

National Visual Arts Gallery Malaysia

No. 2, Jalan Temerloh,
Off Jalan Tun Razak,
53200 Kuala Lumpur

To:

Lee Kian Seng

c/o Messrs V Chong W Lam
Suite 14-3A, Level 14,
Wisma UOA II, 21, Jalan Pinang,
50450 Kuala Lumpur

LETTER OF UNDERTAKING

In consideration of your forbearance to commence legal proceedings against us for publishing the false statements and the inaccuracies in the descriptions and/or depiction as stated in **Section 1 of Schedule 1** ("False Statement and Inaccuracies") of the "Mankind (1972)" and the "Of 'Image, Object, Illusion' – Off Series Mechanism (1977)" ("Works") in the books set out in **Section 2 of Schedule 1**, we hereby UNDERTAKE AND AGREE as follows:

1. We acknowledge that you are the author of the Works. ✓
2. We confirm that you have demanded us to rectify the False Statements and Inaccuracies on 13.10.2003, 19.02.2004, 26.03.2007, and 31.12.2008.
3. We confirm that we have promised you to rectify the False Statements and Inaccuracies via a letter dated 12.01.2009.
4. We agree that:

(a) In respect of the work of "Of 'Image, Object, Illusion' – Off Series Mechanism" published in the "Vision and Idea-Relooking Modern Malaysian Art (1994)":

- (i) The title should be "Of 'Image, Object, Illusion' – Off Series Mechanism";
- (ii) "The black-carpeted wooden steps" unit was never part of creator's installation, instead the original installation contained a white podium; and
- (iii) The correct description of the work is:

"Of 'Image, Object, Illusion' - Off Series Mechanism" (1977) by Lee Kian Seng is an installation of mixed media comprising a painting on canvas,

one genuine flag, one white podium (measuring 12"x20"x24" made of 6 mm plywood), one piece of 16' x 8' plywood (6mm in thickness painted white) on the floor extended from the wall to the podium, lights set to cast shadows of the flag on the floor and in the space.

- (iv) We shall restore
 - (a) the image of the cockroach on the painting according to the original work;
 - (b) a white podium of 12"x20"x24" according to the original composition of the said work , and
 - (c) a painted white plywood 8'x16'x6mm thickness on the floor according to the original composition of the said work;

(b) In respect of the work of "Mankind" published in the Masterpieces from the National Art Gallery of Malaysia (2002)":

- (i) The work was created in 1972;
- (ii) The chronology of the event should be that "Mankind" was first exhibited at the National Art Gallery (as it was known then) ("Gallery") in 1973 whereas the "Of 'Image, Object, Illusion' – Off Series Mechanism" was exhibited at the Gallery in 1977;
- (iii) "the audience step on to" and "the viewer had to climb up the steps and salute the image of the painted images of the Malaysian flag" were not the creator's intention. The painted canvas, flag and podium installation is the result of intuitive creation;
- (v) The description of *Education* is inaccurate. It should be "Virtually self-trained. Conducted research at the Tokyo National University of Art and Music and Tokyo Print-making Research Studio (1976-1977);
- (vi) The correct description of the work is:

"Mankind"(1972) by Lee Kian Seng is an installation of mixed media (160 x 220 x 140cm) comprising the juxtaposition of two abstracted metal chair-like structures (symbolising male and female -*Yin-Yang created Mankind on Earth*), which are chained and locked together atop an area of grassy earth (cow-grass).
- (vii) We shall restore the cow grass according to the original composition of the work, as it is incorrect to install artificial grass as depicted in the photo at page 187; and

(c) In respect of the work of "Of 'Image, Object, Illusion' – Off Series Mechanism" published in the "Timelines (2008)"

- (i) "The black wooden steps" unit was never part of the creator's installation, instead the original installation contained a 12"x20"x24" white podium;
- (ii) We shall install the actual flag correctly;
- (iii) We shall restore the white plywood of 8'x16'x6 mm thickness on the floor according to the composition of the original work :and
- (iv) We shall restore the 12"x20"x24" white podium according to the composition of the original work; and

(d) In respect of the work of "Of 'Image, Object, Illusion' – Off Series Mechanism" published in the "45@45" (2007)


- (i) We shall delete the 3 paragraphs as quoted in the below Schedule 1, section 1, from pages 92 and 95 because they were not part of the original essay by Dato' P.G. Lim;
- (ii) We shall restore the 12"x20"x24" white podium according to the original composition of the work;
- (iii) We shall restore the painted white plywood of 16'x8'x6 mm according to the original composition of the work; and
- (iv) We shall correct the description of the work under the title at page 92.

5. As a result of the publication of the False Statements and Inaccuracies, we shall undertake to rectify the False Statements and Inaccuracies in the manner as follows:

- (a) In the event we republish the "Vision and Idea-Relooking Modern Malaysian Art (1994)", "Masterpieces from the National Art Gallery of Malaysia (2002)", 45@45(2007) and "Timelines (2008)" ("Books"), we shall ensure there will be no inaccuracy in the descriptions and any depiction of the Works;
- (b) That we publish an "Errata" to rectify the inaccuracies in the Works and the "Errata" be inserted in the Books in our library and bookstores including our official website; and
- (c) That we publish the correct version of the Works in our next magazine or book;

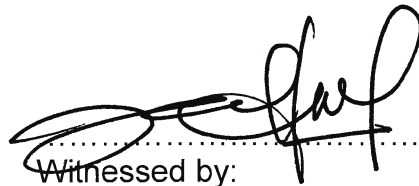
- (d) That all such rectifications be proofread by you, Mr. Lee Kian Seng or your agent before publication;
- (e) That we cease selling or displaying in our premises, in public and all book stores the 4 books mentioned above from the date hereof, till the date paragraph 5 (b) is complied with; and
- (f) That we shall use the original picture or drawing for our publication or documentation for installation art pieces to avoid misinterpretation.
6. We agree that if we breach any of the terms of this Undertaking you shall be entitled to commence civil proceedings for all our past unlawful acts and breach or breaches of this Undertaking and we expressly agree for this purpose, not to raise as a defence in any such proceedings commenced, any limitation period, waiver, delay or laches and shall not challenge the validity of this Undertaking. We further acknowledge and accept that in any legal proceedings commenced, we shall be liable to indemnify you for all legal costs and expenses incurred by you in the enforcement of this Undertaking on a full indemnity basis.
7. We agree that we are bound by the obligations and undertakings under this Undertaking.

Dated the **11** day of **Mac**, 2015.



Signed by:
For and on behalf of
National Visual Arts Gallery Malaysia

HANED BIN MASJAK
Ketua Pengarah
Lembaga Pembangunan Seni Visual Negara



Witnessed by:
Name:
NRIC No: **690125-10-5078**

ROHANA MOHD YUSOF
Director
Division of Research & Exhibition
National Visual Arts Development Board

SCHEDULE 1

Section	Description	Particulars
Section 1	False Statements and Inaccuracies	<p>(1) <u>In respect of the work of “Of Image, Object, Illusion – Off Series Mechanism” published in the “Vision and Idea-Relooking Modern Malaysian Art (1994)”:</u></p> <ul style="list-style-type: none"> (i) The title is incorrect; (ii) “The black-carpeted wooden steps” unit was part of installation; (iii) The image of the cockroach on the painting is missing; (iv) The 12”x20”x24” white podium is missing; and (v) The 8’x16’x6 mm thickness painted white plywood on the floor is missing. <p>(2) <u>In respect of the work of “Mankind” published in the Masterpieces from the National Art Gallery of Malaysia (2002)”:</u></p> <ul style="list-style-type: none"> (i) The work was created in 1992; (ii) The chronology of the event is inaccurate, i.e. the “Of Image, Object, Illusion – Off Series Mechanism” was exhibited at the National Art Gallery before “Mankind”; (iii) “the audience step on to” and “the viewer had to climb up the steps and salute the image of the painted images of the Malaysian flag”; (v) At page 187, “artificial grass” is part of the installation; (vi) Education Bio is inaccurate; and (vii) The description of the work is inaccurate.

(3) In respect of the work of "Of 'Image, Object, Illusion' – Off Series Mechanism" published in the "Timelines (2008)"

- (i) "The black wooden steps" unit was part of the installation;
- (ii) The actual flag was incorrectly installed; and
- (iii) The white plywood (8'x16'x6 mm) on the floor is missing; and
- (iv) The white podium (12" x 20" x 24") is missing.

(4) In respect of the work of "Of Image, Object, Illusion – Off Series Mechanism" at pages 92, 93, 94, and 95 in the book "45@45"

- (i) The white podium depicted at page 93 and 94 is inaccurate in its dimensions.
- (ii) The plywood on floor depicted at page 93 and 94 is inaccurate in its dimensions.
- (iii) The description of the work below the title on page 92 is inaccurate.
- (iv) In the essay at page 92 and 95, the following 3 paragraphs were wrongly inserted.
 - a. "The creative and theoretical processes are at work in the construction of this installation, where composition and painting technique are combined to challenge our perceptions and powers of comprehension. This installation also reminds us of our beginnings as a nation posing questions as to our future progress as a nation."
 - b. "Installation artworks require space for display, and except for public institutions and museum, seldom find a place in private galleries or in private homes. For an artist to have kept up to a sustained effort in developing an art form that does not find ready buyers must meant commitment and dedication of a high order to the exclusion of everything else. Thirty years on such works proliferate with material diverse and complex, and sometimes presented in ways which are inelegant and ugly. One is reminded of some of the works exhibited in the Royal Academy's hyped up show in 2000 entitled Apocalypse Beauty and horror in Contemporary Art."

		c. "And that in a nutshell is what his work was all about"
Section 2	Books	<ol style="list-style-type: none">(1) "Vision and Idea-Relooking Modern Malaysian Art (1994)" at page 162;(2) "Masterpieces from the National Art Gallery of Malaysia (2002)" at pages 186, and 187;(3) "Timelines (2008)" at page 232; and(4) 45@45" (2007) at pages 92, 93, 94, and 95.