

LmunA 2024

# Research report

Forum: United Nations Educational, Scientific and Cultural Organization (UNESCO)

Issue: Addressing the issue of cultural artifact possession by Western institutions

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## Introduction

During the time of colonial empires and slavery, many possessions were ripped off of the hands of the countries that were subjected to their colonizers. Due to the cultural entitlement that the colonies have, they assert the claim to hold ownership of these artifacts, which currently are held in western institutions, museums and collections. These cultural artifacts include but not limit to religious or sacred objects; archaeological finds; art and sculptures. Some well-known but not only examples are the Benin Bronzes from Nigeria, Rosetta Stone from Egypt, Koh-i-Noor Diamond from India (see figure 1-3).



Figure 1 One of the Benin Bronze sculptures kept in a collection in the Courtesy Museum of Fine Arts, Boston (Relief Plaque Showing Two Officials with Raised Swords)



Figure 2 The Rosetta Stone (The Rosetta Stone)



Figure 3 The Koh-i-noor Diamond that sits above the Matese Cross of the crown made for the Late Queen Mother Elizabeth (The Koh-i-Noor Diamond)

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artifact is often referred to as reparation. They are commonly debated in favour as they are stolen objects, hence people have the right to their own cultural heritage that was taken away from them. However, it is well recognised that their reparation does not guarantee the artifacts' safety (Aster). Additionally, where it must be returned to remains unclear, a reason being: the shift in national boundaries; and overall unclear ownership of the artifact in present time.

More arguments follow as there is legal complications as to how much the western countries hold ownership of the artifact in comparison to their old colony. Also, if one artifact were to be returned, all others would as well, which would cause an "open floodgate" as museums will no longer have much to display (Aster). For bigger museums this may not be as big of an issue as they display only a fraction of their collection; however smaller museums will be forced out of business. Nonetheless, potential donors in the future may be frightened due to the fear of not having the right paperwork (Aster).

Thus it is important to note the importance of cultural heritage, a pillar which UNESCO is built on but also the ethics that are behind it.

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## Definitions of key terms

### Colonisation

Colonisation is the act of establishing control over a foreign country or territory. Furthermore, there is often a strict social hierarchy set in place with acts of inequality, from mild to extreme. People from both the country subjected to colonisation and the country colonising may migrate in favour of the colonising country. An example being sending people from the colony to a new territory in the form of slaves. Exploitation is not only seen with people but also the original economy of the country as resources are often taken away from the native population.

### Cultural Artifacts

Cultural artifacts are evidence of exploitation of the old colonies of former empires. They are seen in the forms of tools, artistic works, religious or ceremonial works, naturally formed minerals and etc. They are the objects in question whether they should be returned to their former and rightful owner or kept with the institutions that currently hold it in their possession.

### Western Institutions

When referring to western institutions, it is mainly referring to institutions, collections and museums in former colonial powers such as the UK, France, Spain, The Netherlands and etc. Museums and institutions from these former colonial powers are who hold the cultural artifacts from their past colonies in present day through historical exploitation.

### Repatriation

To repatriate means to return of remains from deceased individuals to their place of origin or family. In this report, it is the act of returning cultural artifacts from the western institutes in question to their formal colonies to their rightful owner, whether they are national organisations or families.

## General overview

The colonial era was the rise to control. Control that one nation would have over another through the conquering of the population of that colony and exploiting it. This colonial era began in the late 15<sup>th</sup> century (Webster et al.). Many western countries were in part of this act. The list includes but doesn't limit to: The United Kingdom (Formally known as the British Empire); France; Portugal; Spain; The Netherlands; Germany; Russia; Denmark; Sweden; Italy and etc (Wikipedia Contributors).

Though some participated in theft of cultural artifacts more than others. All countries which owned a colony is accountable for the damage they dealt to the formal colony. However, great evidence is still present through the artifacts that are still misplaced till this day.

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However, the countries mentioned claim that some artifacts were a gift, gifted to those previously in power, the colonising country themselves, by the country previously colonised. Though there are some pieces of evidence that this may be true, majority of the times, it is mentioned otherwise. For an example, the Koh-i-noor diamond is claimed to be gifted to Queen Victoria during the colonisation of India by the British Kingdom. However, though it was presented, this is far from the truth. A boy of aged 10, Duleep Singh, in Punjab, India, was forced to hand over the diamond as a part of the Treaty of Lahore (Ahluwalia).

Many acts of propaganda from the United Kingdom have been seen. An example of this claim is seen with the Chinese artifacts of porcelain vases which were previously claimed to be an act of imperial plunder and recently been supported to be “given willingly” with evidence. However, this said evidence is minimal and is not strong enough to prove these allegations. Instead, through further investigation, it has been shown that warlords sold these porcelain vases at lower prices for power through the colonising party. This just proves the previous claim of imperial plunder to be true therefore declaring the declarations of the Chinese artifacts in reparation to be “given willingly” to be British propaganda (“Cultural Exploration Not Excuse for Looting - Global Times”).

However, efforts have been made ever since the conventions that UNESCO has put into place, such as “UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” in 1970 (Ministry of Education, Culture and Science). This which prevented any further theft of cultural artifacts however it did not force the reparation of ones that were already stolen back in history. However, it still promotes reparation till this date .

## Major parties involved

### *The British Museum*

As suggested, the British Museum is in ownership for multiple artifacts stolen from their past colonies. Though many have been returned, they have been reluctant to return many more. This is due to a convenient law that was put in place which is allowing them to keep the plundered and misappropriated artifacts from China, Egypt, Greece and many more (Blacklock). This law is known as the British Museum Act of 1963. It allows the prevention from permanently removing objects from its collections with only a very few exceptions (“The Wish to Return Objects, Forbidden by Law”). Additionally, The National Heritage Act was also set in place – to protect these artifacts within the United Kingdom – in 1983 (Neate).

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### *United Kingdom*

The United Kingdom, formally known as the British empire – that consisted of hundreds of colonies – is known to be responsible for colonising the world till the furthest extent. The leading reason as to why most of the world speaks English today. In their colonisation, they took many artifacts from their colonies into their hands and displayed them into their national museum, the British Museum.

### *France*

Similarly to the United Kingdom, France was also responsible for a fair share of colonisation during its era. However, they have been proactive in the return of the looted artifacts to their rightful owner. They have already accomplished so for the Nazi-stolen artifacts. However, they still have not returned many of the African artifacts, This has been on their agenda for a long time, however, tracing back their rightful owners (“In France, Restitution of African Artifacts Is Subject to Conditions”).

## **Timeline of Key Events**

15-19 <sup>th</sup> century	The Colonial Era. This led to many artifacts mostly being taken from countries in the continents of Africa, Asia, and the Americas. They were as an act of a diplomatic gift or to be displayed in Western Museums as valuable items
1945	In post-World War II, artworks and artifacts looted by the Nazis were given back to their rightful owners as an act of post-conflict restitution
1954	Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was set in place. This was to safeguard all cultural property during the time of war.
1960-1970	Countries in Africa and Asia which have recently gained independence request for the artifacts stolen during colonisation to be returned.
1970	UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is set in place. An international legal framework was created therefore to promote repatriation.

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- 2002 Egypt formally requests for the Rosetta Stone from the British Museum. Which sparks further interests for repatriation internationally.
- 2007 Another artifact, the Zirid dynasty Rock Crystal Ewer, is returned to Egypt, a common example of successful repatriation.
- 2016 The United States of America return 200 of then stolen artifacts back to India which valued over \$100 million.
- 2018 The president of France, Emmanuel Macron creates a report demanding of all items taken from Africa without permission to be returned to their rightful owners.
- 2020 Germany formally commits to the return of Benin Bronzes to Nigeria which another formal plan for restitution by the year 2022.
- 2021 A museum from the United States of America, specifically The Smithsonian Museum returns some stolen Ethiopian loot which sets a precedent for other US institutes to follow.

## Previous attempts to solve the issue

A convention set in 1970 strongly encouraged the return of stolen artifacts from former colonisers to their formal colonies. Similarly, other conventions such as the UNIDROIT Convention set in 1995 strengthened efforts to combat the illegal trafficking of cultural property, such as the artifacts in question.

Diplomatic efforts have also been made from countries like previously seen by France under the leadership of Emmanuel Macron. Other than the returns already made, they have promised to return the many more artifacts taken from the African Region from the Colonial Era. Further voluntary actions have also taken place. Great examples of successful attempts of reparation have been made by institutions like University of Aberdeen and Humboldt Forum in Berlin (“Ceremony to Complete the Return of Benin Bronze | News | the University of Aberdeen”). Additionally, also my museums such as the Smithsonian National Museum of African Art.

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Multiple Campaigns and Protests have also been ongoing. A movement to mention is “Decolonise this Place” which have been targeting Western institutions to give back all of their stolen artifacts and pressuring them for the act of reparation. This pressure has been increasing over the few years deeming to be successful, however, only till a certain extent as legal issues still come into play.

### **Possible solutions**

As both the former colonising country and the formal colony are in wish for the artifact, it can be given around in rotation as a starter as previously suggested by the British Museum and the Greek Institutions among each other. Similarly, other museums and institutions can engage in this act of sharing cultural heritage and addressing colonial history. However, it is well-acknowledged by the majority of people that a full return of any and all stolen or looted artifacts are to be returned to their rightful owner, therefore the former colonies.

UNESCO itself has been making its efforts to perform reparation, however, by making it digital. This is to account for the situations where physical reparation can be challenging or where a lot of information comes from the object at hand itself. This is suggested to be done by high-quality digital replicas and further 3D replicas. This is to allow for broader access while still negotiating physical returns in the meantime.

As a formality, similarly, to how performed by the University of Aberdeen, a public ceremony could be held to honour the cultural significance to the stolen artifacts during mentioned reparation. This brings reconciliation and further improves the history between western countries and former colonies or looted countries through an implicit apology.

### **Further reading**

<https://jipel.law.nyu.edu/understanding-artifact-repatriation-through-the-lens-of-intellectual-property/>

<https://designdash.com/2024/02/04/exploring-the-economic-implications-of-art-repatriation/>

<https://collectionstrust.org.uk/cultural-property-advice/restitution-and-repatriation/>

<https://www.townandcountrymag.com/leisure/arts-and-culture/a42660309/repatriated-artwork-timeline-2023/>

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## Bibliography

- Ahluwalia, Reena. "The Legendary Koh-i-Noor Diamond." *REENA AHLUWALIA*, 25 June 2023, [www.reenaahluwalia.com/blog/2023/5/10/koh-i-noor-diamond#:~:text=In%20the%20process%20he%20captured](http://www.reenaahluwalia.com/blog/2023/5/10/koh-i-noor-diamond#:~:text=In%20the%20process%20he%20captured). Accessed 6 Sept. 2024.
- Aster, Hannah. "The Debate over Repatriating Artifacts: The 2 Views." *Shortform Books*, 18 Oct. 2023, [www.shortform.com/blog/repatriating-artifacts/](http://www.shortform.com/blog/repatriating-artifacts/).
- Blacklock, Mark. "Refusing to Return Artifacts, Britain Still Clings to Its Colonial Past - Global Times." *Www.globaltimes.cn*, 29 Nov. 2023, [www.globaltimes.cn/page/202311/1302722.shtml#:~:text=For%20the%20past%2060%20years](http://www.globaltimes.cn/page/202311/1302722.shtml#:~:text=For%20the%20past%2060%20years).
- "Ceremony to Complete the Return of Benin Bronze | News | the University of Aberdeen." *Abdn.ac.uk*, News, 27 Oct. 2021, [www.abdn.ac.uk/news/15479/#:~:text=The%20University%20became%20the%20first](http://www.abdn.ac.uk/news/15479/#:~:text=The%20University%20became%20the%20first). Accessed 6 Sept. 2024.
- "Cultural Exploration Not Excuse for Looting - Global Times." *Globaltimes.cn*, 2024, [www.globaltimes.cn/page/202407/1316493.shtml](http://www.globaltimes.cn/page/202407/1316493.shtml).
- "In France, Restitution of African Artifacts Is Subject to Conditions." *Le Monde.fr*, 5 May 2023, [www.lemonde.fr/en/culture/article/2023/05/05/in-france-restitution-of-african-artifacts-is-subject-to-conditions\\_6025556\\_30.html](http://www.lemonde.fr/en/culture/article/2023/05/05/in-france-restitution-of-african-artifacts-is-subject-to-conditions_6025556_30.html).
- Ministry of Education, Culture and Science. "1970 UNESCO Convention - Cultural Goods - Information and Heritage Inspectorate." *English.inspectie-Oe.nl*, 24 Feb. 2015,



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[english.inspectie-oe.nl/cultural-goods/legal-basis/1970-unesco-](https://english.inspectie-oe.nl/cultural-goods/legal-basis/1970-unesco-convention#:~:text=The%20UNESCO%20Convention%20on%20the)

[convention#:~:text=The%20UNESCO%20Convention%20on%20the](https://english.inspectie-oe.nl/cultural-goods/legal-basis/1970-unesco-convention#:~:text=The%20UNESCO%20Convention%20on%20the).

Neate, Rupert. "Friday Briefing: Why Britain Is Returning Plundered Artefacts back to Ghana –

Sort Of." *The Guardian*, 26 Jan. 2024, [www.theguardian.com/world/2024/jan/26/first-](https://www.theguardian.com/world/2024/jan/26/first-edition-ghana-asante-gold#:~:text=This%20is%20because%20the%20British)

[edition-ghana-asante-gold#:~:text=This%20is%20because%20the%20British](https://www.theguardian.com/world/2024/jan/26/first-edition-ghana-asante-gold#:~:text=This%20is%20because%20the%20British).

*Relief Plaque Showing Two Officials with Raised Swords*. 1530.

*The Koh-i-Noor Diamond*. [www.naturaldiamonds.com/rare/diamond-hall-of-fame-the-koh-i-](https://www.naturaldiamonds.com/rare/diamond-hall-of-fame-the-koh-i-noor-diamond/)

[noor-diamond/](https://www.naturaldiamonds.com/rare/diamond-hall-of-fame-the-koh-i-noor-diamond/).

*The Rosetta Stone*. [www.khanacademy.org/humanities/ancient-art-civilizations/egypt-art/](https://www.khanacademy.org/humanities/ancient-art-civilizations/egypt-art/x7e914f5b:late-period-ptolemaic-and-roman-periods/a/the-rosetta-stone)

[x7e914f5b:late-period-ptolemaic-and-roman-periods/a/the-rosetta-stone](https://www.khanacademy.org/humanities/ancient-art-civilizations/egypt-art/x7e914f5b:late-period-ptolemaic-and-roman-periods/a/the-rosetta-stone).

"The Wish to Return Objects, Forbidden by Law." *Www.goethe.de*, [www.goethe.de/prj/zei/en/art/](https://www.goethe.de/prj/zei/en/art/22450380.html#:~:text=The%20British%20Museum%27s%20freedom%20to)

[22450380.html#:~:text=The%20British%20Museum%27s%20freedom%20to](https://www.goethe.de/prj/zei/en/art/22450380.html#:~:text=The%20British%20Museum%27s%20freedom%20to).

Webster, Richard A, et al. "Western Colonialism." *Encyclopædia Britannica*, 5 Nov. 2018,

[www.britannica.com/topic/Western-colonialism](https://www.britannica.com/topic/Western-colonialism).

Wikipedia Contributors. "List of Former European Colonies." *Wikipedia*, Wikimedia Foundation,

29 Aug. 2024, [en.wikipedia.org/wiki/](https://en.wikipedia.org/wiki/List_of_former_European_colonies#:~:text=The%20European%20countries%20which%20had)

[List\\_of\\_former\\_European\\_colonies#:~:text=The%20European%20countries%20which%](https://en.wikipedia.org/wiki/List_of_former_European_colonies#:~:text=The%20European%20countries%20which%20had)

[20had](https://en.wikipedia.org/wiki/List_of_former_European_colonies#:~:text=The%20European%20countries%20which%20had). Accessed 6 Sept. 2024.