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**President: Mr. Gaston THORN
(Luxembourg).**

In the absence of the President, Mr. Al-Saffar (Bahrain), Vice-President, took the Chair.

AGENDA ITEM 24

**Scientific work on peace research: report
of the Secretary-General**

1. The PRESIDENT: In connexion with this item, the General Assembly has before it the report of the Secretary-General [A/10199 and Corr.1]. May I take it that the General Assembly decides to take note of the report?

It was so decided.

AGENDA ITEM 28

**Co-operation between the United Nations and the
Organization of African Unity: Report of the Secretary-General**

2. The PRESIDENT: A revised draft resolution on this item has been submitted in document A/L.767/Rev.1. I call on the representative of Uganda to introduce it.

3. Mr. KINENE (Uganda): I should like to introduce draft resolution A/L.767/Rev.1 regarding co-operation between the United Nations and the Organization of African Unity [OAU]. This item has become a fixture on the agenda of the General Assembly. For us of the Organization of African Unity, this regularity is the best indication of the desire of our two organizations to strengthen their co-operation and to work closely together for the attainment of our common goals of economic development, the progress of mankind, and the peace and security of the world.

4. Through the co-ordinated co-operation between the United Nations and OAU, we have been successful in achieving great results in the field of decoloniza-

tion in Africa. Today only a few pockets of colonialism remain in Africa. It is our sincere hope that it will not be long before we find a solution to this colonial problem. The United Nations and OAU can rightly be commended for the results so far achieved as far as decolonization is concerned. However, both organizations are still confronted with the greatest challenge: the defiance of the white minority régimes in southern Africa, and, more particularly, the adamant refusal of the South African régime to withdraw its illegal administration from Namibia and to do away with the racist policy of *apartheid* within South Africa itself. Therefore, more than ever before, there is need for the United Nations and OAU to strengthen co-operation in order to contribute successfully to the elimination of those evils which plague the southern part of the African continent.

5. There is also increasing need for closer co-operation between the two organizations in the search for various formulas which will enable us to set up together a new international economic order for the benefit of all the nations of the world. It is obvious, therefore, that far from being immutable, the present international situation makes it imperative for both OAU and the United Nations to strengthen their joint efforts to solve our most urgent and vital problems of the day. It is consequently my hope that the non-controversial draft resolution A/L.767/Rev.1 will be adopted by the Assembly by an overwhelming majority, as similar resolutions have been in the past.

6. Mr. RAMPHUL (Mauritius): Members of the Assembly may have noticed that there are very few African representatives here this morning. This is due to the fact that the African group is meeting on a very important African item, namely, the Sahara. Their absence is not due to lack of interest in the subject with which we are dealing.

7. After listening to the comprehensive and eloquent statement made by my beloved African brother, the representative of Uganda, Mr. Kinene, speaking on behalf of OAU, I was almost inclined not to speak. However, as the representative of the country which will be host to OAU in 1976, and also as a sponsor of the sole draft resolution on co-operation between the United Nations and OAU [A/L.767/Rev.1], and in view of the importance my delegation attaches to this item, I should like to make a few remarks about the report of the Secretary-General on the item [A/10254] and to appeal for unanimous support for our draft resolution and for the provision of the necessary funds for its full implementation.

8. We must all be happy to acknowledge that great progress has been made in the field of decolonization. During this year, the Comoros and all the African Territories formerly administered by Portugal have attained their independence and national sovereignty. The liberation movements of Mozambique, Angola,

Cape Verde, Sao Tome and Principe and the Comoros have achieved the fruits of their endeavours and determination in the long struggle for the independence of their countries and peoples. The victory of these peoples is a victory of the peoples of all Africa and of all freedom-loving peoples of the world.

9. Many factors, including the relentless efforts of the United Nations and OAU, have helped to eradicate colonialism in those former colonial territories. Of course, the greatest part of the tribute goes to the peoples of those former colonial territories and their national liberation movements for their heroic struggle.

10. My delegation is happy to note that the international community has continued to help those new nations in their efforts to reconstruct their socio-economic infrastructures. But the international community must not lose sight of the vile forces of colonialism and racism that continue to entrench themselves in southern Africa. The struggle for independence and self-determination must continue to receive the active support of the United Nations, the specialized agencies and all other international institutions associated with the United Nations, until the long colonial era is brought to an end and all peoples are rescued from the scourge of racism.

11. As I speak here today there are more than 17 million people in southern Africa living under colonial rule and the system of *apartheid*, while the régimes in South Africa and Southern Rhodesia continue in their intransigence and open defiance of world public opinion. The least the international community must do is to increase its moral and material assistance to the people concerned struggling for their freedom and human rights, and to those organizations that are dedicated to the elimination of the twin evils of colonialism and racism.

12. The complete elimination of colonialism and racism is not just an African goal; it is an essential component of the international effort to translate the ideals of the Charter of the United Nations into positive reality. It is a commitment which is backed by several resolutions of the United Nations and OAU. My delegation is therefore glad that co-operation at all levels has continued to grow between the two organizations. In this regard I want to take this opportunity to pay a special tribute to the Secretary-General for his outstanding contribution towards the strengthening of co-operation between the United Nations and OAU. My delegation is aware and appreciative of his untiring efforts against colonialism and racism.

13. During the twelfth session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Kampala from 28 July to 1 August this year, the Secretary-General again demonstrated his concern and interest in promoting peace and justice and narrowing the gap between the rich and the poor countries. His meetings with the various heads of State and leaders of liberation movements definitely helped to strengthen the bonds between the United Nations and OAU. My delegation welcomes his presence and the presence of his representative at those meetings and hopes that the exchanges and informal consultations that will take place will continue to enhance the mutually supportive roles of the two organizations in the preservation of international

peace and security and the promotion of the economic and social development of all countries.

14. If I seem to have spent some time on the need for concerted action against colonialism and racism it is not because the economic and social development of Africa is of less concern to my delegation; it is because we believe that the time has come for us to deal a final blow to the vestiges of colonialism and racism in Africa. Economic and social development is of major concern to us. That is why it is gratifying to note, among other things, the signing of an agreement between OAU and the United Nations Development Programme, on co-operation in the field of economic and social development. This agreement provides that the two organizations will exchange information and documentation on matters of common interest, have reciprocal representation at meetings in an observer capacity, and assist each other in the development of their activities.

15. My delegation commends all the other organizations within the United Nations family for their efforts to consult with OAU in the co-ordination of a wide range of social, economic and educational activities in Africa. We look forward to the redoubling of those efforts and the strengthening of links between OAU and those organizations.

16. We are happy to note that in draft resolution A/L.767/Rev.1 attention is drawn to the Assistance Fund for the Struggle against Colonialism and *Apartheid* established by OAU. My delegation appeals for support for this Fund and also for the development and production of appropriate radio programmes to combat colonialism and racism. If OAU is to intensify its programmes for the effective dissemination of information relating to the struggle of the African peoples still under the yoke of colonialism in all its forms and manifestations, including racial discrimination and *apartheid*, it is necessary for the United Nations to provide every possible assistance to OAU in preparing and producing the appropriate programmes.

17. I have concentrated on some of the major issues that are of common concern to the United Nations and OAU. Close and constant co-operation between the United Nations family and OAU has already had many important results and must be maintained. Africa is a factor in world politics and has much to offer the world community in experience and advice. We are all aware that we are living in an increasingly interdependent world in which complex global problems affect all nations. The essential task of the United Nations is to maintain peace, but a durable peace cannot be maintained if political, social and economic injustice continues unabated and is concentrated on one side of the spectrum. It is important that these scourges be eradicated as quickly and as effectively as possible. If we co-operate and dedicate ourselves to working closely together, then we shall have before us the real hope of solid achievement. To achieve these noble goals and to help to alleviate the suffering of the peoples under colonial rule and *apartheid* in Africa, we need the full support and understanding of the international community. It is in this context that I am asking that the draft resolution before us be adopted unanimously.

18. The PRESIDENT: I call on the representative of Uganda on a point of order.

19. Mr. KINENE (Uganda): Mr. President, I am speaking on a point of order to request you to postpone the final decision on this item for a while in view of the fact that the matter is still under consideration by the African group at this moment.

20. The PRESIDENT: The Assembly has heard the representative of Uganda requesting postponement of the vote on draft resolution A/L.767/Rev.1 until later today. If there is no objection, I shall take it that the Assembly agrees to that request.

It was so decided.

AGENDA ITEM 26

Restitution of works of art to countries victims of expropriation: report of the Secretary-General

21. The PRESIDENT: I call on the representative of Zaire, who wishes to introduce draft resolution A/L.766/Rev.1 and Add.1 and 2.

22. Mr. MUTUALE TSHIKANKIE (Zaire) (*interpretation from French*): With regard to an item which is as simple in its substance as it is broad in scope and which concerns one of the activities it is the duty of the United Nations to promote as part of its task of establishing international relations based on justice, I shall not have a great deal to say. The restitution of works of art is the restitution to others of what belongs to them. We do justice to the genius and to the cultural heritage of others. Thereby we increase their awareness and bring them back to an appreciation of whatever is most truly authentic, whatever is most ardently sought after, whatever is most intensely human in their culture. What is a country, what is a nation that has lost the memory of its heritage, that sacred tie that binds nations to their ancestors and serves as the means whereby they communicate their feelings, their creativity, their concern, their beliefs and their view of man and of the world?

23. Great works of art have never served merely as a spectacle, or an aesthetic response. Very often, they are also messages or reminders of the past of a people. For this reason, it is not surprising that at the end of the Second World War, during negotiations on peace treaties between some of the belligerents, provisions relating to works of art should have been discussed. It is equally understandable that, among independent countries throughout the world, the conservation and protection of certain artistic treasures, monuments and sites should be the subject of carefully worded legislation. Look at the pyramids, think of the Gothic cathedrals, of all famous places, of the Seven Wonders of the World. All art everywhere is for each nation a part of its national treasure. This means that it is the inalienable right of each people to preserve and protect its cultural and artistic patrimony, all the more so since those works of art, monuments and sites are not just something to look at, not merely a souvenir of the past, but the means whereby a message is transmitted to us.

24. It occurs to me to refer to the so-called young countries, among which my own is to be found. We are young only in the sense that we have recently been

organized into States, for our peoples are not at the dawn of their existence. Archaeological excavations support this view, and the art produced by the young nations also substantiates it.

25. It is thus in their function as message carriers that works of art are revealed as far superior to written documents. They teach us about our past, about our history that is deeply engraved in our subconscious, far better than do history books that are, alas, often written by foreigners. The oral tradition that is characteristic of certain civilizations, notably our own, is by no means synonymous with the absence of writing. Certain monuments and works of art are there to speak eloquently of our culture. They are not all silent, at least not in their original meanings that can only be ascertained by understanding and correctly reconstructing the social context in which they were created. And incidentally, cannot such phenomena as the cinema and television be classified as a continuation of that oral tradition in so-called modern civilization? These communication media, which some people judge to be primitive, are not, after all, so primitive.

26. I have spoken especially of the restitution of works of art with regard to the role they can play in awakening each people to its own identity and creative genius, but there is more to say. The restitution of works of art should not be viewed as a refusal to cooperate or as an effort to underestimate the culture of other peoples. Restitution has nothing to do with a nostalgic harking back to the past; rather, it is to be understood as the restoration of its true value to the culture of each nation, so that it may provide the necessary leaven or infusion of new vitality for an autonomous and authentic development, through the assimilation of freely-chosen outside elements.

27. To contribute to that development by eliminating the obstacles to it that exist in public opinion and in the law or national practice, or by the direct restoration of works of art to their original owners, is certainly an action that will serve to strengthen the respect we owe to the true national character of each people and at the same time will contribute to promoting friendly relations among States.

28. By its resolution 3187 (XXVIII), the General Assembly issued an appeal to all States Members of the United Nations which hold works of art that have been removed from other countries to return those works of art to their former owners. That appeal has been issued to all. However, it has been heeded by only a very small number. Their conduct should serve as an example. But why are they so few? Are there still refusals or hesitations with respect to this appeal? We feel for this reason that the General Assembly should reiterate this appeal.

29. Draft resolution A/L.766/Rev.1 and Add.1 and 2, which is submitted by the sponsors, does not ask any country to divest itself of its own treasures; quite the contrary; it appeals on behalf of those which have been plundered that the works of art be restored to their original owners. Colonization and military occupation have promoted plundering and expropriation, but the need for friendly relations among peoples and States makes essential the restitution of what belongs to others and recognition of the specific genius of each people.

30. In this area perhaps more than in any other, nations and States have an opportunity to join together in a common effort to achieve a world in which relations among States and nations will be based on the merits and the intrinsic genius of others.

31. Before concluding, it is my pleasure to announce that Sudan has joined the list of sponsors. I also wish to announce to the Assembly that a change has been made in operative paragraph 5 of draft resolution A/L.766/Rev.1 and Add.1 and 2. Instead of reading:

“Looks forward to the conference for curators of museums, jurists and representatives to . . .”,

it should read:

“Looks forward to the meeting of the Committee of Experts on Restitution of Works of Art to Countries Victims of Expropriation, established by . . .”.

32. I need not dwell further on the presentation of this draft resolution. I appeal to the General Assembly to vote in favour of this draft resolution, which is aimed at promoting friendly relations among peoples.

33. Mr. AHMED (Egypt) (*interpretation from Arabic*): I am happy to address the General Assembly on a topic of cultural, political and economic importance which involves legal precepts and concepts and the importance of which is recognized by all countries of the world, whether of the East or the West. We are dealing here with an item which is not only of concern to Egypt and Africa and countries proud of their historical civilization and works of art, but is also a matter of principle, the aim being to establish a system which will prevent the application of the law of the jungle and will not allow the heritage and civilization of any country to be usurped by any aggressor or oppressor.

34. The initiative of our friends in Zaire, an item entitled “Restitution of works of art to countries victims of expropriation”, has been included in the agenda of the twenty-eighth session, and rightly so. The best thing about it is that, both in trend and in timing, it is entirely in accordance with the idea of the acquisition by the developing countries of the elements of their sovereignty over their national wealth and resources. At the same time, it is also very relevant to the problems which even some great States face as regards the illicit transfer operations which take place across international borders.

35. The Arab Republic of Egypt, while reminding the General Assembly of the necessity of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, affirms the importance of ensuring that that independence is complete in every element and that sovereignty is exercised by those peoples over all their property, including their artistic and cultural wealth. We also affirm the importance of applying the provisions of article 4 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, which was done at The Hague on 14 May 1954,¹ and which stipulates that the signatories to that convention are committed to respect for cultural property within their own countries as well as in other countries, and to prohibiting, preventing or ceasing any form of robbery, storage, stockpiling, misuse or sabotage of such property.

36. Egypt also affirms the need to speed up ratification of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization [UNESCO], which came into force on 24 April 1972. Under that Convention, any country which had formerly played an imperialist role in Africa, Asia or any other part of the world and during that time had expropriated works of art owned by the peoples of the countries concerned must restore them to their rightful owners following independence.

37. We should also like to point out and record what has been done and is still being done by the Israeli authorities in the occupied Arab territories concerning the forceful plunder of some monuments of an artistic, cultural and Arab religious nature.

38. The Israeli authorities have repeatedly violated churches and Christian monasteries at Jabal el Tor, Rafah and El Arish, which were described in the report presented to the Egyptian authorities by Bishop Vasilios, who is the Bishop of the Near East and Jerusalem seat for the Orthodox Copts. He described those acts as representing more than 14 incidents of plunder of furniture, iron crosses, ancient icons and books, sacred objects and wooden doors of a purely Arab character.

39. Under what heading can we describe the actions of the Israeli authorities in occupied Jerusalem designed to change the Arab character and form of the city and to usurp Arab property? How can we, or anyone, describe the action taken by the Israeli Minister of Defence on 27 July 1975 in dividing the Ibrahimi Mosque and shrine in Hebron and taking over a large part of it from its Arab owners, who throughout a long period of history were those who, as has been recognized by all, best preserved it and its nearby sites, religious monuments and mausoleums of the great prophets of the world? How can we ignore in this respect the actions of the Israeli authorities in closing the Church of the Resurrection and destroying the Dar El Falaky, which belongs to the Coptic patrimony, in Jerusalem, and in transferring Arab monuments from Nablus and Jericho to the museums of Tel Aviv, taking the artistic objects, manuscripts and art works from Kuneitra, Tel Marla and the Syrian villages at the Golan?

40. World public opinion, through the Security Council, the General Assembly or UNESCO, has condemned Israeli actions to change the status of Jerusalem. World public opinion will soon be asked to express itself with regard to these renewed Israeli actions, and particularly the usurpation of Arab ownership of the Ibrahimi Mosque, which is one of the most serious and dangerous actions taken by the Israeli authorities as regards both its results and its significance, not only from the political point of view but also from the point of view of artistic works, the subject with which we are now dealing.

41. The Director-General of UNESCO stated in his report—which is contained in annex I to the report of the Secretary-General on the restitution of works of art to countries victims of expropriation [A/10224]—that a conference of museum administrators and jurists with experience in matters relating to the smuggling

of works of art would be held at Cairo early in 1976. The Arab Republic of Egypt, which has extended the invitation and has offered to be host to that conference, would like to express its strong hope that the conference will result in the adoption of general principles and guidelines and a definition of adequate, practical measures to ensure the restitution to their rightful owners of works of art removed illicitly to other countries.

42. Egypt, which is proud of its long history of artistic works and of its civilization, which goes back thousands of years, would like to extend a welcome to all those who honestly want to view its great historic heritage and wealth. In fact, the bodies supervising these monuments and artistic works are happy to show them to the foreign public in general in various capitals and large cities of the world, in exhibitions befitting the enthusiasm of the people interested in those works of art. But the idea that artistic works can be plundered and removed for gain or that the transfer of these artistic works to museums in other countries is necessary to show them to the whole world, cannot be accepted on any logic or legal concept.

43. Finally, together with our sister State, the Republic of Zaire, which took the initiative in having this item included in the agenda of the twenty-eighth session, we sponsor draft resolution A/L.766/Rev.1 and Add.1 and 2, in an attempt to provide all countries which are the victims of expropriation and transfer of their artistic works with the opportunity to regain them and to prevent such obnoxious plunder in future, hoping thus to ensure increasing stability in our international community from the point of view of culture and civilization. Also, we should like to express our appreciation of the constructive role played by UNESCO in this field, by which it adds to its service to culture and civilization.

44. Mr. TCHERNOUCHTENKO (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): The delegation of the Byelorussian SSR attaches great importance to problems concerning the restitution of works of art to countries victims of expropriation, the item which is now being discussed. This item affects the interests of all the peoples of the Soviet Union, including the people of the Byelorussian SSR, where during the Second World War the Hitlerite fascists inflicted tremendous losses.

45. Being, due to its very nature, an enemy of culture and progress, Hitlerite fascism during that war plundered and despoiled many well-known monuments and cultural objects of the national culture of the Russian, Byelorussian, Ukrainian, Lithuanian, Latvian and many other peoples of the Soviet Union.

46. The profanation and destruction of historical and cultural monuments in occupied Soviet territories and the destruction and plundering of many cultural institutions were part of the diabolical plan that had been deliberately prepared by the Hitlerites.

47. In trying to transform the peoples of the Soviet Union into their slaves, the Hitlerites also tried to deprive the peoples of our country of their cultural treasures; in other words, to deprive them of everything that they are proud of, that represents their own national and historical heritage. The purpose of that plan was to plunder and destroy their cultural

treasures in order to eliminate the national cultures of the peoples of the Soviet Union.

48. In the Soviet territory they provisionally occupied, the Fascist invaders destroyed 427 of the 992 museums in the Soviet Union.

49. I shall give a few examples in that connexion. The special State Commission to investigate the heinous crimes of the German occupiers noted that the Hitlerites destroyed or imported into Germany monuments and cultural objects from the Pushkin Reserve, the national sacred property of the Russian people where the Russian poet of genius Aleksandr Sergeevich Pushkin lived and created his works. They also destroyed and plundered Yasnaya Polyana, that well-known monument of Russian culture where one of the great writers of the world, Leo Tolstoi, was born, lived and wrote his works.

50. The Fascists plundered and brought to Germany tens of thousands of paintings, sculptures and other world-known works of art and architecture, from Petrodvoretz, Pavlovsk, Pushkin and other towns.

51. From the greatest monument of the Slav people, the Sophia Cathedral in Kiev, they stole 14 twelfth-century frescos, which have never been found. The Hitlerites stole, among other objects, the most valuable collection of Russian icons from the museum of Russian Art in Kiev. They plundered the Museum of Ukrainian National Art, and stole more than 4 million books from the State libraries in Kiev.

52. At Minsk, the capital of the Byelorussian SSR, the Fascists destroyed the national painting gallery and carried off to Germany paintings of Russian and Byelorussian artists; they destroyed all the theatres and plundered the libraries, including the theft of 1.5 million valuable books from the State Lenin Library. The libraries of the Academy of Science, the Byelorussian University and the Polytechnical Institute were plundered or destroyed, the library of medical science was stolen, etc.

53. According to the report of the Commission of the Byelorussian Republic established to investigate the misdeeds of the Fascist occupiers and to determine the extent of the losses inflicted by the Fascists to the national economy and Byelorussian citizens from 1941 to 1944, the damages resulting from the loss of art objects alone amounted to 163.4 million roubles. In general, throughout the years of the war the Byelorussian people lost more than half of its entire national patrimony.

54. The extent of the losses suffered by the Soviet people is demonstrated by the fact that, in the territory of the Soviet Union that was subjected to Hitlerite occupation, there were at the beginning of 1941 82,000 elementary and secondary schools. All those schools had libraries of up to 25,000 books each, and various laboratory equipment for the study of physics, chemistry and biology and other subjects. The Fascists burned, destroyed and plundered those schools and their equipment.

55. The Hitlerites destroyed completely or partially 334 Soviet establishments of higher education, where 233,000 students studied before the war, and all their equipment, unique objects and libraries were taken to Germany. They destroyed and plundered 137 pedagogical institutes; took archival and historical

documents and ancient manuscripts from the special libraries and plundered or destroyed more than 100 million books.

56. I could go on with this list of the heinous, evil crimes committed by the Hitlerite invaders during their temporary occupation of our territory. But even the facts adduced show clearly that the peoples of our country suffered tremendous losses as a result of the expropriation and destruction of works of art and other cultural treasures by the Fascists.

57. On the basis of the generally recognized principles of international law, our delegation considers that all the works of art and cultural treasures stolen and taken to Germany from the territory of the Soviet Union by the Hitlerites should be restored to their authentic owners.

58. We should like in this connexion to quote from the London Declaration on this subject, dated 5 January 1943, in which the 18 signatory States stated they:

“reserve all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war, or which belong, or have belonged, to persons (including juridical persons) resident in such territories . . . whether such transfers or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.”

59. It is our deep conviction that that Declaration is still very important in international law, and that States should abide by its provisions.

60. We have to mention that once again now, when mankind is celebrating the thirtieth anniversary of the victory over Hitlerite fascism.

61. At the same time, we support the demand that works of art should be restored to other countries that have been the victims of expropriation, and primarily those that have been the victims of colonial domination.

62. For many years the imperialist States not only subjected many peoples of Africa, Asia and Latin America to brutal economic exploitation, but also rapaciously stole the centuries-old cultural treasures of those peoples. There are many works of art, monuments and other cultural objects which were unlawfully taken from those countries to the metropolitan countries during the long period of colonial domination. The time of colonial empires has passed. However, the harmful consequences of colonialism, particularly in the cultural sphere, have not yet been completely eliminated.

63. In giving our full support to those countries that have embarked on the road to national independence, our country considers that one of the prerequisites for the national rebirth of those countries is the revival of their cultural traditions.

64. Our delegation supports the just demands for the restitution of works of art and cultural treasures by the former colonial powers and by the countries which occupied foreign territories, to the lawful owners

—namely, to the countries from which they were unlawfully taken.

65. Since 1973, when this item was first placed before the United Nations, almost two years have passed. However, according to the Secretary-General's report [*ibid.*], very little has been done. That report states that certain countries have done nothing to restore the works of art they have appropriated.

66. Furthermore, the report contains information to the effect that at the present time works of art of great value belonging to the Syrian people, such as monuments and architectural objects, have been destroyed or have been pillaged by the Israeli occupants. Those authorities have committed criminal acts against the cultural treasures at Kuneitra, Rafid and in the Golan Heights.

67. In the Secretary-General's report we also find information concerning UNESCO's contribution to the restitution of works of art to countries victims of actual expropriation.

68. In our view, efforts to that end should be continued in the interest of strengthening peace and promoting friendly relations among countries.

69. In this connexion, we must emphasize the great international importance of the results of the Conference on Security and Co-operation in Europe. In the Final Act of that Conference² a number of provisions are to be found concerning the development of co-operation in the cultural field, both on a bilateral and on a multilateral level.

70. In conclusion, I will say that on the basis of the foregoing, my delegation will support draft resolution A/L.766/Rev.1 and Add.1 and 2.

71. Mr. PAPOULIAS (Greece): Greece is a sponsor of draft resolution A/L.766/Rev.1 and Add.1 and 2, on restitution of works of art to countries victims of expropriation.

72. At the twenty-eighth session [2205th meeting], my delegation made a detailed statement on this important item and therefore I do not deem it necessary now to take up the General Assembly's time with a lengthy statement. However, I will briefly say this. The restitution of works of art to the countries of their origin and, indeed, the cessation of the unholy practice of the removal of works of art, on any pretext, from any country and by any country, is an imperative and urgent necessity for a number of very valid reasons.

73. First, works of art constitute one of the most essential components of a country's cultural heritage. That has to do with what we call, in modern terminology, “the cultural identity of a country”. We all know how important this is for all countries, and particularly for the small new States.

74. Secondly, works of art and monuments are very often part of the environment, irrespective of whether we consider it as the national or the universal environment. Consequently, the removal of works of art and monuments is an offence to this concept which we all seem to recognize today—indeed, to cherish, in words, at least.

75. Thirdly, works of art and monuments serve as a basis of inspiration for artistic creation in the various

countries and cultures. Who has not heard of the immense impact that the existence of great museums and galleries, such as the Louvre, has had on generations of artists? The countries deprived of this source of inspiration are indeed placed at a great disadvantage.

76. Fourthly, in today's world, where touristic and artistic exchanges form part of a considerable source of material profits, it is unfair that that source should be denied to the countries that have the most need of it.

77. I will not deal with the various paragraphs of the draft resolution, since this has been ably done by previous speakers. I wish none the less to stress operative paragraph 2 of the draft, which states that the General Assembly:

“Recognizes in this connexion the special obligations incumbent upon those countries which had access to such valuable objects, either through particular claims or on other pretexts, as a result of their rule over or their occupation of a foreign territory;”

We think this is self-explanatory. I hope that the draft resolution will obtain unanimous support, and we further trust that it will not be permitted to remain a dead letter.

78. Mr. CIELECKI (Poland): There is a direct relationship between the strengthening of friendly relations and mutual understanding among States, on the one hand, and co-operation in the field of culture, on the other. At its twenty-eighth session, the General Assembly adopted two important resolutions introducing—and I do not hesitate to say this—a new way of thinking and a new approach in this respect. I would recall that Poland, along with a group of other countries, initiated resolution 3148 (XXVIII) on the preservation and further development of cultural values. The resolution laid down fundamental provisions regarding the preservation and development of cultural values. The resolution constitutes a formal United Nations framework for the present and future development of the cultural heritage of nations as well as of the whole of mankind. Its cultural heritage is one of the most important elements in the specific identity of each nation. This is true both in the current as well as in the historical dimensions of the development of any nation and of a country's life. The preservation of the particularities of different cultures, so often neglected, as we are aware, has become a serious problem for mankind. We will have the opportunity to take this question into consideration during the thirty-first session of the General Assembly, as we have already decided to have a special item entitled “Preservation and further development of cultural values”.

79. The second milestone on the same road, that is, towards making better use of the impact of culture on over-all development, is also connected with resolution 3187 (XXVIII), entitled “Restitution of works of art to countries victims of expropriation”. In implementation of this resolution, the Secretary-General has presented us with a report in document A/10224.

80. The report, as well as the introduction of the draft resolution by the representative of Zaire, confirms once again that we are still at the very beginning of this noble action. The question at issue is a subject of interest to us also. It is well known, and I do not

need to go into details, that especially acute and quite irreparable losses were suffered by Polish culture during the Second World War. With particular ruthlessness the Nazi occupying forces robbed and sent to the Third Reich the treasures of culture produced by many generations of Poles. Many other Polish symbols in the occupied territories were deliberately destroyed by Hitlerite nazis. We have managed to recover some of the objects, but many others have not so far been identified and must still be considered lost.

81. Resolution 3.428, adopted at the eighteenth session of the General Conference of UNESCO, invited member States to ratify the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.³ So far, as we know, fewer than 25 countries have ratified or accepted the Convention. That is why, in the opinion of the Polish delegation, as many countries as possible should be urged to ratify the Convention.

82. At the same time, we hope that the Cairo meeting of experts in early 1976 to study the principles which should be applied in respect of restitution will be able to work out a satisfactory solution. Poland is ready to take part in that meeting. In the opinion of my delegation, the final outcome of the meeting should take the form of a draft convention to be submitted to the General Conference of UNESCO at its nineteenth session.

83. Mr. FELLAH (Algeria) (*interpretation from French*): I am most responsive to the eloquent appeals of the representatives of Zaire and Egypt because my country, like other former colonial countries, was the victim, on the eve of its independence, of the plunder of its artistic and cultural patrimony and of its national archives, which were hastily and systematically exported.

84. My country, which has worked unceasingly for closer relations between the peoples of the Mediterranean, the link between many civilizations, fully supports the draft resolution introduced by the representative of Zaire. The recovery of natural resources is, in fact, inseparable from the recovery of cultural personality and the return to national identity in ensuring the full independence of developing countries. In the constant search for their past, recently independent countries have need in order to record history—after having recorded in blood their historical validity and identity as a nation—of the material wealth unjustly exported, so that they may live with others in equality and mutual respect.

85. Today, universities, researchers and historians are still awaiting the return of materials which have been wrongfully exported. That is why my country associates itself with all activities and undertakings designed to ensure the return of the major part of its cultural, historical and artistic patrimony. The countries to which this appeal is addressed must interpret this action as an invitation to begin a dialogue which will promote cultural co-operation among States and, through it, understanding among peoples in the service of the cause of peace.

86. The PRESIDENT: I should like to announce to the General Assembly that the following countries have become sponsors of the draft resolution in docu-

ments A/L.766/Rev.1 and Add.1: Congo, Cyprus, Jordan, Mauritius, Sudan and Syrian Arab Republic.

87. I should like also to remind the Assembly of the change made in operative paragraph 5 of the draft resolution by the representative of Zaire when he introduced the draft resolution. Paragraph 5 now reads as follows:

“Looks forward to the meeting of the Committee of Experts on Restitution of Works of Art to Countries Victims of Expropriation, established by . . .”

88. We shall now take a decision on draft resolution A/L.766/Rev.1 and Add.1 and 2, as amended orally.

The draft resolution, as amended, was adopted by 96 votes to none, with 16 abstentions (resolution 3391 (XXX)).

89. The PRESIDENT: I shall now call on those representatives who wish to explain their votes.

90. Mr. LONGERSTAEY (Belgium) (*interpretation from French*): I should like to recall to the General Assembly that the Belgian Government informed the Government of the Republic of Zaire in good time of its willingness to return works of art of Zairian origin, thus making it possible to complete the collection of the Institute of National Museums of that country. This matter is still being considered in talks between the two Governments, and therefore my delegation had to abstain from voting on the draft resolution for the sole purpose of not prejudging the outcome of those talks.

91. Mr. TELLMANN (Norway): The Norwegian Government is basically sympathetic to the initiative taken by the sponsors of draft resolution A/L.766/Rev.1 and Add.1 and 2. We also feel sincere sympathy and understanding for those countries which have been deprived of works of art constituting important parts of their national and cultural heritage.

92. However, my delegation is of the opinion that the questions dealt with in the resolution just adopted by the General Assembly are of such a complex nature that they should initially be considered in greater detail by experts in this field. I am referring in particular to operative paragraph 6 and the problems which the implementation of that paragraph might give rise to.

93. My delegation believes that UNESCO would be the most appropriate organization in which further consideration of this admittedly very important item should be undertaken. I add in this connexion that my delegation welcomes the reference in operative paragraph 5 to the meeting of experts to be held in Cairo early next year.

94. Mr. MULLOY (Ireland): The delegation of Ireland expresses its sympathy with the considerations which prompted the presentation before this Assembly of draft resolution A/L.766/Rev.1 and Add.1 and 2. We sympathize with those countries that are concerned with this problem.

95. However, I should like to repeat the view already expressed in 1973 at the twenty-eighth session [2208th meeting] by the representative of Ireland on the occasion of an explanation of vote on a similar draft resolution in that year. The Irish authorities considered then and consider now that detailed work on the subject by UNESCO in recent years renders

that organization particularly well qualified to handle this issue. My delegation would, indeed, prefer to see this particular subject considered in the future in the UNESCO forum rather than in this Assembly. Accordingly, my delegation has abstained on the draft resolution.

96. Miss RICHTER (Argentina) (*interpretation from Spanish*): The delegation of Argentina was absent during the vote, but had it been present, it would have voted in favour of the draft resolution.

97. Mr. HAUGH (United States of America): My delegation fully supports the notion that it is the common duty of us all to discourage the illegal transfer of works of art. Nor is this a new position for us. The President of the United States stated in 1972 that we deplore “the illicit movement of national art treasures”. We, moreover, recognize that there is something particularly obnoxious about such illegal activities when they involve taking advantage of the weak and the defenceless.

98. We whole-heartedly support responsible efforts on the part of the international community to deal with this problem. We have taken concrete action, including, among other things, the following: first, a treaty with Mexico ensuring co-operation in the recovery and return of archaeological, historical and cultural properties; secondly, our vote in support of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; thirdly, approval by the United States Senate of that UNESCO Convention—and we strongly support the invitation to other Governments to become parties to that Convention; fourthly, the submission to both Houses of Congress of legislation to implement the Convention in full; fifthly, the adoption of Public Law 92-587, Title II of which regulates the importation of pre-Columbian monumental or architectural sculpture or murals.

99. In addition to all that, the legal system of the United States is such that any foreign Government or individual may sue in an American court to regain property alleged to be stolen and located within the United States. And this is no abstract or theoretical possibility, as the Government of Guatemala well knows from its successful efforts in our courts.

100. I have recounted our efforts to date in this field to dispel any doubt that we are one with what we presume to be the goals of those who proposed draft resolution A/L.766/Rev.1 and Add.1 and 2. We therefore greatly regret the fact that the draft resolution is so imprecisely drafted as to have made it impossible for us to vote for it. The single criticism I offer is that that imprecise wording can be understood to treat the thief and the legitimate purchaser in the same manner.

101. But in turning away from this particular resolution, my Government suggests that we all should be drawing upon the extensive experience and expertise of UNESCO and be seeking to mesh our efforts with those of UNESCO. Finally, we wish to go on record as strongly recommending to all Governments the adoption of the UNESCO Convention and the restitution of cultural property in accordance with the provisions of that Convention.

102. The PRESIDENT: The Assembly has heard the last speaker in explanation of vote. Before calling

on those representatives who wish to exercise their right of reply, I would remind members that, at its 2353rd meeting, the General Assembly decided that statements in exercise of the right of reply should be limited to 10 minutes.

103. Mr. DORON (Israel): When a specific item is being discussed, it is always a good idea to deal with that item and not to dredge up matters which are completely irrelevant to the subject-matter of the discussion. Unfortunately, however, there are some delegations which as a matter of policy will always utilize whatever matter is being discussed to voice their pernicious anti-Israeli propaganda.

104. Typical examples of that kind of approach, wasteful as it is of the time of the General Assembly, were the statements made here today by the representatives of Egypt and Byelorussia, purportedly on agenda item 26. Agenda item 26 is based, of course, on resolution 3187 (XXVIII), entitled "Restitution of works of art to countries victims of expropriation". Nothing daunted by the specific character and subject of that resolution, the representatives of Egypt and Byelorussia avidly availed themselves of what they considered an opportunity to slander Israel once more.

105. The baseless Egyptian allegations are the usual propaganda attempt by means of repeated distortion and falsification to divert attention from the reprehensible international conduct of certain Arab countries, and the Byelorussian representative followed suit and repeated the ludicrous aspersions cast against my country.

106. I reject most emphatically each and every one of the false and malicious allegations made here this morning by the representatives of Egypt and Byelorussia. The Egyptian representative even had the effrontery to make pernicious allegations against my country in respect of Jerusalem. Obviously, he wished the Assembly to forget the wholesale spoliation, destruction, desecration and looting of Jewish works of culture and art carried out by Arab forces, more specifically by those of Jordan, in the Old City of Jerusalem during Jordan's 19 years of misrule there from 1948 until 1967. Here, then, are the facts.

107. Of 35 ancient synagogues that stood in the Jewish quarter of the Old City, all but one were destroyed. The synagogues, which included the ancient and renowned Hurva Synagogue, were either demolished or stripped down to empty shells that were then used as stables, chicken pens or latrines. Tens of thousands of tombstones were torn from the Jewish cemetery on the Mount of Olives and used as paving-stones and building material. Graves were gouged open and bones were scattered during the construction of a road through the ancient and revered cemetery. Scores of Jewish institutions of religious learning in the Old City, including the Yeshivah Porat Yosef and the Yeshivah Etz Hayyim, were destroyed. Discussing these desecrations, our then Foreign Minister, Mr. Abba Eban, declared in a speech on 26 July 1967 at the fifth emergency special session, shortly after what is known as the Six-Day War, "This is not a result of the recent fighting. It is the consequence of the policy adopted by the authorities of the Jordan Kingdom during past years" [1536th meeting, para. 110]. And Abdullah el-Tal, the commander of

the Jordanian forces that seized the Old City in 1948, confirmed that in his memoirs, published in Cairo in 1959. Describing the capture of the Old City by the Jordanians, he writes, "The operations of calculated destruction were set in motion". That calculated destruction continued throughout the Jordanian rule in Jerusalem. In 1966, for example, the Jordanian newspaper *Falastin* reported: "Ancient memorial buildings in the old city of Jerusalem are destroyed and replaced by modern ones. Commercial competition even reached the Mount of Olives, where construction had been prohibited in the past". And the world remained silent.

108. Nobody has greater respect than Israel for the cultural values and works of other peoples and religions, including, of course, churches and mosques. All the allegations made against my country here today constitute incredible effrontery and are nothing but a tissue of fabrications of the most obnoxious kind. By making completely unfounded allegations against my country on every occasion, the Egyptian delegation and others of the same ilk are not contributing in any constructive way to the work of the General Assembly.

109. It is quite obvious that those delegations are not really interested in that objective, but are intent on carrying on their propaganda warfare against Israel. Whether the subject under discussion is the restitution of works of art or any other subject, those representatives will abuse the occasion to spout their venomous anti-Israeli propaganda. It appears to have become an obsession with those Governments and those delegations.

110. Mr. GAMMOH (Jordan) (*interpretation from Arabic*): The Israeli representative has spoken of my country and attacked it, while he knows, as does the international community, of the repeated Israeli actions committed daily up to now, in sacred Arab places in the occupied territories. Repeated Israeli plundering of churches and monasteries is well known to the international community. The resolution adopted by the General Assembly a few minutes ago can be applied to Israel. The division of the Ibrahimi Mosque in Hebron and the seizure of the greater part of it from its Arab owners is also a violation of the Hague Convention of 1954.¹ Israel's continued attempts to change the facts are also familiar to the General Assembly.

111. Jordan has always continuously preserved sacred and historical monuments against the brutality of Israeli occupation forces.

112. This falsification occurred only during the Israeli occupation. The Arab monuments in Nablus and Jericho and their transfer to the museums in Tel Aviv, the plunder of artistic objects and manuscripts from Kuneitra and other Syrian villages—all this is well known to the whole international community. World public opinion has already denounced Israeli attempts to change the status of Jerusalem, in the Security Council, the General Assembly and UNESCO. Therefore there is no reason for the Israeli representative to stand up and falsify facts before the General Assembly, which knows the truth very well.

113. Mr. AHMED (Egypt): I am constrained to take up more of the time of the Assembly in exercise of my right of reply in view of what we have just seen take place. The Israeli representative is questioning the

relevance of what we had to say about Israeli desecrations and expropriation of artistic objects, but need I remind the Assembly that the item under discussion is exactly what we have brought to the attention of the Assembly, namely, restitution of works of art to countries victims of expropriation. What we brought to the attention of the Assembly were precisely cases of expropriation of pieces of art by Israeli occupation authorities. What could be more relevant than to bring this to the attention of the General Assembly under the item entitled "Restitution of works of art to countries victims of expropriation"? We are one of such countries. The cases I brought to the attention of the Assembly are cases of expropriation under duress—under the duress of Israeli occupation. There could not be a more relevant item or a more relevant place for this.

114. The Israeli representative, every now and then when he has reason to address the Assembly, decries the fact that the Arabs are carrying out anti-Israeli propaganda—at every moment, he says. Why? The reason we are doing it is that Israel is perpetrating many acts which really warrant our bringing them to the attention of the world at every possible moment. Need I refer him and the Assembly to the scores of instances in which the Security Council and the General Assembly have condemned Israeli defiance, challenges, perpetrations of acts, and so on? Need I remind him that we have to resort to a battle of words with an occupation force which is still occupying Arab territory against the many repeated injunctions of the international community; which is flying in the face of the whole world, defying the United Nations, defying the international community, perpetrating and continuing its illegal occupation against the wishes of the States represented here? Do we not have the right at least to come to this body to complain of such defiance, such overbearing treatment by an Israeli occupation force, an arrogant Israeli military establishment?

115. He says that what we said about Israel was mere slander. It was not. I gave the Assembly instances. I am willing to give it more instances of actual cases of Israeli usurpation and expropriation of works of art by means of the illegal occupation of Arab territory. Suffice it to give here, just to remind the Assembly, certain flagrant examples: changing the whole nature of the Arab city of Jerusalem, demolishing a very ancient and noble city that has been in existence for over 1,000 years, the old Arab Jerusalem, demolishing what is a jewel among works of art, destroying all that in order to construct for practical purposes a new, Israeli, modern Jerusalem, changing the whole nature of an Arab city into that of a modern, ugly, Israeli city—and that in violation of many resolutions asking Israel to desist from such acts as changing the nature of the city of Jerusalem. How about the Ibrahimi Mosque and shrine, which has been taken away from the Arabs who have been there for the last 1,300 years and the more important part of it given to the Israelis? How about the instances of Kuneitra, in the Golan Heights?

116. How about the complaints by the Bishop of Sinai, who brought to the attention of the Egyptian Government some 14 or 15 acts of desecration and usurpation of Coptic Christian works of art by the Israeli authorities? Let me give the Assembly just one

example. On the night of 25 April 1970, armed Israeli soldiers attacked the Coptic monastery at Sultan. After having occupied the monastery of Sultan on that night, while all the Coptic Christians were performing their religious rites, the Israeli soldiers broke in and took many things from the convent. The Patriarch brought this to the attention of Israeli authorities in Jerusalem, and the Israeli High Court in Jerusalem, in its decision 109-70 of 16 March 1971, condemned the actions perpetrated by the Israeli soldiers and asked them to return the things that had been usurped from the Coptic Christian convent. Until now, however, no such action has been taken, and the things that had been usurped, despite the Israeli court ruling, still remain unreturned. There are many such cases. There are many instances, and we need not bother the Assembly with such details.

117. He accused me of effrontery in coming here and complaining to this body, which is the proper body for countries which are under illegal occupation to come to and to complain of such treatment. This is the place and the time to do so. He accused me of effrontery in having done so and, in return, accused the Arabs of having expropriated certain Israeli religious works of art, such as the synagogues that were allegedly destroyed in 1967 and 1948. Well, need I say in this regard that, if that was the case, who usurped a whole country, who denied to a whole population—the Palestinian population—the use of their territory, of their homeland? The usurper has the effrontery to come here and accuse the Arabs of taking things from the Israeli usurpers themselves, who usurped a whole country.

118. Synagogues are destroyed in warfare? Yes. But who brought about the war? Did the Arabs go to Europe to fight the Israelis there in their proper territory? Did we seek a war or confrontation with anyone? Were we not living in our homeland peacefully, minding our own business, when people from abroad, from the four corners of the world, came to our homeland with sword and fire to destroy, to usurp and to turn away a whole population?

119. He accuses the Arabs at every possible moment of resorting to propaganda warfare against Israel. Yes. What else can we do? What else can the Arabs, who are outgunned by a very strong Israeli military establishment, do but resort to a propaganda war, a war of words; whereas the Israelis are engaged in an actual war against the Arabs. The Israelis are in occupation of our land, against the United Nations resolutions and injunctions. One party is in actual warfare, actual occupation, and illegal occupation, against the Arabs. And he accuses the Arabs of engaging in a war of propaganda, a war of words, against the aggressor, the occupier, the challenger, the defier of the United Nations. Which of the two is to blame, he who is engaged in actual warfare, actual aggression, actual illegal occupation, or the victim who comes to the United Nations seeking justice and compensation? A war of propaganda indeed!

120. Mr. DORON (Israel): By repeating previous barefaced lies, the Jordanian representative cannot change the facts. There is incontrovertible proof, such as the photographs which I have here in my hand, as to what cultural crimes Jordan has perpetrated in the Old City of Jerusalem. They are photographs of

ancient Jewish tombstones paving a footpath to a Jordanian army latrine. They are photographs of ancient synagogues, before their destruction and after they had been destroyed by Jordan, after the war of 1967, not in the heat of the fighting.

121. As to the second Egyptian statement made here today, I not only questioned the relevance to this item of certain statements, I also denied, rejected and refuted every one of the allegations made by him against my country under purported cover of agenda item 26.

122. The Egyptian representative has now spoken of an alleged change of the character of Jerusalem. Does this come under the item of the restitution of works of art—specific works of art taken from one country to another which should now be restored to the previous owner? The so-called examples given by the Egyptian representative are, as I said before, and I repeat, nothing but malicious fabrications. But if there has been a case or two of unauthorized action by some individuals, the Egyptian representative said himself that our court condemned such action. How different is this from the deliberate destruction and desecration of Jewish cultural buildings and objects in Jerusalem as part of deliberate government policy!

123. Most of what was said by the Egyptian representative in the exercise of his right of reply was completely irrelevant to this item and issue, and in fact he admitted that what he was conducting was the continuation of his propaganda warfare against us.

124. As to aggression, it was Israel—and everybody knows the truth—which has been the victim of continuous and unabated Arab aggression ever since 1948.

125. Mr. TCHERNOUCHTENKO (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): In the statement we made, our delegation set forth facts, facts which are well known to the world. They are incontrovertible, regardless of whether this

suits the representative of Israel. Facts remain facts.

126. At the same time, we should like to emphasize that my country was and will always be on the side of the Arab countries which are victims of Israeli aggression.

127. As for the arguments that the Israeli representative has twice tried to prove from this rostrum, he tries to turn facts upside down, but words remain words, and they will not convince anyone at all.

128. In the East there is a wise saying that you may repeat the word "honey" as many times as you like, but you will not get a sweet taste in your mouth from repeating the word. Whatever the representative of Israel tries to convince us of, he will never succeed.

129. Mr. DORON (Israel): The representative of the Byelorussian SSR has taken the floor to make a policy statement. That is his right, but it certainly had nothing to do with what I said before. As to what he calls facts, these are not facts, they are fabrications. He reminds me of somebody who talks about something without having the slightest idea of what it is all about. There is a Russian proverb which is to the point, and which I like very much and which perhaps he would like to add to his collection of proverbs. It is the following: "He hears bells ringing, but he does not know where the sound comes from."

The meeting rose at 1.15 p.m.

NOTES

¹ See United Nations, *Treaty Series*, vol. 249, No. 3511, p. 241.

² Signed at Helsinki on 1 August 1975.

³ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Eighteenth Session*, vol. I.