

# Restitution and Repatriation Debates: Museum Policy Shifts and Cultural Diplomacy

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## ABSTRACT

This paper examines restitution and repatriation debates within museum practice as central mechanisms for addressing colonial injustices and reshaping global cultural governance. It explores how historical patterns of extraction, legal pluralism, and unequal power relations continue to influence contemporary claims over cultural property held in museums worldwide. The study analyses the evolving legal and ethical frameworks governing restitution, including international conventions, soft law instruments, and national legislation, highlighting their limitations and uneven enforcement. It further investigates how museums are transitioning from custodial institutions to actors of cultural diplomacy, using restitution as both a moral response and a strategic tool in international relations. Through selected case studies including Benin bronzes, the Elgin Marbles, and Indigenous heritage claims, the paper illustrates the tensions between ownership, access, and cultural identity. It also considers emerging practices such as digitization, provenance research, and co-creation with source communities as transformative approaches to museum governance. Ultimately, the paper argues that restitution is not only a legal or ethical issue but also a dynamic process of cultural negotiation, diplomacy, and redefinition of shared heritage in a postcolonial world.

**Keywords:** Restitution; Repatriation; Cultural Heritage; Museum Governance and Cultural Diplomacy.

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## INTRODUCTION

The museum practices of restitution and repatriation illustrate the complexities arising from attempts to redress colonial injustices. Restitution denotes the return of items already integrated into museum collections, while repatriation tasks a museum with the return of materials never formally acquired [1]. Such processes extend from colonial traumas to the uncertainties of present-day ensuring past injustices do not reoccur. These museum practices occur against a backdrop of competing claims deriving from the histories and identities of subaltern communities, which stand to demonstrate ownership based on their historical presence and on moral grounds due to such communities being adversely affected by colonial actions (e.g., either by being directly pillaged or by the removal of wealth and resources from the global south) [2]. Museum-related legislation and cultural-property frameworks govern many aspects of the art trade, museum acquisitions, and the movement of artifacts across borders. Understanding the complexity of such regulation facilitates an assessment of the extent to which colonial collections may be retained, returned, or subject to other arrangements such as long-term loans [1]. The colonial legacies of extraction, dispossession, legal pluralism within states, and cultural property remain central to restitution debates, though contemporary claims to ownership of cultural property may draw on non-colonial narratives [1, 2].

### The Historical Landscape of Restitution and Repatriation

Colonial legacies still shape restitution and repatriation claims today. Indeed, some legislation in Australia and Canada cannot be properly understood without considering colonial extraction and dispossession, the interaction between Indigenous and settler legal orders, or the contrasting nature of Indigenous and colonial legal systems [1]. Where the dominant framework in a territory remains imperial or colonial, efforts to justify a shift to a national, post-imperial (or post-colonial) framework often overlook colonial dispossession; in such cases, the

continuation of British or French colonialism explains why certain types of claim are still unthinkable or systematically discarded [1, 2]. Yet these observations could hardly justify universalism as a solution or a relevant criterion. Therefore they are specified in case-study form through material originating in various territories, discussions of particular items or collections with enough significance to have prompted a response at the national or international level, and some of the numerous resolutions adopted by global or intergovernmental entities establishing or endorsing restitution, repatriation, or return as appropriate responses to certain injustices [2, 4]. The contrast between different situations underlines the complexity of addressing specific historical injustices shaping museum practices today [6].

### **Colonial Legacies and Legislative Frameworks**

Colonialism has resulted in long-standing inequities in the ownership and control of cultural property. During the colonial era, vast numbers of cultural, artistic, and archaeological items were extracted from colonised territories. Extraction methods included purchases, looting, and appropriations during military campaign and through diplomacy and treaties where coercion played a role [2]. These empires operated transnationally and collections dispersed through a network of movements, falling under multiple jurisdictions while ultimately remaining at the museum estate of a colonial state. Decolonial thinking in post-colonial times has brought renewed scrutiny to the colonial relationship, prompting transnational self-determination claims to witness against colonial injustices and assert claims of ownership over collections held in former colonial metropolitan states [3]. The emergence of legal pluralism also finds roots in the colonial experience. At the height of European colonisation in the 19th century, various modes of indigenous governance and property rights existed alongside statutory law enacted by colonial authorities [3]. Statutory reform continued post-independence in countries such as South Africa, Zimbabwe, and India but extensive patterns of colonial settlement nevertheless fragmented and assimilated public authority into the control of metropolitan governments. Consequently, many contemporary states are characterised by a mix of statutory, indigenous customary and informal law imposed by colonisers and divergent property regimes that on the one hand enable claims for restitution of illegally acquired items yet on the other prohibit the export of legally acquired items [4]. Therefore, the legal and ethical landscape governing claims is itself a contested arena traceable in important ways to colonial extraction [5]. Ample legal literature exists applying the comparative law methodology developed by scholars such as Alan Watson to analyse which elements of pre-colonial law might have escaped assimilation and remained available for colonial governance, yet the intersection of property regimes between statute, customary, and informal law in a post-colonial environment lacks attention [1]. Such scrutiny is particularly pertinent for restitution attempts by minority communities lacking representation on the legal stage, given that extraction took place without reciprocation in exchange for the pro-democratic constitutional frameworks recognised by the majority of new states after decolonization [6].

### **Destabilising Claims to Objects of Cultural Heritage**

Despite many companies voluntarily returning proxy heritage items through corporate social responsibility policies, museums continue to assert their foundational acquisition of collections under national legislation, equipped with progressively enshrined legal protection for the objects in their possession [4]. Contested regimes characterise expropriations carried out in private ownership within both a proprietary-basis and public-domain-culture-ownership context. Terms of dysphoric and phylogenesis frameworks trace availability of claims-within-claims regarding unlawful expropriation and acknowledged retroactivity for objects carrying cultural value. Clear distinctions demonstrate why lack of return might not inhibit declaration of interest [8].

### **Case Studies in Restitution and Repatriation**

Ongoing debate about restitution and repatriation affects museums worldwide, particularly concerning colonial legacies and acquisitions. Case studies documenting policy evolution are needed to analyse objectives, successes, and obstacles along these trajectories [2]. In France, a network of Māori *toi moko* travelled between New Zealand, France, and Canada, reflecting shifting political and cultural contexts 3. Although indigenous groups have not claimed these collections, the 2010 Nagoya Protocol on Resource Utilization emphasizes the rights of local communities over heritage items acquired during colonial rule. Repatriation initiatives can reconnect communities with their heritage and promote well-being [4]. The Netherlands supports return, yet restitution of the Elgin Marbles lacks formal channels. The 1816 acquisition of these sculptures from Athens remains contentious. While UK legislation forbids return, museums must consult provenance research; those involved are deceased, and deliberations are partly informed by diplomacy [5]. Eight bronze Benin artifacts taken during punitive expeditions in 1897 were repatriated from a UK museum after negotiations about shared ownership and museum practices. The proposed loan remains under discussion [6]. Australia's 1986 Aboriginal and Torres Strait Islander Heritage Protection Act enables claims grounded in cultural significance. Repatriation generates intense political debate and involves jurisdictional challenges. Collections held by foreign institutions remain out of reach [1].

### **Policy Shifts in Museums: Governance, Ethics, and Practice**

Museum policy and practice are currently undergoing significant shifts as institutions respond to changing societal expectations, evolving governance practices, and emerging ethical imperatives [1]. Worldwide, museum-goers, advisors, and stakeholders are advocating for a fresh consideration of the role of museums in society and for substantive changes in museum governance, ethics, and practice [1]. Such considerations can take various forms around the globe and in different contexts; however, some common themes are beginning to emerge [2]. International guidelines, such as the 1970 UNESCO Convention on Cultural Property, the Intergovernmental Committee for Promoting the Return of Cultural Property to its Country of Origin, and the Temporary Conclusions regarding the Return of Cultural Goods adopted by the European Union, provide a widely accepted foundation for addressing museum policy and practice in a variety of frameworks [3]. Detailed analysis of return-related provisions in the Recommendations concerning the Protection and Promotion of Museums and Collections and the Implementation of the 1970 Convention indicates a significant evolution in positions regarding museum policy and practice. Repatriation policy has also evolved into a legitimate object of governance analysis, with a number of published studies examining acquisition and deaccessioning practices [4].

#### **International Guidelines and Soft Law**

A growing number of international guidelines specify the illicit acquisition and the rightful restitution of collections taken under colonial situations [2]. Yet, such statements remain nonbinding: in legal terms, they are soft law. The 1970 UNESCO Convention against the Illicit Traffic of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects emphasize the importance of provenance research and participation in bilateral negotiations concerning restitution [3, 4]. The 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage stresses both the obligation to preserve and the need for restitution of objects taken during armed conflicts. More recently, the 2019 UN General Assembly Resolution on the Return or Restitution of Cultural Property to Countries of Origin or Origin has reiterated the importance of guiding restitution and emphasised, more specifically, the need to undertake measures aimed at preventing illicit trafficking [5]. While soft law represents general statements of intent, guidelines issued by professional museums associations distil best practices that directly inform institutional policies [6]. Notable solutions include a 2000 articulation in the UK, a 2011 Adaptation of the 2000 to the Belgian context, a 2014 “Museums, Cultural Diplomacy and the Return of Cultural Objects” document co-produced by ICOM and UNESCO and a June 2022 “Guidelines on the Restitution of Cultural Property” drawn up by the European Commission and endorsed by member countries [1]. Altogether, these examples establish that a more flexible policy approach toward acquisition, custody and restitution continues to be implemented across a wide range of settings [7, 8].

#### **National Legislation and Museum Mandates**

National laws and institutional mandates exert decisive influence on museum policies regarding object acquisition, custody, and restitution [1]. Legislative frameworks originate in colonial and post-colonial settings, affecting provenance and legitimacy of museological operations in different jurisdictions [3]. Eleven countries spanning Russia, Egypt, Greece, South Africa, France, Germany, Hungary, China, New Zealand, Italy, and Switzerland exemplify assorted ownership models governing restitution of contested artifacts from foreign museums. Withinholder-state claims, colonial-era practices produce divergent interpretative paths extending temporally, juristically, and ontologically beyond initial appropriation. Such frameworks codify repatriation standards across numerous national jurisdictions [1].

#### **Strategic Shifts: Digitization, Access, and Traceability**

The digitization of museum artefacts constitutes another significant strategic shift in the management and stewardship of collections acquired during colonial and other unjust circumstances. Digital objects, like physical objects, can be acquired, researched, displayed, and accessed; however, it is impossible to digitally acquire objects that have never been documented [3]. Digital access to items, exhibitions, and research is therefore much easier from collections that have a publicly accessible profile in an open-access repository alongside relevant published material. Although digitization can lower barriers to access and facilitate innovative and broader engagement with public audiences, the process still involves custodianship questions concerning which collections are to be digitized, in what manner, to what extent, and for whose benefit [4]. Access to colonial-era collection histories addressing provenance gaps and colonial legacy discussions is critical for shaping the research and collection choices of governance bodies and outreach coming from the Met [4]. Moreover, openly accessible collection data may support the international flow of culturally sensitive information across borders and various regimes governing professional practice and clientele [5]. Material given to museum collections can have provenance information concerning thematic areas relative to request criteria [4]. Sourcing well-documented items that fall outside of the collection’s duration may help provide material with sufficient collection history while escaping the colonial provenance debate altogether. The redundancy of pre-acquisition provenance assurance for artefacts subsequently acquired or returned remains an impediment [4]. The impetus to unite provenance data and stimulate community interest and trust has nevertheless led to further material being presented as an educational

outreach project with protentional public engagement across the border. The functionality and independence of provenance research as a practice is thus further stimulated, contributing not only to trust within the Certificates of Authenticity discussion but also within broader cultural heritage discourses and international engagement [5].

#### **Cultural Diplomacy and International Relations**

Cultural diplomacy serves as an analytical framework for understanding the role of museums in international relations and the nature of their soft power. Intergovernmental grants often require museums to become active agents, fulfilling peer to peer objectives and forging research and exchange partnerships [4]. Before and during the COVID-19 pandemic, several European capitals launched international cooperation initiatives on museum collections seeking returns and increased cooperation instead of opposing hard diplomatic stances [5]. Restitution serves as managed diplomatic leverage during negotiations on illicit trafficking, cultural exchanges, and digital collaboration [7]. It constitutes symbolic signalling to the international community; borrowing countries opt for enhancement of cooperation instead of sanctions or isolation imposed on other cultural actors. National governments use art and culture to assert identity, enhance prestige, and gain proactive international standing; museums advance, and may even take primacy over, those goals by mobilising exhibitions and cross-border activities, inled by diplomacy-related online playbooks [8]. Restitution enables emerging sovereign states to deploy diplomatic avenues, attract tourist flows, lift global mobility constraints mandated by the pandemic, and rejuvenate attention for otherwise overwhelmed capitals [4]. Avenues for restitution through formal diplomatic channels also proliferate. Heritages involved in disputes have undergone significant recovery of community, governance, and identity following attention on remnants of the Soviet Union [5]. Rather than declaring irrevocably owned public goods, museums put forward propositions that, while tied to national public policy and policies yet formalised, build communities and aim to articulate more coherent whole-of-society engagement on postcolonial matters [1].

#### **Museums as Actors in Diplomatic Engagements**

Cultural diplomacy characterizes the relationship between museums and diplomacy. Culture actively participates in international diplomacy and the enhancement of mutual respect between peoples [5]. Museums' vital contributions to social, political, and economic networks of exchange raise their cultural importance in diplomacy. Cultural diplomacy often evolves into cultural diplomacy and involves the promotion of national cultures among foreign and international entities [6]. Strategic objectives of cultural diplomacy correspond with United Nations' goals for international development. Cultural exchange promotes deeper engagements between foreign audiences and domestic populations in museums. Engagements foster people-to-people contacts and the assertion of soft power [7]. The contemporary view of cultural diplomacy avoids emphasis on government-to-government communications and decision making; instead, cultural diplomacy encompasses a wide range of international cultural relations adopted by states, museums, and private sectors to cultivate positive relationships [6]. Subsequently, museum-to-museum partnerships facilitate collections and exhibition collaborations, international conventions, touring exhibitions, staff secondments, technical support, and public programming, exemplified by initiatives such as the Cultural Diplomacy Program, Museums Connect, and Australia International Cultural Diplomacy Program [1].

#### **Repatriation as Diplomatic Leverage and Symbolic Return**

Museums, conceived as spaces for fostering voluntary and unconstrained intellectual engagement, are required to take part in formal diplomatic efforts aiming to foster, build, and maintain bilateral and multilateral relations [1]. They are often called upon to play a role in deliberate and strategic negotiations meant to strengthen ties, resolve conflicts, and expand cooperation [2]. While territories and property rest, in principle, with sovereign nations and states, the performance of exhibition and acquisition operations within cooperative frameworks frequently necessitates the inclusion of the museum actor to negotiate arrangements of reciprocal advantage [3]. Such negotiation processes have also involved museum collections in the restoration of visible diplomatic connections through the construction of proposals for the return of specific artifacts [4]. Hence, the identification of objects for restitution can serve as a signal of goodwill, obtaining reciprocation or modifying the conditions of the negotiation with an indicator of attention directed toward the counterpart, or functioning as a bargaining chip to facilitate concessions and advantages in return [5]. The return of objects can become the pretext for a broader agenda, whether framed in a ceremonial or discrete fashion, or integrated within a transaction concerning additional topics of common interest, support, or aid. Returned artifacts can serve as the premise for subsequent presentations of contemporary or historical culture together with complementary items of other nature or origin, providing a platform in which the once-colonized society and its present state, achievements, and challenges may be acknowledged, emphasized, and disseminated [6]. Several resumed or newly opened exhibitions seek to reproduce such conditions and reinforce the cultural dimension of the exchange [7].

#### **Economic, Social, and Educational Impacts**

Decisions by communities of origin regarding the restitution of heritage accurately illustrate a wider shift in the contemporary role of museums and related institutions as they grapple with postcolonial realities [5]. The

capacity of museums to act as legitimate markers of cultural identity and continuity, a perceived reflection of the ongoing significance of community, collective identity, and belonging, is what obligates a detailed examination of the debate around restitution and cognate issues of repatriation [1]. The return of heritage in the context of a rapidly globalising world has forced a reappraisal of the influential social role occupied by museums and similar institutions, contexts that are altering practices around collecting, display, rights of ownership, and ownership more generally [3]. More often than not, these debates remain oriented toward the future with discussions surrounding community participation and empowerment, social justice, and other contemporary concerns shaping reappraisals of the past that nevertheless seldom advance specific proposals [4]. Potential social, economic, educational, and other benefits deriving from re-engagement with heritage illuminate opportunities and advantages associated with return to communities of origin that can accurately be described as compelling. Attention is also drawn to wider global urban contexts and collectivities in which heritage embeddedness generates sizable benefits [5]. Restitution thereby emerges as both a means and potential conduit to an enlarged space of social agency and belonging.

### **Community Reconnection and Cultural Continuity**

Research has shown that restitution and repatriation are regarded as spheres of reconciliation of community reconnection, cultural continuity, and identity restoration, essential conditions for a social wellbeing assessment [3]. Efforts derive from a worldwide movement of Indigenous people soliciting museums to bend practices regarding community heritage [3]. The principles embedded in the US Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 or the Nagoya Protocol of 2010 are echoed in many art lawyers' recommendations, stressing that organisations are expected to assess requests in consultation with concerned groups, when any cultural affiliation can be evidenced between the claimed collection and communities [4]. In contemporary museum practice, community-based approaches are widely acknowledged means to facilitate reconciliation and enhance access to collections, consequently promoting knowledge transmission and social benefit throughout public programmes [1]. The establishment of collaborative frameworks allowing for open dialogue between museum practitioners and the affected communities is proposed to co-design initiatives that match caretakers' and stakeholders' purposes [5]. In recent decades, many cities and countries have opted for elaborate open-data policies for cultural and scientific collections with the ambition to accompany access to further documents, ultimately generating collaborative opportunities. Restitution and repatriation programs regularly give rise to elaborate knowledge exchange, stimulating much interest from the general public and returning extended support to the cities and countries engaged [6].

### **Tourism, Branding, and Economic Implications**

Restitution and repatriation debates, especially those involving the return of cultural property to former colonies or countries of origin, engage ethical and legal questions that go well beyond jurisdictional or hermeneutic technicalities and reveal negotiations regarding a nation's personhood and polity [3]. Under certain conditions, disputed cultural objects acquire the potential to convey far more complex or extensive meanings than those expressed in the still typical museum approach found in some former colonists [4]. Institutions from locations such as France, Belgium, the Netherlands, and Great Britain have grappled, for instance, with the recuperation of formerly colonial artifacts. The complexity of these negotiations raises questions of the gallery's continued functions, the necessity of contextualization, and the relevance of the concept of a "nation" [1, 4]. Museums today increasingly struggle to define, govern, and exhibit collections framed by colonial politics while responding to more stringent restitution demands. A parallel topical concern orbits the legacies of colonialism and the practices of private collectors supported by auction houses, dealers, and institutions under the public spotlight [5]. In such disputed contexts of display, the significance of the artifacts, accumulated considerably through long histories of extraction and objectification may become obscured, opening avenues of institutional intervention [5]. Such policies are frequently framed as "cultural diplomacy"; neighbouring nations of differing post-colonial trajectories closely monitor each other's output [6]. Respectful, careful and judicious settings may even allow colonial-era objects to be envisaged as "on loan" rather than "returned"; a partly similar dynamic enables others to articulate otherwise politically difficult textualities [7]. The notion of diverse provenance characterizes ownership and exhibit inquiry, and questions of history and accession are increasingly regarded as national rather than institutional. Objects under consideration, including, for example, representations of St. George slaying the dragon, hang between histories under diverse but equally colonial dispensations capable of allowing other narratives [7]. Provenance reflexively embellishes or objectifies other layers of extraction physical, military, ceremonial that string together instances, peoples, and groups [8]. Addressing, indeed preserving, these expanded articulations, various institutions consciously escort collections defined in some cases by prior plurality of ownership into conditions of exaggerated formal individuation, granting instead centripetal preference to re-colonization. In response to archival or material evidence undergirding cultural ownership claims, key provenance records prior to and at the moment of colonial arrival are situated into accumulating vestiges of plural or fragmented statehood currently challenging jurisdictions under which numerous objects may find themselves [5].

Providing the very basis of colonial governance, on occasion such records become sufficient to construct a narrative of prior appropriation under conditionality countering the hegemonic pull of an exhibition once more centred solely on re-colonization [5].

### **Debates and Ethical Tensions**

During and following the decolonization process, complex negotiations involving national political agendas and even local, territorial aspirations emerged in ascertaining regulatory frameworks related to cultural and artistic heritage [6]. Facing the consequences generated by nationalistic discourses around ownership and restitution, museums became entangled within the broader narratives of societal development and cultural exchanges, impeding or at least complicating their capacity for visible commitment to international cooperation and bilateral agreements [7]. The political discourse around cultural property ownership is not confined to the colonial, imperial, or postcolonial legacies addressed above [8]. Since the 1990s, the process of decollectivization and privatization has reshaped the post-Soviet art system throughout the former Soviet Union and influenced ownership claims. Significant artworks and collections have been gradually removed from state and institutional property into private hands, particularly at the intra-national and bilateral levels [1, 8].

### **Provenance Research and Burden of Proof**

The search for provenance has always been difficult. In the first stage of acquisition, ownership, transfer of ownership, location, loss, and/or clandestine acquisition are often poorly documented or entirely undocumented. Once an object has merged into an existing collection, further provenance investigations often uncover information that is already known or knowable to participants in an ongoing scholarly discourse [5]. Working toward solving those issues requires specialization in relevant areas. Archaeological findings, foreign and expert assessment of custody papers and relevant scholarship, search for archives or parallel guidance, and political advice on the field in question or on legislative matters constitute a meaningful but insufficient sample of the necessary fields [6]. A network of trained specialists able to donate time or receive modest financing for their services will expand the scope and productivity of Provenance Research in a highly irreplaceable and trackable manner [7]. Contingent conditions only compound the burdens already inherent in such research [8]. The vast majority of world collections are accumulations of objects of varied type, significance, origins, purpose, and degree of knowledge. Accessible references on objects or collections engaged in Provenance Research are invariably low, no comparable worldview in a free regime can offer remotely similar yield or assurance against deliberate has taken place after an evacuation of immediate former clientele or not [7]. Combine different provenance research projects, thus target only collections relevant to Restoration [8]. Provenance Research grants much further insight into applicable legal and ethical standards. Each country maintains its own evidentiary and actionable standards applicable to indecision-leading cumulative provenances, situations of utmost public uncertainty at onset allow no preconceptions adhered to elsewhere define either a territory or mindset, 6 interpretation thereafter seldom captures an entire collection [3].

### **Ownership, Pedagogy, and Shared Heritage**

Contemporary museum policies and practices favour display and access over ownership, raising questions about whether exhibited objects may be labelled as 'on loan'. Yet many museums continue to assert ownership for pedagogical and interpretive reasons [1]. One influential alternative posits that specific objects do not belong to particular nations but form part of a shared heritage. Countering exclusive, nationalistic possession, this position resonates with views of culture as fluid, hybrid, and constantly changing [2]. Private collectors constitute another grey area, especially where no museum link exists. Commercial auction houses are considered potential accomplices in trafficking [3]. Restoration of claimants' historical heritage, continuity, identity, and well-being constitutes a valid pedagogical aim for museums, transcending requisite ownership [3].

### **Private Collectors, Auction Houses, and Restitution Accountability**

International art and antiquities markets continue to play a significant role in the ownership, custody, and transfer of contested cultural objects [3]. Relying on the conceptual frameworks of transnational and complex ownership, the responses of private collectors and auction houses to restitution claims demonstrate the need for greater accountability [4]. Legislative and museum mandates address only public institutions; therefore, collection and provenance compliance issues remain extraterritorial for private actors beyond international agreements and 1 warns that significant portions of contested collections are beyond museum outreach. Even the most carefully crafted international guidelines targeting national statutes and policies remain subject to complications stemming from the private market [5]. Deadly and destructive conflicts continue to displace people and dismantle nations, with widespread looting affecting archaeological sites (thriving business for collectors), churches, museums (massive phenomenal collections for dealers as "museum" buyers deal without precaution), libraries, and private homes [6]. Nevertheless, contested acquisitions made in open markets can disrupt developing nations that find themselves helpless without international art dealers and enormous wealth led by concerted looting efforts [7]. As publicly funded institutions champion the return of cultural property, many privately held acquisitions challenged in the public arena remain beyond institutional probe, essentially a parallel but limited museum free from

transparent oversight by semi-orchestrated guidelines [8]. Auctions unfairly exploit acquisitions still deemed legally obtainable, fuelling critics who state that societal support for ambition either validates the need for preemptive repatriation guarantee by sellers or reflects outdated or clashing sets of laws marking territories. By separating discrete categories of foreseeable provenance circumstances looted, illicitly exported, unprovenanced, undocumented as mere post facto focus become increasingly scattered alongside far too many claims without justification [8], auction house locations remain independent of provenance difficulty rendering accurate detection profoundly challenging.

### **Frameworks for Policy Reform**

International policy frameworks, notably the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, establish guidelines for cooperative efforts among states and institutions regarding stolen or illegally exported cultural property [3]. Although neither treaty explicitly addresses restitution nor repatriation, their prevailing emphasis on illicit trafficking indirectly supports claims for return, contributing to museological debates on ownership. In Europe, where the museum community is highly influential, and theft is uncommon, the Netherlands, Belgium, France, and Germany have proposed targeted restitution measures [4]. Such legislation is generally motivated by external pressure rather than domestic initiatives; in stark contrast to art-market jurisdictions lacking equivalent legal, ethical, or political infrastructures, significant formative regimes accept substantive reimbursement alongside free loan and exhibition alternatives [5]. National legislation establishing the possession of and eligibility for repatriation, coupled with formal copyright protection and comprehensive legal aid, characterizes the Australian state and territorial apparatus [1]. Commencing in 1986, a conspectus of governmental approaches continues to underscore the importance of provenance investigation for pre-acquisition risk assessments, an entry factory essential for negotiating contemporary acquisitions, enriched and protected by provenance substantiating government libraries, public archives, research institutions, and conventional on-line institutions including Vogue [4]. The Official Royal Family, and Board of Deputies of British Jews; museums, galleries, and public collections throughout Australia; art studios and collectives; memorials; and scholarly authorities within the International Council of Museums and Australian Government [3].

### **Best Practice Models in Museum Governance**

Restitution and Repatriation Debates: Museum Policy Shifts and Cultural Diplomacy. Much has been written on the restitution of cultural property looted during the colonial era, and the colonial legacy continues to heavily influence adherence to international guidelines that support the return of cultural heritage objects, including unprovenanced artifacts [6]. The debate has become more intricate given the rise of distributed museum collections, legislative frameworks limiting returns, excessive prohibition on export, and the, albeit gradual, shift of central authority away from national governments toward local communities. Prior to approaching policy-based reforms, it is important to analyze significant shifts in museum governance, policymaking, and practice over the last two decades, notably concerning the establishment of new organizational structures, the development of new ethical guidelines, and the incorporation of new activities into governance and practice [4]. The period between 1970 and the mid-1990s were characterized by a relative stability concerning guidelines, governance, and practice in the museum field at large. As public interest in the topic of cultural heritage gained momentum, the UNESCO Convention of 1970 became a reference point for contemporary guidelines, yet the expansion of global scientific-technological practices of collecting during that same period fueled a quest for a more structured response to unprovenanced collections [6]. A few specialized institutions, supported by scholarship, created a new segment of international soft law to provide guidance on these expanding activities. These French, Italian, and Swiss advisory guidelines reinforced the notion of a duty of care; emphasized the importance of provenance research; and called for, inter alia, the establishment of a dialogue with origin countries, whether in the exclusive domains of collections in museum custody or models for transitional co-ownership or relatively open exchanges [6]. Unsurprisingly, these early leader institutions found a fertile ground to address much broader engagements about the transitional possibilities of museum collections in public debate and discourse from the late-1990s onward [1].

### **Collaborative Stewardship and Co-creation with Origin Communities**

Museums have increasingly engaged in collaborative stewardship and co-creation with origin communities, fostering respectful partnerships and sharing environmental authority [3]. Collaborative work encompasses a wide range of practices, from returning or exhibiting objects in co-creation with communities to documenting cultural heritage, which can continue even without physical objects. Such arrangements promote the mutual recognition of cultural systems and exchanges of legal, ethical, and cultural perspectives, ultimately enhancing safeguarding and resilience [3]. They also create more equitable research conditions and can help cultivate museum professionals from source communities and formerly colonized countries [4]. The International Council on Archives, we supports societal transformations that enable Indigenous communities to protect their heritage [5]. The initiative advances peer-to-peer exchanges focused on governing, securing, and showcasing heritage within distinctive ethical and legal traditions [1]. The principles of co-creation extend to the development of museum-related policies, governance models, tools, and technologies. International dialogues on collaborative

heritage and similar topics regularly convene representatives from various nations to deliberate on the diverse societal aims pursued with these different cooperation practices and to identify concepts and means of assessing progress [6].

### **Restitution versus Cultural Exchange: Hybrid Pathways**

Repatriation and restitution, the return of cultural treasures and ancestral human remains are two pressing and related ethical topics in the domain of archaeology and cultural heritage [1]. They shed light on past injustices and human suffering and yet have become monumental issues for non-Western nations seeking to reclaim items plundered during colonization [2]. These two different acts take an equally serious approach to their respective resolutions and outcomes: plenipotentiary formal treaties arrange cinemas to honour Indigenous people's rights. As a result, returns involve a high degree of regret for past material acquisitions [3]. Similarly, transnational agreements ensure consent before excavation, while notably archaeologists and anthropology departments share mutual ownership of the acquired object. More importantly, the financial dimension of reparative justice is tackled through lengthy reparations [4]. Returning objects removed under duress or by violent peoples stops off entirely; the rights of Indigenous peoples previously suppressed during colonization are finally borne witness to; the principle of free prior informed consent around human remains is forecast to expand lengthwise, encompassing also organic and even material objects; the acceptance and "captive" element of displays and communications address prevailing attitudes to indigenous and human concerns [1]. The French notion of heritage does not shape re-exhibiting, reflecting an obvious gap in actual transmission, but rather extends to the potential of returning objects ("the co-partner elsewhere") even to museums within France; in this perspective, artefacts possess a dual life between museum display and repatriation between their arrival and the exit, pointing to actions considered at local group level and perspective not inserted within exchanges or debated [3]

### **Methodological Approaches to Studying Restitution Debates**

Recent years have witnessed widespread debate not least, in the scholarly arena about restitution and repatriation of museum collections taken from colonised countries [3]. Restitution refers simply to the act of returning artefacts, whereas repatriation implies a work being returned to its country of origin. The two terms are often conflated, as most existing relevant objects were appropriated during colonisation [1, 4]. Returning objects to the cultural heritage of such countries offers potential for cultural diplomacy within existing international relationships. Solutions vary from collectively preserving artefacts to sharing replicas for the public good. A clear method for comparative analysis of restitution debates is established, with separate but interlinked legal and policy analyses providing means to scrutinise how diplomatic and museum practices could be reinforced [5]. In examining past injustices and restitution options, equity of access or opportunity for presenting collections remains an essential component of consideration. Policy analysis focuses on the role of museums and cultural diplomacy [5]. Cultural diplomacy includes elements of identity, continuity, community service, knowledge-sharing, social cohesion and engagement with civil society, extending to library, performance, exhibition and repository facilities. The interactions, connections and exchanges accompanying cultural diplomacy, whether through films, literature, lectures, not-for-profit or commercial intentions, enhance and enrich studies of diplomacy and international relations [6].

### **Comparative Analysis and Case Selection**

To conduct a comparative analysis, several criteria help ensure that selection remains systematic, transparent, and relevant to the research questions [7]. The emphasis on restitutive measures excludes cases where demand center on return for instance, claims for sacred objects by living representatives of indigenous communities without direct links to the original site of extraction. Focusing primarily on cultural-heritage objects rather than art introduces another distinction. Objects, for which return remains contentious, despite wide acknowledgement of colonial-era origins, constitute a further category [7]. Available data also favour the selection of jurisdictions where restitution forms a public policy issue for national museums, expected to have an impact on cultural diplomacy [7]. In jurisdictions with explicit restitution legislation, coverage extends beyond the nation's own museum collections to encompass natural-history-type specimens and private collections held by individuals or organizations, although such cases do not always meet the initial selection criteria. Practical considerations about the amount of information accessible from Canada and Australia for ongoing comparative analysis also inform selection [8]. Within the three Commonwealth jurisdictions chosen (Canada, Australia, and New Zealand), the emphasis remains on federal legislation, with the specific focus varying between post-colonial settler societies and former empire metropolitan sites [1].

### **Legal, Ethical, and Public Policy Methodologies**

Legal, ethical, and public-policy methodologies provide a framework for categorizing policy and viability of restitution claims, and for assessing court rulings and museum résumés in multiple jurisdictions [5]. Encompassing direct and indirect sources, these methods employ archival research, fieldwork, expert interviews, and surveys to track and analyze historical injustices, probe restitution issues, and assess the evolution of museum policy and practice [6]. Addressing the question of provenance, legal data catalogue confirmed ownership for a

substantial proportion of Le Louvre's Egyptian objects, with a third of disputed or inexactly tracked items thought to have evaded production or destruction of evidence [6]. Provenance research, however, can only serve as a partial remedy. Establishing ownership remains fraught with difficulties linked to the transparency and availability of evidence; a greater burden is placed on claimants; and available evidence may support multiple ownership narratives [7]. Following the tenets of legal pluralism, governing law should be the jurisdiction of the claimant; yet, if claims arise under the jurisdiction of the holder's country, competing worldviews and legal orders may be disregarded. The evidence cited by bidders in sales and auction publicity should also be accessible beyond the moment of transaction [8]. A lack of role-specific expertise among auction-house staff further exacerbates provenance challenges and limitations on disclosure [8].

#### CONCLUSION

The debates surrounding restitution and repatriation reveal the deep entanglement of museums within colonial histories, contemporary legal systems, and global political relations. Far from being purely administrative or curatorial concerns, these practices expose unresolved questions of ownership, justice, and identity that continue to shape international cultural relations. While international conventions and soft law frameworks have advanced the discourse, their non-binding nature limits their effectiveness, leaving significant discretion to national legislation and institutional policy. At the same time, museums are increasingly repositioning themselves as diplomatic actors and facilitators of cross-cultural exchange rather than passive custodians of objects. This shift is accompanied by growing emphasis on provenance research, digitization, and collaborative stewardship with source communities, all of which contribute to more inclusive and transparent heritage practices. However, persistent inequalities in access, power, and legal recognition continue to complicate restitution efforts. Ultimately, restitution and repatriation should be understood not as singular acts of return but as ongoing processes of negotiation, reconciliation, and cultural redefinition. They offer an opportunity to reimagine museums as spaces of shared heritage, ethical responsibility, and global dialogue, where historical injustices are acknowledged and more equitable futures are actively constructed.

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