



## The Hague International Model United Nations

**Forum:** Special Conference on Culture & Heritage 1 (SPCCH1)

**Issue:** The question of the return and restitution of cultural artefacts to their countries of origin

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### Introduction

One of six original Caryatid statues from the Erechtheion temple on Athens' Acropolis is currently on display at the British Museum.<sup>1</sup> This solitary figure is separated from her five sisters who remain in the Acropolis Museum. The Caryatid is considered a significant cultural artefact and a vital part of Greece's cultural heritage. However, she has yet to be returned to her country of origin. Thus, the statue has come to serve as a symbol in conversations of cultural restitution.

The term "restitution of cultural artefacts" refers to the return of cultural property, including artworks, sacred objects, manuscripts or historical items, to their nation or community of origin.<sup>2</sup> In most cases, this property has been taken unlawfully, either by conflict, looting or illicit trafficking. Colonial era influences caused this phenomenon to flourish, leading to museums holding items taken without consent worldwide today.<sup>3</sup>

In recent decades, cultural artefacts have been pushed to the forefront of armed conflicts<sup>4</sup>, as seen in nations such as Yemen, Iraq, Afghanistan and Mali. Since 2011, approximately 100 Yemeni artefacts have been sold in auction houses in Europe and the United States for an estimated 1 million US dollars<sup>5</sup>. The Museum of Raqqa, which counts as one of the first Syrian museums to be seized by the terrorist organisation ISIS, was stripped of several major pieces in 2014.<sup>6</sup> An estimated 10,000 artefacts have been stolen from the nation of Syria during the Syrian Civil War.

The theft of cultural artefacts is a persistent problem, with ongoing reports of illicit trade dominating the global cultural scene.<sup>7</sup> Individuals are attempting to sell prized cultural possessions to other nations' cultural displays in search of a generous reward, or destroy already existing artefacts to sell their valued parts. Some recent examples of cultural theft include the October 2025 Louvre Heist in Paris, France<sup>8</sup>, as well as the November 2025 theft of six statues from the Damascus National Museum, located in the Syrian Arab Republic.

Ensuring the restitution of cultural artefacts is of paramount importance in order to respect nations' cultural sovereignty. Stripping a nation of its prized cultural possessions is stripping it of its identity: an identity distinctly crafted by older generations, passed onto today's generations and generations to come. A nation's identity defines its sovereignty, a fact that underlines why this issue needs to be tackled in due time.

## Definition of Key Terms

### Restitution

Restitution means “a restoration of something to its rightful owner”<sup>9</sup>.

### Cultural Artefacts

A cultural artefact is “any item that contains important information about the people and the culture of a society”<sup>10</sup>.

### Repatriation

Repatriation is “the act or process of restoring or returning someone or something to the country of origin, allegiance, or citizenship”<sup>11</sup>.

### Looting

Looting is “the activity of stealing during a violent event”<sup>12</sup>.

### Cultural Sovereignty

Cultural sovereignty is “the right of a people or nation to freely determine their own cultural development”<sup>13</sup>.

## Background Information

### Colonial Origins of Artefact Removal

The looting and illegal trade of cultural artefacts is deeply rooted in colonial times. In fact, it is stipulated that the looting of cultural heritage has been taking place systemically ever since cultural heritage was introduced.<sup>14</sup>

Many artefacts scattered around international museums today were taken during periods of European imperialism and colonialism<sup>15</sup>, when British, French, Spanish and other nations came to conquer and colonise far away lands. This makes it difficult to distinguish if these artefacts were in fact taken as a result of ambiguous trade, forced removal, theft or oppression.

Many leaders of the past claimed they had obtained permission to take cultural artefacts from

authoritative figures, although these were not always tied to cultural ancestry, as nations were often governed by foreign authoritative bodies who were not related to their national traditions, culture or ethnic identity.

### Modern Drivers of Restitution Demands

The demand for cultural restitution has increased significantly in recent years. Nations are demanding that their cultural artefacts be returned to their respective national museums and conservatories.

Growing indigenous rights movements are dominating the international scene: individuals are fighting on behalf of their communities and their respective ethnic identities. Growing criticism of past colonial powers holding onto their stolen artefacts has arisen. National and international campaigns coupled with media coverage increase pressure on institutions to acknowledge historical wrongs. For example, Greece's campaign to reclaim the Parthenon marbles has spanned across multiple decades<sup>16</sup>.

### Legal and Ethical Challenges

A plethora of legal and ethical challenges need to be addressed in order to ensure the return of stolen artefacts and ponder over the basis of their restitution.

First and foremost, relevant legal frameworks need to be analysed. The UNESCO 1970 Convention encourages restitution by establishing set guidelines to hinder the illicit trafficking, import and export of stolen cultural artefacts.<sup>17</sup> The UNIDROIT 1995 Convention supplements this by providing guidelines for restitution between states, ensuring peaceful and effective communication.<sup>18</sup> However, a lack of documentation and difficulty in negotiation still hinder efforts, posing immense ethical challenges.<sup>19</sup>

### Economic, Political and Cultural Implications

Economic, political, and cultural implications also need to be addressed while addressing this issue as a whole. Oftentimes, conflicts arise between museums and national claims of ownership, and the aforementioned lack of documentation only exacerbates this issue.

### Technological and Documentation Obstacles

The documentation obstacles mainly arise from technological errors that are largely difficult for less economically developed countries to address. These may include costs of transport of conservation or even political resistance that hinders development in this sector.

## Major Countries and Organizations Involved

### UN and International involvement

- **ICOM (International Council of Museums)**

The International Council of Museums plays a vital role in the overall accountability and responsibility of museums worldwide, especially towards ethical artefact sourcing. New guidelines have been enforced by the Council, which explicitly state museums should return/repatriate cultural artefacts deemed as “stolen” or illegally obtained in the past, as well as take responsibility for any wrongdoings.

- **UNIDROIT 1995 Convention**

The UNIDROIT 1995 Convention explicitly states that stolen or illegally exported cultural objects should be returned to their nation of origin, and enforces strict guidelines in regards to trafficking prevention.

- **UNESCO 1970 Convention : Prevent Illicit Trafficking and Promote Return of Cultural Property**

The UNESCO 1970 Convention aims to prevent the illicit trafficking and ensure the safe repatriation of cultural property by utilizing distinct guidelines for Member States.

## Greece

Greece has been subjected to illicit artefact transportation since the Ottoman Empire governed the nation.<sup>20</sup> In recent years, Greece has made multiple restitution efforts, the return of the Caryatid among them. The government alleges that all artefacts handed over to the Ottoman Empire at the time of the arrest were not made under legitimate trade but instead were enforced without the approval of the Greek population. Even though negotiations have been set in motion, the restitution of cultural artefacts remains a difficult and complicated process.

## Syrian Arab Republic

The Syrian Arab Republic has also faced an immense loss of cultural artefacts, which was exacerbated during the Syrian Civil War, which lasted approximately 11 years. During the war, governments took advantage of the unstable situation to loot or traffic cultural and historic items illicitly.

## Timeline of Events

Date	Description of event
Approx. 3000 B.C.	Cultural Heritage creation begins ; early instances of cultural artefacts
July, 1801	Removal of Greece’s Parthenon Marbles
October, 1945	Establishment of the United Nations ; Increasing international focus on cultural protection
November, 14 <sup>th</sup> , 1970	Adoption of the UNESCO 1970 Convention to prevent illicit trafficking of

cultural property

June, 24 <sup>th</sup> , 1995	Adoption of the UNIDROIT Convention on Stolen or Illegally Exported cultural objects
January, 2000s	Intensification of national and international restitution campaigns
January, 2010	Increased pressure and calls for accountability on museums

## Previous Attempts to solve the Issue

Some previous attempts to solve the issue include communication between respective national representatives and museums as well as the signatory of best interest agreements. While these agreements were detailed, they were not binding. Ultimately, the lack of historical evidence and documentation proved to be the sole reason for why these practices failed. Nations would allege museums obtained their cultural artefacts illegally, but had no proof it was not, in fact, done through a trade or a cultural exchange. At a time when contracts and signatories were not warranted or did not exist to make trades, no documentation of these peaceful offers was left behind. Essentially, nations had no evidence to support their theft claims. Nowadays, evidence is still difficult to gather during wartime, when most artefacts are looted. Documentation is nonexistent.

## Possible Solutions

The most essential solution to consider in solving this issue is providing adequate and effective documentation. This is especially hard to implement for older artefacts, or artefacts that have been obtained during war. For this reason, nations should take precautionary measures and establish digital archives for their artefacts, so as to be able to track them if they get stolen. Furthermore, border control measures and cargo ship controls should be implemented, in order to tackle the issue and ensure the export and import of illicitly obtained artefacts is stopped. Finally, thorough historical investigations should be conducted, in order to determine if any artefacts have been stolen from indigenous communities in the past.

## Endnotes

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