

Direct or Indirect

Exploring the Involvement of International Organizations in Restitution

Student Name: Jennifer Boch

EUR Student Number: 745431

Supervisor: Dr. Christel De Noblet (IESA)

MA Tourism, Culture, and Society. Erasmus School of History, Culture and Communication,
Erasmus University Rotterdam

*In association with the University of Glasgow, Institut Universitaire de Lisbonne, and Institut
d'Etudes Supérieures des Arts for the ERAMUS MUNDUS Joint Masters Program
Management of Art and Cultural Heritage in Global Markets (MAGMa)*

MA Thesis

June 13, 2025

Direct or Indirect: Exploring the Involvement of International Organizations in Restitution

Abstract

Restitution has increasingly become an important discussion within the public sphere. It can be a diplomatic tool that helps reshape international relationships, a catalyst to community healing and cultural regeneration, or a simple matter of abiding by the law. Within the field of cultural heritage studies there is the idea that a moral shift has taken place, with much of this stemming from the work done by international organizations. This research focuses on the significant role of international organizations in restitution processes and attempts to understand to what extent does the involvement of an international organizations impact restitution? This is done through a qualitative comparative case study analysis, using content analysis and process tracing to answer the two key sub-questions: 1) how are international organizations involved; 2) and how does their involvement impact restitution cases. Two international organizations have been selected to represent two different levels of involvement, direct and indirect, with two examples provided for each case. UNESCO is an international organization that is directly involved with restitution through its role in establishing relevant international law, as well as creating a committee specifically devoted to such matters, the ICPRCP. This case is examined through the restitution of Cambodia's Koh Ker Statues and in the dispute between Turkey and Germany regarding the Boğazköy Sphinx. ICOM is an international organization which is more indirectly involved as it promotes standards for parties involved in restitution and provides important tools, such as the Red Lists. This case is examined through two broader examples, the restitution movements for Nepal and Afghanistan. Through this analysis, we understand that both direct and indirect involvement can be very useful in restitution process, especially when the main parties involved are states. However, international organizations could probably do more impactful work. These organizations and their top-down approach may be outdated as there are many new key actors involved. Some of the impact of their involvement may be limited by this limitation in scope, as well as a hesitance to take a firm side on certain contexts of restitution, such as objects with a colonial or imperial related provenance. In the end, we must reaffirm that restitution is a highly complex and multifaceted topic with every example unique. This research wishes to serve as a foundation for future analysis into the questions, as the few examples used are not enough to make concrete claims.

Key Words: restitution, return, international organizations, UNESCO, ICOM

Thesis Word Count: 19,892

Table of contents

Table of contents	2
Acknowledgements	4
Glossary	5
Introduction	6
A. The Importance of Terminology	6
1. Return, Repatriation, Restitution	6
2. Cultural Property, Cultural Heritage, or Cultural Objects	7
B. Different Contexts of Restitution	8
C. Actors Involved in Restitution Cases	9
1. Holding and Requesting Parties	9
2. Third Parties	10
D. Research Question and Gap	11
E. Relevance Today and Moral Arguments	12
Part I: Literature Review	14
A. Legal Frameworks and Principles that May Apply in Restitution Cases	14
1. International Law during Times of War and Times of Peace	14
2. Other Legal Principles that May Apply	15
B. Obstacles to Overcome	16
1. Legal Barriers	16
2. Lack of Proof, Provenance, and Funding	17
C. The Different Processes	18
1. Implementation within International or National Frameworks	18
2. Private Agreement and Alternative Methods of Dispute Resolution	18
3. Other Methods of Reclaiming Cultural Objects	20
D. Potential Solutions of Restitution Processes	21
1. Simple Solution	21
2. More Complex Solutions	21
3. Special Ownership Regimes	22
Part II: Research Design	23
A. Overview	23

B. Operationalization of Variables.....	24
1. The Independent Variable: Level of Involvement of International Organization	24
2. Dependent Variable: Level of Impact	25
C. Data Collection and Analysis.....	25
1. Content Analysis	25
2. Process Tracing	26
D. Research Limitations	27
Part III: Cases and Analysis	29
A. Case A: Restitution with direct involvement of UNESCO and the ICPRCP.....	29
1. Background and its Direct Level of Involvement.....	29
2. Examples of UNESCO's Direct Involvement.....	32
a. Cambodia's Koh Ker Statues	32
b. Turkey and Germany and the "Boğazköy" Sphinx.....	35
3. Analysis of Impact	38
B. Case B: Restitution with indirect involvement of ICOM.....	39
1. Background and Level of Indirect Involvement Explained.....	39
2. Examples of ICOM's Indirect Involvement.....	41
a. Restitution of Nepalese Cultural Objects.....	41
b. Restitution of Afghanistan Cultural Objects	44
3. Analysis of Impact	46
C. Comparative Analysis of the Two Cases	48
Conclusion	52
A. Summary	52
B. Implications of Findings	52
C. Future Research Potential	53
APA References	55
Appendix.....	67
Appendix A.1 Case A: Example One - Cambodia's Koh Ker Statues.....	67
Appendix A.2 Case A: Example Two - Turkey and Germany and the "Boğazköy" Sphinx	70
Appendix B.1 Case B: Example One Restitution of Nepalese Cultural Objects.....	73
Appendix B.2 Case B: Example Two - Restitution of Afghanistan Cultural Objects	77

Acknowledgements

These acknowledgements are not only relating to this research but apply for the entire duration of the MAGMa program, which has been a life-changing experience in every way. I am so fortunate to have been in the inaugural cohort and to have been able to study in four incredible cities, Lisbon, Paris, Rotterdam, and Glasgow. There were many obstacles and difficulties to overcome, such as visas, housing, and feelings of homesickness. It is surreal that this is the end. I look forward to what is next.

I would like to thank the MAGMa administration and all the professors. The academic and professional development experiences they passionately taught and organized made this program a true success! A special thank you to my supervisor, Dr. DeNoblet, who was very understanding and helpful during this research and writing process.

I must thank all my incredible classmates who have made this an unforgettable experience. They are truly the most brilliant, creative, hard-working, and kind group of people I have ever met. This network is one of the strongest outcomes of this program. I already miss having us all together. From this group I have met friends I will surely have the rest of my life, most notably Arielle Acosta and Sara Schmidt. Without them, my life these past two years would not have been as sweet. I will also thank my friends and family across the Atlantic who encouraged me in my endeavors to begin this journey and have been my cheerleaders ever since.

Finally, I would like to thank my wonderful boyfriend, Martin, who I met here in Paris last year. He is a source of support and inspiration, always willing to listen, give advice, and help me relax during stressful times. With him, I feel like anything is possible. I look forward to building our future together.

Glossary

(Listed in order of appearance)

Holding Party – the party in possession of the object in question

Requesting Party – the party who has made a request for restitution or return

Receiving Party – the party who receives the object in question

UNESCO – United Nations Educational, Scientific, Cultural Organization

ICPRCP – Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation

ICOM – International Committee of Museums

Lex Culturalis – law of culture, considering the cultural, historical, or spiritual significance of an object

Lex Situs – law of the place where the object is located

Lex Originis – law of the place where the object originates

Deaccession – the act of lawfully removing an object from a collection (ETHCOM, 2019)

Negotiation – a direct discussion between the two parties in hopes of reaching an agreement

Alternative Dispute Resolution (ADR) – methods of dispute resolution outside of legal frameworks that involves a third party

Good Offices – the facilitation of informal dialogue arranged by a neutral third party who provides the forum but does not provide commentary

Mediation – a method of dispute resolution in which a third party intervenes to help direct the discussion and explore amicable resolutions but ultimately does not impose a decision

Conciliation – a method of dispute resolution in which a third party is more proactive and does provide a non-binding recommendation or decision of which the parties can agree to implement

Arbitration – a method of dispute resolution in which a third party is the arbitrator, hearing the arguments and evidence from both sides, and imposing a formal and binding decision on the two parties

ETHCOM – ICOM Ethics Standing Committee

NHRC – Nepal Heritage Recovery Campaign

Introduction

The topic of return is one of the most significant in the field of cultural heritage studies. Due to the diversity of objects, the vast number of parties involved, and the complexity and nuances of each specific case, it is also one of the most debated. The debate is not simply a matter of *should* cultural objects be returned; instead it spreads across a minefield of various questions, considering the morals and ethics of why, who owns these objects and is responsible for their preservation, how should these processes be conducted, can certain objects be returned under current legal frameworks, and more broadly, what is the best path forward for all parties involved? Even the terminology is complicated, as there is an unclear distinction between *return*, *restitution*, and *repatriation*. These questions regarding cultural return are found at the intersection of law, ethics, history, and politics with each party involved holding different convictions of why, how, and even if, return should take place. Sometimes there are obvious legal obligations, while other situations only consist of subjective convictions. All this complexity is often happening on the international level, which makes it easy to understand why international organizations would take interest and be involved in these situations. However, what is less clear is the extent that their involvement impacts restitution. Therefore, this research revolves around this central question, **to what extent does the involvement of an international organizations impact restitution?**

A. The Importance of Terminology

1. Return, Repatriation, Restitution

This research addresses these complicated situations, most of which I argue fall under the umbrella of *restitution*, a term that has no standardized definition. For this reason, many scholars and professionals will opt to use the more neutral term of *return* when discussing this topic. However, return can be viewed as a specific action and in some cases, physical return of the cultural object does not, and/or cannot, take place. Thus, *return*, while less contested and clearer on its meaning, can lead to a limited perspective on this broader topic. Some organizations try to define and standardize *restitution*. For example, the Collections Trust, a cultural non-profit advising museums and other cultural institutions in the United Kingdom, defines restitution as “the process by which cultural objects are returned to an individual or a community” and repatriation as “the process by which cultural objects are returned to a nation or state at the

request of a government” (2023). However, restitution, in the traditional dictionary sense, comes from the Latin word, *restituere* and is the “act of restoring or a condition of being restored” (Merriam Webster, n.d.-b). Repatriation comes from the Latin word, *repatriare*, or “the act or process of restoring or returning someone or something to the country of origin, allegiance, or citizenship” (Merriam Webster, n.d.-a). From these two differing, but equally legitimate, sources one can see how these definitions can cause differing opinions. Ultimately, the standardization and distinction between these terms is crucial, especially as they are often transnational processes. Therefore, to establish norms, terms need to be agreed upon on an international level. Within the context of this research, *restitution* is the term primarily used and is a broader concept with greater symbolic and political meaning. As previously stated, it does not always indicate that an object will be physically returned or repatriated. Instead, closer to the dictionary sense, restitution is seen as a process that helps “restore.” For some nations and communities, this may be cultural regeneration, “countering the sense of loss, humiliation, and collective memory” (Paquette, 2023, p. 11). It can lead to recovery from post-colonial or historical traumas and allow communities to reinforce their cultural identity in the modern world, allowing for collective healing and in some cases even improve health and well-being (Lenzerini, 2016; Simpson, 2009). In addition to restorative value, it “can facilitate cultural cooperation among state actors and in the long term even promote reconciliation, peace, and security” (Vadi & Schneider, 2014, p. 17). In this sense, it is a process meant to “amend past injustices” (Barkan, 2009, p. 80). This can help establish new global dynamics and improve international relations by building upon consensual collaboration and inclusion, serving as “an increasingly important tool in the international diplomatic toolkit” (Green, 2017, p. 9; Gaudenzi & Swenson, 2017). It is important to note that restitution is not the correct term when the community does not want it or when it is intangible heritage (Roodt, 2013). In this case, the unrequested return may be considered repatriation, which in this research will be defined as the return of cultural objects to their place or people of origin. Return will also be used throughout this research when applicable to the outcome of the restitution case.

2. Cultural Property, Cultural Heritage, or Cultural Objects

Another important distinction of terminology intertwined with restitution is the discussion of *cultural property*, *cultural heritage*, and *cultural objects/material*. This conversation is much more settled among academics and professionals, although still discussed (Bauer, 2015; Yupsanis, 2011; Vadi & Schneider, 2014). Nonetheless, it is important to clarify in

this research. Considered an outdated term, *cultural property* was used in some of the international legal frameworks that will be discussed in Part I and is defined as “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,” and it further specified into various categories (UNESCO, 1970). The use of *property* gives a strong sense of ownership, in this case to the State, who defines what is important. Some argue that it commodifies and excludes intangible cultural heritage (Blake, 2000). There was a transition to using *cultural heritage*, with the most updated UNESCO definition being, “artefacts, monuments, a group of buildings and sites, museums that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific and social significance” (UNESCO Institute for Statistics, 2009). It was preferred within the academic field as it widens the sense of ownership to more shared and universal. This also developed alongside the notions of cultural internationalism and cultural nationalism (Merryman, 1986). Finally, the term *cultural object*, which is nearly identical to cultural property, is defined as “those which, on religious or secular grounds, are of importance for archaeology, prehistory, history, literature, art or science and belong to one of the categories” with the same categories being used as in the UNESCO definition (UNIDROIT, 1995). The absence of the State in this definition is glaring, as instead cultural objects are defined as significant by not only states, but also individuals, non-state entities, and other groups (Roodt, 2013). *Cultural object* (or *cultural material*) as the most neutral term, will be used in this research.

B. Different Contexts of Restitution

Furthermore, there are many different contexts of restitution. Generally, it always involves the displacement of cultural objects through trafficking (theft or unauthorized export), wartime plunder through large scale government expeditions or private actions of officers or civilians, or appropriation or trade during colonial or occupation periods, with objects transferred as gifts or favors, acquired through sale (voluntary or under duress), or archaeological partage (Cornu & Renold, 2010; Gaudenzi & Swenson, 2017). Some scholars argue that the term restitution “always denotes an unlawful situation,” (Cornu & Renold, 2010, p. 2) but as discussed further in the Part I, it may not always be black or white. In many restitution cases, the law does not apply to the situation. Therefore, this research breaks restitution contexts into three categories as listed by Bjornberg: 1) the original owner lost possession as a result of an act that was

unlawful at the time or would be considered unlawful today; 2) transfer of possession came as a result of an improper agreement (coercion or deception; 3) transfer of possession had been agreed upon by someone who was not the legitimate owner (2014). These categories cover the most common contexts such as Nazi-Era objects, illicitly traded objects, or objects with a colonial or imperial provenance. This research will not discuss Nazi-Era objects, nor human remains, as these categories are given special considerations, often coming with different legal frameworks and regulations, as well as heavier ethical and moral arguments (Gaudenzi & Swenson, 2017; Roodt, 2013; Yupsanis, 2011). It should be noted that in some communities, cultural objects can be given equal importance as human remains and/or can be believed to have the same or similar spiritual qualities, but this discussion is outside the scope of this research. Instead, this research will focus on cultural objects with potentially complicated or incomplete provenance that indicates either past injustices during the eras of colonialism and imperialism or have a connection to illicit trade within the past several decades.

C. Actors Involved in Restitution Cases

1. Holding and Requesting Parties

Another element adding to the complexity of restitution is the diversity of the various parties involved. This includes different levels of governments, from states to regional, local and/or autonomous territories, recognized or unrecognized communities, such as indigenous or specific ethnic groups within state territories, as well as individuals or families claiming direct association or ownership of the cultural object in question. This could also be a private organization, such as a museum or a university, as these institutions sometimes have collections that have been acquired in dubious past circumstances. The relationships between these actors, “state to state, state to individual, individual to state, to community, or an institution, or another individual” (Labadie, 2021, p. 138) form a complex web of intersecting and contradictory interests and motivations. Regardless of the diversity of stakeholders, the parties involved can be simplified when discussed in the context of restitution processes. There are three main groups: the *holding party*, the *requesting party*, and *third parties*. These terms are rather self-explanatory. The holding party is in possession of the object in question and the requesting party has made a request for restitution, which means they are asking for the object in question to be returned, but not always exclusively. Even these terms do not cover all possibilities. For example, in cases in

which a holding party voluntarily offers a cultural object to its associated state or community, there is not a requesting party, but a better term would be *receiving party*. Although this term is not used in any official proceedings, it is a useful fourth category and may even be a less polarizing term when handling certain restitution cases. It is believed that in previous decades, “restitutions have been driven by political elites and handled through conventional diplomatic relations” (Paquette, 2023, p. 4), but today it is being driven by new actors and institutions, most notably Indigenous communities, museums, and activists (Caligiuri, 2024; ICOM, Shanghai University, & ICOM-IMREC, 2024).

2. Third Parties

The last category involved are third parties, which can be associated with or in support of either the holding or requesting party or act as a neutral character. Several recent cases have shown that claims initiated and/or assisted by third parties, such as “museums or governments, are much more likely to be successful than those managed by indigenous communities alone” (Lenzerini, 2016, p. 139). Sometimes classification into these three categories is less clear. For example, would a museum which houses a national collection and is in physical possession of a requested cultural object be considered the holding party, or would it be a third party with the state being the holding party? Perhaps this seems like an insignificant distinction, but it can greatly impact how the restitution process is conducted as well as the consequences of the end results. A clearer example of a third party in restitution processes are *international organizations*. International organizations, while simple in definition, are just as vast and diverse as the other stakeholders involved in these processes. Their role is “noteworthy” (Caligiuri, 2024) and should not be taken for granted. As a third party, an international organization can be either aligned in support of the holding or requesting party, or they can be neutral and be involved in a variety of ways, such as serving as an intermediary between the two parties, helping to facilitate or influence restitution processes, or raising awareness on the topic and encouraging the process to even begin (Caligiuri, 2024; Gaudenzi & Swenson, 2017; Lenzerini, 2016). Their involvement is often taken for granted and unquestioned, as it seems obvious that such organizations would be needed to provide a framework and forum for these complicated situations. Despite this clear involvement of international organizations, there has been limited research regarding their real impact on restitution cases. There needs to be more research to determine “to what extent the international organizations [are] a site and resource in these processes” (Gaudenzi & Swenson,

2017, p. 513), especially as the role of these international organizations is continuously developing.

D. Research Question and Gap

Therefore, as stated in the first paragraph, this research intends to focus on the role of international organizations in restitution processes and attempts to understand **to what extent does the involvement of an international organizations impact restitution?** Amid the increasing global attention on this topic, it is seldomly discussed without the mention of international organizations, yet there is also increasing criticism of international organizations as “western institutions” that uphold the global order. If restitution is seen as a powerful tool for “re-building communities, challenging the representational power of ‘the West’ and offering a way for dialogue and reconciliation” (Gaudenzi, Bianca, & Swenson, 2016, p. 517), then perhaps their involvement in such processes should be scrutinized. Their reputations are more important than ever as a paradigm shift is taking place, as our globalized world witnessing reactionary movements which are built on fear and misunderstanding of “the other.” This warrants research into how international organizations are involved and how they impact these significant processes. Such insight can potentially reveal how these processes could be better conducted. For example, there are some newer developments relating to international organizations’ involvement. UNESCO has taken steps in the last two years to reaffirm their leadership role in these topics through the MONDIACULT initiatives (UNESCO, 2024 April). More specifically this research will analyze the direct involvement of UNESCO’s Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) as they provide a platform for restitution processes. In addition, we will also analyze ICOM, who are currently redrafting their Code of Ethics, and their role as an indirect third party who encourages and provides guidance and resources in restitution cases.

As restitution cases are full of nuance and complexity, it is a tall order to find a definitive answer to this question; however, as there is limited research into the exact impact of international organizations, this research intends to serve as a starting point by first demonstrating the different ways international organizations can be involved in restitution processes and then analyzing and comparing the impact of this involvement.

E. Relevance Today and Moral Arguments

Cultural heritage has always been significant to states, communities, and to its related peoples. It is not only valuable for a nation or community's economic success but is "an essential part of a people's pride, self-esteem, and identity" (Lenzerini, 2016, p. 128). Discussions regarding return and restitution of cultural objects have historical precedents, but recently there is increasing awareness and greater global push to restitute cultural objects. This is due to a growing moral argument that has developed alongside conceptions of human rights (Barkan, 2001; Cornu & Renold, 2010; Hodder, 2010; Prott, 2009). There are conflicting ideas with a "tension between the universal access of all to know about global cultural heritage and its diversity, and the right of nations and indigenous groups and minorities to control their own past and gain restitution" (Hodder, 2010, p. 868). Yet, scholars, professionals, world leaders, the wider public are coming to a consensus that "everyone has a right to participate in and benefit from cultural heritage that is of consequence to their wellbeing, and everyone has a duty towards others with respect to that right" (Hodder, 2010, p. 876). Moreover, this sense of public morality has brought "a growing political willingness, and at times eagerness, to admit one's historical guilt" (Barkan, 2001, p. 84) with a poignant example of this being the infamous declaration made by French President Emmanuel Macron in Ouagadougou in 2017. This "ethic of recognition" (Paquette, 2023, p. 3), for perceived past injustice or wrongdoing gives strength to the argument that "no matter how long ago the injustice occurred, its legitimization [today] only encourages other wrongdoings" (Barkan, 2001, p. 85). Thus, if the removal of a cultural object from its original owners or context is recognized as "morally illegitimate, then there is an obligation to correct that injustice" (Bjornberg, 2014, p. 463).

However, there are many arguments against this growing movement. First, for those who are hesitant to restitute and return objects, there must be a convincing reason for why moral responsibility should be transferred to individuals living today and why they should be held responsible for injustices committed by those in the past (Bjornberg, 2014; Cuno, 2014). This is a major ideological difference that must be overcome and can be overcome by looking at restitution as a means of cooperation, rather than a zero-sum game. Furthermore, the second biggest argument against restitution relates to the sense of pride and national identity that can come from possessing the cultural objects in question (Lenzerini, 2016; Merryman, 1989). This is joined with the idea that sometimes these cultural objects have become a part of another's heritage. Although the origin of a work of art is defined as "the country with which the property

concerned is most closely linked from the cultural point of view” (Cornu and Renold, 2010, p. 16), ties of adoption can be strong when a country has prolonged possession or contributed to an object’s conservation. If there are links to more than one culture, then who has the authority to decide which link is stronger or more legitimate? Another argument against restitution, briefly referenced earlier, is the ideology of cultural internationalism, which states that cultural objects should be shared with the world and as universal heritage, they are better preserved/protected and more accessible remaining in the current circumstance (Yupsanis, 2011). This perspective is best seen in the “Declaration on the Importance and Value of Universal Museums,” signed in 2002 by eighteen notable institutions (2006). This document has been repeatedly questioned as the moral sense of restitution has continued to grow.

While some museums still cling fast to this declaration as justification to maintain the status quo, there is a shift particularly regarding provenance research. To stay relevant and protect reputations, many museums are hiring dedicated professionals and forming special teams for provenance to ensure that due diligence is met for new acquisitions and to assess if their collections can be considered not only legal but also morally sound (Freeman, 2025). The increased interest in provenance research, as well as improved technology and archival organization, has increased the relevance of restitution, as more information is accessible to states, communities, and individuals. This allows for more claims to be made. Ultimately, these moral and cultural principles regarding restitution have progressively been transformed into social norms and eventually may become more solid legal rules (Scovazzi, 2014).

Part I: Literature Review

A. Legal Frameworks and Principles that May Apply in Restitution Cases

Although the “right to spoils” has existed since ancient times, there is also some precedent to leave cultural objects where they are, as well as return objects that were taken. This includes a case discussed by Cicero during the Third Punic War, or Charlemagne’s refusal to take art from Rome (Rollet-Andriane, 1979). In modern times, precedent for the return of cultural objects is seen as the beginning of the nineteenth century with the Congress of Vienna (1815), which demanded France return archives and artworks seized by Napoleon’s armies (Labadie, 2021). In fact, Kowalski suggests that 1815 was a turning point, in which the first steps were taken to develop the principle of “unconditional restitution of cultural [objects] looted in war” (2005, p. 87). From this point, restitution was accepted as an international custom, with subsequent conflicts seeing such clauses in the treaties, although this did not prevent war plunder or the transfer of cultural objects. It was not until the mid-twentieth century that a central and relevant body of international law relating to culture heritage emerged.

1. International Law during Times of War and Times of Peace

Scholars divide this body of international law into two sections, law relating to times of war, and law relating to times of peace (Caligiuri, 2024; Campfens, 2014; Labadie, 2021; Scovazzi, 2014). First, regarding times of war, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 was the first international treaty exclusively focusing on the protection of cultural heritage (moveable or immoveable) during times of conflict and established the obligation to restitute cultural objects that were taken from occupied territory during conflict (Scovazzi, 2014). More importantly, the two pieces of international law during times of peace which are repeatedly addressed in the literature, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Trade of Cultural Property (hereby referred to as the 1970 UNESCO Convention) and the 1995 UNIDROIT Convention on Stolen or Illicitly Exported Cultural Objects. Considered a cornerstone in this body of international law, the 1970 UNESCO Convention has three main objectives. Preventive in nature, it establishes measures for combatting illicit trade of cultural objects, lays down rules of return for stolen objects, and encourages bilateral treaties between states (UNESCO, 1970). However, it is “characterized by an extremely narrow scope” (Labadie,

2021, p. 137) and reserves the right to demand the return exclusively to the state (Yupsanis, 2011).

The UNIDROIT Convention builds upon this and is more focused on recovery as it sets up more rules and conditions for restitution claims on stolen objects, such as standards for limitation periods and due diligence (1995). It is meant to harmonize the private laws of the member states regarding restitution of stolen or illegally exported cultural objects and allows for private claimants to be processed through national courts (Campfens, 2014). Both frameworks have limits. Most obviously, they are non-retroactive and cannot be applied to acts previously committed. Due to this, neither convention makes any mention of past displacement of cultural objects during periods of colonialism or occupation, for which they have been criticized. In addition, like all international law, they must be ratified by each state, and even then, they can be difficult to enforce. For example, nearly all colonial powers and market nations have ratified the 1970 UNESCO Convention, but few have adopted national laws for implementing it (Van Beurden, 2014). Therefore, “effective application depends on the consensus and cooperation among the countries involved” (Caligiuri, 2024), a sentiment of necessary goodwill that will continually echo throughout this research.

2. Other Legal Principles that May Apply

Besides these conventions, which do not always apply, there are other legal elements to consider, such as other customary international law, bilateral treaties, and national laws. For example, a relevant legal concept regarding restitution that has been established by the International Law Association is the “principle of repose,” which states if an object has been in a place for over 250 years, then it should be exempt from return to its place of origin (Roodt, 2013, pp. 301-302). However, the grander “inadequacy of the international legal framework” (Caligiuri, 2024) means that in most cases, restitution lays in the hands of national laws. Unfortunately, “states generally do not have a specific legal regime in place for cultural [objects]” (Labadie, 2021, p. 139). In this general absence, there lies a confusing and unequal playing field, specifically when each country has its own set of rules regarding core legal principles, regarding proof of title, statute of limitations, due diligence, the protection of *bona fide* buyers, or broader differences in the regulation of the import/export of cultural objects (Labadie, 2021, p. 140). When there is a dispute, it becomes a question of whose law applies (*lex situs* or *lex originis*). Some scholars believe a *lex culturalis* has formed and its framework should be granted customary status (Caligiuri, 2024; Hodder, 2010; Prott, 2009; Roodt, 2013; Vadi &

Schneider, 2014). According to Roodt, the core principles of *lex culturalis* would draw on “dispute resolution mechanisms, substantive uniform law, application of a choice of law rule other than the very broad *lex situs* rule... and the non-application of ‘cumbersome’ rules of private international law” (2013, p. 290). Unfortunately, the practical application of *lex culturalis*, as an ideal system that can reconcile the differing interests of each party, is in serious doubt.

In the midst of this nations have turned to bilateral treaties as an effective way to handle the illicit trade of cultural objects, restitution, and other related situations. Bilateral treaties are highly encouraged by the international frameworks and international organizations. For example, UNESCO has “called upon states to have bilateral agreements for the return of cultural property and to promote long term loans, deposits, sales and donations between the institutions concerned” (Campfens, 2014, p. 72). Bilateral treaties will often be between market and source nations to regulate and/or restrict the import and sale of cultural objects. Once a treaty is signed and ratified, it is legally binding and the signatories are obligated to enforce the statutes of the agreement, with the mechanism of enforcement usually defined in the treaty. One strategy is for a country to have a bilateral treaty with as many other countries as possible to ensure that the movement of their culture heritage is in their hands. These bilateral agreements can ultimately serve as a mechanism for restitution to take place, as some agreements specifically facilitate the restitution of cultural objects or can have statutes to confiscate and return objects found to be illicitly trafficked and sold. However, we must note there is no “right to restitution” found anywhere in any legal framework currently (Roodt, 2013).

B. Obstacles to Overcome

1. Legal Barriers

While it can aid in restitution processes, the law can also be “the most successful instrument to deter, delay, or prevent restitution” (Labadie, 2021, p. 134). Its non-uniformity, non-retroactivity, limitations in application are not the only barriers for restitution, but also problems of jurisdiction, choice of law, legal title or deaccession provisions, and good faith defense can halt the process (Roodt, 2013). For example, sometimes the two parties will not agree on whether the transfer of ownership was lawful as a big distinction can be made in this regard between civil law and common law nations (Cornu and Renold, 2010).

One of the biggest legal obstacles is institutions' inability to deaccession public collections under certain national laws, such as in France and the United Kingdom. This is due to the inalienability of objects owned by the public. In these cases, the transfer of ownership and restitution requires official authorization such as a special law to circumvent this prohibition. With the sheer number of objects this would apply, it is impossible to authorize each object's deaccession individually and perhaps too audacious to do it en masse (Cornu & Renold 2010). Just as the state cannot freely return something found in a national collection, it cannot return something legally owned by a private individual. This can also apply to institutions' inability to deaccession and retribute donated or loaned items. Furthermore, proof of ownership can pose a problem in restitution cases, as the claimant must prove their rightful ownership, usually through thorough documentation. It becomes more complicated if the claimant is a community, as there is "no legal recognition of collective ownership" (Cornu and Renold, 2010 p. 10). The idea of *rights by descent* when assessing ownership has been often rejected. Although people descend together, culture is passed down through "complex and fluid channels" (Hodder, 2010, p. 870) making it difficult to connect to a single community. Thus, there is usually no official recognition of collective ownership for communities which makes submitting a claim and facilitating a restitution very difficult. Such circumstances apply particularly to indigenous communities who often view cultural objects as collectively owned. Lastly, perhaps there have been changes in the sovereignty of territories and communities from which the object originated. Should the object be returned to this new political entity or the ethnic community, such as the debate for the Benin Bronzes? These legal complications are used to drag on discussions of restitution or jam up legal proceedings.

2. Lack of Proof, Provenance, and Funding

Returning to proof of ownership, the traceability of ownership is sometimes impossible, as records have disappeared, been misplaced, or remain inaccessible (Van Beurden, 2014). Provenance is a developing field, and uncertain documentation can make it even more confusing for parties to determine to which country or community an object belongs and whether restitution falls within moral or legal obligations. Not only can provenance be missing, sometimes objects themselves are lost or inaccessible, hidden in museum storage facilities or private collections.

Lastly, there are issues of funding, as restitution processes are costly and time-consuming. Source nations, many of which are developing nations, usually do not have a large budget for restitution processes or other cultural matters, as they have other priorities to manage.

For communities, it can be even more complicated if there is no collective fund to utilize. Thus, in many cases, nothing can even be started, or if the costs become too great, the claim must be withdrawn, causing the costs already incurred to be lost.

C. The Different Processes

1. Implementation within International or National Frameworks

When obstacles can be overcome and a claim can be made, there is a plethora of different processes that can occur. Different types of cases require specific and tailored processes if the restitution has a chance of reaching some sort of resolution. The first and most straightforward process is the implementation of existing laws, such as enforcement of the national regulations or bilateral agreements. If the transfer of cultural objects has clearly violated an existing law or call into action a treaty, then restitution will occur according to the stipulations of this relevant law or agreement, such as in illicit trafficking of cultural objects. Sometimes the restitution requires the adoption of a special law or a unilateral decision of the state, such as the case of overcoming deaccessioning restrictions (Cornu and Renold, 2010). Government advisory panels can be used in these cases to help ensure compliance and help draft an effective and efficient law or decision that will actually allow restitution and perhaps even build relationships with the other parties involved (Campfens, 2014). However, when restitution is an internal matter between a state and an indigenous or ethnic community who resides within the state's borders, these methods may not be very effective as "states may be unable or unwilling to protect the cultural heritage of their indigenous peoples" (Yupsanis, 2011, p. 358). This also extends to settling disputes at the intergovernmental level, as these communities cannot participate without the assistance of the state in which they reside, often leading to these communities feeling excluded or alienated (Campfens, 2014).

2. Private Agreement and Alternative Methods of Dispute Resolution

Restitution claims/disputes can also reach a conclusion through private agreement or a have a decision outside of legal frameworks. This may occur just between the two parties or can potentially involve a third party. If the parties involved are states, these discussions occur at an intergovernmental level. This is most often where international organizations can become directly involved. In some of the literature, these various paths that involve a third party are often referred to as Alternative Dispute Resolution (ADR) and include good offices, mediation,

conciliation, and arbitration. At worst, “ADR amounts to little more than a tentative moratorium that neither precludes nor prejudices subsequent litigation” (Roodt, 2013, p. 305), while at best, it can help break the deadlock between conflicting interests and help parties reach beneficial compromise and improve relations. According to the ICPRCP, ADR is being “increasingly favored” as opposed to “the length and cost of legal proceedings, the uncertainty of the judgement, the potential embarrassment of an unfavorable decision, and the expiry of limitation periods” (2024 May, p. 1). It is especially important to note that ADR is voluntary, which implies that the parties are open and willing to cooperate with the other party. In some cases, ADR may be perceived as a cheaper approach to reaching a solution compared to lengthy and costly legal action. However, going through mediation or arbitration can also be expensive, especially when it involves private individuals who need to pay for the services of the mediator or arbitrator.

Outside of litigation, first there is simple negotiation, a direct discussion between the two parties. It is a logical first step as it does not involve a third party and gives the two parties a chance to be cooperative and aimable from the start. Unfortunately, restitution through these negotiations is often rare as the agreement reached is not automatically binding and talks can quickly go sideways. If negotiation fails or if one of the parties refuses to negotiate, parties can take another approach and go through Good Offices, which is the facilitation of informal dialogue arranged by a neutral third party who provides the forum but does not provide commentary (Campfens, 2014). These talks do not have to be disclosed to the public and the goal is to open and improve communication. It can be seen as a diplomatic first step. If parties desire a more formal process with a third party involved, they can consent to mediation or conciliation. In mediation, the third party intervenes to help direct the discussion and explore amicable resolutions but ultimately does not impose a decision; while in conciliation, the third party is more proactive and does provide a non-binding recommendation or decision of which the parties can agree to implement (Urbinati, 2014). In either process, “confidentiality, fairness, impartiality, and good faith” (Urbinati, 2014, p. 110) are the core principles that all parties, the two sides and the third party, must agree upon for there to be any chance of success. Unfortunately, “it is difficult to ascertain how many successful mediations there have been, primarily because the resulting agreements are often confidential” (Cornu & Renold, 2010, p. 12). In addition, like negotiation, neither process is automatically binding, unless a binding agreement is signed afterwards. Arbitration, on the other hand, acts more like a court proceeding and imposes a

formal and binding decision on the two parties who have agreed beforehand. The third party is the arbitrator, hearing the arguments and evidence from both sides.

A newer method that is closely related to arbitration is referred to as “Binding Expert Opinion” has become more popular. This applies to more specific and technical situations in which the parties disagree rather than an entire restitution case. In this approach, parties still must agree beforehand that the decision will be binding and voluntarily come before a panel of experts (Campfens, 2014). Usually, an investigation with intensive research is conducted by the experts who produce a full unbiased report. Unlike arbitration, hearings are generally not conducted, but parties are given a chance to comment and react to this report before the experts decide. The binding expert opinion is often used to further facilitate restitution through other methods, as the core facts of the case are now agreed upon. For example, if the two parties disagree on the origin of a cultural object or whether the object was illicitly transported, the decision will allow them to either implement relevant law or reach an agreement. It is important to note that these alternative methods do not automatically guarantee a “fair and just solution” as it is based in moral norms of the parties involved (Campfens, 2014), but it can contribute to the development of the *lex culturalis* discussed above. This is especially true as these alternative methods “give due regard to international law and recognized principles” (Urbinati, 2014, p. 103) as well as put force new principles and customs.

3. Other Methods of Reclaiming Cultural Objects

Outside of legal frameworks and the alternative methods discussed, states sometimes take other measures to have their objects returned. This would not be defined exactly as restitution in this research as it lacks some restorative and symbolic meaning. For example, some states have decided to buy the objects back, avoiding costly and time-consuming legal proceedings or ADR processes (Cornu & Renold, 2010). States can also apply pressure to “strong-arm” others into agreement through means such as restricting access to cultural objects, withholding permits for archaeological digs or denying loan requests (Van Beurden, 2014). Such things can be used as powerful bargaining chips and can lead to a conclusion that will allow each party to obtain something they desire. Elements of cooperation “regarding loans of other objects, joint activities in excavations, research, and restorations... [act as] second, but not secondary objectives” to the end of the restitution cases (Scovazzi, 2014). However, other times these aggressive tactics can lead to tensions between nations rather than positive relations.

D. Potential Solutions of Restitution Processes

Just as there are many potential approaches to handling restitution cases, there are equally as many, or more, different endings or outcomes. However, we must make it clear that an “ending” does not always mean there is definitive solution. Sometimes the case remains ongoing or is in a “state of limbo.” With international treaties or national laws, the ending comes after following the procedure or litigation defined in the law, although fulfilment can be equally stalled by other laws and appeals. With alternative methods, there are four main ways to “conclude” the processes described above: “1) An amicable solution to the dispute is reached; 2) the parties consent in writing to conclude proceedings; 3) the parties set a time limit and it has expired, ending the proceedings; 4) one of the parties decides to withdraw” (Urbinati, 2014, p. 111). Within the international and national frameworks and with alternative methods, potential solutions for restitution cases are endless. For example, there are also cases where the solution leads to a withdrawal of claims in exchange for financial compensation or other concessions. This flexibility is important as each case is truly unique. Several scholars such as Cornu and Renold (2010) and Caligiuri (2024) provide exemplary lists of these possible “outcomes” which will be reviewed below.

1. Simple Solution

Once again, the most basic outcome is physical return of the cultural object in dispute. This can be as straightforward as an unconditional donation of the object from the holding party to the receiving party, or this can be conditional, with the return only happening when certain conditions are met. Conditions may include agreeing upon where the object will be held, if it will be displayed, and if so how, or stipulating research or conservation can take place before returning the object (Cornu & Renold, 2010). It is important to note that this does not automatically mean that the ownership is transferred. The return can also be accompanied by the elements of cooperation mentioned above. Sometimes, restitution first leads to a formal recognition of the object’s cultural importance, a highly symbolic gesture. Although this does not mean there is a physical return. Sometimes it only grants the requesting party access and certain rights to the object, such as being able to use it in ceremonies or conduct hands-on research.

2. More Complex Solutions

From here it becomes more complicated due to the obstacles previously discussed relating to law and defining ownership. Loans are often a solution to overcome these

complications and can be long-term, temporary, or provisional, depending on the case. It allows a requesting party to recover legal ownership while the holding party keeps possession, usually to allow for the continuation of research or exhibition of the object (Caligiuri, 2024). This is especially utilized when an object is not legally allowed to be deaccessioned or if there are logistical or funding issues in transferring and managing the object. Another potential solution involves the production of replicas or the creation of digital copies. The applicability of this varies greatly but it can serve many purposes, including allowing for exhibition and research simultaneously to both parties. Cornu and Renold stress this is not equivalent to returning or owning the original object, but it can be a step to this eventual goal (2010).

3. Special Ownership Regimes

There is an idea amongst some scholars that special ownership regimes could be the ultimate solution to some of these complex restitution cases (Cornu & Renold, 2010; Renold, 2015; Roodt, 2013). Coined by Renold as “cultural co-ownership,” these special ownership regimes would be complicated to navigate and would need to have strict guidelines determining the “shared management and control” (2015, p. 165) of the cultural object(s). First, the parties must determine and agree if such a venture is feasible. In certain cases, where both parties have a legitimate link to said object, such as one party being the place of origin and the other being a place of adoption, there is a strong case for why co-ownership would be a reasonable solution. If the parties agree that they both have this cultural link, then there are many other considerations, including the physical location of material, loans to third parties, restoration work, insurance, choice of the controlling law, and other dispute resolution (Renold, 2015). All these factors need to be defined in an ownership agreement, and there is a risk that the agreement may be unfairly skewed or that one of the parties may not respect the rights of the other. Regardless, it can be considered as a possible solution in certain cases.

Part II: Research Design

A. Overview

Now, we return to our question, **to what extent does the involvement of an international organizations impact restitution?** To answer this primary question, a qualitative case-study approach, composed of content and document analysis, is utilized to examine and compare/contrast two cases. As a qualitative study, it takes an inductive approach, using observations from compiled documents to draw conclusions, generalize, and potential recommendations (Bryman, 2015). The ability to assess the involvement of international organizations in restitution is made stronger by the comparative nature of this research. Due to the complex nature of the topic, two descriptive sub-questions are used to further guide the focus: 1) how are international organizations involved in restitution; and 2) how does the level of involvement contribute to the restitution? Therefore, this research is explanatory as it seeks “to identify causal factors and outcomes” (Bhattacharjee, 2012, p. 6), as well as descriptive for attempting to understand restitution processes and understand how international organizations to facilitate these processes.

In addition, this research has similarities with quasi-experimental design because it attempts to test causation between variables. An independent variable and dependent variable can be identified from the primary question with the independent variable being the level of involvement of international organizations, and the dependent variable the level of impact in the outcome. As clearly demonstrated in the Introduction and Part I, because restitution is a highly complicated topic, there are a multitude of other variables that can impact restitution outcomes. The independent variable is also a little unclear as international organizations can serve different roles simultaneously. This is why the selection of examples for each case was carefully considered and the researcher tried to exclusively discuss the type of involvement designated for each case. However, we must recognize that it is impossible to control and account for all factors and that this lack of control can make it difficult to establish causality (Bhattacharjee, 2012). However, after discussion with the research supervisor, this approach is the most practical and flexible method to investigate the primary and sub questions given the constraints of time and access to data, and it is ultimately the best approach when dealing with the rich, diverse contexts of restitution. Specifically, quantitative methods would not suffice as they cannot give the full picture and nuance that should be granted to this social issue.

B. Operationalization of Variables

This leads to the next step of research design, which is, how do we measure these complex variables? The answer demonstrates exactly why this could not be a quantitative study as these variables are not easily scalable and would require an index composed of factors and subfactors evaluated and scored with the assistance of multiple experts to make the data usable, valid, and reliable. Instead, as a qualitative study, we provide several flexible criteria to better understand and analyze the variables.

1. The Independent Variable: Level of Involvement of International Organization

First, the independent variable, Level of Involvement of International Organization, will be reduced into a variable with two categories of direct involvement and indirect involvement. Direct involvement indicates the international organization is a neutral third party that provides the legal framework and/or forum for the other parties and can facilitate alternative methods of restitution, potentially providing recommendations or decisions regarding what should be done. Indirect involvement occurs when the international organization is a neutral third party that influences restitution processes through their related work such as establishing codes of ethics, raising awareness, and encouraging a constructive atmosphere for restitution. Initially, there was discussion regarding a third category, limited to no involvement. It was decided during the course of the research that this was out of scope as it detracts from the key element studied and we must acknowledge that no restitution case resides in a vacuum. Therefore, we cannot claim there is absolutely no interaction with any work or influence of an international organization, especially after 1970. Instead, these two categories allow for stronger analysis and comparison as the goal of this research is to understand how international organizations can be involved and how their involvement impacts the outcome of the restitution case. This cannot be analyzed in examples where we claim limited to no involvement of an international organization.

Thus, cases were selected for each category. UNESCO and the related body ICPRCP act as the case for direct involvement. UNESCO has established some significant international law as well as a forum for restitution processes to take place. ICOM acts as the example for indirect involvement, as their primary role in restitution cases is to provide standards, resources, and additional support to parties involved. It is important to acknowledge that both UNESCO and ICOM can act as more direct or indirect facilitators depending on the restitution case, and they

often are both involved in cases, working together with the other parties to conduct restitution processes and reach a solution. Once again, the researcher has tried to isolate specific examples in which the direct and indirect involvement of each organization is clear and separate, but this blurriness causes some difficulty for the analysis and results of this research. Regardless, these cases and their two selected examples help us answer the first sub-question: how are international organizations involved in restitution?

2. Dependent Variable: Level of Impact

We compare these cases using the dependent variable, the Level of Impact, which is much more complicated as there are many contributing factors in restitution. When analyzing the outcome of a restitution case, it was decided in discussions with the research supervisor that this would be evaluated using four criteria: 1) What did the requesting party want? What did the holding party want? And what was the final outcome? 2) Were the parties satisfied with the outcome? 3) Was the relationship between these two parties improved by the outcome? 4) How long did this process take and what (or whose) funding was required to finance it? These criteria provide for a standardization of analysis and help us better understand the second sub-question: how does the level of involvement contribute to the restitution? Originally, there was an idea to examine whether outcomes were “successful.” However, during the course of research, this is deemed as far too subjective to determine within this study. Rather than making this judgement, the dependent variable allows for more objective analysis by simply analyzing the outcome for what it is objectively and seeing how much the involvement impacted this outcome. This is done through the content analysis and process tracing described below.

C. Data Collection and Analysis

1. Content Analysis

Lastly, to analyze the documents and data collected, this research utilizes content analysis, which was chosen as the best course of action after discussion with the research supervisor who gave her approval and support. This methodology was chosen over other forms of data collection and analysis including interviewing, which was considered initially by the researcher. However, after discussion with the research supervisor, who is a professional actively working with other professionals from international organizations like ICOM and UNESCO, she agreed that conducting interviews with professionals, experts, and other participants would be

too time-consuming for this limited duration of this research and would not amount to strong or usable data. Unfortunately, interviews would likely provide heavily censored and biased information as professionals would promote the work of the international organization, and in order to provide a fair and balanced assessment using interviews, there would need to be multiple interviews with different professionals from both ICPRCP and ICOM. Despite connections to these professionals, they remain mostly inaccessible and unavailable within the time frame of this research. This is also true regarding representatives from other parties involved, such as representatives from states or private institutions who have been negotiating or working towards (or against) restitution.

Furthermore, content analysis, which is very prevalent and useful in case research, is considered a “highly flexible method, applicable to several different kinds of unstructured information” (Bryman, 2015, p. 300), which applies to the compilation of the documents for this research. The validity and reliability of content analysis relies heavily on the quality of the documents. The quality is measured through four key elements, “authenticity, credibility, representativeness, and meaning” (Bryman, 2015, p. 273). The documents collected for this research include academic articles, news articles, internal or informative documents from the international organizations discussed, any statements or publications from the involved parties mentioning the examples used, and other miscellaneous but relevant documents. Generally, the documents compiled fall into two categories. ICPRCP and ICOM, as well as other stakeholders (governments and communities), have published documentation of restitution processes and the related work they have done, and there are external documents associated with each example used in this research that provide the required context and information needed to understand and analyze the restitution, the involvement, and the outcomes. It is hard to set up clear parameters as to what type of documentation should be considered in this research, especially as a lot of documents regarding specific examples of restitution cases remain confidential and inaccessible to the researcher.

2. Process Tracing

A table can be found in the Appendix, detailing key observations for the documents used for each example case and its examples. This is also useful for understanding how often the international organization is mentioned in the external documents, which relates to the researcher’s use of process tracing. Process tracing, a systematic method for “drawing descriptive and causal inferences from diagnostic pieces of evidence within a case” (Collier,

2011, p. 824) is also used to analyze the compiled documentation. To conduct process tracing, we identify what we are trying to prove or understand, which in this research is how the involvement of the international organization impacted the outcome of restitution cases, and then we evaluate the evidence based on this claim for each step of the process. It specifically looks for evidence that clearly links the involvement of the international organization to the outcome of the restitution case, or disproves the importance of their involvement. The addition of process tracing makes this research more creditable as it specifically evaluates the causal relationship between the variables, rather than making assumptions and generalizations. Process tracing also helps standardize the analysis of each case as we examine the documents and evidence in the same fashion, conducting the same tests, while still accounting for each unique context. The aforementioned tables found in the Appendix will indicate what type of evidence the documents examined have provided linking the involvement and impact of the international organization to the restitution case.

D. Research Limitations

Ultimately, this research design as comparative case-study using content and document analysis is well-structured and holistic, allowing for the necessary depth, context, complexity, and flexibility required to answer the primary question, to what extent do international organizations help facilitate successful restitution? However, there are still limitations to consider, particularly concerning the murkiness between the type of involvement of each international organization and the documentation that was compiled for analysis. The former has already been discussed above. The latter is in reference to the amount and type of documentation the researcher was able to uncover during the discovery process. Unfortunately, as the research continued it became apparent that much of the documentation regarding specific examples of restitution were unavailable or inaccessible to the researcher. This is especially true for the example facilitated by the ICPRCP. There was some documentation available using the UNESCO and ICOM online archival databases, however as these processes are often confidential, documentation for these specific cases is missing from these records and there is little to no documentation from the other involved parties available publicly. Perhaps some documentation could be found in physical archives in the specific location of the parties involved, but such research was not possible for the researcher to conduct given the time

constraints and lack of funding for travel. In addition, attempts to gain access to additional documentation through ICOM were unsuccessful, as contacts were unresponsive to requests. Therefore, the researcher utilized a multitude of various documents that were available, although more documentation would have been useful.

Overall, this research is meant to be an exploratory foundation for future research that can be conducted with more time and resources. It sets up a framework establishing the variables and a methodology of content analysis and process tracing to explore the primary question and sub-questions for very specific examples. This framework could be used with other examples to further understand the relationship between international organizations and the outcomes for restitution cases.

Part III: Cases and Analysis

As explained in Part II, this research analyzes two cases, selected for variation of the independent variable, UNESCO (direct involvement) and ICOM (indirect involvement). Each case will review the background/context and explain the involvement of the international organization before examining two specific examples of restitution that demonstrate this level of involvement. This is followed an analysis of the impact of international organization in the outcome of the example. The analysis of these two cases is then compared with some recommendations on how international organizations may adjust their involvement to be more impactful based on the examples and the reviewed literature.

A. Case A: Restitution with direct involvement of UNESCO and the ICPRCP

1. Background and its Direct Level of Involvement

For this research, UNESCO does not need much introduction as it is the most well-known international organization within the field of cultural heritage, and it has already been discussed above briefly regarding the Convention of 1970, which will be further explored below. Established in November 1945, in its own words, UNESCO “sets standards, produce tools and develop knowledge to create solutions to some of the greatest challenges of our time, and foster a world of greater equality and peace” (2025). As evidenced in the literature, restitution is one of these challenges.

Although UNESCO is indirectly involved through its various educational and supportive projects, I argue that it is primarily a direct facilitator of restitution processes in two ways. First, it is the body that orchestrated the 1970 UNESCO Convention, which can be traced back to as the chief international law used in many restitution claims today. Member State Parties who have signed and ratified it are obligated to the three main points of adopting protection measures, controlling movement of cultural property, and returning stolen cultural property (UNESCO, 2013). It also encourages the adoption of bilateral treaties and has been cited in such agreements. Member States are often asked to report on the status of their bilateral treaties (ICPRCP, 2022 April). This displays continual interest and involvement, overseeing the parties involved and directing their actions. Furthermore, UNESCO will often insert itself in a claim/dispute and be directly involved in subsequent implementation of applicable laws. As per Article 17 of the Convention, State Parties can specifically request technical assistance to the UNESCO

Secretariat who provides coordination and good offices to help implement the Convention and reach a settlement (UNESCO, 1970). This method of its direct involvement is further explored in the example of the Koh Ker statues of Cambodia (Example 1).

An even stronger claim for its direct involvement is seen in the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP), hereby referred to as the Committee. In 1978, the current Director-General of UNESCO Amadou-Mahtar M'Bow made an impassioned "plea for the return of an irreplaceable cultural heritage to those who created it" which built on the proposal started at a meeting in Venice (UNESCO, 1979). This is often seen as grease that paved the way for the creation of the Committee, which was further justified by the gap in international mechanisms for facilitating restitution in cases outside of the scope of the 1970 Convention (Urbinati, 2014). The Committee was "entrusted with the task of seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to the countries having lost them as a result of colonial or foreign occupation" (Committee of Experts, 1978, p. 1). It is very important to note that the parties involved in these processes facilitated by the Committee are countries, rather than private institutions or individuals. The Committee originally offered good offices and arbitration as methods to promote cooperation, negotiation and solutions. This is done through the submission of a request to the Committee, who acts as a neutral third party. The "Standard Form concerning Requests for Return or Restitution" was first created in 1981 and was last updated in 1986 (or at least this is the latest version found on the official website). It is meant to provide a "comprehensive yet flexible framework" (ICPRCP, 1986, p. 1) for restitution or return claims. The process is described on the form, which states, "the requesting country should use the form to submit its request to the Secretariat of the Committee which will transmit the document to the holding country concerned" (ICPRCP, 1986, p. 1). Then, the holding country will use the form to provide a reply and return it within one year to the Secretariat. This is only meant to be done if previous negotiations have failed. The form asks both parties to provide information, such as description and location of the object, ownership claims, date of acquisition, legal status of object, state of conservation and conservation requirements for the object, circumstances in which the object left country of origin and the mode of acquisition by institution in holding country. Interestingly, both countries are asked to provide information as to why the object is significant to the holding party, but *only* the requesting party is asked to explain its own interest. A proposal for suggested action is also given

only by the requesting party and the holding party must simply provide a response to the proposal. This allows all parties, including the Committee, to have a clear understanding of what the other parties believe regarding the object in question and what outcome they want. The form is limited to one object and if it is collection, it is still treated as one entity.

Currently, only six cases have been resolved before the Committee, with the most recent being the example of Turkey and Germany's dispute over the "Boğazköy" Sphinx in 2011 (Example Two) (UNESCO, 2024 November). The most famous case regarding the Parthenon Marbles has been ongoing before the Committee since 1984 (Gibbon, 2020). At the last meeting of the Committee in May 2024, there are six cases on the agenda, several of which are for technical assistance (ICPRCP, 2024b).

In addition, the methods of dispute resolution that can be used by the Committee have expanded to include mediation and conciliation, first announced in 2005. It took several years before the Rules of Procedure for Mediation and Conciliation were agreed upon and established in 2010 (UNESCO, 2010). They can be used for new claims, or parties can request the process amidst ongoing litigation. Requests are submitted via email or post with the names and contact details for both parties, a description of the dispute, an attestation that both parties consent, and any other relevant supporting documents (ICPRCP, 2024a May). The parties appoint the mediators or conciliators within 60 days of the request, or if they fail to do so the Director General of UNESCO will do so. It is stressed under Article 3(2) of the Rules of Procedure, it is conducted in complete confidentiality, allowing for parties to negotiate more freely and constructively (ICPRCP, 2022). One of the biggest differences between the original methods and the additions is that requests can be addressed to a public or private institution, although the related Member State must be informed and act on behalf of the institution. These additional methods were repeatedly discussed in the last two general meetings in 2022 and 2024 with particular attention being brought to the official website, which explains the differences between mediation and conciliation, the advantages, and provides the request forms (UNESCO, 2022; UNESCO, May 2024). However, to date, neither process has been requested by any member.

Regardless of which method is used, the outcomes before the Committee are usually not binding and if there is no solution or official conclusion, such as withdrawing a claim, it remains before the Committee. While the Committee does not charge any fees, all the activities and participating parties incur various costs, which are shared by the parties unless another arrangement is agreed upon. Each party also pays for its own activities as well, such as

witnesses, experts, or legal assistance. A request can be made to use collective funds as a Committee Fund has been established with voluntarily contributions from members to fund specific and approved projects (UNESCO, 2013). Otherwise, the requesting party needs to withdraw if they cannot pay.

Ultimately, both the 1970 Convention and the Committee are methods of direct involvement of UNESCO. At the Twenty Second session in September 2021, the respective roles of the 1970 Convention and the committee were reaffirmed (ICPRCP, 2021). The two components allow UNESCO to holistically cover the two main circumstances for restitution today, which they have defined as “the appropriation and transfer of cultural objects to mother countries as a consequence of colonialism” and “the present illicit traffic of cultural property which perpetuates and sometimes exceeds the outflow that occurred in the past” (ICPRCP, 1982, p. 1).

2. Examples of UNESCO’s Direct Involvement

a. Cambodia’s Koh Ker Statues

The direct involvement of UNESCO through the 1970 Convention is demonstrated by the example of the Koh Ker Statues of Cambodia, a Member State which ratified the Convention in 1979. This encompasses several different cases, but we especially focus on cases concerning Sotheby’s and the Metropolitan Museum of Art in New York City in 2013 and 2023. The story begins in Northern Cambodia around 1972 when the Koh Ker archaeological site underwent continually looting. It is believed that the looting was organized by a network of local teams and dealers in Thailand, including the infamous Douglas Latchford (Velioglu, Bandle, & Renold, 2014). Many of the statues from the temple were damaged during their removal, such as having been cut off at the ankles with the bases still at the site. From 1975 to 1979, the bloody Khmer Rouge regime held power, and the country was engulfed in conflict until the late 1990s. During this period (1972-2000), the statues of Koh Ker and hundreds of other cultural objects were sold to various museums and collections around the world where they were proudly displayed for decades. However, around the turn of the century Cambodia became increasingly interested in reclaiming its heritage and started making steps to do so. It appealed to international organizations, including UNESCO and ICOM, who jointly published “One Hundred Missing Objects” for Cambodia (ICPRCP, 1999). This spurred a restitution of two statue heads from the Met in 1997 after curator Martin Lerner recognized them in the publication (UNESCO, 2005). In

2003, “actively pursuant to the 1970 Convention” (p. 4), a Memorandum of Understanding between US and Cambodia was signed between the two states. This agreement gave power to Cambodia to make claims regarding potentially illicitly obtained objects and obliged the US authorities to go after any institution suspected of possessing such objects.

The next big breakthrough occurred in 2011 when UNESCO was alerted by the sale of a Koh Ker statue by Sotheby’s (Kong, 2018). The sale was halted and negotiations started between the Sotheby’s and the seller and Cambodia. Unfortunately, this approach failed as Sotheby’s and the seller maintained that she had “clear legal title” and argued this could not be proved otherwise (Kuhr, 2012). Therefore, the matter went into litigation with the US District Attorney’s Office on behalf of Cambodia (*US vs. a 10th Century Cambodian Sandstone Sculpture*, 2013). Sotheby’s claimed, “the sculpture was legally imported” and they had “never seen nor been presented with any evidence that specifies when the sculpture left” (Felch, 2012). This was seemingly disproven when internal emails were uncovered between Sotheby’s and a scholar who warned the auction house that there was “clear evidence that [the statue] was definitely stolen... as the feet are still in situ” (*US vs. a 10th Century Cambodian Sandstone Sculpture*, 2013, p. 12). The legal proceedings were ongoing for almost two years, ending when Sotheby’s and the seller “voluntarily” decided to return the statue to Cambodia in agreement with the US District Attorney’s Office (*US vs. a 10th Century Cambodian Sandstone Sculpture*, 2013). Around the same time, the Met announced that it would return two Koh Ker statues, known as the “Kneeling Attendants” after new evidence of their illicit transfer came to light (Felch, 2013). This was done with not much fuss and the transfer back to Cambodia happened during the 2013 World Heritage Committee in Phnom Penh. During the ceremony, UNESCO Director-General stated, “UNESCO is honored to have contributed to this restitution” (UNESCO, 2013 June).

It seemingly was a domino effect as in the next three years Christie’s, the Norton Simon Museum, Cleveland Art Museum, and the Denver Art Museum all restituted Koh Ker Statues (Christie’s, 2014; Robinson, 2014; Cleveland Museum of Art, 2015; Cascone, 2016; Kong, 2018). In the individual press releases, UNESCO is not mentioned but it released its own publication in 2018 giving itself credit in these cases. Finally, in 2022, Cambodia enlisted the help of the US Justice Department when it suspected to have found at least thirteen artifacts from the looted complex in the Met’s collection. Despite previous cases, the Met was uncooperative, and it became a standoff between the two parties. The Met refused to turn over “internal documents that [could] buttress, or undermine, the museum’s proper title to the objects”

(Mashberg & Bowley, 2022). Ultimately, after talks with US District Attorney's Office, the museum agreed to "relinquish all claims, rights, title, and interests" (Williams, 2023) to the objects and pay and make the arrangements for their return, and in exchange would not be criminally prosecuted (Woodman, 2023). In this last case, none of the documents examined mentioned UNESCO.

The parties involved in this example are clear. The requesting party, Cambodia, who after the difficulties of internal turmoil and instability, turned its attention to reclaiming its cultural heritage, and the holding parties included auction houses (Sotheby's and Christie's) and multiple US museums, most notably the Met. Cambodia's intentions and wishes are also clear as they are adamant that these cultural objects are "a soul for their culture" and they would do whatever it took to have them returned (Kuhn, 2012; UNESCO, 2013; Mashburg & Bowley, 2022). On the other hand, the holding parties' desires are mixed. It seems above all they wished to maintain a good reputation, admitting no wrongdoing and trying to keep their past poor acquisition practices under the rug, as evidenced by the Sotheby's "voluntary" return and Met's tiff in 2023. It is quite likely that there was a desire to hold on to these objects for as long as they could, because despite potentially knowing of claims could be made, they remained silent. Another key party, the US authorities, made it clear after this past decade that the holding parties would be wise to come forward with these objects before they come to them with a court order (Biase, 2023). Furthermore, the processes involved with these restitution cases included litigation and negotiation between the parties, usually facilitated by a third party such as the US District Attorney's Office or UNESCO, who claimed it acted as a facilitator in discussions in the return of five of the nine Koh Ker statue cases (ICPRCP, 2014, p. 2). The cases involving Sotheby's and the Met both concluding in 2013 were deemed to be precedent setting (Felch, 2013; Velioglu, Bandle, & Renold, 2014). Simple, unconditional restitution, either obligatory or voluntary, was the outcome in these cases with the statues being returned, with the holding party usually footing the costs. The long-term goal is for all the statues to be displayed together in the national museum (Kong, 2018).

Finally, we assess UNESCO's direct involvement throughout these cases. First, it is obvious that the Convention of 1970 was invoked, with UNESCO being notified and then alerting the Cambodian Deputy Prime Minister in 2011 (Kong, 2018). This is what launched the subsequent events. The Guardian claimed that Sotheby's sale was halted as result of UNESCO's intervention (Robinson, 2014). UNESCO claimed their direct involvement in negotiations, and

we must note that the return ceremony for the Kneeling Attendants was done before UNESCO at the World Heritage meeting (UNESCO, 2013 June; ICPRCP, 2014). However, UNESCO's own claims must be taken with a grain of salt as their claims may be biased in their favor. This is also true regarding their publication regarding the Koh Ker statues in 2018, which one could view as a self-given pat on the back. This perspective is supported by the fact many of the documents for the various cases do not mention UNESCO's involvement. Most prominently, it is missing from the most recent development in 2023 with the statement from the US Attorney's Office only referencing the bilateral agreement between the two countries (Williams, 2023). Therefore, we can trace UNESCO's involvement in this case as they and the 1970 Convention are mentioned in several articles and official documents, as well as their own assertion. From this, it is safe to say that generally their involvement did contribute to the generally positive outcomes with both parties cooperating. We will note that in the last case, where their involvement is not specifically mentioned, the process was less fluid, as the Met resisted cooperation despite its earlier precedent. We cannot know whether this is related, but should be considered, nonetheless.

b. Turkey and Germany and the "Boğazköy" Sphinx

The second example demonstrating UNESCO's direct involvement is the dispute over the Boğazköy" Sphinx, also referred to as the Hittite or Hattusa Sphinx, which is one of the few cases facilitated by the Committee. These negotiations, which Turkey claims took place of ninety-four years, concluded in 2011 (Anatolia News Agency, 2011). Therefore, this claim starts in 1917 when the sphinx and other cultural objects were sent to Germany to be "cleaned, restored, catalogued" (Chechi, Bandle, & Renold, 2011). Due to many world events, this matter only reemerged in the 1970s when Turkey formally recognized East Germany (GDR) and negotiated the return of some other cultural objects. UNESCO's involvement begins in 1986 when Turkey submits a request to the Committee using the Standard Form after bilateral negotiations regarding the sphinx were at an impasse. The submitted form is not available online, although it is possible that it could be found in physical archives. Unfortunately, the submission was too late, and they had to wait an additional year before it was brought before the Committee. The two parties agreed to "reignite" negotiations, but this matter was overshadowed by the events of the Cold War and the reunification of Germany. In 1991, the Committee reestablishes contact between the two parties and puts forth a recommendation (Recommendation No. 2) which "invites the two parties to continue negotiations and invites the Director-General to continue his good offices to resolve the issue" (UNESCO, 1999). Recommendation No. 2 is

continually recalled at the next several meetings of the Committee. According to the report given to the UN General Assembly by the Director-General in 2003, the Director-General was present for the negotiations in 2002 and 2003, which were still not fruitful (UN Secretary-General, 2003). In September 2010, another recommendation is issued by the Committee, urging the parties to reach a “mutually acceptable solution...as soon as possible” (ICPRCP, 2012b). Finally, in May 2011, both sides reach an agreement that the sphinx will be transferred back to Turkey, signing a “memorandum of understanding” and the case was removed from the Committee’s agenda in 2012 (UNESCO, 2013 August). The agreement also promised “greater museum and archaeology cooperation between the two countries (ICPRCP, 2012a). Finally, the sphinx arrived in Istanbul in July 2011 and was later placed in a newly renovated museum in the Boğazköy region.

In this case, the two key parties are clear, as are their desired outcomes. The requesting party, Turkey has been rather serious about reclaiming cultural objects and argues that it has always had strong regulations regarding their cultural heritage. They wanted to physical return of the sphinx, holding that Germany had never had legal ownership of the sphinx. They referred to a 1906 law, the Law of Antiquities of the Ottoman Empire, which prohibited the export of cultural assets out of the territory (Balkiz, 2021). On the other hand, Germany countered with claims of legal ownership, stating that a legal decree by Sultan Abdul Hamid II in 1899 authorized their excavation and transfer of cultural objects (Planche & Omer, 2018). The German governmental body responsible, the Prussian Cultural Heritage Foundation, wanted to keep the sphinx in the collection of the Pergamon Museum (Chechi, Bandleader & Renold, 2011). Neither party could produce documents to prove their legal ownership, most likely lost as a result of two world wars, the restructuring of the Ottoman Empire, and the division and later reunification of Germany. Both parties wanted ownership of the real sphinx as proven by the quickly dismissed proposal of a replica. German offered to create a replica for Turkey, who in turn offered Germany to keep the replica (Chechi, Bandleader & Renold, 2011).

Bilateral negotiations had happened multiple times over decades, often utilizing the good offices of the Director-General, with the parties exchanging dossiers and updating the Committee. However, these discussions went nowhere, until Turkey’s Minister of Culture, Ertugrul Gunay, at the time, gave a direct ultimatum to either return the sphinx or German archaeologists would not be allowed to conduct excavations in the country, stating “I am determined not to renew the excavation license for Hattusa if the Sphinx is not returned”

(Gusten, 2011). After this announcement an agreement was reached. The official announcement from the German government stated it was “a voluntary gesture of friendship” and that the two sides agreed this case was unique and does not set a precedent (Federal Government of Germany, 2011). It should be noted that officials were very careful not to use the words return or restitution.

Unfortunately, despite this “friendly” agreement, Germany has claimed Turkey is still engaging in “cultural chauvinism” (Letsch & Connolly, 2013) by actively withholding permits, and refusing to loan objects, asking for more cultural objects from Pergamon’s collection. Turkey denied that these actions are an attempt to force the requested objects return (Stonington, 2013). The president of the Prussian Cultural Heritage Foundation at the time stated that “treating Germany like a petty thief puts more than a century of archaeological cooperation at risk and harms relations” (Bilefsky, 2012). In the press release from the Prussian Cultural Heritage Foundation, they expressed their frustration stating, Turkey’s tactics “do not create a climate that promotes the search for a positive solution” (Stiftung Preußischer Kulturbesitz, 2011). After the successful return of the sphinx, Turkey indicated that it intends to continue this path with Minister Gunay, stating “This is a revolution. We will fight in the same way for the restitution of the other artifacts” (Gusten, 2011). This outcome of strained relations is contrary to what the Committee tried to encourage and therefore cannot be considered an indication of their impact. In addition, this is also contradictory to what was recorded by the Committee, which stated the agreement would bring cooperation between the states (ICPRCP, 2012a).

In this example, UNESCO is directly involved through the Committee’s continuous efforts. After Turkey brought the case before the Committee, they became a neutral third party who was actively invested in achieving a positive outcome. The case can be followed using the internal documents produced by the Committee, including their recommendations and the ongoing use of good offices. In a publication by UNESCO, this case is also highlighted as proof of the major role played by UNESCO when dealing with complex of bilateral negotiations, arguing “it was a decisive factor in the continuation of discussions by the two states” (Planche & Omer, 2018, p. 42). Once again, we must be careful when using their own publications, as they are biased in favor of the organization and may exaggerate their role. Several other external sources agree that the return “occurred under the aegis of the ICPRCP” as it helped push forward the dialogue after Turkey’s request, especially by reestablishing contact after Germany’s reunification (Chechi, Bandleader & Renold, 2011). On the other hand, there are also many

articles and documents examined, including Germany's own press release (2011), that do not mention ICPRCP or UNESCO in any way, and refer only to the two parties (Gusten, 2011; Kelsey, 2011; Bilefsky, 2012).

3. Analysis of Impact

These two examples clearly demonstrate how an international organization can be directly involved in restitution processes and contribute to an outcome. UNESCO is undisputedly the force behind the 1970 Convention and the ICPRCP, both of which they established to address restitution in illicit trade and within the context of colonial/imperial pasts. For both examples, there is evidence that UNESCO played a significant role in the restitution, fulfilling its function as a neutral third party that brings together and guides the other involved parties. This is understandable given its globally recognized diplomatic role and reputation. However, while their involvement is clear, the impact of this involvement is not as defined. First, in both cases it ultimately is the two other parties that must be the movers of these proceedings, as they are the only ones who can reach an outcome and implement it. In the example of Koh Ker statues, despite the potential illegal possession of the statues, the holding parties always maintained arguments of good faith, and thus the eventual return of these statues and objects was a result of their final decision. As a result, while the 1970 Convention loomed over these cases, it was still limited in its application. The more indirectly caused bilateral agreement between the US and Cambodia was more significant in moving these cases towards an outcome as the US District Attorney's Office made it clear that such cases would be pursued.

In addition, although UNESCO claims that it was instrumental in the sphinx's return, it was Turkey's own persistence and Germany's reluctant willingness that finally concluded the case after such a long period. The Committee had been involved for twenty-five years with no real action happening. In fact, one could argue that negotiations may have been delayed as Turkey's request was delayed before the Committee due to missing the submission deadline for the meeting in 1986, and the bureaucratic process is enough done slowly, and even potentially frustrating as each recommendation was always the same with no result. This indicates that the Committee could only do so much. In addition, in the end of both cases, the goal of cooperation was overshadowed by the requesting countries' desire to have more items returned. This is particular evident in the strained Turkish-German relations.

There is also another point of UNESCO's broader limitations when contributing to restitution. As an intergovernmental organization it works with states; thus, their involvement is exclusively tied to the states. It is true that many restitution cases are conducted between states, but as is evident in the Koh Ker cases, private institutions are often involved. When comparing how UNESCO was involved in the two examples, one notices they are more prevalent in the Boğazköy Sphinx example than the Koh Ker cases. The recent Rules of Procedure for Mediation and Conciliation are meant to address this as it allows the Committee to be more involved in requests to institutions or individuals. However, the fact that this has yet to be used in fifteen years since its introduction and that the Committee has only seen the outcome of five cases speaks negatively to the faith states put in this forum. Lastly, in review of these two cases, we are not considering the indirect work that has also been done by UNESCO, which may have some impact as well.

B. Case B: Restitution with indirect involvement of ICOM

1. Background and Level of Indirect Involvement Explained

The second case of ICOM demonstrates how an international organization can be indirectly involved and contribute to restitution cases. ICOM was established in 1946 with the original purpose of promoting the educational missions of museums as well as the exchange and restoration/conservation of cultural objects (ICOM, 2025a). Today, it promotes itself as “the only global organization in the museum field” and lists five missions: “1) establish standards of excellence; 2) lead a diplomatic forum; 3) develop a professional network; 4) lead a global think tank; 5) carry out international missions” (ICOM, 2025b). Perhaps these are purposefully rather broad and vague as ICOM maintains a diplomatic and uncontroversial image in each of the countries it operates. Its role as a third party in restitution cases is indirect because it is the framework and resources that they provide that help facilitate restitution processes, rather than direct intervention and action. In other words, they provide the other parties involved with the tools they can use to facilitate restitution. This has been their policy for several decades. At the Fourteenth General Assembly in 1983, they passed resolutions 4 and 5 on fighting illicit trafficking and return of cultural property, stating they would continue supporting the various parties involved by conducting studies, assisting in inventories, and providing relevant information (ICOM). More specifically, ICOM has encouraged settling restitution claims using “voluntary settlement procedures rather than through lengthy and expensive litigation...

[although] ICOM itself would not be party or otherwise involved legally or financially” (Cummins, 2006). Furthermore, in a statement on reclaiming cultural property, Udo Gößwald, president of ICOM Europe from 2005 to 2010, reaffirmed that ICOM’s role was supportive and advisory, and it would not give recommendations or act as a facilitator between parties (2009). Today, ICOM has continued this policy by providing a multitude of different resources to encourage restitution and spur action from the parties involved, thus contributing to outcomes.

First and most important, ICOM has promoted its Code of Ethics, which provides a minimum set of standards for museums to follow. Unlike an international convention or a bilateral agreement, the Code is a non-binding guideline. Officially, members of ICOM are obligated to abide by this Code, but there has yet to be a case where any disciplinary action was brought up against a member. It was first published in 1986 and has been officially revised twice. Prior to this Code of Ethics, they had also published “Ethics of Acquisition,” which led to many museums to adopt their own policies (Monreal, 2014). The current version found on the official website is the third and latest version from 2004, but the ICOM Ethics Standing Committee is actively drafting an updated edition (ETHCOM, 2025). In the 2004 version, there are two relevant sections relating to restitution, II: Collections, which discusses acquisition, provenance and due diligence, and VI: Communities, referring to the origin of collections and return and restitution specifically yet separately mentioned (sections 6.2 and 6.3 respectively) (ICOM). Interestingly, the newest draft drastically shifts around these elements and simplifies the content into five key themes rather than the current code’s eight (ETHCOM, 2025). Under 4. Collections, there is information on acquisition and accessioning, establishing documentation and databases, providing access to heritage for research, fighting illicit trafficking, and restitution, repatriation, and return (ETHCOM, 2025). Under this point on restitution, repatriation, and return, two contexts are given, “the case of stolen cultural objects or illegally exported cultural objects” and “the case of collections that were obtained during periods of colonization, or in any situation involving armed conflict, political and/or territorial domination” (ETHCOM, 2025, p. 15). This is much more explicit than the previous code. However, it seems the 2025 draft has also omitted many points that would still be relevant, such as several points regarding illicit trafficking, conflicts of interest, and exhibition and display. Nonetheless, since its publication the Code has provided an ethical framework that many professionals believe has been effective (Schärer, 2016). Other publications have been made for more specific topics, such as deaccessioning and

restitution and return of items in university museums' collections (ETHCOM, 2019; UMAC & ICOM, 2021).

Furthermore, another key tool that ICOM has released to aid in facilitating restitution is its Red Lists. This series of publications provides an inventory of examples representing commonly trafficked items in order to help identify at risk heritage. They stress that they are not lists of stolen items. The first Red List was published in 2000 and there are now twenty-one publications, representing countries or regions in Asia, Latin America and the Caribbean, Africa, and Europe, with more coming in 2025 for Turkey and Greece (ICOM 2025c). Available in multiple languages, anyone can utilize a Red List by checking cultural objects against the examples. It is a first step to uncovering whether an object may have been illicitly transported. In addition, ICOM has been involved in several significant projects, such as the Object-ID Documentation Standard in association with the Getty Information Institute and the International Observatory on Illicit Traffic in Cultural Goods with INTERPOL (ICOM, 2024). Finally, ICOM also organizes and hosts various workshops, training courses, and conferences around the world with relevant topics and discussions. This helps encourage the atmosphere of collaboration, cooperation, and willingness to discuss and potentially retribute objects even when it is non-obligatory. Two recent examples include the panel entitled, "Decolonization and Restitution" at the twenty-fifth General Conference in Kyoto in 2019 and an international conference held in Shanghai in 2023, titled "Museums, Decolonization, and Restitution: A Global Conversation" (Rivet, 2019; ICOM, Shanghai University, & ICOM-IMREC, 2024). Once again, it is important to note that in their work, other international organizations are often also involved, such as UNESCO, but we are looking exclusively at the indirect involvement of ICOM. As a result of their indirect involvement, the examples are broader in scope. Rather than looking at specific cultural objects, we examine how ICOM's tools and resources contributed to restitution for two countries.

2. Examples of ICOM's Indirect Involvement

a. Restitution of Nepalese Cultural Objects

An example of ICOM's indirect involvement is seen in various restitutions relating to Nepal, which have greatly surged in recent years. It is revealing as these cases involve many different museums who are all members of ICOM, but each respond uniquely to request/claims. More relevant is how the professionals and activists who often behind these claims utilize the

resources and standards that ICOM has promoted. Due to lack of funding and past corruption allegations, the Nepalese government has been accused of having a “laissez faire” attitude in regard to reclaiming and conserving its cultural heritage, despite the early passage of the 1956 Ancient Monuments Preservation Act (Gibbon, 2023). After the country opened itself to tourists in the 1950s, cultural objects quickly caught the attention of the Western world. The following decades were a busy time for trafficking, often with the help of elite members of Nepalese society (Selter, 2022). There was some attention from scholars and journalists who documented the loss of Nepalese art from various temples and neighborhoods. These publications, such as *Stolen Images of Nepal* by Lain S. Bangdel, would be crucial to later restitution efforts (Smith, 2022). Today, the government is still slow moving, as evidenced by a lack of change seen in their national annual reports to UNESCO in 2019 and 2023, but citizens and communities have taken a stronger approach. In 2015, a grassroots group, Lost Arts in Nepal, appeared on various social media, namely Facebook, and began posting photographs of documented stolen objects, sometimes citing where it could be found. Finally, in 2018, during the acquisition process for *Standing Buddha*, from a memorial stupa in Yatkhatol, Kathmandu, the Met discovered the statue, as well as another one that had been donated in 1983 had been listed as stolen and contacted Nepal to begin their restitution process (The Met, 2023). This was the first of a surge of restitutions, most of which were a result of the work of activists, who officially launched the Nepal Heritage Recovery Campaign (NHRC) in 2021. At this time, NHRC sent letters to fifteen museums asking them to investigate their inventories of objects of Nepali origin (NHRC, 2021).

From 2021 onward, this “democratizing approach” (Newburger, 2024) yielded much fruit. In just a few years, NHRC has helped in the restitution of thirty objects and have fifty open cases (Agrawal, 2024). In 2021, the DMA returned a stele, whose looted status had been discovered after an activist recognized it while visiting the museum (Di Liscia, 2021). It was uncovered that DMA had used a loophole in the guidelines of the Association of Art Museum Directors (AAMD) that allowed it to accept the statue’s donation, despite being aware of its status (Thompson, 2020). The Rubin Museum in New York has been a center of several claims as its collection focuses on the Himalayan region (NHRC, 2023). After an alert from Lost Arts in Nepal and NHRC, the Rubin Museum returned two carved wooden relics, stating it was the first time in the museum’s history that an object was found to be illegally obtained (Dafoe, 2022). The Met returned additional objects in 2021, 2022, and 2023 after receiving alerts and conducting investigations into provenance records (Feldman, 2022; Acosta, 2023; The Met, 2023). Most

recently, in March 2025, amidst ongoing discussions regarding the gilt-copper necklace from Taleju Temple, the Art Institute of Chicago announced that it would voluntarily restitute a sacred Buddha statue. The Art Newspaper did not cite the catalyst for the restitution, only that the museum had uncovered new provenance information (Akers, 2025). However, another article from Hyperallergic explained in detail that it was once again the efforts of NHRC that pushed the museum into action (Smith, 2025).

In these cases, the parties involved can be grouped into the classic three categories, the requesting party, who in this case is comprised of activists and Nepali professionals representing the interests of Nepalese communities and government. These “citizen watchdogs and armchair experts” play a major player as they are often the instigators of action (Small, 2021; Smith, 2022). Some observers view their efforts as a touch radical, which can cause some hesitancy from holding parties (Gibbon, 2023; Brunet, 2024). The holding parties are the various American museums that have been found to have potentially illicitly obtained Nepali objects, such as the Met, Dallas Art Museum, Rubin Museum of Art, and Art Institute of Chicago. These museums are all members of ICOM. In most instances, museums have been receptive to claims and willing to cooperate, although they often ask Nepal’s government for documentation to validate the restitution claims. Because each museum has usually obtained these pieces from donors, they must tread carefully and obviously navigate away from accusations of any legal wrongdoing. Ultimately, while no museum would wish to lose pieces of their collections, they also want to maintain a good public image and reputation. Museums use the typical language, the same rhetoric encouraged by ICOM, when responding to and cooperating these restitution claims.

In this example, restitution processes are relatively straightforward, although not without obstacles. First, the object must be recognized or “found,” and then evidence revealing illicit transfer must be brought to light. The Lost Arts in Nepal social media campaign and other methods of heightening awareness are crucial in this step. Then, it can proceed in a few different ways. When the NHRC is involved, they send a letter to Nepal’s Department of Archaeology and independently notify the holding party. The government often takes its time to respond but will pass along credible claims to the Ministry of Foreign Affairs, who eventually come into discussions with officials from the representative country (Rimal, 2021). Unfortunately, museums do not respond directly to NHRC as they are non-governmental. The founder of NHRC, Roshan Mishra told ARTNews, “There’s no way we can send an email to a museum asking for them to return the artifact. It’s never going to work” (Agrawal, 2024); thus, they must

go through the formal channels. However, the international pressure brought by public awareness can lead museums to respond and investigate claims (Small, 2021). Each museum is different in how it reacts. In an official ICOM blog post, Brunet reviews two instances with the Met and Art Institute of Chicago. The former is labeled as “proactive restitution policy” as it quickly came into an agreement with Nepal despite lack of concrete evidence it was stolen; while the latter has requested definite proof that the object in question had been stolen (Brunet, 2024). It should be noted that the blog post was written with a neutral tone and does not attempt to shame or pressure the Art Institute of Chicago.

Overall, ICOM’s indirect involvement is complicated to track in this example, although it is fair to assume their presence is in the background. First, the difference in each museum’s behavior puts a question mark on the level of impact ICOM and the Code of Ethics has on its members. We know that museums are aware of the Code and while each case is unique, these standards should be utilized similarly in similar cases. They are not always as seen here. In addition, many of the activists have created their own resources or utilize similar resources to these of ICOM, but none of the articles examined, nor any of the activists, mention ICOM or refer to anything they have released. This could be in part because ICOM has not published a Red List for Nepal. Despite this lack of reference, it is still possible activists have encountered these resources. For example, in 2019 ICOM Nepal held its first international workshop which covered topics such as “risk of collections” and “museum policy and law” (ICOM, 2019) and considered it a success. Perhaps this could be a precursor to the surge of restitutions. This issue is on ICOM’s radar as they have posted information on the topic, but based on the lack of visibility in the documents examined it is possible their indirect involvement through the Code and other resources has limited impact, especially when compared to the impact of the grassroots activists. For example, there is no mention of ICOM, the Code of Ethics, or any related resources mentioned in a detailed analysis provided by Gibbon for Cultural Property News (2022). Such things could be useful in the activist movement, but instead ICOM is underutilized.

b. Restitution of Afghanistan Cultural Objects

The second example demonstrating ICOM’s indirect involvement emphasizes the power of the Red Lists. Afghanistan has undergone several decades of instability with various regime changes, which greatly impacted its national collections and museums. In 1992, when the Najibullah government fell, Kabul became “an epicenter for civil war” (Simpson, 2016, p.465).

The national museum estimated seventy percent of objects were stolen or destroyed during this ongoing conflict, especially after the rise of the Taliban. Equally difficult was the loss of documentation, with many paper records burned (Simpson, 2016). After these events, ICOM hosted workshops in the 1990s to highlight heritage that had been looted and published the Red List Afghanistan Antiquities at Risk in 2000 (ICOM, 2021 August). In 2002, ICOM issued “Appeal to assist the National Museum of Afghanistan” explaining how ICOM would support the museum, such as helping “develop a mechanism for the repatriation of stolen collections.” In 2012, 843 objects were finally returned to Kabul, including the “Begram Ivories” (BBC, 2012; Radio Free Europe, 2012). Many of the artifacts had been seized by the British Border Force and had been reviewed by professionals at the British Museum who used tools like the Red List to identify the objects as stolen (UNAMA, 2012). Similarly, in 2019 the British Museum helped return nine Buddhist Heads, which had also been taken by UK border police after arriving from Pakistan in 2002 (Brown, 2019; Simpson, 2019). They underwent a long physical analysis and then were exhibited while officials waited for things to stabilize in Afghanistan (Réa, 2019). Similar situations occurred in the US, with multiple restitutions since 2005, only possible due to the awareness and training of officials (U.S. Immigration and Customs Enforcement, 2013).

Although the government of Afghanistan’s involvement varied greatly depending on who was in power, the desires remained the same for the country’s cultural workers and professionals, who wished, above all, to reclaim and protect their heritage and rebuild museums and national collections. Another key party has been the British Museum and its professionals. As an ICOM member, the museum is aware and is obligated to abide by the Code of Ethics. Professionals such as senior curator St. John Simpson expressed the importance of collaboration with the professionals of Kabul, which can be found in the Code of Ethics under 3.10 (ICOM, 2017). On the same side, law enforcement in market nations like the UK and the US worked hard to monitor the illicit trade of cultural objects into their countries. In this case, the situation is rather clear, in that these objects were obviously illegally obtained, so the restitution process is driven by implementing the legal frameworks in place. However, before reaching this point, the discovery and verification of the objects is a key step in the process and was possible due to the heightened awareness and the availability/accessibility of resources. Sometimes, physical return was postponed due to the ongoing situation in Afghanistan, or to feature the objects in an exhibition, but museum professionals and other cultural workers collaborated to ensure the objects were taken care of on behalf of Afghanistan (Simpson, 2016; Forrest, 2019).

Since 2021 when the Taliban regained power, the situation has become complicated and for every object that has been found, there are many objects still missing. ICOM released a statement “concerning the situation facing cultural heritage in Afghanistan” saying it would continue its efforts to protect heritage and raise awareness regarding illicit trade (2021 August). Shortly after this, it announced a partnership with Wikimedia to encourage anybody to upload media or depictions of objects suspected of being from trafficking (ICOM, 2021 September). Throughout this example, ICOM and its outputs have clearly been present, even if not always visible. Usually, they are the ones pointing out their contributions. In the annual report of 2021, ICOM claimed, “First published in 2006, the Afghan list was the fourth Red List, and was successful in contributing, among other examples, to the repatriation of more than 1,500 cultural artifacts to Kabul between 2007 and 2009.” Some other sources mention them, such as the UN Assistance Mission in Afghanistan (UNAMA) who thanked the collaborative efforts of UNESCO, ICOM, and INTERPOL for having helped obtain an estimated 9,000 objects (2012). In addition, a publication with no formal connection to ICOM for the international conference of “Preserving the Cultural Heritage of Afghanistan” in 2014 applauded ICOM’s role of “fighting illicit trade in many ways,” highlighting the importance of the Red List (Stein, 2014, p. 148). However, many of the articles and documents examined do not mention anything about ICOM, such as the British Museum’s articles or several news articles examined. For example, a detailed article by the Guardian only acknowledges the other third parties involved, the UK Border Force, the Art Loss Register, and the British Museum, but nothing about ICOM (Alberge, 2020).

3. Analysis of Impact

These examples demonstrate that indirect involvement can either be subtle or unmistakable. For both examples, we must recognize ICOM’s presence behind its members who are directly involved. None of these members ever mention ICOM but often use similar rhetoric or reference elements that are found in the Code of Ethics, relating to acquisition, due diligence, or museum collaboration. We cannot concretely prove that these members have taken these standards from ICOM, but it is plausible that the minimum standards given by ICOM have contributed to its members’ own policies. After all, “the ICOM Code has long proved its effectiveness by proving an important framework” (Schärer, 2016, p. 16). While most museum professionals believe it is good to have the Code, many acknowledge “that it is insufficiently effective without legal power behind it” (Schärer, 2016, pp. 15-16). This perspective explains the inconsistency of ICOM’s members, despite having the same Code to follow. Setting standards is

important, but as previously stated ICOM has never brought sanctions against a member for breaking the code. There are many examples of positive precedents being made by influential museums, such as the Met. This can drive other museums to follow suit, but we must also consider whether disciplinary action against a member that breaks the Code would be more effective in setting precedents. ICOM would still not be directly facilitating restitution, but these actions would contribute to museums' willingness to respond to claims/requests more prudently. However, in 2018, they released a statement "on current legal actions against museums for the return of illegally exported cultural property," writing, while it is "ICOM's policy to support governments pursuing credible claims through national courts or international actions... it is also ICOM's general policy to refrain from comment on specific cases in the process of being judged by a court." Therefore, it is unlikely they would stray from being a more neutral and "apolitical" body.

Furthermore, in several external documents, ICOM's other resources are emphasized as impactful, especially the Red Lists. This may be why there is less mention of ICOM in the example of Nepal, as there is no red list for Nepal or the broader region. However, Nepalese activists are using similar tactics by publishing photographs of stolen objects to raise awareness, just like the Red Lists. Was there inspiration taken from such resources? It would be impossible to know without confirmation from the activists themselves. Although ICOM is not a governmental organization, it is a more formal structure that works with government officials, museum professionals, and other international organizations. This is demonstrated in the example of Afghanistan, which despite its troubles still had a strong formalized network that collaborated with ICOM. Perhaps ICOM's working methods are not geared towards smaller, less organized communities, like in the example of Nepal, making it less effective when such communities are involved or central in the restitution process.

This incapability of working methods and lack of resources dedicated to certain regions of the world raises the question: is ICOM representative and spreading itself enough in all corners of the world or should they reassess their focus on different regions? ICOM does have country specific chapters, but the funding and organization of these chapters is dependent on factors such as membership fees, in-kind contributions, and other sources of independent funding; thus not all chapters are funded equally and some chapters who could use additional support may be overlooked, especially if their respective government is not prioritizing issues relating to cultural heritage. More generally, ICOM has also given some mixed messaging

regarding restitution. On the one hand, it is supportive in opening discussions for return and restitution and emphasizes working with the communities that collections represent. On the other, it acts neutral or platforms controversial opinions. This could be linked to the hesitance of museums regarding restitution and as an organization for museums they may also be unwilling to push boundaries.

Lastly, the indirect involvement of ICOM has also been criticized with claims that ICOM does not do enough and they should step into a more direct role. In the early 2000s, there was a debate on whether ICOM should adjudicate cultural property disputes and step into a bigger role (Phelan, 2004; Skrystrup, 2004). In 2025, this is still discussed and ultimately unanswered. In her 2023 conference presentation, Dr. Yunxia Wang argued that ICOM would be the most appropriate body to release a bold soft law statement, “a Declaration or Recommendation to Promote the Return of Cultural Objects” (ICOM, Shanghai University, & ICOM-IMREC, 2024, pp. 174-176). However, if entering this direct role “jeopardizes the prestige of the organization” (Skrystrup, 2004, p. 5), it will most likely keep on its current path of neutrality.

C. Comparative Analysis of the Two Cases

From these cases and their comparison, we can generalize several key points. First, we can reaffirm that each case is unique and there are too many external factors to determine a definitive and concrete answer to the central question: **to what extent does the involvement of an international organizations impact restitution?** However, as this was generally anticipated by the researcher, we can use the secondary questions to find some conclusion to this research. From our two cases and four examples, we better understand how international organizations are involved in restitution, answering the first sub-question (how are international organizations involved in restitution?). The two types of involvement examined demonstrate there are multiple ways that international organizations can be involved. Direct involvement is usually seen through the establishment and implementation of legal frameworks and/or as forum specifically created to bring together parties involved. UNESCO directly and purposefully inserted itself into the examples with its presences strongest through the Committee, which was designated for this direct role. Examining the documents, we notice that UNESCO is quick to pat itself on the back and proclaim their contributions. While some of the external documents do mention them or their work specifically, especially in the Kor Ker example, many of the external documents do not.

One would think that such direct involvement would warrant a mention, especially in the official press release from the Germany government or in the notable newspapers that covered the case. This shows that direct involvement provides oversight and formal guidance, but the international organization may not be considered a key player. They can directly contribute to the outcome of cases, but more importantly have helped establish the precedent with the legal frameworks and the atmosphere conducive to these discussions and shifting of social norms. This shifting has taken place over time, which could explain why an agreement was finally reached regarding the Boğazköy Sphinx and the museums' higher emphasis on provenance which is stimulating some returns. Direct involvement also seems to work well when the parties have a lot of distractions and have difficulties exchanging with the other party. As an intermediary, the international organization can help keep the case in the spotlight and push the parties along. For example, the Committee kept strong records for the Boğazköy Sphinx case, and perhaps this continued soft pressure did help maintain the ongoing discussions, even if the final push was a result of Turkey's ultimatum. This continual awareness is something crucial in all cases, especially when public opinion can be significant.

Indirect involvement is obviously less visible but should not be discredited as the links can still be seen. ICOM's indirect involvement is demonstrated through the establishment of standards, like the Code of Ethics, as well as the creation of useful resources. Sometimes their work is much more credited, such as in the example of Afghanistan. Other times, we can only assume that it has influenced the standards of its members and museum professionals. Like UNESCO, ICOM also will pat itself on the back and promote their involvement as significant, such as in their statements and annual reports. These declarations do not discredit their work but must be taken with a grain of salt. In addition, when an international organization is indirectly involved, they are less aware of the specifics of cases, unlike in direct involvement. This limited awareness could hinder the international organizations' impact in specific cases. Without knowing the specifics of the case, they may not provide the resources or support needed, nor effectively promote to heighten public awareness, which once again is crucial. There is much more visible impact in the case of Afghanistan because ICOM have created specific resources for this case. It seems they are aware of the situation in Nepal but have not been a part of the specific campaign. This could be because it is less clear cut than Afghanistan's situation, making them hesitant to take a firm stance as seen in their statements regarding their role as advisory only.

Furthermore, we can also assess the second question, how does the level of involvement contribute to the restitution? While both levels of involvement are different, their contributions are surprisingly similar. First, regardless of whether the involvement is direct or indirect, there is only so much a third party such as an international organization can do. It is ultimately up to the other parties involved to move forward. Direct involvement may provide more pressure to do so, but both direct and indirect involvement can provide necessary elements for “greasing” the path, allowing for claims/requests to be made and/or opening cases. In line with the literature, much of this work done by international organizations helps change social norms and morals and establishes a new precedent (Barkan, 2001; Cornu & Renold, 2010; Hodder, 2010; Prott, 2009). It would be interesting to plot the number of restitution cases over time to visualize the growth and to see if key dates marking international organizations involvement would stand out. In all four cases, restitution really surged after the turn of the century. This also may be due to the technological developments that allow for the accessibility of research and raise public awareness. International organizations have used these developments to their advantage, such as the Committee emphasizing their website or ICOM partnering with Wikimedia. Perhaps in the future these outputs will bear more fruit. Both direct and indirect can be useful and in many cases both types are used simultaneously.

On the other hand, from these two cases and their examples, it seems regardless of if the involvement is direct or indirect, international organizations could also be doing more to contribute, especially when the parties involved are non-state actors. Both international organizations examined, UNESCO and ICOM, work from a top-down approach. As stated in the literature and from the examples, we see other interested parties who wish to be more involved in this topic. International organizations would be wise to consider this growing movement, a movement they helped create through establishing the aforementioned frameworks, forums, standards, and resources that were needed to influence social norms and morals. They should consider “democratizing restitution” (Smith, 2022) and listen more closely to the calls coming from below. They should consider fostering new outreaches and be more supportive when there is a strong community forming around a case. If they do not continue to grow and develop with the shifting perspectives, then they risk becoming outdated and ineffective. This is a part of a become discussion about how international organizations can maintain the status quo as they are viewed as Western-centric. Other international organizations have formed to try to reshape the

global order such as the BRICS. Perhaps, one day soon an organization will form with cultural matters in mind.

However, it is understandable that shifting too hard with ideological perspectives may be beyond the scope of international organizations, like UNESCO or ICOM. These organizations must be careful not to choose sides or engage in strong politics as doing so could hurt their authority and credibility. It is not a coincidence that three of the four examples selected dealt with illicit trade, rather than objects that have a colonial or imperial past. International organizations are more impactful when the case is “clearer.” Only in the past several years has the perspective on restitution in less clear cases become more open and willing. However, at the Twentieth Four Session in May 2024, provisional item number 13, “Examination of the recommendations for the timely return and restitution of cultural property lost as a result of colonial or foreign occupation” was examined (UNESCO, 2024 April). Similarly, there is the aforementioned call for a declaration on the return of such objects (ICOM, Shanghai University, & ICOM-IMREC, 2024, pp. 174-176). ICOM’s most recent draft for the Code of Ethics does specifically mention this context, whereas it had not previously. It is still yet to be seen whether these small steps will signify a surge of restitution in the coming years, but perhaps this time is coming and when it arrives international organizations may be wise to be ready.

Conclusion

A. Summary

This research intended to explore the role of international organizations in restitution through the question, to what extent does the involvement of an international organizations impact restitution? By examining two types of international organizations' involvement, direct and indirect, we understand that international organizations do have some impact on restitution. These organizations and the frameworks, forums, standards, and resources they have established over the past several decades have made the ground fertile for the growing moral perspective that can help facilitate restitution. Their work is omnipresent in the field and in these discussions even though it may not be mentioned or noticed at first glance. At the same time, their involvement is only one piece of the puzzle. It is still up to the actions and ideologies of the other parties involved to move these discussions and cases forward. There is only so much international organizations can do to make restitution processes and outcomes a reality. However, these organizations could also do more work to help empower communities and activists who desire to become more involved and without help have done similar work to instigate restitution cases. With the support of international organizations, the grassroots movement could become an effective way to bring about these cases. This may not work in every situation, as the state is often a key actor and they may not always align with such communities and/or activists. In the end, it is a starting point, which hopefully encourages further development of how international organizations are involved and provides reflection into what could be done differently.

B. Implications of Findings

There is still much work to be done in regard to restitution, although a lot of the groundwork has been laid by international organizations in the past several decades. After the turn of the century, our examples show us that the tide is shifting and there is more willingness (as well as more pressure) to retribute objects even when there is no legal obligation to do so. This research does not wish to give an opinion on whether objects *should* be restituted in all cases. It is clearer when illicit trade is involved what *should* or must be done and international organizations are often the driving force behind these cases and lead efforts, such as in the examples of Kor Ker and Afghanistan. However, when it is less clear or when there is no legal obligation to retribute, international organizations are more neutral and fall back to raising awareness and promoting cooperation. This research shows their involvement and their impact

may be limited by this neutrality, as it leaves the conclusion to the other parties involved. It is unlikely that these international organizations will push boundaries. Neutrality is central to their existence and choosing a side could also limit their involvement if it is perceived as antagonistic by either other party. Therefore, the best way forward for these organizations must be to continue treading this balance and using their role to slowly, but surely, shift perspectives and social norms, as they have been for several decades.

C. Future Research Potential

From the methodology created for this research, there is potential to continue analyzing various cases and examples to better understand the role of international organizations in restitution cases. This research selected two of the biggest, most well-known international organizations as this research was meant to be foundational and such an analysis had not yet been conducted. Within these two cases, there are an endless number of examples one could examine and thousands of documents that could be analyzed to uncover how significant their role really is. Future research could even focus specifically on just one organization and compare their direct and indirect involvement, as most international organizations are involved in both ways. With more time, interviews with certain key representatives could be beneficial, although access to these individuals and the level of confidentiality of these cases would be a challenge to overcome. In addition, there are a multitude of other international organizations that one could examine, such as INTERPOL, or other third-party organizations, like the Art Loss Register. It could be compelling to see how an intergovernmental, public organization's involvement would compare to that of a for-profit and/or private organization. Another potential avenue to expand the research would be to return to the original ideas of the researcher, including examining examples of restitution that have little to no involvement of an international organization. This may be difficult as previously stated, most cases after 1970 will have been influenced by an international organization in an impactful way. Throughout this research, the dates of events stuck out and it could be revealing to track the number of restitution cases over time. This would allow us to better understand the changing ideologies regarding restitution and cultural heritage. Alternatively, instead of analyzing the involvement of international organizations, one could dedicate an entire thesis to understanding the concept of success in restitution, as in what makes an outcome successful. More work should be done on this research topic, as it will only help encourage restitution processes and hopefully lead to better understanding amongst the public as

to why it is significant and essential to some communities. The literature is vast, and the examples are plenty. All that is needed is time to fully unpack this complex and nuanced topic.

APA References

- Acosta, C. M. (2023, October 6). The Met to return two ancient artifacts to Nepal. *International Consortium of Investigative Journalists*. <https://www.icij.org/investigations/hidden-treasures/the-met-to-return-two-ancient-artifacts-to-nepal/>
- Agrawal, S. (2024, February 20). Nepal's stolen artifacts are being returned, thanks to online activists. *ARTnews*. <https://www.artnews.com/art-news/news/nepal-stolen-artifacts-online-activists-repatriation-1234696476/>
- Akers, T. (2025, March 7). Art Institute of Chicago to return 12th-century Buddha sculpture to Nepal. *The Art Newspaper*. <https://www.theartnewspaper.com/2025/03/07/art-institute-of-chicago-return-12th-century-buddha-sculpture-to-nepal>
- Alberge, D. (2020, January 18). Met police and British Museum help Afghans recover looted ancient masterpiece. *The Guardian*. <https://www.theguardian.com/culture/2020/jan/18/met-police-help-recover-afghan-sculpture-looted-kabul>
- Anatolia News Agency. (2011, November 18). Hattuşa reunites with sphinx. *Hürriyet Daily News*. <https://www.hurriyetdailynews.com/hattusa-reunites-with-sphinx-7062>
- Barkan, E. (2009). Making amends: A new international morality? In L. V. Prott (Ed.), *Witnesses to history: A compendium of documents and writings on the return of cultural objects* (pp. 78–94). UNESCO.
- Balkız, K. N. (2021). Finders keepers: Turkey's quest to reclaim lost cultural heritage. *TRT World Magazine*. <https://www.trtworld.com/magazine/finders-keepers-turkey-s-quest-to-reclaim-lost-cultural-heritage-50464/amp>
- Bauer, A. A. (2015). Cultural property: Building communities of stewardship beyond nationalism and internationalism. In T. Rico & K. L. Samuels (Eds.), *Heritage keywords* (pp. 81–94). Boulder, CO: University of Colorado.
- BBC News. (2012, July 19). *Looted art returned to Afghanistan*. <https://www.bbc.com/news/entertainment-arts-18901966>
- Bhattacharjee, A. (2012). *Social science research: Principles, methods, and practices* (2nd ed.). University of South Florida Scholar Commons.
- Biase, N. (2023, December 15). U.S. Attorney announces return of collection of antiquities from the Metropolitan Museum of Art to Cambodia [Press Release]. *U.S. Department of Justice*. <https://www.justice.gov/usao-sdny/pr/us-attorney-announces-return-collection-antiquities-metropolitan-museum-art-cambodia>
- Bilefsky, D. (2012, September 30). Turkey's efforts to repatriate art alarm museums. *The New York Times*. <https://www.nytimes.com/2012/10/01/arts/design/turkeys-efforts-to-repatriate-art-alarm-museums.html>
- Björnberg, K. E. (2015). Historic injustices and the moral case for cultural repatriation. *Ethical Theory and Moral Practice*, 18(3), 461–474. <http://www.jstor.org/stable/24478633>

- Blake, J. (2000). On Defining the Cultural Heritage. *The International and Comparative Law Quarterly*, 49(1), 61–85. <http://www.jstor.org/stable/761578>
- Brown, M. (2019, July 8). British Museum to return Buddhist heads looted in Afghan war. *The Guardian*. <https://www.theguardian.com/culture/2019/jul/08/british-museum-return-looted-afghan-artefacts-found-heathrow>
- Brunet, E. (2024, October 31). Restitutions to Nepal: Museums committed to the fight against traffic of cultural goods. *ICOM*. <https://icom.museum/en/news/restitutions-to-nepal-museums-committed-to-the-fight-against-traffic-of-cultural-goods/>
- Bryman, A. (2015). *Social research methods* (5th ed.). Oxford University Press.
- Caligiuri, A. (2024). Legal aspects concerning the restitution of cultural property removed during colonial occupation. *Questions of International Law*. <https://www.qil-qdi.org/legal-aspects-concerning-the-restitution-of-cultural-property-removed-during-colonial-occupation/>
- Campfens, E. (2014). Alternative Dispute Resolution in Restitution Claims and the *Binding Expert Opinion* Procedure of the Dutch Restitutions Committee. In: Vadi, V., Schneider, H. (eds) *Art, Cultural Heritage and the Market*. Springer, Berlin, Heidelberg. https://doi.org/10.1007/978-3-642-45094-5_3
- Cascone, S. (2016, March 29). Denver Art Museum returns looted 10th-century Cambodian statue. *Artnet News*. <https://news.artnet.com/art-world/denver-art-museum-returns-looted-cambodian-statue-461384>
- Cechi, A., Bandle, A. L., & Renold, M.-A. (2011). Case Boğazköy Sphinx – Turkey and Germany. *Platform ArThemis*. Art-Law Centre, University of Geneva. <https://plone.unige.ch/art-adr/cases-affaires/bogazkoy-sphinx-2013-turkey-and-germany>
- Christie's. (2014). *Christie's celebrates return of 10th-century statues to Cambodia at official ceremony in Phnom Penh* [Press release]. <https://press.christies.com/christies-celebrates-return-of-10th-century-statues-to-cambodia-at-official-ceremony-in-phnom-penh>
- Cleveland Museum of Art. (2015, May 11). *Cleveland Museum of Art returns Khmer sculpture and enters into agreement for cultural cooperation with Cambodia* [Press release]. Cleveland Museum of Art. <https://www.clevelandart.org/about/press/cleveland-museum-art-returns-khmer-sculpture-and-entering-agreement-cultural>
- Collections Trust. (2023). Restitution and repatriation. *The Collections Trust*. <https://collectionstrust.org.uk/cultural-property-advice/restitution-and-repatriation>
- Collier, D. (2011). Understanding process tracing. *PS: Political Science & Politics*, 44(4), 823–830.
- Committee of Experts (on the Establishment of an Intergovernmental Committee concerning the Restitution or Return of Cultural Property). (1978). *Meeting report* (CC.78/CONF.609/3, CC.78/CONF.609/COL.3). Dakar: UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000033356>

- Cornu, M., & Renold, M. A. (2010). New developments in the restitution of cultural property: Alternative means of dispute resolution. *International Journal of Cultural Property*, 17(1), 1–31. <https://doi.org/10.1017/s0940739110000044>
- Cummins, A. (2006). *Promoting the use of mediation in resolution of disputes over the ownership of objects in museum collections: Statement by the President of ICOM* [PDF]. ICOM. https://icom.museum/wp-content/uploads/2018/07/mediation_eng.pdf
- Cuno, J. (2014). Culture War: The Case Against Repatriating Museum Artifacts. *Foreign Affairs*, 93(6), 119–129. <http://www.jstor.org/stable/24483927>
- Dafoe, T. (2022, January 11). The Rubin Museum of Art will return two centuries-old artifacts to Nepal after an activist group raised the alarm on Twitter. *Artnet News*. <https://news.artnet.com/art-world/rubin-museum-art-will-repatriate-two-centuries-old-artifacts-nepal-2058753>
- Di Liscia, V. (2021, March 9). How a tweet led to the FBI's return of a looted Nepalese sculpture. *Hyperallergic*. <https://hyperallergic.com/627854/return-of-looted-nepal-statue-dallas-museum/>
- DOCUMENT: Declaration on the Importance and Value of Universal Museums. (2006). In I. Karp, C. Kratz, L. Szwaja & T. Ybarra-Frausto (Ed.), *Museum Frictions: Public Cultures/Global Transformations* (pp. 247-249). New York, USA: Duke University Press. <https://doi.org/10.1515/9780822388296-015>
- Federal Government of Germany. (2011, May 13). *Turkey to receive Hittite sphinx* [Press release]. <https://plone.unige.ch/art-adr/cases-affaires/bogazkoy-sphinx-2013-turkey-and-germany/press-and-information-office-of-the-federal-government-press-release-turkey-to-receive-hittite-sphinx-13-may-2011>
- Felch, J. (2012, April 4). Feds sue for return of looted Khmer statue; insider emails reveal Sotheby's was warned statue was definitely stolen. *Chasing Aphrodite*. <https://chasingaphrodite.com/2012/04/04/feds-sue-for-return-of-looted-khmer-statue-insider-emails-reveal-sothebys-was-warned-statue-was-definitely-stolen/>
- Felch, J. (2013, December 16). Blood antiquities: After lengthy fight, Sotheby's agrees to return looted Khmer statue. *Chasing Aphrodite*. <https://chasingaphrodite.com/2013/12/16/blood-antiquities-after-lengthy-fight-sothebys-agrees-to-return-looted-khmer-statue/>
- Feldman, E. (2022, August 19). The Met returns two stolen artifacts to Nepal. *Nepal Heritage Recovery Campaign*. <https://nepalheritagerecoverycampaign.org/news/the-met-returns-two-stolen-artifacts-to-nepal/>
- Forrest, A. (2019, July 8). British Museum to return precious artefacts looted from Iraq and Afghanistan. *The Independent*. <https://www.independent.co.uk/news/uk/home-news/british-museum-afghanistan-iraq-buddhist-heads-mesopotamian-tablets-artefacts-a8996191.html>
- Freeman, J. (2025, April 14). Repatriation in context: The case for cooperation. *Center for Art Law*. <https://itsartlaw.org/2025/04/14/repatriation-in-context-the-case-for-cooperation/>

- Gaudenzi, B., & Swenson, A. (2017). Looted art and restitution in the twentieth century – Towards a global perspective. *Journal of Contemporary History*, 52(3), 491–518. <http://www.jstor.org/stable/44504060>
- Gibbon, K. (Ed.). (2020, May). Italy & the EU (Global Art and Heritage Law Series). *Committee for Cultural Policy*. <https://culturalpropertynews.org/pdf/CCP-Global-Art-and-Heritage-Law-Series-Italy-And-The-EU.pdf>
- Gibbon, K. (2022, February 3). Citizen activists want Nepalese art back. *Cultural Property News*. <https://culturalpropertynews.org/citizen-activists-want-nepalese-art-back/>
- Gibbon, K. (2023, September 17). Misuse of U.S. heritage law: State Department seeks blockade on Nepalese art. *Cultural Property News*. <https://culturalpropertynews.org/state-department-seeks-import-restrictions-on-nepalese-art/>
- Gößwald, U. (2009). ICOM statement on reclaiming cultural property. *Museum International*, 61(1–2), 87–90.
- Green, J. (2017). Museums as Intermediaries in Repatriation. *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 6–18. <https://doi.org/10.5325/jeasmedarcherstu.5.1.0006>
- Güsten, S. (2011, May 25). Turkey presses harder for return of antiquities. *The New York Times*. <https://www.nytimes.com/2011/05/26/world/europe/26iht-M26C-TURKEY-RETURN.html>.
- Hodder, I. (2010). Cultural Heritage Rights: From Ownership and Descent to Justice and Well-being. *Anthropological Quarterly*, 83(4), 861–882. <http://www.jstor.org/stable/40890842>
- International Committee for University Museums and Collections (UMAC) & ICOM. (2021). *Guidance for restitution and return of items from university museums and collections* [PDF]. UMAC-ICOM. <http://umac.icom.museum/wp-content/uploads/2022/03/UMAC-Guidance-Restitution-2022.pdf>
- ICOM. (1983). *Resolutions adopted by ICOM's 14th General Assembly* [PDF]. ICOM. https://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions_1983_Eng.pdf
- ICOM. (2002, October 24). *Appeal to assist the National Museum of Afghanistan* [PDF]. ICOM. https://icom.museum/wp-content/uploads/2018/07/Afghanistan_Eng.pdf
- ICOM. (2008). *Red List of Afghanistan: Antiquities at risk* [PDF]. ICOM. <https://icom.museum/wp-content/uploads/2019/03/Red-List-Afghanistan-English.pdf>
- ICOM. (2017). *Code of Ethics for Museums* [PDF] ICOM. <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>
- ICOM. (2018). *Statement by the President of ICOM on current legal actions against museums for the return of illegally exported cultural property* [PDF]. ICOM. https://icom.museum/wp-content/uploads/2018/07/Statement_en.pdf
- ICOM. (2021, August 17). *Statement concerning the situation facing cultural heritage in Afghanistan* [PDF] ICOM. <https://icom.museum/en/news/statement-concerning-the-situation-facing-cultural-heritage-in-afghanistan/>

- ICOM. (2021, September 21). Help protect Afghanistan's cultural heritage from your laptop!. ICOM. <https://icom.museum/en/news/wiki-icom-protect-afghanistan-cultural-heritage/>
- ICOM. (2022, July). *2021 ICOM annual report: A year to recover and reimagine* [PDF]. ICOM. https://icom.museum/wp-content/uploads/2022/07/2021-ICOM-Annual-Report_EN-1_compressed.pdf
- ICOM. (2024, November 14). ICOM & the fight against the traffic of cultural goods: between tradition and innovation. *ICOM*. <https://icom.museum/en/news/icom-the-fight-against-the-traffic-of-cultural-goods-between-tradition-and-innovation/>
- ICOM. (2025a). History of ICOM [Web page]. ICOM. <https://icom.museum/en/about-us/history-of-icom/>
- ICOM. (2025b). Missions and objectives [Web page]. ICOM. <https://icom.museum/en/about-us/missions-and-objectives/>
- ICOM. (2025c). Red Lists [Webpage]. ICOM. <https://icom.museum/en/red-lists/>
- ICOM Ethics Standing Committee (ETHCOM). (2019). Guidelines on deaccessioning of the International Council of Museums [PDF]. ICOM. <https://icom.museum/wp-content/uploads/2019/10/Guidelines-on-Deaccessioning-of-the-International-Council-of-Museums.pdf>
- ICOM Ethics Standing Committee (2025, March). *Revision of ICOM Code of Ethics for Museums: second draft (4th consultation)* [PDF]. ICOM Austria. http://icom-oesterreich.at/sites/icom-oesterreich.at/files/attachments/icom-code-of-ethics_revised-second-draft.pdf
- ICOM Nepal. (2024, March). *ICOM Nepal ICR Special Project Report in Nepal* [PDF]. ICOM. <https://www.icomnepal.org.np/wp-content/uploads/2024/03/Report-of-ICOM-Nepal-ICR-Special-Project.pdf>
- ICOM, Shanghai University, & ICOM-IMREC. (2024). *Museums, decolonisation, and restitution: A global conversation* (Proceedings of the ICOM-IMREC Symposium, Shanghai, China, 20–21 March 2023). Shanghai University Press.
- Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP). (1982). *Return and restitution of cultural property: A brief résumé* (CLT/CH/4.82, CLT.82/WS/21). UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000049315.locale=fr>
- ICPRCP. (1986, January). *Standard Form concerning Requests for Return or Restitution* [PDF]. UNESCO. https://www.unesco.org/sites/default/files/medias/fichiers/2022/04/form_returnEN_FR_02%5B1%5D.pdf?hub=416
- ICPRCP. (1999). *Report by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, on its activities, 1998-1999 (30 C/REP.14)*. <https://unesdoc.unesco.org/ark:/48223/pf0000117401>

- ICPRCP. (2001). *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation: Secretariat report (CLT.2001/CONF.202/2, CLT.2001/CONF.202/CLD.2)*.
<https://unesdoc.unesco.org/ark:/48223/pf0000121239>
- ICPRCP. (2012a). *Adoption of the report of the Secretariat (ICPRCP/12/18.COM/3)*.
https://unesdoc.unesco.org/ark:/48223/pf0000216533_eng.locale=fr
- ICPRCP. (2012b). *Final report of the sixteenth session: Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (CLT-2010/CONF.203/COM.16/6 REV)*.
https://unesdoc.unesco.org/ark:/48223/pf0000192583_eng
- ICPRCP. (2014). *Report of the Secretariat (ICPRCP/14/19.COM/3)*.
<https://unesdoc.unesco.org/ark:/48223/pf0000369046.locale=fr>
- ICPRCP. (2021). *Respective role of the 1970 Convention and the ICPRCP (ICPRCP/21/22.COM/9)*.
https://unesdoc.unesco.org/ark:/48223/pf0000378824_eng.locale=fr
- ICPRCP. (2022). *Rules of procedure (ICPRCP/21/23.COM/14.FINAL)*.
<https://unesdoc.unesco.org/ark:/48223/pf0000381552.locale=fr>
- ICPRCP. (2022, April). *Bilateral Agreements (ICPRCP/22/23.COM/INF.13)*.
https://unesdoc.unesco.org/ark:/48223/pf0000381387_eng.locale=fr
- ICPRCP. (2024a, May) *Presentation of the tools necessary to simplify the use of mediation and conciliation procedures (ICPRCP/24/24.COM/12)*.
https://unesdoc.unesco.org/ark:/48223/pf0000389425_eng.locale=fr
- ICPRCP. (2024b, May). *Report of the Secretariat on its activities (ICPRCP/24/24.COM/5 Rev.)*.
<https://unesdoc.unesco.org/ark:/48223/pf0000389873>
- Kelsey, E. (2016, October 15). Germany returns ancient sphinx to Turkey. *Reuters*.
<https://www.reuters.com/article/lifestyle/germany-returns-ancient-sphinx-to-turkey-idUSTRE76R58U>
- Kong, V. (2018, April). Cambodia: The Koh Ker restitution cases. *World Heritage*, (87), 16–21.
<https://unesdoc.unesco.org/ark:/48223/pf0000263351>
- Kowalski, W. (2005). Types of claims for recovery of lost cultural property. *Museum International*, 57(4), 85–102. <https://unesdoc.unesco.org/ark:/48223/pf0000143364>
- Kuhn, A. (2012, October 23). Cambodia vs. Sotheby's in a battle over antiquities. *NPR*.
<https://www.npr.org/2012/10/23/163007250/cambodia-vs-sothebys-in-a-battle-over-antiquities>
- Labadie, C. (2021). Decolonizing collections: A legal perspective on the restitution of cultural artifacts. *ICOFOM Study Series*, 49(2). <https://doi.org/10.4000/iss.3784>
- Lenzerini, F. (2016). Cultural identity, human rights, and repatriation of cultural heritage of indigenous peoples. *The Brown Journal of World Affairs*, 23(1), 127–141.
<https://www.jstor.org/stable/26534714>

- Letsch, C., & Connolly, K. (2013, January 21). Turkey wages 'cultural war' in pursuit of its archaeological treasures. *The Guardian*.
<https://www.theguardian.com/world/2013/jan/21/turkey-cultural-war-archaeological-treasure>
- Mashberg, T., & Bowley, G. (2022, August 18). Cambodia says it's found its lost artifacts: In Gallery 249 at the Met. *The New York Times*.
<https://www.nytimes.com/2022/08/18/arts/design/met-artifacts-cambodia.html>
- Merriam-Webster Dictionary. (n.d. -a). Repatriation. In *Merriam-Webster.com dictionary*.
<https://www.merriam-webster.com/dictionary/repatriation>
- Merriam-Webster Dictionary. (n.d. -b). Restitution. In *Merriam-Webster.com dictionary*.
<https://www.merriam-webster.com/dictionary/restitution>
- Merryman, J. H. (1986). Two Ways of Thinking About Cultural Property. *The American Journal of International Law*, 80(4), 831–853. <https://doi.org/10.2307/2202065>
- Merryman, J. H. (1989). The Public Interest in Cultural Property. *California Law Review*, 77(2), 339–364. <https://doi.org/10.2307/3480607>
- The Metropolitan Museum of Art. (2023, October 3). *The Met returns two sculptures to Nepal* [Press release]. <https://www.metmuseum.org/press-releases/nepal-return-2023-news>
- The Metropolitan Museum of Art. (2023, December 15). *The Metropolitan Museum of Art announces the return of 16 Khmer sculptures to Cambodia and Thailand* [Press release].
<https://www.metmuseum.org/press/news/2023/met-returns-khmer-sculptures>
- The Metropolitan Museum of Art. (2024, July 2). *The Metropolitan Museum of Art to transfer 14 sculptures to the Kingdom of Cambodia* [Press release].
<https://www.metmuseum.org/press/news/2024/met-to-transfer-14-sculptures-to-cambodia>
- Monreal, L. (2014). Problems and Possibilities in Recovering Dispersed Cultural Heritages. *Museum International*, 66(1–4), 62–69. <https://doi.org/10.1111/muse.12058>
- Nepal Heritage Recovery Campaign. (2021, September 17). Nepal Heritage Recovery Campaign launched. *NHRC*. <https://nepalheritagerecoverycampaign.org/news/nepal-heritage-recovery-campaign-launched/>
- NHRC. (2021, December 4). Laxmi-Narayan's return to Patko Tole, Patan [Press release]. *NHRC*. <https://nepalheritagerecoverycampaign.org/news/press-release-laxmi-narayans-return-to-patko-tole-patan/>
- NHRC. (2022, January 11). Rubin to return Nepal antiquities. *NHRC*.
<https://nepalheritagerecoverycampaign.org/news/rubin-to-return-nepal-antiquities/>
- NHRC. (2023, July 27). Press note: Activities of the Rubin Museum of Art related to Nepal and the Himalaya [Press release]. *NHRC*.
<https://nepalheritagerecoverycampaign.org/news/press-note-activities-of-the-rubin-museum-of-art-related-to-nepal-and-the-himalaya/>
- Newburger, E. (2024, December 4). Lessons from Nepal on cultural heritage loss and repatriation. *Harvard Law Today*. <https://hls.harvard.edu/today/lessons-from-nepal-on-cultural-heritage-loss-and-repatriation/>

- Paquette, J. (2023). Restitutions of cultural property: The transnational production of frames of reference and norms of ownership for cultural property. *Biens Symboliques / Symbolic Goods*, (13). <https://doi.org/10.4000/bssg.2465>
- Phelan, M. (2004, October). *Legal and ethical considerations in the repatriation of illegally exported and stolen cultural property: Is there a means to settle the disputes?* Paper presented at the 20th ICOM General Conference, Seoul, Korea. International Committee on Management (INTERCOM). <https://app.pch.gc.ca/ac/intercom/phelan.html>
- Planche, E., & Omer, B. (2018, April). The Bogazkoy Sphinx. *World Heritage*, (87), 38–43.
- Prott, L. V. (2009). The ethics and law of returns. *Museum International*, 61(1–2), 101–106. <https://unesdoc.unesco.org/ark:/48223/pf0000183088.locale=fr>
- Radio Free Europe. (2012, August 5). Afghan National Museum regains looted treasures. *Radio Free Europe & Radio Liberty*. <https://www.rferl.org/a/afghan-national-museum-regains-looted-treasures/24667462.html>
- Rea, N. (2019, July 9). The British Museum is helping to return hundreds of looted ancient artifacts to museums in Iraq and Afghanistan. *Artnet News*. <https://news.artnet.com/art-world/british-museum-afghanistan-iraq-artifacts-1595683>
- Renold, M. A. (2015). Cultural co-ownership: Preventing and solving cultural property claims. *International Journal of Cultural Property*, 22(2–3), 163–176. <https://doi.org/10.1017/S0940739115000223>
- Rimal, P. (2021, November 18). The unplundering of Nepal's artifacts. *The Record*. <https://www.recordnepal.com/the-unplundering-of-nepals-artifacts>
- Robinson, N. (2014, May 8). Stolen statue returned to Cambodia: Duryodhana Bondissant. *The Guardian*. <https://www.theguardian.com/world/2014/may/08/stolen-statue-cambodia-duryodhana-bondissant>
- Rollet-Andriane, L. J. (1979). Return and restitution of cultural property: Precedents. *Museum*, 31(1), 4–7. <https://unesdoc.unesco.org/ark:/48223/pf0000035375.locale=fr>
- Roodt, C. (2013). Restitution of art and cultural objects and its limits. *The Comparative and International Law Journal of Southern Africa*, 46(3), 286–307. <http://www.jstor.org/stable/23644806>
- Schärer, M. R. (2016). The work of the ICOM Ethics Committee. In J. Marstine (Ed.), *Museums, ethics and cultural heritage* (1st ed., pp. 14–18). Routledge.
- Scovazzi, T. (2014). Repatriation and Restitution of Cultural Property: Relevant Rules of International Law. In: Smith, C. (eds) *Encyclopedia of Global Archaeology*. Springer, New York, NY. https://doi.org/10.1007/978-1-4419-0465-2_1503
- Selter, E. (2022). Returning the Gods to the People: Heritage Restitution in Nepal. *Santander Art and Culture Law Review*, 115–134. <https://doi.org/10.4467/2450050XSNR.22.014.17027>
- Simpson, M. (2009). Museums and restorative justice: Heritage, repatriation, and cultural education. *Museum International*, 61(1–2), 121–129.

- Simpson, S. J. (2016). The “Begram Ivories”: A Successful Case of Restitution of Some Antiquities Stolen from the National Museum of Afghanistan in Kabul. *International Journal of Cultural Property*, 23(4), 459–477. doi:10.1017/S0940739116000266
- Simpson, S. J. (2019, October 10). Art in crisis: Identifying and returning looted objects. *The British Museum*. <https://www.britishmuseum.org/blog/art-crisis-identifying-and-returning-looted-objects>
- Skrydstrup, M. (2004). *Should ICOM adjudicate cultural property disputes? A review essay from the Triennial in Seoul*. [Review essay]. https://icme.mini.icom.museum/wp-content/uploads/sites/16/2019/01/ICME_2004_skrydstrup.pdf
- Small, Z. (2021, October 29). Citizen activists lead the hunt for antiquities looted from Nepal. *The New York Times*. <https://www.nytimes.com/2021/10/29/arts/nepal-looted-antiquities-citizens.html>
- Smith, E. (2022) The ongoing quest to return Nepal's looted cultural heritage. *Georgetown Journal of International Affairs*, 23(2), pp. 264-271. (doi: 10.1353/gia.2022.0039)
- Smith, E. (2025, March 4). Art Institute of Chicago returns sacred Buddha statue to Nepal. *Hyperallergic*. <https://hyperallergic.com/993987/art-institute-of-chicago-returns-sacred-buddha-statue-to-nepal/>
- Stamatoudi, I. (2009). Mediation and cultural diplomacy. *Museum International*, 61(1–2), 116–120. <https://unesdoc.unesco.org/ark:/48223/pf0000183091.locale=fr>
- Stein, G. J. (2018). International legal frameworks to protect the archaeological heritage of Afghanistan. In G. J. Stein, M. T. Fisher, A. H. Latify, N. Popal, & N. H. Dupree (Eds.), *Preserving the cultural heritage of Afghanistan: Proceedings of the international conference held at Kabul University, November 2014* (pp. 147-150). The Oriental Institute of the University of Chicago.
- Stiftung Preußischer Kulturbesitz. (2011, February 25). Zur Rückgabeforderung der Türkei: Die Sphinx von Hattuša [Google Translate version]. *Preußischer Kulturbesitz*. <https://www.preussischer-kulturbesitz.de/schwerpunkte/provenienzforschung-und-eigentumsfragen/alle-news-provenienzforschung-und-eigentumsfragen/news-detail-provenienzforschung/artikel/2011/02/25/zur-rueckgabeforderung-der-tuerkei-die-sphinx-von-hattuscha.html>
- Stonington, J. (2013, June 4). German archaeologists waiting for dig permits in Turkey. *Der Spiegel*. <https://www.spiegel.de/international/zeitgeist/german-archaeologists-waiting-for-dig-permits-in-turkey-a-902913.html>
- Thompson, E. L. (2020, January 24). Stolen deities resurface in a Dallas museum. *Hyperallergic*. <https://hyperallergic.com/530848/stolen-deities-resurface-in-a-dallas-museum/>
- United Nations Assistance Mission in Afghanistan (UNAMA). (2012, August 8). *Afghan treasures come home*. <https://unama.unmissions.org/afghan-treasures-come-home>
- United Nations Secretary-General. (2003, August 25). *Return or restitution of cultural property to the countries of origin: Note by the Secretary-General (A/58/314)*. United Nations. <https://digitallibrary.un.org/record/502765?ln=en&v=pdf>

- UNIDROIT. (1995). *Convention on stolen or illegally exported cultural objects*. International Institute for the Unification of Private Law. <https://www.unidroit.org/instruments/cultural-property/1995-convention/>
- UNESCO. (1970). *Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property*. United Nations Educational, Scientific and Cultural Organization. <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>
- UNESCO. (1979). A brief history of the creation by UNESCO of an Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation. *Museum*, 31(1), 59–61. <https://unesdoc.unesco.org/ark:/48223/pf0000035391.locale=fr>
- UNESCO. (1999). *Report by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on its activities, 1998–1999* (30 C/REP.14). UNESCO General Conference, 30th Session. <https://unesdoc.unesco.org/ark:/48223/pf0000117401>
- UNESCO. (2005). *Generic examples of return and restitution of cultural property (outside the Committee)* (CLT.2005/CONF.202/CLD.5, CLT.2005/CONF.202/INF.2). <https://unesdoc.unesco.org/ark:/48223/pf0000138519>
- UNESCO. (2010). *Rules of Procedure for Mediation and Conciliation. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation 16th session*. https://unesdoc.unesco.org/ark:/48223/pf0000192534_eng
- UNESCO. (2013). *The fight against the illicit trafficking of cultural objects: The 1970 Convention—Past and future (Information kit)* [PDF]. United Nations Educational, Scientific and Cultural Organization. https://www.obs-traffic.museum/sites/default/files/ressources/files/UNESCO_fight_information_kit.pdf
- UNESCO. (2013, August). *Report on the activities of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (2012-2013)* (37 C/REP/14). UNESCO General Conference, 37th Session. <https://unesdoc.unesco.org/ark:/48223/pf0000234092>
- UNESCO. (2013, June 16). *Important Khmer statues returned to Cambodia during opening of World Heritage meeting in Phnom Penh* [Press release]. <https://www.unesco.org/en/articles/important-khmer-statues-returned-cambodia-during-opening-world-heritage-meeting-phnom-penh-0>
- UNESCO. (2019). *National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Nepal, reporting period: 2015–2018* (C70/19/National-report/Nepal). UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000387595>
- UNESCO. (2022). *Mediation and conciliation procedures under the aegis of the Committee (ICPRCP/22/23.COM/9)*. https://unesdoc.unesco.org/ark:/48223/pf0000381495_eng

- UNESCO. (2023). *National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Nepal, reporting period: 2019-2022* (C70/23/National-report/Nepal). UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000387183>
- UNESCO. (2024, April). *Examination of the recommendations for the timely return and restitution of cultural property lost as a result of colonial or foreign occupation* (ICPRCP/24/24.COM/13). https://unesdoc.unesco.org/ark:/48223/pf0000389379_eng
- UNESCO. (2024, May 28). *Mediation and conciliation under the aegis of the Committee* [Web page]. UNESCO. <https://www.unesco.org/en/fight-illicit-trafficking/mediation-and-conciliation>
- UNESCO. (2024, November 28). *Return and restitution under ICPRCP* [Web page]. UNESCO. <https://www.unesco.org/en/fight-illicit-trafficking/return-and-restitution-under-icprcp>
- UNESCO. (2025). *UNESCO in brief* [Web page]. UNESCO. <https://www.unesco.org/en/brief>
- UNESCO Institute for Statistics. (2009). Cultural heritage. In *UNESCO Framework for Cultural Statistics* (glossary). UNESCO. <https://uis.unesco.org/en/glossary-term/cultural-heritage>
- Urbinati, S. (2014). Alternative dispute resolution mechanisms in cultural property related disputes: UNESCO mediation and conciliation procedures. In V. Vadi & H. Schneider (Eds.), *Art, cultural heritage and the market* (pp. 93–116). Springer Berlin.
- United States Department of State. (2003, September 19). *Memorandum of understanding between the United States of America and the Kingdom of Cambodia concerning the imposition of import restrictions on Khmer archaeological material* (Treaties & Other International Acts Series No. 03-919). https://eca.state.gov/files/bureau/cambodia_tias.pdf
- United States Immigration and Customs Enforcement. (2013, September 8). *ICE returns stolen antiquities to Islamic Republic of Afghanistan* [Press Release]. <https://www.ice.gov/news/releases/ice-returns-stolen-antiquities-islamic-republic-afghanistan>
- United States Immigration and Customs Enforcement. (2014, June 3). *3 looted ancient statues repatriated to Cambodia* [Press release]. <https://www.ice.gov/news/releases/3-looted-ancient-statues-repatriated-cambodia>
- United States v. A 10th Century Cambodian Sandstone Sculpture*, No. 12-cv-2600 (GBD), 2013 WL 6462664 (S.D.N.Y. Oct. 9, 2013). <https://case-law.vlex.com/vid/united-states-v-10th-895342261>
- Vadi, V., & Schneider, H. (2014). Art, cultural heritage and the market: Legal and ethical issues. In V. Vadi & H. Schneider (Eds.), *Art, cultural heritage and the market* (pp. 1–24). Springer Berlin.
- van Beurden, J. (2014). How to break the deadlock in the debate about colonial acquisitions? In V. Vadi & H. Schneider (Eds.), *Art, cultural heritage and the market* (pp. 165–181). Springer Berlin.

- Velioglu, E., Bandle, A. L., & Renoblakld, M.-A. (2014). *Case Khmer Statue – Cambodia and Sotheby's and the United States*. Platform ArThemis, Art-Law Centre, University of Geneva. <https://plone.unige.ch/art-adr/cases-affaires/khmer-statue-2013-cambodia-and-sotheby2019s-and-the-united-states>
- Williams, D. (2023, December 15). *Letter to Mr. Sahni and Ms. Guehenno*. United States Attorney's Office, Southern District of New York. <https://www.justice.gov/usao-sdny/media/1329136/dl>
- Winter, T. (2015). Heritage diplomacy. *International Journal of Heritage Studies*, 21(10), 997–1015. <https://doi.org/10.1080/13527258.2015.1041412>
- Woodman, S. (2023, December 15). *Met to return 16 Khmer relics linked to notorious artifact dealer*. International Consortium of Investigative Journalists. <https://www.icij.org/investigations/hidden-treasures/met-to-return-16-khmer-relics-linked-to-notorious-artifact-dealer/>
- Yupsanis, A. (2011). Cultural property aspects in international law: The case of the (still) inadequate safeguarding of Indigenous peoples' (tangible) cultural heritage. *Netherlands International Law Review*, 58(3), 335–361. <https://doi.org/10.1017/S0165070X11300022>

Appendix

Appendix A.1 Case A: Example One - Cambodia's Koh Ker Statues

Documents Examined

Please note that the citations listed also appear in the References

NOTES	APA CITATION
1 External document, third party- US Attorney, no mention of UNESCO or convention, “come see us, before we come see you”	Biase, N. (2023, December 15). U.S. Attorney announces return of collection of antiquities from the Metropolitan Museum of Art to Cambodia [Press Release]. <i>U.S. Department of Justice</i> . https://www.justice.gov/usao-sdny/pr/us-attorney-announces-return-collection-antiquities-metropolitan-museum-art-cambodia
2 External document, Holding Party, no mention of UNESCO or convention	Cascone, S. (2016, March 29). Denver Art Museum returns looted 10th-century Cambodian statue. <i>Artnet News</i> . https://news.artnet.com/art-world/denver-art-museum-returns-looted-cambodian-statue-461384
3 Holding Party, no mention of UNESCO or convention	Christie's. (2014). <i>Christie's celebrates return of 10th-century statues to Cambodia at official ceremony in Phnom Penh</i> [Press release]. https://press.christies.com/christies-celebrates-return-of-10th-century-statues-to-cambodia-at-official-ceremony-in-phnom-penh
4 Holding Party, press release, no mention of UNESCO or Convention, details continuing relationship	Cleveland Museum of Art. (2015, May 11). Cleveland Museum of Art returns Khmer sculpture and enters into agreement for cultural cooperation with Cambodia [Press release]. <i>Cleveland Museum of Art</i> . https://www.clevelandart.org/about/press/cleveland-museum-art-returns-khmer-sculpture-and-entering-agreement-cultural
5 External, no mention of UNESCO or convention, details Sotheby's internal emails	Felch, J. (2012, April 4). Feds sue for return of looted Khmer statue; insider emails reveal Sotheby's was warned statue was definitely stolen. <i>Chasing Aphrodite</i> . https://chasingaphrodite.com/2012/04/04/feds-sue-for-return-of-looted-khmer-statue-insider-emails-reveal-sothebys-was-warned-statue-was-definitely-stolen/
6 External, no mention of UNESCO or convention	Felch, J. (2013, December 16). Blood antiquities: After lengthy fight, Sotheby's agrees to return looted Khmer statue. <i>Chasing Aphrodite</i> . https://chasingaphrodite.com/2013/12/16/blood-

		antiquities-after-lengthy-fight-sothebys-agrees-to-return-looted-khmer-statue/
7	Internal document, under point 1.7,8,9 details work done for Koh Ker statues	ICPRCP. (2014). <i>Report of the Secretariat</i> (ICPRCP/14/19.COM/3). https://unesdoc.unesco.org/ark:/48223/pf0000369046.1ocale=fr
8	UNESCO publication, article describes cases in detail, director of National Museum	Kong, V. (2018, April). Cambodia: The Koh Ker restitution cases. <i>World Heritage</i> , (87), 16–21. https://unesdoc.unesco.org/ark:/48223/pf0000263351
9	External, mentions UNESCO, focuses on Cambodia's perspective	Kuhn, A. (2012, October 23). Cambodia vs. Sotheby's in a battle over antiquities. <i>NPR</i> . https://www.npr.org/2012/10/23/163007250/cambodia-vs-sothebys-in-a-battle-over-antiquities
10	External, brief mention of UNESCO, discusses Cambodia's justifications for return, "The Met sets precedent"	Mashberg, T., & Bowley, G. (2022, August 18). Cambodia says it's found its lost artifacts: In Gallery 249 at the Met. <i>The New York Times</i> . https://www.nytimes.com/2022/08/18/arts/design/met-artifacts-cambodia.html
11	Holding Party, press release, no mention of UNESCO or convention	The Metropolitan Museum of Art. (2023, December 15). <i>The Metropolitan Museum of Art announces the return of 16 Khmer sculptures to Cambodia and Thailand</i> [Press release]. https://www.metmuseum.org/press-releases/return-of-khmer-works-2023-news
12	Holding Party, press release, no mention of UNESCO or convention, details the Met's Cultural Property Initiative	The Metropolitan Museum of Art. (2024, July 2). <i>The Metropolitan Museum of Art to transfer 14 sculptures to the Kingdom of Cambodia</i> [Press release]. https://www.metmuseum.org/press/news/2024/met-to-transfer-14-sculptures-to-cambodia
13	External, directly mentions UNESCO involvement	Robinson, N. (2014, May 8). Stolen statue returned to Cambodia: Duryodhana Bondissant. <i>The Guardian</i> . https://www.theguardian.com/world/2014/may/08/stolen-statue-cambodia-duryodhana-bondissant
14	Internal Document, explains first Met case	UNESCO. (2005). <i>Generic examples of return and restitution of cultural property (outside the Committee)</i> (CLT.2005/CONF.202/CLD.5, CLT.2005/CONF.202/INF.2). https://unesdoc.unesco.org/ark:/48223/pf0000138519
15	UNESCO press release, highlights their role in the cases	UNESCO. (2013, June 16). <i>Important Khmer statues returned to Cambodia during opening of World Heritage meeting in Phnom Penh</i> [Press release]. https://www.unesco.org/en/articles/important-khmer-

		statues-returned-cambodia-during-opening-world-heritage-meeting-phnom-penh-0
16	Bilateral agreement between the US and Cambodia, references convention	United States Department of State. (2003, September 19). <i>Memorandum of understanding between the United States of America and the Kingdom of Cambodia concerning the imposition of import restrictions on Khmer archaeological material</i> (Treaties & Other International Acts Series No. 03-919). https://eca.state.gov/files/bureau/cambodia_tias.pdf
17	Third Party, no mention of UNESCO, mentions the bilateral agreement	U.S. Immigration and Customs Enforcement. (2014, June 3). <i>3 looted ancient statues repatriated to Cambodia</i> [Press release]. https://www.ice.gov/news/releases/3-looted-ancient-statues-repatriated-cambodia
18	Third Party, Case details for litigation against Sotheby's	<i>United States v. A 10th Century Cambodian Sandstone Sculpture</i> , No. 12-cv-2600 (GBD), 2013 WL 6462664 (S.D.N.Y. Oct. 9, 2013). https://case-law.vlex.com/vid/united-states-v-10th-895342261
19	External, Scholarly, describes in great detail UNESCO involvement and references the Convention	Velioglu, E., Bandle, A. L., & Renold, M.-A. (2014). Case Khmer Statue – Cambodia and Sotheby's and the United States. <i>Platform ArThemis</i> , Art-Law Centre, University of Geneva. https://plone.unige.ch/art-adr/cases-affaires/khmer-statue-2013-cambodia-and-sotheby2019s-and-the-united-states
20	Third Party, agreement between US District Attorney's office and the Met	Williams, D. (2023, December 15). <i>Letter to Mr. Sahni and Ms. Guehenno</i> . United States Attorney's Office, Southern District of New York. https://www.justice.gov/usao-sdny/media/1329136/dl
21	External, no mention of UNESCO, describes Latchford scandal in depth	Woodman, S. (2023, December 15). Met to return 16 Khmer relics linked to notorious artifact dealer. <i>International Consortium of Investigative Journalists</i> . https://www.icij.org/investigations/hidden-treasures/met-to-return-16-khmer-relics-linked-to-notorious-artifact-dealer/

Appendix A.2 Case A: Example Two - Turkey and Germany and the “Boğazköy” Sphinx

Documents Examined

Please note that the citations listed also appear in the Reference List

	NOTES	APA CITATION
1	External, no mention of the Committee, explained the physical return of the Sphinx	Anatolia News Agency. (2011, November 18). Hattuşa reunites with sphinx. <i>Hürriyet Daily News</i> . https://www.hurriyetdailynews.com/hattusa-reunites-with-sphinx-7062
2	External, mentions UNESCO work, but not the Committee, broader details about Turkey’s goals	Balkız, K. N. (2021). Finders keepers: Turkey’s quest to reclaim lost cultural heritage. <i>TRT World Magazine</i> . https://www.trtworld.com/magazine/finders-keepers-turkey-s-quest-to-reclaim-lost-cultural-heritage-50464/amp
3	External, mentions UNESCO work, explains the continued tensions after returning the Sphinx	Bilefsky, D. (2012, September 30). Turkey’s efforts to repatriate art alarm museums. <i>The New York Times</i> . https://www.nytimes.com/2012/10/01/arts/design/turkeys-efforts-to-repatriate-art-alarm-museums.html
4	External, scholarly, in depth analysis of the case, explains UNESCO and Committee’s involvement	Chechi, A., Bandle, A. L., & Renold, M.-A. (2011). Case Boğazköy Sphinx – Turkey and Germany. <i>Platform ArThemis</i> . Art-Law Centre, University of Geneva. https://plone.unige.ch/art-adr/cases-affaires/bogazkoy-sphinx-2013-turkey-and-germany
5	Holding Party, press release, polished announcement, “voluntary gesture of friendship,” does not use words return or restitution	Federal Government of Germany. (2011, May 13). <i>Turkey to receive Hittite sphinx</i> [Press release]. https://plone.unige.ch/art-adr/cases-affaires/bogazkoy-sphinx-2013-turkey-and-germany/press-and-information-office-of-the-federal-government-press-release-turkey-to-receive-hittite-sphinx-13-may-2011
6	External, uses Sphinx of prime example for Turkey’s campaign “a revolution,” no mention of UNESCO or Committee	Güsten , S. (2011, May 25). Turkey presses harder for return of antiquities. <i>The New York Times</i> . Retrieved from https://www.nytimes.com/2011/05/26/world/europe/26iht-M26C-TURKEY-RETURN.html .
7	Internal, updates the case, gives record of meetings, Recommendation No. 2	ICPRCP. (1999). <i>Report by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, on its activities, 1998-1999</i> (30 C/REP.14). https://unesdoc.unesco.org/ark:/48223/pf0000117401

8	Internal, updates, similar to 1999 document, no progress? Recommendation No. 2	ICPRCP. (2001). <i>Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation: Secretariat report</i> (CLT.2001/CONF.202/2, CLT.2001/CONF.202/CLD.2). https://unesdoc.unesco.org/ark:/48223/pf0000121239
9	Internal, records that after final meetings agreement was reached and Sphinx returned, “bilateral agreement provides for greater museum and archaeology cooperation between the two countries” – not true	ICPRCP. (2012a). <i>Adoption of the report of the Secretariat</i> (ICPRCP/12/18.COM/3). https://unesdoc.unesco.org/ark:/48223/pf0000216533_eng.locale=fr
10	Internal, from Sept 2010, records intended discussions and urges a solution to be found, Recommendation No. 2	ICPRCP. (2012b). <i>Final report of the sixteenth session: Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation</i> (CLT-2010/CONF.203/COM.16/6 REV). https://unesdoc.unesco.org/ark:/48223/pf0000192583_eng
11	External, no mention of UNESCO or the Committee	Kelsey, E. (2016, October 15). Germany returns ancient sphinx to Turkey. <i>Reuters</i> . https://www.reuters.com/article/lifestyle/germany-returns-ancient-sphinx-to-turkey-idUSTRE76R58U
12	External, no mention of UNESCO, discusses Sphinx and increased tensions despite return, “cultural chauvinism”	Letsch, C., & Connolly, K. (2013, January 21). Turkey wages 'cultural war' in pursuit of its archaeological treasures. <i>The Guardian</i> . https://www.theguardian.com/world/2013/jan/21/turkey-cultural-war-archaeological-treasure
13	UNESCO publication, highly emphasize UNESCO involvement, in-depth details of the case and lack of legal proof on either side	Planche, E., & Omer, B. (2018, April). The Bogazkoy Sphinx. <i>World Heritage</i> , (87), 38–43.
14	Holding Party, Prussian Cultural Heritage Foundation statement regarding return of Sphinx, specifically mention Turkey’s withholding permits	Stiftung Preußischer Kulturbesitz. (2011, February 25). Zur Rückgabeforderung der Türkei: Die Sphinx von Hattuša [Google Translate version]. <i>Preußischer Kulturbesitz</i> . https://www.preussischer-kulturbesitz.de/schwerpunkte/provenienzforschung-und-eigentumsfragen/alle-news-provenienzforschung-und-eigentumsfragen/news-detail-provenienzforschung/artikel/2011/02/25/zur-

		rueckgabeforderung-der-tuerkei-die-sphinx-von-hattuscha.html
15	External, Argues that it was Turkey's ultimatum that led to the Sphinx return, no mention of UNESCO	Stonington, J. (2013, June 4). German archaeologists waiting for dig permits in Turkey. <i>Der Spiegel</i> . https://www.spiegel.de/international/zeitgeist/german-archaeologists-waiting-for-dig-permits-in-turkey-a-902913.html
16	Internal, records the use of the Director General's Good Offices in this case	United Nations Secretary-General. (2003, August 25). <i>Return or restitution of cultural property to the countries of origin: Note by the Secretary-General (A/58/314)</i> . United Nations. https://digitallibrary.un.org/record/502765?ln=en&v=pdf
17	Internal, updates the case after reunification of Germany, invites use of Good Offices	UNESCO. (1999). <i>Report by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on its activities, 1998–1999 (30 C/REP.14)</i> . UNESCO General Conference, 30th Session. https://unesdoc.unesco.org/ark:/48223/pf0000117401
18	Internal, summarizes process, "Committee's support," case removed from agenda	UNESCO. (2013, August). <i>Report on the activities of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (2012-2013) (37 C/REP/14)</i> . UNESCO General Conference, 37th Session. https://unesdoc.unesco.org/ark:/48223/pf0000234092

Appendix B.1 Case B: Example One Restitution of Nepalese Cultural Objects

Documents Examined

Please note that the citations listed also appear in the Reference List

	NOTES	APA CITATION
1	External, no mention of ICOM, highlights Lost Arts of Nepal and NHRC	Acosta, C. M. (2023, October 6). The Met to return two ancient artifacts to Nepal. <i>International Consortium of Investigative Journalists</i> . https://www.icij.org/investigations/hidden-treasures/the-met-to-return-two-ancient-artifacts-to-nepal/
2	External, no mention of ICOM, highlights activists, interview with NHRC founder, funding is the biggest problem	Agrawal, S. (2024, February 20). Nepal's stolen artifacts are being returned, thanks to online activists. <i>ARTnews</i> . https://www.artnews.com/art-news/news/nepal-stolen-artifacts-online-activists-repatriation-1234696476/
3	External, no mention of ICOM or activists, cites AIC research as the driver behind return	Akers, T. (2025, March 7). Art Institute of Chicago to return 12th-century Buddha sculpture to Nepal. <i>The Art Newspaper</i> . https://www.theartnewspaper.com/2025/03/07/art-institute-of-chicago-return-12th-century-buddha-sculpture-to-nepal
4	ICOM website post, highlights Code of Ethics, compares two cases The Met and AIC, neutral writing	Brunet, E. (2024, October 31). Restitutions to Nepal: Museums committed to the fight against traffic of cultural goods. <i>International Council of Museums</i> . https://icom.museum/en/news/restitutions-to-nepal-museums-committed-to-the-fight-against-traffic-of-cultural-goods/
5	External, no mention of ICOM, highlights activists, note Rubin's rhetoric for due diligence	Dafoe, T. (2022, January 11). The Rubin Museum of Art will return two centuries-old artifacts to Nepal after an activist group raised the alarm on Twitter. <i>Artnet News</i> . https://news.artnet.com/art-world/rubin-museum-art-will-repatriate-two-centuries-old-artifacts-nepal-2058753
6	External, no mention of ICOM, highlights activists, Bangdel's book 1989, Dallas Art	Di Liscia, V. (2021, March 9). How a tweet led to the FBI's return of a looted Nepalese sculpture. <i>Hyperallergic</i> . https://hyperallergic.com/627854/return-of-looted-nepal-statue-dallas-museum/

	Museum's statement on provenance standards	
7	External, no mention of ICOM, Met sets standards for other museums	Feldman, E. (2022, August 19). The Met returns two stolen artifacts to Nepal. <i>Nepal Heritage Recovery Campaign</i> . https://nepalheritagerecoverycampaign.org/news/the-met-returns-two-stolen-artifacts-to-nepal/
8	External, very detailed article explaining illicit trade, activist and Nepalese Government and laws	Gibbon, K. (2022, February 3). Citizen activists want Nepalese art back. <i>Cultural Property News</i> . https://culturalpropertynews.org/citizen-activists-want-nepalese-art-back/
9	External, scholarly, in depth review, argues it is "internet repatriation" not the Nepalese government who is responsible, questions activist radicalism	Gibbon, K. (2023, September 17). Misuse of U.S. heritage law: State Department seeks blockade on Nepalese art. <i>Cultural Property News</i> . https://culturalpropertynews.org/state-department-seeks-import-restrictions-on-nepalese-art/
10	Internal report, first ever workshop in Nepal, on museum policy and law, success	ICOM Nepal. (2024, March). <i>ICOM Nepal ICR Special Project Report in Nepal</i> . https://www.icomnepal.org.np/wp-content/uploads/2024/03/Report-of-ICOM-Nepal-ICR-Special-Project.pdf
11	Holding Party, no mention of ICOM, rhetoric of provenance, cooperative, etc.	The Metropolitan Museum of Art. (2023, October 3). <i>The Met returns two sculptures to Nepal</i> [Press release]. https://www.metmuseum.org/press-releases/nepal-return-2023-news
12	Third Party, Activists, founding of campaign, sent letters to museums	Nepal Heritage Recovery Campaign. (2021, September 17). <i>Nepal Heritage Recovery Campaign launched</i> . [Press Release] https://nepalheritagerecoverycampaign.org/news/nepal-heritage-recovery-campaign-launched/
13	Third Party, Dallas Museum of Art case, return "supported by heritage activists and	NHRC. (2021, December 4). <i>Laxmi-Narayan's return to Patko Tole, Patan</i> [Press release]. https://nepalheritagerecoverycampaign.org/news/press-release-laxmi-narayans-return-to-patko-tole-patan/

	scholars” no mention of ICOM	
14	Third Party, Rubin first offense, they will bear the cost, Lost Arts of Nepal, quick museum response	NHRC. (2022, January 11). <i>Rubin to return Nepal antiquities</i> [Press Release]. https://nepalheritagerecoverycampaign.org/news/rubin-to-return-nepal-antiquities/
15	Third Party, appeal to Ruben to reexamine its collection and asks for full transparency (no response from Ruben)	NHRC. (2023, July 27). <i>Press note: Activities of the Rubin Museum of Art related to Nepal and the Himalaya</i> [Press release]. https://nepalheritagerecoverycampaign.org/news/press-note-activities-of-the-rubin-museum-of-art-related-to-nepal-and-the-himalaya/
16	External, more activist outreach and awareness, “cultural genocide?” mentions UNESCO, not ICOM	Newburger, E. (2024, December 4). Lessons from Nepal on cultural heritage loss and repatriation. <i>Harvard Law Today</i> . https://hls.harvard.edu/today/lessons-from-nepal-on-cultural-heritage-loss-and-repatriation/
17	External, activist outreach and awareness, no mention of ICOM, but calls on more attention and support from other IOs	Rimal, P. (2021, November 18). The unplundering of Nepal’s artifacts. <i>The Record</i> . https://www.recordnepal.com/the-unplundering-of-nepals-artifacts
18	External, scholarly, highlights activists (a shift in approach), what can we learn?	Selter, E. (2022). Returning the Gods to the People: Heritage Restitution in Nepal. <i>Santander Art and Culture Law Review</i> , 115-134. https://doi.org/10.4467/2450050XSNR.22.014.17027
19	External, highlights activists “citizen watchdogs and armchair experts,” mentions sending claims to UNESCO, why not ICOM?	Small, Z. (2021, October 29). Citizen activists lead the hunt for antiquities looted from Nepal. <i>The New York Times</i> . https://www.nytimes.com/2021/10/29/arts/nepal-looted-antiquities-citizens.html

20	External, scholarly, argues activist outreach more effective than legal or diplomatic approaches	Smith, E. (2022) The ongoing quest to return Nepal's looted cultural heritage. <i>Georgetown Journal of International Affairs</i> , 23(2), pp. 264-271. (doi: 10.1353/gia.2022.0039)
21	External, details AIC case explaining activist involvement, unlike Art Newspaper, no mention of ICOM	Smith, E. (2025, March 4). Art Institute of Chicago returns sacred Buddha statue to Nepal. <i>Hyperallergic</i> . https://hyperallergic.com/993987/art-institute-of-chicago-returns-sacred-buddha-statue-to-nepal/
22	External, one of the first exposes, explains the AAMD loophole for stolen donations, no mention of ICOM	Thompson, E. L. (2020, January 24). Stolen deities resurface in a Dallas museum. <i>Hyperallergic</i> . https://hyperallergic.com/530848/stolen-deities-resurface-in-a-dallas-museum/
23	Third Party, shows lack of Nepal's structure and development in cultural sector, mentions Code of Ethics	UNESCO. (2019). <i>National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Nepal, reporting period: 2015–2018</i> (C70/19/National-report/Nepal). UNESCO. https://unesdoc.unesco.org/ark:/48223/pf0000387595
24	Third Party, shows still no developments despite surge of restitutions, same mention of Code	UNESCO. (2023). <i>National report on the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Nepal, reporting period: 2019-2022</i> (C70/23/National-report/Nepal). UNESCO. https://unesdoc.unesco.org/ark:/48223/pf0000387183

Appendix B.2 Case B: Example Two - Restitution of Afghanistan Cultural Objects

Documents Examined

Please note that the citations listed also appear in the References

	NOTES	APA CITATION
1	External, highlights other third parties such as UK Border Force, Art Loss Register, and British Museum	Alberge, D. (2020, January 18). Met police and British Museum help Afghans recover looted ancient masterpiece. <i>The Guardian</i> . https://www.theguardian.com/culture/2020/jan/18/met-police-help-recover-afghan-sculpture-looted-kabul
2	External, brief details, no mention of ICOM or similar work, highlights British Museum	BBC News. (2012, July 19). Looted art returned to Afghanistan. https://www.bbc.com/news/entertainment-arts-18901966
3	External, specific example of Buddhist heads, Simpson from British Museum, no mention of ICOM, importance of museum collaboration	Brown, M. (2019, July 8). British Museum to return Buddhist heads looted in Afghan war. <i>The Guardian</i> . https://www.theguardian.com/culture/2019/jul/08/british-museum-return-looted-afghan-artefacts-found-heathrow
4	External, objects stopped at airport in 2002, temporary display in London, no mention of ICOM or similar work	Forrest, A. (2019, July 8). British Museum to return precious artefacts looted from Iraq and Afghanistan. <i>The Independent</i> . https://www.independent.co.uk/news/uk/home-news/british-museum-afghanistan-iraq-buddhist-heads-mesopotamian-tablets-artefacts-a8996191.html
5	Internal, introductory info, purpose – a tool to help recognize, not exhaustive, cited as very effective	ICOM. (2008). <i>Red List of Afghanistan: Antiquities at risk</i> [PDF]. https://icom.museum/wp-content/uploads/2019/03/Red-List-Afghanistan-English.pdf
6	Internal, explains previous work it has done (workshops, red lists), calls on museums and authorities to action	ICOM. (2021, August 17). <i>Statement concerning the situation facing cultural heritage in Afghanistan</i> [PDF]. ICOM. https://icom.museum/en/news/statement-concerning-the-situation-facing-cultural-heritage-in-afghanistan/

7	Internal, new tool and outreach for raising awareness, democratizing restitution?	ICOM. (2021, September 21). Help protect Afghanistan's cultural heritage from your laptop!. ICOM. https://icom.museum/en/news/wiki-icom-protect-afghanistan-cultural-heritage/
8	Internal, specifically highlights restitution work, claims red list helped reconstitute thousands of objects for Afghanistan	ICOM. (2022, July). <i>2021 ICOM annual report: A year to recover and reimagine</i> [PDF]. ICOM. https://icom.museum/wp-content/uploads/2022/07/2021-ICOM-Annual-Report_EN-1_compressed.pdf
9	External, highlights British Museum, no mention of ICOM or similar work	Radio Free Europe. (2012, August 5). Afghan National Museum regains looted treasures. https://www.rferl.org/a/afghan-national-museum-regains-looted-treasures/24667462.html
10	External, details the work the British Museum did to help, highlights museum collaboration	Rea, N. (2019, July 9). The British Museum is helping to return hundreds of looted ancient artifacts to museums in Iraq and Afghanistan. <i>Artnet News</i> . https://news.artnet.com/art-world/british-museum-afghanistan-iraq-artifacts-1595683
11	Third Party, scholarly, curator at the British Museum, in detail reviews this restitution case, no mention of ICOM but says it was a collaboration between museums	Simpson, S. J. (2016). The “Begram Ivories”: A Successful Case of Restitution of Some Antiquities Stolen from the National Museum of Afghanistan in Kabul. <i>International Journal of Cultural Property</i> , 23(4), 459–477. doi:10.1017/S0940739116000266
12	Third Party, in their own words how the British museum helps fight illicit trade, mentions SPACH, no mention of ICOM	Simpson, S. J. (2019, October 10). Art in crisis: Identifying and returning looted objects. <i>The British Museum</i> . https://www.britishmuseum.org/blog/art-crisis-identifying-and-returning-looted-objects
13	External, scholarly, only article in this publication to mention ICOM and citing the importance of Red Lists in the fight against illicit trade	Stein, G. J. (2018). International legal frameworks to protect the archaeological heritage of Afghanistan. In G. J. Stein, M. T. Fisher, A. H. Latify, N. Popal, & N. H. Dupree (Eds.), <i>Preserving the cultural heritage of Afghanistan: Proceedings of the international conference held at Kabul University, November 2014</i>

		(pp. 147-150). The Oriental Institute of the University of Chicago.
14	Third Party, representative of government, mentions ICOM and several other Ios involvement in restitution	United Nations Assistance Mission in Afghanistan. (2012, August 8). Afghan treasures come home. https://unama.unmissions.org/afghan-treasures-come-home
15	Third Party, no specific of ICOM, but explains the training and resources used by officers to identify objects	U.S. Immigration and Customs Enforcement. (2013, September 8). <i>ICE returns stolen antiquities to Islamic Republic of Afghanistan</i> . https://www.ice.gov/news/releases/ice-returns-stolen-antiquities-islamic-republic-afghanistan