

How significant is the UNESCO 1970 agreement towards  
current and historic approaches to repatriation?

Jessica Kumari Gosling

Student ID: 228949

Thesis submitted for the degree of BA (Honours) Korean and History of Art/

Archaeology

20<sup>th</sup> April 2012

Word count: 9606/ 10,000

Department of the Languages and Cultures of Japan and Korea

School of Oriental and African Studies

University of London

## **Abstract**

Issues relating to repatriation have a long and complicated history. This thesis assesses the role that the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property has played in bringing repatriation to international attention. Historical and post UNESCO Conventions are assessed. Disputed instances over the ownership of cultural heritage that have caused controversy in the past are presented. By comparing two case studies – the Parthenon Marbles and the Benin Bronzes – housed mainly in the British Museum, London, a comparison is made as to how ‘market-nations’ and ‘source-nations’ interact in regards to repatriation. An appraisal of the overall influence of the UNESCO 1970 Convention is presented.

## **Acknowledgements**

First and foremost, I would like to thank my aunt Della, for giving me the strength to pursue such a topic. Without her advice, constructive criticism, and encouragement throughout this whole process I would not have been as successful. I am eternally grateful.

Thank you to my mother, Paula, for being my rock throughout this process. And to my grandparents, Bob and Carol, and my father Dan, who in the last weeks of writing gave me focus and also read numerous drafts. I am also very grateful to all of my brothers and sisters who have given me strength throughout this process – specifically Rebecca.

Thank you to my supervisor, Professor Stacey Pierson, for all her advice, guidance and help over the past year. I would also like to thank Dr. Mark Laffey, for giving me the opportunity to take politics class in my final year, this aided in the formulation of my key argument of this dissertation.

Finally, I would like to thank all of the fabulous people who have helped me on my final year at SOAS, both teachers and students alike. Without this sort of support network, I would have been at a loss. A specific thanks to Stafford, Cecilia, Nia, Willow, Ed (Edmund), Tala, Beth, Ayan, Ben, all of the Korea University lot, and many more who I have been privileged to meet.

This dissertation focuses on how significant the UNESCO 1970 agreement is to current approaches and historic to repatriation. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the Convention) was created by United Nations Educational, Scientific, and Cultural Organization (UNESCO). The General Conference of UNESCO adopted it on November 14<sup>th</sup> 1970 at its sixteenth session [UNESCO, 1970]. This Convention provided a framework for cooperation among nations to clarify the procedure for the removal of archaeological and ethnological material from one country to another [UNESCO, 1970] and it was ratified by 120 countries up until March 2011 [UNESCO, 2011]. UNESCO (1995) defines the objective of the 1970 Convention as *'to render more effective the protection of the cultural heritage which constitutes one of the basic elements of civilization and national culture by fostering close collaboration among Member States to prevent the illicit international movement of cultural property'* [UNESCO, 1995]. To help illustrate the detailed concepts contained within the Convention, this dissertation will look specifically at two case studies: the Parthenon Marbles and the Benin Bronzes which are, in the majority, held by one institution – the British Museum. By comparing both of these instances of cultural heritage removal, the differing protocols that one institution uses can be assessed more clearly in relation to the guidelines provided by the UNESCO 1970 Convention.

Various countries had attempted to clarify this issue in the past (such as Congress of Vienna in Germany, 1815), and there had been previous formal conventions on the repatriation of cultural heritage prior to the 1970 UNESCO Convention, such as the 1954 Hague Convention on the Protection of Cultural Property. The widespread adoption of the Hague Convention in 1954 assured a prominent place for cultural

property internationalism in the law of war [Merrymen, 2005: 19]; it developed after World War II [Mezey, 2005: 2010]. The Hague Convention of 1954 was the first universal convention to deal solely with the protection of cultural property [Merrymen, 1986: 836]. However, unlike the Hague Convention, the UNESCO 1970 Convention attempted to establish a framework for international cooperation in order to reduce the incentive for the unlawful trade or removal of cultural heritage across global borders by restricting illicit movement [Kouroupas, 1995: 32]. A number of countries who originally signed up to UNESCO were concerned with the removal of cultural property from their countries of origin during the 1960s [United States of America Department of State, 2012] and this was the primary reasons for UNESCO to establish the Convention of 1970.

Firstly, a number of important issues had to be addressed. The identification of what is culturally significant and therefore worthy of preservation has always been difficult [Matero, 1993: 15], and attempts at a definition reveal that the cultural property category is a heterogeneous one [Merrymen, 2005: 11]. However, classification is of primary importance as it offers a means of distinction between those objects that are relevant, and so under the protection of the Convention, and those that are not. Importantly, the Convention provided a definition of cultural heritage which offered some clarification for objects. The Convention within Article 1 deemed cultural heritage to be *'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, 1970]. In effect, this firmly places the identification onto the originating state of the cultural heritage concerned. However, the object might have come from a state or nation that no longer exists within modern

day country delineations.

The Convention also offered a structure to tackle the increasing concerns states had as to the issue of ‘pillaging’ of their cultural heritage. The framework of the Convention was intended to be used in the international sphere, yet the agreement was, and still is, only applicable to state-defined cultural heritage that had a certain circumstance; that the object been either ‘stolen’ or illicitly exported from one State Party to another State Party after the date of entry into force of the 1970 Convention for both States concerned [UNESCO, 2011]. Therefore, this drew a line under any object that had been removed from their country of origin before 1970, as the Convention was not retrospective.

The Convention, through highlighting the common problem of repatriation on a global scale, helped to change the commitments of states as it was a commonality between them. However, Nafziger and Nicgorski (2010) note that the drafting of the Convention was not entirely satisfactory, as it has given rise to various interpretations. With regards to the obligations of states, the Convention presented the notion of ‘market-nations’: such as Canada, the USA, Australia and France – and ‘source-nations’. ‘Market-nations’ are those nations where cultural heritage is seen as having a fiscal value; whereas those nations who are ‘source-nations’ are those where the cultural object originated. However, this classification is not mutually exclusive as a ‘market-nation’ such as Australia can also be seen as a ‘source-nations’ – as can a ‘source-nation’, such as China, be a ‘market-nation’. Podesta (2008) notes that the fact that UNESCO advocates a ‘nationalistic approach’ to cultural property, which appeals more to ‘source-nations’ rather than ‘market-nations’ [Podesta, 2008: 462] is

the primary reason for more ‘source-nations’ than ‘market-nations’ to adopt the UNESCO 1970 convention’s proposals. Only four primarily ‘market-nations’ – Canada, the USA, Australia and France – became parties to the Convention [Podesta, 2008: 461]. Britain only became a signatory of the UNESCO 1970 Convention in 2002.

Consequentially, there have been several updates and amendments of the UNESCO 1970 agreement. There have also been conventions held internationally which complimented the framework instigated by the 1970 UNESCO Convention, such as: the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995, the UNESCO Convention on the Protection of Underwater Cultural Heritage of 2001, and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage of 2003. To offer further weight to the success of the UNESCO 1970 Convention, the 1995 UNIDROIT Convention will be discussed in depth. Indeed, Nafziger and Nicgorski (2010) felt that the failure of the 1970 UNESCO Convention to deal with the difficult issues of limitations and good faith acquisitions led UNESCO to work with UNIDROIT (the International Institute for the Unification of Private Law) to develop a convention dealing with aspects of private law; and Prott (2011) argues that the 1995 UNIDROIT Convention had the effect of a protocol which filled the gaps that were felt in the 1970 Convention [441]. The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was adopted on the 24<sup>th</sup> of June 1995 [UNIDROIT, 1995]. Therefore, UNIDROIT Convention was created to compliment those public law provisions of the UNESCO 1970 Convention [UNESCO, 2005: 1], and was promoted by UNESCO at the same time. As of March 2011, there have been 31 state parties and 11 other states that have signed up yet have not been ratified

[UNESCO, 2011: 10, Shyllon, 2011: 433].

Even though the Convention of 1970 did not answer all the difficult and intricate issues concerning repatriation, it could be seen that the intention was to highlight serious issues regarding the repatriation of cultural heritage and that it made an active effort to bring them to national and international attention. The Convention has also been referred to as a framework by other conventions and associations. Nonetheless, it is still a complex and hotly disputed issue, with one of the primary hot topics being the issue of repatriation.

- **Repatriation**

Mason (1999) notes that cultural heritage can be seen in a public collective way, in that it belongs by definition to all to be held for the public good and in the realm of public interest. This notion gives rise to the concept of the Universal Museum. Universal Museums are encyclopedic museums whose collections are representative of the whole world, much like the British Museum. They allow works to be compared to one another, and offer a broad definition of world history. Gerstenblith (1995) defines ‘cultural property’ as something that enhances identity, understanding and appreciation for the culture that produced it. Therefore, types of heritage include historic cities and monuments, oral traditions, languages, culinary traditions, handicrafts, rites and beliefs [Amerasinghe, 2006: 2]. Cultural heritage has traditionally been considered to be either ‘sacred’ or a ‘commodity’ [Vrdoljak, 2008: 20], yet objects that are deemed sacred may also claim a higher value as a commodity. General understanding of the concept of ‘value’ can be deduced by two questions:



who is in control of the cultural heritage, and what is its purpose? In the understanding of heritage being ‘sacred’, this notion is often designated by certain cultural groups, such as the Maori of New Zealand or the Native Indians of the United States of America; as opposed to cultural objects being understood as a ‘commodity’ that has been historically imposed by imperial countries and imperial institutions.

Repatriation has a long and continuous history, from instances recorded in the Bible, to the works taken by Napoleon, and the cultural heritage taken in conquest during the times of empires. The problem of repatriation is initiated by the removal of ‘spoils’ – legitimately or illegitimately – from one country to another was still a concern after the passing after the UNESCO 1970 Convention and UNIDROIT. However, the act of repatriation has been challenged in many instances. An ethical case against the dispersal of cultural artifacts is made by James Cuno, the director of the Art Institute of Chicago, in his 2008 book, *“Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage.”* He feels that the history of cultural heritage is dynamic and constantly changing, and that this has to be taken into account by any attempt to identify ways for successful repatriation. Cuno (2008) feels that it is important that universal museums exist to safeguard antiquities. In this way, museums can help enlighten by providing knowledge of unknown cultures and therefore serving to dissolve ignorance and hopefully enhance tolerance of others.

However, defining exactly what repatriation consists of has proved to be most difficult. In simplistic terms, repatriation has been defined as the act of ‘sending or bringing someone, or sometimes money or other property, back to their own country’ [Cambridge, 2012]. In the case of objects of cultural significance it is more

complicated, as it is not always easy to define the equivalent of ‘his or her own country’ as the country of origin can be contested. As Cuno (2009) states, “*Modern Egypt’s claim of descent from Pharaonic Egypt, or the People’s Republic of China from the ancient Qin, or Iraq from Mesopotamia, or Italy from ancient Rome is nationalistic fantasy based on the accident of geography and enforced by sovereignty*” [28]. This is fundamentally about the question of ownership and control. The act of repatriation is confused by these disputes over the initial country. This is further complicated by the fact that, without official documents, a claim to cultural heritage ownership is predominantly drawn from this geographical location or connections.

Further, often the initial country – the country of origin – is not where the object resides. This is typically true for states that were previously occupied and colonised by other states. One such example is Egypt that was occupied and then held protectorate by the British (1882-1922) [Britannica, 2012]. In these cases of cultural heritage, the act of repatriation becomes complicated, as cultural heritage’s influence does not stop at the country of origin, it can influence the new society it is located in and its populace. An example of this influence is the ‘spoils’ acquired by the British Empire that had been deposited in to the British Museum and others. The idea that the British Empire was all powerful and had sufficient capacity to rule others was reinforced by the notion that numerous non-British originating artifacts were (and still are) located within Britain. It continues to hold influence. This complicates the act of repatriation as the length of time a piece of cultural heritage spends ‘abroad’ must also be considered in the case of repatriation.

It can be seen then that in one way, repatriation is focused on the question of control. It was not until mutual respect between nations occurred that the act itself began to develop. In assessing the historical predicaments to the UNESCO 1970 Convention, the Napoleonic Wars were fundamental and helped to develop the act of repatriation in a commonly understood framework. At the point of Napoleon's conquests of Europe and the Napoleonic Wars (from 1799 to 1815), Europe was locked in conflict with many countries fighting against one another. In order restore the old relationships of power and hegemony in Europe [Huber, 1999: 97], the Congress of Vienna was held in 1815; it was intended to deal with various issues that arose from the Napoleonic Wars, the French Revolutionary Wars and the end of the Holy Roman Empire. Although the outcome was not legally binding, the Congress of Vienna was attended by many crowned heads of state [Prospect, 2009]. It served as a model for the later gatherings of the League of Nations. The Congress was important as it marked a change in key European states as they began to be concerned with countries that surrounded them. In the case of the Napoleonic spoils, the enforced restitution process inflamed the French populace. The objects, which from one point of view had been stolen, had also been incorporated into the French public's identity [Vrdoljak, 2008: 29]. This incorporation of foreign artifacts into the national identity was problematic, as the French people then believed that they alone had legitimate control. Therefore the war involved the movement of cultural heritage from subject nations to conquering nations. It was only after the war that the relations between countries solidified with the prospect of repairing Europe. So, with the notion of creating a more stable Europe came the question of where to send the 'stolen' cultural heritage that France at that time possessed.

The Congress of Vienna had, in 1815, established a ‘sacred’ link between people, place and cultural heritage that the later Treaty of Versailles in 1919 reaffirmed [Vrdoljak, 2008: 77]. Not only that, but the lack of repatriation of the spoils that Napoleon acquired during his pursuit for power within Europe was thought to be of primary importance as it was believed that it unsettled the power balance in Europe. If the original country did not get back their ‘rightful’ property, it questioned the power of that sovereign nation. This was believed of certain European powers whose cultural heritage had been taken. The restitution provisions contained within the treaty set a precedent for the return of cultural objects as a remedy for deliberate cultural loss inflicted in contravention of International Law, even if the object being ‘returned’ was legally acquired by the holding state [Vrdoljak, 2008: 78]. Under International law, certain cultural objects were repatriated to their original countries, such as the St Mark’s Corinthian horses of Venice. Nonetheless, this process varied depending on the countries that the cultural object was connected to originally. For countries that held power – notably the Great Powers of Europe – the notion of repatriating cultural objects between themselves was respected more than with those countries who did not hold any power: one such example of this is the differing thought between Italy and Tunisia with regards to the cultural heritage the French had removed. This indicates that there was more going on than the simple act of repatriation, as the power of the individual countries concerned was a factor for the repatriation to happen or not. Therefore, repatriation of cultural objects was sanctioned by the European Great powers with regards to Napoleon’s treasure, but the same exact principles were not applied to countries within their own empires.

So it can be seen that the act of removing a cultural object from its original setting changes its initial function, and the place to which the cultural object was moved may

help to reinforce or create a new identity; which in turn could be said to help forge the claims of legitimacy of national collections. A further compelling instance of this is the movement of artifacts connected to European colonialism. Through the expansion by European colonialists large amounts of cultural objects were displaced from the Middle-East, Africa and Asia to Europe [Forrest, 2010: 132]. It was only from the 19<sup>th</sup> century that the links between cultural objects, territories and people became an active connection in international law [Vrdoljak, 2008: 2]. However Forrest (2010) ascertains that heritage is capable of embodying more than one culture as it is transferred from one place to another [146]. Forrest (2010) also identifies two difficulties with regards to repatriation in relation to this point: 1) identifying the territory or place an object came from and 2) what culture can actually claim to be embodied in the heritage in question [145].

Numerous groups define cultural heritage in a 'sacred' status due to the object's function within society. Objects defined and viewed as sacred are commonplace throughout history to the present day. Cultural heritage can act as a fundamental assertion for some groups or an individual's identity. Through the importance placed upon the cultural heritage, its own identity is constructed further; and through the use of it, the culture and the identities of the group is reinforced. Indeed, throughout history, nationalism and group affiliation has been fuelled by the links and connections placed on certain cultural objects.

Therefore the identity of an object and its use reflects the society it is located within. For the state, some national cultural identity is formed directly from the national collections it holds. Examples of this are numerous, one such example is of Britain

during its time as an Empire, where beliefs commonplace within 18<sup>th</sup> and 19<sup>th</sup> century Britain were re-enforced by the collections it held from countries that were 'colonised' by the British; by the concrete authority and power of individuals backed by the British Empire in acquiring interesting and unique things. In 1753, the British Parliament bought the large collection of the physician and academic Hans Sloane. These objects became the basis for the first national museums in Europe: the British Museum. The objects, when displayed to the public, work to cohere and define social identity. Primarily, the social identity theory demotes that self-concept is derived from a definition which one gets from both the social category (nationality, political affiliation, etc) into which one falls and to which one feels one belongs [Hogg et al., 1995: 259]. Social identity is defined as "that part of an individual's self concept which derives from his knowledge of his membership of a group (or groups) together with the value and emotional significance attached to the membership" [Tajfel, 1978: 63]. Indeed, during the period of empire, the act of acquiring large quantities of cultural heritage was seen as an act of intellectual idealism. This intellectual idealism was articulated by the notion that knowledge and understanding of separate cultures were essential aspects of a developed society; and that only a developed society could do this. Vrdoljak (2008) notes that ethnographic displays of colonised peoples and their cultural objects made an empire real to the populace of the metropolitan centre and reaffirmed the colonising society's 'racial superiority' [61]. It was believed that this category of knowledge was one of the best solutions against bias that might lead to conflict. In contrast, some cultural groups believed certain objects were fundamental to their collective identity; again such as the Native Indians of the United States of America and so should be under their control and in their country.

From this, we can see that cultural artifacts can be seen as sacred by some, where to others they are deemed to be a particular sort of commodity. Lawson (2003) defines a state in its simplest form as a political community [Lawson, 2003: 22]. As a political community, a state has its own interests to fulfill and own populace to protect and govern. However, Tilly (1985) sees states as power-hungry war-machines, which think primarily of material gain. It is this material gain for a state that limits the gain of other states. States then, in order to gain power and limit the power of other states, create friction. As a direct illustration of this, a great deal of cultural heritage was taken by force and not necessarily for purposes of protection, but often in retaliations for the actions of an opposing belligerent or simply for personal gain [Forrest, 2010: 161]; such as the British siege of Benin City in 1897. Despite the reasons why certain cultural objects were moved, if the object in question has been moved abroad, then it is typically seen as a commodity [Appadurai, 1988]. Appadurai (1988) argues that these cultural objects deemed to be commodities have social lives, as they symbolise a value which was placed and created by the society. He goes further to argue that being a commodity is only one possible part in the whole social life of an cultural object, because it travels within various different systems of values (different cultures) [Appadurai, 1988]. However, cultural objects deemed to be commodities might be sacred to the society in the country of origin. Seeing cultural objects as a commodity effectively legitimized colonial pursuits by giving objects a financial marker, identifying them as something that can be bought and sold, and this value meant that they could be owned, traded or sold by an individual, an institution or a country other than their country of origin. At this point in time, international law was proclaimed to be 'universal' yet as it had the vested interests of both colonial and commercial ambitions of European states.

Many of today's modern nation-states were a part of European colonial protectorates or empires during the 17<sup>th</sup> and 18<sup>th</sup> centuries. In the case of India, the British appropriated numerous cultural objects and artifacts, and many of these are found in the Victoria and Albert Museum and the British Museum in London. Yet in the wake of the independence and decolonisation of numerous states, the notion of repatriation gained momentum. However, the return of cultural heritage is a problem for many states; those who seek to have their items returned, and those who have other's heritage within their museums, other institutions or private patrons [Forrest, 2010: 160]. Many states lost considerable quantities of their cultural antiquity during periods of foreign occupation, war and colonization. Therefore, many of these states continue to actively seek the return of their cultural property [Forrest, 2010: 160]. This pressure meant that during the 1960s and 1970s, a number of colonial powers returned cultural objects to their former colonies such as in 1962, Cambridge University returned a number of items to Uganda when it became an independent state, while in 1964, the Victorian and Albert museum returned the Mandalay regalia to Burma [Forrest, 2010: 163].

In assessing these problems and the historical contexts that confronted it, the UNESCO 1970 agreement helped changed attitudes towards and approaches to repatriation as it offered a framework for the repatriation of cultural heritage. Although imperfect, it tried to offer a conclusion to the ongoing issue. It brought to light the issue of repatriation to many countries, specifically to 'market-nations' and made the issue into international relations. It also brought about a uniformed way of trying to deal with the issue of repatriation. As Mezey (2005) notes, cultural property



is a paradox, as both legal protection and particular value are placed on them, yet this is done so based on a national view of cultural creation [2005].

- **Case Study 1: The British Museum and the Parthenon Marbles.**

Two key case studies that have not been resolved to the satisfaction of all, with specific reference to the UNESCO 1970 Convention, are the Parthenon Marbles and the Benin Bronzes. It is interesting to investigate the contrasting outcome of repatriation on these two differing sets of objects held by the same institution outside the remit of the UNESCO 1970 Convention. One reason of the importance of the Parthenon Marbles in this essay is that it is an ongoing issue.

The Marbles are fragments of the Parthenon from Athens, Greece, and were originally referred as the ‘Elgin Marbles’ within Britain. The Marbles have been located in the British Museum since 1852. The British Government bought them thirty-five-years earlier from the 7<sup>th</sup> Lord of Elgin in 1817 [Cuno, 2008: x]. Thomas Bruce, the 7th Lord Elgin was an Ambassador for the late Ottoman Empire, from 1799 until 1803 [Cuno, 2008: vi]. Using a *‘firman’*, Lord Elgin removed about half of the frieze from the Parthenon. The *‘firman’* was a document that proved that Lord Elgin legally acquired the Marbles [St Clair, 2006: 77]; however, the only existing copy is an Italian translation. David Rudenstine of the Cardozo Law School in New York suggested that the Italian version of the *‘firman’* is some sort of forgery [St Clair, 2006: 78]; the document is not signed and therefore, he claims, would not be accepted in the modern court as proof [Rudenstine, 2002, 452]. His argument was refuted by the fact the Italian version is documented in detail in the historical record and its

authenticity as an official Ottoman document is established and proven [St Clair, 2006: 78]. In today's courts the document may be inadmissible, but in the past it was an acceptable document.

Although disputed, one of the reasons for keeping the Parthenon Marbles within the British Museum and not repatriating them back to Greece is the degeneration of the corrosive atmosphere surrounding Athens and the formation of a toxic cloud of fume and vapour over the city [Hitchens, 1987: 93] which has eroded much of the marble that is still in place. Therefore the British Museum argued that if the sculptures had been left in the Parthenon, they would have been destroyed. St Clair (2006) notes that while the British Museum claimed to be the legitimate guardians of the Parthenon Marbles, they themselves broke numerous rules and regulations, standards and conventions that they sought to keep true [88]. One of these is with regards to the 'whitening incident' during the late 1930s', whereby between 1937 and 1938, in a quest to make them seem 'more white' many of the surfaces of the sculptures were scraped with metal chisels and harsh abrasives [St Clair, 2006: 87]. Not only did the British Museum refuse to publicly acknowledge what had happened, but the matter was also stonewalled at Question Time in the House of Commons [Hitchens, 1987: 90].

The argument nowadays is quite different, although the corrosive atmosphere surrounding Athens is still of concern [European Environment Agency, 2008]. Since 2002, a different argument has been used to keep the Parthenon Marbles in the British Museum. The British Museum's authorities present the conception of the 'universal museum' [St Clair, 2006: 94]; The Elgin Marbles played a role in the legitimising

narrative of Empire [St Clair, 2006: 81]. Merryman (2006) noted that the Marbles played a significant educational role on for the British population, within a small proximity of works of other cultures meant that a convenient contrast and comparison could be made; this in turn helps to create a broad notion of world history.

The original argument for repatriation given by Greece was that they ‘owned’ the Parthenon Marbles. From a cultural nationalist point of view, the Parthenon marbles were created in Greece by Greek artists for what Merryman (2006) notes as ‘civic and religious purposes of the Athens of that time’ [Merryman, 2006: 102]. In this sense being Greek, they therefore belong among the Greeks. Yet, Greece and the Greeks of today are very different from the Greeks found in Mesopotamia, which was the nation that ruled over Athens previously, and would have had hand in building the Parthenon itself. The Greek government over the last three decades has kept the focus on the issue of the Parthenon Marbles. During the World Conference on Cultural Politics in 1982, which took place in Mexico, Greece sought to gain some recognition on the issue from other participating nations. A year later – in 1985 - the Greek government made an official request for their return, which was repeated in 1997 and in the lead up to the 2004 Summer Olympic Games in Athens. Unlike their previous argument, that the Parthenon Marbles belonged to Greece, the award of the Summer Olympic Games to Greece initiated a different reason for repatriation. Greece from this point announced that they did not claim ownership, but that they should reside within Greece from a political nationalistic point of view, any other location – other than Greece – is offensive to Greece. Merryman states that there is no interest in putting the Parthenon Marbles to their original ceremonial uses, and the marbles cannot be truly integrated into the temple without exposing the Marbles to unacceptable hazards

[Merryman, 2006: 110]. If the Parthenon Marbles were to be repatriated to Greece, they would go into another museum within Athens [Merryman, 2006: 104].

There is no denying that the Parthenon Marbles are important to Greek culture. However, they have been in Britain for two hundred years (since 1821) and have thus become important to British culture as well. Merryman (2006) notes that they help to define the British to themselves, give Britons a sense of identity and community, stimulate British scholarship and inspire British arts [Merryman, 2006: 103-104]. Merryman [2006] also goes on to note that it would not be unreasonable to recognise that both positions (Greek and British) have the same weight and should be recognized [104]. It is disputed that the role of UNESCO is paramount because it has the ability to clarify disputes and allow both parties (or countries in this matter) to discuss the issue on one platform. Up until 1918, the right of conquest was recognized in international law until it was codified in the Nuremburg Principles, a set of guidelines determining what is a war crime. '*Right of conquest*', is the right of a country to occupy and take a country with the use of force and arms. The 'right of conquest' was also formally objected in the United Nations resolution 3314 created in 1974 [Wilmshurst, 2008]. St Clair (2006) notes that this factor has been the only substantial dialogue of certain objects held presently in Britain [St Clair, 2006: 74].

However, the Convention would have no power over the Marbles as they were moved long before the 1970's, and further, the fundamental reason why the UNESCO 1970 Convention would not work in the case of the Parthenon Marbles is that although Greece was a signatory to the Convention and in this sense cast in the role of a source nation – the United Kingdom was not a signatory of the convention at the time

[Brodie and Tubb, 2002: 262], but has been since 2002. Secondly, the marbles have been in the possession of the United Kingdom for the past two hundred years, which has significant cultural importance. Thirdly, there is official documentation –the *'firman'* – albeit a translated copy, but an official copy nonetheless that is seen as genuine by scholars, which confirms ownership to the British. We can see then that when we assess the significance of the UNESCO 1970 Convention, it is important to evaluate what was happening before the convention – in cases like the Parthenon Marbles where repatriation has not happened, but especially in cases where repatriation did take place.

- **Case study 2: The Benin Bronzes**

The case of the Benin Bronzes – 3000 African plaques dating from around the 16<sup>th</sup>-17<sup>th</sup> century – gives us a chance to evaluate how repatriation took place without legislation, but with financial considerations. They originated from the royal palace of the Kingdom of Benin, located in modern-day Nigeria. The bronzes were found in 1897, when Benin City (the then capital), was invaded by British naval and military forces [Alberge, 2002] in retaliation for the killing of British forces by rebels in the area [Picton, 2011]. During what is called the 'Punitive Expedition' of 1897, the British took the Bronzes and they were subsequently handed to the British Foreign Office. Bailey [2002] notes that in a British Museum declassified report to the British Museum Trustees published in 1972, openly admits that the Benin bronzes were 'booty' but states that even so they were legally acquired by the museum. The document published in 1972 was only declassified in 2002 [Greenfield, 2007: 86]. Currently the British Museum houses a number of the plaques [Alberge, 2002], but

this was not the total that were taken, as some were promptly sold after they arrived in London via London salerooms and so were dispensed around London galleries and found their way into museum and private collections around the world. According to the document released in 1972, since World War II the British Museum has sold more than thirty plaques [Alberge, 2002], leading to the ethnographic museum in Berlin acquiring what Picton (2011) feels to be the finest and most comprehensive collection of Benin art amongst all the museums of the world, surpassing the British Museum.

However, some of the Benin plaques were returned to Nigeria before the legislation of the UNESCO 1970 Convention came into force. Kennedy [2008] notes how the declassified document of 1972 outlined how pairs of centuries old plaques, bought by the museum in 1898, were split up and half of them sold as ‘duplicates’. However, most of the plaques sold by the museum have been bought by Nigeria, says a 1972 report [BBC: 2002a]. Alberge [2002] notes that neither the British museum nor the Nigerian authorities have been keen to draw attention to the sales of the plaques.

In 1950, the Keeper of Ethnography of British Museum, Hermann Braunholtz, reported that out of all 203 plaques acquired from the Foreign Office - *"about 30 are to all intents and purposes duplicate specimens, and therefore surplus to the Museum's requirements"*; where upon he then proposed selling ten to Nigeria for £1,500, since *'there are hardly any in the country'* [Bailey, 2002]. Although the Nigerians were keen to buy more plaques, there was concern over valuing them. Bailey [2002] notes that the British Museum decided to sell four bronzes, as a ‘test’ to a London dealer, which sold for £1,100. The following year a further 13 plaques were sold to the Nigerian government for £1,050 - with an average price of £75 [Bailey,

2002].

The next Keeper of Ethnography of the British Museum, William Bulter Fagg, proposed an exchange with Lehman, a donor to the Metropolitan Museum. Two plaques of mudfish and a crocodile were to be swapped for an important bronze horseman in Lehman's collection [Bailey, 2002]. Fagg admitted that they were duplicates only *"because the figures on them occurred, not necessarily in the same arrangement"* [Bailey, 2002]. Nevertheless, the British Museum's African specialist Dr. Nigel Barley states that *'from a curatorial point of view, it was a curse. The bronzes were cast in matching pairs, so it is difficult to exhibit them properly'* [BBC: 2002a]. Indeed, although the 1963 British Museum Act tightened the legal constraints on de-accessioning, the selling of the Benin Bronzes continued until the year 1972, two years after the UNESCO 1970 Convention was introduced.

Bailey (2002) notes that on the 24<sup>th</sup> of January 2002, the Nigerian parliament formally demanded the return of the Benin bronzes housed within the British Museum. A motion was passed in Nigeria, and Nigerian MPs told the Nigerian Commission for Museums and Monuments to create a list of all Nigerian cultural heritages currently within the British Museum [Ingram, 2002: 311]; as well as urging the government to safeguard Nigerian museums from being "burgled" by hired agents [BBC: 2002b]. In this way, it is clear that Nigeria was trying to improve the security of their own museums. At this point, numerous 'source-nation' museums were compared to 'market-nation' museums with regards to their content. These larger museums that house Nigerian artworks are the most funded and also the most popular in the world, examples being the British Museum and the Ethnological Museum of Berlin. Perhaps

the motive of the Nigerian government was to compete with the British Museum and others alike, and to promote that Nigeria is now a 'market-nation', which deserves to have its national heritage back.

In December 2002, at a UNESCO conference in London, Folarin Shyllon, a Nigerian lawyer specialising in cultural property law, claimed that the 16th century bronzes belonged in Nigeria as they are among *'the best and most sensitive of Africa's cultural heritage objects'* [Alberge, 2002]. Although Nigerians concede that they might not have survived if they had remained in their original site, they say that the time is now right for their return [Alberge, 2002]. Time magazine reported Omotoso Eluyemi, head of Nigeria's National Commission for Museums and Monuments, as saying: *'These objects of art are the relics of our history - why must we lose them to Europe?'"..."If you go to the British Museum, half the things there are from Africa. It should be called the Museum of Africa"* [BBC: 2002b]. In 2010, the Benin Bronzes were named one of the 'A History of the World 100 Objects', a radio-program series created in a partnership between the BBC and the British Museum [BBC: 2012]. All of this has helped to reinforce the importance of the Benin Bronzes, and may have given the UNESCO 1970 Convention more weight and importance. However, Picton (2011) notes that the act of repatriating the Benin Bronzes would be complex, as they are located all over the world. He also offers some support to the concept of the 'universal museum', as he refers to the Bronzes being in museums as taking their due place amongst art from almost every civilisation in world history [Picton, 2011].

The British Museum has insisted that its claim to inalienable ownership of the bronzes and other artifacts such as the Parthenon (Elgin) marbles was not affected after selling



the Bronzes. Nevertheless, Kennedy (2002) notes that up until now the British Museum's standard response to restitution demands and any other claims has been focused on the notion that as an important institution, it is not in its remit to dispose of items. Even with this in mind, the security situation at Nigerian museums does give ground for considerable concern. A former curator in Nigeria and previous Director of the Hunterian Museum in Glasgow, Scotland, Professor Frank Willett, claimed that during the 1980s while a traveling exhibition titled 'Treasures of Ancient Nigeria' was abroad, a significant proportion of the reserve collection of Benin antiques went missing in Lagos [Bailey, 2002]. Taking this in to account, there is unlikely to be much pressure on the British Museum to return more Benin Bronzes to Nigeria although, as we have seen, there have been calls for their return. As Bailey (2002) notes that in London the plaques are on display in a new gallery, presented within the context of world culture whilst the remaining plaques are within the reserve collection. The problem here is that adequate facilities of international standard do not exist in Nigeria. But Picton (2011) makes an interesting observation, that if a secure display facility were to be built in Benin City that matched modern international standards of preservation, security and climatic control as well as having the proper infrastructure, the case would be much harder to ignore. From this synopsis of two case studies involving repatriation, we can see that the way forward is complex and full of many legal, moral and financial problems, all of which compromise any achievements stemming from the 1970 Convention.

- **Discussion:**

Therefore, the UNESCO convention on the Means of Prohibiting and Preventing the

Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 can be considered to have been both successful in some ways and unsuccessful in others. Its success lies in its ability to make the issue of repatriation an international one and to establish a framework on to how to respond to claims of repatriation. Thus, the convention has opened the channels for a number of objects to be repatriated to their original societies, such as the return of human remains to native Indian communities within the USA. In contrast to these successes, however, the convention has been unproductive on other fronts. Based on the instances discussed, it is arguable that the issue of repatriation is too complex for the Convention to offer a single solution. Instead, it can be considered that the convention is able to offer support, rather than a solution, to the problem of repatriation, as each individual situation and piece of cultural heritage must be considered on an individual basis as can be seen by the two key studies discussed.

The purpose of the 1970 Convention was to restrain the flow of cultural property from source nations by limiting its importation by market nations [Merrymen, 1986: 843]. Although particularly difficult to measure this as an outcome, due to the increase of international focus on these issues, the Convention could be seen to be somewhat successful in this. However, the drafting of the Convention was not entirely clear and defined, and so it has given rise to deviating interpretations [Nafziger and Nicgorski, 2010]. One of the biggest is with regards to ‘market-nations’ and ‘source-nations’. In turn, UNESCO encourages a somewhat ‘nationalistic approach’ to cultural property [Podesta, 2008], by using the term ‘illicit’ when talking about cultural heritage that has been moved outside of their original location: this is given an expansive meaning in the UNESCO Convention of 1970 [Merrymen, 1986: 844]. However, in spite of the

attacks against it, the convention has forced many market countries to endorse the UNESCO 1970 Convention. Shyllon (2011) argues that market countries have been persuaded to adopt the lesser evil. One example of this is in a 1999 Report of the Swiss Working Group that considered whether Switzerland should ratify the UNESCO and UNIDROIT Conventions, which concluded that should Switzerland fail to ratify, the country would become more attractive as a hub for illicit trade of stolen and illegally exported cultural objects [Shyllon, 2011: 433]. As well as this, many source nations vigorously oppose the export of cultural objects [Merrymen, 1986: 832] reinforced by the Convention.

Defining cultural heritage itself has been one of the biggest troubles for the 1970 Convention. The definition supplied is broad. This is problematic as there many states that no longer exist. Such as Mesopotamia, which at one point in time incorporated parts of Syria, Turkey and most of Iraq [Foster and Foster, 2009: 6]. Further, the relations between countries are important when discussing repatriating an object; and it was not until mutual respect between nations occurred that the legitimacy of repatriation was acknowledged as in the case of the artifacts obtained by Napoleon during the Napoleonic Wars. The repatriation of cultural objects was sanctioned by the Great powers of Europe (bar France) with regards to Napoleon's treasure, however the same exact doctrines were not applied to countries within their own empires. The British Museum is a controversial case as a number of artifacts it holds were seen as being taken 'illegally' during the time of empire. Such examples are the Rosetta stone, the Parthenon Marbles, the Benin Bronzes and so forth.

It is these differing views on repatriation that imply that the issue will never be solved

to the satisfaction of all. For some, official documentation and ‘proof’ of ownership is seen as the only way of solving the issue, such as the *firman*’ supplied in the case of the Parthenon Marbles. Yet, as this proof was not supplied by the Greeks themselves, rather the occupying force of the Ottoman Empire, the question is, did they have the right to hand over and sell cultural heritage that was not theirs by origin? In a sense it could be argued that yes, they did, as many other states did the same, although it must be noted that not a lot of ‘source-nations’ have sold their cultural heritage. This is a major problem, how to prove ownership? The problem is that not all countries have ‘official’ documentation. Further, ‘ownership’ of artifacts has been based on current geographical location, as the culture, the country, that originally created the artifact may no longer exist, such as Mesopotamia. As well as this, what is the use of having official documentation if the country who holds the artifact in question does not comply with nationally agreed convention such as the UNESCO Convention. It was not compulsory to sign the UNESCO 1970 Convention, and that could be the reason for its partial success: the lack of signatories at its instigation.

The Parthenon Marbles were acquired by the British Museum with official documentation, whereas the original documentation for the Benin Bronzes is in dispute. Both case studies are located within the United Kingdom, in the British Museum. The British Museum as an institution is well recognised, well funded and secure. Both case studies are on display in the museum today, yet presently there are a number of criticisms that challenge the British Museum’s legitimacy: the ‘whitening incident’ of 1938 as well as the ‘duplicate’ Bronzes sold on the arts market. Nowadays the British Museum presents the concept of the universal museum to legitimise their claim to the Parthenon Marbles. Nevertheless, Kennedy (2002) notes

that up until now the British Museum's standard response to restitution demands is that it is forbidden to dispose of any items. In contrast to before, Greece now does not claim 'ownership', but rather argues that the Parthenon Marbles ought to reside in Greece. Whereas the Benin Bronzes were sold by the British Museum on the art market to individual sellers on numerous occasions, and indeed most of them were sold to Nigeria. Some might say this qualifies as a diluted form of 'repatriation', nevertheless as there is money involved, it also can be argued that it is not repatriation in its purest form. Unless the British Museum or the British Government had paid the Nigerian Government a fee for taking them in the first place, in which case it might be argued that it might have been acceptable. However, it was the Nigerian state that bought the Benin Bronzes from the British Museum. It could be said that the notion of a 'source-nation' paying a 'market-nation' to have their cultural heritage back is wrong morally; and that it does not fall under the remit of repatriation as it was stolen via the moral of Empires of 'Right of Conquest', and was never returned. The British Museum has insisted that its claim to inalienable ownership of the bronzes and other artifacts such as the Parthenon (Elgin) marbles were not affected after selling the Bronzes.

However, if the Parthenon Marbles go back to Greece, the original function of the marbles has long been lost as the society is not the same, so inevitably it will just go into another museum. Why not stay in the British Museum? The argument of both cases is solely focused on the question of ownership. Alongside this, the United Kingdom no longer has the upper hand of being an Empire. In an era of greater equality, a greater realization to the importance of repatriation is needed.

So it can be seen that the situation of repatriation changes if there is money involved, such as the Benin Bronzes. In this case, instead of being a case of repatriation, it was just the selling and buying of cultural heritage between countries. By selling these back to the original country, the case is even more complicated as it highlights the issue of ownership. The buying and selling of cultural heritage suggests that it belongs to certain individuals or countries; nevertheless, does any single country actually own cultural heritage. It could be argued that cultural heritage is, for its own protection, owned by the world. Countries have differing points of view on this and it illustrates that the UNESCO 1970 Convention has only been partially successful. The Convention was, and still is, not mandatory to sign, and thus must be seen as ineffective in terms of covering the worlds heritage. In fact, although the 1963 British Museum Act tightened the legal constraints on de-accessioning, the selling of the Benin Bronzes continued until 1972, two years after the UNESCO 1970 Convention was introduced. It could be said that this questions the strength of the Convention, and even UNESCO itself.

To follow this argument, if cultural heritage is owned by the world, then an attempt should be made that the largest number of people, for the longest amount of the time and with the greatest ease of admittance must have access to it. This is where the argument of 'universal museum' comes in to question. In addition, the ideal of having differing cultural objects side-by-side to be displayed and contrasted against each other offers a broader depiction of world history and a way of revealing different cultures to people, so allowing space for understanding to grow and the potential for reduction of ignorance and therefore the potential of reducing misinformed prejudice to take root. To take this ideal of the universal museum further, if the static collections

from this ‘universal museum’ were mandated to travel throughout the world for a certain percentage of their year, then it would mean that people who could not travel to the country of a universal museum country would have greater access.

Therefore, one solution to both of the case studies discussed, as fragments of both collections are located around the world, would be to loan material from reserve collections to the original country, where security and suitable standards of accommodation exist. This could either be on a temporary or permanent basis. In the case of the Benin Bronzes, the material (the plaques) although delicate are easily portable. Another solution might be a traveling exhibition, in which museums in ‘market-nations’ collaborate with museums located in ‘source-nations’ so the populace of the country can see their own culture’s history, possible in combination with heritages from other nations. In this way, cultural heritage would be reintroduced with its original context.

As an institution, UNESCO does not hold overall authority over all countries concerned and it never will, rather it has the role to advise. However, UNESCO’s intentions and acts may be directly governed by one primary factor: funding. One country that has influence in what UNESCO says and does is the US. This is not because of the US’s permanent seat on the Security Council, nor that the US is a superpower: the US the largest single contributor to UNESCO’s budget [United States mission to UNESCO, 2011] and typically funds around twenty-percent of UNESCO’s budget [Huffington Post, 2011]. This unbalanced funding can create problems. When the Palestinians made a bid for independence and UNESCO accepted it, the US halted its support of UNESCO [BBC, 2011]. The current Director-General of UNESCO,

Irina Bokova, said that without U.S. support, *"it will be impossible for us [UNESCO] to maintain our current level of activity"* [UN News Center, 2011]. This opened UNESCO to criticism of over what sort of power it has. Does it not have limited power as the UN created UNESCO? As the UN practices an originally Western liberal system of beliefs, it would be wrong to believe that it is an unbiased model, and one which is universally accepted by other countries and those who hold different ideals. Therefore, is UNESCO free of influence of its financial backers, indeed should it be? Should it reflect those ideologies of the countries who have supported it financially and be influenced by them. It may be a universal reality that the countries who have donated more money, have the most power in an organization. The questions of other 'powerful' states in international organisations, such as the UN, is important. The roles of China, Russia and Japan within the UN are paramount in its understanding and motives because they are key powerful states within the UN and UNESCO.

With its connections to the UN, it could be seen by some that UNESCO holds the same significant power. Nevertheless, the real situation is quite the opposite. It could be suggested that compared to the UN, UNESCO has always been secondary, as it has not held any real power: any physical power. In an idealistic world UNESCO would have the power and world based financial backing to intervene in countries in distress, to alert the world about dangers and initiate a temporary rescue of international importance artifacts, on the stipulation that they will be returned when the country itself, when UNESCO or the UN see the situation as stable and safe for their return. Although this potentially paternalistic model has many problems inherent within it, it does put the protection of the actual artifact first and foremost, before any political or



power struggles of people. It is assumed that everyone needs UNESCO, as UNESCO is the '*guardian*' of world heritage [Alivizatou, 2011: 38], yet cultural heritage may not have the same importance to everyone. UNESCO is not affiliated to every single country on the planet, and thus this generalised concept of 'saving world heritage' is contested. If cultural heritage was important to everyone, then there would be no need for UNESCO. It is the disregard for the importance of cultural heritage that makes UNESCO necessary.

- **Conclusion:**

In sum, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property has been successful and unsuccessful. Weighing up these failures and successes is difficult, as the attempt was under one Convention all issues of cultural heritage have endeavored to be addressed. This is probably the reason for the creation of future and further conventions, such as the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995, the UNESCO Convention on the Protection of Underwater Cultural Heritage of 2001, and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003. It can be seen that the original 1970 Convention was too broad and thus had not enough focus to be truly effective in individual circumstances.

However, the 1970 Convention is, and has been, a major force in changing attitudes to illicit traffic. It has now over 120 state parties [Prot, 2011: 441]. Through the Convention a mediated platform to discuss the issue of repatriation has been offered,

and it has brought the repatriation of cultural heritage to international attention. Nevertheless, the act of repatriation is far too complex for a standardised procedure. Therefore, it would be unjust to have one protocol and one convention: it is not one size fits all. In the case of repatriating objects, conventions must be created in order to understand individual situations and contexts. With the passing of several consequential conventions, it seems as though UNESCO has come to understand this as well, and has come to terms with one of the fundamental weaknesses of the 1970 Convention.

How significant has the UNESCO 1970 agreement is to current approaches and historic to repatriation? In conclusion, the UNESCO 1970 Convention, although not perfect, could be seen as initiating a lively dialogue on what is deemed cultural heritage, a discussion on cultural heritage ownership, and a debate on defining the unbiased, impartial protocols to repatriate cultural heritage. In doing so it opened the deliberation on the most beneficial ways that allow the most people to see, value and learn from our universal cultural heritage and thus it the UNESCO 1970 Convention has been significant.

## Bibliography:

1. Alberge., D. (27/03/2002). 'Museum sold Benin Bronzes for £75 each'. Available at: <http://www.museum-security.org/02/037.html>. Accessed on the 18/02/12.
2. Alexander., H. (30/01/11). 'Egypt crisis: Looters destroy mummies in Cairo museum'. The Telegraph Online. Available at: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/8291526/Egypt-crisis-Looters-destroy-mummies-in-Cairo-museum.html>. Accessed on the 18/02/12.
3. Alivizatou., M. (2011). 'Intangible Heritage and Erasure: Rethinking Cultural Preservation and Contemporary Museum Practice'. *International Journal of Cultural Property* (2011) 18:37–60. Printed in the USA.
4. Amerasinghe., A. R. B. (2006). 'The Protection of Culture and Heritage and Cultural Property'.
5. Appadurai., A. (1988). 'The Social Life of Things: Commodities in Cultural Perspective'. Cambridge University Press: Cambridge
6. Bailey., M. (2002). 'Connoisseur's Guide: British Museum Sold Benin Bronzes'. Forbes.com. Available at: <http://www.forbes.com/2002/04/03/0403conn.html>. Accessed on the 18/02/12.
7. Bailey., M. (24/01/2011). 'Benin mask withdrawn from auction'. The Art Newspaper. Available at: <http://theartnewspaper.com/articles/Benin-mask-withdrawn-from-auction/23002>. Accessed on the 18/02/12.
8. Bauer., A. A., (2007). 'New ways of thinking about Cultural Property: A critical appraisal of the antiquities trade debates'. 31 FORDHAM INT'L L.J. 690 (2007),
9. BBC. (2012). 'A History of the World: in 100 objects'. BBC and British Museum. Available at: <http://www.bbc.co.uk/ahistoryoftheworld/objects/rmAT6B7zTZCGACd7i7l6Wg>. Accessed on the 18/02/12.
10. BBC. (27/03/2002a). 'Benin bronzes sold to Nigeria'. Available at: <http://news.bbc.co.uk/1/hi/entertainment/1896535.stm>. Accessed on the 18/02/12.
11. BBC. (24/01/2002b). 'Nigeria demands treasures back' Available at: <http://news.bbc.co.uk/1/hi/entertainment/arts/1779236.stm>. Accessed on the 18/02/12.
12. BBC. (31/10/11). 'US cuts UNESCO funds over vote for Palestinian seat'. Available at: <http://www.bbc.co.uk/news/world-middle-east-15527534>. Accessed on the 19/04/12
13. Bélanger., L. (1999). 'Redefining Cultural Diplomacy: Cultural Security and Foreign Policy in Canada'. *Political Psychology*, Vol. 20, No. 4 (Dec., 1999), pp. 677-699
14. Brewer., M. B. (2001). 'The Many Faces of Social Identity: Implications for Political Psychology'. *Political Psychology*, Vol. 22, No. 1 (Mar., 2001), pp. 115-125
15. British Museum., (2007). 'Policy on Acquisitions'. Available at: Accessed on the 18/02/12.
16. British Museum., (2010). 'Loans Policy'. Available at:xx Available at: Accessed on the 18/02/12.
17. Britannia. (2012). 'Egypt' Available at: <http://www.britannica.com/EBchecked/topic/180382/Egypt/22393/The-period-of-British-domination-1882-1952>. Accessed on the 14/03/12.
18. Brodie, N and Tubb, K. W., (2002). 'Illicit Antiques: The theft of culture and the extinction of archaeology'. Routledge: Great Britain.
19. Brown., M. F. (2010). 'Culture, Property, and Peoplehood: A Comment on Carpenter, Katyal, and Riley's "In Defense of Property"'. *International Journal of Cultural Property* (2010) 17:569–579. Printed in the USA.
20. Brown., M. F. (2005). 'Heritage Trouble: Recent Work on the Protection of Intangible Cultural Property'. *International Journal of Cultural Property* (2005) 12:40–61. Printed in the USA
21. Carpenter., K. A, Katyal., S. K et al. (2010). 'Clarifying Cultural Property' *International Journal of Cultural Property* (2010) 17:581–598. Printed in the USA.
22. Cambridge. (2012). 'Repatriate'. Available at: <http://dictionary.cambridge.org/dictionary/british/repatriate>. Accessed on the 14/03/12.
23. Clément., E, (1995). 'A View from UNESCO'. *African Arts*, Vol. 28, No. 4, Special Issue: Protecting Mali's Cultural Heritage (Autumn, 1995), p. 58
24. Cogan, J. K., (2009), 'Representation and Power in International Organization: The Operational Constitution and Its Critics'. *The American Journal of International Law*, Vol. 103, No. 2 (Apr., 2009), pp. 209-263
25. Cuno., J. B. (2009). 'Whose Culture?: The Promise of Museums and the Debate Over

- Antiquities*'. Princeton University Press.
26. Cuno., J. B. (2008). *'Who Owns Antiquity? Museums and the battle over our ancient heritage'*. Princeton University Press.
  27. Department for Culture, Media and Sport., (2005), *'Export controls on objects of cultural interest: Statutory guidance on the criteria to be taken in to consideration when making a decision about whether or not to grant an export license'*. Available at: [http://www.culture.gov.uk/images/publications/Export\\_Controls\\_on\\_Objects\\_of\\_Cultural\\_Interest\\_Statutory\\_Guidance\\_Nov05.pdf](http://www.culture.gov.uk/images/publications/Export_Controls_on_Objects_of_Cultural_Interest_Statutory_Guidance_Nov05.pdf). Accessed on the 14/03/12.
  28. Dupree., N. H. (2002). *'Cultural Heritage and National Identity in Afghanistan'*. Third World Quarterly, Vol. 23, No. 5, Reconstructing War-Torn Societies: Afghanistan (Oct., 2002), pp. 977-989
  29. European Environment Agency. (2008). *'Air pollution in Athens: existing status and abatement practices'*. Published on the 19<sup>th</sup> of December 2008. Available at: <http://www.eea.europa.eu/publications/2599XXX/page018.html> Accessed on the 18/02/12.
  30. Finkelstein., J. J. (1962). *'Mesopotamia'*. Source: Journal of Near Eastern Studies, Vol. 21, No. 2 (Apr., 1962), pp. 73-92
  31. Forrest, C., (2010). *'International Law and the Protection of Cultural Heritage'*. Routledge: Great Britain
  32. Foster., B R. and Foster., K P., (2009). *'Civilizations of Ancient Iraq'*. Princeton University Press.
  33. Gallagher., S. (2010). *'Museums and the Return of Human Remains: An Equitable Solution?'*. International Journal of Cultural Property. Volume 17: pgs 65–86. Printed in the USA.
  34. Gerstenblith., P. (1995). *'Identity and Cultural Property: The Protection of Cultural Property in the United States'*. 75 Boston Uni. Law Review. Pgs 559- 569
  35. Gray. C, (2010). *'Museums, Galleries, Politics and Management'*. Public Policy and Administration. January 2011; vol. 26, 1: pp. 45-61
  36. Greene., S. (1999). *'Understanding Party Identification: A Social Identity Approach'*. Political Psychology, Vol. 20, No. 2 (Jun., 1999), pp. 393-403
  37. Greenfield., J. (2007). *'The Return of Cultural Treasures'*. Cambridge University Press
  38. Hogg., M. A et al. (1995). *'A Tale of Two Theories: A Critical Comparison of Identity Theory with Social Identity Theory'*. Social Psychology Quarterly, Vol. 58, No. 4 (Dec., 1995), pp. 255-269
  39. Huber., D. (1999). *'A Decade that Made History: The Council of Europe, 1989-1999'*. Council of Europe.
  40. Huddy., L (2001). *'From Social to Political Identity: A Critical Examination of Social Identity Theory'*. Political Psychology, Vol. 22, No. 1 (Mar., 2001), pp. 127-156
  41. Huffington Post., (11/02/2011). *'UNESCO Funding Cut: Head Pleads With U.S. To Reinstate Contributions'*. Available at: [http://www.huffingtonpost.com/2011/11/02/unesco-funding-cut\\_n\\_1071670.html](http://www.huffingtonpost.com/2011/11/02/unesco-funding-cut_n_1071670.html) . Available at: <http://www.guardian.co.uk/uk/2002/mar/28/education.museums>. Accessed on the 18/04/12.
  42. Ilcan. S, and Phillips. L., (2006). *'Governing Peace: Global Rationalities of Security and UNESCO's Culture of Peace Campaign'*. Anthropologica, Vol. 48, No. 1, War and Peace / La guerre et la paix (2006), pp. 59-71
  43. Ingram., D. (2002). *'Commonwealth Update'*. The Round Table: The Commonwealth Journal of International Affairs. Volume 91. Issue 365. Pages 297-324.
  44. Keitumetse., S. (2006). *'UNESCO 2003 Convention on Intangible Heritage: Practical Implications for Heritage Management Approaches in Africa'*. The South African Archaeological Bulletin, Vol. 61, No. 184 (Dec., 2006), pp. 166-171
  45. Kennedy., M. (28/03/2002). *'British Museum sold precious bronzes'*. The Guardian Newspaper. Available at: <http://www.guardian.co.uk/uk/2002/mar/28/education.museums>. Accessed on the 18/02/12.
  46. King, D. (2008). *'Vienna 1814; How the Conquerors of Napoleon Made Love, War, and Peace at the Congress of Vienna'*. Random House Inc..
  47. Krieger., H. L. (20/03/2012). *'Rice: UNESCO funding reduction hurts US'*. Available at: <http://www.jpost.com/International/Article.aspx?id=262697>. Accessed on the 10/04/12.
  48. Lawson., S. (2003). *'International Relations'*. Polity Press.
  49. Mason., R. (1998). *'Conference Reports: Economics and Heritage Conservation, Concepts, Values and Agendas for Research'*. Getty Conservation Institute, Los Angeles, December 8-11, 1998.
  50. Matero., F. G. (1993). *'The Conservation of Immovable Cultural Property: Ethical and*

- Practical Dilemmas*. Journal of the American Institute for Conservation, Vol. 32, No. 1 (Spring, 1993), pp. 15-21
51. McGonagle, D., (2007), ‘*A New Deal*’: art, museums and communities – re-imagining relations’. Oxford University Press and Community Development Journal.
  52. Merryman., J. H. (1986). ‘*Two Ways of Thinking About Cultural Property*’. The American Journal of International Law, Vol. 80, No. 4. (Oct., 1986), pp. 831-853.
  53. Merryman., J.H. (2005). ‘*Cultural Property Internationalism*’. International Journal of Cultural Property (2005) 12:11–39. Printed in the USA.
  54. Merryman., J.H. (2006). ‘*In Imperialism, Art and Restitution*’. Cambridge University: Cambridge.
  55. Mezey., N. (2005). ‘*The Paradoxes of Cultural Property*’. Columbia Law Review, Vol. 107, No. 8 (Dec., 2007), pp. 2004-2046
  56. Nafziger, J. A.R and Nicgorski, A. M., (2010). ‘*Cultural Heritage Issues: The Legacy of Conquest, Colonization and Commerce*’. Martinus Nijhoff Publishers
  57. O’Keefe.P., (1995), ‘*Protection of the Material Cultural Heritage: The Commonwealth Scheme*’ The International and Comparative Law Quarterly, Vol. 44, No. 1 (Jan., 1995), pp. 147- 161
  58. Open University. (25/11/09). ‘*What are the Benin Bronzes?*’. Video. Available at: <http://www.open.edu/openlearn/history-the-arts/history/world-history/what-are-the-benin-bronzes?blog=14>. Accessed on the 18/02/12.
  59. Parker., F. (1971). ‘*UNESCO and the Impossible Dream*’. The Phi Delta Kappan, Vol. 53, No. 3 (Nov., 1971), pp. 150-153
  60. Pendergast., W. R. (1978). ‘*UNESCO and French Cultural Relations 1945-1970*’. International Organization, Vol. 30, No. 3 (Summer, 1976), pp. 453-483
  61. Picton., J. (24/01/2011). ‘*Compromise, negotiate, support*’. The Art Newspaper. Available at: <http://theartnewspaper.com/articles/Compromise-negotiate-support/23003>. Accessed on the 18/02/12.
  62. Pocock., D. (1997). ‘*Some Reflections on World Heritage*’. Area, Vol. 29, No. 3 (Sep., 1997), pp. 260-268
  63. Podesta, J. M, (2008). ‘*Saving Culture, but Passing the Buck: How the 1970 UNESCO Convention Undermines Its Goals by Unduly Targeting Market Nations*’. Available at: [http://heinonline.org/HOL/Page?handle=hein.journals/cjic16&div=15&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/cjic16&div=15&g_sent=1&collection=journals). Accessed on the 18/02/12.
  64. Polonsky. M and Canat. J., (1996). ‘*The British and French Systems of Control of the Export of Works of Art*’. The International and Comparative Law Quarterly, Vol. 45, No. 3 (Jul., 1996), pp. 557- 591
  65. Prior, N., (2011), ‘*Speed, Rhythm, and Time–Space: Museums and Cities*’. Space and Culture, May 2011; vol. 14, 2: pp. 197-213.
  66. Prospect. (18/12/2009). ‘*Sleepless in Copenhagen: an insider’s view*’. Available at: <http://www.prospectmagazine.co.uk/2009/12/sleeplessvs-in-copenhagen-an-insiders-view/#more-74098> Accessed on the 16/04/12.
  67. Prott., L. V and O’Keefe., P. J. (1992) ‘*Cultural Heritage*’ or ‘*Cultural Property*?’ . International Journal of Cultural Property. 1 : pp 307-320
  68. Prott., L. V. (2005). ‘*The International Movement of Cultural Objects*’. International Journal of Cultural Property (2005) 12:225–248. Printed in the USA.
  69. Prott., L., (2011). ‘*The Fight Against the Illicit Traffic of Cultural Property: The 1970 Convention: Past and Future, 15–16 March 2011*’. International Journal of Cultural Property (2011) 18:437–442. Printed in the USA.
  70. Recht., J. (2009). ‘*Hearing Indigenous Voices, Protecting Indigenous Knowledge*’. International Journal of Cultural Property (2009) 16:233–254. Printed in the USA.
  71. Revelle., R. (1977). ‘*The United States and UNESCO*’. Bulletin of the American Academy of Arts and Sciences, Vol. 30, No. 6 (Mar., 1977), pp. 15-23
  72. Rudenstine, D., (2002). ‘*Lord Elgin and the Ottomans: The Question of Permission*’. In Cardozo Law Review, 23, January 2002.
  73. Schmitt., T. M. (2009). ‘*Global Cultural Governance. Decision-Making Concerning World Heritage between Politics and Science*’. Erdkunde, Bd. 63, H. 2 (Apr. - Jun., 2009), pp. 103-121
  74. Shyllon., F. (2011). ‘*The 16th Session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation, 21–23 September 2010*’. International Journal of Cultural Property

- (2011) 18:429–435. Printed in the USA. )
75. Slyvester, C., (2009), *'Art/ Museums: International Relations where we least expect it'*. Paradigm
  76. St Clair., W. (2006). *'Imperial Appropriation of the Parthenon'*. Found in 'In Imperialism, Art and Restitution' by Merryman. 2006. Cambridge University: Cambridge.
  77. Stanton., F. (28/02/2011). *'Lesson in Negotiation: The Congress of Vienna'*. Video. Available at: <http://bigthink.com/ideas/31380>. Accessed on the 16/04/12.
  78. Tajfel, H. (1978). *'Social categorization, social identity, and social comparisons'*. In H. Tajfel (Ed.), *Differentiation between social groups* (pp. 27-60). Academic Press: London.
  79. Tilly., C. (1985). *'War Making and State Making as Organized Crime'* in *'Bringing the State Back In'* edited by Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol. Cambridge University Press
  80. Than., K. (31/01/11). *'Egypt Treasures Looted, but Public Strikes Back'*. National Geographic. Available at: <http://news.nationalgeographic.com/news/2011/01/110131-egypt-egyptian-museum-zahi-hawass-mubarak-science-world-cairo-tombs/>. Accessed on the 18/02/12.
  81. The Hague. (2004), *'Conclusions and recommendations Museum Collections on the Move'*. The Hague, 27-29 October 2004
  82. UNESCO., (1970). *'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970'*. Available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html)
  83. UNESCO. (1995). *'Reports of member states on the measures they have adopted to implement the convention on the means of prohibiting and presenting the illicit import, export and transfer of ownership of cultural property (1970)'*. The General Conference Twenty-eighth Session, Paris 1995. Available at: <http://unesdoc.unesco.org/images/0010/001014/101400e.pdf>
  84. UNESCO (1996). *'Our Creative Diversity: Report of the World Commission on Culture and Development'*. UNESCO, Paris, 1995.
  85. UNESCO. (2005). *'UNESCO and UNIDROIT – Cooperation in the Fight against Illicit Traffic in Cultural Property'*. Conference Celebrating the 10th Anniversary of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.
  86. UNESCO. (2007). *'To combat international trafficking in cultural property is to promote due respect for cultural property and for those who are its rightful depositaries'*. Address by Mr Koïchiro Matsuura, Director-General of UNESCO, 12 June 2007. Available at: <http://www.unesco.org/en/movable-heritage-and-museums/features/recent-examples-of-successful-operations-of-cultural-property-restitutions-in-the-world>. Accessed on the 18/02/12.
  87. UNESCO, (2011), *'The Fight against the Illicit Traffic of Cultural Property: The 1970 Convention: Past and Future'*. UNESCO, Paris, 15-16 March 2011. Information Kit.
  88. UNIDROIT, (1995). *'UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects'*. Rome. Available at: <http://www.unidroit.org/english/conventions/1995culturalproperty/1995culturalproperty-e.pdf>. Accessed on the 18/02/12.
  89. UN News Center., (02/11/2011). *'UNESCO chief regrets United States decision to withhold funding'*. Available at: <http://www.un.org/apps/news/story.asp?NewsID=40286&Cr=palestin&Cr1=>. Accessed on the 18/04/12.
  90. United States of America Department of State. Bureau of Educational and Cultural Affairs (2012). *'Background: U.S. Implementation of the 1970 UNESCO Convention'*. Available at: <http://exchanges.state.gov/heritage/culprop/background.html>. Accessed on the 18/02/12.
  91. United States Mission to UNESCO., (18/05/2011). *'"Redhot & Blue' Reception Remarks'*. Ambassador Killion's Remarks at the "Redhot & Blue" Performance/Cocktail to Mark the Closing of Executive Board. Available at: <http://unesco.usmission.gov/amb-remarks-redhotblue.html> Accessed on the 18/04/12.
  92. Vrdoljak, A. F., (2008). *'International Law, Museums and the Return of Cultural Objects'*.

Cambridge University Press.

93. Wallace., R. C., (1946). '*UNESCO*'. International Journal, Vol. 1, No. 1 (Jan., 1946), pp. 68-70
94. Wilmhurst., E. (2008). '*Definition of Agression: General Assembly resolution 3314 (XXIX) 14 December 1974*'. Audiovisual Library of International Law. Available at: <http://untreaty.un.org/cod/avl/ha/da/da.html>. Accessed on the 14/03/12