

Does Greece want its marbles back?

The word “strategy” is derived from the Greek word στρατηγία. In politics, a good strategy means adopting a masterful plan that embraces an array of coherent political, diplomatic and legal tactics - with a mix of sophistication and cunning - designed to achieve a desired outcome.

In the case of the campaign for the return of the Parthenon Sculptures removed more than 200 years ago by Lord Elgin and currently on display in the British Museum in London, recent statements by the Greek Culture Minister, Aristidis Baltas, confirm that Greece sadly does not possess any logical or nuanced strategy for their reunification.

On 8 December 2015 Baltas addressed the Greek Parliament’s Standing Committee on Cultural Affairs which was debating the proposed adoption into Greek law of the provisions of European Union Directive 2014/60 for the return of cultural treasures unlawfully removed from the territory of a member State. Members of the Committee expressed support for this law (which only applies to important cultural artefacts taken after 1993) although many actually instanced the case of the Parthenon Sculptures as the most celebrated case of national cultural treasures that have been illegally displaced from their country of origin.

The Culture Minister was asked about the state of affairs in relation to the campaign for return of the Ελγίνεια

(although they are now known as the Parthenon Sculptures).

Baltas simply responded that the trend is not to proceed with litigation because Greece risks losing in the courts and “if we lose things will get tough”. Instead, referring to the sad destruction of Syria’s cultural heritage and memory by ISIS, the Minister drew an analogy with the “rape” of the Parthenon and believed that changes in public opinion would put pressure on the British to back down. According to Baltas, “it helps that people come and visit the Acropolis Museum, the Acropolis itself, because it shows how we are worthy to welcome the ancient and debunks the arguments by the British (as to the Greeks’ supposed inability to look after the sculptures).”

Baltas concluded that Greece now has a lot more friends and that she is on a “good road”.

I am sorry to say but the Minister’s comments are no more than an exercise in self-delusion and denial and betray a fundamental lack of any reasoned or thought-out strategy on the part of the Greek Government.

It is almost a universal truth that the sculptures should be returned. Melina Mercouri first lit the torch for the marbles in the early 1980s and surprised the British with her dramatic flourishes and confrontationist views. Following her visit in 1983 the Greek Government made a formal request for the return of the marbles. British Foreign Office records that have recently been

released show that the British were concerned at a Greek strategy that set out to win the hearts and minds of the British people before an approach was made to the British Parliament or UK Government. The best defence was to argue that Elgin had rescued the marbles and that they now formed an integral part of British national heritage.

Even the former Keeper of Greek and Roman Antiquities in the British Museum warned back in 1991 that the next phase of the campaign for repatriation was likely to begin any time after the actual start of construction of the new Acropolis Museum and the debate would become fiercer than before.



Unfortunately, successive Greek Governments since 2009 when the museum was finally unveiled have been content to rest on their laurels, assuming that the British establishment would cave in to public pressure and return the sculptures. But the British Museum had a different idea. Since 2002 it has steadily reinvented and re-badged itself as a universal museum, a museum of the enlightenment and the collective memory of mankind. A visitor to Bloomsbury today is greeted by a sign proclaiming the British Museum to be the museum of and for the world.

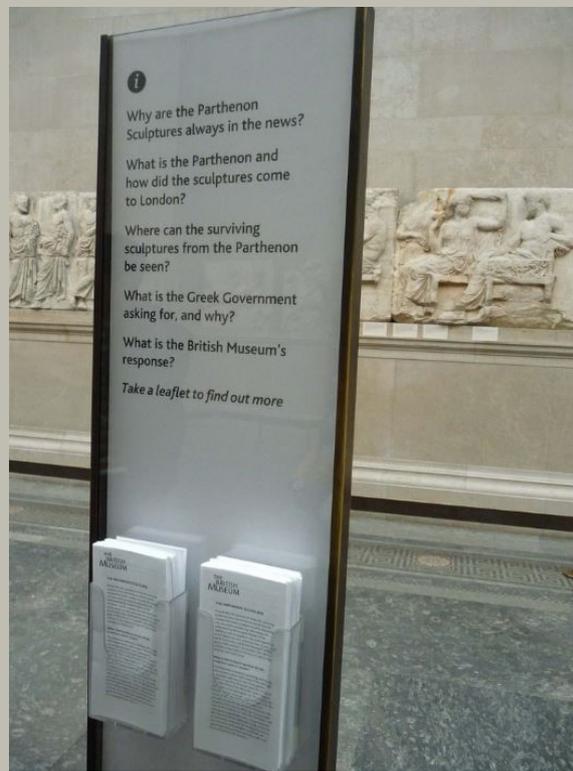
Inside the Duveen Gallery the visitor can read about how Elgin 'saved' the marbles and how they now tell a different story in London, disconnected both geographically and spiritually from the Parthenon in Athens. The visitor can also pick up an information leaflet putting the British case for retention.

These leaflets have been available at the British Museum for at least the last decade but apparently it's something that has come as a surprise to Baltas. The Minister informed the Greek Parliament that he recently learned from a friend that the British Museum was handing out literature stating that the marbles should remain in the British Museum, thereby confirming in his own mind that the British Museum has gone on the defensive in the face of mounting public pressure.

When was the last time a Greek culture minister visited the British Museum or indeed engaged the British government on the subject of the marbles? Try 2002 when then Culture Minister Venizelos went to London. Has the Greek Government ever attempted to engage the British Museum about its universal museum myopia? I daresay, no.

The issue of the Parthenon Sculptures has also been on the agenda of UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin for more than 30 years and yet no tangible progress has ever been achieved in that time. In early 2015 the British Government belatedly refused a request made by Greece through UNESCO some 18 months earlier for the mediation of the dispute. Greece's official response was that it would try to go through UNESCO again.

With diplomatic initiatives effectively stalled or simply non-existent, the former Samaras government engaged the UK team of lawyers led by Geoffrey Robertson QC (and including Norman Palmer and Amal Clooney) to advise on Greece's various legal options, including rights and remedies that may be available under customary international law if a case was brought in the International Court of Justice or the European Court of Human Rights. Of course there are no guarantees in litigation but the actual or threatened commencement of proceedings can bring parties to the table to have meaningful and structured negotiations and the prospects of success were



reasonable in any event.

When Amal Clooney famously arrived in Athens in October 2014, suddenly everyone was talking about the Parthenon and its sculptures and the publicity generated a great amount of

goodwill towards Greece and the whole issue of return. The Trustees of the British Museum were so rattled that they hastily arranged a 'loan' of the pedimental sculpture of Ilissos the River God to the Hermitage Museum in Russia to remind the Greeks who 'owned' the sculptures.

A comprehensive legal advice was finally delivered to the new Tsipras government in mid-2015, but not before the former Minister of Culture Nikos Xydakis publicly appeared to rule out legal action and then issued a statement of clarification saying that everything was still on the table. Sadly, any doubts about the Greeks' resolve have now been confirmed by Baltas' recent comments. The rejection of the legal route because of the fear of losing is a cheap way out and is more suggestive of an ideological mindset that simply opposes anything initiated by the previous conservative government regardless of merit.

As far as the Parthenon Sculptures are concerned, Greece is on a road to nowhere whilst the Culture Ministry revolving door of ministers labour under the grand delusion that somehow a strategy relying on public opinion and cultural diplomacy will sway the British.

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POSTSCRIPT

On 9 December 2015 at the resumed hearing of the Parliamentary Cultural Affairs Committee the Minister for Culture, Aristidis Baltas, appeared to backtrack from his seemingly dogmatic renunciation of legal action in the case of the Parthenon Sculptures made in the chamber the day before.

The Minister was rightly taken to task by the MP from the Potami Party, Grigorios Psarianos. Psarianos described it as a colossal “diplomatic gaffe” and that it was inappropriate for a person with ministerial authority to make such a statement. In fact, he likened the situation to the Greek Minister for Foreign Affairs coming out and saying that Greece would not take part in negotiations regarding the resolution of the Cyprus issue for fear that they may lose the argument.

Baltas attempted to clarify his comments from the previous day by denying that he had ruled out litigation and simply reasserted that any type of legal process carries inherent risks. He went on to say that the Government may yet have to go to court to obtain legal redress but the issue must first be thoroughly examined so that it has the support of the international community. Baltas went on to suggest, without elaborating further, that any application to a court should be made by the international community as a whole without elaborating.

So is this a case of yet another backflip by a Culture Minister? It will be recalled that in March 2015 Baltas’ predecessor, Nikos Xydakis, made similar statements purporting to rule out litigation only to retract them within days.

Watching the Minister give his statement of ‘clarification’ in the Parliamentary chamber left me with the impression that he was merely attempting to deflect the criticism which he had attracted by playing down his ill-chosen comments.

Because in the Times of London online edition published on 9 December 2015 - under the heading “Greece drops Amal Clooney from Elgin Marbles case” - the Minister is quoted as saying that the decision to bypass legal proceedings (at least at this stage) is “all about taking a more pragmatic approach towards finding a solution through diplomatic and political channels”. He added:

“It’s also not fair that Greece alone take on Britain. At a time when the world is expressing horror over the Islamic State’s destruction of antiquities, all civilized states should come together and condemn the cultural genocide that took place at the expense of the Parthenon. That’s the spirit we have to mobilise, not legal action. Not now, at least.”

It is understood that the recommendation of the lawyers was for Greece to institute proceedings in the International Court of Justice in the Hague but according to Baltas the decision not to take that course followed a “thorough review of the report”. The Minister added: “No one has the right to risk the chance of losing that case”.

A week later Baltas again claimed that he had never ruled out legal action but asked, somewhat rhetorically, which Greek politician would want to run a risk (even if slight) of losing the sculptures in a court case.

I am afraid that Mr Baltas is being poorly advised. What is the actual legal advice provided to the Greek Government? The lawyers have previously urged the government to publish their advice and to use it as the basis for making a formal legal claim to the British Government and the British Museum. So if there are risks, what are they?

At the same time, the Minister should elaborate on what diplomatic and political tools the Government proposes to use – apart from indulging in the usual rhetoric - to persuade the British to let go of the sculptures.

A good start would be to develop and stick to a consistent and coherent narrative regarding Greece’s desire to repatriate the Parthenon Sculptures without having to make repeated clarifications or retractions which simply diminish the message you are trying to convey to the British and the rest of the world.

And yes, there are risks with any legal action of a potentially adverse outcome. But doing nothing is even worse.

