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0521841429 - International Law, Museums and the Return of Cultural Objects

Ana Filipa Vrdoljak

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International Law, Museums and the Return of Cultural Objects

While the question of the return of cultural objects is by no means a new one, it has become the subject of increasingly intense debate in recent years. This important book explores the removal and the return of cultural objects from occupied communities during the last two centuries and analyses the concurrent evolution of international cultural heritage law. The book focuses on the significant influence exerted by British, US and Australian governments and museums on international law and museum policy in response to restitution claims. It shows that these claims, far from heralding the long-feared dissolution of museums and their collections, provide museums with a vital new role in the process of self-determination and cultural identity. Compelling and thought-provoking throughout, this book is essential reading for archaeologists, international lawyers and all those involved in cultural resource management.

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for my parents

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PREFACE

Reports of claims for the restitution of cultural objects housed in museums worldwide have increasingly captured the popular imagination in the last two decades. However, the triggers for this book are not directly related to restitution requests. Consequently, this has led to the consideration of the removal and return of cultural objects as not merely physical acts viewed in isolation.

The first trigger took place in October 1991 with the filtering through of images and news reports of the deliberate shelling of the fortified city of Dubrovnik, one of the seminal moments of the early years of the Balkan conflict. This was an example of the indelible link between a people's identity and cultural objects that is made not only by the community itself but also by their would-be occupiers. The violence perpetuated against people because of their membership of a particular ethnic or religious group was also levelled at monuments, historic sites and cultural objects with similarly perceived affiliations.

The physical destruction of the members of the particular group was not sufficient for these belligerents; rather, they hoped to expunge the group's existence from the collective memory of future generations through the systematic removal of their cultural manifestations. The creation of 'eternal silences' in individual and collective memory through the removal or destruction of cultural heritage continues to be a powerful weapon in the occupation and subjugation of peoples.

The second trigger was my visit in late 1995 to the Royal Academy of Arts, London for the 'Africa: The Art of a Continent' show. The aim of the exhibition was to chronicle the arts of an entire continent which was emerging from 'a longing period of humiliation' following decolonisation and the dismantling of the apartheid system in South Africa.¹ The exhibition had been planned and executed at a time when the grand imperial narratives of the past were being challenged by intellectual discourses driven by peoples on the periphery. However, as I walked through the Royal Academy's darkened rooms I was left with a lingering sense of unease despite its laudable aims.

The labelling of the cultural objects on display provided little detailed information of their provenance. The historical voids surrounding the objects accentuated the denial of the colonial past, the present-day effects of former colonial relations and the possible future legacies of this past. In addition, a cursory glance at the exhibition

¹ T. Phillips, Introduction, in T. Phillips (ed.), *Africa: The Art of a Continent* (exh. cat., New York, 1995), p.11.

catalogue revealed that exhibits were the ‘property’ of numerous European, North American or private collections. Only a fraction of the objects were permanently in the possession of African museums. Even these objects were borrowed from institutions located in capital cities of newly independent States. Therefore, it is probable that only a negligible portion of the objects in the exhibition were accessible to the communities from which they originated.

I would not suggest that the exhibition sought to reaffirm the values of the Britain of old. What I do contend is that, even with our growing awareness of colonialism, its effects have not dissipated. Despite the initiatives of various international agencies, a significant portion of the cultural heritage of formerly colonised and indigenous peoples remains housed in foreign museums. These objects continue to be de-contextualised and form a vital part of narratives largely dictated by former colonial powers. And these communities continue to suffer ongoing cultural losses due to the legacies of colonisation and a new wave of globalisation.

The restitution of cultural objects to their community of ‘origin’ is neither a recent nor rare phenomenon. Since the early nineteenth century, the international community has sanctioned the return of cultural objects to formerly occupied communities following the disintegration of empires or cessation of occupation. Yet why did this not occur during decolonisation in the late twentieth century? In addressing this question, I take up the challenge laid down by Prott and O’Keefe in the penultimate chapter of their work, *Law and the Cultural Heritage*, vol. III: *Movement* (1989). The authors note that despite numerous examples of restitution in the post-conflict situations, very little work has been done to extrapolate these principles and apply them to the circumstances of new States following decolonisation.

In preparing this work, I was fortunate to enjoy the generosity of spirit and experience of the scholars and staff, and draw on the substantial resources of the Lauterpacht Research Centre for International Law, University of Cambridge, which I visited during 1999; the Global Law School, School of Law, New York University, which I visited during 2000; and the Law Department, European University Institute, where I was a Jean Monnet Fellow during 2004 and 2005.

The completion of this project was made possible with the support of Australian Academy of the Humanities, Cooke, Cooke, Coghlan, Godfrey and Littlejohn Fund, the Australian Postgraduate Scheme and the University of Sydney. The illustrations have been reproduced with the kind assistance of Adrienne Kaeppler, Australian Museum, Brooklyn Museum, Leon Morris, Museum of Modern Art, National Library of Australia, Rockefeller Archive Center, Smithsonian Institution, South Australian Museum, State Library of New South Wales, University of Pennsylvania Museum of Anthropology and Archaeology, and Victoria and Albert Museum.

In addition, my journeys both near and far have been reliant on the skills and stamina of numerous library and archives staff. In the United Kingdom, this included Cambridge University Libraries and Archives; the Institute of Advanced Legal Studies Library, University of London; the National Art Library, Victoria and Albert Museum; the Victoria and Albert Museum Archives; the British Library; the British

Museum Library and Archives; and the British Public Records Office. In France, this included the Unesco Archives and Library; the International Council of Museums Library and Archives; and Centre de documentation-bibliothèque, Paris. In Denmark, this included Nationalmuseet library; The Royal Library; and the International Work Group for Indigenous Affairs Resource Centre and Library. In Australia, this included staff of the University of Sydney libraries and archives; University of New South Wales libraries; the Australian Museum Library and Archives; the State Library of New South Wales; the Mitchell Library, Sydney; the South Australian Museum Library and Archives; the State Library of South Australia; the State Library of Victoria; Museum Victoria library and archives; the National Library of Australia; and the United Nations Information Centre, Sydney. In the United States, this included the New York University libraries and archives; the United Nations Archives; the Dag Hammarskjöld and Woodrow Wilson libraries, United Nations, New York; the Museum of Modern Art Library and Archives; the Archives of American Art, Smithsonian Institution; Rockefeller Archive Center; The Brooklyn Museum of Art Library and Archives; American Museum of Natural History Library; the Metropolitan Museum of Art library, New York; New York Public Library; Columbia University libraries; Harvard University Art Museums; and the Roerich Museum Archives.

I am extremely grateful to Jan Brazier, Phil Gordon, Des Griffin, Lynda Kelly, Jude Philp, Jim Specht and Peter White of the Australian Museum; Rosemary Stack of the Macleay Museum; Barry Craig, Phillip Clarke, Colin Pardoe and Aphrodite Vlavogelakis of the South Australian Museum; Lindy Allen, Melanie Raberts, Robert McWilliams and Gary Foley of Museum Victoria; Anthony Burton formerly of the Victoria and Albert Museum; Neil Brodie, MacDonald Institute for Archaeological Research, University of Cambridge; Anita Herle and Robin Boast of the Cambridge University Museum of Archaeology and Anthropology; Stephanie Makseyn-Kelley of the National Museum of the American Indian; Mary Downs of the US National Park Service; Patrick Boylan, City University, London; Torben Lundbaek of the National Museum of Denmark; and Roger O'Keefe, Faculty of Law, University of Cambridge who have been most generous with their time.

The progress, depth and completion of this book would not have been possible without the determination, patience and attention to detail of Ben Boer and Terry Carney of the Faculty of Law, University of Sydney; Patrick O'Keefe, Australian National University; Russel Barsh, Institute of Society and Law, New York University; Terence Smith, Department of History of Art and Architecture, University of Pittsburgh; and Mary Mackay, Department of Art History and Theory, University of Sydney. The guidance and advice of James Crawford, Faculty of Law, University of Cambridge throughout many years is deeply appreciated.

Special thanks to my sister, Katarina Vrdoljak, whose unstinting support has guaranteed the inclusion of images to accompany my words; Annie Parkinson, whose proofreading skills came when they were most needed; and my editor, Simon Whitmore, who patiently guided the book to completion.

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One of the most enduring pleasures of this work has been the hospitality and generosity of family and friends in various corners of the globe, especially the Burke, Kramar, Levak, Linaard-Hansen, Pahović, Rošičič, Stronge and Vrdoljak families, and Teresita Heffernan and her fellow Sisters. Above all, I wish to acknowledge the unfailing physical and emotional support of my parents and sisters, who sparked, fuelled and ensured the realisation of this long-held goal.

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ABBREVIATIONS

(?)	Original unclear
AAA	Archives of American Art
AAB	Aboriginal Arts Board (Aust.)
AAL	<i>Art Antiquity and Law</i>
AAM	American Association of Museums
AAMD	Association of Art Museum Directors
AHB	Alfred H. Barr Jr
AHR	<i>American Historical Review</i>
AICRJ	<i>American Indian Culture and Research Journal</i>
AILR	<i>American Indian Law Review</i>
AIQ	<i>American Indian Quarterly</i>
AJICL	<i>Arizona Journal of International and Comparative Law</i>
AJIL	<i>American Journal of International Law</i>
ALB	<i>Aboriginal Law Bulletin</i>
ALJR	<i>Australian Law Journal Reports</i>
ALR	<i>Australian Law Reports</i>
AMA	Australian Museum Archives
APSR	<i>American Political Science Review</i>
ARPA	Archaeological Resources Protection Act 1979
Arch. Rev.	<i>Architectural Review</i>
Ark. LR	<i>Arkansas Law Review</i>
ASILP	<i>Proceedings of the American Society of International Law</i>
ASLJ	<i>Arizona State Law Journal</i>
ATSIC	Aboriginal and Torres Strait Islander Commission (Aust.)
AUJILP	<i>American University Journal of International Law and Policy</i>
AULR	<i>American University Law Review</i>
AYIL	<i>Australian Yearbook of International Law</i>
BIA	Bureau of Indian Affairs (US)
BMA	Brooklyn Museum Archives
Brooklyn JIL	<i>Brooklyn Journal of International Law</i>
Buffalo LR	<i>Buffalo Law Review</i>
BULR	<i>Boston University Law Review</i>
BYIL	<i>British Yearbook of International Law</i>
CA	Court of Appeal (UK)
CAJ	<i>College Art Journal</i>

List of abbreviations

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Cal. LR	<i>California Law Review</i>
CAMA	Council of Australian Museums Association
CCOR	'Continuous Cultures Ongoing Responsibilities'
CCPIA	Convention on Cultural Property Implementation Act 1983
Ch	Chancery Division (UK)
CHR	UN Commission on Human Rights
CHRWG	Working group established in accordance with Commission on Human Rights Resolution 1995/32
CHRY	<i>Canadian Human Rights Yearbook</i>
CILJ	<i>Cornell International Law Journal</i>
CJLJ	<i>Canadian Journal of Law and Jurisprudence</i>
CJTL	<i>Columbia Journal of Transnational Law</i>
CLP	<i>Current Legal Problems</i>
CLR	<i>Commonwealth Law Reports</i>
COMA	Conference of Museum Anthropologists (Aust)
Cornell LR	<i>Cornell Law Review</i>
Crim. LR	<i>Criminal Law Review</i>
CVLAJLA	<i>Columbia-Vanderbilt LA Journal of Law and the Arts</i>
CWRJIL	<i>Case Western Reserve Journal of International Law</i>
CYIL	<i>Canadian Yearbook of International Law</i>
DCMS	Department of Culture, Media and Sport (UK)
DJILP	<i>Denver Journal of International Law and Politics</i>
ECOSOC	Economic and Social Council
EJIL	<i>European Journal of International Law</i>
EPLJ	<i>Environmental and Planning Law Journal</i>
EU	European Union
exh. cat.	exhibition catalogue
F 2d	<i>Federal Reports (Second series) (US)</i>
F Supp.	<i>Federal Supplement (US)</i>
FCA	Federal Court of Australia
FCR	Federal Court Reports (Aust.)
FILJ	<i>Fordham International Law Journal</i>
FLR	<i>Federal Law Reports</i>
FO	Foreign Office (UK)
GAOR	<i>General Assembly Official Record</i>
GATT	General Agreement on Tariffs and Trade
GLJ	<i>Georgetown Law Journal</i>
GWJILE	<i>George Washington Journal of International Law and Economics</i>
GYIL	<i>German Yearbook of International Law</i>
HCA	High Court of Australia
HELR	<i>Harvard Environmental Law Review</i>
HHRJ	<i>Harvard Human Rights Journal</i>
HILJ	<i>Harvard International Law Journal</i>
HL	House of Lords

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HREOC	Human Rights and Equal Opportunity Commission (Aust.)
HRJ	<i>Human Rights Journal</i>
HRQ	<i>Human Rights Quarterly</i>
IACB	Indian Arts and Crafts Board
IAIA	Institute of American Indian Arts
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICIC	International Committee for Intellectual Cooperation
ICJ Reports	<i>International Court of Justice Reports of Judgments, Advisory Opinions and Orders</i>
ICLQ	<i>International and Comparative Law Quarterly</i>
ICOM	International Council of Museums
ICTY	International Criminal Tribunal for the former Yugoslavia
IGC	Intergovernmental Committee
IIIC	International Institute of Intellectual Cooperation
IJCP	<i>International Journal of Cultural Property</i>
IJMMC	<i>International Journal of Museum Management and Curatorship</i>
ILA	International Law Association
ILC	International Law Commission
ILM	<i>International Legal Materials</i>
ILO	International Labour Organization
ILR	<i>International Law Reports</i>
IMT	International Military Tribunal, Nuremberg
IPR	<i>Intellectual Property Reports</i>
IRA	Indian Reorganization Act 1934
IRRC	<i>International Review of the Red Cross</i>
IYHR	<i>Israeli Yearbook on Human Rights</i>
IYIL	<i>Italian Yearbook of International Law</i>
JHC	<i>Journal of the History of Collections</i>
JILP	<i>Journal of International Law and Policy</i>
JRIBA	<i>Journal of Royal Institute of British Architects</i>
JYIL	<i>Jewish Yearbook of International Law</i>
LCP	<i>Law and Contemporary Problems</i>
LN	League of Nations
LNOJ	<i>League of Nations Official Journal</i>
LNTS	<i>League of Nations Treaty Series</i>
LPIB	<i>Law and Policy in International Business</i>
LQR	<i>Law Quarterly Review</i>
MGC	Museums and Galleries Commission (UK)
MGR	Military Government Regulation
Mich. LR	<i>Michigan Law Review</i>
MLR	<i>Modern Law Review</i>
MoMA	Museum of Modern Art, New York
MoPA	Museum of Primitive Art, New York

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MULR	<i>Melbourne University Law Review</i>
Museums J	<i>Museums Journal</i>
n.d.	not dated
n.p.	not paginated
NAGPRA	Native American Graves Protection and Repatriation Act 1990
NAL	National Art Library (UK)
NDLR	<i>Notre Dame Law Review</i>
NGO	Non-governmental organisation
NIEO	New International Economic Order
NJIL	<i>Nordic Journal of International Law</i>
NMA	National Museum of Australia
NMAI	National Museum of the American Indian
NMAIA	National Museum of the American Indian Act 1989
NMDC	National Museum Directors Conference (UK)
NPS	National Park Service (US)
NSPA	National Stolen Property Act
NYIL	<i>Netherlands Yearbook of International Law</i>
NYUJILP	<i>New York University Journal of International Law and Politics</i>
NYURLSC	<i>New York University Review of Law and Social Change</i>
OAJ	<i>Oxford Art Journal</i>
OAS	Organization of American States
OAS Res.	Organization of American States Resolution
OASTS	Organization of American States Treaty Series
OAU	Organization of African Unity
OCULR	<i>Oklahoma City University Law Review</i>
OHCHR	Office of High Commissioner for Human Rights (UN)
OIM	International Museum Office (<i>Office internationale des musées</i>)
OLR	<i>Oregon Law Review</i>
Parry's CTS	<i>Parry's Consolidated Treaty Series</i>
PAU	Pan-American Union
PCIJ	Permanent Court of International Justice
PCIJ ser.A/B	<i>Permanent Court of International Justice, Collection of Judgments, Orders and Advisory Opinions (1931–40)</i>
PMCHA	Protection of Movable Cultural Heritage Act 1986
PNG	Papua New Guinea
PPNO	'Previous Possessions, New Obligations'
PRO	Public Records Office (UK)
PYIL	<i>Polish Yearbook of International Law</i>
QB	Queen's Bench
RAC	Rockefeller Archives Center
RCADI	<i>Recueil des cours de l'académie de droit international (The Hague)</i>
RdH	René d'Harnoncourt
RDI	<i>Revue de droit international</i>
RDILC	<i>Revue de droit international et de législation comparée</i>

List of abbreviations

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RGDIP	<i>Revue générale de droit international public (Paris)</i>
RHD	<i>Revue d'histoire diplomatique</i>
RIAA	<i>UN Reports of International Arbitral Awards</i>
RICP	Return of Indigenous Cultural Property Program
SHR	<i>Scottish Historical Review</i>
SJILC	<i>Syracuse Journal of International Law and Commerce</i>
St Thomas LR	<i>St Thomas Law Review</i>
Stan. LR	<i>Stanford Law Review</i>
Syd. LR	<i>Sydney Law Review</i>
TGS	<i>Transactions of the Grotius Society</i>
TIAS	Trade and Other International Acts Series (US)
TLCP	<i>Transnational Law and Contemporary Problems</i>
UBCLR	<i>University of British Columbia Law Review</i>
UCDLR	<i>University of California Davis Law Review</i>
UCLJR	<i>University of Chicago Law Journal Roundtable</i>
UDHR	Universal Declaration of Human Rights
UILR	<i>University of Illinois Law Review</i>
UKTS	<i>United Kingdom Treaty Series</i>
ULR	<i>Uniform Law Review</i>
UMJLR	<i>University of Michigan Journal of Law and Reform</i>
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNGA Res.	United Nations General Assembly Resolution
UNIDROIT	International Institute for the Unification of Private Law
UNSC Res.	United Nations Security Council Resolution
UNSWLJ	<i>University of New South Wales Law Journal</i>
UNTS	United Nations Treaty Series
UNWCC	United Nations War Crimes Commission
USC	<i>United States Code</i>
USTS	<i>United States Treaty Series</i>
V&A	Victoria and Albert Museum, London
WAC	World Archaeological Congress
WGHR	Working Group on Human Remains (UK)
WGIP	Working Group on Indigenous Populations
WLR	<i>Weekly Law Reports</i>
YAAA	<i>Annuaire des anciens auditeurs de l'academie de la Haye</i>
YBILC	<i>Yearbook of the International Law Commission</i>
YBUN	<i>United Nations Yearbook</i>
YJIL	<i>Yale Journal of International Law</i>

NOTE ON THE TEXT

Some important conventions, treaties and other instruments are cited in the text in abbreviated form for the sake of clarity in the detailed analysis of issues. These shortened citations are listed below with their full titles and may be compared with the Table of Instruments. The list is divided into those instruments cited alphabetically and those cited chronologically.

Alphabetical

Agreement in respect of Control of Looted Works of Art 1946 Agreement between the United States, the United Kingdom and France in respect of the Control of Looted Articles

Atlantic Charter 1941 Declaration by the united nations, Washington, 1 January 1942, Annex 1: Declaration of principles known as the Atlantic Charter delivered by the United Kingdom Prime Minister and United States President

ATSIHP Act Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

Booty Decree Swiss Decree of 10 December 1945 concerning Actions for the Recovery of Goods taken in Occupied Territories during the War

Committee Statute Draft Statute of the Intergovernmental Committee concerning the Restitution or Return of Cultural Property to Their Country of Origin

Convention of San Salvador OAS Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations 1976

Draft Genocide Convention 1947 Draft Convention on the Crime of Genocide and Comments

Friendly Relations Declaration 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations

Genocide Convention 1948 Convention on the Prevention and Punishment of the Crime of Genocide

IGC Statutes Statutes of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

- ILO No.107 Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries 1957
- ILO No.169 Convention concerning Indigenous and Tribal Peoples in Independent Countries 1989
- Law No.52 Military Government for Germany, US Zone, Law No.52 Blocking and Control of Property, 1946
- Law No.59 Military Government for Germany, US Area of Control, Law No.59: Restitution of Identifiable Property, 1947
- Mataatua Declaration Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, Mataatua, 1993
- Optional Protocol of ICCPR Optional Protocol to the International Covenant on Civil and Political Rights, New York, 1966
- PACE Res 1205 (1999) Parliamentary Assembly of the Council of Europe (PACE) Resolution 1205 (1999) Looted Jewish cultural property
- PAU Treaty 1935 Treaty on the Protection of Movable Property of Historic Value Public Law 92-587 of 1974 Title II – Regulation of Importation of Pre-Columbian Monumental and Architectural Sculptures or Murals
- Resolution 1205 Parliamentary Assembly of the Council of Europe (PACE) Resolution 1205 (1999) Looted Jewish cultural property
- Roerich Pact 1933 (see 1935 Washington Treaty)
- San José Declaration San José Declaration: UNESCO and the Struggle against Ethnocide, 1981
- Treaty of Cooperation between United States and Mexico Treaty of Cooperation providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties, Mexico City, 1970
- UN Charter Charter of the United Nations, San Francisco, 1945
- UNESCO Intergovernmental Committee Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation
- UNIDROIT Convention UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, Rome, 1995
- UNGA Res.96(I) UNGA Resolution on the Crime of Genocide, UNGA Res.96(I), 1946
- UNGA Res.1514(XV) Declaration on the Granting of Independence to Colonial Countries and Peoples
- UNGA Res.3201(S-VI) Declaration on the Establishment of a New International Economic Order 1974
- UNGA Res.3281 (XXIX) Charter of Economic Rights and Duties of States, 1974

Yugoslav Succession Agreement Agreement on Succession Issues of the Former Socialist Federal Republic of Yugoslavia, 2001

Chronological

1815 Congress of Vienna General Act of the Congress of Vienna, Paris

1863 Lieber Code Instructions for the Government of Armies of the United States of America in the Field, General Order No.100

1874 Brussels Declaration International Declaration concerning the Laws and Customs of War, Brussels

1878 Berlin Congress Final Act of the Congress of Berlin for Settlement of Affairs in the East

1885 Berlin Conference General Act of the Berlin Conference respecting the Congo

1887 Dawes Act General Allotment Act

1899 Hague II First Hague Peace Conference in 1899, Convention (II) with Respect to the Laws and Customs of War on Land

1907 Hague IV Convention (IV) Respecting the Laws and Customs of War on Land Second Hague Peace Conference in 1907

1919 Treaty of St-Germain Treaty of Peace between the Allied and Associated Powers and Austria, St Germain-en-Laye

1919 Treaty of Versailles Treaty of Peace between the Allied and Associated Powers and Germany

1920 Treaty of Sèvres Treaty of Peace with Turkey

1920 Treaty of Trianon Treaty of Peace between the Allied and Associated Powers and Hungary

1932 Resolution Resolution concerning the Protection of Historical Monuments and Works of Art of the Sixth Committee of the League Assembly

1933 OIM draft Draft International Convention on the Repatriation of Objects of Artistic, Historical or Scientific Interest which have been Lost or Stolen or Unlawfully Alienated or Exported

1935 PAU Treaty Treaty on the Protection of Movable Property of Historic Value, Washington

1935 Washington Treaty Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments

1936 OIM draft Draft International Convention for the Protection of National Historic or Artistic Treasures

1937 Cairo Conference Final Act Final Act of the International Conference on Excavations

1938 OIM draft International Convention for the Protection of Historic Buildings and Works of Art in Time of War

1939 draft Declaration Draft Declaration concerning the Protection of Historic Buildings and Works of Art in Time of War (1939)

1939 OIM draft Draft International Convention for the Protection of National Collections of Art and History

1943 Declaration of London Declaration of the Allied Nations Against Acts of Dispossession Committed in Territories Under Enemy Occupation or Control

1945 Daes Principles and Guidelines Principles and Guidelines for the Protection of the Heritage of Indigenous People

1946 Paris Resolution Resolution on the Subject of Restitution attached to the Final Act and Annex of the Conference on Reparations

1946 Definition Allied Control Council for Germany

1946 Genocide Resolution UNGA Resolution on the Crime of Genocide, UNGA Res.96(I)

1948 Genocide Convention Convention on the Prevention and Punishment of the Crime of Genocide

1954 Hague Convention Convention for the Protection of Cultural Property in the Event of Armed Conflict

1954 Hague Protocol Protocol for the Protection of Cultural Property in the Event of Armed Conflict

1956 UNESCO Recommendation Recommendation on International Principles applicable to Archaeological Excavations

1964 UNESCO Recommendation UNESCO Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property

1970 Friendly Relations Declaration Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations

1970 Treaty of Cooperation between the United States and Mexico Treaty of Cooperation providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties

1970 UNESCO Convention UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Export and Transfer of Ownership of Cultural Property

1972 World Heritage Convention Convention concerning the Protection of the World Cultural and Natural Heritage

1976 Convention of San Salvador Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations

1976 UNESCO Recommendation UNESCO Recommendation Concerning the International Exchange of Cultural Property

1978 Adelaide Conference ‘Preserving Indigenous Cultures: A New Role for Museums’ Adelaide Seminar recommendations

1983 Vienna Convention Vienna Convention on Succession of States in respect of State Property, Archives and Debts

1993 CAMA policy Council of Australian Museums Association (CAMA) national policy (Previous Possessions, New Obligations)

1993 Draft UN Declaration Draft UN Declaration on the Rights of Indigenous Peoples

1995 UNIDROIT Convention UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

1999 Second Hague Protocol Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

2001 UNESCO Cultural Diversity Declaration UNESCO Universal Declaration on Cultural Diversity

2002 Draft UNESCO Principles UNESCO Draft Principles relating to Cultural Objects Displaced in relation to the Second World War

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Figure I.1 H. H. Bailey, Truganini, a Tasmanian woman wearing a mariner shell necklace, Hobart, 1867.