



ISSUE DESCRIPTION



COMMITTEE Special Political and Decolonization Committee

ISSUE Addressing the Repatriation of Cultural Artefacts to Their Countries of Origin

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Introduction

The term of art and cultural property repatriation, is the return of art or other cultural objects to their country or culture of origin. Many of which were removed during periods of colonialism, war crimes and international organised crime have resulted in the unlawful movement of cultural materials and artworks from one country to another. Creating a lasting power imbalance between source countries and holding institutions, particularly Western museums. The debate around repatriation is dominated by questions of ownership, cultural identity, and historical justice. Proponents view cultural objects as belonging to their place of origin and that returning these items is vital for healing historical wounds and restoring cultural heritage. While opponents of repatriation see these materials as part of a universal human culture and argue that, because cultures are neither isolated nor fixed, repatriation proponents are perpetuating a narrow nationalism.

Stakeholders such as Indigenous communities, governments, museums, and the international public hold differing ethical, legal, and cultural interests. Growing recognition of historical injustice and evolving museum ethics has elevated repatriation as a pressing contemporary issue, highlighting the divide between legal frameworks and moral responsibility.

Today, repatriation has received a renewed surge of public interest as famous artefacts such as the Benin Bronzes and Parthenon Marbles have been the subject of repatriation efforts and significant media scrutiny.

Definition of Key Terms

Repatriation - refers to the return of “stolen or looted cultural material to their countries of origin”.

Cultural materials/artefacts - refers to art and objects of cultural significance, including the remains of ancestors.

Cultural property - a term defined by UNESCO as „property which, on religious or secular grounds; is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science”.

Stakeholders – are individuals or groups affected by repatriation, such as Indigenous communities, museums, governments, and the global public.

Deaccessioned - refers to the formal process by which a museum or institution permanently removes an object from its collection, usually in accordance with legal and ethical guidelines.

Colonialism - the policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically.

Power imbalance - refers to the unequal political, economic, and military power that enabled artefacts to be taken from colonised societies.

Endogenous knowledge - refers to knowledge originating from within a specific cultural system, developed by a community through its unique history, environment, values, and practices, rather than being imported (exogenous)

Benin Bronzes - is a general term for a trove of sculptures, cast plaques and royal regalia created from the 16th century onwards in the West African kingdom of Benin. It was looted from the Kingdom of Benin (now located in the Federal Republic of Nigeria) during a British expedition in 1897.

Edo people - are the descendants of the rulers and citizens of the Benin Kingdom.

Indigenous artefacts - are objects made and used by Native peoples that represent their culture, traditions, and history. From North America, Australia, and Oceania, often taken without consent.

Restitution - the restoration of something lost or stolen to its proper owner.

Western museum - are museums located in Europe that collect, preserve, and display cultural, historical, and artistic objects, often originating from both European and non-European societies.

Human remains - the bodies or body parts of deceased individuals, often held in museum collections and widely agreed to require repatriation due to ethical concerns.

Custodianship - the responsibility for caring for and preserving cultural artefacts, sometimes used as an argument against repatriation.

The Elgin Marbles - from the Parthenon, currently in the British Museum, taken from Greece in the early 19th century.

Provenance research - is the detailed investigation into the ownership history (provenance) of an object, like art or artefacts, from creation to present, revealing its life story, context.

The Hague Convention (1954) - is an international agreement that aims to protect cultural property, during armed conflict and to prevent their destruction, seizure, or looting.

Universal museum - is an institution that collects cultural artefacts from around the world to promote global heritage rather than national history.

General Overview

Artefacts are objects made or used by humans in the past, and they help us understand how people lived, worked, and thought. There are millions of artefacts in the world, kept in museums, archaeological sites, and private collections, and many more are still undiscovered. Artefacts come in many types, such as tools, weapons, clothing, art, religious objects, and everyday household items. Each type gives historians and archaeologists important information about different aspects of human history.

Artefacts are important because they provide physical evidence of the past, making history more reliable and easier to study. It is difficult to name a single “most important” artefact, but objects like the Rosetta Stone are especially valuable because they helped humans understand ancient languages. The oldest artefacts discovered so far are simple stone tools, such as the Lomekwi

tools, which are about 3.3 million years old. Studying artefacts helps preserve human heritage and allow future generations to learn from the past.

The repatriation of cultural artefacts refers to the ongoing debate over the return of artefacts, human remains, and other items of cultural significance taken from their countries of origin, particularly during colonial times. Repatriation is key because a nation or a cultural group cannot fully develop with its endogenous knowledge and heritage. When cultural objects are taken away, the transfer of skills, traditions, and knowledge between generations is disrupted. It gives a voice back to those who have been muted for such a long time and are now able to re-write their own stories and not serve a discriminatory discourse anymore.

It is also essential to restore these items to their rightful communities, nations or descendants because the owners or their heirs wish to have their stolen belongings back as the artefacts are part of their heritage. The plundered items have also remained important for the practice of ceremonies and the continuity of the cultural life of socio-cultural groups. The sacred aspect of the objects cannot be replaced or transferred to the new objects.

Repatriation has an important impact also on the global artistic world, as it brings attention to the talents and cultural contributions of historically overlooked communities.

SOME OF THE CHALLENGES OF REQUESTING REPATRIATION

Legal restrictions: some countries' laws such as the British Museum Act (1963) and France's historical inalienability rule which is the legal system that prevents museums/a nation from disposing of items in their national collections.

provenance research: determining the origin of objects, selecting which items to repatriate, and deciding the legitimate owners can be complex. Many cultural groups are spread across different countries due to migration, colonization, or changing political borders.

Competing claims: Repatriating some stolen or looted property may open the floodgates to several theoretical claims by various countries for the restitution of their artefacts. When an artefact or cultural object is returned, it can spark multiple claims because determining the "rightful" claimant is often complicated.

Historical legality: the argument that some cultural materials were obtained legally at the time of their acquisition. Some museums and institutions argue that certain artefacts were legally acquired at the time of purchase, excavation, or transfer, even if modern ethical standards would consider the acquisition illegitimate.

KEY INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS

Hague Conventions (1899, 1907, 1954): is an international agreement that aims to protect cultural property, during armed conflict and to prevent their destruction, seizure, or looting; the 1954 convention defined cultural property as “movable or immovable property of great importance to the cultural heritage of every people.”

Despite these regulations, both World War I and World War II saw widespread destruction and looting of monuments and museums.

1970 UNESCO Convention: is sought to curtail the illegal taking and selling of antiquities from one country to another. In practice this means preventing objects from being illegally taken from source countries—particularly those in Latin America, Africa, and Asia—to market countries, which has historically consisted largely of western European and North American countries. It encouraged cooperation between member states to protect the cultural property of each. (145 ratifications by 2024).

1995 UNIDROIT Convention: Strengthened rules for stolen or illegally exported cultural objects. By creating rules to govern the international trade of cultural objects, which it defined as objects that are “of importance for archaeology, prehistory, history, literature, art or science.” (54 contracting states by 2023).

In the case of Benin, it has shed light on Beninese contemporary art. Artists and their works have become ambassadors of Beninese art, culture and sacredness. Since the 1960s, former West African French colonies have fought for the return of their artefacts stolen during colonial wars. This restitution claim was dismissed. On November 28th, 2017, in Ouagadougou, during an official visit to Burkina-Faso, French President Emmanuel Macron committed to actively work toward the temporary or final return of African heritage to the African continent. President Macron commissioned French art historian Benedicte Savoy and Senegalese writer and economist, Felwine Sarr, to co-write a report entitled *The Restitution of African Cultural*

Heritage. The Benin Dialogue Group is an international forum established in 2010 that brings together representatives from Nigerian institutions and European museums holding Benin Bronzes. Its aim is to facilitate dialogue and cooperation on the future of these objects, including issues of restitution, long-term loan, joint exhibitions, and museum development in Nigeria. Rather than focusing solely on legal ownership, the group promotes collaborative solutions that acknowledge the historical injustice of the bronzes' removal while encouraging shared responsibility, cultural exchange, and capacity building in the country of origin.

NAGPRA (USA): is an institution that receives federal funding, including museums and universities, are mandated to follow the Native American Graves Protection and Repatriation Act (NAGPRA) requires federal agencies and institutions that receive money from the federal government to endeavour to repatriate remains and cultural objects of Indigenous peoples in what is now the United States to the appropriate lineal descendants, tribes, or Native Hawaiian organizations.

It is required to create an inventory of all Native human remains and associated funerary objects in their possession, along with a summary of other cultural items they possess. They must then consult with Indigenous organizations and lineal descendants to identify remains and objects that meet the criteria for repatriation and determine the most appropriate party to receive them. NAGPRA also requires anyone who finds Indigenous human remains or objects on Native land or on land owned by the U.S. government to notify the officials responsible for the land.

OTHER NATIONAL POLICIES

Canada and New Zealand: Museums lead repatriation, causing inconsistent approaches.

Australia: Australian government's Policy on Indigenous Repatriation seeks to address "the injustice of Australia's shared past as it relates to the removal of ancestral remains and secret sacred objects" by collaborating with state and territorial governments, domestic institutions, and foreign governments and institutions to repatriate such materials to Aboriginal peoples and Torres Strait Islander peoples.

UK: The British Museum Act of 1963 prevents objects from being repatriated from the British Museum. The act was originally passed in order to protect works held by the museum by ensuring that items were deaccessioned. However, as calls for repatriation have grown in recent

years the act has been invoked in order to keep certain objects in the museum. Some exceptions have been made. For example, subsequent acts have allowed for the repatriation of human remains and the restitution of works of art that were stolen particularly from Jewish individuals and families during the Nazi period and eventually sold to the British Museum in the ensuing decades.

Major Parties Involved

The United States of America: The Native American Graves and Repatriation Act (NAGPRA, 1990) legally requires federal agencies and institutions receiving federal funding to inventory Indigenous human remains, funerary objects, and sacred objects. These institutions must consult with lineal descendants, federally recognized tribes, or Native Hawaiian organizations to determine the most rightful owners. NAGPRA has significantly reshaped museum practices by prioritizing Indigenous authority, transparency and consultation.

Australia: Australia's Indigenous Repatriation Policy is led by the federal government and seeks to address historical injustices caused by the removal of Aboriginal and Torres Strait Islander ancestral remains and sacred objects. The policy promotes collaboration between state and territorial governments, domestic museums, and international institutions to facilitate returns. Repatriation is viewed not only as a legal process but also as a moral and cultural responsibility, with emphasis on healing, reconciliation, and the restoration of spiritual and cultural practices.

Canada: Repatriation is primarily museum-led, resulting in non-uniform approaches; however, consultation with Indigenous communities remains central to the process.

New Zealand: Māori taonga and ancestral remains repatriated via museum-led initiatives.

United Kingdom: The British Museum Act (1963) restricts the permanent repatriation of most objects from the British Museum, with limited exceptions for human remains and artworks looted during the Nazi period.

The Kingdom of Benin (present-day Nigeria): is a key case in repatriation debates. In 1897, British forces looted thousands of Benin Bronzes, which held deep historical and

spiritual significance for the Edo people. Since the mid-20th century, Nigeria has sought their return, and in recent years several museums and governments have agreed to restitution, reflecting a growing reassessment of colonial collecting practices.

France: The principle of inalienability historically prevented restitution from national collections, but a significant shift occurred after 2017 following President Macron's commitment and the Sarr–Savoy Report, enabling the return of certain African artefacts.

Timeline of Events

19th–early 20th century - Large-scale removal of cultural artefacts during colonial expansion and military campaigns, such as the looting of the Benin Bronzes in 1897.

1899 & 1907 - Hague Conventions prohibit the seizure and destruction of cultural property during war.

1954 - Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict formally defines cultural property and its protection.

1970 - UNESCO Convention aims to prevent illicit trade and encourages the return of stolen cultural objects.

1995 - UNIDROIT Convention strengthens legal mechanisms for restitution.

21st century - Renewed global pressure and high-profile cases, including the Benin Bronzes and Parthenon (Elgin) Marbles.

Previous Attempts to Solve the Issue

Previous efforts to address the restitution of cultural artefacts have largely focused on international agreements, national legislation, and diplomatic negotiations. At the international level, conventions such as the 1954 Hague Convention for Protection of Cultural Property in the Event of Armed Conflict and 1970 UNESCO Convention aim to prevent the illicit trade and export of cultural property and encourage cooperation between states. While these agreements establish important ethical standards, they are generally not retroactive, meaning

they do not legally apply to artefacts taken before they came into force, which limits their effectiveness in resolving historical cases.

At the national level, some countries have introduced laws to address restitution more directly. A key example is the Native American Graves Protection and Repatriation Act (NAGRA) passed in the United States in 1990, which requires museums and federal institutions to return human remains and certain cultural objects to Native American tribes. In addition, some museums have undertaken provenance research to investigate how artefacts were acquired, leading to return of human remains or culturally sensitive items, or the establishment of long-term loans to countries or communities of origin. However, progress remains limited due to legal barriers, such as laws that prevent museums from deaccessioning objects from national collections, and ongoing disagreements over ownership, cultural significance, and historical responsibility. As a result, widespread and consistent restitution has been difficult to achieve.

Possible Solutions and Approaches

Potential solutions to cultural heritage repatriation involve legal reform, international cooperation, and ethical engagement with source communities. Reforming nation museum laws is essential, as many currently prevent the return of objects; clear legal frameworks, such as the United States' Native American Graves Protection and Repatriation Act (NAGRA), show how museums can be required to assess claims, carry out provenance research, and consult affected communities. Greater international cooperation through organisations like UNESCO and initiatives such as the Benin Dialogue Group can support negotiated and collaborative approaches to return, where immediate legal transfer is difficult, long-term loans, shared custodianship, and joint exhibitions offer practical compromises. Expanding provenance research and increasing transparency through public records strengthen accountability, while digital repatriation can restore access to cultural knowledge. Most importantly, involving source communities in decision-making ensures that repatriation addresses historical injustice and prioritises ethical responsibility alongside legal considerations, leading to more just and sustainable outcomes.

Bibliography

<https://www.britannica.com/topic/art-and-cultural-property-repatriation>

<https://repatriates.org/benin/from-the-elgin-marbles-to-nagpra-what-is-repatriation>

<https://www.nortonrosefulbright.com/en-tr/knowledge/publications/dd56579f/a-beginners-guide-to-the-repatriation-of-stolen-or-looted-art-and-cultural-material>

<https://www.reuters.com/world/africa/benin-reclaims-17th-century-looted-royal-chair-finland-restitution-push-2025-05-13/>

<https://apnews.com/article/e5aa77f9c07ab8952e507dd01e983c76>

<https://www.ebsco.com/research-starters/anthropology/repatriation-cultural-artifacts-overview>

<https://www.nationalgeographic.com>

<https://www.britishmuseum.org>