

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/9199
6 November 1973
ENGLISH
ORIGINAL: FRENCH

Twenty-eighth session

REQUEST FOR INCLUSION OF AN ADDITIONAL ITEM IN
THE AGENDA OF THE TWENTY-EIGHTH SESSION

RESTITUTION OF WORKS OF ART TO COUNTRIES VICTIMS OF EXPROPRIATION

Letter dated 2 November 1973 from the Permanent Representative
of Zaire to the United Nations addressed to the President of
the General Assembly

On the instructions of the National Executive Council, I have the honour to propose the inclusion in the agenda of the twenty-eighth session of the General Assembly of an item of permanent, world-wide importance: "Restitution of works of art to countries victims of expropriation".

The explanatory memorandum required under rule 20 of the rules of procedure of the General Assembly is enclosed with this request.

(Signed) IPOTO Eyebu-Bankand'Asi
Permanent Representative

EXPLANATORY MEMORANDUM

1. The request for inclusion in the agenda of the twenty-eighth session of the General Assembly of an additional item entitled "Restitution of works of art to countries victims of expropriation" arises out of the desire to see reparation made for the damage suffered by many Member States as a result of the wholesale removal, virtually without payment of objects of art - masks, pictures, statuettes, monuments, special musical instruments - in short, products typical of the country, frequently old, which authentically express the culture and civilization of a people.
2. It has been the common practice for colonial administrators of all ranks, and those enjoying their favour, in other words the foreign occupation, to plunder the underprivileged countries, poor in a technological sense but rich in culture and artistic traditions.
3. On 12 September 1973, addressing the third Congress of the International Association of Art Critics at Kinshasa-N'Sélé (Zaire), President Mobutu Sese Seko Kuku Ngbendu Wa Zabanga said: "Our artistic heritage has been systematically pillaged", and he went on: "All the pictures used to illustrate aspects of our artistic heritage in the book entitled L'art de l'Afrique noire au pays du fleuve Zaïre, all of them, I repeat, are of works now in other countries."
4. The case of Zaire is not an exception. The same situation is common, not to say general, in Latin America, Asia and particularly in Africa, as a result of the evil consequences of a ravaging colonization.
5. There is no question here of confusing such situations with cultural exchanges, which, like the acquisition of works of art by public or private collectors are in essence enriching - consolidating the art and culture of a country by contact with others. It is above all a question of degree and circumstances. Frequently in the case of plundering connected with colonization it is the sword rather than the free consent of the people that has justified the removal.
6. Hence this point was stressed very recently by the Fourth Conference of Non-Aligned Countries, held at Algiers from 5 to 9 September 1973, in paragraph 18 of its political declaration:

"It is also a question of establishing a genuine independence by eliminating foreign monopolies and assuming control over their national resources and exploiting them for the benefit of their peoples. The peoples of the non-aligned countries wish to safeguard their own personality, to revive and enrich their cultural heritage ..."
7. It is fair to say that there are basic associations so evident that there is no gainsaying them. The course of the river does not stop until it reaches the sea. The bee flies straight to the tender flower and its pollen. There is a deep-rooted and indissoluble bond between nature, man and his artistic creations. The cultural riches of the poor countries are at their best in their natural setting,

because there they glow in an almost sensual aura. An authentic work of art burns with an inner flame, vibrates with the ardent faith which has led a people to believe in immortality, in supreme values, and to embody those values in deathless form with chisel and brush, in bamboo and rare woods. Such works represent the manual skill and the innermost feelings of our ancestors. They are the guiding light, the inspiration for the developing countries in their over-all development. It is therefore proper that the laws of fundamental telepathy should be obeyed, and it is both natural and just that these guiding lights, these authentic symbols of constant evolution, should be restored to the developing countries.

8. Countries which have been able to diversify their economies and add sophistication to their artistic expression cannot justifiably object to the free transfer of such artistic riches back to their place of origin. The delegation of Zaire therefore sees fit to submit the attached draft resolution to the General Assembly:

DRAFT RESOLUTION

The General Assembly

Aware of the paramount aims of the United Nations and particularly its faith in fundamental human rights, in the dignity and worth of the human person,

Considering the conclusions of the Fourth Conference of Non-Aligned Countries, held at Algiers from 5 to 9 September 1973, and particularly paragraph 18 of the political declaration,

Noting with interest the work of the third Congress of the International Association of Art Critics held in September 1973 at Kinshasa-N'Sélé (Zaire),

Stressing that the cultural heritage of a people conditions the present and future flowering of its artistic values and its over-all development,

Believing that the promotion of national culture can enhance a people's ability to understand the culture and civilization of other peoples and thus can have a favourable impact on international co-operation,

Deploring the wholesale removal, virtually without payment, of objets d'art from the poor countries to the rich countries, frequently as a result of colonial occupation,

Convinced that the restitution of such works would make good the serious damage suffered by countries as a result of such removal,

1. Affirms that the prompt restitution to a developing country of its works of art, monuments and museum pieces by a developed country, without charge, is calculated to strengthen international co-operation inasmuch as it constitutes just reparation for damage done;

2. Recognizes the special obligations in this connexion of those countries which had access to such objects only as a result of colonial occupation;

3. Invites the Secretary-General, in consultation with the United Nations Educational, Scientific and Cultural Organization and Member States, to submit a report to the General Assembly at its thirty-first session on the progress achieved.
