

*Project Outline*

# Restitution on Hold:

Legal and Bureaucratic Gridlock  
Behind the UK's Stewardship of  
Disputed Artifacts

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## Abstract

As restitution debates loom worldwide, cultural heritage emerges as a key site of tension between former imperial powers and their former colonies. Despite museums' stated missions of preservation and education, many remain entangled in legacies of appropriation and institutional inertia. In the United Kingdom, such tensions are magnified by laws that restrict the return of contested artefacts, even as public sentiment increasingly favours restitution. The Parthenon Sculptures dispute, now over two centuries old, presents a compelling case to examine the entrenchment of retention policies—their resistance to change.

This research examines how legal frameworks, political discourse, and institutional practices interact to shape restitution outcomes, using the UK as a central focus. Anchored in qualitative methods, the study combines legal and comparative analysis with fieldwork in London museums and interviews with restitution actors. By situating the UK's approach alongside France's recent policy shifts, the research evaluates the normative and institutional capacities for reform. The final report will synthesise legal analysis, museum discourse, and political interviews to explore whether current restitution frameworks obstruct or enable meaningful justice.

## Introduction

Over the summer, I read Dipo Faloyin's *Africa Is Not a Country*, a novel on Africa's diverse cultures and histories. Most memorable was a chapter on the Scramble for Africa, where I read a perplexing insight: today, 90% of Africa's material-cultural heritage remains outside the continent.<sup>1</sup> Faloyin excavates this reality by interrogating the narratives behind ongoing appropriations of cultural artefacts. The principle of universality, for one instance, impedes current restitution efforts, arguing that cultural heritage belongs to “all humankind.” It is the same principle underpinning the 2002 Universal Museum Declaration, a seminal defence of museum retention policies.<sup>2,3</sup> Today, despite promoting “education, research, and preservation,” museums are complicit in sustaining historical injuries, obstructing redress of past human rights violations and transitional justice.<sup>4</sup>

These reflections were echoed by my trip to London, where I visited the Greek Parthenon Sculptures on display at the British Museum. I could not shake a sense of dislocation: a national symbol cordoned off thousands of kilometres from its source community struck me as plainly unjust. Accordingly, my research topic stems from this disillusion, focusing on restitution developments in the UK, where the *British Museum Act of 1963* legally bars the restitution of contested artefacts.<sup>5</sup> My

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<sup>1</sup> Dipo Faloyin, *Africa Is Not a Country* (W. W. Norton & Company, 2022), 68.

<sup>2</sup> Erich Matthes, “Ethics of Cultural Heritage Protection,” *Public Affairs Quarterly* 32, no. 1 (2018): 67–84.

<sup>3</sup> ICOM, *Declaration on the Importance and Value of Universal Museums* (ICOM, 2004).

<sup>4</sup> Andrew L. Christenson, “The Role of Museums in Cultural Resource Management,” *American Antiquity* 44, no. 1 (1979): 161–63.

<sup>5</sup> Charlotte Woodhead, “Proposals to Reform the British Museum Act Continue to Fall Under the Shadow of the Marbles,” *Institute of Art and Law*, 25 March 2024.

goals are to contextualise recent events—notably, the 2024 UK election and the French government’s report on repatriating African cultural patrimony—within their regional landscape. This research will examine the legal, political, and institutional undercurrents shaping restitution.

## Background

Between 1802 and 1812, British diplomat Lord Elgin removed and shipped sculptures from the Acropolis to England.<sup>6</sup> Sold to the English crown in 1816, they became the centre of a longstanding controversy between Britain and Greece. As the Parthenon Marbles dispute nears its 210th year, rooted in Greece’s demand for their return, a policy-gearred approach becomes increasingly relevant. Much of the current literature remains theoretical, exploring the ethics, law, and politics of restitution in isolation. Additionally, regional dynamics remain underexplored through interdisciplinary analysis. My research addresses gaps in idiographic and case study research, probing restitution policies, their implications for justice, and broader frameworks for dispute resolution.

## Research Objectives & Questions

How do legal frameworks affect cultural restitution in the UK? What are their limitations in facilitating transitional justice? More generally, how do laws, political discourse, and institutional policies shape the outcomes of restitution disputes?

## Methodology

This research examines the legal, political, and institutional dimensions of restitution, using a qualitative methodology and the Parthenon Marbles as a central case study.

### Remote Work

#### 1. Literature Review: British Legal Frameworks

Analysing British common law adjudication, I will focus on key statutes, including the *British Museum Act 1963*, the *National Heritage Act 1983*, and the *Holocaust (Return of Cultural Objects) Act 2009*. I will examine judicial rulings, drawing from online records such as the Incorporated Council of Law Reporting and the National Archives, to identify legal precedents and principles.

#### 2. Comparative Restitution Frameworks

I will compare the UK’s regulatory landscape to France’s, surveying President Emmanuel Macron’s 2021 guidelines report and its “shared heritage” framework for restitution law.<sup>7</sup> Amidst recent

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<sup>6</sup> “Elgin Marbles,” *Encyclopædia Britannica*, last modified 26 January 2025.

<sup>7</sup> Anna Sansom, “What Is ‘Shared Heritage’? Takeaways from Jean-Luc Martinez’s New Report on Restitution,” *Artnet News*, 3 May 2023.

legislation, France offers a rich comparative lens for analysing the limitations of British frameworks alongside international laws, such as *UNESCO's 1970* and *UNIDROIT's 1995*. I plan to assess compliance gaps in the UK's approach vis-à-vis international customary law.

### **3. Case Study: The Parthenon Sculptures**

This case study applies legal and comparative insights to the Parthenon Sculptures dispute. I will study past arbitrations between the UK and Greece, legal arguments, and the involvement of supranational bodies, including the European Court of Human Rights and UNESCO's intergovernmental restitution committee.

## **Fieldwork**

### **4. Institutional Fieldwork & Museum Discourse Analysis**

I plan to conduct institutional ethnographies at the British Museum and the Victoria and Albert Museum, focusing on acquisition narratives surrounding contentious exhibits such as the Parthenon Sculptures and Benin Bronzes. Through the British Museum Library, I hope to trace the historiography of their provenance and retention. Extending this fieldwork for my comparative analysis, I will document institutional ethnographies of two museums in Paris, France: the Louvre Museum and the Musée du quai Branly. These steps will be conducted in person, using day trips from London to Paris as needed.

### **5. Interviews: Restitution Policy Discourse Analysis**

To pair with my remote findings, I will conduct online interviews with Labour Party officials, the Spoliation Advisory Panel, and restitution advocacy groups, such as the British Committee for the Reunification of the Parthenon Marbles. Using a standard interview questionnaire, I aim to unpack perspectives, themes, and underlying meanings through discourse analysis.

### **6. Final Deliverable(s)**

My research will amount to a report in two parts: first, a synthesis of legal analysis, comparative research, and case studies on the limitations of UK legal frameworks. Then, I will discuss the interplay of laws, political discourse, and institutional practice, factoring in high-potential dispute resolution pathways. This may encompass positivist conclusions on whether laws lead to, respond to, or coexist with political and institutional changes.

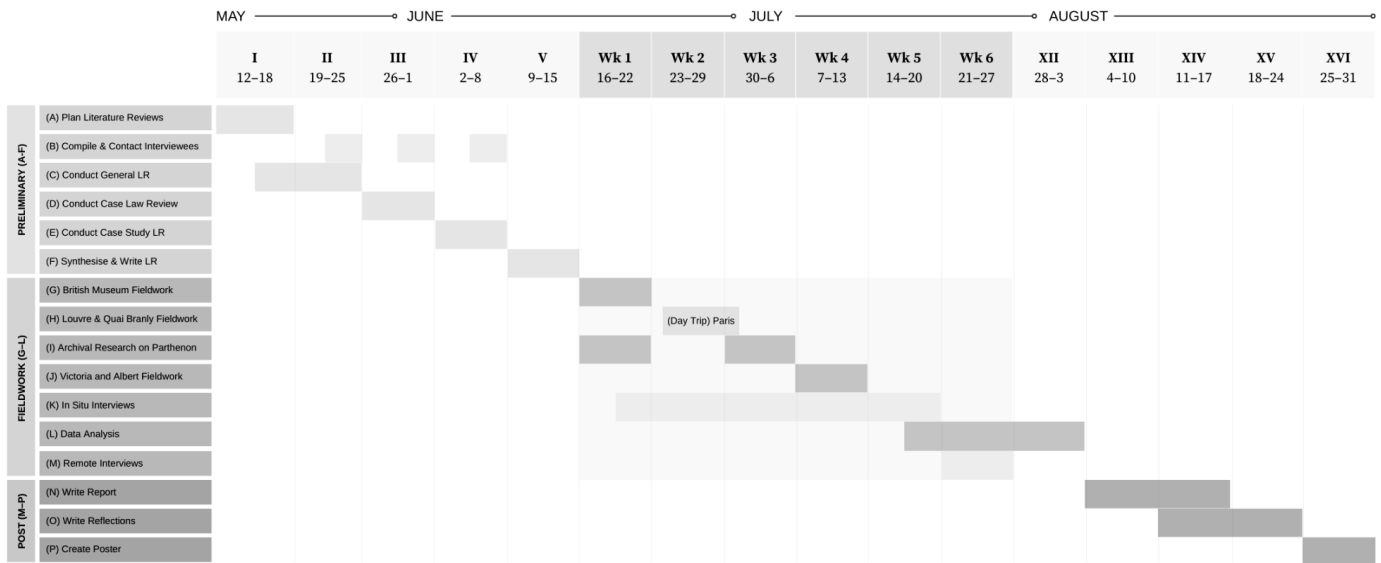
## **Research Location**

Understanding how legal frameworks affect cultural restitution in the UK requires more than doctrinal analysis; it demands attention to the institutional cultures that mediate law, politics, and public memory. Given that restitution is as much an institutional issue as a legal one, this study employs institutional ethnographies to examine how museums enact, resist, or reinterpret legal constraints. Accordingly, this research necessitates physical access; six weeks in London and Paris will enable proximity and physical access to museum archives, legal repositories, and provenance records—materials that are not fully digitised or available remotely.

## Ethics Review

A consultation with the Research Ethics Board has determined that my research design will not require approval. Remote interviews will rely solely on publicly available information, guarantee anonymity, and yield non-identifiable results.<sup>8</sup> Public figures and spokespersons—for instance, Labour Party officials—have “no reasonable expectation of privacy” regarding the information they provide, nor are they key informants in my research.

## Timeline



## Interdisciplinary/International Focus

The proposed study combines legal, political, and institutional tools to analyse international disputes at scale. Furthermore, an underlying ethical component implies its potential normative value. This research relates to several fields, including political science, museology, decolonisation, applied ethics, international law, and cultural studies. It also relates to my intended majors—European Affairs and Peace, Conflict, and Justice.

<sup>8</sup> “Activities Exempt from Human Ethics Review | Ethics in Human Research,” University of Toronto, 2024.

## Outcomes

Understanding ongoing political disputes holds immense value; restitution controversies, in particular, are revelators of historical injustices and enduring colonial legacies. In the UK, where public opinion has shifted drastically in favour of returning the Parthenon Marbles, restitution exposes fault lines between democracy and institutional policies.<sup>9</sup> Resolving this inertia is essential for improving accountable governance, disentangling colonial relations, and fostering cross-cultural understanding.

### Research Supervisor

Professor Robert Austin—Director of Hellenic Studies, Associate Director of Centre for European and Eurasian Studies, and researcher on transitional justice—will assist in supplying insights, secondary literature, and contacts, such as lawyers and scholars. My study involves contact with the Spoliation Advisory Panel, the Labour Party, and civil society organisations.

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<sup>9</sup> Katie Razzall, “Parthenon Sculptures: Pressure Growing on British Museum,” *BBC News*, 21 July 2023, sec. Entertainment & Arts.

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