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Working Group on Orphan Objects

Fourth session

Rome, 1 - 3 December 2025

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Research Symposium on “Orphan Objects: Curatorial, Ethical, and Legal Aspects”

Rome, December 1, 2025

CONCEPT NOTE and PROGRAMME

1. The International Institute for the Unification of Private Law (UNIDROIT) has undertaken, as part of its Work Programme for the triennial period 2023-2025, a project aimed at developing criteria for dealing with cultural objects lacking any provenance and/or presenting significant gaps in their provenance to prevent them from disappearing to the detriment of the history of art, science, and knowledge.

2. Bringing together a group of experts, comprising academics, legal practitioners, and members of the art trade, the Working Group has been deliberating since its first meeting in May 2024 on how to move forward with the issue of “orphan cultural objects,” which raises key curatorial, ethical, and legal dilemmas. During its meetings, the Working Group restated the main objective of the project, i.e., to develop a set of principles or guidelines to assist in addressing the issue of orphan objects, along with practical tools for collections actively seeking to manage their orphan items. Accordingly, the Working Group has been attempting since then to promote draft guidelines (with various sub-groups tasked each with addressing specific provisions or themes that would be included in the guidelines).

3. Following its March 2025 meeting, and in preparation for its December 2025 meeting, it was suggested by the Secretariat that, in light of diverging opinions and perspectives about the normative tenets of the draft guidelines, it would be appropriate to convene a research symposium, which would invite top experts outside of the Working Group, to reflect on stumbling issues of “orphan objects” and, and to bring fresh perspectives that could aid the Working Group in its task of completing the guidelines.

4. One of the main questions that seem to arise is how the objective or genuine ignorance about the history of the cultural object should be taken into consideration. The idea behind the concept of an “orphan object” is to distinguish it from (at least) two other categories. The first category is one of items that have good, even if not perfect, provenance that attests not only to the origin place of the object - its provenance - but also to its subsequent chain of title or possession, such that its trajectory across time and space is not tainted with illegality or ethically problematic actions. At the

other end of the spectrum is a category of cultural objects for which there is either solid evidence, or at the least significant suspicion, that they have been the object of abuse, including, for that matter, illegal excavation, looting, taking possession by force, illicit export across jurisdictions, or any other misbehavior that runs afoul of binding legal instruments or current ethical approaches, and that may call for restitution, return, reparations, or other form of redress.

5. Orphan objects are therefore located in an uneasy middle category. Accordingly, such items can be depicted as situated in a curatorial, ethical, and legal "limbo." Unlike items with good provenance, they cannot today be displayed with confidence by museums or other cultural institutions, traded, transferred across borders (subject to abiding by domestic or international rules in the matter) or even academically researched. And unlike clearly "tainted" items, there is no clear path for redress or correction that would salvage such items (e.g., by the return of the object to its country of origin, or to its previously dispossessed owners or their heirs).

6. Are orphan objects doomed for an eternal wait in limbo? The members of the Working Group believe that this should not be the case, although they may have different opinions on how to designate a path that would facilitate the prospects for provenance research, due diligence, and ethical care-taking of such objects. It is in light of this challenge that a research symposium will be organized on the first day of the next meeting of the Working Group. It will deal with the curatorial, ethical, and legal aspects of "orphan objects," and is meant to help the Working Group to move forward with envisioning and consolidating a blueprint for a better future for orphan objects.

7. In particular, the Working Group would benefit from the participation of provenance researchers, whether affiliated with a national or government-funded organisation (as is the case with national agencies working on Holocaust-era provenance research in Austria, France, and the Netherlands), non-profit organisations, or with the growing number of provenance research teams in cultural institutions.

8. The following questions have been asked to each invited speaker in connection with the two following situations: a) undocumented objects, which, after research into its provenance, remains without archives and b) partially documented objects with a gap in its history:

- What connections do you see between provenance research and due diligence ?
- What elements would be needed according to you to make the presence of a particular object in a collection acceptable?
- Existing Best practices in your field / institution
- How not to exclude an orphan object from the "cultural heritage" ?
- What would you recommend the possessor do with an orphan object ?
- What steps, if any, would you take towards the countries of origin, indigenous communities or any group that could have been the owner of the objects?
- To what extent would you consider a database/platform of these objects to be relevant?
- What would you suggest with a view to clarifying the object's provenance ?

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PROGRAMME

10:15 - 11:00 CET	Mr Sanjay ADHIKARI , Lawyer, Public Interest Litigator for issues pertaining to Cultural heritage across Nepal
11:00 - 11:30 CET	Ms Marie DUFLOT , PhD student, Ecole des Hautes Études en Sciences Sociales (EHESS), Centre Georg Simmel (EHESS-CNRS, UMR 8131), France
11:30 - 11:45 CET	Coffee Break
11:45 - 12:30 CET	Ms Laurence MAUGER-VIELPEAU , Professor, Private Law and Criminal Sciences, University of Caen-Normandy, France Mr Pierre TAUGOURDEAU , Secretary General, Conseil des Maisons de Vente, France
12:30 - 13:15 CET	Mr Maxence GARDE , Curator, Antiquities Collection, Calouste Gulbenkian Museum, Calouste Gulbenkian Foundation, Portugal
13:15 - 14:45 CET	Lunch break
14:45 - 15:30 CET	Ms Saskia COUSIN , anthropologist and Professor of Sociology at Paris Nanterre University, affiliated with the SOPHIAPOL Research Centre, France-Benin Mr Daniel ABIDJO , Heritage curator; PhD student in 'Heritage Studies', Benin
15:30 - 16:00 CET	Ms Nancy KARRELS , Associate Director of Provenance Research and Object Histories at the National Museum of Asian Art, Smithsonian, United States of America (online)
16:00 - 16:45 CET	Mr Jacques SCHUHMACHER , Executive Director of Provenance Research at the Art Institute of Chicago, United States of America (online)
17:30	Visit Brazilian Embassy in Rome