

Forum: The Fourth General Assembly

Issue: The question of determining the ownership of colonial artifacts post decolonization

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Introduction

Most colonies were established in the 17th and 18th century, with the primary system being a mother country establishing a foreign area as their own territory. Colonies allowed the mother country to use the area as a source of exports and raw materials, establish restrictive trade practices, and to acquire more land. Apart from protection and job opportunities, the colonies, specifically its domestic inhabitants, gained little.

Colonial artifacts are considered to be cultural, intellectual, religious and spiritual property of its provenance, typically taken without any free, prior or informed consent. These artifacts were created by individuals in a community dating back to an earlier period, and reflect the community's way of living, culture, religion, practices, beliefs, creations, discoveries and so much more.

Although there is no grounded legal obligation for international countries to return their acquired objects, delegates from the UN, state actors, non-state actors, and individuals alike have all asserted their belief on the return of these artifacts. On the opposing side, museums and historical institutions contend to this trend, through arguments such as the artifacts proper safety and preservation, loss of financial opportunities, no document provenance, and more.

The UN began acting upon this call in 2007, specifically with article 11 of its document upon “the rights of indigenous peoples”, which focused upon the return of the objects and property taken in violation of the laws, traditions, and customs of indigenous peoples.

Definition of Key Terms

Artifact

A man-made object crafted for a particular purpose during an earlier period of time. Artifacts are helpful to historians, scholars, and many more, who wish to learn about those before them.

Colony

A country, state or area that is under major political control of another country/area, commonly being inhabited by individuals from the controlling country as well.

Decolonization

The action or process of a state leaving the colony they belong to, rendering them virtually independent. Decolonization was gradual and peaceful for some states, but for others it was a violent and widely opposed choice.

Ownership

The act, right or state of possessing something. Often, ownership gives legal possession and control over property or assets, tangible and intangible.

Non-state actors

An individual, group or organization with considerable political influence that is not associated with any country, nation, or state

Provenance

The place of origin or beginning of something's existence

Restitution

The restoration of something lost or stolen to its previous/rightful owner.

Restoration

The action of returning or reinstating something to a former owner, place, practice, right, situation, etc.

Republicanism

The support for a republican system of government.

Key Issues

No Documented provenance

Cultural

Culture plays a big role in human civilization. The impact of culture is extremely important, as it contributes to a person's identity, and helps keep our integrity as a people. These are some of the reasons that the preservation of culture is held in such high regard, with UN committees such as UNESCO having this topic as a main focus. Artifacts can sometimes be a representation of a culture. This is why there are concerns about whether countries should own property that has cultural roots to another. Previous colonies are eager to reclaim their artifacts that were wrongly taken from them, to preserve their cultural dignity and honor their roots. However, the lack of restitution and declaration of ownership influences countries to bring matters into greater attention. This can affect the diplomatic relationships between countries, the reputation and image of a country, and more than meets the eye.

Economic

[Private and public institutions, government, tourism industry]

To begin, artifacts are considered to have immeasurable value, they cannot be calculated, measured, or explained in numerical terms. There are still numerous metrics institutions and historians use, but the value of an artifact is more often perceived by an individual.

Institutions and museums generate a lot of revenue from these artifacts though, as visitors and individuals from all the world come to view, paying everything from entry fees and admissions, donations and endowments, public and government funding. Even public institutions with free entries generate steady revenue. Governments generally own the majority of public institutions, and they gain billions in tax revenue each year. The government and these institutions are also interdependent with the tourism industry as well. For example, in the United Kingdom the tourism industry is said to be worth around 300 billion USD by 2025, and it accounts for 3.1 million jobs. Restitution of major and many artifacts would mean that these institutions could lose more than 50% of their property! While the scenario of the impact would be theoretical, it is safe to assume that countries could lose billions of dollars and a great deal of jobs, which would greatly disturb the economy.

Religion

Countless artifacts have been influenced by religion. Plenty of religious traditions have objects that are utilized in worship, rites of passage, festivals or other ceremonial occasions. Colonial wise, the influence of religion on artifacts was not so prevalent, but nevertheless, some countries still hold artifacts of religious importance. Religious artifacts have major intrinsic value and are held in high regard by those associated with that religion. The lack of restoration prompts individuals, groups, or even governments to demand attention to this matter. There is also the presumption to which colony a religious artifact would belong to. Religious are prevalent in many different areas, and decisions would have to be made based on little to no evidence.

Non-state actors

The restitution of artifacts between countries is a peaceful and formal practice. The change in ownership happens in the form of signed documents, and a simple transfer or transport. However, not all artifacts are taken in accordance with the law, and this is the concern regarding non-state actors. Non-state actors take artifacts without any consent or verification, and often never return these artifacts, sometimes negotiated with the previous owner for some benefit in exchange for the artifact. The motivation for non-state actors vary. Some do it for money or assets, others do it for personal, identity, or intellectual reasons, influence or fame, in the interest of others, etc.

Lack of proper facilities and resources

The protection and proper care of colonial artifacts is vital to protect these pieces from damage, destruction, theft and many more threats. It's estimated that museums have broken or damaged artifacts worth thousands, including a Cartier diamond ring and a Martin Creed installation. Many museums and institutions dispute the return of these artifacts by focusing on the seemingly insufficient protection and care it's new owners would be able to provide. Previous colonies, especially smaller or poorer nations, such as Africa, have a weaker ability to protect their artifacts, by the means of security and the right tools, due to the smaller funding and income their institutions receive. Restitution of colonial artifacts could be risky for their safekeeping, and this can make restitution harder.

Major Parties Involved and Their Views

The United Kingdom

The United Kingdom, previously known as "Great Britain", founded and ruled over many colonies throughout these past few centuries. All their colonies have decolonized, however private museums, institutions, and the government itself still hold and have ownership over artifacts considered to be provenance of said colonies. Despite some acts

of restitution and changes in ownership, the United Kingdom still has an immense amount of these artifacts, with no substantial documentation and indication of its ownership to the previous colonies as well. While the United Kingdom has **agreed** upon the artifacts being taken without consent, there has been no acts of restitution, law or regulation passed that have allowed the return of most, if not all, of these artifacts. The United Kingdom has not taken a stand against any institutions which hold foreign property, and still defends its position for the ownership of their colonial artifacts.

Africa

Africa was previously a heavily colonized area, with multiple countries such as Britain, France, Germany, Portugal, Spain and Italy all have territory and political power in Africa. The colonial powers greatly influenced Africa, as they plundered Africa's resources, such as rubber, timber, diamonds, gold and more. From all their plundering, these European powers also took many objects linked with Africa's heritage, including some of their artifacts. While it has been centuries since their conquest, an abundant collection of their bounty still lies in these countries. It can be noted that Africa has restored plenty of their property, notably the Benin Bronzes and the Abomey Treasures, but Africa seeks restitution for many more of their artifacts.

France

France was one of the previous European powers which acquired lots of territory in foreign nations and countries. Some examples include its own colonies in America, and islands in the Atlantic, Pacific and Indian Ocean. France, like the UK, exported raw materials and resources, and filled up their treasury (mainly with African property). France still holds multiple artifacts from their colonial days, including some Benin and Abomey treasures, statues from the Republic of Congo, and so on. While French President Emmanuel Macron has announced the return of 26 looted treasures, few progress has been made, and museums and historical institutions in France still contest and refuse restitution of their colonial artifacts.

United States of America

The United States of America previously existed as a group of colonies, controlled by the now United Kingdom, France, and other European powers. There were americans and europeans alike, with some of it's inhabitants including slaves as well(transported from Africa). Under the rule of Great Britain, these colonies exported a great deal of raw materials and resources. European inhabitants also took remnants and objects signifying American heritage. Most of these objects wouldn't generally be classified as artifacts, but the United States of America serves as a reminder for the plundering of the United Kingdom. The United States of America would have likely have a more neutral approach, as they have allies on both sides of the issue(United Kingdom, France, Spain, Bulgaria).

Development of Issue/Timeline

Date	Event	Outcome
1580-1587	The first British Colony(More so settlement) was founded in Roanoke Island, North Carolina.	The first time a British settler found home on American soil. A first group of settlers had arrived. No major exploration or discovery. Sources say they left in a year due to the fear of a Spanish raid. A second group arrived in 1857, but then mysteriously disappeared. This disappearance was shocking for the British, as there was no evidence of a threat. It is believed that this increased the caution and security of British settlers, as they took more resources and

		tools along with them, while staying in larger groups.
13/04/1607	The first British Colony was founded in Jamestown, Virginia.	Britain began its spherical influence in America with this colony. In order to effectively run their colonies, Britain created and implemented the first rudimentary form of Colonialism. A colony was given its own government, controlled by a British king/high ranking official, with British soldiers and inhabitants also settling into their new territory. They set their own laws and regulations, and seized control of the state's valuable materials, specifically metals such as timber and iron.
1608	The French founded Quebec(now territory of canada)	This is when France began its spherical influence on the West. Quebec helped France adapt to a new climate and area, and helped France grow its knowledge on how to run colonies.
1620	A group of settlers, called the Pilgrims, established a colony in Plymouth, Massachusetts.	The Pilgrims which settled in Plymouth were not Massachusetts first inhabitants, as there were already neighboring native american tribes. They secured peace and were able to create treaties. They then went on to establish a self-sufficient

		economy, and proved to the European powers that colonies in the Americas were still feasible. This also developed the ability of countries such as the United Kingdom and France to negotiate with previous inhabitants and native americans.
1640-1650	England engaged in a civil war, while also having a period of Republicanism.	The English civil wars were led over the issue of England’s governance and religious freedom. This civil war distracted England, and resources and people were directed away from the attention to exploration. This gave an advantage to the other competing european powers, and hypothetically weakened Britain's influence on America
14th November 1970	UNESCO holds a convention regarding the prohibition and prevention of Illicit import, export and transport of Ownership of Cultural property	The convention had an indirect impact. Its focus was directed onto illegal activities, while the decision of ownership is mostly done through legal means. It still highlights the preservation of cultural property, and from then onward the UN has placed more importance on cultural property itself.

August 22nd 2019	France return of 26 items from the “Horniman” collection	A pioneering agreement between two governments. President Emmanuel Macron agreed to the return of these precious artifacts for the preservation of African culture and to strengthen diplomatic ties.
August 10th 2020	Return of 72 items from the “Benin Bronzes” collection from the United Kingdom	The return of the Benin Bronzes signified the conclusion to the ownership of these artifacts. The return of these artifacts directly signifies the acknowledgement of a government. This prompted requests from not only Africa, but other countries and nations as well to return their artifacts, and it was a pivotal point in the support for restitution. However slow progress greatly reduced the impact of the agreement

Previous Attempts to Solve the Issue

UK return of Benin Bronzes and other treasures

The return of significant artifacts to African cultural heritage. Its purpose was to strengthen diplomatic ties and to please individuals and groups contending for restitution. However many important artifacts still like in the United Kingdom today, with

individuals, pressure groups and the government still imposing demands on the United Kingdom

France return of Benin and Abonemy treasures

The return of significant artifacts to African cultural heritage. An agreement between 2 governments

Possible Solutions

Documented provenance

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