Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1651 (2004)[1]

Ending the plundering of African cultural objects

Parliamentary Assembly

1. The plundering of African cultural objects is part of the dark side of relations between Africa and many European countries. Most of these objects remain in Europe in substantial private and public collections.

2. The growing fashion for collecting representative objects from African civilisations is exerting a new pressure on the states from which these objects originate and one that it is difficult for them to resist. The prices reached by such objects on the international market encourage trafficking of all forms, including the illegal raiding of archaeological sites. Many of these African countries are little aware of what they are losing and ill- equipped to give their cultural heritage appropriate protection.

3. The Parliamentary Assembly believes that the same respect should be shown for the dignity of African art as for European or any other. Europe should take action to end the plundering of the African cultural heritage and to assist its proper appreciation and protection in the countries of its origin.

With regard to the art trade

4. While the lawful art trade may be encouraged (especially with regard to contemporary African art), the illegal trade must be stemmed (especially with regard to stolen and illegally excavated antiquities). Measures must be taken by governments and by the art trade itself. But the African cultural heritage should be accorded the same degree of protection as the European and the same principles applied to trade in African cultural property as to that in western or European art.

5. The Assembly calls on the art trade to apply the same high standards to the control of the selling of African cultural objects as to that of art from western and other civilisations. This is particularly relevant to insistence on certificates of origin, of export and of title.

6. The Assembly calls on public and private museums to apply the Icom (International Council of Museums) Code of Ethics for Museums to the acquisition of African as to that of other art, and in particular the principle of refusing unprovenanced and uncertificated cultural property.

7. The Assembly recalls its Recommendations 1072 (1988) on the international protection of cultural property and the circulation of works of art and 1372 (1998) on the Unidroit Convention on stolen or illegally exported cultural property. It requests in particular the Committee of Ministers to urge member states to ratify the international instruments relating to control of the art trade, to increase their efforts to control the illicit circulation of cultural property and to apply them to trade in African cultural property.

8. More specifically the Assembly recommends that the Committee of Ministers invite governments of member states:

8.1. to disseminate regularly the lists published by Unesco, Icom and Interpol indicating objects that have been registered as stolen, particularly those from the African continent, and make available to dealers and buyers any databases indicating cultural objects that have been illegally exported;

8.2. to warn their own institutions against the purchase of any illegally exported objects;

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1. acting on behalf of the Assembly on 2 March 2004 (seeDoc.10063, report of the Committee on Culture, Science and Education, rapporteur: Mr Legendre). Text adopted by the Standing Committee

8.3. to train police and customs officials in searching for illegally exported objects and in collaborating with similar officials in other countries and through Interpol;

8.4. to restore illegally exported cultural objects to their countries of origin, if necessary after compensating purchasers who bought them “in good faith”, as set out in the 1995 Unidroit Convention.

With regard to return

9. The Assembly believes that one major objective should be to ensure that significant African cultural property remains in the countries of its origin and this requires adequate protection. Substantial action is therefore required in the African countries themselves

9.1. to enact and implement appropriate legislation for protection of the heritage;

9.2. to train police and customs officials;

9.3. to eradicate corruption;

9.4. to establish infrastructures for the protection of the cultural heritage (museums and trained personnel);

9.5. to promote local awareness of heritage and of cultural identity (at school and in the media);

9.6. also to promote awareness of the significance of contemporary African artistic creativity.

10. The Assembly welcomes the programmes now being conducted to this end by Unesco and the international non-governmental organisations as well as the bilateral programmes involving European and African states. It calls on member states to give their support to these programmes.

11. It also calls on member states of the Council of Europe:

11.1. to include methods of assisting with setting up, maintaining and renovating establishments to preserve, study and enhance representative objects from African civilisations in their co-operation agreements with countries from that continent;

11.2. to include measures to promote the training of scientific staff in studying, restoring and enhancing African cultures’ heritage in such agreements;

11.3. to invite, in particular, the European Union to include such measures in its agreements with African, Caribbean and Pacific states;

11.4. finally, to promote the conservation, restoration, study and promotion of legally acquired cultural objects from the African civilisations in their own universities, history of art institutions and museums, including through assistance from African scientific staff.

With regard to further cultural co-operation with Africa

12. Further to its Recommendation 1590 and Resolution 1313 (2003) on cultural co-operation between Europe and the south Mediterranean countries, the Assembly wishes to promote the organisation of occasional conferences with parliamentary representatives from the Sub-Saharanregion on cultural issues of common interest such as the protection of African cultural property.

13. It invites the Commonwealth Parliamentary Association and the Parliamentary Assembly of the Francophonie to collaborate in such initiatives as well as the North-South Centre of the Council of Europe.

14. The Assembly welcomes the regional initiatives within Africa for the development of awareness of cultural heritage (such as the School for African Heritage in Benin or the European Union support for the restructuring of museums in Kenya). It asks the Committee of Ministers to consider how the Council of Europe itself might support the development of such initiatives, for example by promoting a framework of cultural co-operation in Africa along the lines of that provided in Europe by the European Cultural Convention.

With regard to the global black market

15. The Assembly is alarmed at the growth in the global black market for cultural property and is concerned that countries throughout the world are being stripped of their cultural heritage for sale to dealers in Europe and the United States. It calls for concerted bilateral and international action against this illegal trade as against the illegal traffic in arms, persons and drugs