

The Parthenon Marbles dispute – is the end in sight?

*The Parthenon Marbles have been the focus of a long-running dispute between Greece and the United Kingdom. **Lauren Bursey** examines whether a solution might be found in international law and cultural diplomacy.*

On 1 December 2023, as many around the world began preparations for the upcoming Christmas season, global leaders attended the COP28 climate conference in Dubai. One leader in particular seemed to offer an unusual early Christmas gift to the Hellenic Republic – the United Kingdom’s King Charles [wore a tie depicting undulating Greek flags](#).

Observers were quick to seize on the obvious reference to British Prime Minister Rishi Sunak’s [refusal to meet with his Greek counterpart Kyriakos Mitsotakis](#) days earlier and to interpret the tie as a show of support for the long-standing Greek demand for the return of the [Parthenon Marbles](#) located in the British Museum. For a monarchy that prides itself on staying out of politics as a matter of principle, this sartorial choice by a monarch with Greek ancestry, at a global diplomatic event like COP28, was a significant show of support for the Greek cause.

Customary law

The dispute between Greece and the United Kingdom over the Parthenon Marbles began almost as soon as they were removed from Greek shores by Lord Elgin in 1801. Although numerous claims have been made over the years, the British government has refused to participate in any dispute resolution efforts, including [a 2015 offer by UNESCO](#) to mediate between the two countries.

In 2016, the European Court of Human Rights (ECHR) dismissed a case brought by the cultural group Athenians’ Association. The ECHR ruled that the dispute was time-barred, since the underlying grievance is the alleged unlawful removal of the marbles from Greece, an action that took place over 150 years prior. The ECHR stated further that the

group did not have standing to bring the case, as they had “no right... to have the marbles returned to Greece”.

As a result of these legal procedural “technicalities”, which often prevent the dispute from being formally adjudicated, legal academics have also sought support from customary international law rules. A notable example is Catharine Titi, who has argued for [the development of an international law custom](#) necessitating the return of cultural heritage of particular importance that has been unlawfully removed from its place of origin.

Such a law would necessitate that the British Museum return the Parthenon Marbles to Greece. Unfortunately, support for such a rule is weak at this time, since customary international law, notoriously difficult to identify and to prove, requires evidence of widespread state practice that must be considered binding by the international community. There is no doubt, however, that attitudes towards cultural heritage objects in other countries have been changing, as evidenced by the increasing calls for the return of objects stolen during colonial periods, and a number of subsequent restitutions.

The heritage community is well acquainted with the efforts of French President Emmanuel Macron, whose 2017 commitment to return cultural objects to Africa taken by French colonial troops has resulted in the return of a few hundred objects. Germany has followed suit, transferring ownership of more than 1,100 Benin bronzes from five museum collections to Nigeria in 2023, the first country to return hundreds of items looted in the British raid on the Kingdom of Benin in 1897.

Nevertheless, the Parthenon Marbles were not taken by colonial occupying forces, directly threatening military force, but by a peaceful third party, which makes it hard to compare the two examples and to truly show evidence of the state behaviour that is needed for the establishment of a customary law.

The way forward

The British Museum has always argued that it does not have the power to remove the Marbles from the Museum and send them back to Greece because the Marbles are part of the Museum’s collection per the British Museum Act, which prevents deaccessioning.

Much significance is being imputed to a proposed change to the UK Charities Act, which would give museum trustees the ability to make *ex gratia* applications for charity property, with authorisation from the Charities Commission, Attorney General, or the court, regardless of other existing statutory restrictions. Thus, theoretically, this would be a workaround to the strictures of the British Museum Act.

However, the proposed changes are applicable only to low value items, and thus would almost certainly not apply to the Parthenon Marbles, which would still require Commission approval. Additionally, the UK government quickly postponed implementing the change once it discovered the potential consequences, a demonstration that it did not believe that it is bound by any customary international law to return cultural objects generally. Had the government wanted to legalise all returns of unlawfully removed cultural objects, including the Parthenon Marbles, it would have done so.

At the beginning of 2024, Prime Minister Mitsotakis made a statement at the opening of [an exhibition on Cycladic art](#) at the Metropolitan Museum of Art. The exhibition itself is a symbol of a cultural partnership, with the collection of Leonard N. Stern, which was returned to Greece, on loan in New York. The Prime Minister spoke of a “possible new partnership [with the British Museum] that brings the two parts of the sculptures together, as one, in Athens”.

Whether this cultural diplomacy will continue with a partnership, long-term loan of the Parthenon Marbles or something else remains to be seen. The UK’s leading role in colonialism has thus far prevented it from making significant returns of cultural heritage, and the Parthenon Marbles have become a symbol of that history, one with which British governments do not wish to grapple, maintaining as they have the legality of the acquisition.

For more information, see the author’s accompanying paper in the [Journal of International Humanitarian Legal Studies](#).

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