

- FOLEY, R. 1981. Off-site archaeology: an alternative approach for the short-sited, in I. Hodder, G. Ll. Isaac & N. Hammond (ed.) *Pattern of the past: studies in honour of David Clarke*: 157-183. Cambridge: Cambridge University Press.
- HALLOS, J. 2005. "15 minutes of fame": exploring the temporal dimension of Middle Pleistocene lithic technology. *Journal of Human Evolution* 49: 155-179.
- HUXTABLE, J. 1993. Further thermoluminescence dates for burnt flints from Maastricht-Belvédère and a finalised thermoluminescence age for unit IV Middle Palaeolithic sites. *Mededelingen Rijks Geologische Dienst* 47: 41-44.
- ISAAC, G.L.L. 1981. Stone age visiting cards; approaches to the study of early land use patterns, in I. Hodder, G. L. Isaac & N. Hammond (ed.) *Pattern of the past: studies in honour of David Clarke*: 131-155. Cambridge: Cambridge University Press.
- MEIJER, T. 1985. The pre-Weichselian non-marine molluscan fauna from Maastricht-Belvédère (Southern Limburg, The Netherlands). *Mededelingen Rijks Geologische Dienst* 39(1): 75-103.
- MEIJER, T. & P. CLEVERINGA. 2009. Aminostratigraphy of Middle and Late Pleistocene deposits in The Netherlands, with notes on published data from the southern part of the North Sea Basin. *Global Planet Change* 68: 326-345.
- ROEBROEKS, W. 1988. *From find scatters to early Hominid behaviour. A study of Middle Paleolithic riverside settlements at Maastricht-Belvédère (The Netherlands)* (Analecta Praehistorica Leidensia 21). Leiden: Leiden University Press.
- ROEBROEKS, W., D. DE LOECKER, P. HENNEKENS & M. VAN IEPEREN. 1992. 'A veil of stones': on the interpretation of an early Middle Palaeolithic low density scatter at Maastricht-Belvédère (The Netherlands). *Analecta Praehistorica Leidensia* 25: 1-16.
- ROEBROEKS, W., M.J. SIER, T.K. NIELSEN, D. DE LOECKER, J.M. PARÉS, C.E.S. ARPS & H. MÜCHER. 2012. Use of red ochre by early Neandertals. *Proceedings of the National Academy of Sciences* 109(6): 1889-1894.
- SCHLANGER, N. 1994. Flintknapping at the Belvédère: archaeological, technological and psychological investigations at the early Palaeolithic site of Maastricht-Belvédère (Limburg, The Netherlands), Unpublished PhD dissertation, University of Cambridge.
- SEMAW, S., M.J. ROGERS, J. QUADE, P.R. RENNE, R.F. BUTLER, M. DOMINGUEZ-RODRIGO, D. STOUT, W.S. HART, T. PICKERING & S.W. SIMPSON. 2003. 2.6-million-year-old stone tools and associated bones from OGS-6 and OGS-7, Gona, Afar, Ethiopia. *Journal of Human Evolution* 45(2): 169-177.
- STAPERT, D. 1990. Middle Palaeolithic dwellings: fact or fiction? Some applications of the ring and sector method. *Palaeohistoria* 32: 1-36.
- 2007. Youngsters knapping flint near the campfire: an alternative view of Site K at Maastricht-Belvédère (The Netherlands). *Archäologisches Korrespondenzblatt* 37: 19-35.
- VAN GIJN, A.L. 1988. Appendix I. A functional analysis of the Belvédère flints, in W. Roebroeks (ed.) *From find scatters to early Hominid behaviour. A study of Middle Paleolithic riverside settlements at Maastricht-Belvédère (The Netherlands)* (Analecta Praehistorica Leidensia 21): 151-157. Leiden: Leiden University Press.
- VAN KOLFSCHOTEN, T. 1993. The mammal fauna from the interglacial deposits at Maastricht-Belvédère. *Mededelingen Rijks Geologische Dienst* 47: 51-60.
- VAN KOLFSCHOTEN, T., W. ROEBROEKS & J. VANDENBERGHE. 1993. The Middle and late Pleistocene sedimentary and climate sequence at Maastricht-Belvédère: the type locality of the Belvédère interglacial. *Mededelingen Rijks Geologische Dienst* 47: 81-91.

Machu Picchu Artifacts: Repatriation

Kimberly Alderman

Alderman Law Firm, Madison, WI, USA

Introduction

In 1911, a professor of South American history from Yale University drudged through the Andean jungle and rediscovered the ancient Incan ruins of Machu Picchu. Hiram Bingham had received permission from the government of Peru to return to Yale with 40,000 artifacts to study over an 18-month period. The artifacts were, for the most part, shards and fragments of pottery, jewelry, and human remains. While they were valuable for scientific research, only 350 of the artifacts were of museum quality.

The 18-month period for study came and went, and Yale did not return the objects to Peru. The issue became one of international importance, and in 1916, Bingham wrote to the National Geographic Society regarding the human remains. He explained, "Now they do not belong to us but to the Peruvian government, who allowed us to take them out of the country on condition that they be returned in 18 months. . . The whole matter has assumed a very large importance in the eyes of the Peruvians, who

feel that we are trying to rob their country of its treasure” (Brice & Shoicet 2010).

Peru continued to demand repatriation of the objects, so Yale returned several boxes in 1921, presumably containing the fragments of human remains. However, Yale retained most of the objects, including the museum-quality pieces, which they housed at their Peabody Museum of Natural History. In the 1920s, Peru again requested the return of the remaining artifacts, but their requests were ignored.

For nearly 70 years, the issue lay dormant, until the year 2000, when Peru once again demanded the return of the remainder of the objects. Peru insisted that the loan agreement with Bingham applied not only to the human remains but also to the remainder of the 40,000 objects. Yale refused Peru’s renewed request, claiming they had returned all lent objects, and the institution was the rightful owner of the objects remaining in their possession.

Peru would not relent, however, and the parties attempted to negotiate a settlement in 2007. They came to a contingent agreement that title to the objects would be granted to Peru, although many of the objects would remain at Yale for study and display. The following year, the agreement fell through, and Peru filed suit in a US federal court, demanding both return of all the objects and monetary compensation “far in excess of \$75,000” for Yale’s “wrongful retention” (Dibenedetto 2010).

Key Issues

From the beginning, the lawsuit faced two primary obstacles. First, in order for Peru to recover improperly removed objects, it would have to prove that its government was the legal owner of the objects when they were removed from the country. In a case involving the seizure by US Customs of 89 pre-Columbian artifacts from a private individual, the Central District Court of California found that Peru had only demonstrated national ownership of cultural property back to 1929, at the earliest (*Peru v.*

Johnson, 720 F.Supp. 810 (C.D. Cal. 1989)). This means Peru’s patrimony law (wherein the government lays claim to archaeological materials) would postdate Bingham’s removal of the Machu Picchu objects from the country.

Another obstacle for Peru’s lawsuit was that the statute of limitation or *laches* would have barred Peru’s replevin action (a replevin action is a demand for return). Peru had made a formal demand for the return of the objects in the late 1920s and Yale refused. This refusal likely began the 3-year statute of limitations on replevin actions, yet Peru failed to file a claim for another 70 years.

While the case was being litigated, Peru mobilized a national effort to reclaim the artifacts. First, Peru publicly threatened Yale with criminal charges if the artifacts were not returned, although the basis of these criminal charges was neither stated nor apparent. Yale responded that while it respected “Peru’s interest in archaeological material from Machu Picchu,” Yale also owed “a duty to academic and cultural institutions everywhere to recognize their important contributions to the study and understanding of all the world’s cultures” (Kennedy 2010). Peru’s then-President Alan García Pérez then made a formal request for the intervention of US President Barack Obama, although no response was publicized.

Former President García mounted demonstrations in the cities of Lima and Cusco, where thousands of people marched to show unity and strengthen the country’s demand for return of the artifacts. Peru solicited the support of Ecuadorian President Rafael Correa, who made a formal statement in support of Peru and said he would take this matter to the Union of South American Nations if necessary (Valencia 2010).

In the USA, nine runners in the New York marathon showed their support for Peru by wearing t-shirts demanding the return of the Machu Picchu artifacts. Former President García announced he had received a message of support from US Senator Christopher J. Dodd.

The public shaming had the intended result. In 2010, Yale sent representatives to Lima in an

attempt to negotiate a new settlement concerning the artifacts. Peru and Yale reached an agreement in which Yale agreed to return the museum-quality objects in time for the 2011 centennial celebration of Machu Picchu's rediscovery. Yale agreed to return the remainder of the objects to the Universidad Nacional de San Antonio Abad del Cusco ("UNSAAC"), the closest university to Machu Picchu, where continuing research would be conducted and public exhibitions will be held (Orson 2012).

The new settlement agreement provided that Yale would be able to access the artifacts for research purposes and work jointly with Peruvian counterparts at the UNSAAC – Yale International Center for the Study of Machu Picchu and Inca Culture (Taylor 2011). Former President García also promised to ask for additional funding from parliament to construct appropriate facilities to house the artifacts. Peru further agreed to loan some artifacts to Yale to display at the Yale Peabody Museum of Natural History, although title to the objects would be transferred to Peru.

Through this initiative, Peru has demonstrated that it wishes to share center stage in the international movement to repatriate cultural property to artifact-rich nations. Countries such as Egypt, Italy, and Greece use political influence to reclaim extant cultural property, even when there are no legal grounds to mandate repatriation. When Peru's attempts to use legal means to reclaim the Machu Picchu artifacts failed, the country turned to the methods sometimes employed by other artifact-rich nations. Peru's apparent success with these methods demonstrates that the ethics-based repatriation movement is still a viable means for artifact-rich nations to reclaim archaeological property held in foreign nations.

Cross-References

- Cultural Property, Trade, and Trafficking: Introduction
- Repatriation Acts: The Politics of Repatriation in North America

- Repatriation and Race in Indigenous Archaeology
- Repatriation and Restitution of Cultural Property: Relevant Rules of International Law
- Repatriation: Overview

References

- BRICE, A. & C. E. SHOICET. 2010. Peru's president: Yale agrees to return Incan artifacts, *CNN World* 20 April 2010. Available at http://articles.cnn.com/2010-11-20/world/peru.yale.artifacts_1_return-incan-artifacts-machu-picchu-artifacts-hiram-bingham?_s=PM:WORLD (accessed 2 February 2012).
- DIBENEDETTO, E. 2010. Peru drops six charges in suit. *Yale Daily News*. Available at: <http://www.yaledailynews.com/news/2010/mar/22/peru-drops-six-charges-in-suit/> (accessed 26 January 2012).
- KENNEDY, R. 2010. Peru seeks Obama's help in dispute with Yale. *New York Times*. Available at: <http://artsbeat.blogs.nytimes.com/2010/11/03/peru-seeks-obamas-help-in-dispute-with-yale/> (accessed 26 January 2012).
- ORSON, D. 2012. Finders not keepers: Yale returns artifacts to Peru. *National Public Radio*. Available at: <http://www.npr.org/2012/01/01/143653050/finders-not-keepers-yale-returns-artifacts-to-peru> (accessed 26 January 2012).
- TAYLOR, K. 2011. Yale and Peru sign accord on Machu Picchu artifacts. *The New York Times*. Available at: <http://artsbeat.blogs.nytimes.com/2011/02/11/yale-and-peru-sign-accord-on-machu-picchu-artifacts/?scp=1&sq=yale/peru&st=cse> (accessed 26 January 2012).
- VALENCIA, A. 2010. Ecuador wants Yale to return artifacts to Peru. *Reuters*. Available at: <http://www.reuters.com/article/2010/10/27/us-ecuador-peru-incas-idUSTRE69Q0BO20101027> (accessed 26 January 2012).

Further Reading

- ALDERMAN, K. 2010. Yale agrees to return Machu Picchu artifacts to Peru: ethics-based repatriation (University of Wisconsin Legal Studies Research Paper 1147). *Cultural Heritage and Arts Review* Fall/Winter 2010.
- NUTMAN, S. 2011. Returning to Machu Picchu. *Yale Daily News*. Available at: <http://www.yaledailynews.com/news/2011/feb/14/returning-to-machu-picchu/> (accessed 26 January 2012).
- Peruvians demonstrate in Lima and Cusco protesting Yale. 2010. *Living in Peru*. Available at: <http://archive.livinginperu.com/news/13495> (accessed 26 January 2012).