Third General Assembly

Ensuring the safe return of colonial treasures to the nation of origin

Research Report

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"let us sing songs of freedom together"

Forum: Third General Assembly Committee (GA3)

Issue: Ensuring the safe return of colonial treasures to the country of origin

Position: Chair, Deputy Chair

Introduction

The issue of repatriating colonial treasures to their nation of origin has garnered significant attention and debate within the international community, thus making it a critical subject for discussion at the Model United Nations (MUN) conference. For centuries, imperial powers accumulated an extensive array of art, artefacts, and historical objects through colonial conquest and exploitation. These treasures, now dispersed in museums and private collections across the globe, hold immense cultural, historical, as well as spiritual value to the nations from which they were taken. Addressing the question of repatriation requires a comprehensive understanding of its multiple dimensions, encompassing moral, legal, but also ethical considerations. It is essential for Model United Nations delegates to explore potential solutions to foster reconciliation, promote cultural equity, and uphold the principles of justice, while ensuring the safe return of colonial treasures to their rightful nation of origin. This research report aims to provide delegates with an overview of the issue and of course stimulate fruitful deliberations during the conference. By examining the perspectives of various stakeholders involved, we can collectively seek pathways towards a just and harmonious resolution to this complex global challenge.

Definition of Key Terms

Colonialism:

Colonialism is defined as the practice by which a powerful country (metropolis) directly controls less powerful countries and uses their resources to increase its own power and wealth.[1] It revived during the 15th century AD, when the Portuguese and Spanish discovered and occupied unknown lands worldwide. The rest of the Europeans followed, defining what is known as "Western Colonialism". Colonists interacted with indigenous peoples and exchanged cultural elements, sometimes enhancing literacy and improving living conditions, though they often caused irrevocable harm by marring indigenous peoples' lifestyles or acting aggressively and infringing their rights, enslaving them or causing war.

Western Colonialism:

a political-economic phenomenon whereby various European nations explored, conquered, settled, and exploited large areas of the world, according to Britannica.[2] European colonies included lands in Africa, the Americas, Asia and Oceania, some of which remained under European rule until after the Second World War. Colonists interacted with indigenous

[1] Collins Dictionary. (2019, April 13). *Colonialism definition and meaning*. Collinsdictionary.com. https://www.collinsdictionary.com/dictionary/english/colonialism

[2] Encyclopedia Britannica. *Colonialism, Western summary*. Britannica.com. https://www.britannica.com/summary/Western-colonialism

peoples and exchanged cultural elements, sometimes enhancing literacy and improving living conditions, though they often caused irrevocable harm by marring indigenous peoples' lifestyles or acting aggressively and infringing their rights, enslaving them or causing war.

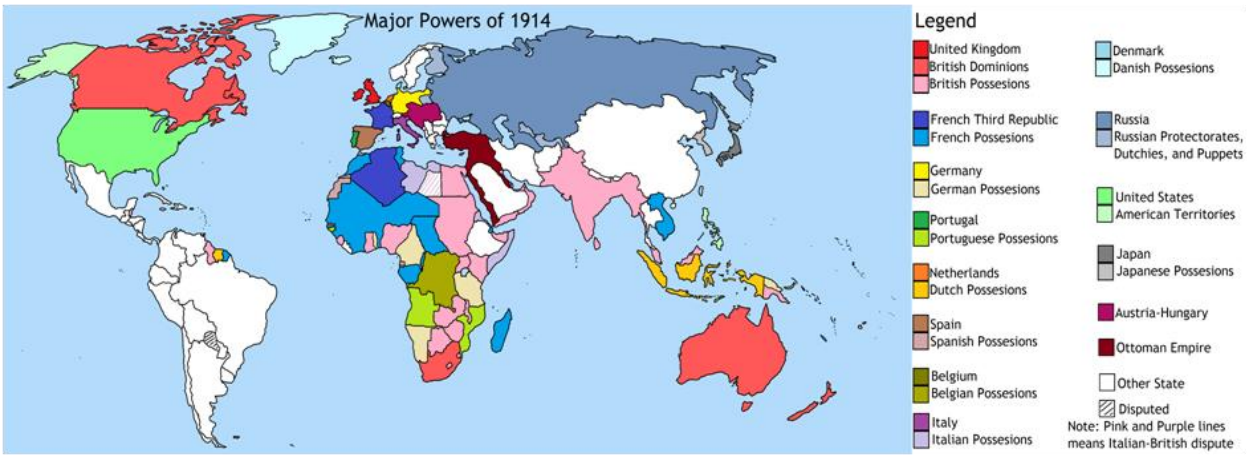

Figure 1: World Map of 1914, depicting powerful states of the time and their colonies[3]

Empire:

Empires are groups of nations or peoples ruled over by an emperor, empress, or other powerful sovereign or government, which usually cover extensive territory.[3] A prime example is the British Empire—ruled by Great Britain—, the formulation of which started during the 16th century. It included colonies and protectorates all around the world, many of which gained full independence or were integrated into other states. The British Empire ultimately evolved into the Commonwealth of Nations.

Antiquities:

Relics or monuments (such as coins, statues, or buildings) of ancient times.[4] Antiquities constitute part of a nation's cultural heritage.

Cultural Heritage:

The Central European University defines cultural heritage as "the legacy of physical artefacts (cultural property) and intangible attributes of a group or society inherited from the past." It's important to note that cultural heritage refers to a culture. Each thereof is defined by a particular set of values and a certain mindset, which are reflected in its heritage. Therefore artefacts belonging to a nation's or other civilisation's cultural heritage are of great symbolic value and represent the shared history and cultural background of its members. Cultural heritage can be either tangible or intangible. The first category can be further classified as movable (e.g. paintings or sculptures) or immovable (e.g. historical monuments); the second comprises of elements such as forms of performance art (e.g. traditional dances), or oral tradition.

Repatriation:

According to Merriam-Webster, repatriation is the act or process of restoring or returning someone or something to the country of origin, allegiance, or citizenship. Though the term

[3] Map source: https://slukeplassrpcblog.wordpress.com/2015/05/19/colonial-powers-of-1914-map/

usually refers to people (e.g. refugees or POWs), we also often use it when talking about tangible, movable cultural heritage.

Cultural Restitution:
The process of returning cultural objects to their rightful owners or nation of origin, often acknowledging historical injustices and working towards correcting the consequences of colonialism and cultural exploitation.

Cultural Equity:
The principle of ensuring fairness and justice in the treatment of diverse cultures, promoting equal opportunities for the representation and preservation of cultural heritage.

Historical Injustice:
Refers to past actions or policies that have caused harm, suffering, or loss to certain groups or nations, including the acquisition of colonial treasures during imperial rule.

Cultural Diplomacy:
The use of cultural exchange and cooperation to build mutual understanding and strengthen relations between nations.

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property:
An international treaty adopted by UNESCO in 1970 to prevent the illegal trade and looting of cultural property and encourage the return of stolen cultural artefacts to their nation of origin.

Provenance:
The documented history of ownership and transfer of an artwork or cultural object, often essential in determining its rightful ownership and origin.

Looting:
The illegal act of stealing or forcibly removing cultural artefacts from their original locations, often during times of conflict or colonial occupation.

General Overview

Colonialism and removal of cultural heritage

European peoples have been attempting to expand their influence since the 12th century AD, when the First Crusade paved the way for trade with the countries of Asia. Venice was at the head of these novel commerce attempts and gained the monopoly of certain popular Asian products, such as spices.

However, despite Europe's dominance in world trade and the exploitation of African and Asian land, European states didn't create colonies up until the Age of Discovery. The Spanish and Portuguese were the first to travel through the ocean to new land, conquering

parts of the Americas, Africa and Asia, thus regimenting their control of commercial activity in these areas by imposing their own governance. They created the first European colonies—such as Brazil (Portugal), Ecuador, Colombia and Argentina (Spain)—, paving the way for the rest of Europe to follow.

European states subsequently turned to the Atlantic, becoming the epicentre of a world they were previously at the edge of and getting the opportunity to handle world trade and to take advantage of all the colonies' resources. As a result they asserted their dominance and built historic empires, which had both positive and negative consequences, the latter of which we will consequently analyse.

It is important at this point to note another significant change that affected the empires: the Industrial Revolution. With the shift from agriculture towards industrial production, the metropoles became exporters, since they provided the colonies with products necessary in the evolving industrial societies. Their policies were adapted to the new needs the Revolution created, creating in turn a new dynamic between them and the colonies. They therefore stopped prioritising optimal trade spots, moved further into continental lands and searched for materials needed for their industries instead of the rare or hard-to-find goods they previously sought out. They were hence able to impose their own industrial production, hinder the self-sufficiency of the colonies, proceed to use forced labour and, ultimately, maintain control of the economy.

Within their empires, colonial powers exploited the colonies in many ways, one of which was looting colonial treasures, namely artefacts and human remains that belong to the cultural heritage of the colonies. These were mostly antiquities, such as statues, sacred or religious objects, parts of monuments etc. Unfortunately the ways these treasures were acquired have not been recorded in detail, though we know for a fact that they were often stolen by soldiers or missionaries —sometimes with the help of archaeologists and other experts— and that through legal or illegal trade they have ended up in museums and related institutions all around the world. Examples of such artefacts and human remains are the Benin Bronzes —a series of antiquities from Benin, many of which are now in Germany, France and the UK—, New Zealand's Maori remains, and antiquities from the Congo, a former Belgian colony.[4]

Decolonisation and the quest for restitution

Decolonisation (the dissolution process of colonial rule) comprises of a series of significant events, which have greatly contributed to the formation of international relations as we know them today; they eventually brought an end to the all-powerful empires of Western Colonialism and liberated their colonies, which often became independent national states. In

[4] *Figure 2: The Benin Bronzes are a series of bronze sculptures from the Kingdom of Benin in Africa, now in museums all around Europe* © Florian Gaertner/Photothek/Getty Images

the context of colonisation, it is important to ensure that, along with securing their national sovereignty and integrity, the colonies restore their cultural heritage. The restitution process of the countless pieces of tangible cultural heritage that have been looted by conquerors has already started, and it is necessary to expedite it, so as to return to the former colonies what's theirs.

The British Museum (photo) holds a plethora of colonial treasures from former British colonies.[5]

There are numerous pathways to the repatriation of artefacts or human remains from European museums and collections back to their nations of origin. Because in many countries the law doesn't stipulate such measures, a legal framework that will allow or impose the restitution of (certain) items or collections is a necessary change. Governments such as the French have already allowed the return of specific items (e.g. the Benin Bronzes), though it's time for a more holistic approach to the issue. National and international law should therefore adapt to the fair demands of countries of origin, which have violently been deprived of their cultural heritage for aeons.

A prerequisite for the development of such policies is ensuring good communication on an international level. Countries of origin must voice their demands by expressing ideas and requests, while former colonial powers must listen, thus encouraging healthy communication. This interaction may be promoted by international fora; states should lobby and reach comprehensive agreements, so as to set a precedent for the necessary measures regarding cultural heritage. In addition, the member states of the United Nations must sign conventions requesting the implementation of this policies, while bearing in mind existing conventions—such as the 1970 Convention on the Means of Prohibiting and Preventing the

[5] Image source: https://commons.wikimedia.org/wiki/File:British_Museum_from_NE_2.JPG

Illicit Import, Export and Transfer of Ownership of Cultural Property or the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects— which, nevertheless, are not holistic enough, as they do not specify how items looted in the context of empires should be dealt with.

At any rate, we must keep in mind that the holders of looted cultural heritage are also the ones who take the ultimate decision. In other words it is of paramount importance that governments such as the French, the British and the German are put under pressure in order to listen to former colonies and make the necessary legal changes to stimulate the repatriation of colonial treasures. Only with their condescension can we finally move a large step closer to the completion of the decolonisation process.

Major Parties Involved

UNESCO;

UNESCO does not have a direct or formal role in ensuring the safe return of colonial treasures to their countries of origin. However, UNESCO does play an important role in promoting cultural heritage preservation, awareness, and international cooperation in various ways, which indirectly relate to discussions about the return of colonial artifacts. Its activities include

World Heritage Sites:

UNESCO designates and helps protect sites of outstanding cultural or natural significance around the world as World Heritage Sites. While this doesn't directly address the return of colonial treasures, it promotes the preservation and recognition of cultural heritage.

Intangible Cultural Heritage:

UNESCO promotes the recognition and safeguarding of intangible cultural heritage, such as traditions, rituals, and practices. This can indirectly support discussions about returning cultural artifacts by raising awareness of the importance of cultural contexts

Cultural Diversity and Dialogue:

UNESCO encourages dialogue and understanding between cultures to foster peaceful coexistence. These efforts can help create an environment conducive to discussing sensitive issues such as the return of cultural artifacts.

Ethics of Cultural Heritage:

While not directly involved in repatriation negotiations, UNESCO has contributed to the development of ethical principles and guidelines related to cultural heritage, including issues of provenance and ownership. These principles can inform discussions about the return of colonial treasures.

Bilateral Agreement:

An agreement between parties or states that aims to keep trade deficits to a minimum

The return of colonial treasures or artifacts is typically negotiated between the countries of origin and the institutions or governments that currently possess them. These negotiations might involve diplomatic channels, legal agreements, and international conventions. One such convention is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, which aims to prevent the illegal trade of cultural artifacts.
It's important to note that the issue of repatriation is complex and can involve legal, cultural, ethical, and historical considerations. While UNESCO's role is not direct in this matter, its broader efforts in cultural preservation, dialogue, and ethical guidance can contribute to the discussions surrounding the return of colonial treasures to their countries of origin.

France:

France is most certainly a major party in the aspect of the safe return of colonial treasures to their country of origin n, due to its historical role as a colonial powers well the extensive collection in their hands of such artifacts from other former colonies. Starting off , France had one of the largest colonial empires with territories spanning Asia Africa and Oceania During the colonial era (1882-1960), France acquired a big number of cultural and artistic treasures from these regions often through questionable means -even theft. France is home to numerous prestigious museums including the Louvre, housing an extensive collection of art from around the globe thus providing France with a rich cultural heritage. Over the years there has been increased advocacy as well as global awareness for the restitution of cultural artifacts to their countries of origin. This kind of debate of restitution, had many countries especially former colonies argue that there were artefacts taken without consent and ought to be returned to their rightful and original owners , in the matters of cultural but also historical justice. Considering the legal and ethical concerns , it is argued by many , how all these artifacts we claimed i ways considered to be unethical and very often illegal according to today’s standards. Consequently, there are calls for France to engage in dialogue with countries of origin and considering the safe return of the stolen property.

Moreover France is a signatory to international agreements and conventions that address cultural heritage and the return of unlawful acquired artifacts. One example is the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the illicit Import and Export and Transfer of Cultural Property. Closing , the returning of cultural artifacts is a moral imperative as it acknowledged the suffering and loss that occurred during the colonial period. France has lately taken some steps forwards toward repatriation , announcing some plans to return certain items to their country of origin. Nevertheless, the issue as a whole remind complex as it involves navigating legal cultural and historical challenge.

Timeline of Events

15th century AD	Western colonialism begins as the Spanish and Portuguese make overseas discoveries and conquer new lands
1492	America is discovered by the Spanish
1775-1783	The American Revolution marks the offset of the decolonisation process
1791-1804	After the Haitian Revolution, Haiti becomes the first country to have been founded by former slaves
1897	The British armed forces attack Benin City and steal the famous Benin Bronzes
1945	The end of the Second World War marks the beginning of the end of the large European Empires. After the war, European powers gradually lost their colonies, but unfortunately kept their looted cultural heritage.
16 November 1945	The United Nations Educational, Scientific and Cultural Organisation (UNESCO) is founded with the aim of promoting peace and sustainable development and defending human rights through international collaboration.
14 November 1970	The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is adopted by the sixteenth session of UNESCO's General Conference in Paris, France.
24 June 1995	The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is adopted in Rome. UNIDROIT is the International Institute for the Unification of Private Law, an independent intergovernmental organisation headquartered in Rome.
November 2018	A report by academics and researchers Felwine Sarr and Bénédicte Savoy, commissioned by the French President Emmanuel Macron, is published. It is titled 'The Restitution of African Cultural Heritage: Toward a New Relational Ethics' and commonly referred to as the Sarr-Savoy report. The report serves as a roadmap for the restitution of thousands of items and is the first relevant initiative of this scale to have been launched in Europe.

Possible Solutions

Negotiation of Bilateral Agreements

By Negotiating Bilateral AGreements between countries of origin or even holding institutions (which may include museums or universities) could possibly provide a legal framework for ensuring the safe return of historical , and cultural artifacts. Such agreements would outline the terms and conditions for repatriation . Those may include , temporary loans the proper implementation of human resources for the safe and proper execution of repatriation , according to the-already implemented- terms and conditions, as well as any plausible ‘’shared custody’’ agreements. Nevertheless, in order for all of the above to be done the insurance of clear ownership documentation shall be done along with the provenance research for cultural artifacts, and be considered essential. This would certainly assist in the determination of the rightful owners as well as simplify the process of repatriation per se as a whole.

Legal Frameworks

Establishing a legal framework in custodial countries, that allows for the formal and professional review and perhaps potential restitution of artifacts, that may include crystal clear criteria for assessing claims of ownership and should also consider a specialised committee/panel of experts to evaluate the established claims. Moreover, a process accessible to countries of origin or archaeological specialists and museums shall be created for those who claim they have a legitimate case for the return of artifacts. Sucha process shall be very specific and follow certain rules of procedure.

Cultural Exchange and Collaborative Ideologies

Cultural exchange matters may include long term loans or partnerships. By promoting the idea of long term loans or cultural exchange agreements between countries or states of origin and custodial ones , may benefit countries not only financial but also assist broaden the cultural horizons and knowledge. Furthermore, this approach would allow colonial treasures to be displayed but also appreciated by museums and visitors around the world while acknowledging a rightful ownership. Helping other countries build and strengthen their cultural institutions including museums or preservation facilities and educational programs can empower nations to better care for cultural heritage and reduce the need of repatriation per se. In addition , some kind of ‘’foster collaboration’’ between museums , researchers or experts from either or both the custodial countries and those of origin, to conducts joint research and conversation efforts in order to contribute into a better understanding of the artefacts’ history and historical background , as well as the proper care they need

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