



Keynote Address of Mr. Thomas R. Kline

The Importance of Documentation in Recovering Looted or Stolen Cultural Property through Legal Proceedings

Experience, it is said, is a cruel teacher, it gives you the examination first and then the lesson. Throughout history, we have learned the painful lesson that cultural property is difficult to protect from armed conflict, from natural disaster, from greed, from hatred. When objects fall victim to organized looting or simple theft, recovery is problematic and successful recoveries are rare. Without documentation, recovery is almost impossible, especially after an object leaves the local area where it had resided.

Hence, the search for justice in cases of looting or theft of art or cultural objects begins and ends with the quality of the documentation. Again, throughout history, the efforts to document objects before they disappear have been less energetic, less systematic and less thorough than the accomplishments of the looters and thieves. When documents and photographs of the objects are available, such as in the case of the famous mosaics from the church of the Panagia Kanakariá in Lithrangi here in Cyprus, recovery becomes possible, although even with excellent documentation, a protracted judicial process may still be required.

Since 1989, I have been working on cases involving restitution of displaced art and cultural objects, representing the Autocephalous Greek-Orthodox Church of Cyprus, the Republic of Cyprus, other governments, churches, museums, families and estates. I plan to discuss a variety of these cases that I have handled as well as other disputes to dramatize the significance of documentation to the recovery of looted and stolen objects.

As a general rule, the better the quality of the documentation, the easier the recovery. Although this principle would seem self-evident, it has several less obvious corollaries: the more vivid the proof of prior ownership or quiet possession – particularly clear and distinct images – the easier it will be to find an object, to convince the holder that the piece was illegally taken, to persuade authorities anywhere in the world to cooperate in the recovery of the object and, ultimately, to recover the object.

I applaud efforts that create digital libraries and ease open access to cultural heritage information, that preserve existing documentation on the basis of internationally recognized standards and that create images and data bases of missing cultural objects and of those that may be the subject of dislocation in the future. For this reason, I am very pleased and honored to participate in the 2012 EuroMed conference and to learn more about the developing technologies and capabilities for documenting art and cultural objects. Most important in this area, is the organization of worldwide efforts to ensure that these new innovative technologies are put to use and do not become yet another failed promise.