa Rica, Cyprus, Ecuador, Indonesia, Jamaica, Jordan, Madagascar, Mongolia, Morocco, Nepal, Peru, the Philippines, Poland, Suriname, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, the United Republic of Cameroon, Uruguay and Yugoslavia, subsequently joined by Austria, the Congo, Cuba, the Dominican Republic, India, the Libyan Arab Jamahiriya, Kenya, the Niger, Papua New Guinea, Qatar, Romania, Rwanda, Sri Lanka, the United Republic of Tanzania and Viet Nam.

7. At its 50th meeting, on 7 November, the Committee adopted the draft resolution without a vote (see para. 10, draft resolution I).

B. Draft resolution A/C.3/35/L.33

8. At the 49th meeting, on 7 November, the representative of Egypt introduced and orally revised a draft resolution (A/C.3/35/L.33) entitled "Restitution and return of cultural and artistic property to its countries of origin", sponsored by Argentina, Bangladesh, Benin, Bolivia, Burundi, the Central African Republic, Cyprus, the Dominican Republic, Ecuador, Egypt, Gabon, Ghana, Greece, Guinea, Iraq, Jamaica, Jordan, Mali, Mauritania, Mexico, Morocco, Pakistan, Panama, Peru, Romania, Rwanda, Tunisia, Turkey, Venezuela, Yugoslavia and Zaire, subsequently joined by Cuba, El Salvador, Ethiopia, Guinea-Bissau, Honduras, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Malta, Nicaragua, the Niger, Papua New Guinea, Somalia, Sudan and the Syrian Arab Republic.

9. At its 50th meeting, on 7 November, the Committee adopted the draft resolution without a vote (see para. 10, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Preservation and further development of cultural values,
including the protection, restitution and return of
cultural and artistic property

The General Assembly,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 31/39 of 30 November 1976 and 33/49 of 14 December 1978,

Profoundly convinced of the continuing need to develop and strengthen international cultural relations, based on mutual respect for cultural integrity and on the principles of equality and sovereignty of States,

Recognizing that the future of international cultural relations is closely interrelated with the preservation, development and promotion of cultural values as important factors of identity and diversity of all nations,

Considering that the preservation and development of cultural values, which form part of mankind's cultural heritage, have a great role to play in the process of preparation of societies for life in peace and in the furtherance of the ideals of peace, humanism and freedom,

Aware of the importance of cultural values as a catalyst of world progress and national development, particularly in the social and economic fields,

Conscious of the role of the cultural dimension in plans and actions aiming at the establishment of the new international economic order,

1. Takes note with appreciation of the consecutive report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the preservation and further development of cultural values; 1/
2. Commends the United Nations Educational, Scientific and Cultural Organization for including on a continuing basis the problem of the preservation and further development of cultural values in its medium-term and long-term plans and for the significant results already accomplished in that field;
3. Calls upon the United Nations Educational, Scientific and Cultural Organization to continue pursuing active efforts with a view to promoting the preservation and further development of cultural values, including the inscription of the subject on the agenda of the World Conference on Cultural Policies, to be held in 1982.

1/ A/35/349, annex.

DRAFT RESOLUTION II

Restitution and return of cultural and artistic property
to its countries of origin

The General Assembly,

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 and 34/64 of 29 November 1979,

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970, 2/

Taking note with satisfaction of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization, 3/

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 comprehensive or single collections representative of their cultural heritage,

Reaffirming that the return or restitution to a country of its objets d'art, monuments, museum pieces, manuscripts, documents and any other cultural or artistic treasures constitutes a step forward in the strengthening of international co-operation and the preservation and further development of cultural values,

Deeply concerned at the persistence of the illicit traffic in cultural property, which continues to impoverish the cultural heritage of all peoples,

Supporting the solemn appeal launched on 7 June 1978 by the Director-General of the United Nations Educational, Scientific and Cultural Organization for the return to those who created it of an irreplaceable cultural heritage,

1. Commends the United Nations Educational, Scientific and Cultural Organization for the work it has done in connexion with the return or restitution of cultural property to its countries of origin;

2. Requests the United Nations Educational, Scientific and Cultural Organization to intensify its efforts to help the countries concerned to find suitable solutions to the problems relating to the return or restitution of

2/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Sixteenth Session, vol. I, Resolutions, pp. 135-141.

3/ A/35/349, annex.

cultural property and urges Member States to co-operate with that organization in this area;

3. Invites Member States, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to draw up systematic inventories of cultural property existing in their territories and of cultural property abroad;

4. Appeals to all States to take adequate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property;

5. Further appeals to Member States to co-operate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, particularly through bilateral agreements, in order to encourage the return or restitution of their cultural property;

6. Renews its invitation to Governments to accede without delay to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, of 14 November 1970;

7. Appeals to Member States to encourage the mass information media and educational and cultural institutions to strive to arouse a greater and more general awareness with regard to the return or restitution of cultural property to the countries of origin;

8. Requests the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization, to take the necessary measures to alert and mobilize international public opinion in favour of the return and restitution of cultural property to its countries of origin, in particular by mobilizing the United Nations information media for this purpose;

9. Expresses the hope that the second World Conference on Cultural Policies, to be held in 1982, will devote considerable attention to the question of the return and restitution of cultural property with a view to improving international cultural co-operation;

10. Requests the Secretary-General to take the above considerations into account when preparing, in collaboration with the Director-General of the United Nations Educational, Scientific and Cultural Organization, the report which is to be submitted to the General Assembly at its thirty-sixth session in accordance with resolution 34/64 of 17 November 1979.