

Forum: Special Conference on Culture and Heritage (SPC)

Issue: The question of the return and restitution of cultural artefacts to their countries of origin

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Introduction

Cultural artefacts represent the history, identity, and heritage of societies around the world. However, many artefacts are currently held outside their countries or communities of origin after being removed through colonialism, military conflict, looting, illegal excavation, or unequal transactions. This has created growing international demands for their return and restitution. "Return" broadly refers to transferring an artefact back to its country, community, or institution of origin. "Restitution" focuses on restoring artefacts that were wrongfully taken or acquired and addressing the injustice associated with their removal.

The issue has become particularly controversial when museums and private institutions in possession of these artefacts argue that they can better preserve and provide international access to them, while countries or foreign countries argue that retaining them denies communities control over their own cultural heritage. As demands for restitution continue to increase, the international community faces the challenge of balancing historical justice, cultural ownership, international law, and preservation and accessibility of cultural heritage.

Definition of Key Terms

Restitution

The physical return of stolen or illegally taken cultural objects to their rightful owners.

Repatriation

The process of returning cultural heritage or human remains to their country or community of origin.

Provenance

The documented history of an artefact's ownership, location, and chain of custody over time.

Colonial Looting

The historical removal of cultural treasures from colonised territories, often without consent or under duress.

Universal Museum

An institution holding global collections, arguing that artefacts belong to shared human history rather than one nation.

Cultural Patrimony

Objects having ongoing historical, traditional, or cultural importance central to a group or nation's identity.

Background Information

Historical Context

From the early 18th to the 20th century, the movement of cultural artefacts largely stemmed from imperial expansion and systemic looting. Military actions were frequently used to seize state treasures, such as the British sack of Maqdala in 1868 and the destruction of the Kingdom of Benin in 1897. During the Second Opium War in 1860, Anglo-French forces pillaged the Old Summer Palace in Beijing, dispersing thousands of Qing dynasty treasures into European collections. In the 19th century, Western archaeologists, diplomats, and collectors removed entire structures, including the Pergamon Altar and the Parthenon Marbles, under questionable permits issued by ruling imperial powers rather than local populations.

In 19th-century Europe, state institutions like the British Museum justified this by claiming that housing global artefacts in a single location promotes encyclopedic learning and preserves human heritage. However, these collections showcased global history through an imperial lens, framing Western institutions as the owners of the history of human civilization. Private auction houses, art markets, and colonial administrators simultaneously built a vast international trade in sacred objects, indigenous ancestral remains, and ceremonial regalia.

During the Second World War, systematic art confiscation by the Nazi regime sparked international momentum for restitution, leading to the 1943 London Declaration and the 1998 Washington Principles. As nations gained independence in the post-war era, newly sovereign governments requested the return of national symbols to rebuild post-colonial identities. The ongoing displacement of art led to the 1970 UNESCO Convention to curb illegal trafficking, though it did not apply retroactively to colonial-era takings.

Recent developments show a transition toward negotiated returns, long-term loans, and legal updates that allow national museums to deaccession items. Notably, the 2018 Sarr-Savoy Report estimated that 90% of sub-Saharan Africa's cultural heritage resides outside the continent, recommending the permanent restitution of items taken without consent.

Legal Frameworks

- 1954 Hague Convention: Established international protections for cultural property during armed conflict following WWII destruction.
- 1970 UNESCO Convention: Prohibits the illicit import, export, and transfer of ownership of cultural property, creating the modern benchmark for legal provenance (though non-retroactive before 1970).
- 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP): Affirms the rights of Indigenous groups to repatriate human remains and restore ceremonial objects.

Major Cases

- Parthenon Marbles (Elgin Marbles): Classical Greek sculptures removed by Lord Elgin in the early 1800s and housed in the British Museum. Greece has requested their return to Athens since the 1980s.
- Benin Bronzes: Thousands of brass and ivory plaques looted by British forces from the Kingdom of Benin (modern Nigeria) in 1897. European institutions (notably in Germany and the UK) have begun transferring ownership back to Nigeria.
- Rosetta Stone: Discovered in Egypt by French troops in 1799 and taken by Britain in 1801; Egypt frequently calls for its return to Cairo.

Organisations and Major Countries Involved

United Kingdom

The United Kingdom is central to restitution debates due to major collections of foreign artefacts, which were captured and stolen during colonial times, held in institutions such as the British Museum. Countries including Nigeria and Greece have demanded the return of culturally significant objects.

Greece

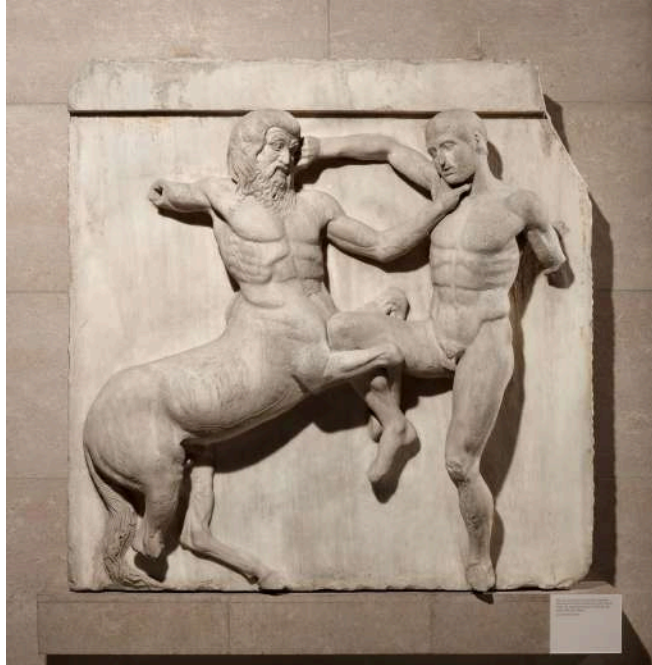


Image 1: Example of a Parthenon Sculpture currently being held in the British Museum

Greece has repeatedly requested the return of the Parthenon Sculptures from the British Museum, arguing that their removal deprived Greece of an important part of its cultural heritage. Another significant Greek sculpture, the Caryatid, has been separated from her “sisters” in Athens through military conquest by the British, and the government has also asked for the “reunification” of the statues through the return.

Nigeria

Nigeria has sought the restitution of Benin Bronzes removed during the 1897 British expedition to Benin City. Several museums and institutions have begun returning or transferring these objects. Such examples include:

- While a significant number remain on long-term loan in Berlin, Germany transferred legal ownership of over 500 Benin Bronzes back to Nigeria in 2022.
- The Smithsonian National Museum of African Art repatriated 29 Benin Bronzes to Nigeria in 2022 as part of an ethical restitution policy.

UNESCO (United Nations Educational, Scientific, and Cultural Organisation)

UNESCO facilitates international cooperation on the protection and restitution of cultural property and provides legal frameworks for resolving disputes between states. Such facilitation is seen in the 1970 UNESCO Convention and the Bilateral Cultural Heritage Agreements.

ICOM (International Council of Museums)

ICOM is an international organisation that develops ethical standards for museums and

promotes responsible approaches to the ownership, preservation, and return of cultural heritage.

Possible Solutions

Bilateral Agreements and Cultural Exchange Loans

Establishing long-term loan frameworks, traveling exhibitions, or reciprocal exchanges. This model allows origin communities to display and manage the artefacts while enabling shared international access.

Shared Stewardship and Joint Ownership

Co-managing collections between holding institutions and source communities. Both parties share decision-making responsibilities regarding conservation, display, and research without requiring an immediate, complete severance of ties.

Digital Repatriation and High-Resolution Replication

Utilising 3D scanning, photogrammetry, and digital archives to return exact virtual or physical replicas to origin communities, or providing virtual models to holding museums while physical originals are returned.

Independent Arbitration and Mediation Panels

Utilising international, neutral advisory bodies such as UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property (ICPRCP) to mediate ownership disputes outside traditional, often restrictive, court systems.

Capacity-Building and Knowledge-Sharing Partnerships

Pairing restitution decisions with financial support, conservation training, and joint research infrastructure to ensure source facilities can safely house, preserve, and exhibit returned treasures.

Bibliography

Inter-Allied Declaration. Declaration Formalising the Inter-Allied Declaration Against Acts of Dispossession Committed in Territories Under Enemy Occupation or Control (The 1943 London Declaration). Foreign Office, 5 Jan. 1943.

<https://history.state.gov/historicaldocuments/frus1943v01/d456>

Murphy, S. A. (2024). Restitution and repatriation as an opportunity, not a loss: Some reflections on recent Southeast Asian cases. *Antiquity*, 98(401), 1395–1405.

<https://doi.org/10.15184/aqy.2024.129>

Sarr, Felwine, and Bénédicte Savoy. The Restitution of African Cultural Heritage: Toward a New Relational Ethics. Translated by Drew S. Burk, Ministère de la Culture / Philippe Rey, 2018.

https://www.about-africa.de/images/sonstiges/2018/sarr_savoy_en.pdf

UNESCO. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. UNESCO General Conference, 14 Nov. 1970.

<https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>

Washington Conference on Holocaust-Era Assets. Washington Conference Principles on Nazi-Confiscated Art. U.S. Department of State, 3 Dec. 1998.

<https://fcit.usf.edu/holocaust/resource/assets/index.HTM>