



GA2: Social and Humanitarian Committee

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Issue: The reclamation and preservation of
Indigenous rights and African cultural heritage

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I. Introduction

The reclamation and preservation of Indigenous rights and African cultural heritage is an extremely important topic that encompasses both historical injustices and modern challenges. For many years, Indigenous people have had to deal with large-scale issues such as slavery and forced assimilation. These types of issues led to centuries-long discrimination as well as cultural erasure.

Even though great efforts have been made towards the reclamation and preservation of Indigenous rights and African cultural heritage, there is still less than before, discrimination against those coming from Indigenous or African communities. For example, intangible culture such as language has been lost in areas such as the northern region of Kenya, where the Yaaku Language is almost extinct. Furthermore, there have been debates about stolen artifacts such as the Benin Bronzes (displayed in museums in countries like the UK and Germany).



Image 1: Ndebele village, Mpumalanga, South Africa

There have been several legal measures, human rights frameworks, and international conventions that address these issues. However, they have proved to be insufficient in some areas as they need to be much broader and enforced more strictly. Many community-led initiatives have been done in the past years to strengthen aspects of culture that have been diminished.



It is of utmost importance to address this issue also in order to uphold sustainable development and human rights. Historical and present-day aspects, international laws, as well as international cooperation need to be addressed when tackling this issue.

II. Key Vocabulary

Cultural heritage: “Cultural heritage includes 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. It includes tangible heritage (movable, immobile, and underwater), intangible cultural heritage (ICH) embedded in cultural and natural heritage artefacts, sites, or monuments. The definition excludes ICH related to other cultural domains such as festivals, celebration etc. It covers industrial heritage and cave paintings.” (UNESCO Institute for Statistics)

Restitution: “the return of objects that were stolen or lost” (Cambridge Dictionary). For example, in 2021, France returned 26 “stolen” artifacts back to their homeland of Benin. This was a major act of restitution.

Intangible cultural heritage: “Intangible cultural heritage is the knowledge and traditions inherited from previous generations and passed on to our descendants. It includes oral traditions, performing arts, social practices, rituals and festive events, knowledge about nature and the universe, and traditional crafts.” (Heritage Fund)



Image 2: The First Landing of Christopher Columbus (1450-1506) in America



Colonialism: “the belief in and support for the system of one country controlling another” (Cambridge Dictionary) For example, when Belgium colonized Congo in the 19th century many resources and artifacts were extracted or stolen.

Assimilation: “the process of becoming a part, or making someone become a part, of a group, country, society, etc.” (Cambridge Dictionary). For example, during the time that West Africa was under the rule of France, the French wanted their language and beliefs practiced in schools or workplaces. Thus, the Indigenous population of Africa were pressured to abandon practicing their own culture and beliefs. This can be seen as assimilation that targets African culture.

SUSTAINABLE DEVELOPMENT GOALS



Image 3: THE 17 GOALS | Sustainable Development

Sustainable development: “Sustainable development has been defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” (United Nations). For example, in Senegal, there were many acts led by the community with the purpose of restoring and preserving historic sites as well as cultural artifacts. These acts promoted economic growth, tourism, and education. These are all supported by the term sustainable development.

Appropriation: “the act of taking something such as an idea, custom, or style from a group or culture that you are not a member of and using it yourself” (Cambridge Dictionary). For example, European museums display the Benin Bronzes without the knowledge and consent of the Edo people, the people that actually own these items. This is a case of cultural appropriation since the Europeans, without the



consent of the African and Indigenous people, use their cultural artifacts for their own benefit without actual acknowledgement.

III. Involved Countries and Organizations

France

President Macron talked about the importance of returning African cultural heritage in 2017 (Diplomacy, Government of France). He also commissioned the Sarr-Savoy report, which is a report that is officially titled “*The Restitution of African Cultural Heritage: Toward a New Relational Ethics*” (2018). So far, France has supported the restitution of items. However, only 26 items have been returned to their homeland of Benin. Further efforts to reinstitute have been paused. Macron has stated: “I want, within five years, the conditions to come together for the temporary or definitive restitution of [items of] African cultural heritage to Africa.”(Le Monde). The French Council of State has also publicly criticized the delay that occurred when reinstituting the artifacts and called the matter urgent.



Image 4: Restitution, Africa and the fight for the return of African art

Germany

Germany signed an agreement with Nigeria stating that it would be returning more than 1,130 Benin bronzes back to their homeland in 2022. [United Nations Educational, Scientific, and Cultural Organization (UNESCO)] Germany also very significantly launched the Franco-German cooperation efforts (which includes a €2.1 million fund) to discover and research the birthplace of African cultural



artifacts. Germany has acknowledged the historical injustices that have occurred, mostly through colonialism. Germany highly supports restoration efforts. The German Foreign Minister has stated: "The return of the Benin Bronzes underpins our commitment to coming to terms with our colonial history. It should be the beginning of a new, a different cultural cooperation," (Deutsche Welle)

Nigeria

Nigeria has strongly advocated for the restitution of the Benin Bronzes. As a result, they have successfully managed to do so with countries such as Germany, the Netherlands, and the United States of America (USA). Nigeria believes that the restitution of African artifacts to their birthplace is a way to uphold national sovereignty. They have also criticized some holders of the artifacts as being unwilling to return the items back to them. Nigeria's Ministry of Foreign Affairs official has stated: "However, some countries or institutions in possession of looted relics often show reluctance to return them,". (Global Times)

United Kingdom (UK)

The UK has returned the Asante royal regalia to Ghana. This has been done through long-term loans, not as permanent returns. The UK has shown willingness to cooperate to return artifacts; however, certain laws, as well as worries regarding precedents, make it harder for the UK to give items back to their homeland permanently. This can be seen in cases such as the Parthenon marbles.

Indonesia

Indonesia received more than 800 artifacts, including Buddha statues and jewelry, from the Netherlands in 2022. The artifacts have been displayed in Indonesia's National Museum. Indonesia has stated the need to preserve cultural heritage.

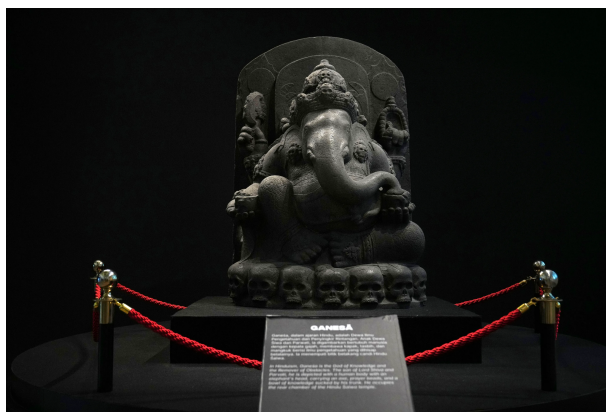


Image 5: Indonesian National Museum's Lord Ganesha

Netherlands

The Netherlands has returned more than 800 historical artifacts to Indonesia. They have also helped with their preservation as well as their display. The Netherlands supports the need to preserve cultural heritage and acknowledges the effects of years of colonialism. The Netherlands has also expressed that cooperation with colonies is vital to preserving cultural heritage.



Mali

Mali has returned 5.5 tonnes of Timbuktu manuscripts from Bamako. Minister Bouréma Kansaye has emphasized the importance of preservation. Timbuktu's deputy mayor Diahara Touré has stated: "reflect our civilisation and spiritual and intellectual heritage" (The Guardian, when talking about the return of the historical artifacts)



Image 6: The Museum of Black Civilisations

Senegal

Senegal has established a museum that is focused on reclaiming African Heritage called the Museum of Black Civilizations. So far, one artifact has been returned, which is Omar Saidou Tall's sword. Senegal argues that reinstitution is not only important for culture but also for areas such as economic development. The museum has also argued that the restoration of artifacts increases identity and alters historical narratives.

Economic Community of West African States (ECOWAS)

ECOWAS has designed and also adopted a Regional Action Plan in 2019 that mainly focuses on the return of African cultural artifacts to their place of birth. It organizes aspects such as requests for restitution, legal frameworks, and financing. It also advocates for regional coordination in order to repair the effects of past colonial injustices.

United Nations Educational, Scientific, and Cultural Organization (UNESCO)

UNESCO has supported Africa-led conferences. It has developed legal frameworks such as the 1970 Convention. It also highly supports reinstitution through its Flagship Programme and heritage strategies. UNESCO sees reinstitution as a vital part of human rights and sustainable development.



Minister Nkosinathi Mthethwa (South Africa) has stated that restitution must be able to properly reflect cultural justice.

IV. Focused Overview of the Issue

1. Historical Background

Decades-long colonialism led to removals and displacements of cultural artifacts. European countries such as Britain, France, Belgium, Netherlands, Portugal, and Germany contributed to the colonialism of Africa during the 19th and 20th century. It has also led to the crushing of Indigenous practices and heritage. They removed artifacts. Most of which were taken back to the colonist countries. The displaced artifacts are usually found in museums around Europe and North America. Many historical treaties, such as the Treaty of Berlin, as well as laws created during the eras of colonialism, have created areas of confusion regarding the ownership of cultural artifacts. The loss of artifacts can heavily alter their cultural identity as well as lead to the erasure of their own history. Indigenous cultures had lost important parts of their identity because of this. Thus, there were many economic and social impacts as well because culture is heavily tied with tourism. Indigenous practices and culture were heavily suppressed. They were overshadowed by the practices, languages and culture of the colonist countries. Thus, assimilation policies were applied. There have been some efforts made in order to return the artifacts. For example, France returned 26 artifacts to Benin while the Netherlands returned more than 800 artifacts to Indonesia. However, these efforts have not nearly been enough in order to completely diminish the situation.

2. Legal and Political Aspects

The UNESCO 1970 Convention supports the protection of cultural property, such as cultural artifacts. This convention was adopted in order to help diminish illicit import, export and also transfer of cultural property. This convention also encourages people to help the illegal trade of artifacts and make sure that they are reinstated to their rightful owners. However, there is a problem regarding this convention as it only encompasses those artifacts that were removed after 1970 which leaves out the artifacts that were taken away during the colonial era. There are 148 countries that have ratified this convention; however, there are different strategies in order to enforce it which makes it vary in terms of sufficiency. There have also been some other frameworks with regards to this issue. Institut International pour l'Unification du Droit Privé (UNIDROIT) Convention which was done in 1995 supported the convention done by UNESCO to create stronger legalities around the stolen artifacts for countries to oblige by. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) also recognised Indigenous people and their rights on their own cultural artifacts. The African Union Charter for African



Cultural Renaissance also preserves the African artifacts. Some countries, such as France, have laws that allow the return of artifacts, while other countries, such as the UK, do not. Germany also made agreements with Nigeria to return the Benin Bronzes in 2022. Political conflicts may also arise when countries start disagreeing on the ownership or certain value of cultural artifacts.

3. Human Rights and Indigenous Rights

The cultural heritage of Indigenous people is mostly tied to their language, identity, and even spirituality. The erasure or loss of this cultural heritage heavily contributes to both the erasure of history as well as the marginalization of these Indigenous groups. The reclamation of cultural artifacts is also regarded as of utmost importance in the area of recognizing historical injustices as well as promoting self-determination.

4. Economic and Social Implications

The returned artifacts can contribute to tourism and boost the economy through museums and cultural sites. New jobs are also created since preservation programs open the doors to many people who want to work in conservation, museum work, and cultural education. However, the neglect as well as the illegal trade of cultural artifacts can diminish the economy of affected states and promote inequality.

5. Current Efforts and Challenges

Some countries, like the Netherlands, France, and the United Kingdom, have started returning cultural artifacts to their countries of origin, though progress has been gradual. For example, France returned 26 royal treasures to Benin in 2021, and the Netherlands agreed to give back hundreds of artifacts to Indonesia and Sri Lanka. The UK has also been in long-running talks with Greece over the Parthenon Marbles, but disagreements about ownership and legal rights have slowed the process.

Organizations such as UNESCO, the International Council of Museums (ICOM), and the Restitution Study Group have been working to encourage transparency and ethical standards in how countries handle these returns. They also promote the use of new tools, like digital archiving, to make cultural heritage more accessible around the world.

Digital archiving, unlike traditional archiving where objects are stored and displayed physically, uses technologies such as high-resolution scanning and 3D modeling to preserve and share cultural pieces online. This helps people everywhere learn about them and ensures that their images and details are protected, even if the originals are lost or damaged. Still, digital versions can't replace the emotional and cultural meaning of having the real artifacts back in their rightful homes.



V. Important Events & Chronology

Date (Day/Month/Year)	Event
1885	The Treaty of Berlin (The European powers divide Africa)
1970	UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is adopted.
2007	UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is adopted.
24 November 2018	Sarr & Savoy Report was published in France.
2019	France announced their plan of returning 26 artifacts back to Benin.
2022	The Netherlands returned more than 800 cultural artifacts back to Indonesia.
2023	France returned cultural artifacts to Senegal and Mali.

VI. Past Resolutions and Treaties

- [United Nations Declaration on the Rights of Indigenous Peoples \(2007\) \(UNDRIP\)](#): This document reaffirmed the rights of Indigenous people in maintaining, controlling, preserving, and evolving their cultural heritage. This document provides moral guidelines; however, since it is not legally binding, enforcement proves to be insufficient. It proved to be successful in setting an international standard; however could not reciprocate that success in compelling states to act accordingly. It was adopted by the UN General Assembly.
- [“Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” - UNESCO 1970 Convention](#): This document gives a legal framework to fight against the illegal trade of cultural artifacts as well as their restitution. It provides a much stronger international guidance; however, enforcement typically relies on the specific domestic legislation of individual states. It was successful in creating modern norms against illegal trading, especially regarding cultural artifacts. However, it failed to fully reverse the laws that were set during the era of colonialism. It was ratified by 148 countries.
- Sarr & Savoy Report (France, 2018): This report was important in terms of recommending the fast return of cultural artifacts to their place of birth. It provided a general analysis however was not legally binding. It was successful in France as it provided guidelines for domestic policies however, it has had limited action due to legal concerns.



- Bilateral Resolution Agreements: France, the Netherlands, and Germany, as individual states, have signed different agreements with different African states in order to return cultural artifacts to their homeland. These agreements were effective on a case-by-case basis since they were legally binding. However, they did not directly address the issue in general. It was signed by the respective countries and their African counterparts.

VII. Failed Solution Attempts

The Implementation of UNDRIP: Since this declaration was non-binding, many Member States did not enforce Indigenous rights fully, as they should have stated in the document. It was politically influential. However, it did not contribute significantly to the return of cultural artifacts.

UNESCO 1970 Convention: Its enforcement relies on national legislation, and since cultural artifacts from the era of colonialism fall outside of its category, it has failed to contribute significantly to the return of many artifacts. It overall strengthened international norms but did not solve the main issue at hand.

Bilateral Restitution Negotiations: Only a small number of artifacts were able to be returned since legal disputes and museum policies made the process slower. There have been some successes, but not enough to tackle the issue as a whole internationally.

National Repatriation Programs: The implementation was slow, and its scope was often very limited to only certain museums, which is why it failed on an international level. It showed commitment to solving the issue, but failed to present a comprehensive solution to do so.

VIII. Possible Solutions

Firstly, a new international treaty could be established that requires nations to return cultural artifacts to their rightful owners or countries of origin. To ensure that this treaty is effective, it should include clear timelines, enforcement mechanisms, and even penalties for states that fail to comply. This agreement could build on the foundations of the UNESCO 1970 Convention, but it must address its key shortcomings, particularly the lack of legally binding obligations and limited enforcement power.

Secondly, individual states can be encouraged to adopt domestic laws that protect Indigenous peoples' rights and ensure the preservation of their cultural heritage. These laws should include detailed and transparent procedures for the safe and complete return of cultural artifacts to their homelands.



In addition, the creation of a global fund could provide financial and technical support for research, restoration, and repatriation efforts. This fund could also assist museums in developing ethical return policies and in conducting projects that facilitate the safe transfer of artifacts to their countries of origin.

Moreover, community-led museums and cultural preservation programs can be established with direct input from Indigenous communities and African nations. These initiatives would empower local voices and ensure that cultural heritage is represented authentically and respectfully.

Educational efforts also play a key role. Exhibitions, documentaries, school programs, and online platforms can raise global awareness about the importance of cultural heritage and the need for ethical preservation and restitution.

Lastly, the formation of neutral international committees could help mediate disputes over ownership and repatriation. These committees would serve as impartial bodies dedicated to promoting dialogue, transparency, and fair resolutions between nations and institutions.

IX. Useful Links

- [United Nations DESA Programme on Indigenous Peoples](#)
- [United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development \(DISD\)](#)
- [La restitution du patrimoine culturel africain, vers une nouvelle éthique relationnelle | Ministère de la Culture](#)
- [Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions](#)
- [World Monuments Fund](#)

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