

Critically assess the extent that repatriation claims are motivated by political agendas of self-determination and sovereignty.

While museums hold a lot of history and are important centers to learn about different cultures in the world. A problem arises when a stolen or lost artifact from a specific culture of group of people is demanded to be returned to that group. Pride being a big factor in this motivation, but also the desire to be perceived as a sovereign nation and not led by the colonial force that it once was. Repatriation also becomes an issue because archaeologists tend to be viewed as very stubborn and prefer to hold on to their beliefs, making changing their minds very difficult.

Self-determination and sovereignty are necessary factors for a nation that wants to grow and create its own culture and beliefs. Forming a culture for a nation is done through years of transformation and traditions that are particular to that nation or country and are sacred practices or beliefs. When other countries steal or overtake a nation, it destroys that sense of self-determination and rips away any form of authority that nation had. This can affect their pride and cause lasting effects that are not helped by the loss they may have endured. This can also strip away the identity of the people dealing with this loss.

When countries and nations grieve their stolen items and bodies, they may decide to stand up and claim what is rightfully theirs. Repatriation is a form of reclaiming their lost sovereignty and repossessing their items. Repatriation is not only the return of items, but also the first step to forming a working relationship with the tribes and mending relationships with colonised countries. Forming that bond allows the archaeologists to educate others on the history or lives of these tribes while still being respectful towards the members. Though this relationship was formed after years of push-back and distrust from both sides, what seemed impossible to some was able to happen and change the archaeology world for the better.

The unfortunate truth about stolen items in museums is that most of them come from looting or killing. In America, non-indigenous people had started to dig up the graves of the Indigenous people and shipped off the items to museums without understanding its cultural value. The Native Americans are very spiritual and believe there is a certain way to mourn the dead to ensure that their spirit is able to rest and be at peace, with each tribe having its own unique way of doing this. When the non-Indigenous American began to dig them up, they were disturbing their peace and "they did not allow [their] dead to rest,"¹ which went against anything the Natives believed. They had disrespected the Native Americans and had stolen their items, which took away their self-determination and did not allow them to mourn their dead in the proper way.

Colonization is the root cause for the stolen items and artworks in museums. These museums will argue that they "were not endorsing colonization but rather were preserving formerly colonized peoples' cultures and showcasing their artworks for a world audience,"² trying to justify their looting and give a good reason for not returning the items. This may be the case, but it does not let the places that those pieces come from are not able to showcase their artworks for their own people. There was so much looting happening, especially in Africa where "more than ninety percent of historical sub-Saharan African artworks and cultural objects are held outside of Africa, many of them taken by European colonizing

¹ Hemenway, E. (2017, August 14). *"The bones of our ancestors were thrown away and we could never find them to return them to the ground"*. National Park Service.

² Baylis, E. (n.d.) *LOOTED CULTURAL OBJECTS*. Columbia Law Review.

forces,”³ meaning that the original places those artworks come from do not even own half of it, almost none at all. This example points to the reasoning behind repatriation and wanting self-determination and sovereignty since they are not even allowed to share their culture with the people around them.

Looting did not just effect colonized groups, it also affected the archaeologists who were digging the sites. With the Antiquities Act of 1906 and the Archaeological and Historic Preservation act of 1974 to protect the sites, which did not prevent or deter looting, the archaeologists demanded for more protection. On October 31 1979 ARPA, or the Archaeological Resources Protection Act, was enacted which helped prevent further looting and also improve communication between the government, archaeologists, and those possessing archaeological collections before the enactment. According to the National Park Service in the USA the penalties for looting archaeological sites include not more than ten years imprisonment, up to a \$250,000 fine, and three years of supervised release with all the equipment used being confiscated. These penalties were strong deterrents in the amount of looting that happened near these sites. This act proved to be the most effective of the three acts in deterring looting, but it did not solve the problem the Native Americans had with the looting of their sacred items.

After ARPA had been enacted, Native Americans brought to attention the issue with Archaeologists stealing from their reservations and graves. That is why the government had decided to introduce the act NAGPRA. There are specific guidelines which are outlined by NAGPRA, or the Native American Graves Protection and Repatriation Act. According to the US Department of the Interior, this act ensured the return of the human remains, funerary objects, sacred objects, and objects of cultural patrimony. While excavation site discoveries are first governed by state or local laws, any discoveries of human remains or cultural items may be subject to repatriation. Tribes must be consulted when discussing new discoveries and requests for repatriation must be evaluated. This law helped build the bond between Westerners and Native Americans. Since its enactment in October of 1990, the act has seen many changes and alterations, but always with the mindset of preserving and returning the past. If someone were to not follow the regulations may be punished by a fine, imprisonment, or both and any museum not following these regulations may be assessed a civil penalty. Museums that do not follow NAGPRA directives may also stop receiving funding from NAGPRA, which could cause a lot of issues with the funding.

It is no secret that the Europeans took as many things from the nations they colonising as they could. Looting was a huge issue among native populations until NAGPRA was enacted. This issue began with the archaeologists taking the bodies and sacred items of the Native Americans. Their belief system “had imposed itself on belief systems of indigenous peoples about their pasts and those they consider to be ancestors,”⁴ since the Westerners were under the impression that the Natives were not concerned with their looting and were not allowed a say in the matter. Through a poll done by the Nebraska State Historical Society, they had found that most individuals, including the Native Americans, had agreed that the bodies taken should be given back and reburied. This issue had brought an understanding that the Native people wish to reclaim their culture and want to have some form of self-determination. Their belief being that they have a say in where bodies of dead Natives end up shows a feeling of sovereignty over their own tribes and groups.

³ Baylis. *LOOTED CULTURAL OBJECTS*.

⁴ Zimmerman, L. J. (Spring, 1996). *Epilogue: A New and Different Archaeology?*

While repatriation is largely viewed as a positive by most people involved, there is some push-back and many negative reactions to it. One argument against repatriation, made by Elizabeth Weiss who is a professor in Anthropology at San Jose University, would be that many claims coming from Native tribes are not following the rules set by NAGPRA originally and are setting discoveries behind or halting progress altogether. Originally, NAGPRA's intent was to return all affiliated human remains back to the original tribes they came from, but NAGPRA's 2024 fiscal report claims "that only "58% ...of the Native American human remains reported have completed the NAGPRA process,"⁵ which is a complete jump back from 2020's 92% completion rate. This difference occurred because they started claiming unaffiliated tribes along with the culturally affiliated in their report. They had a review of the regulations of NAGPRA and while they did not change any rules, they had reviewed the guidance and lowered the threshold for affiliation. This caused them to be unable to study most bodies that were in archaeologists' possession.

While this is a big issue for archaeologists, Weiss discovered another issue with NAGPRA and the repatriation of artifacts. She had found that they were misclassifying artifacts in order to repatriate more objects than originally intended. Previously, they had been given the right to repatriate culturally significant objects, such as funerary objects, sacred objects, and objects of cultural patrimony, this would allow museums to continue to display many objects to educate others. Since then many people have begun to claim items that were not sacred as funerary objects, for example "In Sacramento, the California Department of Parks and Recreation has reported 2,361 lots of funerary objects from a burial site dated between 1000 and 1500 AD,"⁶ and had included spark plugs and car parts even though those things would not be invented until the 1800s. These false classifications can cause a lot of loss of valuable research material, as well as time and money wasted by the archaeologists. This creates problems for archaeologists and the native tribes because many of the items being repatriated from museums "were purchased from Native American artists who created them specifically for display,"⁷ and were not sacred objects.

While the argument that they are not entitled to anything that they wish does hold some ground for why their political agenda concerning repatriation may not only be self-determination, there was more to the situation. When the repatriation movement had just begun, there were many shortcomings throughout it and this made things very difficult. NAGPRA found that museums would classify things as "'culturally unidentifiable' to avoid return,"⁸ making it so that the museums could delay and deny any claims for repatriation. This rule had been altered in 2024 to eliminate that category and allow more tribes to claim their sacred items. They were finally able to not be denied what they knew was rightfully theirs. This issue highlights how many Native American tribes were not taken seriously by the museums and archaeologists, NAGPRA allowed them to have their voices and concerns be listened to. This issue also highlighted how museums would use loopholes in order to not give away anything that they did not have to or want to. While they still have not received all that they have claimed and are deserved, they still have the ability to possess their sacred items.

The UK is known for many different reasons, some of them being colonization and another being their museums. Ishaan H. Jajodia, who has a Ph. D in political science from

⁵ Weiss, E. (2025, May 7). *The Slow Death of Archaeology in the Name of 'Repatriation'*.

⁶ Weiss. *The Slow Death of Archaeology in the Name of 'Repatriation'*.

⁷ Weiss. *The Slow Death of Archaeology in the Name of 'Repatriation'*.

⁸ Monyak, M. (2025, September 24). *A New Era for Repatriation? Evaluating the 2024 NAGPRA Changes*.

Yale, he has made arguments against repatriation towards British museums. He argues that countries like England, that have taken artifacts from other countries, allocate more resources towards their museums. For example, in 2016, India had a population of 1.2 billion people while the UK had a population of 65 million, looking at their budgets for their museums "the Arts Council in the UK...announced a GBP 622 million budget... India allocated GBP 272 million to the arts and culture in its entirety,"⁹ which shows that England puts a higher significance on their museums. Though both countries value their artifacts, the UK puts more time and effort into their museums, which can prove that India would not be a more suitable owner of their stolen valuables. This case shows that the repatriation involved with the UK and India may now be a case of sovereignty, but in fact a case of believing they deserve to own everything that comes from that country even if they do not intend to look after it.

Repatriation in the UK is made a bigger deal by not having a strict regulation to how to return the items to the proper country. When these countries decided they wanted to repatriate their cultural items they were "made only on the terms and in the time frames that suit European political whims,"¹⁰ which did not allow enough time for these countries to prepare for their items and also escalated the violence. Since many arguments are formed about how some countries cannot look after their items as well as the museums can, the Ghanaian-Austrian legal advisor to the UN Kwame Opoku compared this argument as "a car being stolen and then on being told to return it, the thief demanding to see the garage it would be parked in upon return,"¹¹ which shows the irony of the argument. Even if a country does not take the same measure of care as another would, it is still their object and they have every right to treat it how they see fit. These objects are used by the colonising countries in an attempt to keep some form of control and power over the colonised.

While repatriation at its core is supposed to allow the original owners a sense of wholeness and sovereignty, there are many arguments against that view point. The amount of items that are being demanded from these countries and tribes may show that all they want is the ability to take from these museums and excavation sites which can show some self-determination. Being stripped of the ability to claim ownership of things once sacred to you destroys a part of your culture that may be difficult to return. Some museums believe that granting that power may entice the nations or tribes to become greedy and ask for more than they were granted. As both of these view points may be true, it is important to assess the level of restriction that was placed on the oppressed party, as well as the amount that is being asked from the oppressors. The Native Americans were not aware that the Europeans would take all their possessions and put them in a museum. It is important to understand that it was never the Europeans' choice to make, it had stripped them of any sovereignty that the Natives may have had over their own items.

Repatriation was and continues to be a problem to colonized countries all over the world. While there may be those who disagree with it, rules have been implemented and it is the choice of those who lost their items to decide if they should get ownership again. While culture should be shared by different countries or nations, it is important to remain respectful and allow them to choose what aspects of their lives they wish to share with others.

⁹ Jajodia, I. H. (2018, April 12). *The Case Against Repatriation*.

¹⁰ *Why Repatriation is Important*. (2019, October 31).

¹¹ *Why Repatriation is Important*. (2019, October 31).

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