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## CONTENTS

Agenda items 102 and 12:	
Pattern of conferences: report of the Committee on Conferences	
Report of the Economic and Social Council	
Report of the Fifth Committee.....	987
Agenda item 107:	
Financing of the United Nations peace-keeping forces in the Middle East ( <i>continued</i> ):	
(b) United Nations Interim Force in Lebanon: report of the Secretary-General	
Report of the Fifth Committee (part I).....	988
Agenda item 7:	
Notification by the Secretary-General under article 12, paragraph 2, of the Charter of the United Nations.....	988
Agenda item 20:	
Restitution of works of art to countries victim of expropriation: report of the Secretary-General.....	988

**President: Mr. Salim Ahmed SALIM**  
(United Republic of Tanzania)

### AGENDA ITEMS 102 AND 12

Pattern of conferences: report of the Committee on Conferences

Report of the Economic and Social Council

REPORT OF THE FIFTH COMMITTEE (A/34/625)

### AGENDA ITEM 107

Financing of the United Nations peace-keeping forces in the Middle East (*continued*)\*:

(b) United Nations Interim Force in Lebanon: report of the Secretary-General

REPORT OF THE FIFTH COMMITTEE (PART I)  
(A/34/630)

1. Mr. KHAMIS (Algeria), Rapporteur of the Fifth Committee: I have the honour of introducing the report of the Fifth Committee concerning the pattern of conferences and chapters XXXVII and XXXVIII of the report of the Economic and Social Council, dealing respectively with the control and limitation of documentation and the calendar of conferences and meetings for 1980-1981. The recommendations of the Committee are

to be found in paragraphs 12 and 13 of its report [A/34/625], which contain respectively a draft resolution and a draft decision for consideration by the Assembly.

2. I also have the honour of introducing part I of the Fifth Committee's report on item 107 (b) on the financing of UNIFIL [A/34/630]. The recommendation of the Fifth Committee is to be found in paragraph 6 of this document, which contains a draft resolution by which the Secretary-General would be authorized to enter into commitments for UNIFIL for the period from 1 November to 18 December 1979, in order to allow adequate time for consideration by the General Assembly of the report of the Secretary-General on the financing of the Force.

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.*

3. The PRESIDENT: The positions of delegations regarding the recommendations of the Fifth Committee on the items concerned have been made clear in the Committee and are reflected in the relevant official records.

4. I understand that there is need for further consultations on the recommendation contained in paragraph 12 of the report of the Fifth Committee [A/34/625] on agenda items 102 and 12 concerning the pattern of conferences and the report of the Economic and Social Council. Therefore that will be taken up again at a date to be announced.

5. We now turn to the draft decision recommended by the Fifth Committee in paragraph 13 of the above report. That draft decision was adopted in the Committee without a vote. May I consider that the General Assembly wishes to do the same?

*The draft decision was adopted (decision 34/405).*

6. The PRESIDENT: We now turn to part I of the report of the Fifth Committee on agenda item 107 (b) [A/34/630].

7. I shall now call on those representatives who wish to explain their vote before the vote.

8. Mr. WANG Liansheng (China) (*translation from Chinese*): Regarding the financing of UNIFIL, the Chinese delegation, on the basis of the consistent position of my Government on this question, will not participate in the vote on the draft resolution contained in document A/34/630, nor will we assume any financial obligation thereunder.

9. Mr. BA-SALEH (Democratic Yemen) (*interpretation from Arabic*): Democratic Yemen has already on

\* Resumed from the 46th meeting.

many occasions made known its views regarding the presence of United Nations forces in the occupied Arab territories. With regard to UNIFIL, we note that its presence has taken on a permanent character because of the obstinacy of the Zionist enemy, which insists in its policy of aggression against and invasion of the territories, thus violating the sovereignty and unity of Lebanon and continuing the persecution and dispersal of the Palestinian people.

10. The aggressive policy of the Zionist enemy, represents a constant and repetitious violation of the objectives and principles of the United Nations Charter, as well as of the numerous resolutions adopted by the Organization. The aggressor and those that support it in its expansionist and aggressive plans are thus responsible for the consequences of such policies and my delegation will therefore abstain in the forthcoming vote on the draft resolution contained in document A/34/630. We do not intend to participate in the financing of this Force.

11. Mr. RIZO (Albania): In conformity and consistent with the well-known position of principle of the People's Socialist Republic of Albania with regard to the setting up and financing of United Nations forces, the Albanian delegation wishes to reiterate that it was always opposed to the creation of UNIFIL and that it continues to hold to that view.

12. The People's Socialist Republic of Albania will in no way take part, therefore, in the financing of this Force. In the light of these considerations, the Albanian delegation voted against the draft resolution in document A/C.5/34/L.12 when it was presented to the Fifth Committee, and we shall again vote against the draft resolution contained in document A/34/630 now before the General Assembly.

13. Mr. HAMZAH (Syrian Arab Republic) (*interpretation from Arabic*): Our delegation will vote against the draft resolution in document A/34/630. We do not intend to participate in the financing of UNIFIL because we feel that the costs should be defrayed by the aggressor, in this case Israel, which has been the direct cause of the presence of that United Nations Force through its refusal to withdraw from Lebanese territory.

14. We also feel that it is neither just nor logical for such costs to be borne by all the States Members of the United Nations, for the situation is created by the obstinacy of Israel, which continues to flout the relevant resolutions of the United Nations and refuses to withdraw from the occupied Arab territories. We shall accordingly vote against the draft resolution.

15. Mr. KITTANI (Iraq) (*interpretation from Arabic*): My delegation will vote against the draft resolution in document A/34/630 for the reasons that we have already expressed in the Fifth Committee.<sup>1</sup>

16. The PRESIDENT: We shall now vote on the draft resolution recommended by the Fifth Committee and entitled "Financing of the United Nations Interim Force in Lebanon", which appears in paragraph 6 of its report [A/34/630].

<sup>1</sup> See *Official Records of the General Assembly, Thirty-fourth Session, Fifth Committee*, 30th meeting, para. 70, and *ibid.*, *Fifth Committee, Sessional Fascicle*, corrigendum.

*The draft resolution was adopted by 82 votes to 16, with 5 abstentions (resolution 34/9/A<sup>2</sup>).*

## AGENDA ITEM 7

**Notification by the Secretary-General under Article 12, paragraph 2 of the Charter of the United Nations**

17. The PRESIDENT: May I take it that the General Assembly wishes to take note of the notification contained in document A/34/476?

*It was so decided (decision 34/406).*

## AGENDA ITEM 20

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

18. Mr. KANE (Senegal) (*interpretation from French*): The item before us now is not a new one for this Assembly. UNESCO has studied and is continuing to study this matter, and the General Assembly has had this item before it since 1972.

19. At its eighteenth session, the UNESCO General Conference, in resolution 3.428,<sup>3</sup> invited the Director-General

"... to contribute towards this work of restitution by defining in general terms the most suitable methods, including exchanges on the basis of long-term loans, and by promoting bilateral arrangements to that end".

That same resolution also drew attention to the need to take action against the illicit import, export and transfer of ownership of cultural property.

20. A Special Committee of Governmental Experts met in Paris from 8 to 16 March 1976 to draft recommendations to States relating to this problem of exchanges. The Committee's recommendations were submitted in its report to the nineteenth session of the General Conference of UNESCO which met in Nairobi from 26 October to 30 November 1976.<sup>4</sup>

21. On the other hand, the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property, which was adopted on 14 November 1970,<sup>5</sup> has been the subject of the utmost attention, particularly to prevent any danger of theft or illicit traffic involving cultural property.

22. Another Committee of Experts, which was also intended to follow up resolution 3.428, met at Venice from 29 March to 2 April 1976 to consider all the technical and legal problems that arise in respect to the restitution of works of art and to define the most appropriate ways and means of helping to ensure the

<sup>2</sup> For resolutions 34/9 B, C, D and E, see 106th meeting, paras. 30-33.

<sup>3</sup> See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Eighteenth Session*, vol. I, *Resolutions*.

<sup>4</sup> UNESCO document 19 C/25, annex II.

<sup>5</sup> See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session*, vol. I, *Resolutions*, pp. 135-141.

restitution of works of art and to encourage bilateral arrangements to that end.

23. The Committee made a number of recommendations, the most important relating to the setting up of an intergovernmental group which would be entrusted with the following tasks: first, to seek ways and means of facilitating bilateral negotiations for the restitution or return of cultural property and to encourage interested countries to conclude agreements to that end; secondly, to provide advice, where called for, to the Director-General on additional measures that might prove necessary, either in general or else to settle individual difficulties that might arise; thirdly, to facilitate, either directly or jointly with a non-governmental body, such as the International Council of Museums [ICOM], access to all information relating to the restitution or return of cultural property to the places where the property is located and to the problems relating to this matter.

24. At its nineteenth General Conference, UNESCO adopted resolution 4.128, pursuant to which the Director-General took action, on the one hand, to alert the general public and specialists to the situation; on the other hand, he endeavoured to define the principles that might be used as a basis for the restitution or return of cultural property, as well as the mandate, the means of action and the working methods of an intergovernmental committee.

25. Regrettably, the media have not always helped to make UNESCO's work in this area well known. Indeed, they have even been responsible for all kinds of misunderstandings. This is why the Director-General of UNESCO found it advisable to send a message to ICOM, which was holding its twelfth General Assembly in May 1977 in Moscow, to ensure that museums should

“... help countries which had no collections representative of their cultural heritage to build up such collections and to facilitate any bilateral negotiations which their Governments might undertake in that connexion” [A/34/529 and Corr.1, annex, para. 4].

26. Moreover, on 7 June 1978, the Director-General launched an appeal designed to alert Governments, professional circles and the general public to the importance of the return of objects that have particular significance from the point of view of the spiritual and cultural heritage of the people concerned.

27. Along these lines, articles were published in the magazines *Museum* and *UNESCO Courier* and a round-table for journalists was held at Palermo, Italy from 2 to 4 October 1978. A seminar for journalists and museum curators is to be held next year, also devoted to the question of disseminating this matter to the public.

28. Following various initiatives taken pursuant to resolution 4.128, the Director-General of UNESCO, after entrusting ICOM with the task of preparing technical reports on the various aspects of the protection and conservation of cultural property when returned or restituted to the countries of origin, convened at Dakar, from 20 to 23 March 1978, a Committee of 13 Experts to study the role and means of action of an intergovernmental committee that would be entrusted with the task of seeking ways and means of facilitating

bilateral negotiations for the restitution or return of cultural property to the countries of origin and to define the terms of reference and working methods of such an intergovernmental committee.

29. Working on the basis of a study prepared by ICOM at the request of UNESCO, the experts drew up draft statutes for the proposed Intergovernmental Committee. At its twentieth session, the UNESCO General Conference, by resolution 4/7.6/5<sup>6</sup>, decided to establish this Intergovernmental Committee to promote the return of cultural property to its countries of origin, or its restitution in case of illicit appropriation. The Committee is composed of 20 members, including Senegal, and in future will be playing an important role in assisting the Director-General of UNESCO in this area.

30. At its previous session [resolution 33/50], our General Assembly welcomed the work being done by UNESCO in this area and requested it to continue the efforts it was carrying out to find appropriate solutions to the problems relating to the restitution or return of cultural and artistic property, and decided to include in the provisional agenda of its thirty-fifth session an item entitled: “Preservation and further development of cultural values, including the protection, restitution and return of cultural and artistic property”.

31. Since the last General Assembly session, UNESCO has taken steps to implement the resolutions of the United Nations and those adopted by its own General Conference. In a few days, at UNESCO headquarters in Paris, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation will hold its first meeting.

32. Here we should stress that 43 States have to date ratified the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, that was adopted in 1970.

33. Some difficulties have been encountered in the implementation of this Convention. By its resolution 4.122 adopted at its nineteenth session, the General Conference invited member States to submit to its twentieth session reports on the action taken to implement the Convention.

34. To that end, reports submitted by members were considered at the twentieth session of the General Conference, which was held in Paris from 24 October to 28 November 1978. They stressed the difficulties encountered in implementing the Convention. One of those difficulties, and that not the least, was that a large number of countries to which the cultural property was to be returned or restituted did not have the housing, equipment or technical personnel required to take charge of the objects and cultural property. Indeed, UNESCO should be able to help to find a solution to these problems in co-operation with ICOM.

35. At present, the United Nations should lend its support to UNESCO and help it to attain the objectives it has set itself in two areas, namely, the return or restitution of cultural property to its countries of origin, and

<sup>6</sup> *Ibid.*, Twentieth Session, vol. I, Resolutions, pp. 92-95.

also the implementation—or at least the ratification by States which have not yet ratified it—of the 1970 Convention prohibiting and preventing the illicit import, export and transfer of ownership of cultural property.

36. This is another area in which the international community should contribute to the establishment of a new order: the cultural order, without which no fruitful dialogue is possible between civilizations and the peoples that make up our planet.

37. As we all know, myths and prejudices have for a long time concealed to the rest of the world the true face of Africa. In maintaining that African societies had no history, and therefore no culture, an attempt was being made to refuse to see Africans as creators of original cultures. It is often forgotten that Africa was the home of refined and sophisticated cultures and societies which flourished for centuries, particularly in western Africa during the era of the Mali, Ghana and Songhai empires, which existed long before the European penetration of the continent. This also applies to Latin America and Asia where empires and civilizations have continued to flourish even during the period of European colonization.

38. These phenomena—whether colonization or the slave trade—which were imposed from without, could only distort our understanding of history. This is why the African countries have, since their accession to independence, recognized the profound need to re-establish the historical perspective of their cultures and societies. It is within this context that we have to look at another task undertaken by UNESCO, namely, the production of *The General History of Africa*, in eight volumes which has not yet been quite completed.

39. The purpose of this tremendous undertaking on the part of UNESCO is, on the one hand, to re-establish the true facts wherever they have been distorted, and, on the other hand to highlight the true historical data enabling the African people to follow the development of their social and cultural identity.

40. In undertaking this work, UNESCO is serving the international community. It has done so by "helping to make known and by restoring to its proper perspective Africa's contribution to human progress". That was said by Mr. Amadou-Mahtar M'Bow, the Director-General of UNESCO, as quoted in the last issue of the *UNESCO Courier* (August-September 1979).

41. Is there any need to recall that the slave trade, which was responsible for one of the most callous deportations in the history of the human race, and colonization with all its consequences, caused a cultural and social distortion which has never been experienced by any other continent.

42. Whether it is a question of peoples who have been displaced and who are today found in the Caribbean and the Americas, or of people who remained in Africa, all of them are now to a greater or lesser extent in the process of seeking to rediscover their "roots" or to pick up once more the thread of their history, after this great dislocation. As the historian Joseph Ki-Zerbo has written in the afore-mentioned publication: "The history of Africa, like the history of mankind as a whole is really the story of an awakening".

43. In fact, Africa has seen the passage, in pursuit of their own interests, of generations of travellers, explorers, missionaries, administrators, governors, pro-consuls, scientists and researchers, all of whom have in a sense robbed Africa of some of its most valued and private possessions, namely its culture and its beliefs.

44. Does not ignorance of one's past, that is, of a great part of one's own being, mean an alienation which is additional to and distinct from the political alienation which our peoples have suffered for so long?

45. Africa refutes some of the writings and manuals produced on its behalf or about it by specialists, missionaries and governors of all kinds. The reason for this is that one cannot live without memory, unless one is so insensitive as to be willing to live with the memory of another. Those days are now over, and that is why, wishing to rewrite its history, Africa needs to rediscover a part of its past which is outside the African continent.

46. It may be recalled that the three major sources of history are written documents, archeology and anthropology. UNESCO has established at Timbuktu in Mali, the Ahmed Baba Centre to encourage the collection of documents, manuscripts and scriptural materials. In some archives of Iran, Iraq and, of course, India, as well as in China, Europe and America, are stored many pieces of African history awaiting examination by researchers.

47. Archaeology also reveals eloquent testimony to the past; iron objects and their technology, ceramics, glassware and techniques of navigation, fishing and weaving.

48. Finally, another important source of history is the oral tradition, which is the means of preserving and transmitting the accumulated socio-cultural production of peoples supposedly without a written language. We have in this tradition a true, living museum which gave rise to the saying that "in Africa, every time an old man dies it is like a library being burned". So initiatives have been taken by certain African and international organizations to collect and conserve oral traditions before the last witnesses and genealogists of a great epic are lost to us.

49. Masks and statues have been seized from the community of the faithful to be exposed in museums to the curious gaze of non-believers. Thus, those masks and statues lose their meaning and their life.

50. Musical instruments, such as the balaphon, have helped to preserve our tonal history and are venerated and held sacred by some peoples, especially those who live in the Sudano-Sahelian region.

51. This is why in black Africa art has always been part of the life of the peoples. This is as true for the most simple, everyday objects as it is for those used in ritual or religious ceremonies. In a word, art is the fundamental element of the African cultural heritage. This applies, as you know, to Latin America as well as to Asia.

52. My country, Senegal, which had the honour to be the first to organize the World Festival of Black Art in

1966, an event of major importance, knows full well the value of art and culture to the development of a people.

53. It is therefore easy to understand why the return of works of art and cultural property to their country of origin and the restitution of such illicitly acquired objects are matters of the greatest concern to African leaders.

54. After all the steps taken so far by UNESCO and the United Nations, there are grounds for believing that they will assist in the restoration of a historic, and hence cultural order, which will form the prelude to a fruitful dialogue among the peoples and civilizations of this world.

55. This is the context of draft resolution A/34/L.9/Rev.1, in which the sponsoring delegations call for the continuance of the task entrusted to UNESCO with a view to attaining its objectives.

56. We have no doubt that the Assembly will endorse our initiative by a unanimous vote.

57. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): The question of the restitution of works of art to their countries of origin, which has been discussed by the General Assembly since 1972, is closely related to the basic concerns of the international community today.

58. The plunder of works of art, that are expressions of the creative capacity of mankind in periods of peace, was one of the shameful characteristics of the evils of war. Thus, works of art formed part of the booty which was exhibited on the victors' chariots. When new wars overthrew the victors of yesterday, the restitution of works of art appeared among the conditions for the re-establishment of peace on acceptable terms.

59. However that was primarily the history of the great Powers. The weak countries constantly lost the best evidence of their cultural evolution through pillage by colonialism and, more recently, through shameless smuggling for crass commercial purposes, and frequently under the guise of scientific expeditions or of privileges and immunities established for other purposes.

60. Now that mankind has at its disposal bodies for peaceful discussion and co-operation within the United Nations system and that the developing countries are aware of the value of their own works of art, whether those stemming from archaeological periods or those of contemporary manufacture, as expressions of their cultural significance in the common history of peoples now—I repeat—that we have established museums, classifications, catalogues and regulations in our countries to defend the artistic heritage of each nation, it is necessary for us to adopt new attitudes and establish a new international order concerning the possession, restitution and elimination of the plunder of works of artistic value throughout the world.

61. Thus, what has been accomplished by UNESCO and the categorical action of the General Assembly opens an era of hope for solutions that must be found quickly and need to be specific. That is why the prompt restitution without charge of the artistic works of a country—whether they are privately owned or museum

pieces of archaeological, historical or recent interest, or manuscripts and documents—as reparation for damages suffered through spoliation, will serve to further international co-operation.

62. That is also why Member States have been invited to ratify the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by UNESCO in 1970.

63. In this respect, we have noted with satisfaction the report of the Director-General of UNESCO on the activities carried out by that agency to promote the return or restitution of cultural property to the countries of origin [A/34/529 and Corr.1, annex].

64. We should like above all to express our gratification at resolution 4.128 of the General Conference of UNESCO, adopted at its nineteenth session, aiming at the establishment of an Intergovernmental Committee entrusted with the task of seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to the countries that have lost it. We should point out here the need to ensure that the Committee use effective machinery to deal with the question of deliberate plunder through illicit traffic, in order to urge the recipient country to force its nationals or the purchasers of such stolen works to return them to their country of origin when authoritative claims have been made by the Governments concerned. We can hardly believe that the authorities of certain countries, which pride themselves on their age-old cultural heritage, would cover up the manoeuvres of unscrupulous tradesmen and that their courts would not authorize the immediate restitution of shipments of artistic works stolen surreptitiously from a weak country that is now claiming them.

65. Another question on which the Intergovernmental Committee will have to take action is that of expediting the adoption by the major museums of the world of specific measures for the return or restitution of cultural property such as that which concerns us here. There are museums which, over the years, taking advantage of the laxity or lack of information of local authorities in the developing countries, have accumulated vast quantities of objects of artistic value, invaluable archaeological evidence belonging to the cultures of specific countries. At times the number of such objects in the vaults of those museums is so great that out of a hundred of them they can only exhibit one or two because of lack of space. It would appear to be obvious, easy and just and it would extol their scientific stature, if those museums were to add moral prestige by returning some pieces to the museums of the country of origin. In other cases, when it is a question of a unique specimen of particular significance for world culture, such restitution is all the more necessary because of the greater value of the object that has been taken from the country in which it was unearthed. Here the system of making exact facsimiles could be employed in order to fulfil the requirements of exhibitions, while the authentic original was returned to its country of origin. We have cases of this nature in Ecuador which concern objects that constitute invaluable evidence of some of the most ancient South American civilizations. In this regard, UNESCO should encourage action by ICOM to broaden its laudable programme of exchanges among museums to include the return or restitution of specific works of art to the countries which claim them.



66. We in the Latin American countries are proud of our ancient origins which are constantly being revealed by our studies and archaeological discoveries. Works of art are indispensable to attest to our prehistory and our most recent history, and highly valuable for the instruction of our young generations and as the historical heritage of future generations. To wrest some of these works from us is to affect aspects of our sovereignty and national identity. For that reason, we are determined to defend them and demand their restitution in all forums, and to require their return, as our brothers in Africa are doing when they protest against this sequel to colonialism. That protest is now being heard and is leading to conscientious historic acts of reparation like the first symbolic gestures of returning certain works of art, such as done by Belgium, which we must praise.

67. In Latin America we also preserve the artistic expression of the colonial centuries where the contributions of a number of currents and cultures—such as those of Christian and Moslem Spain—converged and were interpreted by artists and local artisans in the architecture, painting and sculpture of the three centuries following the discovery of America. All this, linked to the production of the last two centuries since our independence and of our contemporary artists, constitutes the cultural heritage of our peoples.

68. That is why five Andean countries—Bolivia, Colombia, Ecuador, Peru and Venezuela—signatories of the Cartagena Agreement<sup>7</sup> wanted to sponsor, along with certain African countries, the draft resolution A/34/L.9/Rev.1, entitled “Return or restitution of cultural property to the countries of origin”, which will be the title of the item in next year’s agenda. This draft resolution was originally submitted under the title “Restitution of works of art to countries victims of expropriation”, under which the item was included on the agenda by the General Committee and appeared in the relevant report of the Secretary-General. However, the concept of expropriation, which today corresponds in fact to a legal concept of confiscation by the State, would not appear sufficient to cover the various aspects of a situation that demands correction and corresponds, above all, to the concept of despoliation and illicit trade.

69. It is in this field that the wealthy countries, in which the museums and the private collections which house many of the works of concern to us are to be found, should demonstrate their understanding and willingness to co-operate internationally. Those countries already possess great economic, military, technological and political potential. They could surely well afford to help us in our campaign to regain what is justly ours, namely, our cultural heritage, which our developing countries have forged in difficult conditions in the course of many centuries.

70. Accordingly, we express the hope that the draft resolution to which we have referred will receive the unanimous approval of this Assembly.

71. Mr. ERNEMANN (Belgium) (*interpretation from French*): I should like first of all to thank the Director-General of UNESCO for his report on the work done by his organization to encourage the return and restitution of cultural property to the countries of origin.

72. Belgium’s interest in this issue has led it to participate in the preparatory work for the establishment within UNESCO of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Belgium has become a member State of that Intergovernmental Committee, the first meeting of which will take place this month at UNESCO headquarters in Paris. We trust that its work will make a valuable contribution to the activities of UNESCO with regard to international cultural co-operation.

73. Works of art speak a universal language, but they have special meaning for the peoples of the regions that have produced them. Belgium, from which so much cultural property has gone over the centuries, appreciates the desire of young nations to have collections representative of their cultural heritage. Pursuant to its mandate, the Intergovernmental Committee can do useful work by encouraging bilateral agreements aimed at facilitating the establishment of such collections. The Governments of Zaire and Belgium have concluded an agreement of this kind, which entered into force last March. This agreement has two main aspects: on the one hand, Belgium will make available scientific and technical personnel to assist Zaire in the establishment and organization of a network of museums, and particularly to collect a large number of works of art for the Institute of National Museums of Zaire; and, on the other hand, Belgium will make available to Zaire ethnographic and art collections by transferring a number of works of art and other cultural items.

74. The preliminary results of this agreement between our two countries will be communicated to the next meeting of the Intergovernmental Committee for Promoting the Return of Cultural Property in the hope that they may assist it in its work.

75. We also believe that the Intergovernmental Committee would find it useful to include in its programme of work a study of the possibilities of exchanges on a temporary or a permanent basis, as well as a study relating to the campaign against the theft and the illicit trading in works of art or objects of archaeological interest.

76. Although my delegation would have preferred that the draft resolution submitted to us be improved on certain points, it nevertheless agrees with its substance. I hope that, as the representative of Ecuador has just requested, the draft resolution will be adopted by consensus. If that should not be the case, my delegation will vote in favour of the draft resolution.

77. Mr. KITTANI (Iraq) (*interpretation from Arabic*): The delegation of the Republic of Iraq, which is one of the sponsors of draft resolution A/34/L.9/Rev.1, which was submitted to this Assembly by the representative of Senegal, attaches the greatest importance to the item entitled “Restitution of works of art to countries victims of expropriation”, which is being considered by the General Assembly.

78. On 11 November 1977, we have already had an opportunity to indicate from this rostrum<sup>8</sup> the objective reasons for Iraq’s special interest in this question. Some of those reasons stem from Iraq’s deepest national roots

<sup>7</sup> Agreement on Andean Subregional Integration, signed at Bogotá on 26 May 1969.

<sup>8</sup> See *Official Records of the General Assembly, Thirty-second Session, Plenary Meetings*, 65th meeting, paras. 11-19.

and form part of the very essence of our history and our cultural heritage, while others flow from what forms the common heritage of man and of universal civilization and their place in the new order of international relations which we are all seeking to establish on the basis of justice, equality and understanding. I should like on this occasion to recall some of those factors.

79. It cannot be denied that Iraq was the cradle of human civilization. This was true from the very beginning of history and even in pre-historic times. That fact is recognized by all students of the history of mankind. The Mesopotamian civilization was at the forefront of the major contributors to mankind's heritage and civilization for several thousands of years. The Sumerian, Akkadian, Babylonian and Assyrian civilizations contributed greatly to the birth and progress of the civilization of the world. To prove that, it suffices to refer to the flourishing Iraqi cities of Ur, Babel and Nineveh, as well as other historical centres of Iraq which were, and indeed still are, inexhaustible sources for all those interested in the origin and development of history and human knowledge. More than 1,100 years ago, while the European continent was still living in obscurantism, Baghdad was the heart of Arab civilization and the shining beacon for the civilization of the world. Baghdad played a major role in ensuring the continuity of history and contributed to the progress of mankind and the enrichment of man's heritage on this earth.

80. We are second to none in our awareness that the works of art and the precious legacy of those civilizations are in the forefront of the heritage of civilization and form an indivisible whole. But they are, above all, the property of the Iraqis and cannot be divorced from their national and spiritual heritage. When we remember the systematic, massive pillaging of our cultural wealth and our antiquities during the Ottoman and British domination of Iraq, we feel deep sadness and even bitterness. That pillaging resulted in the transfer of innumerable, invaluable and irreplaceable works of art to various and distant regions of the world.

81. In 1977, during the thirty-second session of the General Assembly, our delegation submitted a list of some of our historic treasures and of the museums where they are now to be found. That list was published at the end of November 1977,<sup>9</sup> at the request of Iraq, as an official document of the General Assembly. That document is still available to delegations.

82. It cannot be denied that historical remains, and in particular historical monuments, are an integral part of their natural environment, while at the same time forming a significant part of the heritage and identity of the mother country and its people. Works of art and antiquities are also without any doubt an inexhaustible source of inspiration to national artists, since they stimulate their creative imagination. Hence, it is unjust to deprive States of these sources which belong to them and are so vital to their artistic rebirth and the renewal of their true heritage. Moreover, these works of art and antiquities are an important source of revenue from tourism; the legitimate owners have a right to that revenue.

83. The report by the Secretary-General now before

the General Assembly for discussion—document A/34/529 and Corr.1, circulated at the beginning of this week—merely sets out the procedural measures adopted by the General Assembly since 1973, when the delegation of Zaire was good enough to request the inscription of this item on the agenda of the Assembly.<sup>10</sup> Moreover, the annex to that report merely repeats the contents of the report of the Director-General of UNESCO concerning UNESCO's activities to promote the return or restitution of cultural property to the countries of origin. Having carefully studied that document, my delegation wishes to make the following comments.

84. First, before we refer to UNESCO's very effective role in this field, we should like to note our regret that the report contains no mention whatsoever of any activities or role of the United Nations itself in regard to this important subject. It appears that after six years of discussion and despite resolutions adopted by the General Assembly, the Secretariat views the matter as though the role of the United Nations were limited to receiving the report of the Director-General of UNESCO and circulating it to members of the General Assembly. Furthermore, there are indications that there has been negligence by the Secretariat on this question. Indeed, the brief report, which totals two pages and only recalls previous procedural measures, contains errors that cannot be excused. Although we appreciate UNESCO's major role in this field, we believe that the question is of such political importance that it must be placed within the competence of the United Nations. If that were not so, why should we not leave it entirely to UNESCO to deal with the question without the General Assembly having to discuss it every two years?

85. We repeat that there is a solid and direct link between the question of the restitution of works of art to the countries victims of expropriation and the strengthening of international relations in general, and between the strengthening of ties of friendship between countries and the promotion of solidarity and understanding, not only on the international scale but also among individuals. That is why we believe that the United Nations has an important role to play, in co-operation, of course, with UNESCO, in persuading countries to take account of the many resolutions adopted by the General Assembly and return works of art to the countries from which they have been taken.

86. Secondly, the report of the Director-General of UNESCO mentions certain encouraging measures adopted by that organization to achieve the objective of the restitution of works of art to the countries that originally owned them. In the field of public information, the report in question refers to the appeal made by the Director-General at the twelfth session of the General Assembly of ICOM that the members of that body should

“... help countries which had no collections representative of their cultural heritage to build up such collections and to facilitate any bilateral negotiations which their Governments might undertake in that connexion.” [A/34/529 and Corr.1, annex, para. 4.]

The Director-General also made an appeal to States and to professional circles indicating the importance of this

<sup>9</sup> Document A/32/399.

<sup>10</sup> Official Records of the General Assembly, Twenty-eighth Session, Annexes, agenda item 110, document A/9199.

question and inviting them to launch an information campaign to create a climate of thought favourable to the action necessary in this field. The report also mentions other effective steps taken by UNESCO in the field of public information.

87. Thirdly, the most important item in the UNESCO report is perhaps the reference to the resolution adopted by the General Conference of that organization on the establishment of an Intergovernmental Committee to seek ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to countries which lost it following colonial or foreign occupation. We welcome that practical measure and invite UNESCO to increase its efforts to support the work of that 20-member Committee charged with seeking ways of facilitating bilateral negotiations, promoting multilateral and bilateral co-operation, fostering a public information campaign and implementing UNESCO's programme of action in that field. Furthermore, the Committee is charged with encouraging the necessary research and studies for the establishment of plans and programmes aimed at helping countries to build up their collections, establish museums, train scientific and technical personnel and promote the international exchange of works of art. We await with impatience the first meeting of that Committee, which is expected to take place this month, and hope that it will make practical proposals and adopt a specific programme of work which will enable the Committee to complete its task in the future.

88. Fourthly, the report stresses the efforts of the UNESCO secretariat to broaden the field of application of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which was adopted by UNESCO in November 1970 and has been ratified by only 43 countries.

89. Finally, the Director-General of UNESCO concludes his report by referring to one of the principal difficulties encountered in this field, which is the fact that many countries suffer from a shortage of buildings, equipment and qualified museum staff. He mentions the measures adopted by UNESCO and ICOM to assist those countries in filling these gaps.

90. We should like to recall in this connexion what we have already said in the General Assembly, which is that we categorically reject the allegation that the developing countries are incapable of protecting and conserving their works of art. One visit to the sites of monuments and the museums of Iraq, for example, is sufficient to refute such assertions as a whole and in detail.

91. In conclusion, we wish to reaffirm that the measures adopted by UNESCO and the United Nations are inadequate and must be considered as only the first step along the long road leading to the noble objective of the exercise of the right of peoples to the return of the works of art that have been expropriated from them, for the right of peoples to protect their national heritage and the civilization passed on to them by earlier generations and represented by works of art and the vestiges of the past is a legitimate and indisputable right. We believe that the recovery of this property is an essential part of the sovereignty of the State and of its control over its resources.

92. We also wish to deplore the fact that the countries which are retaining the works of art and rare antiques which they have taken from other countries without the latter's consent are not responding to the relevant resolutions of the General Assembly and of UNESCO. We urge those countries to begin bilateral negotiations, with the co-operation of UNESCO, to finalize agreements containing specific provisions and arrangements for the restitution of these works of art to their legal owners. This would undoubtedly contribute to the strengthening of friendship among peoples, and to understanding and peace in the world, which indeed are the principal objectives of the United Nations.

93. Mr. CHAN Youran (Democratic Kampuchea) (*interpretation from French*): In taking up today agenda item 20 on the restitution of works of art to countries victims of expropriation, the General Assembly is stressing the importance which the international community attaches to its resolution 3187 (XXVIII) adopted on 18 December 1973.

94. In this connexion, it is worth recalling the provisions of the above-mentioned resolution, which appear in the relevant report of the Secretary-General dated 18 October 1979 [A/34/529 and Corr.1]. The Assembly affirmed that

"... the prompt restitution to a country of its *objets d'art*, monuments, museum pieces, manuscripts and documents by another country, without charge, was calculated to strengthen international co-operation inasmuch as it constituted just reparation for damage done";

likewise, it recognized

"... the special obligations in that connexion of those countries which had had access to such valuable objects only as a result of colonial or foreign occupation";

and called upon

"... all the States concerned to prohibit the expropriation of works of art from Territories still under colonial or alien domination".

95. The delegation of Democratic Kampuchea welcomes and endorses the efforts made by our Organization, and in particular by UNESCO, to implement that resolution, in the interests of peace and justice.

96. The people of Kampuchea are renowned in history as a people which built great monuments, the most famous of which constitute the Angkor group. Those stone monuments, built almost 1,000 years ago, constitute a unique architectural group, the beauty, grandeur and technical construction of which have always astounded all the visitors who have quite rightly regarded them as part of the cultural and artistic heritage of the human race. In addition to this cultural and artistic heritage of inestimable value, the work of our people, Kampuchea also has many museums, including those of the Royal Palace of Phnom Penh and the Silver Pagoda and the Museum of Phnom Penh, formerly called the Albert Sarraut Museum.

97. During the preceding national liberation war, which lasted five years, from 1970 to 1975, our people and our Government preserved those monuments intact. All foreign visitors who came to Kampuchea and



to Siemreap-Angkor after the liberation noted the good state of repair of the monuments; that was before 25 December 1978, the date of the Vietnamese invasion. For our people and our Government have always done everything within their power to preserve those monuments in good repair, despite the difficulties encountered.

98. These treasures and masterpieces of our people, of our 2,000-year-old civilization, this artistic and cultural heritage of the whole human race, are today the object of the greatest vandalism, plunder and systematic destruction by the Vietnamese aggressors. Those Vietnamese aggressors are now bringing fire and bloodshed to Kampuchea; they are killing our people both by massacres committed by their armed forces of more than 220,000 men, and also by famine. Their objective is to exterminate our people and to occupy and annex the territory of Kampuchea.

99. Furthermore, the Vietnamese aggressors, as well as carrying out these criminal and cynical plans, are trying to wipe from the map of the world any trace of the culture and civilization of Kampuchea. That is what they did in the past in the Islamic Kingdom of Champa, and that is what they are now trying to do in Laos. As the Vice Premier in charge of Foreign Affairs, the head of the delegation of Democratic Kampuchea to this Organization, said at this rostrum on 9 October last:

“... all of Kampuchea is the scene of plunder by the Vietnamese hordes who have carried away to Viet Nam whatever they could find: *objets d'art* of gold or silver, precious stones, rare pieces from our museums, from the Silver Pagoda and from the Royal Palace... As for the sculptured and bas-relief masterpieces at Angkor, highpoints of the Khmer civilization and the cultural and artistic heritage of all mankind, the Hanoi aggressors have concealed them in coffins so as to carry them off to Viet Nam”. [26th meeting para. 291.]

100. As recently as 18 September 1979 the Vietnamese occupiers took away to Viet Nam statues of Buddha made of emeralds, gold and silver and other treasures from our museums. Foreign observers who have visited Viet Nam have found proof of this plunder in Saigon and in Hanoi. For example, the journalist Elizabeth Becker of the *Washington Post* reported the following on 25 September 1979:

“Convincing proof of plunder can be found in the antique shops of Ho Chi Minh City and Hanoi. The theft and export of Cambodian art treasures must be widespread judging from what can be found in Vietnamese shops. There were common wooden Buddhas, priceless stone carvings, brass objects, dancing Arsara figures and what were described as Angkor-era busts.

“One piece was mounted on a dark wooden block, the type used by museums.

“Questions put to shopkeepers about these pieces and their origins led to police surveillance and my guide abruptly ended the day's shopping trip when I persisted.

“‘The Cambodian art began appearing in Ho Chi Minh City about February, March’, said one foreign resident. ‘They’ve only recently found their way up to Hanoi. The wooden Buddha... was still dirty from the axle grease of an army truck, I am sure’.”<sup>11</sup>

101. At a time when our Organization and the international community are endeavouring to implement the provisions of General Assembly resolution 3187 (XXVIII) and are calling upon all Governments to accede to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Viet Nam is continuing to commit unspeakable crimes in Kampuchea against the cultural property of Kampuchea and to commit the most barbarous acts of vandalism in that country.

102. On behalf of our Government and our people, our delegation condemns the Socialist Republic of Viet Nam for its crimes against our nation's civilization and culture, as well as for its monstrous crimes of genocide carried out through the starvation and massacre of our people. History will not forget them.

103. The only way to put a stop to the crimes being committed by the Vietnamese aggressors in Kampuchea is to force the Hanoi authorities to put an end to their war of aggression and genocide in Kampuchea and to withdraw all their armed forces of occupation from that country, in order that our people may live—as do other peoples—in independence and freedom, in honour and national dignity, in accordance with its own civilization. The Vietnamese aggressors must return all the works of art they have plundered in Kampuchea.

104. In conclusion, my delegation would like to express its firm support for draft resolution A/34/L.9/Rev.1 concerning the restitution of works of art to countries victims of expropriation, that was submitted at this session of the Assembly by Senegal, on behalf of other delegations.

105. Mr. KOLBASIN (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): The delegation of the Byelorussian Soviet Socialist Republic attaches great importance to the agenda item entitled “Restitution of works of art to countries victims of expropriation”.

106. As our delegation has stated when speaking on this matter at previous sessions of the General Assembly, this question directly involves the interests of the peoples in formerly colonized countries and peoples that are now suffering under the colonialist and racist yoke, as well as peoples that were the victims of aggression during the Second World War and those subjected to aggression during the post-war years.

107. The destruction and plunder of many works of art and historical monuments in the Soviet territory temporarily occupied by the Hitlerites—and this includes Byelorussia—as well as in the territories of many other States that were also temporarily occupied by the Hitlerites, was carried out on an extensive and unprecedented scale.

108. The heinous crimes committed by the Hitlerite aggressors in the temporarily occupied territory of the Soviet Union reveal the colossal and, to a large extent, irreparable harm the peoples of our country have suffered as a result of the expropriation and destruction of works of art and other cultural property belonging to them.

109. The delegation of the Byelorussian SSR responds with understanding to the initiative calling for a study of steps that can be taken to return works of art to those countries that have been deprived of them as a result of colonial or foreign domination, and we support the de-

<sup>11</sup> Quoted in English by the speaker.

mand that works of art should be returned to countries victims of expropriation, that is, primarily, the countries victims of colonial oppression. The colonialists inflicted untold harm on the indigenous culture of the peoples they enslaved. The imperialist States that seized those colonial territories exploited not only their resources, but also plundered the cultural heritage of the peoples they oppressed and stole works of art from them.

110. During the long period of colonial domination, many works of indigenous art of the peoples of Africa, Asia and Latin America, monuments and objects of artistic, historical or archaeological importance were illegally smuggled out to the metropolitan countries. Under pressure from national liberation movements, the colonial empires finally crumbled, but the dire consequences of colonialism—in particular in the cultural area—have not yet been overcome. We regard as just the demands that the former colonial metropolitan countries should return works of art and other cultural treasures to their legal owners, namely, the countries from which they were unlawfully smuggled.

111. The delegation of the Byelorussian SSR would also like to note that the United Nations, in giving due consideration to this issue, has already adopted a number of resolutions containing specific recommendations and requests addressed to so competent an international organization as UNESCO. As is well known, UNESCO has considered and is continuing its consideration of this matter and is giving it due attention. That organization has also taken a number of relevant steps, as noted in the report of the Secretary-General [A/34/529 and Corr.1]. It may be noted from that document that UNESCO has continued to make efforts to encourage the return and transfer of cultural property to the countries of origin. The Director-General of UNESCO has also taken steps to intensify work in this area.

112. In particular, I should like to note the decisions adopted at the recent twentieth session of the General Conference of UNESCO with regard to this matter. By its resolution 4/7.6/5, the General Conference established the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. My delegation takes satisfaction that the General Conference approved the statutes of that Committee. According to its statutes, the Intergovernmental Committee will act as an advisory body and its principal tasks will be the restitution and return of cultural property to its country of origin, the search for ways and means of facilitating bilateral negotiations for the restitution or return of cultural property and the promotion of multilateral and bilateral co-operation to this end. It will also promote public information campaigns to alert public opinion and professionals to the planning and implementation of UNESCO's programme of activities in this area. Moreover, the Committee will encourage the research and studies necessary for the drafting of programmes which will permit the rapid establishment of representative collections in those countries whose cultural heritage has been destroyed. It will also encourage the establishment and expansion of museums and the training of the necessary scientific and technical personnel, as well as promote the international exchange of cultural property.

113. Our delegation feels that the General Assembly, in its resolution, should take note of the efforts undertaken by UNESCO in order to find ways and means of resolving this problem in the interests of peace and the development of international co-operation among States and of adopting measures to prohibit the unlawful transfer of and trade in works of art.

114. The General Assembly should, in its resolution, encourage UNESCO to continue its work in this area and to keep the United Nations informed of its progress in this area.

115. Mr. KAMANDA wa KAMANDA (Zaire) (*interpretation from French*): We should like to express our appreciation to the Secretary-General for the very useful report he submitted on the question of the return or restitution of works of art and cultural property to their countries of origin.

116. Members of the Assembly will doubtless recall that on 4 October 1973,<sup>12</sup> the President of the Republic of Zaire recalled in very appropriate terms the systematic pillaging of our works of art—that is, the works of art of the formerly colonized, now developing countries—throughout the colonial period. He recalled that those works of art, which are today much more easily found elsewhere than in our countries, were not raw materials but the finished products, the fruit of our creative genius. He went on to say that those works, which were acquired for nothing, have become so much more valuable with the passage of time that none of our countries has at the present time the material means to repurchase or recover them. He therefore asked the General Assembly to adopt a resolution appealing to those countries which had unfairly appropriated those works of art and cultural property from the developing countries during the period of colonization to restore at least some of them, so that we can teach our children and our grandchildren the history of their countries.

117. The role of culture in the development of peoples and nations needs no proof; it is universally accepted. As far as concerns our peoples, which have emerged from the night of colonialism, peoples that are considered as lacking in culture and that are still living with the consequences of colonialism, this is a major problem since these works of art are a part of our cultural heritage, and culture is precisely the concentration of the material and spiritual values that man has created and forged along his evolution through time and space.

118. During its twenty-eighth session, the General Assembly heeded the appeal of the President of Zaire and adopted resolution 3187 (XXVIII) on 18 December 1973, in which it affirmed that the prompt restitution to a country of its *objets d'art*, monuments, museum pieces, manuscripts and documents by another country, without charge, is calculated to strengthen international co-operation inasmuch as it constitutes just reparation for damage done. Since then, certain progress has been made with the adoption of resolutions 3391 (XXX) of 19 November 1975 and 32/18 of 11 November 1977, as well as of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. But it must be recognized that, practically speaking, very little has been achieved.

<sup>12</sup> See *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, 2140th meeting, paras. 87-206.

119. The Republic of Zaire wishes to pay a tribute to the Director-General of UNESCO for all that he has done effectively to implement the pertinent resolutions of the United Nations and UNESCO on the restitution of works of art, for the public information campaign he has set in motion, for the establishment of an Intergovernmental Committee to facilitate bilateral negotiations and for the information that he was good enough to put before us concerning certain practical difficulties he had encountered—especially the lack of equipment—in the countries of origin, in connexion with the return and restitution of cultural property.

120. We believe that Governments must make a special effort to support UNESCO in view of the importance of national art and the preservation of cultural values.

121. While we realize that this is a multifaceted problem and that, apart from works of art obtained as a result of colonial domination, there are still illicit transfers of works of art organized by certain countries to the detriment of others, we can only regret to a certain extent the fact that the report of the Secretary-General and that of the Director-General of UNESCO do not contain more information on this matter and do not clearly bring out the efforts being made and the concrete activities being carried out to ensure redress of this situation.

122. We nevertheless hope that the Secretary-General and the Director-General of UNESCO will bear these comments in mind in drafting the report that is to be submitted to the General Assembly at its thirty-fifth session on this problem.

123. It is with this idea in mind that we support the draft resolution contained in document A/34/L.9/Rev.1 submitted by Senegal, in the hope that there will be no objections to it and that, on the contrary, it will be approved by consensus.

124. In conclusion, I should like to congratulate the Government of Belgium for its readiness to find a solution to this problem together with Zaire, in the spirit of the relevant resolutions of the General Assembly, as Mr. Ernemann just stated. We also congratulate the other countries that have displayed the same readiness.

125. The PRESIDENT: I understand that consultations are going on concerning the disposition of the draft resolution before us. I have therefore agreed to a request for postponement of further consideration of the agenda item to an early date that will be announced.

*The meeting rose at 12.30 p.m.*