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Held at Headquarters, New York,
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President: Mr. ABULHASAN (Kuwait)
(Vice-President)

later: Mr. HURST (Antigua and Barbuda)
(Vice-President)

- Expressions of sympathy on the earthquake in Algeria and the typhoon in Thailand
- Return or restitution of cultural property to the countries of origin [20]
 - (a) Report of the Secretary-General
 - (b) Draft resolution
- Statement by the representative of Algeria
- Elections to fill vacancies in subsidiary organs [16]
 - (a) Election of twenty-nine members of the Governing Council of the United Nations Environment Programme

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In the absence of the President, Mr. Abulhasan (Kuwait), Vice-President, took the Chair.

The meeting was called to order at 3.30 p.m.

EXPRESSIONS OF SYMPATHY ON THE EARTHQUAKE IN ALGERIA AND THE TYPHOON IN THAILAND

The PRESIDENT: On behalf of all the members of the General Assembly, may I extend to the Government and the people of Algeria, recently struck by an earthquake, and to the Government and the people of Thailand, recently struck by a typhoon, our deepest sympathy at those major disasters that have caused tragic loss of lives and extensive material damages.

May I also express the hope that the international community will show its solidarity and respond promptly and generously to any request for help.

Mr. TANTEM SAPYA (Thailand): On behalf of the delegation of Thailand, I should like to express to you, Mr. President, our sincere appreciation of the kind words addressed to my Government and the people of Thailand on the occasion of the tragic loss of life and damage to property that we have once again suffered. This disaster appears to be happening every year now and, as in the past, we are very grateful for the help proffered by the international community. Please rest assured that I will convey your kind sentiments and words of condolence to the Government and people of Thailand.

AGENDA ITEM 20

RETURN OR RESTITUTION OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

- (a) REPORT OF THE SECRETARY-GENERAL (A/44/485)
- (b) DRAFT RESOLUTION (A/44/L.22)

The PRESIDENT: I call on the representative of Zaire, who will introduce the draft resolution.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): On 4 October, from this rostrum, the President of the Republic of Zaire extended to Mr. Garba his warmest congratulations on his unanimous election to the presidency of the forty-fourth session of the General Assembly. My delegation now need only assure him of our full co-operation.

The main purpose of my intervention today is to introduce the draft resolution relating to the item under discussion, which was inscribed on the initiative of my delegation on the agenda of the twenty-eighth session of the General Assembly, in 1973. Since then, the matter has developed in such a way that almost all Members of our Organization are either directly affected by or concerned with the return or restitution of cultural property to the countries of origin.

First, I wish to congratulate the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), who, through the report of the Secretary-General (A/44/485), of 13 September 1989, has provided an exhaustive study describing what has been achieved by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation in seeking ways and means of ensuring the effective restitution of cultural property to the countries of origin.

I also take the opportunity to address to new States parties to the Convention on the measures that should be taken to prohibit and prevent the illicit import, export and transfer of cultural property, which was adopted in Paris on 14 November 1970, my thanks and appreciation for having espoused our cause, bringing the total number of States parties to the Convention to 66. I refer, inter alia, to the following eight States: Bangladesh, Burkina Faso, Byelorussian Soviet Socialist Republic, Colombia, Madagascar, Mali, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, all of which have ratified the Convention since 1987.

(Mr. Bagbeni Adeito Nzengeya, Zaire)

The measures taken cover the claims of all countries, developed or underdeveloped, former colonies or not, whose artistic works have been systematically pillaged, and their cultural heritage accordingly impoverished. The correctness of this approach was demonstrated by the alacrity with which France, using all possible means to recover its works of art after the Second World War, did not wait for the armistice to be signed before trying to recover the magnificent works that had been stolen by Hitler from the Louvre Museum.

Every people is attached to its own artistic values, culture, creativity, and all that contributes to the improvement of its environment. The African States, in particular at the summit meeting of Heads of State and Government of the Organization of African Unity (OAU) in Mauritius in 1976, reaffirmed the importance of the contribution made by culture to the definition of societies in which peoples of the world wish to live harmoniously by the adoption of the African cultural Charter.

Through the historic documents published either by UNESCO or by other research bodies, it has been recognized that from time immemorial man, whatever the colour of his skin, has always wondered about the problems relating to his existence: his raison d'être, the purpose of life, his mortality, his future and the state of his relations with surrounding nature. He has even wondered about the mysterious beyond and metaphysical forces.

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Zaire)

Translating all these aspirations and perceptions of his environment and endeavouring to control nature so that it could satisfy his needs, man has worked to fashion wood, metal and all other objects that could be used for the fabrication of every conceivable construction of society both traditional and modern. Man has also tried to represent everything by means of painting, sculpture, audio-visual means, drawings, masks, music and his environment, the countryside, his tools; he has tried to represent the living creatures that he knows, has tried to show the vision of nature as he sees it, and it is this vision of the world that has given birth to the culture of a people and that, taken all together, constitutes the cultural and spiritual values of the group.

Every people has had its culture and its civilization. Every people has created its own values - values which are dear to it and express its inner essence. Works of art, manuscripts, documents, archives and other cultural and artistic treasures are precisely those cultural values that undeniably belong to those that made them and to their people. These are values to which each people attaches tremendous importance, and each people has a perfectly legitimate claim to be the owner of such values and property in all circumstances.

During the colonial period third-world States suffered not only from colonialism, slavery and economic exploitation but also, above all, from savage and systematic pillaging of their artistic works. This explains the fact that the rich countries seized the best, unique works of art, thus culturally impoverishing our States. Therefore it is only just that this cultural property be restored to us and that this be part of the historic process of our liberation, which is not only political and economic but cultural also.

That is the sense of the action which Zaire, my country, has been trying to take since 1973 and it is what has led UNESCO to undertake an enormous operation

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under which countries whose cultural works of art had been taken from them would have them returned to them.

The positive and specific achievements of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation have been most encouraging, inasmuch as it has made possible, in recent years, the actual resolution of cultural property to the countries of origin. The positive achievements of the Intergovernmental Committee of UNESCO include the following.

A complete inventory of African cultural objects outside Africa has been drawn up. In 1985 these numbered 20,000 documents, including 16,000 photographs and 4,000 descriptive texts and microfiches.

There has also been a preliminary study of aboriginal objects from Australia and the Pacific islands that are currently in public collections in the United States and Canada.

The stone disc representing Tyche and the zodiac which was in the Cincinnati Arts Museum in the United States was restored to Jordan in 1986 through the Department of Antiquities of the Archaeological Museum of Amman. This agreement was concluded under the auspices of UNESCO and represented a successful outcome of negotiations that were begun in 1978.

An agreement was reached in 1986 between the Antalya Archaeological Museum in Turkey and the Paul Getty Museum in Los Angeles calling for the return to Turkey of part of the sarcophagus representing the twelve labours of Hercules.

Further research is being done by UNESCO for the purpose of recovering 140 archaeological objects which were stolen from the National Anthropological Museum in Mexico.

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Zaire)

Negotiations were begun on 5 January 1987 in London by the Chairman of the Intergovernmental Committee of UNESCO, Mr. Luis Villoro Toranzo, with the members of the British Committee for the Restitution of the Parthenon Marbles to Greece.

Furthermore, 7332 cuneiform tablets were returned to Turkish authorities on 16 October and 13 November 1987 by the German Democratic Republic, following upon a request by Turkey to the Intergovernmental Committee of UNESCO for the restitution of approximately 7,400 tablets and a sphinx.

The Committee considered the request for the return to Iran of a collection of archaeological items from the Khurvin necropolis. These ceramics and bronzes had been illicitly exported from Iran and transferred to Belgium by their owner. Although there was a judgement by the court of the first instance in Brussels recognizing that the objects had been illicitly exported, the Court, nevertheless, would not acknowledge that the Iranian law had the status of a "police and security law" which would have enabled it to be enforced on Belgian territory.

The action taken by UNESCO was decisive and very helpful when it ensured the restitution to Tunisia of a collection of jewels pillaged from Punic tombs by clandestine excavators between 1935 and 1939. This was a collection of gold objects dating back to about 500 B.C.

On 10 November 1988 the Intergovernmental Committee was able to settle the case of the restitution to the country of origin, Thailand, of a Khmer Dynasty stone lintel called "Birth of Brahma with reclining Vishnu". This was returned by the Art Institute of Chicago, Illinois, United States.

The list of all these restitutions is undeniable proof of the importance of the draft resolution that is now before the Assembly. Good will has been shown by all, as well as perseverance, and this made possible the successful outcome of these cases, which involved the return or restitution of cultural properties. Of

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Zaire)

course there are other cases that are of concern to many States, and we trust that they can be dealt with satisfactorily through the mediation and co-operation of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation.

Against this background, my delegation has pleasure in submitting to the General Assembly the draft resolution contained in document A/44/L.22, which is sponsored by the following 29 countries: Angola, Bolivia, Burkina Faso, Burundi, the Central African Republic, Chad, Colombia, Comoros, Congo, Côte d'Ivoire, Ecuador, Egypt, Gabon, Ghana, Greece, Guinea-Bissau, Haiti, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritius, Mexico, Morocco, Nepal, Peru, Rwanda, Yugoslavia and Zaire.

Under this draft resolution the General Assembly would reaffirm that the restitution to a country of its objets d'art, monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries.

The Assembly would also recommend that Member States adopt or strengthen the necessary protective legislation with regard to their own heritage and that of other peoples.

It would request Member States to study the possibility of including in permits for excavations a clause requiring archaeologists and palaeontologists to provide the national authorities with photographic documentation of each object brought to light during the excavations immediately after its discovery.

(Mr. Bagbeni Adeito Nzengeya,
Zaire)

The Assembly would invite Member States to continue drawing up, in co-operation with UNESCO, systematic inventories of cultural property existing in their territory and of their cultural property abroad.

(Mr. Bagbeni Adeito Nzengeya,
Zaire)

The General Assembly would invite Member States engaged in seeking the recovery of cultural and artistic treasures from the sea-bed, in accordance with international law, to facilitate by mutually acceptable conditions the participation of States having a historical and cultural link with those treasures; appeal to Member States to co-operate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation and to conclude bilateral agreements for this purpose; and welcome the steady increase in the number of States parties to the Convention.

Lastly, the Assembly would request the Secretary-General, in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to it at its forty-sixth session a report on the implementation of the present resolution; and decide to include in the provisional agenda of its forty-sixth session the item entitled "Return or restitution of cultural property to the countries of origin".

My delegation expresses the hope that this draft resolution will enjoy the unanimous support of delegations.

Mr. BADAWI (Egypt) (interpretation from Arabic): In the name of my country, Egypt, I take this opportunity to pay a sincere tribute to the United Nations Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the valuable report contained in document A/44/485 entitled "Return or restitution of cultural property to the countries of origin".

The delegation of my country spoke in 1987 on the same item. It indicated at that time the background to the problem, which is linked to three factors, namely: the grandeur of ancient Egyptian civilization and its legacy of great monuments

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handed down to succeeding generations; the state of cultural deterioration, coupled with the ravages of colonial campaigns and colonial plunder; and, finally, the current awakening and affirmation of the national ethos and the national identity.

It is worth noting today that the policy pursued by the Arab Republic of Egypt on the subject under discussion is based on the following twin elements: first, efforts aimed at ensuring the security of items of our heritage housed in museums and archaeological sites and documenting them fully in order to trace any stolen object, in co-operation with the International Criminal Police Organization (INTERPOL), and obtain restitution in accordance with the international Convention adopted by the UNESCO General Conference on 14 November 1970; and, secondly, the greatest possible strengthening of co-operation with UNESCO, within its framework and at the international level, to ensure observance of the principle of the preservation of national heritage, with the participation of this Organization and the entire international community in efforts to find adequate ways and means of attaining that end.

Efforts are also made to claim the return of significant objects taken out of Egypt a long time ago and now housed in certain national museums. We hope that by reiterating our demands now and in the future we shall get a response from certain States to the purely moral and cultural pressure put on them, with the support of the international community as represented by UNESCO, to return some of the objects of national significance to my country's civilization.

I am happy to inform the Assembly that Egypt continually contacts certain States, museums and even individuals and institutions that have Egyptian archaeological objects with a view to securing restitution of those stolen objects. I am thinking, for instance, of part of the chin of the Sphinx and the stolen objects from the tomb of Tutankhamen. The cultural heritage of any country is part and parcel of its life; it is, indeed, an expression of its national and

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historical identity; hence our belief that the return of cultural property to the countries of origin is not only an essential goal but also an effective means of promoting cordial relations and encouraging better understanding and mutual respect between nations in our contemporary world, which is characterized by increasing interdependence.

Egypt responded to the Director-General of UNESCO concerning the two resolutions adopted by the General Conference of UNESCO, at its twenty-second session, in 1983, and its twenty-fourth session, in 1987, on special measures to ensure the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in order to protect national heritage more effectively and prohibit its illicit transfer. The draft resolution now before the General Assembly is consonant with this.

The Egyptian initiative has the following bases: first, co-operation among the States signatories to the Convention to establish a communications network and databank of the cultural treasures and distinctive cultural property of all kinds of those States so that there would be immediate contact between the network branches in those countries, which would be notified of the theft of cultural and archaeological objects and provided with all available information on them; secondly, co-operation with INTERPOL, whereby it would assign some of its agents in States signatories to the Convention to work in the area of the theft, smuggling and transfer of cultural treasures, including attendance at auctions in various countries for the sale of such objects, in order to ascertain the legitimacy of the operation and contact the authorities of the States concerned in time for them to take action; and, thirdly, co-operation in establishing an international cultural council, or developing the International Council of Museums (ICOM) so that its mandate and competence include holding meetings to consider the complaints of

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countries from which art treasures are being transferred to other countries.

We reiterate our appeal to countries that have not yet acceded to the international Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of UNESCO on 14 November 1970, to accede to that important Convention without delay: just as we defend the right of authors to intellectual property, so we should defend and protect the right of a State concerning the illicit acquisition of its archaeological property, which is its heritage and an expression of its civilization and national ethos.

(Mr. Badawi, Egypt)

Egypt has always welcomed and given every facility to those that wish to undertake excavations in a legitimate manner. It has made its museums and monuments available to research workers and archaeologists wishing to decipher their mysteries. In the interest of humanity as a whole it has co-operated fully with all those involved in this area.

In conclusion, my delegation appeals to the General Assembly to adopt draft resolution A/44/L.22 by consensus.

Mr. MOHAMMED (Iraq) (interpretation from Arabic): It gives my delegation great pleasure to express to the President of the forty-fourth session of the General Assembly deep appreciation of the effective way in which he is conducting the Assembly's work. We are grateful for the General Assembly's positive achievements in pursuit of the noble purposes and objectives of the United Nations, the aim of which is to safeguard and enhance international peace and security.

My delegation feels that the item under discussion concerns a sensitive subject with a special character. It differs in nature from matters that we have already discussed and will be discussing, although these are very important indeed. This vital subject concerns a sensitive moral and cultural matter of principle; it is closely linked to the emotions and consciences of peoples, their national identity, their cherished heritage, their cultural achievements and their national existence itself.

The moral principal aspect of this matter is very closely related to the question of international co-operation and relations between countries. While the improvement in international relations is based on a positive change in the process and effects of the pursuit of economic and political interests - a change imposed by the need for harmony and convergence - that improvement will always be subject to the convergence or conflict of interests, in accordance with numerous well-known factors.

(Mr. Mohammed, Iraq)

But the cultural, moral and principled aspect of the restitution of cultural property adds to and consolidates the role of international harmony and gives it permanent human and cultural dimensions, apart from the variables of political and economic interests.

In this respect, I concur with all the conclusions on this subject reached by the United Nations Educational, Scientific and Cultural Organization and this Assembly concerning the legality of the return or restitution of cultural property, including archaeological objects, manuscripts, and art and other objects. Such restitution is a noble, human and cultural act, as well as a moral act and an act of principle; it enhances international co-operation in all fields and could perpetuate the positive improvement in relations between countries.

My delegation has emphasized before that this is not a mere question of the return of archaeological property of art objects stolen or acquired in an illegal manner. It is, rather, a national cause deeply and closely related to the sentiments of a given people and to the establishment, development and perfection of its national identity, casting light on its historical image with all its cultural and human dimensions. This leads to the accumulation of much valuable historical knowledge that could become, for such a people, as well as for other peoples, an endless source of assistance in achieving progress and prosperity. The return of archaeological objects to their rightful place in their countries of origin would be a great achievement, and would make a major contribution to the enhancement of international co-operation.

(Mr. Mohammed, Iraq)

Archaeological objects, manuscripts and other objects of art are national treasures and are the property of all generations. These treasures are not ordinary commodities like computers, television sets, spare parts or carpets, and it is illogical to treat them as ordinary commercial commodities subject to the rules and regulations of free markets. Immeasurable material and moral damage can be done to the cultural heritage of any people by the free circulation, exempt from customs control, of its cultural property.

The deep interest of my delegation in its vital question does not arise only from our strong, legitimate desire to recover the rare masterpieces, great archeological objects, precious objects of art and priceless manuscripts that over the decades have been taken illegally and in many dishonest ways from the great archeological finds of my country. It arises also from our belief that the theft and transfer of these objects constituted one of the evils of the decades of colonial domination to which many age-old cultures were subjected. Thus, the restoration of this property is a significant aspect of decolonization and an important means of eradicating its consequences. This, in itself, would be a noble, human and cultural process.

(Mr. Mohammed, Iraq)

In addition to this, of course, there is the necessity of repairing the resultant distortions of history and damage to the national identity. As is well known in sociology and law, historical archaeological objects complement the natural environment in which they were created, and their removal deprives that environment of an integral part of the heritage and identity of the owner country and the national character of its people. It is an inhuman act that must be seen as suppressing a fundamental source of inspiration and encouragement of artistic and literary works embodying the character of a nation during its development. There are many other aspects of the presence of such objects in their place of origin, including tourism, culture, information, development and even the environment.

The study of this subject offers wide scope for our Organization to play a major and distinct role fully consistent with its aims, especially since cultural property is closely connected with the cherished past of any people.

There is no doubt that my country feels proud of what is recorded in history books, the world over, about Iraq, the cradle of human culture. There is no doubt that the name Mesopotamia has a magical effect, not only for the Arabs and the Iraqis, but for people throughout the world because of the scientific, social and cultural achievements this age-old civilization has made in the service of all humanity. Although thousands of years have passed, the Sumerian, Akkadian, Babylonian and Assyrian cultures are still inexhaustible sources that contribute means of progress to the culture of the modern world. They are constant reminders of the value of culture, great achievements that transcend aggressive trends and evil orientations. We should remember that the symbols of the old Iraqi cities such as Ur, Babylon, Akkad, Nineveh and other pillars of the great history of Mesopotamia have always been and still are a source of good and cultural riches for all humanity.

(Mr. Mohammed, Iraq)

From the very beginning, my country has taken great interest in developing, conserving and emphasizing the significance of those symbols of culture, and at present we are making persistent efforts to rebuild those age-old cities and explore their distinctive features, using modern scientific methods and means. A tradition that has come to be known the world over is Iraq's yearly Festival of Babylon. The third Babylon Festival ended a month ago, and during it Iraq hosted a distinguished group of intellectuals, writers and experts in art, culture, sociology and archaeology who contributed to and witnessed the rites of paying tribute to these age-old cultures.

Eleven hundred years ago, Baghdad was the pulsating heart of the Arab-Islamic culture and the prime source of cultural diffusion into the whole world. It played a prominent role in the continuity of history and the significance of the links between past and present. To this day Baghdad feels pride in its glorious heritage from the Abbassi epoch to the present.

Any objective review of what has been achieved on this subject since it was first considered by the Assembly in 1973, and of the information in the reports of the Secretary-General, the latest of which is document A/44/485, shows that international co-operation in this field still faces serious obstacles, most of which can be divided into two main categories. The first is objective and reflects the inequality between the advanced and the developing countries in the field of culture and information. This has led, inter alia, to widespread cultural alienation in third world countries and to distortion of the national identity of those countries, through the theft or usurpation of cultural property from those peoples and its being exported to alien cultures through the well-known methods of control of the mass media. The second factor is subjective and relates to degrees of respect for the implementation of the procedures and recommendations on the

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return and restitution of cultural property and failure to honour the commitments emanating from them or to pledge to accept and discharge those commitments.

It is, furthermore, well known that the countries that have acceded to the Conventions in this field and to recommendations on the subject are the victim countries whose cultural property has been stolen. The countries that have acquired that property have yet to accede to those Conventions, especially the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

In this respect, my delegation thinks that the rules of international co-operation should cover the following: the use of the legal authority of each country to combat and end illicit trade in art objects, manuscripts and treasures, in addition to more stringent legislation concerning national heritage; the compiling of complete systematic inventories of the cultural property of any country, whether inside or outside that country; the promotion of the exchange of information in this respect, including the regular exchange of information between the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Council of Museums and INTERPOL; the issuance and circulation of information; national legislation on the protection of cultural property; the dissemination of studies, articles, publications and books written by archaeologists and sociologists in different disciplines, related to the protection of national heritage; museology and the acquisition of cultural property; the establishment and expansion of museums to ensure full and proper maintenance of cultural property; the organization of seminars to train and upgrade the qualifications of those who work in museums; the establishment of appropriate standards related to cultural heritage and studies on the subject on the basis of laws concerning the acquisition of cultural property. This could lead to the establishment of a code of professional conduct for traders in art objects. In

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this respect we would refer to the study prepared by UNESCO and the collaboration with the International Federation of Traders in Art Objects with a view to sponsoring a code of professional conduct for its members, so as to prevent their becoming involved in illicit trading in cultural property.

In giving these principles my delegation is demonstrating its support for the recommendations that resulted from the sixth session of the Intergovernmental Committee, held in April of this year. We welcome the relevant achievements of UNESCO and the Intergovernmental Committee, especially in analysing methods and setting forth the required mechanism which, if used effectively and on a global level, could lead to the resolution of many controversial questions in this respect.

(Mr. Mohammed, Iraq)

We wish also to commend the Secretary-General on his report in document A/44/485, including the information on the return of certain items of cultural property to Turkey, Tunisia and Thailand.

It is fitting to note that this report referred to the need to enhance and expand the role of the United Nations in this area, including using the information media at the disposal of the United Nations in order to disseminate information and reports to help mobilize international public opinion concerning the legitimacy of the claims of restitution or return of cultural property to the countries of origin. Here we refer to General Assembly resolution 36/64.

The concept of legitimacy for restitution of cultural property to the countries of origin emphasizes and consolidates the credibility of international co-operation. It must be also coupled with the abiding conviction of the need to do away with all discriminatory concepts that impinge on the right of the countries of origin to the restitution of their property on the pretext that they are unable to exhibit, preserve, safeguard or care for that property. There is no doubt that the peoples holding true title to these archaeological and cultural objects are those very same peoples which created them during the era of their cultural renaissance in the course of history. They are the people with the creative ability to attain the magnificent cultural achievements these age-old objects embody and stand as proof of those peoples' accomplishments up to the present day in the service of humanity's successive cultures, heritage and future. Hence we wish to emphasize that in order to enhance international co-operation in this respect the developed countries should contribute to projects to establish and develop museums in the developing countries and to train the necessary professional staff. They should also contribute to the dissemination of studies and reports on archaeology and museology.

(Mr. Mohammed, Iraq)

My delegation is convinced that any co-operation between this Organization and the United Nations Educational, Scientific and Cultural Organization (UNESCO) should be enhanced and expanded in the matter of the return and restitution of cultural property to the countries of origin, especially within the framework of the World Decade for Cultural Development. We hope that international efforts will lead to positive results.

In conclusion, I would refer here to an important matter, namely, that my delegation hopes that the Government of the Federal Republic of Germany will respond positively to the initiation of bilateral contacts with a view to returning five archaeological pieces, stolen from Iraq, which are in West Germany.

Mr. ZEPOS (Greece): The General Assembly is once again called upon, to consider the very important item concerning the return or restitution of cultural property to the countries of origin. Greece, as in previous years, is co-sponsoring the draft resolution which, following the laudable initiative of Zaïre, is presented regularly to the Member States. I recommend that draft resolution A/44/L.22 be adopted by consensus. If this appears not feasible at the present stage, it can be noted, however, that there should not be insurmountable difficulties with the endorsement at some stage of the basic concepts and forms of action that are included in it.

Cultural property constitutes one of the basic elements of civilization and national culture. Its true value can be appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting. Therefore, it is essential for every State to become increasingly alive to the moral obligations to respect its own cultural heritage and that of all nations. The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which an ever-growing number of countries is adhering, constitutes a legal instrument for

(Mr. Zepos, Greece)

the protection of nations against illicit trade in cultural treasures and objects identified with their civilization, their history or their religion.

The Secretary-General's report in document A/44/485 contains, in the annex, the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the activities undertaken by that organization in its continued efforts to promote the return or restitution of cultural property to the countries of origin. We are indeed grateful to the Director-General of UNESCO for its very important contribution.

The recommendations of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation presented, at its sixth session - and there are no less than 25 of them - register a wide range of initiatives and proposals, including promotion of bilateral negotiations, international co-operation and specific measures to restrict illicit transfers. It is most encouraging to note how the international community could enhance protection of cultural property, the product of the genius and skills of African, Asian, American and European nations, against its becoming mere fashionable pieces in an illegal trade and against being separated from their lawful national owners. Each nation requires that its own cultural image and environment shall be respected, as this expression of respect is consonant with the basic requirements of international understanding and co-operation.

The UNESCO Intergovernmental Committee, in its first recommendation, refers to the restitution of the Parthenon Marbles. I cannot fail to note the prominence given to this matter and that the Committee is to persevere in negotiations to that effect. Further, it should be noted that the report before us formally endorses what is historically, legally and morally accurate by referring to these Greek national treasures as the Parthenon Marbles and not by the name of the person

(Mr. Zepos, Greece)

responsible for their removal. That point was raised during the forty-second session of the General Assembly, and the UNESCO Intergovernmental Committee must have also benefited from the relevant and ample historical information and other evidence made available to it, in this case by the British Committee for the Restitution of the Parthenon Marbles. At this juncture, I wish to point out that the Greek Government is concentrating its efforts on the construction of a new museum in Athens which should in time house the Parthenon Marbles. An international competition has been launched, under the auspices of the International Union of Architects, for the construction of the new Acropolis Museum to receive the Parthenon Marbles.

(Mr. Zepos, Greece)

Of course the matter in its substantive aspect remains within the framework of bilateral negotiations between Greece and Great Britain, a country with which we entertain close and friendly relations. It should be further stressed, however, that the claim for the recovery of these treasures rests with the fact, among others, that the Marbles were always considered as inseparable from a monument to be seen in its entirety and not fragmented, a temple of unique artistic value, a most prominent expression of the Hellenic civilization and a treasure of humanity in its own right.

I take this opportunity to bring to the Assembly's attention also the fact that international interest in the preservation of the monuments on the Acropolis will find a most eloquent expression in the recognition of the important preservation work carried out by Greece. In a few days' time a prominent international body, the World Cultural Council, will present its 1989 Leonardo da Vinci Award to the Acropolis Preservation Group in recognition of a concerted effort, which was begun 25 years ago by the Greek Government, to conserve the monuments on the Acropolis.

If protection from the illicit transfer of objects of national art and civilization is the subject of our concerns, our preoccupation is certainly more profound when such illicit transfers are made under compulsion arising directly or indirectly from the occupation of a country by a foreign Power. I do not wish to dwell on the tragic conclusions drawn by an archaeological exhibition organized in Greece in 1986 and entitled "Cyprus - the plundering of a 9,000-year-old civilization"; it concerned the unfortunate fate of Hellenistic, Roman, Christian and Frankish objects and monuments of civilization in Cyprus following the 1974 invasion of the island. I shall restrict myself to a few comments on a recent case brought before a United States court, the Indianapolis Federal Court, which upheld a claim made by the Government of the Republic of Cyprus as well as by the

(Mr. Zepos, Greece)

Autocephalus Church of Cyprus that mosaics unlawfully removed from an Orthodox church in the northern part of Cyprus should be returned and consequently emplaced in the proper site: the fifth-century Orthodox church devoted to Panagia Kanakaria. Legal proceedings may continue in a court of appeal. The fact remains however that in this particular case the 1970 Convention is applicable, a convention which regards as illicit an act depriving a country of a cultural property which on religious or secular grounds is designated as being of importance to its history and religion.

UNESCO and the Intergovernmental Committee are supplying us with ample information on recent achievements of international co-operation through bilateral negotiations on the restitution of cultural property. We note with interest and satisfaction the return of Punic artefacts to Tunisia and of the lintel "Birth of Brahma with Reclining Vishnu" to Thailand, and so on. In the more remote past one could recall the return of the Ethiopian manuscripts in 1872 and of the shrine, sceptre and orb of the Kings of Kandy to Sri Lanka in the 1930s, the bronzes restored to Benin in 1950, and the Mandalay Regalia returned to Burma, now Myanmar, in 1964.

Reservations and negative considerations are being replaced by a spirit of recognition of the justice of claims, of good will, of an urge to promote understanding, mutual respect and international peace, in an environment in which culture and art occupy the prominence they deserve. The draft resolution before us points in that direction. I commend it for adoption at this session.

Mr. ELIADES (Cyprus): The geographic position of Cyprus at the meeting point of Europe, Asia and Africa has determined the importance of my country through the ages and has bestowed upon it a vast cultural heritage. The history of Cyprus is one of the oldest recorded in the world, as the first signs of civilization have been traced to the seventh millenium before Christ.

(Mr. Eliades, Cyprus)

That the cultural heritage of Cyprus is incredibly rich and varied is a well-known fact. As a result it has not failed to attract in modern times its fair share of unscrupulous collectors who, in the guise of historical research and archaeological or artistic interest, have removed priceless cultural treasures of Cyprus to foreign museums and private collections.

My delegation is therefore happy to support the draft resolution introduced by the delegation of Zaire, as it concurs fully with the recommendations contained in the draft. We also welcome the report of the Secretary-General, submitted in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Nevertheless, although the losses through the illicit removal of cultural property and its smuggling out of the country in the course of the two centuries prior to the 1960 attainment of independence by the Republic of Cyprus were substantial, the most alarming - and indeed the most damaging - blow to the cultural heritage of Cyprus has taken place over the last 15 years.

Since the 1974 invasion the Government of the Republic of Cyprus has been denied access to 37 per cent of its territory, which still remains under foreign military occupation. Cyprus is a party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and expects full compliance by other States parties to the Convention, especially with article 11, which states:

"The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign Power shall be regarded as illicit".

Sadly this was not respected in the case of Cyprus, even though there was a fairly recent precedent, prior to the 1970 Convention. In response to the widespread theft and destruction of cultural property during the Second World War,

(Mr. Eliades, Cyprus)

UNESCO had convened an international conference at The Hague in 1954. The Conference was held

"for the purpose of drawing up and adopting a convention for the protection of cultural property in the event of armed conflict".

I am quoting from the Final Act of the Intergovernmental Conference on the Protection of Cultural Property in Event of Armed Conflict, held at The Hague in 1954.

The nations participating in the Conference agreed then to take all possible steps to protect cultural property because they were

"convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural property of all mankind..."

and, further,

"that the preservation of cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection".

The invasion in the summer of 1974 marked the beginning of a black chapter in the cultural heritage of Cyprus. Numerous churches and other national monuments of irreplaceable significance to the cultural, artistic and religious heritage of Cyprus, of Europe and of the world were plundered, looted or destroyed. Many mosaics, frescoes, icons and other invaluable artefacts were stolen and sold openly in the antique markets of Europe and elsewhere in the world. The antiquities of Cyprus became overnight the object of noxious exploitation on a mass scale as they flooded the illicit art market. From the moment the Cyprus Government was informed of this plundering and looting it undertook a world-wide campaign in order to end the smuggling and destruction and to recover its cultural property. UNESCO and other international organizations were immediately alerted, with protests and well-documented evidence.

(Mr. Eliades, Cyprus)

Through international co-operation some of the stolen antiquities were repatriated, others were "bought" by the Government of Cyprus when they came up for sale on the antique markets abroad. The most recent and widely publicized case was that of the Kanakaria church mosaics, when a court decision in the State of Indiana was handed down last August for their return to Cyprus.

The Republic of Cyprus and the Autocephalus Greek Orthodox Church of Cyprus had filed a suit earlier this year in a United States Federal Court charging an Indiana art dealer with trafficking in stolen and plundered religious treasures. The Federal District Court Judge ruled at the end of the hearing that four extremely rare sixth century Byzantine mosaics must be returned to their rightful owner, the Autocephalus Greek Orthodox Church of Cyprus.

The mosaics had been removed from the ceiling of the 1,400-year-old Church of Panayia tis Kanakarias, in the occupied area of Cyprus, and reappeared several months ago in the possession of an American art dealer, who after paying just over \$1 million for them, tried to sell them to a museum for \$20 million.

The stealing of cultural property and smuggling it out of the countries of origin is a damnable act, but the stage has been reached when buyers are prepared to pay millions of dollars for literally a handful of antiquities. This alarming development introduces an entirely new and highly disturbing dimension to the problem we are debating today.

To say the least, it is a most unwelcome trend that raises a series of ethical issues, which we must try to neutralize by all possible means. Private collecting of antiquities is already attracting the attention of corporate investors, through the services of dealers with few scruples but with unlimited spending power.

(Mr. Eliades, Cyprus)

At this rate, very soon no archaeological site or national treasure in the world will be safe from the plunderer's greedy reach as hordes of anonymous speculators enter the market, forcing prices in an upward spiral and safeguarding their so-called investments in secret vaults.

Thankfully, the International Council of Museums in 1986 adopted a new code of ethics that prohibits the acquisition of looted artifacts. My delegation is gratified by the fact that a certain American museum which, abiding by this very code of ethics, alerted the competent authorities of Cyprus to an offer for the purchase of the Kanakaria mosaics. Faced with the ominous threat of so-called private collecting - or investment - we must strive strenuously to turn this kind of practice into a violation of international law and a socially unacceptable endeavour.

My Government will continue and intensify its efforts, in co-operation with other countries and international organizations, to repossess stolen treasures that belong not only to Cyprus but to the whole of mankind and to put an end to the illicit traffic in its cultural property.

Mr. OVIEDO (Colombia) (interpretation from Spanish): My delegation is co-sponsoring the draft resolution on return or restitution of cultural property to the countries of origin. Its main purpose in so doing is to invite those States that have not yet done so to sign and ratify the Convention as soon as possible and join those States that are already parties to it.

The systematic plundering of cultural property by the colonial countries was one of the worst manifestations of colonialism experienced by our peoples throughout history. With the removal of works of art, monuments, museum pieces, archives, manuscripts and documents, we not only lost the objects themselves

(Mr. Oviedo, Colombia)

but our cultures were also undermined. The process continued after independence, as a feature of the imperialism many of our countries have experienced.

Hence the Convention is of great importance. Through the return or restitution of cultural property to the countries of origin, we can in many cases rebuild, and in other cases preserve, the culture of each people, thereby enhancing universal cultural values.

My delegation is pleased to report that Colombia has now ratified the Convention referred to in the draft resolution before the Assembly. Accordingly, my delegation invites all States, particularly those that have been victims of the loss of significant cultural treasures, to support the Convention with the aim of strengthening their domestic legislation and providing the necessary protection of their national heritage. The Convention provides the legal tools required to protect cultural property, much of which is in jeopardy.

My delegation believes that, with the return or restitution of cultural property to the countries of origin, a chapter in the history of colonization will be closed and we shall have moved closer to preserving the identity of our peoples, not only through political and economic independence but also through the strengthening of our cultural heritage.

Mr. AKSIN (Turkey): The historical and archaeological heritage of Turkey is extremely rich. This is a consequence of its unique geographical location. As a country that has been the seat of many great civilizations, and as a bridge through which many historical migrations have taken place between Europe and Asia, our great interest in the item under discussion is self-evident. Regrettably, invaluable works of art of historical significance which were part of the

(Mr. Aksin, Turkey)

archaeological wealth of Turkey have been pillaged over the years and illicitly exported. Given this experience, we attach particular importance to the question of the return or restitution of cultural property to the countries of origin.

In line with this policy, we support the draft resolution introduced by Zaire, contained in document A/44/L.22. We are satisfied with its general thrust and welcome the concrete and useful recommendations it contains.

(Mr. Aksin, Turkey)

We have studied the report of the Director-General of UNESCO, describing the follow-up given to the fifth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, as well as the work of its sixth session. We note with satisfaction that some progress has been made in the return of cultural property to its original owners but feel that much still remains to be done in this area.

As mentioned in paragraph 6 of the report, a collection of 7,400 Hittite cuneiform tablets which had been excavated at the archaeological site of Bogazkoy, in Turkey, and sent to a museum in Berlin for restoration shortly after their discovery early in this century were returned to Turkey in 1987. This is a very positive and promising step in the right direction, and the Government of the German Democratic Republic deserves to be commended for this constructive attitude. Our request also includes a sphinx which is part of the same collection. We are confident that the authorities of the German Democratic Republic will show the same understanding and co-operation in dealing with this pending problem.

This view is also reflected in the recommendations adopted by the Intergovernmental Committee at its sixth session, held in Paris last April, which contained in appendix I of the report under consideration. In Recommendation 2, the Committee.

"Expresses its sincere hope that the pending Turkish request with regard to the sphinx will be solved amicably and notes with satisfaction the willingness of both parties to find a mutually acceptable solution". (A/44/485)

My Government sincerely hopes that an amicable and satisfactory settlement will also be reached in a number of cases which are outstanding with some museums in the United States. In this respect, I cannot fail to mention the Lydian

(Mr. Aksin, Turkey)

antiquities of gold and silver which were unlawfully taken out of Turkey. A similar case concerns a number of works of art excavated near Antalya in 1963 and now in the possession of the Dumbarton Oaks Museum, Washington, D.C. Another case relates to a collection of priceless coins illicitly excavated in 1984 near Antalya and smuggled out of Turkey. While part of that collection has been returned to its country of origin last year, the remainder has not yet been restored. These unique and irreplaceable treasures constitute an integral part of our artistic and cultural patrimony. We shall pursue these issues until a mutually acceptable solution is reached.

My Government shares the view of scholars and archaeologists that antiquities should be returned to and displayed in their country of origin and expects all nations to comply with the stipulations of the relevant international documents. Along with other States, Turkey recognizes that the fate of cultural property is a matter of legitimate international interest and that its protection requires international co-operation. It is the established policy of many States that countries seeking the return of their cultural treasures be assisted and that the illicit traffic in cultural property be discouraged. The restoration and preservation of cultural treasures should be of importance not only to the countries of origin but to all countries because they contribute to a greater understanding of our common heritage. This is particularly applicable to cases where countries of origin are seeking recovery of an invaluable hoard of antiquities from quasi-public and world-renowned museums, which should consider themselves in duty bound to deter international traffic in stolen cultural property and to ensure that they neither condone nor have any dealings with such illicit traffic.

Before concluding my remarks, I feel compelled to make some comments on two statements made this afternoon before the General Assembly.

(Mr. Aksin, Turkey)

The allegations that art treasures are pillaged and historic monuments are destroyed in northern Cyprus are totally devoid of foundation. In fact, a number of studies have been undertaken on this subject in Cyprus by UNESCO and other interested international bodies. They all confirm that after 1974 the cultural, artistic and historic properties in Northern Cyprus have been cared for by the General Directorate of Antiquities and Museums of the Turkish Republic of Northern Cyprus. In this context, movable relics have been stored for safety by the Turkish Cypriot authorities. Archaeological sites and museums have been put under proper surveillance, and this surveillance has included churches and other religious places. Inventories of all collected items as well as historic and religious relics have been drawn up. Legal arrangements have been made to protect and restore edifices of historical or architectural value. It is to be noted that all this work has been and is being carried out with the limited means of the Turkish Republic of Northern Cyprus, with no contribution from any of the relevant international organizations.

Among the studies referred to earlier, I shall note the one conducted by Mr. Jacques Dalibard, an expert from UNESCO who after having visited the island in 1974 and 1975 came to the conclusion that the Greek Cypriot accusations could not be confirmed.

Another study has been made by the Reverend John Taylor, who visited Cyprus twice in the early 1980s on behalf of the World Union of Churches. In his report he states that, in spite of the fighting that took place in the north of Cyprus, the religious and historical works remain mostly unharmed and that there is no indication that these objects were ever plundered or destroyed.

A British archaeologist, Lady Rosamond Hanworth, who visited northern Cyprus in October 1984, also drafted a report on the condition of antiquities. The first paragraph of this report reads as follows:

(Mr. Aksin, Turkey)

"What has worried many people in the United Kingdom has been a fear, fostered by hostile propaganda, that the Moslem Turkish Cypriots might not do honour to Christian antiquities. In fact, the thing which has impressed me most of all has been the tolerant and enlightened concern of everyone I met - archaeologists, government officials and so on - to safeguard and preserve all antiquities, whether pagan, Christian or Moslem. As far as they can, they look upon themselves as guardians of the heritage, and I was reminded that, since it was at the time of the Ottoman conquest that the Greek Orthodox churches were liberated and reinstated, it was hardly likely to be Moslem policy to initiate any form of religious intolerance now."

The most recent report on this subject is the one drafted by Mr. Van der Werff, a member of parliament from the Netherlands who visited the island in June 1989 on behalf of the Parliamentary Assembly of the Council of Europe. He was accompanied by Dr. Robin Cormack, a consultant expert. Their report entitled "Cultural Heritage of Cyprus", which was published on 2 July 1989 as a Council of Europe document, has been approved by the Committee on Culture and Education of the Parliamentary Assembly of the Council of Europe and noted by the Parliamentary Assembly itself. My delegation will be pleased to make it available to any interested delegation.

The Greek and Greek Cypriot representatives alluded to the Kanakaria mosaics. I shall now quote from the Council of Europe report on this subject:

"It was evidently linked with the highly professional international market on illegally exported art".

The report immediately adds:

"The south is also vulnerable, as the theft of the 'Leda and Swan' mosaic from the Paphos museum shows."

(Mr. Aksin, Turkey)

As regards the movable cultural property, Mr. Van der Werff states in his report:

"A considerable effort has been made in the north to place as much as possible in protective custody. We visited several cultural depots and were shown receipts and inventories. The depots are carefully sealed and in military areas require more than one key to be visited."

As for the protection of abandoned property he says:

"As we have constantly to bear in mind when considering the cultural heritage in European countries, not all properties are of cultural interest or importance. However, given the situation in Cyprus much attention is paid to how each side is treating each other's property. In the north, although no special category seems to exist of abandoned Greek property, the policy of the antiquities department as regards the churches is said to be that of maintaining their fabric and avoiding any irreversible modifications. We saw no churches destroyed though St. George in Limnia was listed (by the Greek Cypriots) as such and no minarets recently built. At Engomi the tower remains unaltered with its bell" -

despite the Greek Cypriot allegations claiming that it has been replaced by a minaret.

Regarding integrated conservation, planning and the environment, the report states:

"The co-ordination of conservation, planning and environment protection seems better assured in the north than in the south. To a certain extent this may be because economic pressures for development are much stronger in the south In the north, the Supreme Council of Ancient Monuments and Antiquities also comprises environment, and it has a say in planning decisions. We saw evidence of restrictions on buildings in the old part of Kyrenia and within the walls of Famagusta and Nicosia".

(Mr. Aksin, Turkey)

As far as resources are concerned, the report says that:

"The greatest discrepancy, and perhaps the most serious for the cultural heritage, between north and south is in terms of resources. The south can and does draw extensively on the international community for financial assistance in restoration work (UNESCO, Getty Foundation, etc.) and the collaboration of the international scholarly community."

I think that the quotations I have just made need no further elaboration to refute the Greek Cypriot allegations. At this stage I have nothing to say about the deliberate destruction of the Turkish cultural and religious property in the south by Greek Cypriots. Accordingly, I shall not quote fully the passage in the report starting with the sentence: "We noted with regret the complete destruction of the main mosque in Paphos ...".

I will confine myself to quoting the concluding remarks of the consultant expert, Mr. Cormack, who accompanied Mr. Van der Werff in Cyprus:

"The threats to the cultural heritage in the north and south are in the main the same ones: climate, the risk of earthquake, the need to prevent the deterioration of the fabric and decoration of old buildings, the pressures of tourism and development and the threat of international art thieves".

Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) (interpretation from Russian): First, I should like to express appreciation to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation for the work that they have done. The work done by these organizations and their promotion

(Mr. Ogursov, Byelorussian SSR)

of bilateral talks with a view to the return or restitution of cultural property, the drawing up of inventories of movable cultural property, restricting illicit trade in cultural property and publicizing information all deserve our full support and approval. These efforts are very timely and important because of the need to cope with the dire consequences that have occurred for the cultural heritage of peoples.

Many searches, investigations and lawsuits by a number of developing countries for the return of their cultural property go back to the colonial era. Even today, more than 44 years after the end of the Second World War, many works of art taken at the time have not yet been found or returned. For example, several cultural works of art of our people, including the national writings of Yanka Koupala and Yacob Kolos, have not yet been returned.

General Assembly resolution 40/19 recommended strengthening legislation to protect our own heritage and that of other peoples. That is necessary because of illicit trade in cultural property. In this connection we would find useful an exchange of experience and information among States on their national, legal and practical measures to preserve their cultural heritage. The Byelorussian SSR has a law on the preservation and use of historical and cultural monuments. Such monuments are declared to be the property of the people and an integral part of the world's cultural heritage. The preservation of the monuments is the task of State and social organizations. The Government and other organizations, and even individuals, can own such monuments but they are also responsible for preserving and restoring them. Preserving the cultural heritage is one aspect that is being studied very carefully and a great role is being played in this area by the Byelorussian Department for the Preservation of Monuments and the Byelorussian Department of the Soviet Cultural Fund.

(Mr. Ogurtaov, Byelorussian SSR)

In such a short statement it is not possible to comment on all aspects of this matter relating to the preservation and development of the world's cultural heritage, but of great importance is the return or restitution of cultural property to the countries of origin and this is an area where UNESCO is doing much work. We believe it is necessary to settle this problem fairly and that therefore measures should be prepared to prevent any illicit acquisition of the cultural property of other peoples or any damage done to it. The citizens of every country should be entitled to enjoy the achievements of world culture. This right should be exercised through making national and world cultural treasures accessible to all. There should be further development, and equitable distribution of cultural and educational institutes, television and radio, book and journal publishing should all be developed along with a network of free libraries. There should also be broader cultural exchanges with other States. We attach great importance to the return of cultural property to the countries of origin, for they are of fundamental spiritual and cultural value to them, and peoples should be able to build up collections that represent their own cultural heritage.

The PRESIDENT: The Assembly has heard the last speaker in the debate on this item. I should like to announce that the following countries have become sponsors of draft resolution A/44/L.22: Costa Rica, Guatemala, Mauritania, Mexico and Niger.

We shall now begin the voting process. I put to the vote draft resolution A/44/L.22.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Austria, Belgium, Denmark, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Draft resolution A/44/L.22 was adopted by 139 votes to none, with 16 abstentions (resolution 44/18).*

* Subsequently the delegations of Guinea and Haiti advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: I shall now call on the representative of the United Kingdom, who wishes to speak in explanation of vote.

I would remind members that statements in explanation of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. HUM (United Kingdom): My delegation can support much of the resolution that the General Assembly has just adopted. We are sympathetic to the aspirations of countries wishing to develop and improve their collections of national cultural property. British museums are happy to collaborate with them in achieving this through bilateral discussions. We strongly condemn illicit traffic in cultural property. But the British Government cannot accept the principle that cultural property freely and legitimately acquired over the years should be returned to the country of origin.

We are always willing to discuss specific cultural-property questions bilaterally with other Governments. But items in British museums belong to those institutions, and not to the British Government. Provided that the items were acquired legitimately, there are no grounds in law on which the British Government could order their return.

Other elements of the resolution also present us with some difficulty. Operative paragraph 2, for example, runs counter to our belief that the great international collections of works of art constitute a unique resource for the benefit of both the public and the international community.

Support for operative paragraphs 5 and 6 would imply that we favoured the establishment of a comprehensive inventory of cultural property, both publicly owned and privately owned, in Britain. As we have explained in previous debates on this subject, that would cause great practical difficulties.

Operative paragraphs 10 and 11 of the resolution refer to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Ratification of this Convention would

(Mr. Hum, United Kingdom)

present my Government with considerable problems. I should emphasize, however, that our approach to the problem of illicit trafficking in cultural property meets many of the requirements of the Convention. We participate fully in international efforts to trace stolen works of art. Indeed, a special police unit exists in London for this purpose. A computerized index of stolen art works will be launched in London next January. British-museum and art-trade interests have subscribed to two codes of practice on the handling of items of dubious provenience. In practice, these codes encourage compliance with the terms and principles of the 1970 Convention. We take them seriously, and we follow up any reports of contravention.

In short, the attitude of my Government to many of the concerns underlying the resolution is a positive and sympathetic one, but, for the reasons I have outlined, we had no alternative but to abstain in the vote on the resolution.

In conclusion, I should like to comment on the remarks made by the representative of Greece about the works of art known as the Elgin Marbles. I would say only that these works of art were acquired legally from the sovereign Power in Greece at the time. We cannot accept the principle of the return of objects to their country of origin except in the case of illegal acquisition. The representative of Greece drew attention to the close and friendly relations that exist between Greece and the United Kingdom, and my delegation appreciates this. It is in this spirit that we remain ready to discuss the matter further with the Government of Greece.

The PRESIDENT: I shall now call on those representatives who wish to speak in exercise of the right of reply.

May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to

(The President)

10 minutes for the first intervention and to five minutes for the second and should be made by delegations from their seats.

Mr. ELIADES (Cyprus): In a lengthy statement, in a vain attempt to refute the irrefutable, the representative of Turkey saw fit to quote selectively favourable comments from the Van der Werff report. He failed to mention, however, that the report of Mr. Van der Werff was eloquently damning on the question of the widespread destruction and looting of churches and other national monuments in the part of Cyprus that is occupied by Turkey. He failed to mention that Mr. Van der Werff noted in his report that monuments in the three areas of the Republic, including the majority of Moslem mosques, had been preserved in a very good condition. He failed to mention that the Chairman of the Parliamentary Assembly's Cultural and Education Committee agreed with the report of Mr. Van der Werff that the United Nations Economic, Social and Cultural Organization (UNESCO) and other international organizations should be mobilized to protect the heritage of the Republic of Cyprus.

Unlike the representative of Turkey, who went on at length, I wish to quote a very short statement:

"The looted material of the 10 and more excavations was found in the occupied part of Cyprus soon after, in 1974, and the fact that the ecological sites were inaccessible to those who had excavated them cost the loss of many years of archaeological work. Moreover, we were not able to publish the results of these excavations. The drawings and the inventories of the excavations of the French mission of Salamis - the work of 10 years - were kept as war booty by the Turks, despite the efforts of the French and the French Government."

UNESCO was alerted, as were all other international organizations whose task is to safeguard the cultural heritage of mankind. A representative of UNESCO was sent to study the situation and to submit a report. The report has been considered by

(Mr. Eliades, Cypzus)

UNESCO as a confidential document, but has never been made public. The reason is that the Turkish Cypriot régime does not allow UNESCO representatives to enter the occupied area unless that area is recognized as an independent state.

I should point out that the Turkish representative provoked this body by referring to the so-called Turkish republic of Northern Cyprus. Let me remind the General Assembly that the Security Council, in resolution 541 (1983) and resolution 550 (1984), condemned in very strong terms the purported secession of part of the Republic of Cyprus. The Council called on all States not to recognize or to facilitate in any way the purported secession. In a vain attempt to justify the invasion of Cyprus and the military occupation by his country, the Turkish representative resorted to a rehashing of old propaganda that has been answered time and again.

Mr. ZEPOS (Greece): I express regret that I have to exercise my right of reply to the representative of Turkey. The reply has already been given by the representative of Cyprus. First, the representative of Turkey mentioned an entity which is not recognized, and I am really astonished that an authority of such a non-existent entity should be mentioned in this Hall. Secondly, the Netherlands representative he mentioned is indeed on record as praising the Republic of Cyprus for the care it has given to the preservation of monuments and, on the contrary, has drawn up a long list of the damage which the monuments in the northern part of Cyprus have suffered. I would have wished to avoid discussion on this point, but I have been compelled to do so.

Permit me to make a final brief reply to what has been said by the representative of the United Kingdom. I am not going to engage in a historical debate in this Hall, but I would wish to remind members that eminent British scholars, after research done in the past few years in the United Kingdom, have presented strong arguments refuting the allegation that the Parthenon marbles were removed in a legal or acceptable manner. This is a matter of historical evidence, but of course this is neither the time nor the place to discuss it.

Mr. AKSIN (Turkey): At the end of my statement a few minutes ago I quoted extensively from reports commissioned by UNESCO, the Council of Europe and other impartial bodies. I did so at the risk of abusing the patience of the General Assembly because I wanted to make sure that unfounded allegations did not go unchallenged in this Hall. Those reports are available at our delegation and we shall be glad to provide them to any delegation that would like to see them and judge for itself. I refer the speakers who have just preceded me to those reports. It is regrettable that what should be basically a cultural issue is being

(Mr. Aksin, Turkey)

used for inadmissible political ends. One wonders how the Greek Cypriots can bring themselves to form a Federal Union with the Turkish Cypriots if they feel such strong hostility towards them. That is a question which I think we should all be asking ourselves.

Mr. ELIADES (Cyprus): We did not start the polemic in this Assembly because, out of respect for this body, we deliberately avoided the mention of Turkey in our original statement, but obviously the Turkish Ambassador found it very improper that we had not mentioned his name and therefore he started this argument.

Once again, I am going to quote from none other than a Turkish Cypriot magazine, Olay, which on 26 April and 3, 10 and 17 May 1982 published a whole series on the plundering and looting of cultural property of Cyprus in the occupied part:

"Hundreds of icons, worth tens of thousands of Turkish liras have been stolen and secretly taken abroad. Only a small part of them has been found."

Furthermore, I quote again:

"Following investigations by the so-called Auditor-General, the Security Service and the Antiquities Department, it was found that 225 icons which had been taken to Kyrenia castle from various parts were missing."

This is only a small portion of the article. We can make it available to interested delegations at their request.

I might also mention that in the summer of 1984 a foreign archaeologist visited the churches of Ayios Nicolaos and Ayia Solomoni at Koma tou Yialou in occupied Karpass. From there also all the frescoes were removed, according to a letter of the foreign archaeologist dated September 1984. The same Professor strongly protested to UNESCO through ICOMOS of France on 24 August 1984. One may wonder how it is possible to remove the frescoes of an entire church in an area

(Mr. Eliades, Cyprus)

considered a so-called military zone of Turkey - not of the Turkish Cypriots - unless the occupation troops turned a blind eye or co-operated in an operation which takes years and needs special technicians. The obvious conclusion is that looting is systematic and organized, and no denial by the Turkish representative can distract the attention of the world from the fact that there is a systematic and continuing attempt to destroy the cultural property of Cyprus.

We have also numerous photographs which testify to the truth and belie the statement of the Turkish representative that our accusations are without foundation. They are founded on the truth and we can prove it.

The PRESIDENT: This concludes our consideration of agenda item 20.

STATEMENT BY THE REPRESENTATIVE OF ALGERIA

Mr. DJOUDI (Algeria) (interpretation from French): On behalf of the Algerian delegation, I should like very sincerely to express our gratitude for the words of support and compassion so kindly spoken by the President about my country after the earthquake which took place in Algeria recently. That gratitude goes also, through him, to all those on whose behalf he spoke, as well as to him personally.

I should like to take this opportunity to express our thanks to all the countries and organizations that have expressed their solidarity with my country in a material way.

I cannot conclude this brief statement without expressing our sympathy with the delegations of the United States, Japan and Thailand, which have suffered the same kind of natural disasters.*

*Mr. Hurst (Antigua and Barbuda), Vice-President, took the Chair.

AGENDA ITEM 16

ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS:

(a) ELECTION OF TWENTY-NINE MEMBERS OF THE GOVERNING COUNCIL OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

The PRESIDENT: Pursuant to General Assembly decision 43/406, the Assembly will now proceed to the election of twenty-nine members of the Governing Council of the United Nations Environment Programme to replace the twenty-nine members whose term of office expires on 31 December 1989.

The twenty-nine outgoing members are: Argentina, Australia, Barbados, Brazil, Burundi, China, the Dominican Republic, France, Gabon, the Federal Republic of Germany, Greece, Indonesia, the Islamic Republic of Iran, Iraq, Japan, the Republic of Korea, Lesotho, Mauritania, Mauritius, Senegal, Sweden, Switzerland, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United States of America, Venezuela, Yugoslavia, Zaire and Zimbabwe.

Those States are eligible for immediate re-election.

(The President)

I should like to remind members that after 1 January 1990 the following States will still be members of the Governing Council: Bangladesh, Botswana, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Czechoslovakia, Finland, Guyana, India, Jordan, Kenya, the Libyan Arab Jamahiriya, Malta, Mexico, the Netherlands, Oman, Pakistan, Poland, Rwanda, Saudi Arabia, Sri Lanka, Sudan, Togo, Turkey, Uganda, and the United Kingdom of Great Britain and Northern Ireland. Therefore, those 29 States are not eligible in this election.

In accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot and there shall be no nominations.

May I, however, recall paragraph 16 of General Assembly decision 34/401, whereby

"the practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard, ... unless a delegation specifically requests a vote on a given election".

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

The PRESIDENT: The names of the candidates endorsed by the regional groups are as follows: for eight seats from the African States - Burundi, Gabon, Gambia, Lesotho, Mauritius, Tunisia, Zaire and Zimbabwe; for three seats from the Eastern European States - the German Democratic Republic, the Union of Soviet Socialist Republics, and Yugoslavia; for five seats from the Latin American and Caribbean States - Argentina, Barbados, Brazil, Peru and Venezuela.

Regarding the six seats from the Asian States, I call on the Chairman of the Group of Asian States, the representative of Brunei Darussalam.

Mr. JAYA (Brunei Darussalam): In my capacity as Chairman of the Group of Asian States for this month, I have the honour to announce that the following countries are candidates for the six seats allocated to that Group in the Governing Council of the United Nations Environment Programme (UNEP): China, Indonesia, Iraq, Japan, Kuwait, the Philippines and Thailand.

The PRESIDENT: With respect to the seven seats from the Western European and other States, I call on the Chairman of the Group of Western European and Other States, the representative of Norway.

Mr. BERGH JOHANSEN (Norway): In my capacity as Chairman of the Group of Western European and Other States for the month of November, I should like to inform the Assembly that the following eight Member States are candidates for the seven seats available to members of that Group in the election to the Governing Council of the United Nations Environment Programme: Austria, France, the Federal Republic of Germany, Greece, New Zealand, Norway, the United States of America, and Spain.

The PRESIDENT: Since the number of candidates endorsed by the African States, the Eastern European States and the Latin American and Caribbean States corresponds to the number of seats to be filled in each region, I declare those candidates elected for a four-year term beginning on 1 January 1990.

Regarding the Asian States and the Western European and other States, the number of candidates exceeds the number of vacancies allocated to those regions. Therefore, the Assembly will now proceed to vote by secret ballot to elect six members from the Asian States and seven members from the Western European and other States.

(The President)

I should like to inform the Assembly that the number of candidates receiving the largest number of votes and no less than the majority required, and not exceeding the number of seats to be filled, will be declared elected. In the case of a tie vote for a remaining seat, there will be a restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The PRESIDENT: Ballot papers marked "B" and "E" will now be distributed. I request representatives to use only those ballot papers and to write on them the names of the States for which they want to vote. A ballot paper containing more names than the number of seats assigned to the relevant region will be declared invalid. Names on a ballot paper of Member States that are outside the relevant region shall not be counted at all.

At the invitation of the President, Mr. Sokolovskiy (Byelorussian Soviet Socialist Republic), Mr. Green (Canada), Mr. Atanga (Cameroon) and Mr. Rokotuivuna (Fiji) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.45 p.m. and resumed at 6.45 p.m.

The PRESIDENT: The result of the voting for the election to fill the six seats from Asian States on the Governing Council of the United Nations Environment Programme is as follows:

<u>Number of ballot papers:</u>	156
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	156
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	156
<u>Required majority:</u>	79
<u>Number of votes obtained:</u>	
China	143
Japan	141
Indonesia	136
Kuwait	127
Philippines	124
Thailand	123
Iraq	83
Islamic Republic of Iran	12
Singapore	1

The PRESIDENT: The result of the voting for the election to fill the seven seats from Western European and other States on the Governing Council of the United Nations Environment Programme is as follows:

<u>Number of ballot papers:</u>	157
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	157
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	157
<u>Required majority:</u>	79
<u>Number of votes obtained:</u>	
France	141
Federal Republic of Germany	136
New Zealand	133
Austria	129
Norway	129
United States of America	128
Spain	127
Greece	95
Switzerland	8
Australia	3
Portugal	2

The following countries, having obtained the required majority, were elected members of the Governing Council of the United Nations Environment Programme for a period of four years beginning on 1 January 1990: Austria, China, France, Federal Republic of Germany, Indonesia, Japan, Kuwait, New Zealand, Norway, Philippines, Spain, Thailand, United States of America.

The PRESIDENT: I congratulate the States that have been elected members of the Governing Council of the United Nations Environment Programme, and I thank the tellers for their assistance in this election.

This concludes our consideration of sub-item (a) of agenda item 16.

The meeting rose at 6.50 p.m.