The illicit Buddha statue – a return case with a "twist"?

Sunneva Sætevik

UNESCO 1970 Convention, Subsidiary Committee meeting, Paris, 17 May 2017
Buddha-statue – brief presentation

Age: from 1800 to mid-1800s/Konbaung Dynasty

Measures:
Height: 73 cm,
Width: 55 cm,
Depth 28 (30) cm (lump at the rear bottom pointing out 2 cm)

Weight: 93 kilos

Material: alabaster/white marble

Origin: Mandalay region, Myanmar
Case chronology

- Attempt of illegal importation from Thailand in March 2011
- Reported to the police by Norwegian customs (June 2012)
- Decision not to prosecute (September 2012).
- Customs launched a complaint (September 2012).
- Statue confiscated by legal decision in July 2015
- In a customs' storage facility until legal circumstances clarified
- Since 2016, the sculpture has been on display at the Museum of Cultural History in Oslo. The purpose is to raise awareness among the public and to inform the museum visitors of the risk of illicit exportation and importation of cultural objects.
How we proceeded...

Some steps:

- Contact to Thai authorities via the Thai Embassy in Oslo (2011)
- First expert assessment with regard to the statue's origin (2012)
- Contact to the UNESCO Secretariat for guided assistance (2016)
- Second expert opinions (2016)
- Information to potentially interested parties via the UNESCO Secretariat (2016)
- Meeting with Myanmar's UNESCO delegation at the UNESCO Secretariat (January 2017)
Pending issues/Next steps:

- To be handed over by Norwegian Foreign Minister to Myanmar's Ministry of Religious Affairs and Culture (MORAC) in June/July 2017.

- A Memorandum of Understanding (MoU) to be signed by the Foreign Minister and a representative from the Myanmar government.

- The restitution should be an opportunity to enhance cultural cooperation between museums and institutions in Norway and museums and institutions in Myanmar, for instance for scientific and educational purposes, exhibitions, etc.

- The place of formal handover yet to be decided

- Final venue of the statue yet to be determined.
What is return? What is not?

- No claim? No rightful owner? Uncertain provenance?
  - How much resources should be spent on investigation and research?

- An ethical or moral issue?

- Recommended practice with regard to non-returnable objects?

- Is this a "rightful" return?
"The full history and ownership of an item from the time of its discovery or creation to the present day, from which authenticity and ownership is determined". (ICOM Code of Ethics for Museums, 2006)

Some reasons:

- No claim from a rightful owner or interested party
- Rightful owner impossible to trace
- Scientific expertise cannot determine the country/region of origin
- Independent scientific assessment not in concurrence/are incompatible/not concurrent
- Lack of scientific resources to pursue provenance research at home
- Lack of administrative resources to pursue provenance research abroad
- Problems of "closed doors" in some museums to do provenance assessments on commission
How to handle non-standard cases?

Proposal: Develop guidelines for good practices and recommended actions based on the experience of State Parties.

- A task for the UNESCO 1970 Return Committee?
- For the UNIDROIT-Secretariat?
Thank you for your attention!