

THE REPATRIATION OF THE ROSETTA STONE: STEPS TOWARD A MUTUALLY BENEFICIAL SOLUTION

GENEVIEVE TORREY*

ABSTRACT

The British Museum is renowned for its vast collection of artifacts from around the world. What is less known, however, is that the countries from which those artifacts originated persistently request their return. For decades, Egypt has intermittently called upon the British Museum to return the Rosetta Stone—one of the museum’s most famous artifacts. These calls have recently resurfaced, with a petition circulating Egypt in 2022 for the purpose of the stone’s repatriation. Despite this persistent effort domestic legal complications, loose international obligations, and ideological differences have forestalled any meaningful discussion between the two nations.

This Comment seeks to address potential steps toward a resolution to this decades-old debate. Ultimately, this Comment proposes that the United Kingdom adopt legislation to permit the British Museum to relinquish possession of colonial era artifacts. Under this new legislative scheme, the United Kingdom and Egypt should enter into alternative dispute resolution to come to an amicable solution over the Rosetta Stone debate.

* J.D. Candidate 2026, University of Wisconsin Law School.

Abstract.....	563
Introduction.....	565
I. Background.....	567
A. Defining Cultural Property.....	568
B. Britain's Controversial Claim to the Rosetta Stone	568
C. Egypt's Call for Repatriation	570
D. British Law and Repatriation Claims	571
E. International Treatises and Norms Surrounding Repatriation.....	573
i. The Hague Convention of 1954.....	574
ii. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property	575
iii. 1995 Convention on Stolen or Illegally Exported Cultural Objects	576
II. Argument.....	576
A. Moral and Ethical Perspectives on Cultural Property	577
i. Cultural Nationalism.....	577
ii. Cultural Internationalism.....	579
iii. Reconciling the Nationalist and Internationalist Perspectives.....	581
B. Alternate Dispute Resolution	582
C. ADR Methods	583
i. Moral Pressure/Rights-Based Approach.....	584
ii. Power Pressure and Cultural Sanctions	585
D. Applying ADR to the Rosetta Stone Controversy	587
i. United Kingdom Legislative Obstacles	588
ii. Practical Implementation of ADR solutions to the Rosetta Stone debate	590
III. Conclusion	594

INTRODUCTION

Property disputes are not unfamiliar to anyone in the legal field. Oftentimes, when someone claims ownership over property in the possession of another, there are established legal doctrines through which to decide proper ownership. Similarly, there are statutes of limitations which bar claims that are asserted long after the property changed possession.¹ These reliable legal doctrines fall short, however, when parties assert competing claims over property which changed possession hundreds of years ago, during a time when the modern day possessor subjugated the other party. In these cases, it is unclear what a “just solution” would entail, and there is little legal clarity on how to reach one. Such disputes over cultural property taken during the colonial era are pervasive in international property conflicts.

Cultural property is property of great importance to a group of people’s cultural heritage.² During the colonial era, colonizing countries robbed the nations they colonized of countless cultural artifacts.³ Egypt, a victim of this ransacking, had little control over its own affairs because external rulers of the nation were often changing in the nineteenth century.⁴ Romanticization of ancient Egypt created immense demand for the nation’s ancient artifacts.⁵ Today, over a hundred thousand Egyptian artifacts are housed in Europe, and Egypt itself seeks the return of the cultural property it had no agency in trading while colonized.⁶ Most notably, the English took the Rosetta Stone from Egypt in the early 1800s and remains housed in the British Museum to this day.⁷

¹ See Maya Lucyshyn, *Western Art Museums and the Legacy of Imperialism: The Successes, Shortcomings, and Future of the Art Repatriation Movement*, 36 TEMP. INT’L & COMP. L.J. 119, 134 (2021).

² Convention on the Protection of Cultural Property in the Event of Armed Conflict art. 1, May 14, 1954, 249 U.N.T.S. 215 [hereinafter 1954 Hague Convention].

³ Lucyshyn, *supra* note 1, at 121.

⁴ See generally Josh Shuart, *Is All Pharaoh in Love and War - The British Museum’s Title to the Rosetta Stone and the Sphinx’s Beard*, 52 U. KAN. L. REV. 667, 690 (April 2004) (discussing the succession of outside rulers in Egypt and related takings of cultural property).

⁵ Toby Wilkinson, *Egyptomania*, CLARE COLL. UNIV. OF CAMBRIDGE, <https://stories.clare.cam.ac.uk/egyptomania/index.html> [<https://perma.cc/9T74-5UHW>] (last visited Mar. 23, 2025).

⁶ *Egyptians Call on British Museum to Return the Rosetta Stone*, PBS (Nov. 30, 2022, 18:58 EDT), <https://www.pbs.org/newshour/world/egyptians-call-on-british-museum-to-return-the-rosetta-stone> [<https://perma.cc/8PA5-KEAX>].

⁷ Hannah R. Godwin, *Legal Complications of Repatriation at the British Museum*, 30 WASH. INT’L L.J. 144, 155 (2020).

The Rosetta Stone is known worldwide as the artifact that led to the decoding of ancient Egyptian hieroglyphics.⁸ Two languages are etched into the rock's surface: ancient Egyptian—in both hieroglyphs and demotic (a cursive, handwritten version of hieroglyphs)—and Greek.⁹ The message etched on the stone itself is of little importance, describing the various honors to be bestowed upon a ruler of Egypt at the time of the stone's creation.¹⁰ Rather, the fact that the message was written in both Greek and ancient Egyptian allowed those deciphering the stone to translate the ancient hieroglyphs and demotic, unlocking secrets of ancient Egyptian civilization.¹¹ As such, the Rosetta Stone is famous for the role it played in uncovering the mysteries of the ancient world for modern scholars.

In the twenty-first century, Egypt is now seeking the return of the Rosetta Stone.¹² The question of who should exercise ownership over this artifact has been hotly debated. Under British domestic law, the Trustees of the British Museum are under a strict legal duty to maintain and preserve the artifacts housed in the museum.¹³ This legislative regime leaves no room to entertain repatriation claims unless Parliament legislates otherwise.¹⁴ Similarly, there are no existing international treaties that enforce a legal obligation on former colonizers to return artifacts that were removed from their homeland centuries ago.¹⁵ Despite the lack of legal imperative to return the Rosetta Stone, Egypt relies heavily on moral and ethical principles to assert possession rights.¹⁶ International attitudes tend to favor Egypt, as cultural nationalists around the globe advocate for the return of cultural artifacts and United Nations treaties seek to encourage repatriation.¹⁷

⁸ THE BRIT. MUSEUM, *The Rosetta Stone and What It Actually Says with Ilona Regulski*, at 00:35, <https://www.youtube.com/watch?v=klJBwnBHET8> [<https://perma.cc/9J5Z-DPWV>].

⁹ *Id.* at 01:44–02:00.

¹⁰ *See id.* at 03:00–03:10.

¹¹ *See id.* at 01:44–02:19 (discussing how academics used the Rosetta Stone to unveil aspects of the Egyptian language).

¹² PBS, *supra* note 6.

¹³ British Museum Act 1963, c. 24 § 3(3) (UK).

¹⁴ Godwin, *supra* note 7, at 147–48.

¹⁵ Lucyshyn, *supra* note 1, at 122.

¹⁶ *See, e.g.*, Dr. Zahi Hawass, *Petition for the Return of the Rosetta Stone and the Dendera Zodiac to Egypt*, CHANGE.ORG (Oct. 19, 2022), https://www.change.org/p/petition-for-the-return-of-the-rosetta-stone-and-the-dendera-zodiac-to-egypt?source_location=searc [<https://perma.cc/Q68K-UU68>]; Dr. Monica Hanna, *Repatriate Rashid: Sign Our Petition*, REPATRIATE RASHID, <https://www.repatriaterashid.org/> [<https://perma.cc/3D9Q-CVZU>] (last visited Mar. 23, 2024).

¹⁷ Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, art. 7(b)(ii), Nov. 14, 1970, 823 U.N.T.S. 231 [hereinafter 1970

With no legal obligation to repatriate the Rosetta Stone to Egypt under either domestic or international law, the United Kingdom is unlikely to engage in dialogue with Egypt to conclude this decades-long debate. To remedy this, the British Parliament should adopt legislation mirroring the Holocaust (Return of Cultural Goods) Act that addresses the cultural property the United Kingdom came to possess by virtue of the state's colonial dominance. With a revised legal duty, the British Museum Board of Trustees could consider the return of cultural property taken during the colonial era.

If the United Kingdom were to permit the board of trustees to consider repatriation claims, alternative dispute resolution (ADR) would offer the best means to reach a mutually beneficial solution to the Rosetta Stone debate. Litigation is unlikely to produce an agreeable result, since the artifact was taken hundreds of years ago and Britain is under no legal obligation to return it. Through mediation or negotiation, the parties might reach a unique solution as to determining where the Rosetta Stone should be housed.

By primarily focusing on the Rosetta Stone, this Comment argues that the United Kingdom should adopt legislation that allows the British Museum to open dialogue regarding the return of cultural artifacts housed in its vast collection.

I. BACKGROUND

To ascertain potential answers as to who should possess the Rosetta Stone, this Comment first contextualize this controversial debate. The Rosetta Stone is undoubtedly considered cultural property under the definition continuously used internationally. Who owns this cultural property is, to some extent, dependent on its history of ownership. The British Museum's claim to the stone is based on a questionable transfer of the property from the French in the nineteenth century. Egypt asserts that this transfer was not legally permissible, and as such seeks repossession of the artifact. Though multiple international treaties address the repatriation of cultural property, the United Kingdom is under no international obligation to return the Rosetta Stone. This context is necessary to devise a solution for this debate and is discussed further in the Part below.

UNESCO Convention]; Convention on Stolen or Illegally Exported Cultural Objects art. 2, June 24, 1995, 2421 U.N.T.S. 457 [hereinafter 1995 UNIDROIT Convention].

A. DEFINING CULTURAL PROPERTY

The term *cultural property* was first used in 1954 in the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention).¹⁸ The term is defined as “movable or immovable property of great importance to the cultural heritage of every people, such as . . . works of art; manuscripts, books and other objects of artistic, historical or archaeological interest.”¹⁹ Later, in 1970, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970 UNESCO Convention) defined cultural property as “property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science.”²⁰ The 1970 definition stuck, with the 1995 International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects using the same language to define cultural property.²¹

B. BRITAIN’S CONTROVERSIAL CLAIM TO THE ROSETTA STONE

Amid the Napoleonic Era, France made a 1798 expedition to Egypt, opening Egypt up to the West.²² At the time of this expedition, Egypt was under the rule of the Ottoman Empire but quickly became a victim of Napoleon’s militaristic expansion.²³ To combat this occupation, the Ottomans and the British joined forces to oust the French, resulting in the British being handed the Rosetta Stone and a number of other artifacts under the terms of an 1801 surrender deal.²⁴

The legality of the Rosetta Stone’s transfer to Britain has been called into question. Primarily, the question on which legality depends on is whether or not the Ottoman Empire was authorized to transfer ownership of Egyptian artifacts.²⁵ Some argue that, as the government of Egypt at the time, the Ottomans had the right to authorize removal of the

¹⁸ Lucyshyn, *supra* note 1, at 127–28.

¹⁹ 1954 Hague Convention, *supra* note 2.

²⁰ 1970 UNESCO Convention, *supra* note 17.

²¹ 1995 UNIDROIT Convention, *supra* note 17.

²² Dalia N. Osman, *Occupier’s Title to Cultural Property: Nineteenth-Century Removal of Egyptian Artifacts*, 37 COLUM. J. TRANSNAT’L L. 969, 972, 984 (1999).

²³ PBS, *supra* note 6.

²⁴ *Id.*

²⁵ Osman, *supra* note 22, at 973–74.

property.²⁶ Others dispute the validity of the Ottoman rule of Egypt, since the government was not internationally recognized until the mid-1850s.²⁷ Because the agreement to transfer the stone was made between the French, the British, and the Ottomans, modern calls for repatriation assert that the transfer was illegal without Egyptian consent.²⁸

Ultimately, the legality of Britain's possession of the Rosetta Stone depends on whether European interstate norms extended to non-European states in the early 1800s.²⁹ Under intertemporal law, the dispute over the Rosetta Stone must be interpreted according to customary international law when France, and later Britain, came to possess the stone.³⁰ Since Alexander the Great, the international community has recognized that cultural property should be left in its country of origin.³¹ In the context of nineteenth century Europe, however, this norm was largely only recognized when the looting occurred between European nations.³² Seizure of cultural property during the military occupation of non-European peoples was considered legally permissible.³³ Under this rationale, Britain came to possess the stone legally under international law at the time.³⁴

Alternative arguments, however, dispute this assertion. Since Europe did not formally recognize the Ottoman Empire until over fifty years after Britain came to possess the stone, the Ottomans lacked ownership title over Egyptian artifacts to sanction removal of them.³⁵ Additionally, the property could not have been considered abandoned to where the Ottomans' "finding" of the property would grant them ownership.³⁶ Since the Ottoman Empire was not formally recognized as a government, it could not have legally transferred the stone to France, so Britain's title would be void.³⁷

Whether either theory of possession is considered valid is not as important as the conclusion that comes from the debate—that the legality

²⁶ *Id.* at 983.

²⁷ *Id.* at 974, 977.

²⁸ See, e.g., Hawass, *supra* note 16; Hanna, *supra* note 16.

²⁹ Shuart, *supra* note 4, at 690.

³⁰ *Id.*

³¹ Osman, *supra* note 22, at 974.

³² Shuart, *supra* note 4, at 693–94 (describing Napoleon being required to return artifacts to European museums after his defeat).

³³ *Id.* at 691.

³⁴ See *id.* at 691–95.

³⁵ See Osman, *supra* note 22, at 977.

³⁶ See *id.* at 983 (inferring that the Ottomans have no claim to Egyptian artifacts because the artifacts were never abandoned by the Egyptians).

³⁷ *Id.* at 985.

of Britain's possession of the Rosetta Stone is disputed. Under today's norms, international law does not compel museums to return artifacts with disputed origin.³⁸

C. EGYPT'S CALL FOR REPATRIATION

While relatively novel, Egypt's call for repatriation of the Rosetta Stone is not altogether new. The Egyptian government began calling for repatriation of the stone in 2003.³⁹ This movement was pioneered by Zahi Hawass, the then-secretary-general of Egypt's Supreme Council of Antiquities.⁴⁰ Hawass sought the return of all the antiquities stolen from Egypt, chief among them being the Rosetta Stone.⁴¹ The call for repatriation is ideologically founded in anticolonial sentiments.⁴² Those who seek repatriation believe that the continued profit of Western states from artifacts stolen from conquered nations is morally and ethically unjustified.⁴³ Through such movements, Egypt has successfully recovered dozens of artifacts from Europe, North America, and the Pacific Rim.⁴⁴

Publicity around Egypt's request for the Rosetta Stone's repatriation revived in 2022 when Monica Hanna, Dean at the Arab Academy for Science, Technology & Maritime Transport, joined Hawass in his efforts. Hanna circulated a petition that gained 4,200 signatures, adding to the 200,000 signatures Hawass's collected on his own petition.⁴⁵ Where Hawass's petition calls on Britain to return the stone, Hanna's asks that the Egyptian prime minister submit an official request to the British government for repatriation.⁴⁶ The 2022 revival resulted in renewed discussion over the controversy, with major news outlets reporting on the debate.⁴⁷

³⁸ Godwin, *supra* note 7, at 147.

³⁹ Danielle B. Sinn, "Finders Keepers, Losers Weepers!": Why the United Kingdom Should Respond to Repatriation Claims and the Lesson the United States can Teach, 128 PENN. ST. L. REV. 603, 607.

⁴⁰ Stuart, *supra* note 4, at 669.

⁴¹ *Id.* at 669–70.

⁴² *See id.* at 670 (discussing how the retention of artifacts in market nations is perceived as the last vestige of colonialism).

⁴³ *See* Lucyshyn, *supra* note 1, at 121, 145.

⁴⁴ Stuart, *supra* note 4, at 669.

⁴⁵ PBS, *supra* note 6.

⁴⁶ Hawass, *supra* note 16; Hanna, *supra* note 16.

⁴⁷ *See, e.g.,* Venessa Romo, *Egyptians Call for the Return of the Rosetta Stone and Other Ancient Artifacts*, NPR (Oct. 12, 2022, 05:00 UTC), <https://www.npr.org/2022/10/12/1128288196/egypt-calls-for-the-return-of-the-rosetta-stone-and-other-ancient-artifacts> [https://perma.cc/HBF5-NVR6]; PBS, *supra* note 6.

Presently, there has been no resolution to the competing claims for the Rosetta Stone.

D. BRITISH LAW AND REPATRIATION CLAIMS

British domestic law leaves little room for successful repatriation claims over cultural artifacts stored in the British Museum. To understand why such claims are unsuccessful, it is important to recount the conception of the British Museum, the structure of the museum's governing body, and the domestic law that dictates the legal duties imposed on the museum's trustees. Due to the restrictions that are statutorily outlined, the trustees of the museum possess no power to dispose of artifacts in the museum's collection.⁴⁸ The Chancery Division Court reaffirmed this principle in *Attorney General v. British Museum Trustees*, where it found that, absent legislation, there is no legal basis under which the British Museum may accommodate repatriation claims based on morality.⁴⁹ Parliament founded the British Museum in 1753, following the death of Sir Hans Sloane. In his Last Will and Testament, Sir Hans Sloane offered Parliament his private collection for 20,000 pounds.⁵⁰ Parliament accepted and passed the British Museum Act of 1753, creating a new public institution with the purpose of storing Sloane's 80,000 rarities, 40,000 books and manuscripts, and 32,000 coins and medals.⁵¹ This piece of legislation codified Sloane's testamentary intentions and created the board of trustees to govern the museum's operations.⁵² The 1753 Act also stated that the museum shall remain and be preserved for public use to all posterity.⁵³ Under this law, the museum operated for over two centuries.⁵⁴

In 1963, Parliament replaced the antiquated British Museum Act with the British Museum Act of 1963.⁵⁵ The act serves three relevant functions: (1) to update the governing structure of the museum; (2) to reaffirm the legal duties imposed on the governing body; and (3) to outline the

⁴⁸ Godwin, *supra* note 14, at 147.

⁴⁹ *Att'y Gen. v. Trs. of the Brit. Museum* [2005], EWHC (Ch) 1089 (Eng.).

⁵⁰ Godwin, *supra* note 7, at 158.

⁵¹ *History of the British Museum*, THE BRIT. MUSEUM, <https://www.britishmuseum.org/about-us/british-museum-story/history> [<https://perma.cc/7LNW-8ARE>] (last visited Oct. 23, 2024).

⁵² Godwin, *supra* note 7, at 159.

⁵³ *Att'y Gen. v. Trs. of the Brit. Museum* [2005], EWHC (Ch) 1089 (Eng.).

⁵⁴ See THE BRIT. MUSEUM, *supra* note 51.

⁵⁵ Godwin, *supra* note 7, at 159.

exceptions under which the trustees may breach this legal duty.⁵⁶ Pursuant to this act, the museum is governed by a corporate body consisting of a twenty-five-member board of trustees who can dictate the museum's operations, subject to the duties and restrictions outlined.⁵⁷ Among these duties is the obligation to keep the objects in the museum's collections.⁵⁸ Section 3(4) goes further, clarifying that "objects vested in the Trustees as part of the collections of the Museum shall not be disposed of by them" except under the outlined exceptions.⁵⁹ These exceptions are listed in section 5, stating that the board may dispose of an object in the museum's collection if it is a duplicate, if it is a photograph made after 1850, or if the board finds that it is unfit to be retained in the museum's collection.⁶⁰

While this third exception seems to grant the trustees power to entertain repatriation requests, the Chancery Division ruled otherwise in 2005.⁶¹ In *Attorney General v. Trustees of the British Museum*, the trustees felt a moral obligation to dispose of four drawings that were taken from the claimants' grandfather by the Gestapo during the Nazi occupation of Czechoslovakia.⁶² The trustees sought permission from the attorney general to allow restitution of the drawings to the claimants by characterizing the transfer of the drawings as an authorized payment of charity funds.⁶³ The Chancery Division held that the British Museum Act of 1963 does not grant the trustees power to dispose of the drawings and that the attorney general could not authorize the restitution of the drawings as a charitable payment.⁶⁴ Under this rule of law, the board of trustees is not legally authorized to repatriate artifacts held in the museum's collection unless it falls under one of the exceptions outlined in the British Museum Act of 1963.⁶⁵

Despite the limited circumstances under which the British Museum can entertain repatriation claims, the museum has returned cultural

⁵⁶ See generally British Museum Act 1963, c. 24 (UK) (creating the system of governance for the British Museum and assigning powers to the Board of Trustees).

⁵⁷ *Id.* at §1(1).

⁵⁸ *Id.* at §3(1).

⁵⁹ *Id.* at §3(4).

⁶⁰ *Id.* at §5.

⁶¹ *Att'y Gen. v. Trs. of the Brit. Museum* [2005], EWHC (Ch) 1089 (Eng.).

⁶² *Id.* at ¶13.

⁶³ *Id.*

⁶⁴ *Id.* at ¶ 25.

⁶⁵ British Museum Act 1963, c. 24 §5 (UK); *Att'y Gen. v. Trs. of the Brit. Museum* [2005], EWHC (Ch) 1089 (Eng.).

property in recent history.⁶⁶ The reason for this newfound ability is legislative reform. In 2004, Parliament passed the Human Tissue Act, which explicitly overrode the British Museum Act of 1963 and allowed to museum to return human remains upon an affirmative vote by the board of trustees.⁶⁷ Similarly, in 2009 Parliament passed The Holocaust (Return of Cultural Objects) Act of 2009, which granted the trustees a provisional ten-year period to repatriate cultural property on grounds relating to events occurring during the Nazi era.⁶⁸ While limited, these twenty-first century acts allow Parliament to enact legislation to permit fulfillment of repatriation claims over artifacts in the British Museum. Because of the restrictive nature of the British Museum Act, parliamentary action is necessary to dispose of cultural property in compliance with the legal duties assigned to the board of trustees.⁶⁹

E. INTERNATIONAL TREATISES AND NORMS SURROUNDING REPATRIATION

Though British law bars repatriation claims, much of the world seeks restitution for the cultural artifacts that colonial powers removed or stole during the colonial era. Before the international community adopted the term *cultural property*, international treaties and agreements addressed this controversy by regulating the looting and pillaging of conquered people.⁷⁰ The first treaty to incorporate the term cultural property as we know it today was the 1954 Hague Convention.⁷¹ Since the 1954 Hague Convention, jargon surrounding cultural property, repatriation, and restitution has become commonplace in discussions of international law.⁷²

Today, there are three predominant treaties that address cultural property and repatriation claims: the Hague Convention of 1954, the 1970 UNESCO Convention, and the 1995 UNIDROIT Convention.⁷³ The United Kingdom ratified the 1954 Hague Convention in 2017 and

⁶⁶ Sinn, *supra* note 40, at 625–28.

⁶⁷ *Id.* at 626.

⁶⁸ *Id.* at 627–28.

⁶⁹ Godwin, *supra* note 7, at 148.

⁷⁰ See Wayne Sandholtz, *Plunder, Restitution, and International Law*, 17 INT'L J. CULTURAL PROP. 147, 149–52 (2010).

⁷¹ See generally 1954 Hague Convention, *supra* note 2 (defining cultural property as “movable or immovable property of great importance to the cultural heritage of every people”).

⁷² See, e.g., Lucyshyn, *supra* note 1, at 128 (discussing the development of international treaties addressing cultural property over time).

⁷³ Sinn, *supra* note 16, at 3.

accepted the 1970 UNESCO Convention but has not ratified it.⁷⁴ The United Kingdom is only bound by the terms of the Hague Convention, since the state has not ratified the 1970 UNESCO Convention or the 1995 UNIDROIT convention. Despite the United Kingdom having not ratified the most recent treaties, an assessment of how the international community has addressed cultural property and restitution claims over time offers evidence as to what direction international norms are headed. This foundation is important in the assessment of potential legal remedies to the ongoing repatriation claim for the Rosetta Stone.

i. The Hague Convention of 1954

The first treaty to address the legality of possession of cultural property is the Hague Convention of 1954.⁷⁵ Having ratified this treaty, the United Kingdom is legally obligated to follow its terms.⁷⁶ The state did not readily join in its signatories at its conception, however, asserting that the treaty did not provide an effective regime for the protection of cultural property.⁷⁷ Despite this assertion, the United Kingdom became party to the 1954 Hague Convention in 2017, sixty-three years after the treaty went into effect.⁷⁸ The convention obligates state parties to respect cultural property by taking action to protect artifacts and register property of high importance on the Internal Register of Cultural Property.⁷⁹ At the time of the treaty's development, the concern of the international community focused primarily on Nazi era victims and the destruction of cultural property during WWII.⁸⁰ As a result of the wrongs of this time, the treaty

⁷⁴ *Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict*, UNESCO, <https://www.unesco.org/en/legal-affairs/protocol-convention-protection-cultural-property-event-armed-conflict?hub=180145#item-4> [<https://perma.cc/P8TH-YZEC>] (last visited Mar. 10, 2026) [hereinafter 1954 Hague Convention Protocol]; *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, UNESCO <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural?hub=416#item-2> [<https://perma.cc/J6T8-LNDP>] (last visited Mar. 10, 2026).

⁷⁵ Lucyshyn, *supra* note 1, at 128.

⁷⁶ *United Nations Glossary of Terms Relating to Treaty Action*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml#ratification [<https://perma.cc/K3S5-XJDH>] (last visited Mar. 23, 2025).

⁷⁷ John Glen, *Government Ratifies Hague Convention on Protecting Cultural Property*, GOV.UK (Sept. 12, 2017), <https://www.gov.uk/government/news/government-ratifies-hague-convention-on-protecting-cultural-property> [<https://perma.cc/P9VS-33LD>].

⁷⁸ 1954 Hague Convention Protocol, *supra* note 75.

⁷⁹ 1954 Hague Convention, *supra* note 2.

⁸⁰ Lucyshyn, *supra* note 1, at 127.

addressed the protection of cultural property rather than its return.⁸¹ The United Kingdom's 2017 ratification of the convention came in response to "the wanton destruction of the priceless historic artefacts and sites in war," cementing the United Kingdom as a world leader in cultural heritage protection.⁸²

ii. *The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property*

The next treaty the international community created to regulate cultural property is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.⁸³ Unlike the 1954 Hague Convention, the 1970 Convention does impose obligations on the state parties who possess cultural property.⁸⁴ Under Article 7, the convention expects state parties to take necessary measures to prevent the acquisition of cultural property, prohibit the import of cultural property, and take appropriate steps to return any cultural property after the entry into force of the convention.⁸⁵

In this way, the 1970 UNESCO treaty extends the obligations of state parties beyond that of the 1954 Hague Convention—but there are still clear pitfalls. For instance, the 1970 treaty only imposes a duty to return cultural property that is acquired *after* the year 1970.⁸⁶ This means that the treaty does not offer any recourse for property obtained during the colonial era. Furthermore, the convention does not dictate any consequences for violating the terms of the treaty.⁸⁷ Having accepted but not ratified this treaty, the United Kingdom is not obligated under international law to return any illegally obtained cultural property.⁸⁸

⁸¹ Glen, *supra* note 77.

⁸² *Id.*

⁸³ 1970 UNESCO Convention, *supra* note 18.

⁸⁴ *Id.*

⁸⁵ *Id.* at 240.

⁸⁶ Godwin, *supra* note 7, at 155.

⁸⁷ *Id.* at 156.

⁸⁸ See 1970 UNESCO Convention, *supra* note 18, at 240 (showing that the United Kingdom has accepted but not ratified this treaty).

iii. 1995 Convention on Stolen or Illegally Exported Cultural Objects

The United Kingdom's willingness to be bound by treaties addressing cultural property has only decreased over time. In 1995, the UNIDROIT created the Convention on Stolen or Illegally Exported Cultural Objects, expanding obligations of state parties significantly in comparison to the Hague or The UNESCO treaties.⁸⁹ Under the 1995 UNIDROIT treaty, states have a duty to return cultural property to a claimant who brings a claim within three years of learning of the location of the object or within fifty years from the time of theft.⁹⁰ The possessor of the property is not without compensation, though. Under Article 4, the possessor of stolen cultural property required to return it is entitled to a payment of fair and reasonable compensation so long as the possessor neither knew nor ought to have known that the object was stolen.⁹¹ Besides the time restrictions on restitution claims, the UNIDROIT treaty is the most accommodating to restitution claims in its imposition of duties on state parties. Likely because of these strict obligations, the United Kingdom has refused to sign, approve, or ratify the 1995 UNIDROIT treaty.

Regardless of whether or not the United Kingdom has consented to be bound by these treaties, the expansion of duties in treaties addressing cultural property shows that international norms are shifting toward repatriation. The 1954 Hague Convention is limited in its imposition of duties, only requiring state parties to take reasonable steps to prevent importation of stolen property—such as preparing inventories, planning emergency measures, and registering cultural property with the International Register of Cultural Property.⁹² Juxtaposed with the 1995 UNIDROIT treaty, with its extensive obligations to return property to claimants, it is clear that international attitudes are increasingly in favor of accommodating repatriation claims.

II. ARGUMENT

Seeing as there is no binding legal doctrine under which the United Kingdom should return the Rosetta Stone to Egypt, the argument for repatriation may fall on moral and ethical imperatives associated with

⁸⁹ 1995 UNIDROIT Convention, *supra* note 18, at 1.

⁹⁰ *Id.* at 2.

⁹¹ Godwin, *supra* note 7, at 156.

⁹² 1954 Hague Convention, *supra* note 2.

cultural property.⁹³ This perspective is reflected in the international community, where retention of cultural artifacts is considered legally correct but morally wrong.⁹⁴ There are two dominating ideological perspectives on the topic: cultural nationalism and cultural internationalism.⁹⁵ The lack of a consensus regarding which of these philosophies is most applicable leaves this conflict with no surmisable solution. Therefore, to remedy this debate, it is critical to turn to novel methods grounded in ADR to determine potential agreements that would accommodate both parties' interests.⁹⁶

A. MORAL AND ETHICAL PERSPECTIVES ON CULTURAL PROPERTY

The ideological dichotomy that divides the cultural property dispute is ultimately grounded in moral and ethical perspectives that are unlikely to be altered by any law or treaty.⁹⁷ To determine potential resolutions to the Rosetta Stone controversy, it is critical to reconcile cultural internationalism and cultural nationalism to create a foundation on which the parties can negotiate.

i. Cultural Nationalism

Those who subscribe to cultural nationalism ground their perspective in the idea that a nation's cultural property belongs within the borders of that nation.⁹⁸ This ideology is founded on nationalist interests and values—the idea that the artifact was created by the nation's citizens, for the nation's citizens.⁹⁹ Cultural nationalists subscribe to the belief that cultural property is an essential piece of the country's memory and, therefore, the nation should own these aspects of its cultural heritage.¹⁰⁰ Persons that subscribe to this ideological perspective see those nations deprived of their artifacts as culturally impoverished and, in turn, view those who hoard

⁹³ See Stuart, *supra* note 4, at 671–73.

⁹⁴ Lucyshyn, *supra* note 1, at 145.

⁹⁵ Sinn, *supra* note 39, at 2.

⁹⁶ See Aisha Y. Salem, *Finders Keepers? The Repatriation of Egyptian Art*, 10 J. TECH. L. & POL'Y 173, 192 (2005).

⁹⁷ See Lucyshyn, *supra* note 1, at 145.

⁹⁸ Salem, *supra* note 96, at 175.

⁹⁹ *Id.*

¹⁰⁰ See, e.g., Peter Lindsay, *Can we Own the Past? Cultural Artifacts as Public Goods*, 15 CRITICAL REV. INT'L SOC. & POL. PHIL. 1, 5 (2012).

artifacts as reinforcing the dynamic of the powerful and the powerless.¹⁰¹ Cultural nationalism is the dominating perspective in modern international debates.¹⁰²

Egypt subscribes to cultural nationalism, claiming cultural ties that reach as far back as Ancient Egypt. The rise of *Pharoanism* in the latter half of the nineteenth century resulted in the Egyptian national identity extending to their ancient past.¹⁰³ As a result, Egypt adopted a cultural nationalist perspective, seeking the return of the countless artifacts that had been removed from the nation's borders during decades of war and conquest.¹⁰⁴ The retention and exhibition of antiquities looted from the country is seen as the last vestige of colonialism.¹⁰⁵ To Egyptian cultural nationalists, the allowance of Western states to continue to own and profit from priceless artifacts that colonial powers stole centuries ago is unacceptable.¹⁰⁶ Artifacts, like the Rosetta Stone, stand for the ingenuity and creativity of the ancient Egyptians. The modern Egyptians, who occupy the same land and are more closely related to this ancient culture than any other people, seek repatriation.¹⁰⁷ To these cultural nationalists, the battle is not embedded in the physical artifact itself, but rather the deep emotional attachment to the object as a demonstration of the nation's self-worth.¹⁰⁸ The return of such property would help the nation emerge from the shadow of colonizers and develop their own self identities while putting an end to the display of imperial trophies in foreign museums.¹⁰⁹

To cultural nationalists like the Egyptians, those who subscribe to cultural internationalism do so to justify the extension of the imperialist mindset.¹¹⁰ As such, cultural artifacts like the Rosetta Stone should be returned to their original nations to rectify the era of imperialism and colonialism.¹¹¹ After all, the British Museum only houses such a wide array of artifacts because of Britain's lengthy history of conquest and

¹⁰¹ See Lucyshyn, *supra* note 1, at 124–25.

¹⁰² Sinn, *supra* note 39, at 614.

¹⁰³ See generally James Cuno, WHO OWNS ANTIQUITY?: INTRODUCTION: THE CRUX OF THE MATTER 1, 10 (2008).

¹⁰⁴ See Salem, *supra* note 97, at 178.

¹⁰⁵ Shuart, *supra* note 4, at 670.

¹⁰⁶ See Lucyshyn, *supra* note 1, at 121–22.

¹⁰⁷ See Salem, *supra* note 96, at 180.

¹⁰⁸ *Id.* at 178, 185–86.

¹⁰⁹ Shuart, *supra* note 4, at 675.

¹¹⁰ Lucyshyn, *supra* note 1, at 134, 137.

¹¹¹ See *id.* at 124, 139.

colonization.¹¹² The moral imperatives encompassed in cultural nationalism are exceptionally compelling. The “righting” of imperialist wrongs is certainly a global objective that holds merit.

If the debate over cultural property focused solely on moral imperatives, the cultural nationalist perspective would surpass the internationalists. The hoarding of colonial era artifacts in Western states deprives the originating nations of their history.¹¹³ Returning cultural artifacts to the land they were taken from would restore national identity only at the cost of shifting the burden of travel from one group to another.¹¹⁴ There is certainly a valid interest in preserving artifacts and disseminating their content, but these goals cannot overshadow the wrongs of colonialism that have yet to be righted. Instead of asking where the artifacts are best preserved, the cultural nationalist might ask how we can preserve these artifacts without depriving nations of their physical history.

ii. Cultural Internationalism

Cultural internationalists support the idea that the interest in cultural property extends beyond the originating nation.¹¹⁵ Rather, cultural internationalists believe that everyone has an interest in the preservation and enjoyment of all cultural property no matter where it is situated.¹¹⁶ Because this ideology does not believe any single nation has an interest in the property, cultural internationalists think that artifacts should be stored where they are best preserved, where their integrity can be maintained, and where the property and its cultural value can best be distributed.¹¹⁷ Cultural internationalists are often against repatriation, believing that honoring repatriation claims would severely limit the artifacts’ global accessibility and, thus, result in worldwide cultural impoverishment.¹¹⁸ This side of the debate insists on working together to preserve and share cultural artifacts broadly, especially those from which much of humanity finds common ancestry.¹¹⁹

¹¹² *Id.* at 124–25.

¹¹³ See Lindsay, *supra* note 100, at 5–6; Lucyshyn, *supra* note 1, at 121.

¹¹⁴ See Lindsay, *supra* note 100, at 5, 9.

¹¹⁵ See Salem, *supra* note 96, at 176.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Shuart, *supra* note 4, at 677.

¹¹⁹ Cuno, *supra* note 103, at 20.

In the Rosetta Stone debate, cultural internationalists might point to the lack of a strong genetic linkage between modern Egyptians and their ancient counterparts who shared the geographical area.¹²⁰ In fact, some argue that the artifacts in the British Museum have “entered British culture” helping to define the British themselves, inspire British art, and stimulate British scholarship.¹²¹ In reference to the Rosetta Stone in particular, many who argue against repatriation might point to the fact that European scholars deciphered the stone after it was unearthed, giving it the profound cultural and scholarly value it has today.¹²² Because the dialogue around who has a stronger cultural connection to the stone becomes ambiguous to these internationalists, the question of where it should reside is resolved by who possesses better resources.¹²³ In particular, internationalists may assert that the Rosetta Stone should stay in the British Museum because the museum has better resources to preserve the stone and to increase access to all.¹²⁴

Even though modern Egyptians are more closely related to ancient Egyptians than any other group of people in the world, cultural internationalists do not trust the nation to best preserve its antiquities.¹²⁵ Were one to remove all cultural debate around the stone, this viewpoint would dominate.¹²⁶ Not only do the trustees of the British Museum have a legal duty to protect and preserve the artifacts housed in the institution,¹²⁷ but the United Kingdom is without the environmental degradation that befalls Egypt.¹²⁸ The Egyptian Museum in Cairo lacks critical artifact-preserving systems (like air-conditioning) and its attendance remains under two million visitors annually.¹²⁹ In contrast, the British Museum’s 2023 attendance surpassed five million visitors and the museum possesses substantial resources to preserve its collection.¹³⁰ Though the question of cultural ownership falls in favor of the nationalists, the internationalists

¹²⁰ *Id.* at 9–10 (discussing the lack of linkage between modern Egyptians and ancient Egyptians).

¹²¹ John H. Merryman, *Thinking About the Elgin Marbles*, 83 MICH. L. REV. 1881, 1915 (1985).

¹²² See Shuart, *supra* note 4, at 695–96 (commenting on Britain’s claim to the Rosetta Stone as part of its cultural heritage due to the state’s role in its decipherment).

¹²³ See Salem, *supra* note 97, at 178–79.

¹²⁴ See *id.*

¹²⁵ See *id.* at 178–80.

¹²⁶ Osman, *supra* note 23, at 994.

¹²⁷ British Museum Act 1963, c. 24 § 3(3) (UK).

¹²⁸ See Salem, *supra* note 96, at 179–80.

¹²⁹ Shuart, *supra* note 4, at 718–20.

¹³⁰ *British Museum is the Most-Visited UK Attraction Again*, BBC News (Mar. 18, 2024) <https://www.bbc.com/news/uk-england-london-68577122> [https://perma.cc/Q94F-G8NX].

undoubtedly have a valid interest in preserving the Rosetta Stone and increasing global cultural dispersion by keeping the stone in the British Museum.

The cultural internationalist perspective removes itself from the moral imperatives that the nationalists assert. Instead, cultural internationalists see cultural artifacts as belonging to the world's people and should, thus, be kept where they are best preserved and optimally disseminated.¹³¹ Arguably, this perspective relies on a cultural fiction—that cultural artifacts that were stolen from colonized nations are just as valuable to the world as they are to people they were taken from.¹³² What the internationalists ignore, however, is the power dynamic that persists as a result of colonialism.¹³³ By depriving nations of their ancestral history, possessors of cultural artifacts reinforce the interests of the powerful over the powerless.¹³⁴ The originating nations are forced to accept a blow to national pride for the asserted good of the global community.¹³⁵ Preservation of these artifacts is certainly an important objective, but internationalists fail to consider how preservation can be maintained while keeping cultural artifacts in their originating state and, thus, deconstruct the power dynamics created by colonialism.

iii. Reconciling the Nationalist and Internationalist Perspectives

The lack of compromise between ideological perspectives within the global community means that this debate will continue, and Egypt will remain without some of its most valued pieces of cultural property—most notably the Rosetta Stone.¹³⁶ As a result, it is critical that the United Kingdom and Egypt determine a foundation of commonality through which to find an amicable solution.

After a thorough analysis of cultural nationalism and cultural internationalism, it is clear that the two ideologies are diametrically opposed. However, the two sides are not without some commonality. Both perspectives assign a certain amount of power to the artifacts in question.¹³⁷ After

¹³¹ See Merryman, *supra* note 122, at 1917.

¹³² See *id.* at 1915–16 (discussing the Elgin Marbles entering British Culture); See Salem, *supra* note 97, at 178–79 (“The ‘lack of resources’ argument does not consider the impact of a country’s pride in its cultural property.”).

¹³³ See Lucyshyn, *supra* note 1, at 125.

¹³⁴ Cuno, *supra* note 103, at 12.

¹³⁵ See Salem, *supra* note 96, at 177, 185.

¹³⁶ *Id.* at 192.

¹³⁷ See Cuno, *supra* note 103, at 15.

all, absent the historical and cultural significance assigned to the Rosetta Stone, it would be nothing more than a rock.¹³⁸ Therefore, both sides of this debate can agree that the argument is not over the object itself, but rather what the object symbolizes.¹³⁹ This may seem like a rather simplistic conclusion, but recognizing that both sides assign cultural importance to artifacts allows us to weigh competing interests and determine a just solution.

B. ALTERNATE DISPUTE RESOLUTION

Though many scholars who have written on this topic insist that repatriation must come from a place of morality and ethics,¹⁴⁰ the reality of the situation is that neither cultural nationalists nor internationalists are more “correct” than the other. The British have a valid interest in the stone as its safekeeper for over two-hundred years, just as the modern Egyptians have a valid interest through their ancestral linkage.¹⁴¹ In reality, successful repatriation claims do not often fall solely on morality, despite what parties may assert publicly.¹⁴² Rather, these solutions are often reached through lengthy processes of ADR.¹⁴³ ADR offers means of compromise through arbitration, mediation, negotiation, and conciliation, in lieu of traditional adversarial litigation.¹⁴⁴ An uninterested third party facilitates these processes by considering the interests of all involved parties to determine an acceptable resolution.¹⁴⁵ This means of diffusion is well suited for cultural property disputes, yet there is limited research addressing how ADR combines the practical and theoretical approaches to such disputes.¹⁴⁶

With these pitfalls in mind, ADR still offers an avenue to compromise between the United Kingdom and Egypt. Since there is no legal imperative under which Egypt may reclaim its asserted ownership, litigation

¹³⁸ See Stuart, *supra* note 4, at 696.

¹³⁹ Salem, *supra* note 96, at 184.

¹⁴⁰ See, e.g., Stuart, *supra* note 4, at 671, 673.

¹⁴¹ See *id.* at 696 (discussing Britain’s possession of the stone); See Salem, *supra* note 97, at 180 (noting the linkage between ancient and modern Egyptians).

¹⁴² See Salem, *supra* note 96, at 191.

¹⁴³ Lucyshyn, *supra* note 1, at 135.

¹⁴⁴ Maria Shehade, Kalliopi Fouseki & Kathryn Walker Tubb, *Alternative Dispute Resolution in Cultural Property Disputes: Merging Theory and Practice*, 23 INT’L J. CULTURAL PROP. 343 (2016).

¹⁴⁵ See generally Florian Shyllon, *The Rise of Negotiation (ADR) in Restitution, Return and Repatriation of Cultural Property: Moral Pressure and Power Pressure*, 22 ART ANTIQUITY & L. 130 (2017) (showing examples of third-party involvement in ADR).

¹⁴⁶ Shehade et al., *supra* note 145, at 344.

is unlikely to produce a satisfactory solution.¹⁴⁷ The asserted legal and ideological validity of Britain's claim on the stone means that ethical arguments are unlikely to move the state to return it independently. Therefore, the parties must turn to ADR to ensure both sides' interests are accounted for when determining a just conclusion to this decades-long debate.

Despite the potential for success, there are some unique difficulties in cultural property disputes when using ADR. Firstly, there is often discord when determining who will facilitate these processes. While international bodies like the UNESCO frequently serve as mediators in such conflicts, many states see these bodies as adopting a "patronizing role."¹⁴⁸ Additionally, once parties reach a solution through these processes, there is no consequence for not complying with it.¹⁴⁹ Where the 1970 UNESCO treaty and the 1994 UNIDROIT treaty suggest ADR as a solution to cultural property disputes, they fail to impose any sanctions on noncompliant parties.¹⁵⁰

C. ADR METHODS

ADR presents significant challenges in its practical application, facing obstacles involving sovereignty, power imbalances, and reaching suitable results. In many repatriation cases, the holder of the artifact refuses to even enter into the ADR process.¹⁵¹ When they do enter, the countries requesting repatriation frequently find themselves with little leverage with which to negotiate with the more powerful and wealthy European states.¹⁵² Ultimately, the claimant often relies on one of two strategies to assert leverage: moral pressure or power pressure.¹⁵³ Moral pressure occurs when a claimant relies heavily on public opinion to convince the possessing body to repatriate the artifact. Alternatively, a state can exert power pressure by utilizing forms of inducement to get the possessor to repatriate the items.¹⁵⁴ These two approaches can also be assessed as a

¹⁴⁷ See Godwin, *supra* note 7, at 147 (stating that there is no legal imperative for the UK to return the Rosetta Stone to Egypt).

¹⁴⁸ Shehade et al., *supra* note 144, at 347.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.* at 345, 347.

¹⁵¹ *Id.* at 344.

¹⁵² See Lucyshyn, *supra* note 1, at 144.

¹⁵³ Shyllon, *supra* note 145, at 130.

¹⁵⁴ See Maria Shehade & Kalliopi Fouseki, *The Politics of Culture and Culture of Politics: Examining the Role of Politics and Diplomacy in Cultural Property Disputes*, 23 INT. J. CULTURAL PROP.

rights-based approach and a cultural sanctions approach, respectively.¹⁵⁵ States that have adopted these strategies have seen varying levels of success. To assess how these methods could apply to the Rosetta Stone controversy, it is important to analyze how differing states were able to negotiate for the return of their cultural artifacts utilizing these methods.

i. Moral Pressure/Rights-Based Approach

The moral pressure (also known as the rights-based) approach relies on moral imperatives to apply pressure on the possessing nation to return the disputed artifact to its country of origin. The goal of this approach is to determine what would be a legitimate or fair solution, with applicable legal rules and nationalist or internationalist rhetoric acting as the standard on which parties judge these solutions.¹⁵⁶ To apply pressure on the possessing country, nations seeking repatriation will look to globalized pressure and protests to ultimately guilt the possessing nation to return the artifact based on moral imperatives.¹⁵⁷

Peru's recovery of Incan artifacts from Yale University is a notable example of a country using moral pressure to successfully negotiate for repatriation.¹⁵⁸ After the discovery of Machu Picchu in 1911 by Yale professor Hiram Bingham, several artifacts were shipped to the university.¹⁵⁹ The artifacts remained at Yale until 2010, when the parties signed a memorandum of understanding with its terms resulting in the return of the artifacts for the following two years.¹⁶⁰

This agreement came after years of negotiation and, at one point, threatened litigation.¹⁶¹ Requests for the return of the stolen artifacts began in 1918, just seven years after their removal.¹⁶² After unsuccessful repatriation requests in 1918 and 1920, negotiations resumed in 2001.¹⁶³ These negotiations peaked in 2007 with Peru filing and withdrawing a lawsuit

357, 363 (2016) (listing cultural sanctions such as embargos and denials of exhibition loans as forms of inducement).

¹⁵⁵ See *id.* at 359–64.

¹⁵⁶ *Id.* at 361.

¹⁵⁷ See, e.g., Shyllon, *supra* note 154, at 134.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Shehade & Fouseki, *supra* note 154, at 369.

¹⁶² Shyllon, *supra* note 145, at 134.

¹⁶³ *Id.*

against the university.¹⁶⁴ The ultimate success of this deal did not occur until Peru mounted a national mobilization effort, putting public pressure on the university to return the items.¹⁶⁵ President Alan Garcia of Peru made a formal request for President Obama's intervention and subsequently organized demonstrations in Lima and Cusco where thousands marched to show solidarity for the return of the objects.¹⁶⁶ In response to this public pressure, Yale sent a representative to Peru and a settlement was negotiated that same year.¹⁶⁷

In this case, moral pressure not only resulted in the successful return of cultural property but also created a mutually beneficial relationship between Yale and Peru. Shortly after the execution of the negotiated agreement, the parties agreed to enter into a research partnership to allow for the continued study of the artifacts without depriving Peru of its cultural property.¹⁶⁸ In this case, the success of moral pressure extended beyond the return of cultural property by increasing diplomatic ties between the two parties. The potential for success using moral pressure, however, is contingent on how susceptible the possessor is to act in response to public pressure and moral imperatives.¹⁶⁹

ii. Power Pressure and Cultural Sanctions

Where moral pressure fails, power pressure may be able to produce similar results. Adopting a power pressure approach has been characterized as playing "hardball" in repatriation efforts.¹⁷⁰ Adopting this approach, originating countries can effectively assert leverage over the more powerful possessing nations by revoking excavation permits and threatening to ban artifact loans.¹⁷¹ Power pressure results in an ultimatum: return one artifact, or be deprived of all others. Where this approach succeeds in repatriating artifacts, it often produces damaging long term consequences such as severed diplomatic ties and a poor global image.¹⁷²

¹⁶⁴ Shehade & Fouseki, *supra* note 154, at 369.

¹⁶⁵ Shyllon, *supra* note 145, at 134.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *See id.* at 134–35.

¹⁶⁹ *See, e.g.,* Shyllon, *supra* note 145, at 134.

¹⁷⁰ *See id.* at 135, 138.

¹⁷¹ *Id.* at 138.

¹⁷² *See id.* at 135–36 (showing severed ties after the use of power pressure approach).

Through a power pressure approach, Turkey was able to repatriate a number of relics from museums across the world.¹⁷³ As a country with a rich heritage, Turkey has been aggressively seeking the return of its cultural property in recent years.¹⁷⁴ While Turkey's attack strategy has been successful in repatriating, the state's approach has been unconventional.¹⁷⁵ Over time, Turkey has altogether ignored the guidelines set up by international treaties on cultural property and, instead, has demanded the return of goods by threatening to ban archaeologists from excavating within its borders.¹⁷⁶ While this approach has been successful, Turkey often fails to produce evidence showing that the property was stolen, refuses to lend artifacts to museums, and publicly shames museums who do not comply with their demands.¹⁷⁷

By foregoing traditional negotiation methods and imposing cultural sanctions on noncompliant parties, Turkey adopted a power pressure method to create leverage against their adversaries.¹⁷⁸ While this method has resulted in significant success in repatriating artifacts, in turn Turkey's public image has suffered.¹⁷⁹ For instance, since the state has adopted this aggressive approach, Turkey has recovered a Hittite statue that a German archaeologist took to Berlin over a century ago, twenty-four artifacts from Troy that were housed at the University of Pennsylvania, and a 1,900-year-old marble statue from the Boston Museum of Fine Arts.¹⁸⁰ With this success came bad press, depicting Turkey as engaging in archaeological blackmail and an art war.¹⁸¹ Turkey's strategy to repossess cultural property has also weakened diplomatic ties.¹⁸² For instance, Turkey cancelled export licenses for artifacts heading to major museums when they have failed to comply with their demands.¹⁸³ The result of this harsh sanction is a decrease in global research, new artifact discovery, and a lack of access to the general public.¹⁸⁴

¹⁷³ Kelvin D. Collado, *A Step Back for Turkey, Two Steps Forward in the Repatriation Efforts of its Cultural Property*, 5 J. L., TECH. & INTERNET 1, 2–3 (2014).

¹⁷⁴ *Id.* at 2.

¹⁷⁵ *See id.*

¹⁷⁶ *Id.* at 2, 15–17.

¹⁷⁷ *Id.* at 16.

¹⁷⁸ *See* Shyllon, *supra* note 145, at 135–36.

¹⁷⁹ *See id.* at 135.

¹⁸⁰ *Id.* at 135–36.

¹⁸¹ *Id.* at 135.

¹⁸² *See* Collado, *supra* note 173, at 18–19.

¹⁸³ *Id.* at 16.

¹⁸⁴ *See id.*

Ultimately, claimants who adopt a power pressure approach may have success in repatriating the artifact that they seek but may experience long-term failure due to a decrease in diplomatic ties and a damaged public image. While Turkey experienced notable successes early on, the state's aggressive strategy has caused museums to become more reluctant to lend and return artifacts over time.¹⁸⁵ For instance, the Met refused to return eighteen artifacts that Turkey alleged were illegally excavated, even after Turkey attempted to strong-arm the museum by denying it artifact loans.¹⁸⁶ The director of the Met stated that the museum will not consider repatriation until evidence is presented that the artifacts were illegally excavated.¹⁸⁷ This result is a stark contrast from Turkey's previous successes, where the state failed to produce documentation of illegality and still gained possession of the artifacts.¹⁸⁸

D. APPLYING ADR TO THE ROSETTA STONE CONTROVERSY

When seeking a solution for a dispute over cultural property, ADR is undoubtedly the best means to find a compromise. Not only does ADR provide for both sides to seek their desired solution without adopting the "win-lose" structure of litigation, but it is also significantly less expensive.¹⁸⁹ Despite ADR's potential for success, there are clear challenges when applying this method to the Rosetta Stone dispute. Most notably, the rigidity of the United Kingdom's domestic law regarding the British Museum presents an obstacle to negotiating a mutually beneficial solution.¹⁹⁰ Additionally, the question of whether Egypt will be successful in asserting leverage over the United Kingdom to negotiate with the European powerhouse presents an obstacle to this Part.

This Part explores the means through which the United Kingdom can make repatriation claims a legal possibility through legislative reform. It will then further examine the practical application of ADR to the Rosetta

¹⁸⁵ Dan Bilefsky, *Seeking Return of Art, Turkey Jolts Museums*, N.Y. TIMES (Sep. 30, 2012), <https://www.nytimes.com/2012/10/01/arts/design/turkeys-efforts-to-repatriate-art-alarm-museums.html> [https://perma.cc/9546-TGNE].

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.* (discussing Germany repatriating a 3,000-year-old-sphinx head without proof of illegal acquisition); see also Collado, *supra* note 173, at 15 (explaining how neither Turkey nor Germany could present documents showing legitimate ownership of the Sphinx head).

¹⁸⁹ See Shyllon, *supra* note 145, at 131–32.

¹⁹⁰ See British Museum Act 1963, c. 24 (UK); Attorney General v. Trustees of the British Museum [2005] EWHC (Ch) 1089 (Eng.).

Stone debate through analyzing Egypt's opportunities to gain leverage over the United Kingdom when negotiating for the return of the artifact.

i. United Kingdom Legislative Obstacles

As aforementioned, the British Museum Act of 1963 leaves little room to entertain repatriation requests for artifacts housed in the museum.¹⁹¹ Despite the rigidity of the act, repatriation is possible. Because of the United Kingdom's parliamentary supremacy, Parliament can legislate on any matter whatsoever.¹⁹² This gives Parliament the power to pass legislation to create an exception for colonial era repatriation claims.¹⁹³ Legislative exceptions to the British Museum Act are not unprecedented. A prominent example of Parliament doing just this is when it sought to remedy Nazi era dispossession of cultural objects.¹⁹⁴ The structures created to allow for the return of Nazi era cultural objects are twofold: (1) The creation of the Spoliation Advisory Panel (SAP) in 2000; and (2) The passing of the Holocaust (Return of Cultural Objects) Act in 2009.¹⁹⁵ Through deconstructing how these two instruments work together to permit the return of cultural objects housed in the British Museum, it is possible to surmise methods with which the United Kingdom could create structures to allow for ADR in the Rosetta Stone debate.

Predating the passage of the Holocaust Act of 2009, the creation of the SAP in 2000 suggests that ADR can become a normalized method for cultural artifact disputes in the United Kingdom.¹⁹⁶ The SAP is an ADR process that was established by the United Kingdom in 2000 for the purpose of assessing claims over Nazi era cultural artifacts.¹⁹⁷ The Secretary of State had the power to create the panel, and did so to provide means to overcome barriers claimants face when attempting to litigate their claim over a cultural artifact.¹⁹⁸ For instance, there are no time barriers to

¹⁹¹ See British Museum Act 1963, c. 24, §§ 3, 5 (UK).

¹⁹² Shyllon, *supra* note 145, at 140.

¹⁹³ See, e.g., Holocaust (Return of Cultural Objects) Act 2009, c. 16 (UK); Human Tissues Act 2004, c. 30, § 47 (UK).

¹⁹⁴ See Charlotte Woodhead, *Putting into Place Solutions for Nazi Era Disposessions of Cultural Objects: The UK Experience*, 23 INT'L. J. CULTURAL PROP. 385, 387–88 (2016).

¹⁹⁵ *Id.* at 385, 388.

¹⁹⁶ See *id.* at 388.

¹⁹⁷ *Id.* at 385.

¹⁹⁸ See *id.* at 385–86; see, e.g., SPOILIATION ADVISORY PANEL, REPORT OF THE SPOILIATION ADVISORY PANEL IN RESPECT OF PIECES OF PORCELAIN NOW IN THE POSSESSION OF THE BRITISH MUSEUM, LONDON AND THE FITZWILLIAM MUSEUM, CAMBRIDGE, 2007–08, HC 602, at 8 (UK).

bringing a claim to the panel.¹⁹⁹ Once a claim is made, the panel investigates the original title and the current legal title of the possessor, but still focuses its attention on moral considerations.²⁰⁰ Often the panel finds that the statute of limitations would have extinguished the claimant's legal title, yet this does not prohibit the panel from finding for the claimant using a holistic approach.²⁰¹

While the SAP is a useful structure for settling disputes over cultural artifacts, the panel has its pitfalls. Firstly, the panel's conclusions are not legally binding on either party—the recommendations are simply suggestions.²⁰² Additionally, the SAP's jurisdiction extends only to those collections established for the public benefit.²⁰³ If an artifact is in a private collection, the panel requires the consent from both parties to hear the claim.²⁰⁴ Due to the rigidity of the British Museum Act, the SAP's recommendations had no bearing on artifacts in the British Museum until 2009 when the Holocaust Act was passed, permitting the trustees to repatriate Nazi Era artifacts.²⁰⁵

The passage of the Holocaust Act in 2009 provides a useful example of Parliament using its supremacy to override the restrictions encased in the British Museum Act.²⁰⁶ As earlier mentioned, the British Museum Act of 1963 imposes a strict duty on the trustees of the museum not to dispose of any artifacts unless they fall within three narrow exceptions.²⁰⁷ Claims that fall on moral grounds do not fall within these exceptions.²⁰⁸ With the passage of the Holocaust Act, Parliament diminished this duty to create an exception for moral claims over Nazi era disposessions.²⁰⁹ Under the Act, the SAP adopted a role as an advisory panel that assesses claims and gives recommendations to institutions that possess the art.²¹⁰ Since the act's implementation, the SAP has approved one claim for

¹⁹⁹ Woodhead, *supra* note 194, at 388.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.* at 392.

²⁰³ *Id.* at 391.

²⁰⁴ *See id.*

²⁰⁵ *Id.* at 388; *see* Holocaust (Return of Cultural Objects) Act 2009, c. 16 (UK).

²⁰⁶ *See* Holocaust (Return of Cultural Objects) Act 2009, c. 16 (UK).

²⁰⁷ British Museum Act 1963, c. 24, §§ 3(4), 5 (UK).

²⁰⁸ *See* Attorney General v. Trustees of the British Museum [2005] EWHC (Ch) 1089 (Eng.).

²⁰⁹ *See* Sinn, *supra* note 39, at 627–28 (describing the Board of Trustees's ability to return Nazi era artifacts based on moral claims after the passage of the Holocaust Act).

²¹⁰ Holocaust (Return of Cultural Objects) Act 2009, c. 16, Explanatory Notes ¶ 3 (UK).

restitution from the British Museum—a recommendation that the British Museum rejected.²¹¹

Despite the lack of successful restitution claims for Nazi era artifacts in the British Museum, the Holocaust Act demonstrates how legislative action can amend the British Museum Act. If Parliament were to pass some form of a colonial era repatriation act, the alleged legal impossibility of seeking a compromise for the Rosetta Stone debate would vanish. Without the existing legal obstacle of the British Museum Act, the United Kingdom will be able to enter into ADR with nations who seek the return of their cultural artifacts. In doing so, Egypt and the United Kingdom can take the first steps toward a lasting solution in the Rosetta Stone debate.

ii. Practical Implementation of ADR solutions to the Rosetta Stone debate

It would be unrealistic to insist that Parliament implement an exception to the British Museum Act solely to address the Rosetta Stone. Rather, this Comment argues that the United Kingdom should pass legislation similar to the Holocaust Act, that instead addresses colonial era dispossession to allow for the return of artifacts taken during the colonial era. Critics of the British Museum assert that the institution obtained its status as a “primary custodian of the world heritage” by stockpiling cultural treasures the nation obtained during its colonial dominance.²¹² Global attitudes toward the collection of cultural artifacts have shifted over time, with international treaties providing means to arbitrate claims over artifacts.²¹³ Even domestically, the United Kingdom is losing support for its immense collection of colonial era goods with approximately 85 percent of citizens believing that the country’s museums are responding poorly to the pressure to repatriate.²¹⁴ Given that international and domestic attitudes are growing to favor repatriation, parliamentary legislation addressing colonial era dispossession that mirrors the Holocaust Act is a conceivable reality. If the United Kingdom were to give the injustices of colonialism the same weight it assigns to the atrocities of the Holocaust, a

²¹¹ See SPOILATION ADVISORY COMMITTEE, PORCELAIN IN THE BRITISH MUSEUM AND THE FITZWILLIAM MUSEUM, 2007-08, HC 602, ¶17 (UK).

²¹² Salem, *supra* note 96, at 186.

²¹³ See, e.g., 1970 UNESCO Convention, *supra* note 17; 1995 UNIDROIT Convention, *supra* note 17.

²¹⁴ Sinn, *supra* note 39, at 615.

law allowing for the British Museum Trustees to entertain repatriation claims over these artifacts would be entirely possible.

If the museum trustees were slightly relieved of their legal duty to maintain these artifacts, a structure similar to the SAP could be created to facilitate ADRs over repatriation claims of colonial era artifacts. In the circumstance that such a structure was created, negotiating a settlement between Egypt and the United Kingdom over possession of the Rosetta Stone would become a legal possibility. All that would remain is to negotiate with the board of trustees for repatriation.²¹⁵

Operating as if these structures are in place, ADR presents the parties with an opportunity to reach a mutually amicable solution without outwardly deciding which party owns the Rosetta Stone. Claims for repatriation do not seek to answer the question of who legally owns the artifact but rather asks where the artifact should belong.²¹⁶ Since the United Kingdom has had possession of the Rosetta Stone for over 200 years, time constraints would likely bar any claim alleging legal ownership.²¹⁷ Instead, the parties should seek to negotiate not for ownership, but rather for recognition and possession. Since both nations could claim to have cultural ties to the artifact, depriving either state of the stone entirely might result in a win-lose situation.²¹⁸ Drawing from other successful cultural artifact repatriation negotiations, a mutually beneficial solution might look like the following: the British Museum agreeing to loan the artifact to Egypt; the British Museum adding a plaque next to the stone to recognize that the United Kingdom's possession is only because of colonial dominance; the British Museum granting legal ownership to Egypt but displaying it in the United Kingdom under a long-term loan until Egyptian facilities are suited to preserve the stone; or a combination of these proposed solutions.²¹⁹

Regardless of what solution the parties come to, the outcome of the negotiation will depend on the form of inducement that Egypt brings to the table.²²⁰ In order to obtain leverage in negotiation with the United Kingdom, Egypt should adopt a power pressure or moral pressure approach to assert that the Rosetta Stone belongs in its originating state. In

²¹⁵ See Godwin, *supra* note 7, at 167 (suggesting that, with legislation allowing repatriation, the biggest obstacle would be the board of trustee's willingness to part with the artifact).

²¹⁶ See Salem *supra* note 96, at 184–85.

²¹⁷ See Lucyshyn *supra* note 1, at 134.

²¹⁸ See Shuart, *supra* note 4, at 695–96.

²¹⁹ See Lindsay, *supra* note 100, at 6 (discussing the preservation of artifacts and suggesting Peru might agree to sell or loan artifacts to Yale); see Shyllon, *supra* note 145, at 137.

²²⁰ Shyllon, *supra* note 146, at 138.

the past, Egypt has used both methods when attempting to repossess cultural artifacts. Egypt's attempt at moral pressure has already been previewed in this Comment: by collecting signatures on a public petition, Egypt is asserting moral pressure on the United Kingdom to repatriate.²²¹ In another case, Egypt used a power pressure approach against France, severing ties with the Louvre because of the museum's refusal to return wall reliefs from a Luxor tomb.²²² In this instance, France capitulated and returned the artifacts.²²³

While moral pressure often results in a maintenance of diplomatic ties, a strengthening of diplomatic ties, or a combination, the reality is that moral pressure has not been effective in getting the United Kingdom to return the stone.²²⁴ Yet, approaching the negotiation table with power pressure might risk long term success in reaching a mutually beneficial agreement due to the animosity such an approach might create between the two states.²²⁵ In considering the potential drawbacks of these approaches, the fact remains that moral pressure over colonial era dispossessions has been entirely unsuccessful when directed at the British Museum. For instance, the museum absolutely refused to return the Elgin Marbles to Greece despite Greece's repeated requests for their return in addition to recommendations from the United Nations urging the museum to do so.²²⁶ Given the museum's history, Egypt is likely to have more success approaching the negotiation table using a power pressure approach. For instance, Egypt might refuse to lend artifacts to the United Kingdom for the foreseeable future or revoke excavation licenses from the state's archeologists. Egypt could go even further, imposing an embargo that would halt all collaborative research and conservation projects between the two nations. In doing so, Egypt may be able to gain leverage over the wealthier and more powerful United Kingdom.

On the other hand, the United Kingdom is skeptical of Egypt. In 2005, the United Kingdom denied a request to loan the stone to Cairo for three to six months for the opening of a new wing in the Egyptian Museum, fearing that Egypt would never return the artifact.²²⁷ Additionally, the

²²¹ See, e.g., Hawass, *supra* note 16; Hanna, *supra* note 16.

²²² Shyllon, *supra* note 145, at 136.

²²³ *Id.*

²²⁴ Hawass, *supra* note 16 (exemplifying unsuccessful moral pressure on the UK to return the stone); Hanna, *supra* note 16 (exemplifying unsuccessful moral pressure on the UK to return the stone).

²²⁵ See, e.g., Collado, *supra* note 173, at 16–17.

²²⁶ Shyllon, *supra* note 145, at 139–40; see Sinn *supra* note 40, at 615.

²²⁷ Stuart, *supra* note 4, at 683.

British Museum's ideological root in cultural internationalism leaves little room for recognition of a valid Egyptian claim to the Rosetta Stone.²²⁸ Egypt's pressure alone is unlikely to assert sufficient leverage to convince the museum to abandon its perspective and release ownership of the stone, even if the Board of Trustees were legally permitted to do so. In tandem with Egyptian power pressure, the international community must recognize the resonating injustices of the colonial era and assert moral pressure on the state to consider Egypt's repatriation claim.²²⁹ Egypt should strengthen its diplomatic ties with other, more powerful nations that might be able to effectively pressure the United Kingdom into repatriation to gain support for its claim. Additionally, Egypt could seek support from the domestic population of the United Kingdom to create moral pressure within the state. By expanding the use of petitions, protests, and other forms of social unrest, Egypt can gain publicity and support around its repatriation claim for the Rosetta Stone. The United Kingdom seems unmoved by Egypt's moral pressure alone, but this circumstance may change when the United Kingdom is faced with interstate and intrastate pressure.

Under an imagined legal structure where the British Museum Board of Trustees were permitted to consider repatriation claims, the museum is still unlikely to recognize Egypt's claim to the Rosetta Stone. Even so, were these circumstances to arise, Egypt would need to approach the negotiation with a power pressure approach while the international community asserts public pressure to convince the museum to reach a mutually amicable solution. If this never occurs, the United Kingdom will continue to hoard artifacts from the nations they plundered during their colonial dominance with no recourse for the people whom colonial powers define their history—Egypt chief among them.

Egypt is not alone in its fight for the return of cultural artifacts. Other countries, many being the geographic seat of an ancient civilization, call on the British Museum to return their artifacts as well.²³⁰ The return of cultural artifacts is a global policy worth pursuing. If it can be ensured that artifacts will be preserved in their originating nation, there is little reason why they should be taken from their home. The return of these

²²⁸ See Lucyshyn *supra* note 1, at 134 (discussing the British Museum being ideologically rooted in cultural internationalism).

²²⁹ See *id.* at 119, 143.

²³⁰ See, e.g., Shyllon, *supra* note 145, at 141–42; see Sinn *supra* note 39, at 606–07; *Contested Objects from the Collection*, THE BRIT. MUSEUM, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection> [https://perma.cc/EBH7-Q9PJ] (last visited Apr. 13, 2026).

artifacts allows the world to view them in the context of their cultural origins, better educating visitors on how ancient civilizations developed into their modern counterparts. Furthermore, the return of cultural artifacts creates a tangible connection between modern societies and their ancestral equivalents. The long-standing benefit that the British Museum has gained by hoarding the world's ancient artifacts must come to an end. Equitable solutions to these calls for repatriation exist, but only if the United Kingdom is prepared to take the steps necessary to reach them.

III. CONCLUSION

The Rosetta Stone is not alone in its calls for repatriation from the British Museum. Other notable pieces have been housed in the museum since the colonial era, with originating nations calling for their return—like the Elgin Marbles and the Benin Bronzes.²³¹ The utility of the structures hypothesized in this Comment, therefore, has the potential to address conflicts that continue to burden the international artifact market to this day. Parliament should adopt legislation allowing for ADR over colonial era artifacts housed in the British Museum. The absence of such legislation allows for the continuation of colonial-era power dynamics and deprives former colonies of their history, identity, and pride. If such legislation were to be implemented, Egypt and the British Museum should enter an ADR in order to determine a just solution to the Rosetta Stone debate. Using a power pressure approach and by asserting global public pressure, Egypt may be able to obtain sufficient leverage to regain possession of the stone in some capacity.

While this proposed solution has potential to remedy the Rosetta Stone debate in theory, the reality of the situation is not as optimistic. The United Kingdom and Egypt sit on opposite sides of the ideological dichotomy that divides the cultural artifact debate. The United Kingdom subscribes to cultural internationalism, believing that cultural artifacts belong to the global population and are best kept where they can be preserved and viewed by the masses. Alternatively, Egypt as a cultural nationalist believes that artifacts should be kept in their originating nation to preserve national identity. Reaching a compromise that fulfills both perspectives' goals will not be an easy task. Furthermore, the trustees of the British Museum are reluctant to depart with their artifacts, even when ADR methods

²³¹ See Sinn, *supra* note 39, at 606–07.

result in a suggestion for restitution.²³² Even if the United Kingdom were to relax the trustees' duty through legislation permitting restitution of colonial era artifacts, it is uncertain whether the trustees would agree to adopt solutions that were determined by an ADR process.

Despite these potential pitfalls, the repatriation of cultural artifacts taken during the colonial era remains an international goal worth pursuing. The Rosetta Stone has remained outside of its geographical home for centuries now, and the tie the stone has to Ancient Egypt and the collective history of the nation presents a compelling narrative for repatriation. An amicable solution to the competing claims for the stone does not need to result in either state's complete deprivation of the artifact. Rather, what is important is that both parties consider possible solutions that suit their opponents' aims to come to an acceptable solution. The British Museum cannot continue to hoard the world's artifacts forever—there must be legislative reform to permit consideration of repatriation claims. Under such reform, Egypt may someday be reunited with an artifact that the British took from them hundreds of years ago—the Rosetta Stone.

²³² See SPOILATION ADVISORY COMMITTEE, PORCELAIN IN THE BRITISH MUSEUM, 2008, HC 602, ¶ 17 (UK).