



# Conference on the Yale Peruvian Expeditions, 2005

**DIRECTOR**

Christy-Anna Chung

**MODERATOR**

Sofia Policelli

**VICE-DIRECTOR**

Maeve Redmond

## Content Disclaimer

At its core, Model United Nations (MUN) is a simulatory exercise of diplomatically embodying, presenting, hearing, dissecting, and negotiating various perspectives in debate. Such an exercise offers opportunities for delegates to meaningfully explore possibilities for conflict resolution on various issues and their complex, even controversial dimensions—which, we recognize, may be emotionally and intellectually challenging to engage with.

As UTMUN seeks to provide an enriching educational experience that facilitates understanding of the real-world implications of issues, our committees' contents may necessarily involve sensitive or controversial subject matter strictly for academic purposes. We ask for delegates to be respectful, professional, tactful, and diplomatic when engaging with all committee content, representing their assigned country's or character's position, communicating with staff and other delegates, and responding to opposing viewpoints.

The below content warning is meant to warn you of potentially sensitive or triggering topics that are present in the formal content of this background guide, as well as content that may appear in other aspects of committee (e.g., debate, crisis updates, directives), so that you can either prepare yourself before reading this background guide or opt-out of reading it entirely

**The topics that this committee will be discussing are centered around politically and culturally charged events. Ideas regarding neo-colonialism, cultural property and repatriation are sensitive ones. Additionally, events that occur prior to the expeditions have been characterized by colonial violence. As such, delegates must demonstrate respect when speaking about cultures that they may or may not be familiar with, and conduct the negotiations in good faith.**

If, because of this committee's content warning, you wish to request switching committees and you registered with UTMUN as

- a) part of a group delegation, please contact your faculty advisor and/or head delegate with your concerns and request.
- b) an individual delegate, please email our Director of Academics at [academics@utmun.org](mailto:academics@utmun.org) with a brief explanation of your concerns based on this committee's content warning and your request to switch. You will be contacted shortly regarding your request.

## UTMUN Policies

We ask for your cooperation in maintaining order, both inside and outside of committee session, so that we may provide a professional, safe, inclusive, and educational conference.

Throughout the conference, please note that delegates shall only:

1. Wear Western Business Attire (i.e., no costumes, no casual wear)
2. Embody their assigned country's/character's position, not their mannerisms (e.g., no accents, no props)
3. Opt for diplomatic, respectful, and tactful speech and phrasing of ideas, including notes (e.g., no foul language, suggestive remarks, or obscene body language)
4. Make decisions that contribute to a professional, safe, inclusive, and educational space for debate

The rest of our conference policies can be found on our website.

By attending all or part of a UTMUN conference, attendees agree to abide by all of our conference policies.

Furthermore, delegates' efforts to contribute to a culture of collaboration, inclusivity, and equity at our conference, both inside and outside of committee session, will be considered by the dais and Secretariat when determining conference scholarships and committee awards.

In cases of failing to adhere to any of UTMUN's policies, the Secretariat reserves the right to take any action it deems necessary, including rendering delegates ineligible for awards, taking disciplinary action, and prohibiting delegates from participating further in the conference.

## Equity Concerns and Accessibility Needs

UTMUN 2021's Secretariat and Staff are committed to ensuring every attendee has an enjoyable, comfortable, and safe experience and is able to participate fully and positively at our conference.

If you have any equity concerns (e.g., concerns about barriers to participation) or accessibility needs now or during the conference, please do not hesitate to contact your committees' dais and/or our Director of Academics at [academics@utmun.org](mailto:academics@utmun.org).

## Contents

Content Disclaimer	2
UTMUN Policies	3
Equity Concerns and Accessibility Needs	3
Introduction	4
Historical Analysis	5
Lingering Effects of Peru's Colonial History 1535-1824	5
Hiram Bingham III and the Yale Peruvian Expeditions 1911-1916	5
The Peruvian Perspective	7
Timeline	7
Legal Negotiations	8
Existing Codes and Conventions	9
Practical Considerations	10
Repatriation and Cultural Patrimony	11
The Role of Museums	11
Questions to Consider	12
Advice for Research and Preparation	13
Bibliography	14

Dear Delegates,

It is my utmost pleasure to welcome you all to the University of Toronto Model United Nations (UTMUN) 2021! My name is Christy-Anna Chung, and I will be serving as your director for the Conference on the Yale Peruvian Expeditions, 2005. I am currently a second year student in the John H. Daniels Faculty of Architecture, Landscape and Design, specializing in architecture with a minor in visual studies. This will be my second time staffing at UTMUN after having participated in Model UN in highschool.

As you may already know, UTMUN will be held online this year due to the COVID-19 pandemic. Although it is perhaps disappointing, and certainly unconventional, the UTMUN team and I will do all that we can to ensure that you all have the best possible delegate experience. These truly are, as many say, unprecedented times, and we have all been forced to adapt accordingly. However, by the time you are reading this letter, many of us will have already gone through many months of remote learning and digital events. So, despite the fact that we will not be meeting in person, I have no doubt that the most important aspects of Model UN will translate online well. Model UN is a great opportunity to learn about politics and international affairs, but it is also a chance to improve your writing, public speaking, problem solving and debate skills. It is also a great way to make new friends that you otherwise would not have met.

I, alongside Sofia and Maeve, are looking forward to animated debate, creative solutions, and of course, meeting you all. If you have any questions, please do not hesitate to contact me by-way-of email.

Christy-Anna Chung  
Director, Conference on the Yale Peruvian Expeditions, 2005  
[christyanna.chung@mail.utoronto.ca](mailto:christyanna.chung@mail.utoronto.ca)

## Introduction

The committee will take a look at the broader issues of the repatriation of cultural property and how museums, as institutions of public service and education,<sup>1</sup> perpetrate neocolonial values. This committee will also be responsible for the legal and practical negotiation of the return of the artifacts from the Peabody Museum to the Peruvian government. To do so, it will investigate the chain of events which lead up to the current situation. On one hand, ideas regarding the broader, overall topic will inform and direct the solutions to the case study. On the other hand, the case study will provide a tangible example that is easier to analyze, and therefore facilitate a greater understanding of the overall topic. As such, although this background guide is split into two topics, its content will continually refer to both topics in order to illustrate a clearer image.

Machu Picchu is a site of Inca ruins perched in the Andes Mountains near Cuzco in Peru. It was constructed in the mid-fifteenth and inhabited until the early or mid-sixteenth century when it was abandoned.<sup>2</sup> During its time, it was a palace complex for Pachacuti Inca Yupanqui, who ruled from 1438 to 1471.<sup>3</sup> Before its rediscovery, it was widely unknown to the international community.

It was Hiram Bingham III, a South American history professor at Yale University in Connecticut, who rediscovered the site and began his documentation of Machu Picchu in the early 1900s. He conducted three separate expeditions in which he excavated and exported artifacts from the site to the United States. These expeditions were controversial for social, cultural, and legal reasons. There was strong resistance from local people, academics, and, as the expeditions gained more publicity, the general public. Bingham, backed by the United States (US) government and the National Geographic Society, was only able to conduct the expeditions and export artifacts back to the United States after putting immense pressure on the Peruvian government.<sup>4</sup> It is evident that these were acts of neocolonialism. Neocolonialism refers to the use of economic, political, cultural, or other indirect pressures by developed nations to maintain or extend its control and influence over other areas or people.<sup>5</sup> In this way, nations with greater power could exploit developing nations.<sup>6</sup>

The artifacts were then displayed in the Yale Peabody Museum of Natural History for public viewing. The exhibit was authorized to run for eighteen months, after which the artifacts were supposed to be returned to Peru.

Now in 2005 and almost ninety years later, those same artifacts sit in the Peabody Museum's storage.

---

1 *Excellence and Equality: Education and the Public Dimension of Museums*, Washington DC: American Association of Museums, 2008, accessed October, 2020, <http://www.aam-us.org/docs/default-source/resource-library/excellence-and-equity.pdf?sfvrsn=0#:~:text=American%20Association%20of%20Museums%E2%80%94prepared,thinking%2C%20contemplation%2C%20and%20dialogue>.

2 "Machu Picchu," Encyclopedia Britannica, Encyclopedia Britannica, Inc., last modified December 22, 2017, <https://www.britannica.com/place/Machu-Picchu>.

3 "Machu Picchu"

4 Stephanie Swanson, "Repatriating Cultural Property: The Dispute between Yale and Peru over the Treasures of Machu Picchu," 10 San Diego International Law Journal, 469 (2009): 469-494

5 Lexico, s.v. "Neocolonialism," accessed October 2020, <https://www.lexico.com/definition/neocolonialism>; Merriam-Webster, s.v. "Neocolonialism," accessed October 2020, <https://www.merriam-webster.com/dictionary/neocolonialism>.

6 Sandra Halperin, "Neocolonialism," Encyclopedia Britannica, Encyclopedia Britannica, Inc., last modified May 6, 2020, <https://www.britannica.com/topic/neocolonialism>.

More recently, in 2003, the Peruvian government filed a complaint which led to the beginning of negotiations for the return of the artifacts.<sup>7</sup> This year, a spokesperson for Yale stated that at least a portion of the artifacts would be returned to Peru.<sup>8</sup>

## Historical Analysis

A close historical analysis of the three explorations, the exportation of the artifacts from Machu Picchu to Yale University, and the relationship between the expeditioners and the Peruvian public provides a clearer understanding of the legal status of the artifacts and the larger topic at hand.

### Lingering Effects of Peru's Colonial History 1535-1824

Peru has a history of colonial influence beginning with the Austrian Hapsburgs from 1516 - 1700 which were later followed by the French Bourbons from 1700 - 1808.<sup>9</sup> The journey to Peruvian political independence that followed this period of colonial influence took place from 1808 - 1821 and culminated with Peru's political independence from the Spanish who originally colonized the region in 1533 and were an active presence in the region up until that point.<sup>10</sup> The lingering effects of colonial influence on the indigenous Peruvian population are evident in the cultural, social and economic changes that took place during this time. During this period of foreign interference, the indigenous peoples of Peru felt the harsh oppression of the Spanish conquistadors in addition to witnessing the introduction of European language, culture and currency.<sup>11</sup> This characterised Peruvian nationalism as one that survived the oppressive presence of colonialism and neocolonialism as well as the cultural damage imposed by the Spanish. The consequence of this was a strong nationalistic and anti-imperial sentiment in the years following their independence.

### Hiram Bingham III and the Yale Peruvian Expeditions 1911-1916

Hiram Bingham III, who lived from 1875 to 1956, was an American professor and politician who is credited with the rediscovery of Machu Picchu. He taught at Yale University after having earned his PhD in South American history from Harvard University. During his time at Yale University, he led and conducted the three Yale Peruvian Expeditions (YPE) to find Vilcabamba, "the lost city of the Incas."<sup>12</sup> He had convinced himself and many others that the site he had found, Machu Picchu, was Vilcabamba, until the mid-twentieth century when it was determined otherwise.<sup>13</sup> Following the expeditions and his career as a professor, Bingham entered politics, and he served as the lieutenant governor of Connecticut, the governor of Connecticut, and a United States senator.

---

<sup>7</sup> Swanson, "Repatriating Cultural Property," 469-494

<sup>8</sup> Ibid.

<sup>9</sup> Leon G. Campbell, "Teaching the History of Colonial Peru," *The History Teacher* 14, no. 3 (1981), 354.

<sup>10</sup> Leon G. Campbell, "Teaching the History of Colonial Peru," 354.

<sup>11</sup> Christina Nelson, *The Effects of Neocolonialism on Indigenous Peruvians*, (2019), 3.

<sup>12</sup> Aaron Wiener, "Hiram Bingham's Expedition and the Peruvian Response: A Connecticut Yanqui in the Land of the Incas" (2008), MSSA Kaplan Prize for Use of MSSA Collections, 1-33.

<sup>13</sup> "Hiram Bingham: American Archaeologist and United States Senator," *Encyclopedia Britannica*, Encyclopedia Britannica, Inc., last modified October 27, 2008, <https://www.britannica.com/biography/Hiram-Bingham-American-archaeologist-and-United-States-senator>.

The first YPE was conducted in 1911 with the objective of learning more about the world by exploring Latin America, finding Inca ruins, and carrying out geographical surveys.<sup>14</sup> The goal was not to export thousands of artifacts. In fact, Bingham asserted to the New York Sun in March of 1911 that “should anything be found in that line it would become the property of the Peruvian government.”<sup>15</sup> Bingham did not rediscover Machu Picchu on his own. Rather, it was Melchor Arteaga, a local farmer, who led him to the site where several indigenous families were occupying the ancient huts.<sup>16</sup> Originally, the expedition had support from both the US and Peruvian governments, but not from certain groups in Peruvian society, especially those native to the area and intellectuals. To them, the expeditions were an expression of the 1904 Roosevelt’s Corollary to the Monroe Doctrine which contended US influence over the area.<sup>17</sup> As such, Peruvian President Augusto Leguía established that all Incan monuments as “national property” and only allowed duplicates to exit the country in a decree in 1911.<sup>18</sup> Nevertheless, minimal excavations were conducted and artifacts, though very few, were exported to the US. These excavations did not comply with the 1893 Supreme Decree, which controlled cultural property (see the legal negotiations section), nor the 1911 decree.<sup>19</sup> In the US, the news of Bingham’s first expedition travelled and accrued a considerable amount of attention from the press as well as his colleagues.

The success of Bingham’s expedition in the public eye, meant that he was able to garner the support of the National Geographic Society for his second trip back in 1912. However, it was during this particular trip that concern regarding Bingham’s intentions and methods became widespread within the Peruvian public.<sup>20</sup> The friction between the Peruvian government and the YPEs initially began at the tail end of Bingham’s first trip due to the aforementioned violation of the 1893 Supreme Decree and 1911 decree. Another factor that complicated Bingham’s efforts was the fact that President Leguía, who had been a significant supporter of Bingham’s efforts, ended his time in office.<sup>21</sup> Leguía’s replacement was President Guillermo Billinghurst who, comparatively, was against United States influence in Latin America. President Billinghurst maintained a strong nationalistic stance, and rejected the ten-year concession that Leguía and Bingham had developed.<sup>22</sup> Instead, swayed by former President Leguía and pressured by Bingham, he issued a decree. This 1912 decree allowed for the excavations as an exception, cited the 1911 decree and asserted Peru’s right to call for the homecoming of the artifacts.<sup>23</sup>

Despite the past challenges he faced, Bingham was not discouraged and used the fame that he had acquired from his first two voyages to gain enough funding for a third Peruvian expedition from 1914 to 1916.<sup>24</sup> Bingham assumed that he would not encounter any opposition from the government to this continuation of his investigation, however this assumption proved to be incorrect. He was prohibited from executing excavations in Machu Picchu, and was only allowed access to nearby

---

14 Swanson, “Repatriating Cultural Property,” 469-494

15 Ibid.

16 Aaron Wiener, “Hiram Bingham’s Expedition and the Peruvian Response,” 1-33.

17 Aaron Wiener, “Hiram Bingham’s Expedition and the Peruvian Response,” 1-33; Swanson, “Repatriating Cultural Property,” 469-494

18 Swanson, “Repatriating Cultural Property,” 469-494

19 Ibid.

20 Aaron Wiener, “Hiram Bingham’s Expedition and the Peruvian Response,” 1-33

21 Ibid.

22 Ibid.

23 Swanson, “Repatriating Cultural Property,” 469-494.

24 Aaron Wiener, “Hiram Bingham’s Expedition and the Peruvian Response,” 1-33.



sites.<sup>25</sup> Then, on May 25, 1915, there was an order made by the prefect of Cuzco that all excavations should stop immediately, thus marking an abrupt end to yet another one of Bingham's expeditions.<sup>26</sup> Before Bingham's departure from Peru, he was confronted by Luis Valcárcel, the president of the Instituto Histórico del Cuzco (Cuzco Historical Institute) and an editor of *El Sol*.<sup>27</sup> Valcárcel and his colleagues alleged that Bingham was trying to smuggle gold out of Peru through Bolivia in addition to him violating the prefect's order. If their accusations were found to be true, it would mean Bingham's imprisonment. However, Bingham was able to persuade Valcárcel and his colleagues of his innocence and returned to the United States in the fall of 1915.<sup>28</sup> In regards to the artifacts, Bingham was only able to have them exported after agreeing that they would be examined by the National Museum in Lima before being brought to Yale and that they would be recognized as Peru's national property.<sup>29</sup> Similar to the materials from the second YPE, Bingham acceded that the artifacts would be returned upon Peru's request, but Yale and the National Geographic Society also promised to return the artifacts after eighteen months.<sup>30</sup>

### The Peruvian Perspective

It is important to consider how the people of Peru saw these expeditions. In the 1920s, younger intellectuals and political leaders in Cusco wanted to "shift the centre of national power and political discourse from mestizo-dominated Lima."<sup>31</sup> They wanted to celebrate the Inca heritage and indigenous majority in Peru through the indigenismo movement. The indigenismo movement reshaped the Peruvian response as the fight to solidify this collective philosophy in order to combat the imperialistic efforts of the North American explorers.<sup>32</sup>

## Timeline

Mid-fifteenth century: Machu Picchu is constructed

Early to mid-sixteenth century: Machu Picchu is abandoned

1533: Spanish conqueror, Francisco Pizarro, occupies Cuzco, the Inca capital, and colonizes Peru

1535: Francisco Pizarro establishes the city Lima

1824: Peru gained independence as a result of the battles of Junin and Ayacucho

1904: US President Theodore Roosevelt establishes the Roosevelt Corollary to the Monroe Doctrine

---

25 Swanson, "Repatriating Cultural Property," 469-494.

26 Aaron Wiener, "Hiram Bingham's Expedition and the Peruvian Response," 1-33.

27 Ibid.

28 Ibid.

29 Swanson, "Repatriating Cultural Property," 469-494

30 Ibid.

31 Aaron Wiener, "Hiram Bingham's Expedition and the Peruvian Response," 1-33.

32 Ibid.

1911: Hiram Bingham III conducts the first Yale Peruvian Expedition

1912: Hiram Bingham III conducts the second Yale Peruvian Expedition

1914-1916: Hiram Bingham III conducts the third Yale Peruvian Expedition

1916-20: The Peruvian government requests the return of the artifacts

1983: UNESCO designates Machu Picchu as a World Heritage Site

2000: The United Nations Permanent Forum on Indigenous Issues (UNPFII) is established

2003: Yale launches an exhibition entitled "Machu Picchu: Unveiling the Mystery of the Incas"

2003: the Peruvian government and Yale University begin negotiations for the return of the artifacts

2005: a spokesperson for Yale states that at least a portion of the artifacts will be returned to Peru

## Legal Negotiations

The crux of this topic lies in the question of who has title to the artifacts. Negotiations regarding the repatriation of the objects began in 2003, and this year, a spokesperson from Yale University affirmed that Peru would receive at least some of the artifacts back.<sup>33</sup> However, this is only the starting point, and there is much to be worked out. The debate stems from disagreements regarding the legal texts and their historical context, and the status of Machu Picchu.

The status and nature in which the artifacts were excavated and exported differ depending on which expedition they are part of, and Peru's claim over them differ accordingly. Recall that in the first expedition, very few artifacts were taken. Peru maintains that the prevailing legal text at that time was the 1893 Supreme Decree, and President Leguia's 1911 decree did not permit the exit of any artifacts.<sup>34</sup> In regards to the second expedition, the 1912 decree did allow for artifacts to be excavated and exported.<sup>35</sup> In other words, Bingham's expeditions were exceptions to the 1893 executive decree. Nevertheless, Peru did not transfer the legal title of the object over to Yale. Rather, the 1912 decree asserted that Peru reserved its right to ask for their return at any time.<sup>36</sup> Furthermore, it only allowed for the export of the objects for scientific purposes to "avoid commercial speculation." However, this was violated when Yale initiated a traveling exhibition of the artifacts.<sup>37</sup> The artifacts from the third expedition were taken out on a loan of eighteen months, and there is controversy over whether or not

---

33 Swanson, "Repatriating Cultural Property," 469-494.

34 Ibid.

35 Ibid.

36 Ibid.

37 Ibid.

they have been returned. Peru had requested the artifacts be returned in the 1920s, but contends that the objects they received back were not from the YPEs.<sup>38</sup>

On the other hand, Yale argues that the 1911 and 1912 decrees are invalid and thus, the excavations fall under the 1852 civil code.<sup>39</sup> The 1852 civil code asserts that “all buried objects found on vacant or public property belong to the person that found them,” but also “prohibits treasure-seekers from excavations on private property... [without consent].” Furthermore, “in cases in which consent is obtained, any treasure must be divided equally between the finder and the property owner except in the case of special agreements.”<sup>40</sup> In regards to the artifacts from the third expedition, Yale contends that they returned all relevant objects at the time of Peru’s request. National Geographic records dictate that half of the artifacts were returned.<sup>41</sup> In regards to the other artifacts, Yale may argue that they have title over them based on what is called adverse possession.<sup>42</sup>

Therefore it is clear that, in order for negotiations to take place, the committee must first determine which legal texts cover these expeditions. Then, it must also decide whether Machu Picchu and the surrounding areas which Bingham excavated in the third YPE was vacant land, public land, or private property.

## Existing Codes and Conventions

In addition, looking at existing conventions and codes will guide the negotiations for the return of the artifacts. This background guide will look at the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970; the American Association of Museum (AAM) Code of Ethics for Museums; and the International Council of Museums (ICOM) Code of Ethics for Museums.

There are two key points in the United Nations Educational, Scientific, and Cultural Organization’s (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 that are relevant to this case:

The Convention “[recognizes] the inalienable right of each... to classify and declare certain cultural property as inalienable which should therefore ipso facto not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.”<sup>43</sup>

It states that “cultural property... constitutes one of the basic elements of civilization and national culture, and ... its true value can be appreciated only in relation to the fullest possible information regarding its origin,

---

38 Ibid.

39 Ibid.

40 Ibid.

41 Ibid.

42 Ibid.

43 United Nations Educational, Scientific, and Cultural Organization, *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* 1970, [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html).

history and traditional setting.”<sup>44</sup>

There are two main points in the AAM Code of Ethics that are relevant to this case:

*The “acquisition, disposal and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade of such materials.”<sup>45</sup>*

*“Competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.”<sup>46</sup>*

There are four key points from the ICOM Code of Ethics that are relevant to this case:

*“Museums should avoid displaying or otherwise using material of questionable origin or lacking provenance. They should be aware that such displays or usage can be seen to condone and contribute to the illicit trade in cultural property.”<sup>47</sup>*

*“Museums should promote the sharing of knowledge, documentation and collections with museums and cultural organisations in the countries and communities of origin, the possibility of developing partnerships with museums in countries or areas that have lost a significant part of their heritage should also be explored.”<sup>48</sup>*

*“Museums should be prepared to initiate dialogues for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national, international legislation, in preference to action at a governmental or political level.”<sup>49</sup>*

*“When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country’s or people’s cultural or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to cooperate its return.”<sup>50</sup>*

## Practical Considerations

Alongside the legal side of the negotiations, it is also important to consider the practical ways in which the artifacts will be returned. The Peruvian government has issued a statement requesting the

---

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

45 “AAM Code of Ethics for Museums,” American Alliance of Museums, last modified in 2000, <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>.

46 American Alliance of Museums, “AAM Code of Ethics for Museums.”

47 International Council of Museums, *ICOM Code of Ethics for Museums*, Paris, France: International Council of Museums, last modified 2004.

48 International Council of Museums, *ICOM Code of Ethics for Museums*

49 Ibid.

50 Ibid.

return of approximately 4 000 artifacts. However the true inventory of artifacts is unknown. Therefore, it is important to consider how an inventory will be completed and by who. Additionally, there is the question of what to do with artifacts that have been damaged or lost while in Yale University's possession.

## Repatriation and Cultural Patrimony

The repatriation of cultural property is a highly debated issue. Cultural patrimony refers to objects which have "historical, traditional or cultural importance central to [a] Native American group or culture itself... and which, therefore, cannot be alienated, appropriated, or conveyed by any individual..."<sup>51</sup> On one hand, it can be argued that returning artifacts to their country of origin is the morally correct course of action to pursue. Artifacts should be viewed in their unique historical context, and they should be accessible to the people they originally belonged to.<sup>52</sup> Furthermore, the fact that Western powers still keep the cultural patrimony of other groups in their possession serves as an ugly reminder of neocolonial history.<sup>53</sup> On the other hand, there are concerns regarding which institutions have the best resources to preserve and restore the objects. Additionally, it can be argued that the history of these artifacts are much more broad than their country of origin.<sup>54</sup> In regards to this topic specifically, the excavation and exportation of the artifacts by Bingham and connection to Yale Peabody Museum are a part of their history and meaning.

## The Role of Museums

It is important to consider what it means for a natural history museum in the United States to be in possession of and exhibiting artifacts from the Yale Peruvian Expeditions.

The first part of this is concerned with the fact that the Yale Peabody Museum, a museum in Connecticut, is in possession of artifacts which were meant to be returned to their country of origin. The museum's consistent hold of the artifacts denies the Peruvian people access to study and learn about the objects of their own history and culture.

The second part of this takes a look at the act of exhibiting these artifacts. The American Association of Museums defines museums as "institutions of public service and education, a term that includes exploration, study observation, critical thinking, contemplation, and dialogue."<sup>55</sup> Traditionally, museums have taken on a Eurocentric gaze that others Indigenous peoples, and objectifies them and their culture through exoticization. Now, museum directors and curators must grapple with how to decolonize their museums. Shasheen Kasmani,

---

51 Legal Information Institute, s.v. "Cultural Patrimony," accessed October 2020, [https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def\\_id=25-USC-1925884265-882315082&term\\_occur=1&term\\_src=title:25:chapter:32:section:3001](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=25-USC-1925884265-882315082&term_occur=1&term_src=title:25:chapter:32:section:3001).

52 "Historical Artefacts Should be Repatriated to their Country of Origin," DebateWise, accessed October 2020, <https://debatewise.org/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/>.

53 DebateWise, "Historical Artefacts Should be Repatriated to their Country of Origin"

54 Ibid.

55 American Association of Museums, *Excellence and Equality: Education and the Public Dimension of Museums*.

an artist, curator and creative producer, explicitly differentiates between decolonization and diversity, and asserts that decolonization is “the upfront challenge of white-supremacy, de-centres the Eurocentric view, values narrative of that [which] has been made other.”<sup>56</sup>

The situation becomes even more problematic considering that Yale Peabody Museum is a natural history museum. Natural history refers to the study of plants and animals in their natural environment.<sup>57</sup> Therefore, beyond othering Indigenous peoples, the act of displaying Indigenous peoples in natural history museums as artifacts (objects and bones) actually equates Indigenous peoples to flora and fauna, and therefore undermines their fundamental right to human dignity. The museum is disregarding the fact that Indigenous peoples are living peoples and members within the international community with social and political structures.

This committee should look at measures that can be implemented in order to not simply diversify, but decolonize museums. Additionally, it should create guidelines to avoid future situations which require the repatriation of artifacts.

## Questions to Consider

1. What are some examples of similar cases of artifacts being displaced from their place of origin (eg. the Elgin Marbles)?
2. What do the terms repatriation, cultural patrimony, objectification, neocolonialism, and decolonization mean?
3. Who has legal title to the artifacts, and on what grounds?
4. How/by what measures should the return of the artifacts be executed?
5. What experience does your character have with similar situations and how will they contribute to the process of repatriating the artifacts?
6. Looking forward, what should we expect from museums and museum curators? How can these expectations affect or guide the negotiations?
7. Do museums perpetrate colonial values?
8. How can museums do a better job in educating the public?

---

<sup>56</sup> Elisa Shoenberger, “What Does It Mean to Decolonize a Museum?” *MuseumNext*, September 2020, <https://www.museumnext.com/article/what-does-it-mean-to-decolonize-a-museum/>.

<sup>57</sup> Cambridge Dictionary, s.v. “Natural History,” accessed October 2020, <https://dictionary.cambridge.org/dictionary/english/natural-history>; Collins, s.v. “Natural History,” accessed October 2020, <https://www.collinsdictionary.com/dictionary/english/natural-history>.

## Advice for Research and Preparation

First and foremost, it is important to note that this background guide is meant to be the starting off point for your research. Your research should focus both on this particular case and the larger issue at hand. You should also keep in mind that we are set in the year 2005, not the present day. While you may want to look at how the issue has developed since, I think that is much more valuable to consider what has been mentioned in this background guide and what you have read, and then formulate your own solutions. Furthermore, there were a few key historical players mentioned in this background guide. Consider how their actions and words can help your argument. Perhaps make a list of them and their contributions to the events that unfolded. You can do something similar with any relevant legal codes and conventions as well. Begin with the ones mentioned in this background guide, and then research other ones too.

In regards to your specific character, it may be useful to research how they fit into the structure that they are a part of (ie: the structure of the Peruvian government, or the structure of the Yale Peabody Museum). If your character is not on either side of the negotiations, consider what experience he or she may have had in the past with similar situations that will help resolve the issue. Overall, I would suggest that you use your position paper to your advantage - as a tool to help you with your research and organize your thoughts. Generally, it is suggested that the position paper be divided up into three sections. The first section provides a short and concise overview of the topic, the second section explains your character's position, and the final section proposes solutions to the current situation. If you are ever unsure about if you are heading in the right direction, you can revisit the Questions to Consider section of this background guide.



## Bibliography

- "AAM Code of Ethics for Museums." American Alliance of Museums. Last modified in 2000. <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>.
- Campbell, Leon G.. "Teaching the History of Colonial Peru." *The History Teacher* 14, no. 3 (1981), 354.
- Cambridge Dictionary. S.v. "Natural History." Accessed October 2020. <https://dictionary.cambridge.org/dictionary/english/natural-history>
- Collins. S.v. "Natural History." Accessed October 2020. <https://www.collinsdictionary.com/dictionary/english/natural-history>.
- Excellence and Equality: Education and the Public Dimension of Museums*. Washington DC: American Association of Museums, 2008. Accessed October, 2020. <http://ww2.aam-us.org/docs/default-source/resource-library/excellence-and-equity.pdf?sfvrsn=0#:~:text=American%20Association%20of%20Museums%E2%80%94prepared,thinking%2C%20contemplation%2C%20and%20dialogue>.
- Halperin, Sandra. "Neocolonialism." *Encyclopedia Britannica*. Encyclopedia Britannica, Inc.. Last modified May 6, 2020. <https://www.britannica.com/topic/neocolonialism>.
- "Hiram Bingham: American Archaeologist and United States Senator." *Encyclopedia Britannica*. Encyclopedia Britannica, Inc.. Last modified October 27, 2008. <https://www.britannica.com/biography/Hiram-Bingham-American-archaeologist-and-United-States-senator>.
- "Historical Artefacts Should be Repatriated to their Country of Origin." *DebateWise*. Accessed October 2020. <https://debatewise.org/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/>.
- International Council of Museums. *ICOM Code of Ethics for Museums*. Paris, France: International Council of Museums. Last modified 2004.
- Legal Information Institute. S.v. "Cultural Patrimony." Accessed October 2020. [https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def\\_id=25-USC-1925884265-882315082&term\\_occur=1&term\\_src=title:25:chapter:32:section:3001](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=25-USC-1925884265-882315082&term_occur=1&term_src=title:25:chapter:32:section:3001).
- Lexico. S.v. "Neocolonialism." Accessed October 2020. <https://www.lexico.com/definition/neocolonialism>
- "Machu Picchu." *Encyclopedia Britannica*. Encyclopedia Britannica, Inc.. Last modified December 22, 2017. <https://www.britannica.com/place/Machu-Picchu>.
- Merriam-Webster. S.v. "Neocolonialism." Accessed October 2020. <https://www.merriam-webster.com/dictionary/neocolonialism>.
- Nelson, Christina. *The Effects of Neocolonialism on Indigenous Peruvians*. (2019). 3.



Swanson, Stephanie. "Repatriating Cultural Property: The Dispute between Yale and Peru over the Treasures of Machu Picchu." 10 San Diego International Law Journal, 469 (2009): 469-494

Shoenberger, Elisa. "What Does It Mean to Decolonize a Museum?" *MuseumNext*. September 2020. <https://www.museumnext.com/article/what-does-it-mean-to-decolonize-a-museum/>.

United Nations Educational, Scientific, and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* 1970. [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html).

Wiener, Aaron. "Hiram Bingham's Expedition and the Peruvian Response: A Connecticut Yanqui in the Land of the Incas" (2008). MSSA Kaplan Prize for Use of MSSA Collections. 1-33.