General Assembly 3

Research Report

The Question of:

Return or Restitution of Cultural Property to the Country of Origin

Introduction

Throughout history many historical artefacts have moved from one nation to another. Countless archaeological expeditions have been sent by states in search of antiquities to bring back and display in their home countries' museums and show to the people. However, oftentimes these artefacts were taken without the permission of the state they were found in, perhaps even illegally. Recently the topic of returning artefacts and cultural property back to their country of origin has been brought further into the foray as countries develop and search for their cultural identities. This has been particularly prevalent amongst former colonies of European powers, whose artefacts were often taken as general colonial loot or as part of archaeological investigations. While it may seem as though these European countries are clearly in the wrong for taking artefacts without consent, it is important to look at other aspects of the debate as well. For example, there often aren't facilities capable of high-level research in those countries, which would deprive the world of the knowledge that could be gained from the artefact. More basely, artefacts in these countries can often be under threat and need to be in a safer location, like the historic city of Palmyra in Iraq, where in 2015 ISIS members blew up several priceless artefacts in museums there. This is an issue which inspires lively debate on both sides and requires discussion to come to a solution which is beneficial to all parties.

The Committee

The GA3 is a committee within the wider General Assembly framework of the UN, which is essentially the main group of committees which provide the bulk of the resolutions that the UN passes to reach its goals. The GA3 in specific deals with Social, Cultural, and Humanitarian issues. The committee passes non-binding resolutions (like all committees except the SC and ICJ), and therefore cannot use operative clauses like *demands* etc. The committee will run issue by issue, and resolution by resolution. On the third day it's possible that all the committees of the General Assembly will have a plenary session, where they all come together and discuss a few issues that are pertinent to all.

Key Terms

- Restitution – the return of something to its rightful owner
- Archaeology – the scientific study of material remains (such as tools, pottery, jewellery, stone walls, and monuments) of past human life and activities
- UNESCO – United Nations Educational, Scientific, and Cultural Organization
- ICPRCP -Intergovernmental Committee for Promoting the Return of Cultural Property

General Overview

The issue at hand is a very controversial one, that incites a lot of emotions. It can be looked at from several different perspectives.

Nations calling for the return of property

Countries that want their cultural property back often want it for a number of reasons. Cultural property can obviously have huge cultural significance to the population of a nation. Therefore people feel very strongly about artefacts which were taken from their land. This is especially true with religious artefacts. Another reason countries want their property back is prestige and international standing. Many artefacts were taken from countries at a time when they were colonies of (usually western) foreign powers. Since the era of colonialism has been over for many years, countries can feel as though it is unfair that their former colonizers still own their property and refuse to give it back. An example of this is India (and Pakistan) with their wish for the return of the Kohinoor Diamond, which was taken by the British in 1849 and is currently the centrepiece of the crown of Queen Elizabeth II. There is also diplomatic significance to the return of cultural property. A former colonizer returning property can be seen as an apology for the atrocities that are synonymous with imperialism and can allow for better relationships between the two nations. The political and economic significance is also great – politicians' approval ratings skyrocket if they are seen to be defending the honour of their nation. Furthermore, can artefacts be sources of revenue through tourism for the home nations.

Nations that own the property

There are also many reasons why a nation wouldn't want to return property. For one, they might see it as property that was taken in a perfectly legal manner. For example, the Indians and Pakistanis allege that the Kohinoor was stolen from Punjab, but the British insist that it was seized legally under the terms of the Treaty of Lahore. These kinds of disputes can often be hard to resolve since laws and societal perceptions have changed greatly over the long time periods between the seizure of property and now. Again, the political and economic significance of owning the property is great. Moreover, many of the museum collections of European countries consist almost solely of "stolen" property – the British Museum's collection includes 4000 bronze statues looted from one campaign in Benin alone. These museums have great national significance and encourage tourism. Countries also don't want to return property on more compassionate grounds. They fear that in their home countries the artefacts may be at risk of theft or damage, or that there aren't sufficient resources to research them properly. This is particularly notable with regards to the Middle East and Africa, where museums can be at risk of terrorism. The Victoria and Albert Museum in London for example, owns a large collection of Sumerian statues and reliefs that would've been at very high risk of destruction, in modern Iran and Iraq where they are originally from.

The safety of artefacts in their home countries

Many artefacts are unfortunately at grave risk of destruction in their home countries. A tragic and well-covered example of this is the destruction of hundreds of artefacts and ancient structures in the ancient city of Palmyra, in Syria. The terror group ISIS used explosives to destroy, among many other artefacts and buildings, the ancient Temple of Bel, a 1st century sandstone temple. Another example was when the Taliban destroyed the towering statues of the Buddhas of Bamyan, in a shocking moment that was well-covered by international media and was one of the first times international audiences really understood the danger of militant terror groups to ancient cultural heritage. Incidents like these provide strength to the argument that countries

have a responsibility to let their artefacts be taken abroad, if their current position leaves them at danger of destruction.

The practicality of returning cultural property

Another factor in this debate is simply the practicality of actually returning the property to the nations in question. The world has changed a great deal since the 19th and 20th centuries, the heydays for looting artefacts, and many countries exist now that didn't then, and vice versa. As such, there is a great question over who exactly the property should be returned to. A Roman artefact found in, say, Western Syria in 1916 by a French expedition may inspire a number of claims for its return. At the time, Western Syria was under French control, so the French could attest that it's rightfully theirs. The Syrian people might say it's theirs since it was found there. A number of other Mesopotamian countries may claim it since throughout history that land has been owned by a number of different empires and modern countries. Italy may even claim it under the pretext that as a Roman artefact, they should have the right to have it. You can see how so many different claims can be made over one artefact. This can create a number of issues and provides strength to the argument that it's simply easier to leave such matters in the past and move on to more pressing issues. However, one should not be inhibited by practicalities, if we only worked hard on small problems the world would be in much worse shape today.

Major Parties Involved

The United Kingdom

The UK, as possibly the most (in)famous colonial power, has a big role in the debate surrounding the return of cultural property. Throughout their colonial history (from the mid-1600s to about 1950) they sent hundreds, if not thousands of archaeological expeditions to their various colonies in search of artefacts that they could then bring back to their national museums. These expeditions are the main reason that the archaeological collections of Britain are some of the most extensive in the world. The most famous case of restitution of cultural property also directly deals with the UK – the Koh-I-Noor diamond, the main jewel in Queen Elizabeth II's crown. It was taken from Punjab (modern day India/Pakistan) in 1849. The British attest that it was legally taken under the terms of the Treaty of Lahore, but the Indians and Pakistanis insist that it was stolen. Since laws have changed a great deal since then, it's very difficult for such issues to be resolved. The Koh-I-Noor should certainly be on the minds of the delegates during this debate.

Egypt

Egyptian artefacts are a mainstay in most archaeological museums around the world. However, the Egyptian government has lately been taking a stronger stance in its support for the return of these artefacts to Egypt. Political instability in Egypt was rife for many years (and to an extent continues to this day), which often threatened the safety of artefacts, leading nations to believe they were protecting the artefacts by keeping them out of Egypt. However, a resurgence in national pride and a more stable government has encouraged the Egyptian people to press further for the return of their artefacts, many of which were taken by British and French expeditions in the 19th century. Egyptian artefacts like the world-famous sarcophagi contribute to their status as a popular tourist destination, generating large amounts of revenue for the country. In 2018 Switzerland returned several artefacts which were illegally trafficked out of Egypt.

ICPRCP

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation is a committee comprised of 22 UNESCO

member states which strongly support the return of cultural property. The committee serves to mediate discussions between countries having disputes over cultural property, and to find solutions which work for all parties. It also works towards greater cultural exchanges between nations, such as travelling exhibitions of artefacts, in order to promote cultural awareness between the countries and ease diplomatic relations. Importantly, it also helps with the creation of new museums and the training of archaeological researchers in the countries of origin, which helps to dispel some of the concerns that nations may have over the scientific capabilities of the home countries of the artefacts.

UNESCO

The United Nations Educational, Scientific, and Cultural Organization is a body of the UN that is responsible for its self-evident functions. Based on its recommendations, a number of resolutions have been adopted by the UN General Assembly on the matter of Return of Restitution of Cultural Property to Countries of Origin. UNESCO also designates certain sites of significance as World Heritage Sites, such as the city of Palmyra.

India/Pakistan

These two countries may be bundled together in the context of this issue, as they are primarily concerned with the same matter – the return of the Koh-I-Noor. The reason they both request its return is because in 1849, when the British took it, India and Pakistan were one country. The mine which it was probably mined from is in modern day India, but it is not certain that it indeed came from that mine. This dispute is not helped by the icy relations between the two countries. Who have been at odds since gaining independence from Britain in 1947. Moreover, the British have resolutely refused to return the Koh-I-Noor, as they consider it to be one of their national treasures, being the main jewel in the Queen's crown.

Previous attempts to solve the issue

Relevant UN Resolutions on the issue:

- Resolution 3026 A (XXVII) of 18 December 1972
- Resolution 3148 (XXVIII) of 14 December 1973
- Resolution 3187 (XXVIII) of 18 December 1973
- Resolution 3391 (XXX) of 19 November 1975
- Resolution 31/40 of 30 November 1976
- Resolution 32/18 of 11 November 1977
- Resolution 33/50 of 14 December 1978
- Resolution 34/64 of 29 November 1979
- Resolutions 35/127 and 35/128 of 11 December 1980
- Resolution 36/64 of 27 November 1981
- Resolution 38/34 of 25 November 1983
- Resolution 40/19 of 21 November 1985
- Resolution 42/7 of 22 October 1987
- Resolution 44/18 of 6 November 1989
- Resolution 46/10 of 22 October 1991
- Resolution 48/15 of 2 November 1993
- Resolution 50/56 of 11 December 1995
- Resolution 52/24 of 25 November 1997
- Resolution 54/190 of 17 December 1999
- Resolution 56/97 of 14 December 2001
- Resolution 1483 of 22 May 2003 by the Security Council of the UN concerning Iraq
- Resolution 58/17 of 3 December 2003

- Resolution 61/52 of 4 December 2006
- Resolution 64/78 of 7 December 2009
- Resolution A.67/L.34 of 5 December 2012
- Resolution A/RES/70/76 of 9 December 2015

The Future

India

A growing sense of national pride fuelled by a nationalist Prime Minister is causing Indians to feel as though the Koh-I-Noor must be returned. The delegate of India will most likely try to force this issue as much as possible.

The United Kingdom

With society now strongly looking down on colonialism and countries beginning to deal with their colonialist past, the UK will have to start to take measures to redeem itself of its heritage. Universities throughout the country are looking at funds raised through colonialist practices, and museums are looking into artefacts collected through colonialist expeditions. Expect public apologies and possible returning of artefacts.

Questions a Resolution Must Answer (Q.A.R.M.A.)

These are some questions to help guide you in writing your clauses

- What are some criteria that a country may use in determining whether to return cultural property?
- Who should be the first priority in returning cultural property?
- Should cultural property be returned even if it may not be studied to its full extent in the country of origin?
- Are countries which took property legally during colonial times required to return property?
- How can we objectively look at legal disputes from the 19th century today?
- Should countries be giving back property as an apology for colonialism?
- Should property be returned at all?

Further Reading

http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property

Bibliography

"Archaeology." *Merriam-Webster*, Merriam-Webster, 2019, www.merriam-webster.com/dictionary/archaeology.

"Intergovernmental Committee: United Nations Educational, Scientific and Cultural Organization." *Intergovernmental Committee | United Nations Educational, Scientific and Cultural Organization*, UNESCO, 2017, www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/intergovernmental-committee/.

"Koh-I-Noor." *Wikipedia*, Wikimedia Foundation, 26 Aug. 2019, en.wikipedia.org/wiki/Koh-I-Noor.

"Resolutions Adopted by the United Nations General Assembly about Return and Restitution of Cultural Property: United Nations Educational, Scientific and Cultural Organization." *Resolutions Adopted by the United Nations General Assembly about Return and Restitution of Cultural Property | United Nations Educational, Scientific and Cultural Organization*, UNESCO, 2017, 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/.

"Return or Restitution Cases: United Nations Educational, Scientific and Cultural Organization." *Return or Restitution Cases | United Nations Educational, Scientific and Cultural Organization*, UNESCO, 2017, www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/return-or-restitution-cases/.

Swissinfo.ch. "Switzerland Returns Ancient Treasures to Egypt." *SWI Swissinfo.ch*, Swissinfo.ch, 21 Nov. 2018, www.swissinfo.ch/eng/cultural-heritage_switzerland-returns-ancient-treasures-to-egypt/44562254.