

Roads to Restitution:

Legal Institutional Gridlock in the UK & the Parthenon Marbles

By Eno Ma

Research Advisor:
Prof. Robert Austin



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Abstract

While cultural restitution has gained momentum worldwide, the UK remains uniquely bound by statutory provisions that prohibit national museums from deaccessioning disputed cultural property. Legislation such as the *British Museum Act 1963* constrains restitution pathways, despite mounting public support and diplomatic pressure in favour of return. This reality positions the UK as a key site of tension between former colonial powers and nations seeking the repatriation of their cultural heritage. To trace this tension and its institutional basis, this report begins with a literature review to examine how scholars and practitioners have framed cultural property and restitution. Next, doctrinal and comparative legal analyses are paired with ethnographic observations from museum fieldwork, offering novel insights into how curation and institutional language are wielded to resist restitution. Alongside a survey of the English legal landscape, the study also considers mechanisms beyond the law, highlighting a friction between rigid litigation and flexible diplomatic routes. This discussion assesses the limitations of international instruments and UK statutes, before applying these frameworks to the Parthenon Marbles—retained at the heart of London—an ongoing dispute now past its bicentennial. This research ultimately seeks to illuminate the broader interplay between law, politics, and institutions, using the Parthenon Marbles as a central case study.

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Literature Review

1.1 Defining Restitution

Restitution has an extensive definition that accompanies legal, ethical, and political meanings. The term derives from Latin *'restitutio in integrum'*—the restoration of an original state (*status quo ante*)—typically pursued through financial and other forms of compensation.¹ Closely tethered is the notion of 'unjust enrichment,' where the enrichment of one party occurs to the detriment of the other, both arising due to the same act or event. Even if mathematically straightforward, restitution remains legally ambiguous insofar as determining whether the causal circumstances were 'unjust' is a complex task. Notably, unjust enrichment is not applied standalone—a set of legal principles must accompany; and thus it is best conceived as a remedial principle rather than a rule itself.² Within art and cultural property, restitution refers to the return of cultural objects—including artworks, artefacts, and human remains—to their source communities, a remedy often understood in relation to colonial dispossession and illicit art trafficking. Academic commentary emphasises that these returns seldom happen through the law alone and are instead propelled by ethical and public pressures.³ In politics, restitution through institutional mechanisms has long supported transitional justice movements, periods of democratisation when societies sought to move "from a state of injustice to justice."⁴ As a practice that defends human rights, addresses colonial legacies, and reinforces lawful conduct, restitution sits at the heart of reparative politics.

Although used interchangeably, 'restitution' carries a distinct meaning from 'repatriation' and 'return.' Its place within cultural property law—the area of practice governing the protection and preservation of artistic, scientific, and archaeological heritage—renders restitution a central role in juridical processes: the term is produced in domestic, supranational, and international frameworks and is increasingly relevant within the global regulatory landscape. Accordingly, this legal connotation is terminologically ingrained: restitution presupposes that an unlawful act took place first, creating the injury that needs to be repaired. Meanwhile, 'repatriation' and 'return' maintain more neutral definitions that are not primarily based on legal ownership. The term 'repatriation' is guided by the principles of cultural integrity and territoriality, which prioritise return to the place of origin and cultural context rather than a dispossessed owner. Alternatively, "return" is the most neutral and used without "associating with the rectification of a 'wrong' or the amendment of an 'injury.'"⁵

Taken together, these distinctions carry implications for justice and morality—concepts that do not always fit within the law's dominion. 'Repatriation' and 'return' underscore how law and morality are

1 "Restitution Law," *The Law Dictionary*, <https://thelawdictionary.org/article/restitution-law/>.

2 Christina Binder and Christoph Schreuer, "Unjust Enrichment," *Max Planck Encyclopedia of Public International Law*, last updated June 2017 (Oxford University Press), <https://opil.ouplaw.com/display/10.1093/law%3Aepil/9780199231690/law-9780199231690-e1002#>.

3 Giulia Picci, *A Changing Landscape in the Return of Cultural Property: Is a New Customary Rule in the Making?* (Berkeley, CA: Berkeley Art, Law, and Finance Project, May 2025), https://www.law.berkeley.edu/wp-content/uploads/2025/05/Customary-Rule-on-Restitution_G.Picci_.pdf.

4 In post-Apartheid South Africa, restitution was a legal tool enacted by courts to return parcels of land seized on racially discriminatory grounds. See Jeremy Webber, "Forms of Transitional Justice," *Nomos* 51 (2012): 106. <http://www.jstor.org/stable/24220125>.

5 Irini A. Stamatoudi, *Cultural Property Law and Restitution: A Commentary to International Conventions and European Union Law* (Cheltenham, UK / Northampton, MA: Edward Elgar Publishing, 2011), 14–17.

not directly aligned; these terms foreground ethical rather than legal considerations. Where litigation is unsuitable—whether because the justification lies beyond legal doctrines or due to other systemic constraints—‘repatriation’ and ‘return’ prove more valuable than ‘restitution’ in highlighting the moral grounds for *ex gratia* (‘by virtue of grace’) transfers. This tension is accentuated in the word ‘return,’ an inherently object-focused remedy. If the displaced object no longer survives, the legal pathway collapses; yet what endures is the moral force acknowledging that its removal constituted a wrong, derived from principles outside of the law. What compels ‘return’ is not the unlawful act, but a broader commitment to justice and cultural integrity. While legally defined restitution continues to pervade national legal systems, a shift is underway within modern cultural property law, viewing restitution “not as a matter of legality, but one of legitimacy.” Today, this broader notion extends beyond legal writing, intertwined with a moral imperative to correct asymmetries.⁶

1.2 Theoretical Frameworks

It is worthwhile to examine justice through the lens of competing philosophies on cultural property.⁷ These are cultural nationalism, cultural internationalism, and the notion of ‘universal museum’—dominant discourses that form the basis of institutional and restitution politics.

Cultural nationalism asserts that a nation’s cultural property belongs within the borders of the nation where it was created. Adherents emphasise the importance of cultural artefacts as a token of collective identity, which allows for the definition and expression of culture; reclaiming ownership over cultural property is, in another sense, about reclaiming identity.⁸ In practice, nations associated with cultural nationalism have typically been victims of plunder and spoliation—the intentional destruction, looting, or confiscation of artefacts and heritage—often coincident with colonial and militant expeditions.⁹ In the mid-20th century, a marked rise in looting, theft, and clandestine excavations led to global unease surrounding the illicit cultural property trade.¹⁰ This concern culminated in the 1970 UNESCO Convention, manifesting in an early legal expression of cultural nationalism. Critics argue that cultural nationalism impedes the market of cultural treasures and that states’ stricter laws inadvertently encourage people to resort to illegal methods. However, the framework itself does not exclusively put forth state ownership over cultural artefacts; it allows for private ownership, provided cultural property is kept within the country.¹¹

By contrast, cultural internationalism states that cultural heritage belongs to all humankind and owes no fidelity to a state, nation, or territory. The position conflicts with the 1970 Convention, which implies state sovereignty in relation to cultural property and in determining national export restrictions. While proponents of cultural internationalism generally oppose restitution, acquisitions with ties to theft, illegal or unauthorised removals carve out an exception to this norm. The impulse

6 Stamatoudi, *Cultural Property Law and Restitution*, 16–18.

7 Stamatoudi, *Cultural Property Law and Restitution*, 27.

8 Carol Roehrenbeck, “Repatriation of Cultural Property—Who Owns the Past?” *International Journal of Legal Information* 38, no. 2 (2010): 185–200, <https://doi.org/10.1017/S0731126500005722>.

9 Camille Labadie, “Decolonizing Collections: A Legal Perspective on the Restitution of Cultural Artifacts,” *ICOFOM Study Series* 49, no. 2 (2021): 132–46, <https://doi.org/10.4000/iss.3784>.

10 UNESCO, “1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: Background and Adoption,” *UNESDOC Digital Library*, <https://unesco.libguides.com/c.php?g=720985&p=5233938>.

11 Stamatoudi, *Cultural Property Law and Restitution*, 27–30.

stems from an outlook that removing objects from undocumented sites deprives them of “valuable archaeological and ethnological information” that would have survived under proper supervision of the removal. In this spirit, cultural internationalism aligns with cultural nationalism in discouraging the unlawful and unauthorised acquisition of cultural property. It diverges by seeking to legalise and supervise excavations; promote the unbridled trade of cultural property; and present cultural heritage to a broader audience, through beneficiary ‘import’ or ‘market’ states and collectors.¹²

For reasons discussed below, cultural internationalism has come under scrutiny. It works to legitimise the retention of objects obtained in questionable contexts such as conquest and colonial rule. In practice, cultural internationalism provides rhetorical cover by neutralising retention as a way of fostering diversity and intercultural understanding; institutions use this cover to distance themselves from involvement in imperialist projects. Such rhetorical manoeuvring is visible in the ‘universal museum,’ a term that emerged with the *Declaration on the Importance and Value of Universal Museums* in 2002.¹³ Signed by eighteen major museums around the world, the proclamation contends that cultural objects obtained in the past “become part of the museums that have cared for them, and by extension part of the heritage of the nations which house them.”¹⁴ Despite its benign wording, this framework rests on a paradox that Irini Stamatoudi notes in *Cultural Property Law and Restitution*: the Declaration invokes the language of national heritage—‘part of the heritage of nations which house them’—only to pivot immediately to the rhetoric of cultural heritage as the property of all humankind.¹⁵

Kavita Singh builds on this conceptual ambiguity in *Who Wants the World? Universal Museums* by interrogating the operational mode of the universal museum itself. This ‘museum mode’ involves the removal “of the object from its particular context of use—domestic use, ritual use, courtly use.”¹⁶ It is also referred to as decontextualisation, a process that transforms heritage from what was once “accessible and useful to a small group” into “desacralised, secularised, rationalised” art for public viewing.¹⁷ In doing so, the universal museum valorises the aesthetic encounter above the original functions of heritage, a reductionist mode that panders to the interpretive lens of the retaining culture. As Singh notes, objects are “fitted into an intellectual structure” alienated from traditions, languages, and religions.¹⁸ This operation glorifies the ideology of universalism itself, which too often privileges what Stamatoudi terms the museum’s “own heritage, not the world’s.”¹⁹

1.3 Museums in the Restitution Debate

As epistemic critiques suggest, the theory of cultural internationalism raises questions around the broader role of museums. Firstly, scholarship across anthropology and museology demonstrates

12 Stamatoudi, *Cultural Property Law and Restitution*, 21–23.

13 Universal museums are similar to ‘encyclopedic’ museums. The latter focuses more on exhibiting a wide breadth of cultures for them to be understood and compared; universal insinuates interconnectedness, whereas encyclopedic revolves around intellectual inquiry. See Stamatoudi, *Cultural Property Law and Restitution*, 24.

14 *Declaration on the Importance and Value of Universal Museums*, 2002.

15 Stamatoudi, *Cultural Property Law and Restitution*, 24–25.

16 Kavita Singh, *Who Wants the World? Universal Museums, a Worm’s Eye View*, Berlin–Brandenburgische Akademie der Wissenschaften, April 14, 2011, <https://bit.ly/41AadsD>.

17 Singh, *Who Wants the World?*, 2011.

18 Singh, *Who Wants the World?*, 2011.

19 Stamatoudi, *Cultural Property Law and Restitution*, 27.

the consensus that museums are not neutral spaces. Curation is inherently political and ideological, as Charles Stanish explains, “the result of many conscious or unconscious acts of selecting what to include and what to exclude.”²⁰ Museums reflect the social and political biases of their creators and cater to short-term public and institutional needs, whether that may be education, research, or preservation.²¹

Consequently, universal museums and their role in developing, reinterpreting, and framing culture merit scrutiny. While claiming to be adjuncts of scholarship, institutions and exhibition modes can often obstruct informational truth and access. Decontextualising an object dilutes both its meaning (truth) and its usefulness to scholars and public audiences (access); the principle of truth is better served if the object were exhibited in its original cultural context.²² Another point of contention lies in the definition of the universal museum itself: the implicit ranking of collections by contextual and regional diversity—a criterion that is neither precisely drawn nor quantifiable—undermines the value of local museums that focus on regional histories.²³ Hence, cultural internationalism appears to marginalise institutional and knowledge systems that do not aspire to the same transnational ideals. Anaïs Mattez further examines this association in *The Rise and Fall of a Cosmopolitan Ideal*: synonymous with cosmopolitanism and visions of transnational progress, cultural internationalism foregrounds a unified concept of humanity’s achievements that “transcends cultural particularisms.”²⁴ As Mattez writes, internationalism’s ideals have counterintuitively “shared ground with capitalist and politically conservative ideas.”²⁵ For instance, it echoes a free-market approach towards cultural property, favouring affluent ‘import’ states and reinforcing global power imbalances that have endured since colonial times.²⁶

Once heralded as a cosmopolitan ideal, narratives of cultural internationalism have gradually declined in force in recent decades. Provenance research has expanded considerably since the 1970 Convention, from which cultural internationalism originally arose as a conservative reaction.²⁷ Legal mechanisms regulating the cultural property market—spanning “legitimate, illegitimate, and illicit” trade—have since increased accountability and encouraged acts of restitution by museums worldwide.²⁸ In parallel, leading associations have established rigorous provenance research, public disclosure, and related minimum standards of practice. For instance, through its Code of Ethics, the International Council of Museums (ICOM) established a mediation process in 2007 to offer museums a non-litigious route for restitution disputes.²⁹ The Association of Art Museum Directors (AAMD), codifying the 1970 Convention in 2008, similarly acknowledged the link between unprovenanced acquisition and illicit trade; together with the Association of American Museums (AAM), it adopted

20 Charles Stanish, “On Museums in a Postmodern World,” *Daedalus* 137, no. 3 (2008): 147–49. <http://www.jstor.org/stable/40543808>.

21 Andrew Christenson, “The Role of Museums in Cultural Resource Management,” *American Antiquity* 44, no. 1 (1979): 161–63. <https://doi.org/10.2307/279198>.

22 Stamatoudi, *Cultural Property Law and Restitution*, 29.

23 Stamatoudi, *Cultural Property Law and Restitution*, 26–27.

24 Anaïs Mattez, “Restitution of Cultural Property: The Rise and Fall of a Cosmopolitan Ideal,” *International Journal of Heritage Studies* 30, no. 2 (2023): 165–80, <https://doi.org/10.1080/13527258.2023.2284715>.

25 Mattez, “The Rise and Fall of a Cosmopolitan Ideal,” 167.

26 Stamatoudi, *Cultural Property Law and Restitution*, 28.

27 Mattez, “The Rise and Fall of a Cosmopolitan Ideal,” 165.

28 Christa Roodt, “Restitution of Art and Cultural Objects and Its Limits,” *Comparative and International Law Journal of Southern Africa* 46, no. 3 (2022): 286–307, <https://unisapressjournals.co.za/index.php/CILSA/article/view/11260>.

29 International Council of Museums, *Art and Cultural Heritage Mediation*: ICOM–WIPO Mediation Rules (International Council of Museums, 2011).

the 1970 cutoff date prescribed under international law as the dividing line between legal and illegal acquisitions.³⁰ While these developments underscore progress, enduring sociopolitical factors and the absence of uniformity in the law continue to hamper restitution, particularly for claims that predate the 1970 cutoff date.

Legal Overview

The law of restitution works through both domestic and international conduits. Varying per jurisdiction, regulations are shaped by both hard and soft (customary) law.³¹ This multivocality is evident in the two leading international instruments on cultural property restitution—the 1970 UNESCO Convention and the 1995 UNIDROIT Convention—which have set frameworks of differing scope and enforceability.

2.1 UNESCO Convention

Adopted against a backdrop of rising illicit art trafficking, the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (‘UNESCO Convention’ or ‘1970 Convention’ hereinafter) establishes minimum obligations for states to prevent and combat the illegal trade in cultural property.³² As a public law instrument, it applies to state-to-state relations without granting rights to private parties, including the ability for private parties to sue other states or private citizens based on its provisions.³³ As outlined in Articles 2(1) and 2(2), the 1970 Convention recognises the direct causal link between the “illicit import, export, and transfer of ownership of cultural property” and the “impoverishment of the cultural heritage of countries.”³⁴ In light of this, it calls on states to use the means at their disposal—“consistent with national legislation”—to adopt measures aimed at eliminating the causes of illicit trade, preventing future practices, and providing necessary reparations.³⁵

The theme of cooperation is woven throughout the Convention; Article 2(1) affirms that “international co-operation constitutes one of the most efficient means of protecting each country’s cultural property,” and Article 9 calls for “concerted international effort” to establish import and export controls.³⁶ Despite this cooperative spirit, the Convention has been criticised for lacking robust enforcement, relying mainly on voluntary state action, and for definitional limitations that hinder its efficacy.³⁷ For instance, the term ‘cultural property’ displays a deliberate compromise: an open-ended formulation (“...being of importance for archaeology, prehistory, history, literature, art or

30 Association of Art Museum Directors, *Report of the Subcommittee on Acquisition of Archaeological Materials and Ancient Art* (June 4, 2008), <https://bit.ly/47Wc8vp>.

31 Giulia Picci, *The Customary Rule on Restitution* (Berkeley: Berkeley Law, 2025), https://www.law.berkeley.edu/wp-content/uploads/2025/05/customary-rule-on-restitution_g.picci_.pdf.

32 UNESCO, “1970 Convention: Background and Adoption.”

33 Stamatoudi, *Cultural Property Law and Restitution*, 33.

34 UNESCO, *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (Paris, November 14, 1970), <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>.

35 UNESCO, *Convention on Cultural Property*, 1970.

36 UNESCO, *Convention on Cultural Property*, 1970.

37 Stamatoudi, *Cultural Property Law and Restitution*, 31–33.

science...”) paired with a restrictive enumerative list (“...which belongs to the following categories...”).³⁸ This scaffolding affords States considerable discretion in determining what qualifies as cultural property. As further illustrated by Article 7(b)(i), while states must prohibit the import of stolen cultural property, this duty applies only to objects “stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention.” Therefore, the clause is only binding when both parties have ratified the Convention, and it excludes protections for clandestinely excavated objects, which by inference cannot have been inventoried.³⁹ Alongside categorical limitations, another persistent drawback is the absence of retroactivity; the treaty does not apply to illicit transfers prior to its adoption in 1970. During its drafting, proposals for a retroactivity clause—by newly formed states that sought restitution of colonial-era losses—were rejected.⁴⁰

To address these gaps, UNESCO established in 1978 the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* (‘ICPRCP’), a mediatory body designed to encourage negotiation and voluntary returns outside strictly legal channels.⁴¹ As envisaged, the ICPRCP remedies UNESCO’s shortcomings, serving as a forum for diplomacy.

2.2 UNIDROIT Convention

Supplementing the interstate focus of the 1970 Convention, the 1995 UNIDROIT *Convention on Stolen or Illegally Exported Cultural Objects* (‘UNIDROIT Convention’) introduces private law remedies by enabling individuals and institutions to bring claims in domestic courts.⁴² It harmonises different national rules governing theft-related, illegal, and clandestinely excavated acquisitions.⁴³ However, it requires that claims be “of an international character,” a qualification that has occasionally led to indeterminacy.⁴⁴ Unlike UNESCO, the UNIDROIT Convention does not allow States Parties to define their own cultural heritage; this marks a setback in some ways, since its goal is to keep cultural property within the countries of origin.⁴⁵ Nevertheless, the Convention’s scope broadens UNESCO’s limited application to inventoried objects and further, in Article 3(1), unequivocally provides that “the possessor of a cultural object which has been stolen shall return it.”⁴⁶ This clause marks a significant departure from civil law systems, as well as English Law, which traditionally favour the good-faith (*bona fide*) purchaser over the dispossessed owner. At the same time, the Convention permits just compensation for *bona fide* purchases, underscoring an attempt to

38 As defined in Article 1: “the term ‘cultural property’... is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science... and which belongs to the following categories...” See UNESCO, *Convention on Cultural Property*, 1970.

39 Stamatoudi, *Cultural Property Law and Restitution*, 37–38.

40 Ana Filipa Vrdoljak, Andrzej Jakubowski, and Alessandro Chechi, eds., *International Law, Museums and the Return of Cultural Objects* (Oxford: Oxford University Press, 2023), <https://academic.oup.com/oxford-law-pro/book/57309>.

41 Andrzej Jakubowski, “Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation (ICPRCP),” in *International Law, Museums and the Return of Cultural Objects*, ed. Ana Filipa Vrdoljak, Andrzej Jakubowski, and Alessandro Chechi (Oxford: Oxford University Press, 2024), 450–73, <https://doi.org/10.1093/law/9780192846884.003.0029>.

42 Stamatoudi, *Cultural Property Law and Restitution*, 66–69.

43 Stamatoudi, *Cultural Property Law and Restitution*, 68.

44 Stamatoudi, *Cultural Property Law and Restitution*, 69–72.

45 Stamatoudi, *Cultural Property Law and Restitution*, 73–75.

46 UNIDROIT, *Convention on Stolen or Illegally Exported Cultural Objects* (Rome, June 24, 1995), <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

reconcile restitution with the interests of the market.

Ultimately, UNIDROIT’s effectiveness hinges on widespread ratification; in states like the United Kingdom, which refuse to adopt it, restitution claims within its jurisdiction are left to domestic law rather than more expansive international treaties.⁴⁷ Therefore, successful restitution outcomes may occur more often on a voluntary rather than a binding basis.⁴⁸ For this reason, Customary International Law (CIL) has been cited as a hopeful avenue for the development of international frameworks effectively tailored to wrongfully removed cultural property. As Giulia Picci explains in *A Changing Landscape in the Return of Cultural Property*:

CIL evolves through a consistent state practice concerning a particular issue, accompanied by a sense of legal obligation (*opinio juris*). More specifically, rather than being driven solely by political convenience or diplomatic courtesy, states’ actions should be motivated by a belief that they are complying with the law or, at least, the beginning of a new law...⁴⁹

According to Picci, evolving state practice in favour of restitution alongside gradual *opinio juris*—the belief that such conduct is or could soon become legally obligatory—may crystallise into rules of customary international law. While non-state actors—public advocacy groups, private collectors, museums, and art houses—can greatly influence this process, states’ conduct cannot be “driven solely by political convenience or diplomatic courtesy.”⁵⁰ The lack of unanimity on legal procedures amongst states, particularly market jurisdictions, slows the consolidation of customary international law. These statutory bottlenecks lead to a reliance on extrajudicial arrangements, using political negotiation and diplomatic practice rather than legal mechanisms to resolve restitution disputes.⁵¹

UK Regulatory Overview

In the absence of a global legal framework, such as those provided by UNESCO, UNIDROIT, or CIL, domestic laws in the UK remain the recognised seat of legal authority in restitution disputes.⁵² The due process is riddled with challenges: jurisdictional disharmony between the law of the state where the object is located (*lex rei sitae*) and that of the state from which it was removed (*lex originis*); the *principle of inalienability of the public domain* prohibiting institutions from deaccessioning objects belonging to national collections; and statute of limitations restricting the temporal admissibility of a case regardless of merits.⁵³ This section explores these challenges in conjunction with UK-specific statutory barriers.

47 Charlotte Woodhead, “Cultural Heritage Law and Other Domestic Norms,” in *Caring for Cultural Heritage*, ed. Charlotte Woodhead (London: Routledge, 2022), 135–54, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003149392-8/cultural-heritage-law-domestic-norms-charlotte-woodhead>.

48 Picci, *The Customary Rule on Restitution*, 5.

49 Picci, *The Customary Rule on Restitution*, 5.

50 Picci, *The Customary Rule on Restitution*, 5.

51 Picci, *The Customary Rule on Restitution*, 6–8.

52 Woodhead, “Cultural Heritage Law and Other Domestic Norms,” 2022.

53 Picci, *The Customary Rule on Restitution*, 3–4.

3.1 Export Licensing System

Embodying a preservationist ethos, the export control regime in the United Kingdom protects objects deemed too nationally important to leave the nation. Objects are assessed against a three-pronged “Waverley Criteria”—importance to scholarship, connection to history and national life, and outstanding aesthetic significance—by an independent advisory committee called the *Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest* (RCEWA).⁵⁴ If deemed a ‘national treasure,’ an object’s export license is deferred, creating a temporary export ban that allows public institutions in the UK to raise funds to purchase the item. Contrasting the restitution-oriented view on belonging, this system is designed to keep objects within the UK by privileging the protection of national heritage over recognising external claims.⁵⁵ This ethos has, at times, collided with the moral imperatives of provenance research; the act of designating a contested object as a ‘national treasure’ risks “tarnishing the entire category” itself.⁵⁶ For example, the 2017 ‘Pulcinell’ Meissen Figure Case was an artefact sold under forced Nazi-era conditions.⁵⁷ It was nonetheless recommended for deferral as a designated national treasure, directly contradicting the government’s stance on redressing Nazi-era dispossessions through the Spoliation Advisory Panel.

3.2 Statutes Governing Museums

The protectionist mindset of UK cultural property law is clearly embodied in institutional governing statutes, notably the *British Museum Act 1963*, *National Heritage Act 1983*, and *Museums and Galleries Act 1992*. These statutes prevent UK national museums from deaccessioning objects in their collections. The *British Museum Act* explicitly charges its trustees with keeping objects within the collection.⁵⁸ Section 4, “Lending of Objects,” permits the loaning of objects for “public exhibition, whether in the UK or elsewhere,” providing the legal basis for circulation but not for permanent return.⁵⁹ Section 5, “Disposal,” carves out the limited exceptions to this rule: objects can only be permanently disposed of when they are duplicates, post-1850 and substantially consisting of printed matter, or physically unfit to be retained.⁶⁰

The High Court in *Attorney General v. Trustees of the British Museum (2005)* confirmed that these dispositive categories must be read strictly. Central to *AG v British Museum* was determining whether Trustees could return Old Masters drawings looted from a Jewish family in Nazi Germany.⁶¹ While the Trustees endorsed the restitution claim on ethical grounds, the High Court held that restitution was

54 Charlotte Woodhead, “Tarnished Treasures: Provenance and the UK’s Waverley Criteria,” *Santander Art and Culture Law Review*, December 30, 2019, <https://ejournals.eu/en/journal/saacrl/article/tarnished-treasures-provenance-and-the-uks-waverley-criteria>.

55 Wilson Frances, “UK Export Controls and National Treasures,” *Santander Art and Culture Law Review*, December 30, 2019, <https://ejournals.eu/en/journal/saacrl/article/uk-export-controls-and-national-treasures>.

56 Woodhead, “Tarnished Treasures,” 131.

57 Woodhead, “Tarnished Treasures,” 110–112.

58 Mark Brown, “UK Heritage Minister Says Government Has No Plans to Amend Law That Prevents Museums from Disposing of Objects,” *The Art Newspaper*, October 15, 2022, <http://bit.ly/4p4YFaM>.

59 United Kingdom, *British Museum Act 1963*, c. 24, §4 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/1963/24/section/4>.

60 United Kingdom, *British Museum Act 1963*, c. 24, §5 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/1963/24/section/5>.

61 *His Majesty’s Attorney General v. Trustees of the British Museum*, [2023] High Court of Justice, King’s Bench Division.

not justifiable under the statutory exceptions.⁶² This judgement expanded the ruling in *Re Snowden [1970] Ch. 700*, dealing with charity trustees, which established that legally unauthorised decisions cannot appeal to morality alone.⁶³ Considered jointly, courts adjudicating compelling ethical claims are unable to override Parliament’s mandate. Instead, restitution laws must be changed through legislative reform, as was observed in the *Holocaust (Return of Cultural Objects) Act 2009*. Enacted to further the work of the Spoliation Advisory Panel—a non-binding advisory body for Nazi-era restitution claims—this Act grants legal basis for national museums to return Nazi-looted objects, thereby aligning the Panel’s moral authority with statute.⁶⁴

Finally, the *National Heritage Act 1983* extends comparable restrictions to other national institutions, including the Victoria and Albert Museum, the Science Museum, and the Armouries.⁶⁵ The *Museums and Galleries Act 1992* harmonises these constraints across institutions such as Tate, the National Gallery, and the Wallace Collection.⁶⁶ All share the same restrictive logic; these provisions prohibit deaccession and aim to preserve the integrity of collections on the nation’s behalf. They formalise institutional governance under boards of trustees, allow objects to circulate on loan, and legally foreclose permanent transference.⁶⁷

3.3 Additional Statutory Barriers

The *Limitation Act 1980* imposes temporal restraints which private restitution claims brought to court must follow. In private law, the *Limitation Act* sets a six-year limitation period for torts—“An action founded on tort shall not be brought after the expiration of six years from the date on which the cause of action accrued.”⁶⁸ These expiration deadlines serve as another deterrent, pushing claimants away from litigation towards diplomatic or *ex gratia* routes instead.

A procedural practice that is not precisely defined in the law, *ex gratia* refers to transfers made when trustees sense a moral obligation but lack the legal power to accede.⁶⁹ *Ex gratia* transfers require authorisation from either the Charity Commission or the court, via the Attorney General.⁷⁰ This mechanism is available only to registered charities, whereas national museums—classified as ‘exempt charities’—are overseen by a different principal regulator.⁷¹ The British Museum is an exempt charity under Schedule 3 of the *Charities Act 2011*; its principal regulator is the Department for Digital, Culture, Media & Sport (DCMS), which also acts as a sponsoring body, directly tying the museum to the state.⁷² Importantly, no *ex gratia* authority can override a governing statute: the *British Museum*

62 *Attorney General v. Trustees of the British Museum*, [2023].

63 Michael Furness KC, “Re Snowden and the Charities Act 2022,” *Private Client eBriefing*, Wilberforce Chambers, November 2022, <http://bitly/471gBIF>.

64 UK Government, “UK Government Renews Its Commitment to Return Nazi-Looted Art to Rightful Owners,” *GOV.UK*, September 12, 2023, <http://bitly/41yvsev>.

65 UK, *National Heritage Act 1983*, c. 47 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/1983/47>.

66 UK, *Museums and Galleries Act 1992*, c. 44 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/1992/44>.

67 UK, *National Heritage Act 1983*, §1.

68 UK, *Limitation Act 1980*, c. 58, §2 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/1980/58/section/2>.

69 Charity Commission for England and Wales, *Ex Gratia Payments by Charities (CC7)* (London: Charity Commission, 2013), <https://www.gov.uk/government/publications/ex-gratia-payments-by-charities-cc7>.

70 Charity Commission, *Ex Gratia Payments (CC7)*, 2013.

71 Charity Commission, *Ex Gratia Payments (CC7)*, 2013.

72 British Museum, “Governance: Legal Status,” *About Us*, accessed 2025, <https://www.britishmuseum.org/about-us/governance>.

Act 1963 voids *ex gratia* pathways otherwise channelled through the DCMS.⁷³ Although the *Charities Act 2022* recently modified the law regarding small *ex gratia* transfers—namely, eliminating the requirement for Commission approval—national museums and galleries were expressly excluded from its effect.⁷⁴

Other reforms have offered little benefit to title dispute claimants, which elucidates the reason why Parliament had to legislate around limitations in the case of the *Holocaust (Return of Cultural Objects) Act 2009* to bring Nazi-looted claims to justice. For high-profile heritage disputes directly involving national collections, the primary constraint remains statutory prohibitions—limitation periods and oversight from regulatory commissions further bar restitution.

3.4 Ratification of UNESCO & REUL

The UK formally adopted the 1970 UNESCO Convention in 2002, interpreting “cultural property” to be confined to the categories listed in the following European Union export and return law:⁷⁵ Council Regulation (EEC) No. 3911/1992 on the export of cultural goods and Council Directive 93/7/EEC on the return of unlawfully removed cultural objects.^{76 77} Through this ratification, the UK applied the laws of the European Union rather than the UNESCO Convention directly. For example, restitution claims under Article 7(b)(ii) were subject to the UK’s own limitation rules, demonstrating that the UK filtered its UNESCO obligations through domestic law and current EU regimes.⁷⁸

As a member of the EU, the UK implemented EU supranational measures, which were revised as they were modernised: Regulation (EC) No. 116/2009 superseded Regulation 3911/92 in governing export licensing, and Directive 93/7/EEC was recast as Directive 2014/60/EU to regulate the return of unlawfully removed objects.⁷⁹ Brexit upended this arrangement in 2020, and the subsequent *Retained EU Law (Revocation and Reform) Act 2023* was adopted to keep only selected EU provisions in British law.⁸⁰ This took Great Britain outside the EU’s return regime, though Northern Ireland still applies aspects of it under the Northern Ireland Protocol. As a result, the legal landscape remains fragmented, wherein the UK is bound under the UNESCO Convention but does not possess the supranational mechanisms which—prior to Brexit—concretised commitment into practice. In this way, UK restitution law has become more isolated from international law.

73 Withers Worldwide, “National Museums and the Ex Gratia Regime: UK Charities Update,” November 15, 2022, <http://bit.ly/3VsMirx>.

74 United Kingdom, *Charities Act 2022*, c. 6, §15 (London: The Stationery Office), <https://www.legislation.gov.uk/ukpga/2022/6/section/15>.

75 United Kingdom of Great Britain and Northern Ireland, *Acceptance of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)* (Paris: UNESCO, 2002), <https://unesdoc.unesco.org/ark:/48223/pf0000152764>.

76 Council of the European Communities, *Council Regulation (EEC) No. 3911/92 of 9 December 1992 on the Export of Cultural Goods*, OJ L 395, December 31, 1992, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31992R3911>.

77 Council of the European Communities, *Council Directive 93/7/EEC of 15 March 1993 on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State*, OJ L 74, March 27, 1993, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31993L0007>.

78 UK, *Acceptance of the 1970 Convention*, 2002.

79 Anna Puskás, “Trade Control and Protection of Cultural Goods in the European Union: An Evolving Approach?” *Journal of Strategic Trade Control* 2 (May 2024), <https://doi.org/10.25518/2952-7597.104>.

80 Mishcon de Reya, “REULA: The Decoupling of UK and EU Laws from 1 January 2024,” September 5, 2023, <https://www.mishcon.com/news/reula-the-decoupling-of-uk-and-eu-laws-from-1-january-2024>.

Parthenon Marbles



(Figure 1) The Parthenon Marbles on display in the British Museum; fragments of sculpted figures are arranged along plinths for public viewing.

Source: Author, fieldwork photograph, British Museum.

4.1 History & Litigation

Between 1801 and 1803, British diplomat Lord Elgin removed several sculptures from the Parthenon, among other Acropolis monuments, and shipped them to England.⁸¹ He justified the removals on the basis of a firman issued by the Ottoman authorities, who at the time ruled Athens; however, the original document has since been lost, and only an Italian translation survives.⁸² Furthermore, pundits contest the validity of this authorisation, arguing that it conferred no legal authority to remove the sculptures and that Lord Elgin exceeded the scope of permission—if any—that was granted.⁸³ In 1816, the collection of marble statues and friezes was sold to the British Parliament.⁸⁴

81 Eric Bullard, "Elgin Marbles," *Research Starters: Anthropology* (Ipswich, MA: EBSCO Information Services, 2024), <https://www.ebsco.com/research-starters/anthropology/elgin-marbles>.

82 Katerina Ampela, "The Parthenon Marbles and Greek Cultural Heritage Law," *Cultural Heritage and Arts Review*, January 6, 2022, <https://www.culturalheritagelaw.org/The-Parthenon-Marbles-and-Greek-Cultural-Heritage-Law>.

83 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

84 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

They entered the collection of the British Museum, soon becoming the centrepiece of a dispute now nearly 210 years old. This dispute is rooted in Greece's demand for their return and has evolved to symbolise enduring tensions between national heritage claims and institutional sovereignty.

Legal avenues for restitution are blocked by the non-retroactivity of international legal instruments, including the 1970 UNESCO Convention. Though the ICPRCP offers a mediation channel, the committee's recommendations have only shaped the terms of engagement diplomatically.⁸⁵ In the Parthenon case, which predates the Convention, these efforts have limited legal effect. Other international conventions, such as the 1995 UNIDROIT Convention and the 1954 Hague Convention, face the same retroactivity bottleneck.⁸⁶ Though expansive on paper, these protections are not legally enforceable for the removals carried out by Lord Elgin.

Recognising such limitations, Greece has previously explored human-rights litigation. It sought the advice of human rights lawyer Amal Clooney in 2015.⁸⁷ Then, the most promising avenue appeared to be an application before the European Court of Human Rights (ECHR). This filing was primarily intended to generate diplomatic leverage and prompt the UK into arbitration or mediation, rather than to secure a definitive ruling. Now that the Brexit settlement has complicated the legal environment, UK courts are no longer bound by the Court of Justice of the European Union (CJEU).⁸⁸ Although Britain is still a party to the ECHR, its courts are no longer obliged to follow CJEU judgments; arbitration has thus become more a matter of political will than legal compulsion. If litigation were pursued, the most likely forum would be the English courts.⁸⁹ Nonetheless, the Marbles cannot be legally returned due to the British Museum's status as a statutory corporation. In the case where legislation were to be enacted, doing so may raise conflicts with Article 1 of the First Protocol to the ECHR, which protects property rights unless expropriation is demonstrably in the public interest and accompanied by compensation.⁹⁰ For the UK government, compensation presents another political and financial cost.

Beneath these procedural barriers lies the more fundamental question of title. The common law principle of *nemo plus juris ad alium transferre potest quam ipse habet*—no one can transfer better rights than they themselves hold—casts doubt over the validity of Britain's claim.⁹¹ The evidentiary weakness of the original Ottoman firman is noteworthy. It has not only been lost, but per Ottoman convention, a true firman bore the Sultan's seal and specific formulaic expressions—none of these appeared in the document Lord Elgin relied on.⁹² Accordingly, scholars widely regard the supposed firman as a letter with no legal effect, meaning the Crown's title is correspondingly flawed by principle.

85 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

86 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

87 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

88 House of Commons Library, *Brexit Next Steps: The Court of Justice of the EU and the UK* (London: House of Commons Library, 2020)

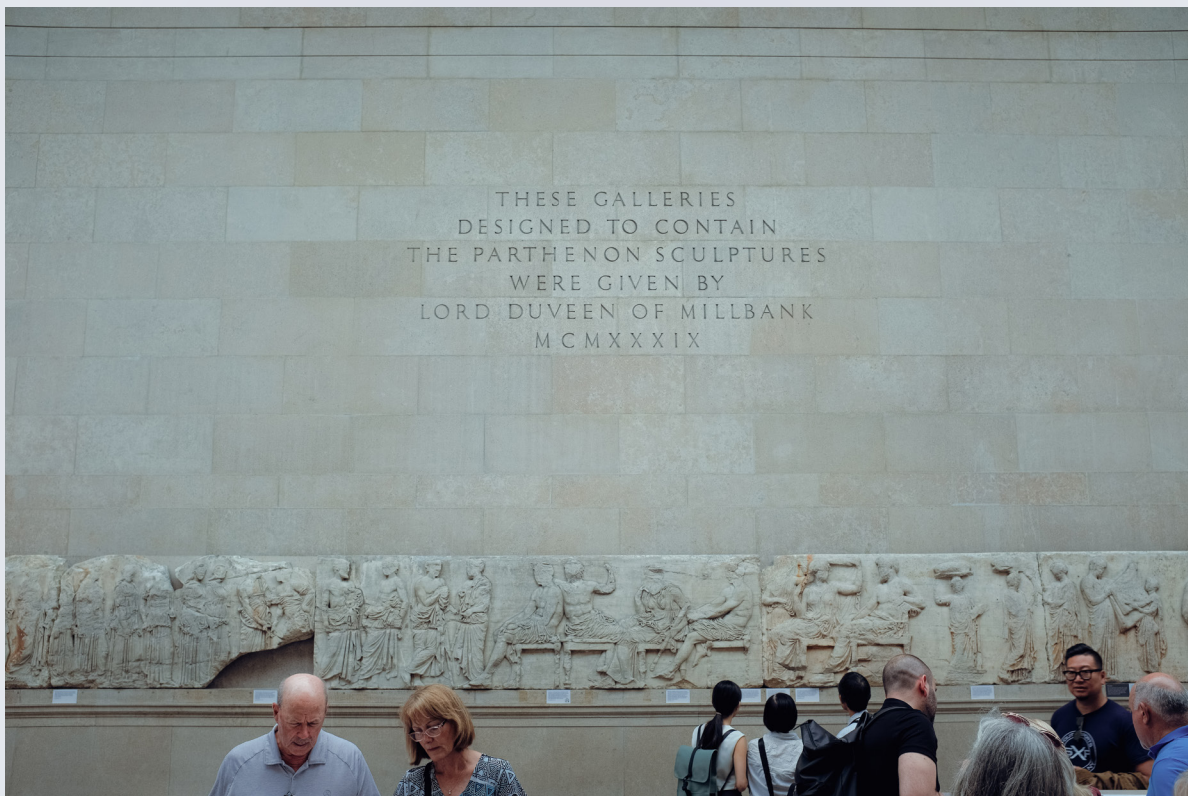
89 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

90 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

91 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

92 Ampela, "Parthenon Marbles and Greek Cultural Heritage Law," 2022.

The Parthenon dispute has oscillated between successive calls for cultural justice and the quiet evasion of institutional diversion. British administrations have long held that the case falls under the purview of the Museum's Trustees, citing their sovereignty as an institution.⁹³ Conversely, Greece sees the Parthenon dispute as an intergovernmental issue and believes interstate cultural diplomacy to be a settlement pathway.⁹⁴ This disjuncture highlights a paradox; negotiations are left suspended between political theatre and institutional deflection, with the two interlocutors on the British front that defer to one another. In the meantime, recent developments have signified a shift in attitudes elsewhere. The Vatican's 2023 decision to return three Parthenon fragments to Greece was explicitly made as a gesture of inter-church cooperation and friendship.⁹⁵ This outcome has amplified calls for reunification while implicitly raising questions about Britain's retention.⁹⁶



(Figure 2) Inscription on the gallery wall acknowledging Lord Duveen's patronage.

Source: Author, fieldwork photograph, British Museum.

93 House of Lords Library, *Elgin Marbles: UK Government Assessment of Loaning the Sculptures to Greece* (London: House of Lords Library, February 10, 2022), <https://lordslibrary.parliament.uk/elgin-marbles-uk-government-assessment-of-loaning-the-sculptures-to-greece>.

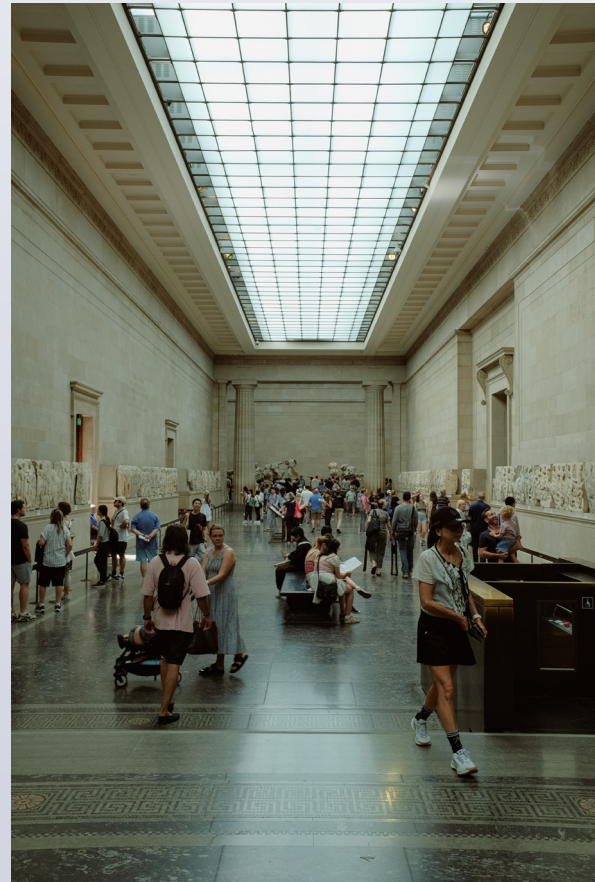
94 House of Lords Library, *Elgin Marbles: UK Government Assessment, 2022*.

95 Nicole Winfield and Derek Gatopoulos, "Vatican 'Donating' Its Own 3 Parthenon Sculptures to Greece," *AP News*, March 7, 2023, <https://bit.ly/4mJYq1>.

96 Smith, Helena. "Pope Francis returns three fragments of Parthenon to Greece," *The Guardian*, March 25, 2023. <https://www.theguardian.com/artanddesign/2023/mar/24/pope-francis-returns-three-fragments-of-parthenon-to-greece>.



(Figure 3) Entrance to the Parthenon Galleries, a distinct space within the western wing separated from the rest of the Ancient Greece and Rome collections.



(Figure 4) Interior view of Room 18, designed in the 1930s to mirror the scale and atmosphere of the Parthenon temple in Athens.

Source: Author, fieldwork photographs, British Museum.

4.2 Museum Ethnography: British Museum

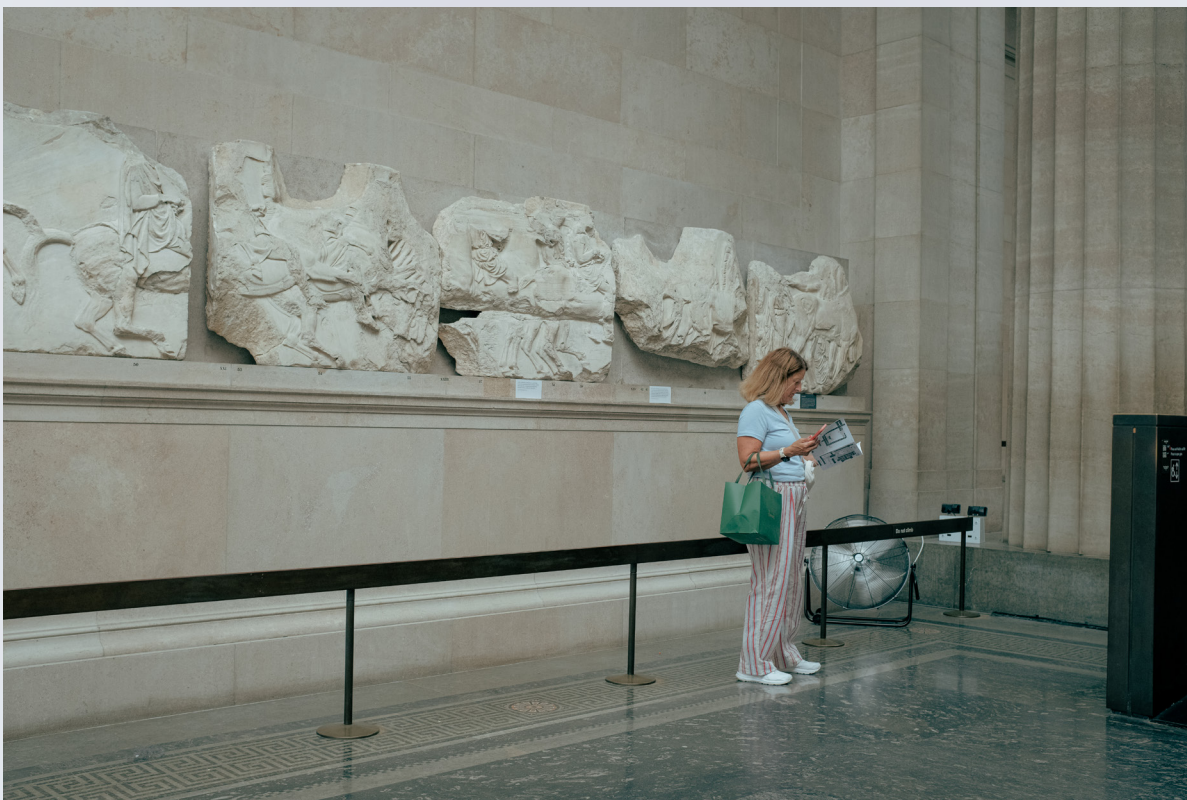
The Parthenon Marbles are today housed in the British Museum's western wing, within one of its busiest corridors, where they are viewed by millions of visitors each year.⁹⁷ The architecture of the Parthenon Gallery ("Room 18" or the "Duveen Gallery") itself forms part of the British Museum's argument. The gallery was designed in the 1930s with the patronage of Lord Duveen and constructed to echo the dimensions and atmosphere of the Parthenon temple in Athens.⁹⁸ As described by the museum on its gallery webpage:

97 Rebecca Mead, "The British Museum's Blockbuster Scandals," *The New Yorker*, May 6, 2024, <https://www.newyorker.com/magazine/2024/05/13/the-british-museums-blockbuster-scandals>.

98 British Museum, *The Parthenon Sculptures: Trustees' Statement* (London: British Museum, 2023), <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures/parthenon>.

The Parthenon was built as a temple dedicated to the goddess Athena... the temple's great size and lavish use of white marble [were] intended to show off the city's power and wealth at the height of its empire. Room 18 exhibits sculptures that once decorated the outside of the building.⁹⁹

As observed during fieldwork, the museum re-stages the frieze in an elongated space with natural lighting, inviting a mode of viewing that was not available during antiquity. On the Parthenon, the frieze would have been well above eye-level and partially obscured.¹⁰⁰ This architectural mimicry and the accompanying distinction serve as discursive strategies: the British Museum constructs itself as an iteration of the original Athenian temple, transposed onto a modern site of civic knowledge and access, and frames itself as a custodian of visibility.



(Figure 5) Fragments of the Parthenon frieze displayed at eye-level in the British Museum's Duveen Gallery, contrasting their original placement high above ground on the temple.

Source: Author; fieldwork photograph, British Museum.

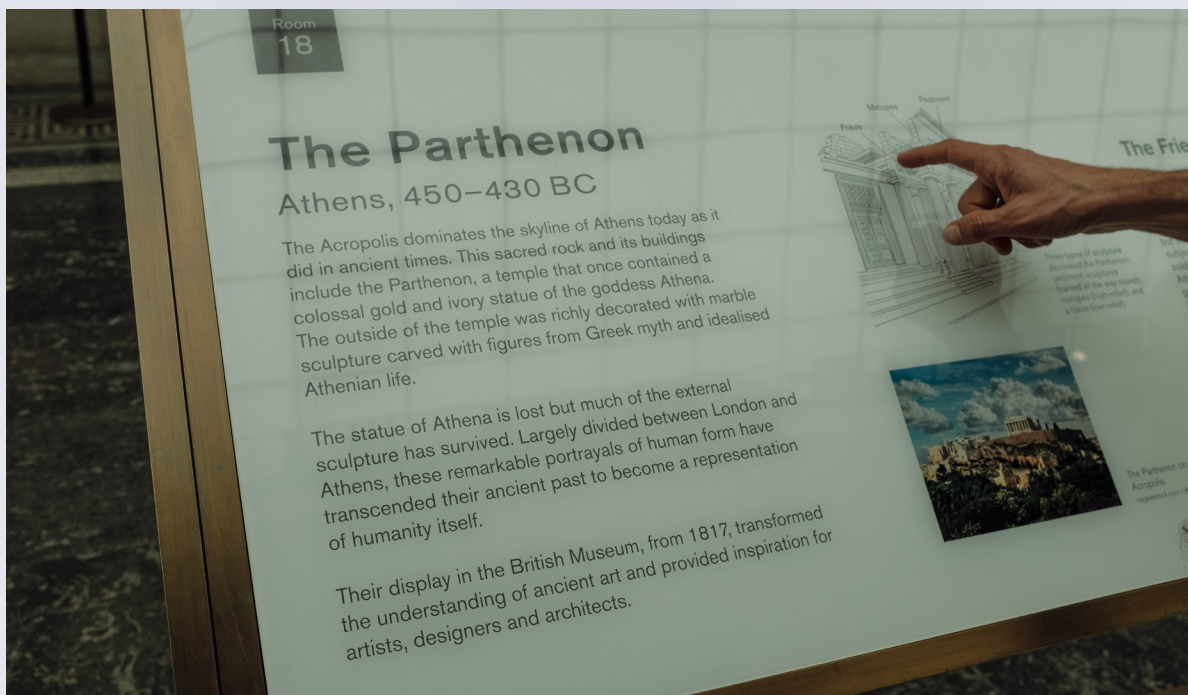
99 British Museum, *Greece: Parthenon Gallery* (London: British Museum, 2023), <https://www.britishmuseum.org/collection/galleries/greece-parthenon>.

100 Clemente Marconi, "The Parthenon Frieze: Degrees of Visibility," *Res: Anthropology and Aesthetics* 55/56 (2009): 156–73, https://www.academia.edu/4945811/2009_The_Parthenon_Frieze_Degrees_of_Visibility_.

This architectural claim dovetails with rhetorical strategies found across the museum’s literature, particularly evident in a ‘FAQ’ pamphlet, museum guidebook, and its online presence, all curated to complement the Parthenon Gallery visit. One strategy is *complementarity*, suggesting that the London and Athens displays are mutually reinforcing rather than competitive. As the pamphlet describes:

The British Museum’s position is that the displays in London and Athens are complementary... The Acropolis Museum provides an in-depth view of the ancient history of its city, [while] the British Museum offers a sense of the wider cultural context and sustained interaction with the neighbouring civilisations.¹⁰¹

The museum guidebook—part map, part itemised encyclopedia—supports this narrative by folding the Parthenon sculptures into a joint “Ancient Greece and Rome” chapter, stressing their cultural contact.¹⁰² By placing Greece alongside Rome, the guidebook makes tangible the British Museum’s claim that it showcases neighbouring civilisations in dialogue rather than in isolation.



(Figure 6) Museum label in the gallery, presenting the sculptures as having “transcended their ancient past...[becoming]a representation of humanity itself.” This expresses the British Museum’s encyclopedic framing and its broader alignment with cultural internationalism and cosmopolitan ideals.

Source: Author, fieldwork photograph, British Museum.

101 Trustees of the British Museum, *The Parthenon Sculptures* (pamphlet, London: British Museum, 2024), copy collected by the author during fieldwork at the British Museum, London.

102 British Museum, “Ancient Greece and Rome,” in *The British Museum Guide: English Guide (Includes Map)* (London: British Museum, 2023 [first published 2016]), 36–62, physical copy collected by the author during fieldwork at the British Museum.

Closely tied is the appeal to *contextuality*, expressed online as the British Museum’s commitment to be “a world museum... [whose] strength... is its breadth and depth which allows millions of visitors an understanding of the cultures of the world and how they interconnect.”¹⁰³ The Marbles are recast as a “vital element in this interconnected world collection, particularly in the way in which they convey the influences between Egyptian, Persian, Greek and Roman cultures.”¹⁰⁴ This interconnected rhetoric echoes cultural internationalism, signalling that the sculptures transcend boundaries and belong not to one nation but to a global heritage. The British Museum further reinforces this ethos by spotlighting exhibitions that bridge distant cultures. For example, a signage from its “Mumbai + London: New Perspectives on the Ancient World” exhibit advertises the display of “three sculptures from cultures rarely seen side by side... as part of a groundbreaking project.”¹⁰⁵ Jointly, these works are referred to online as “the British Museum sculptures,” a curatorial shorthand that normalises their present-day ownership status. In tandem, a paragraph highlights that these sculptures have been “brought together from ancient Egypt, the Mediterranean, and India,” reading as if each culture had consented prior to the movement.¹⁰⁶ The suggestive power of language is demonstrated in these lines; the question of provenance is skirted over and the distinction between collaborative and contested retentions becomes blurred. The museum repackages controversy into uniquely ‘bridging’ exhibitions to attract and promulgate its mission.



(Figure 7) Entrance signage for the ‘Mumbai + London: New Perspectives on the Ancient World’ exhibition, an example of the British Museum’s cultural bridging strategy that reframes contested holdings within narratives of global connectivity.

Source: Author, fieldwork photograph, British Museum.

103 British Museum, *The Parthenon Sculptures* (London: British Museum, 2023), <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures>.

104 British Museum, *The Parthenon Sculptures*, 2023.

105 British Museum, *Mumbai + London: New Perspectives on the Ancient World* (London: British Museum, 2024), <https://www.britishmuseum.org/exhibitions/mumbai-london-new-perspectives-ancient-world>.

106 British Museum, *Mumbai + London*, 2024.



(Figure 8) Close-up of a Parthenon sculpture in the Duveen Gallery—once subject to the British Museum's over-cleaning controversy of the 1930s, a reminder of how conservation practices themselves have been sites of dispute.

Source: Author, fieldwork photograph, British Museum.

The British Museum then invokes its conservation record as a kind of *moral high ground*. In addressing the 1930s over-cleaning scandal—when conservators used a damaging scraping method to make the Parthenon sculptures appear whiter and more “perfect”—the pamphlet stresses that the museum later organised “an international conference, *Cleaning and Controversy*, to investigate and discuss the matter fully. It then published all the relevant evidence.”¹⁰⁷ This corrective history is presented as evidence of transparency and accountability, reinforcing the optics of the British Museum as a responsible caretaker. Adding further, the pamphlet compares this incident with the “Greek conservators [who] used the same method to ‘clean’... the Temple of Hephaistos.”¹⁰⁸ Along these lines, the British Museum appears to deflect accountability through blame-shifting, with more acknowledgment of its post-hoc damage control than the mistake itself.

Building on this realist angle, the ‘FAQ’ leaflet seizes on the reality of *political and physical fragmentation*, temporally distancing the museum from responsibility over the fate of the Marbles. It says that “by 1800 the Parthenon was already a ruin, with only around half of the sculptures remaining.”¹⁰⁹ This recall frames reunification as an unattainable ideal, since “around half of the sculptures... had [already] been destroyed over many centuries.”¹¹⁰ Finally, the *temple of knowledge* strategy is recurring within the museum’s informational ecosystem. An example of this knowledge-first rhetoric is found online: “video displays using computer graphics explain how the sculptures were placed on the building.”¹¹¹ In repeatedly noting its pedagogical infrastructure, the British Museum embeds the claim that it—not Athens—provides the tools to understand the frieze, underscoring how pedagogy is folded into the ownership claim.

107 Trustees of the British Museum, *The Parthenon Sculptures*, fieldwork copy, 2024.

108 Trustees of the British Museum, *The Parthenon Sculptures*, fieldwork copy, 2024.

109 Trustees of the British Museum, *The Parthenon Sculptures*, fieldwork copy, 2024.

110 Trustees of the British Museum, *The Parthenon Sculptures*, fieldwork copy, 2024.

111 British Museum, Greece: *Parthenon Gallery*, 2023.



(Figure 9) Model of the Acropolis on display in the Parthenon Galleries, a pedagogical tool used to reconstruct the temple's original form. This physical rendering showcases a symbol central to Greek nation–building within a British exhibit, in a way that naturalises its own custodianship.

Source: Author; fieldwork photograph, British Museum.

4.3 Digital Content

Online content functions as another layer of the British Museum's rhetorical positioning. The 'Status of discussions' section reassures readers that "the Museum has called for a new Parthenon partnership with colleagues in Greece and constructive discussions are on-going."¹¹² The British Museum suggests that this institutional dialogue—professional exchanges, loans, and staff placements—constitutes normal institutional practice, juxtaposing restitution as an unnecessary disruption. The policy section insists that "the Museum takes its commitment to be a world museum seriously..." And a section titled "Where else can they be seen?" showcases dispersion:

Today all surviving examples of decoration from the Parthenon are found in museums; there are fragments in Paris, Copenhagen, Munich, Vienna and Würzburg.¹¹³

In the museum's view, dispersion is not a loss but rather an enrichment, in line with the cultural internationalist view that favours global heritage and centres museums as its key interlocutors. The webpage features a "further reading" section, including books that are sold in the Bookshop, an act of commodification that relocates this debate within the museum's own commercial ecosystem.¹¹⁴

112 British Museum, *The Parthenon Sculptures*, 2023.

113 British Museum, *The Parthenon Sculptures*, 2023.

114 British Museum, *The Parthenon Sculptures*, 2023.

By contrast, the ‘Trustees’ Statement’ adopts a markedly firmer tone. Ingrained is the claim that “the Parthenon sculptures... are a part of the world’s shared heritage and transcend political boundaries,” with there being “a positive advantage and public benefit in having the sculptures divided between two great museums.”¹¹⁵ The accompanying ‘Common Misconceptions’ section reads even sharper, with responses that repeatedly insist “This isn’t true,” “This isn’t so,” or “This isn’t possible.”¹¹⁶ Most notably, these deflections are strewn with legal language: “Lord Elgin... acted with the full knowledge and permission of the legal authorities of the day” and “Elgin’s activities were thoroughly investigated by a Parliamentary Select Committee in 1816 and found to be entirely legal.”¹¹⁷ These quips engage in a form of strawmanning that elevates disputable historical claims to the same level of material fact. In dismissing the pertinence of UNESCO mediation, the statement turns to the institution’s legal status, arguing that “the British Museum isn’t a government body... [which] is why we believe that UNESCO involvement isn’t the best way forward.”¹¹⁸ Throughout, the rhetorical shift at play leans on a legal defence, contrasting with other discursive materials that primarily appeal to cultural diplomacy.

The contrast between the British Museum’s institutional voice and the Trustees’ defensive posture reveals a division of labour that traces the boundaries between morality and law. The institutional playbook reigns in universal arguments, cultural internationalism, provenance claims, and statutory appeals to preserve the status quo. The institution’s narrative-building disarms moral critique; meanwhile, the Trustees’ law-focused repudiation assures a sense of legalistic validity—both reinforce the current impasse.

4.4 Legal & Political Settlement Pathways

Recent polling shows over half of the British public favours returning the Marbles to Greece: a YouGov survey conducted in December 2024 found 53% support for return and only 24% opposed.¹¹⁹ Another poll indicates that around two-thirds are in favour of a deal, provided reciprocal cultural loans from Greece.¹²⁰ Yet political resistance is on the horizon; figures such as former Prime Minister Liz Truss and the right-wing campaign group Great British PAC wrote a letter in July 2025 threatening legal action if negotiations continued, accusing backers of a “covert campaign.”¹²¹ These statements suggest a politically charged backlash, one that is reactionary to recent momentum gained in reunification discourse.

Long-term loan agreements present a notable pragmatic way forward. This approach circumvents the question of legal ownership—leaving the UK’s legal title implied—but would still hinge on Greece’s

115 British Museum, *Trustees’ Statement*, 2023.

116 British Museum, *Trustees’ Statement*, 2023.

117 British Museum, *Trustees’ Statement*, 2023.

118 British Museum, *Trustees’ Statement*, 2023.

119 YouGov, *Do you think the Parthenon Marbles (sometimes known as the Elgin Marbles) should be returned to Greece, or should they stay in the UK?* (survey, December 2, 2024), <https://yougov.co.uk/topics/entertainment/survey-results/daily/2024/12/02/919af/2>.

120 Parthenon Project, “New Poll by YouGov Reveals That 64 Per Cent of the Britons Today Are in Favour of the Return of the Parthenon Marbles to Greece,” *Parthenon Project*, July 22, 2023, <http://bit.ly/4gi927q>.

121 Jamie Grierson and David Batty, “Liz Truss and Hard-Right Group Accused of Scaremongering over Parthenon Marbles,” *The Guardian*, July 11, 2025, <https://bit.ly/47sYbFo>.

willingness to accept the terms of agreement.¹²² Furthermore, a precedent exists in the Vatican's 2023 case, where fragments were first returned under the guise of a loan before legal ownership was formally transferred after the fact.¹²³ As demonstrated, restitution campaigns stand to benefit from sidestepping legally sensitive vocabulary by using softer framing instead. Another consideration, suggesting both opportunity and risk, relates to ongoing institutional planning. In 2025, the British Museum announced plans to redesign its Western Range galleries, including those that currently house the Marbles.¹²⁴ Without a deal reached by then, this costly renovation and resettlement of the Marbles could entrench their presence in London for an indefinite period.¹²⁵

On the legal side, several legislative pathways can accelerate progress. In theory, shifting public opinions have the capacity to push lawmakers to declare the Parthenon Marbles morally unfit for retention. Legislative reform could then mirror precedents such as the *Holocaust (Return of Cultural Objects) Act 2009*. Under the *Charities Act 2022*, trustees of national museums initially gained the power to return objects on moral grounds by being given the legal right to seek authorisation from the Charity Commission. However, the government has since decided to exclude national museums from the provisions, specifically Sections 15 and 16, out of concern for possible large-scale disposals.¹²⁶ Undoubtedly, recovering the pathway via charity law could facilitate the return of the Parthenon Marbles, using the external authorisation of the appropriate regulator.

Litigation remains highly complex, with jurisdictional issues, retroactivity, enforceability, and public policy posing formidable obstacles. Notably, political opportunities can lower this resistance and create space for legal workarounds. Meanwhile, inaction and institutional inertia—whether or not fuelled by political polarisation—could foreclose these options. The most promising settlement model today would blend politically feasible options with legal innovations; for instance, a long-term loan—framed as reunification and not on ownership terms—can be negotiated alongside appropriate legal mechanisms to enable it.

Synthesis & Conclusion

Legal frameworks shape the parameters of cultural restitution in the UK with decisive force, more often as constraints rather than enablers. Laws, such as the *British Museum Act 1963*, prohibit national institutions from deaccessioning objects except in narrow circumstances. As ruled in *Attorney General v. Trustees of the British Museum*, morality cannot override statute, foreclosing *ex gratia* returns motivated by ethical obligations. Although international conventions have helped define the moral and political language of restitution, they falter on enforceability and—critically—on retroactivity in states that do not ratify. International law in cultural property, including emerging CIL,

122 Andrea Caligiuri, "Legal Aspects Concerning the Restitution of Cultural Property Removed During Colonial Occupation," *QIL: Questions of International Law*, January 31, 2024, <http://bit.ly/312n9kk>.

123 Winfield and Gatopoulos, "Vatican 'Donating' Its Own 3 Parthenon Sculptures," 2023.

124 British Museum, *The British Museum Masterplan* (London: British Museum, 2025), <https://www.britishmuseum.org/about-us/masterplan>.

125 Other external factors also complicate the picture: the Museum Chair George Osborne has signalled openness to a deal, but negotiation similarly hinges on political conditions in Greece too.

126 Geraldine Kendall Adams, "National Museums to Be Excluded from Law Enabling Restitution on Moral Grounds," *Museums Journal*, Museums Association, February 13, 2024, <http://bit.ly/480A2G8>.

has all the while developed important guiding principles on illicit export and provenance research. Yet, these principles remain far removed from practice in domestic courts, especially in importing states. As a result, transitional justice is only partially realised through these frameworks; rather than rectifying past wrongs, the law tends to side with the status quo.

Crucially, political discourse and institutional policy have a significant impact on outcomes in the UK. On restitution disputes, lawmakers who underwrite the statutory barriers deflect responsibility to museum trustees, while trustees appeal back to Parliament’s mandates; this loop grants actors on both fronts a degree of immunity from decision-making. In the Parthenon Marbles case, the British Museum’s rhetoric of cultural internationalism further reinforces the validity of its possessions by fitting them as part of a net-benefit worldly collection. The Trustees issue a legalistic defence, producing a firm institutional stalemate even in the face of shifting public opinion. In adopting this stance of legal neutrality, museums capitulate to the convenience of what is, rather than answering to what should and could be. Dominant discourses, including the concept of the universal museum, continue to unduly moralise on the question of custodianship, sustaining the status quo.

This report concludes by noting that political traction creates space for the law to adapt; in turn, the law remains a mechanism through which political gestures can aspire to concrete action. Cultural property restitution in the UK is path-dependent, largely interlocked by statutes and an institutional inertia that is perpetuated as discourse. Nevertheless, solutions lie in a triangulated response: shifting public opinion to galvanise cultural diplomacy; advancing stepwise legal reform; and eventually compelling institutional repositioning.

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