

**Committee:** United Nations Educational Scientific and Cultural Organization (UNESCO)

**Agenda Item:** The matter of seized historical artifacts by the European colonial powers

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## Introduction

The pressing issue of the seizure of historical artifacts by European colonial powers can be traced back to the colonial period of expansion. These looted artifacts were often acquired through a variety of ways that ranged from ethically questionable coercive circumstances such as forced agreements and exploitative treaties that left the conquered communities with no choice, and with some through even more directly destructive means like conquest, violence, and outright theft.

As historical artifacts hold deep cultural, spiritual, and ethical significance of the communities that created them, their removal results in the distortion of historical narratives as communities are placed in a Eurocentric context and are restricted from cultural self-representation. This disconnection from their ancestral history has made lasting impacts on post-colonial societies that are still evident in our contemporary world as the collection and display of these items serve to showcase the uneven power dynamics between former colonial powers and subjugated communities.

With decolonization movements on the rise, many Indigenous communities are actively seeking repatriation and global recognition of their rights to their own culture. The issue has gained significant traction in recent years as it remains part of a broader debate on decolonization and exploitation as the deprivation of source communities from their culture is a symbolic reinforcement of the colonial legacy.

The objective of this report is to analyze and address the historical, ethical, cultural, and legal aspects of the problem in order to confront the historical injustice these communities have been facing for decades and identify the most effective solutions to eliminate it.

## Definition of Key Terms

**Cultural Property:** “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.” (UNESCO)

**Colonialism:** "The practice by which a powerful country directly controls less powerful countries and uses their resources to increase its own power and wealth" (Collins English Dictionary)

**Seized Artifacts:** Cultural properties such as artwork, statues, and manuscripts that have been removed from their place of origin without consent through unjust means such as theft and colonialism.

**Repatriation:** “The return of art or other cultural objects to their country or culture of origin.” (Encyclopedia Britannica)

**Imperialism:** “State policy, practice, or advocacy of extending power and dominion, especially by direct territorial acquisition or by gaining political and economic control of other areas.” (Encyclopedia Britannica)

**Provenance Research:** “The detailed, interdisciplinary work that traces the ownership history, or biography, of an artwork from the time of its creation to the present day.” (Yale University Art Gallery)

## Major Actors Involved

### International Organizations

#### UN Educational Scientific and Cultural Organization (UNESCO)

UNESCO plays a key role in cultural heritage protection through its support in the efforts of repatriation, upholding archeological ethics, and setting various international legal frameworks. UNESCO became a pioneer in the fight against the illicit trafficking of cultural property with its “**1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property**”. However, the regulations were criticized as they were not applicable to heritage removed before 1970.

#### International Council of Museums (ICOM)

Responsible for setting ethical guidelines for museums, the **ICOM Code of Ethics** is an example of the organization's contributions to the importance of transparency and restitution. The Code of Ethics states that before the acquisition of an object the museum should state if it has not been legally obtained if so, a provenance research should be conducted to determine the history of the artifact. They also publish the **ICOM Red List** every year which presents cultural objects at risk of being subject to theft and traffic. These lists help organizations and authorities identify said objects if an attempt is made to sell them illegally. The organization has been an advocate of decolonization in museums

### European Colonial Powers

#### United Kingdom

Historically known as the largest European Colonial Empire, the British Empire is home to **The British Museum** which houses one of the largest collections of history. It is also the topic of many controversies, as many artifacts in the museum are looted pieces from the British colonial period.

Namely the famous **Benin Bronzes** from Nigeria, the **Rosetta Stone** from Egypt, and the **Parthenon Sculptures** from Greece. The museum also houses a remarkable selection of artifacts from the ancient cities of Türkiye. The institution has faced criticism for its resistance to calls for repatriation and has relied on the convenient law that bans the museum from removing an artifact from its collection.

## France

Another major colonial power, France houses a great amount of seized artifacts from its conquests of the Middle East, North and West Africa, and Southeast Asia. France's **Quai Branly Museum** has almost 70,000 looted African artifacts and the most famous among its museums is the **Louvre Museum** with its extensive collection obtained through France's colonial administration. France has recently joined the act of repatriation in 2023 with its long-awaited policy on restitution which provides guidelines for the return of looted objects.

## Germany

The relatively short-lived German colonial empire still managed to gather a notable amount of looted objects during its time. Germany's colonial ventures in Africa and Oceania resulted in the seizure of the **Ishtar Gate** of Babylon, which remains in the **Pergamon Museum** in Berlin. During World War II, the extent of Nazi-looted art and the destruction of cultural property led to the adaptation of the first international treaty that focused on the protection of cultural property in an armed conflict called The "Hague Convention", signed in 1954. However, the convention did not contain any provisions for the return of looted art. Recently, Germany has taken a step toward repatriation by returning some Benin Bronzes to the respective owners along with other valuable objects.

## Colonized Nations

### Nigeria

In recent years, Nigeria has been one of the most vocal countries in the fight for repatriation. The country has suffered from the seizure of the Benin Bronzes and has successfully gained some of its bronzes back. However, the amount received represents only a fraction of the looted artifacts still scattered around European museums. Nigeria's **National Commission for Museums and Monuments (NCMM)** plays a crucial role in engaging legal and diplomatic relations for its cause. The country has also planned the construction of the **Edo Museum of West African Art (EMOWAA)** to house returned cultural objects in the city of Benin.

### Egypt

Like Nigeria, Egypt suffered from the seizure of many historical objects during the colonial era. The most significant example is the iconic **Rosetta Stone**, the stone was discovered during Napoleon's campaign in Egypt and later was seized by the British after the defeat of Napoleon's forces, the Rosetta Stone was key to deciphering ancient hieroglyphics. Egypt has repeatedly called for the stone's return, most recently in 2022. The British Museum denies claims of the stone being stolen and has made their firm stance on keeping the artifact within their museum.

## General Overview of the Issue

### Historical Context

Rising from the late fifteenth century to the mid-twentieth century, European colonialism began as a way for European powers to expand the control of their empires along territories across Africa, Asia, the Americas, and the Pacific. The practice of colonialism has been around for many centuries, starting from ancient times.

The seizure of historical artifacts was carried out as a way to proclaim dominance and European superiority by emphasizing the wealth, power, and control they held over the colonized nations. The various methods of seizure included; looting during military campaigns, under the guise of scientific discovery, seizure as a way of “protecting” the artifacts from “unfit” circumstances, and outright theft.

One stark example of a military campaign for looting is the seizure of the **Benin Bronzes**, a collection of over 3,000 bronze statues from the Kingdom of Benin (present-day Nigeria) by the Benin Expedition in 1897. The bronzes were later sold to European museums with many in the collection of the British Museum. This act of looting left irreparable gaps in the cultural identity of Nigeria and the country has since demanded repatriation and was met with strong resistance. In November 2022, the Horniman Museum in London agreed to hand over 72 of its bronzes to Nigeria.

Other notable examples include the **Bust of Nefertiti**, the iconic Egyptian sculpture was obtained by Germany under arguable circumstances, the **Moctezumass Headdress** from the ancient civilizations of the Americas taken during the Spanish conquest, and the **Koh-i-Noor Diamond** taken from India by British powers.

## Modern Day Challenges

The history of the art restitution debate has been one of deflection. Brought up during the 1960s as African countries began to gain independence, The first official restitution request in a colonial context was made by Nigeria in 1972 which was greeted with ignorance and inaction and has since fizzled out and been overshadowed. One of the defenses for this refusal of repatriation is the fear of preservation and the claim that the source communities of these historical artifacts lack the ability to protect the repatriated objects. While these claims seem to stem from a genuine concern for the safety of the precious artwork, one incident at the British Museum shows that the European institutions are not safe from theft themselves.

Major thefts have been occurring in the museum since the 1970s and in 2023 more than 2000 antique artifacts were revealed to be stolen from the museum's curator with reports to show that the museum was warned of this theft since 2021 and has chosen ignorance. With this incident, the call for restitution became stronger than ever as the roles reversed, and now the source countries of the artifacts were concerned for the safety of their belongings in European institutions.

Another difficulty faced on the road to repatriation is the legal difficulties regarding the claims. As international and national law does not provide a definition of “art” the question of what constitutes “looted art” is one of uncertainty. As stated before, European colonial powers used many methods to seize historical artifacts. A method that creates controversy is the “forced agreements” made under coercive circumstances as they are not all illegal. The argument is that the agreements signed and the circumstances were all legal during the period when the transaction occurred. As they are not outright looting in contrast to items obtained through military conquest and violence it is difficult to prove that they were actually looted. If the objects are proven to be stolen, the issue now lies in demonstrating prior ownership of the artifacts before it was looted. For historical artifacts, there are little to no records of the items and their country of origin.

Museums such as the British Museum and the Louvre claim their roles as “universal museums” and retaining these artifacts makes them accessible to the general public in a way that, the museums argue will not be possible if returned to their country of origin.

## **Impacts and Implications**

The refusal of repatriation serves to fuel the ongoing power imbalance established during the colonial era. While often overlooked and overshadowed, the display of seized artifacts in European museums is a silent representation of dominance over the history and culture of a nation. These items are often connected to the community's religion and spiritual beliefs and this feeling of disconnection from their culture results in a loss of cultural identity.

As we enter a period of change, discussions on justice and equality are more prominent than ever. The refusal to repatriate looted artifacts is a sign of unwillingness to evolve from the unjust practices of colonial rule. The refusal to engage in the ongoing conflict on restitution diminishes the opportunity to repair strong barriers between nations and facilitate the growth of stronger international relations. The return of cultural heritage symbolizes an act of healing and empowers post-colonial societies to claim their rich heritage without interruption. By acknowledging the need for repatriation, former colonial nations will demonstrate a willingness to accept and correct past wrongdoings.

## Timeline of Important Events

| Date:           | Event:  |
|-----------------|---|
| 18 October 1907 | The Hague Convention:<br>The convention establishes regulations on protecting cultural heritage during armed conflicts, however, the convention does not focus on looted artifacts                    |
| 1943- 1945      | World War 2:<br>During WW2, many artifacts were looted and displaced which caused further disagreements over the issue. Specifically, the artifacts looted by Nazis became a major concern over time. |
| 1954            | Hague Convention for the Protection of Cultural Property:<br>The convention focused on the prevention and prohibition of theft of cultural property in response to World War II.                      |
| 1960s           | Colonized nations that recently gained their independence   |



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|-----------|--|
|           | requested their seized artifacts since they are a part of the nation's cultural and political identity.  |
| 1970      | UNESCO Convention:<br>According to the convention, "It is a collective duty to act against the illicit trafficking of cultural property and to protect cultural heritage." |
| 2017-2022 | During this period, major repatriation efforts include France, Germany, and the UK pledge and return African artifacts.  |

## Related Documents

Unidroit Convention on Stolen or Illegally Exported Cultural Objects (1995)

<https://www.unidroit.org/wp-content/uploads/2022/12/Convention-on-Cultural-Objects-Rome-1995.pdf>

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property

<https://unesdoc.unesco.org/ark:/48223/pf0000133378>

Final act of the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 1954

<https://unesdoc.unesco.org/ark:/48223/pf0000082464>

Fight Illicit Trafficking (1970 Convention)

<https://www.unesco.org/en/fight-illicit-trafficking>

RESOLUTIONS ADOPTED BY ICOM'S 10TH GENERAL ASSEMBLY

Grenoble, France 1971

[https://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions\\_1971\\_Eng.pdf](https://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions_1971_Eng.pdf)

## Past Solution Attempts

Throughout the years, particularly after World War II and as colonized nations gained independence, they have advocated for the reclamation of their seized artifacts. One of the solutions UNESCO established in order to resolve the issue is to maintain bilateral dialogue between nations and sign international agreements to compromise on a solution. The Hague Convention which was signed in 1954 indicated this attempt. This convention enforced the prohibition of the looting of historical artifacts.

Furthermore, the established rules aimed to develop initiatives that guarantee respect for cultural property situated on their own territory or on the territory of other States Parties. This involves refraining from using such property in any manner that might expose it to destruction or deterioration in the event of armed conflict and refraining from all acts of hostility directed against it.

Moreover, the UNESCO Convention of 1970 states, “It is a collective duty to act against the illicit trafficking of cultural property and to protect cultural heritage,” emphasizing that the seizure of artifacts is strictly prohibited. Also, some European nations took action to return some looted artifacts of formerly colonized nations. Between 2017 and 2022, significant milestones in artifact repatriation included French President Macron's 2017 pledge to return African artifacts, the 2018 Sarr-Savoy Report recommending restitution, Germany's 2020 commitment to return Benin Bronzes to Nigeria, and the UK's 2022 return of some Benin Bronzes by institutions like Cambridge and Oxford.

## Possible Solutions

In order to resolve the issue of seized historical artifacts by the European colonial powers repatriation agreements can be encouraged between nations. Bilateral or multilateral dialogues between the former colonial powers and the origins of the artifacts can be established through organizing conferences that can be monitored under the supervision of the United Nations. In addition, comprehensive research into the origins of artifacts to identify the artifacts taken without consent will ensure transparency in museum collections. Establishing neutral bodies to mediate disputes and establish fair mechanisms for determining artifact ownership and restitution, may also be useful in furthering the negotiations and reaching agreements between parties. Lastly, updating laws to facilitate the repatriation of artifacts and penalize illicit acquisitions (be careful, UNESCO does not have the authority to implement sanctions), with governments enacting clear policies for restitution.

## Useful Links

<https://uscbs.org/background/> (Background to Protection of Cultural Property from the U.S Committee of the Blue Sheild website)

<https://www.ice.gov/factsheets/cultural-artifacts-ww2> ( World War II Cultural Property Cases by US Immigration and Customs Enforcement)

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