

General Assembly: Special Political and Decolonization CIMUN

Topic 1: Repatriation of cultural artifacts and identity in formerly
colonized member states

Kirsty Graham and Katja van der Laan Chadbourne



Introduction

The idea of returning stolen items of cultural significance to their country of origin has been around since the times of the Romans. It was only in the 1950s when the extent of the issue after colonization and war crimes became apparent that serious discussion about the repatriation of stolen artifacts and art began. There are some legal precedents for demanding former colonial powers return cultural artifacts, but so far, the debate has mostly been more about the morality of retaining or returning these items. This is a fraught issue with museums and former colonial powers believing themselves to be the most suitable owners of appropriated artifacts and former colonies believing these artifacts to be their rightful property. This research report will explain the debate around the repatriation of cultural artifacts, explain the cultural significance of returning these items, and point to cases where items have been returned or requested to be returned.

Key Terms

Repatriation: the restoring of an object or person to its country of origin.

Cultural Artifacts: items of historical and cultural significance. Many have been taken from former colonies by Western countries and are on display in their museums.

Cultural Identity: the aspects of life that make up a culture. These could be a particular language or dialect, dress, music, ceremonies, arts, and common values.

Colonialism: the domination and control of a group of people by another group, who are generally not from the area. Many Western powers claimed vast regions of the Americas, Africa, Asia, and Australia, creating large empires which increased their wealth considerably while oppressing the people under their control in the colonies. It is commonly associated with imperialism and racism.

Indigenous People: are distinct native ethnic groups who have historic claims to where they live because of centuries of inhabitation regardless of the current state controlling that region. They have long been the victims of colonialism and have lost many important objects to western museums.

Background Information

Former colonies wanting their artifacts returned tend to predominantly take the moral high ground in the debate over what to do with what are effectively stolen cultural artifacts. They generally cover these key points:

It seems to follow basic property laws that stolen property should be returned to its former owners. If it is the case that the former colonists *did* take these items against the will of the residents, it is only logical that they should have to return them. This is a particularly strong point when the appropriated item is of great cultural significance in the place it originated.

Many on the side of repatriating appropriated items also argue that items from the same culture should be together. This is supported by the belief that items of cultural importance are critical to political and national identities. Because they are a point of national pride, they should belong to that nation.

Some believe that claiming to be the most suitable and trustworthy owners of these items is a continuation of the patronising colonial ideas that other nations are intrinsically inferior. It seems to be implied, if not explicitly stated, that the former colonies cannot be trusted to preserve and display these artifacts. There is, of course, the further complication of whether or not this is a legitimate concern. Many of the countries which wish to own their items of cultural significance again are stricken by poverty and war. As a result, it seems to be quite reasonable to say these artifacts are far safer where they are.

Finally, former colonies reclaiming their artifacts argue that attitudes and opinions on the ownership of artifacts have changed enough to counter the case museums have to present when objects were legally acquired. Many believe current attitudes to these issues should be reflected in museum collections and exhibitions. This is difficult because the majority of artifacts on display in museums were legally acquired, which detracts from the argument for repatriating cultural artifacts.

On the other side, it is often pointed out that museums would be rapidly emptied if they were required to return all non-native artifacts. Many also claim that museums with international collections are encyclopedic, and it is part of their job to display a wide range of objects in order to inform the public. Someone can learn about cultures and histories from all over the world by going to one museum. The point of museums is to educate, and preventing museums from sharing a wide range of artifacts would be preventing them from doing what they mean to accomplish. Separating items of different cultures makes it harder for people who cannot travel all over the world to learn about global cultures.

Conversely, it has been pointed out that museums are limited in what they can do to preserve and express a culture. Displays about fallen empires do not continue the culture that has been lost. Most people will agree that culture is a living, active thing; museums are stationary, and objects of cultural importance are looked at through glass rather than used and appreciated in full. It is not a trivial point to make. Museums tend to have a feeling of the past and so cannot really be a continuation of the present. In addition to that, a number of indigenous tribes have seen the renewal of ceremonies after decades once ceremonial objects were returned.

When artifacts come from empires and societies long gone which once spread across several modern countries, there are difficulties over who should receive repatriated objects. For example, artifacts from the Roman empire, which spread over significant parts of Europe, would prove to be difficult when trying to return them to their native country.

Some of the most common claims for removed objects is if they have been illegally traded or stolen, especially during war. This itself poses problems because those making the claim must prove they have been taken illegally, and there are seldom records showing this. On the other hand, there have been a number of successful claims in the past decade. The National Gallery of Australia handed a bronze statue of the god Shiva to India in 2018. The Museum of Fine Arts in Boston returned a stolen Roman sculpture of Herakles to Turkey in 2011. In 2020, the Museum of the Bible in Washington D.C. sent almost 11,500 stolen objects back to Iraq and Egypt.

There are, then, some artifacts which were technically lawfully acquired but it is questionable as to whether that was genuinely permissible. Many indigenous groups find themselves in situations of significant unemployment and poverty. It is only natural that they should sell objects of value to places like museums who are interested in having them. In cases such as these, indigenous peoples have no case to make about these objects being illegally taken, but it cannot be said that they gave their full and legitimate consent for the artifacts to be taken.

Another common type of claim is for human remains. Colonial powers frequently took the burial remains from indigenous people in both the Americas, Australia, New Zealand, and parts of Africa. A famous example was in the Pacific Northwest after five tribes argued for the return of The Ancient One by asserting that they were an ancestor. However, the repatriation of these remains only actually happened after genetic testing proved their claim of being related to the remains correct.

Much of this debate centers around a desire to undo the damage done by colonization. Of course, returning stolen artifacts of cultural significance will not undo or repair any damage done, and it

cannot be guaranteed to be a benefit to former colonies. What it might do is revive local cultures and traditions that were in decline.

The repatriation of cultural identity will concern groups and countries where unique cultures are dying out. This might involve teaching local languages in schools, sustained efforts to encourage and facilitate forms of cultural art, or the use of traditional dress and objects.

Major Countries and Organizations Involved

United Kingdom: The UK has been notably quiet during discussions about what to do about stolen artifacts. Unlike France, Germany, and the Netherlands, the major British museums have not made significant efforts to return stolen objects in their possession.

India: Famously, the most contentious stolen cultural object has been the Koh-i-Noor diamond taken from India by the East India Company in 1849. Though India has wanted it back for a long time, it is now an important part of the British Crown Jewels, and consequently unlikely to be returned.

United States: The United States has a particular difficulty as many of their stolen or wrongly taken objects now in museums are from Native American tribes and cultures. Though they are in the same country, the Native Americans, for whom many of these objects of cultural significance are integral to their cultural identity, feel these artifacts have been illicitly taken from them. Australia and Canada face similar difficulties, though perhaps not to the same extent.

The Netherlands: An advisory committee to the government has recommended that all illegally acquired artifacts in Dutch museums must be returned to their rightful owners in their native countries.

Relevant UN Resolutions and Reports

https://www.un.org/ga/search/view_doc.asp?symbol=A/67/L.34

General Assembly - adopted on 5 December, 2012

https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/76

General Assembly - adopted on 5 December, 2015

[https://undocs.org/S/RES/2347\(2017\)](https://undocs.org/S/RES/2347(2017))

Security Council - adopted on 24 March, 2017

More resolutions can be found at:

<http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/resolutions-adopted-by-the-united-nations-general-assembly-about-return-and-restitution-of-cultural-property/>

Previous Attempts at Resolving This Issue

As mentioned above, a number of major museums have made significant moves towards returning stolen or looted artifacts of cultural significance to their nation of origin. Human remains have quite often been returned to their original resting place after locals and countries have demanded them back. However, most of these moves have been of the museums' own initiative rather than a part of an international move to restore illicitly acquired artifacts to their rightful owners.

There are legal obligations to return illegally acquired objects (again, there are details of this above). Article 12 of the UNDRIP emphasises the right of Indigenous Peoples to reclaim removed human remains. It also asserts that they are entitled to have control and use of ceremonial objects. This implies they have grounds for reclaiming such objects currently in the possession of museums.

Possible Solutions

Delegates will have to consider whether it is important or necessary to have all stolen objects returned to their native country. An agreement could be reached so that museums can have the chance to legally own illegally acquired artifacts. A loan system where museums can have these artifacts on display but the country or group where they come from will actually own them could be another system.

The purpose and role of museums will have to be reevaluated. Must they only reflect the culture and history of their own country, or is it still important for them to have a wide range of artifacts for more general education of the public? Do we have a duty to ensure old and perhaps delicate artifacts are in the best care possible, or is the principal concern for them to go to their rightful owners?

The establishment of an independent group to assess each case and determine the best outcome may be advisable if there are going to be a number of fraught cases where both sides are

unwilling to back down. Questions over the legitimacy of claims for repatriation will also have to be taken into consideration by any authority for returning artifacts to their places of origin.

Helpful Resources for Delegates

Return, Reconcile, Renew

<https://returnreconcilerenew.info/index.html>

United Nations Declaration on the Rights of Indigenous Peoples

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Bibliography

<https://www.khanacademy.org/humanities/special-topics-art-history/arches-at-risk-cultural-heritage-education-series/whose-art/a/repatriating-artworks>

<https://www.nytimes.com/2020/10/16/learning/should-museums-return-looted-artifacts-to-their-countries-of-origin.html>

https://www.brown.edu/Departments/Joukowsky_Institute/courses/worldofmuseums09/files/9704876.pdf

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