

**THE POLITICS AFFECTING THE RESTITUTION OF AFRICAN CULTURAL
PROPERTIES IN THE 21ST CENTURY**

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**A PROJECT SUBMITTED TO THE DEPARTMENT OF HISTORY AND
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CERTIFICATION

This is to certify that this project to the best of our knowledge was carried out by OTOIDE FELIX AIGBOSIORIA with matriculation number ART1901239 in the Department of History and International Studies, University of Benin, Nigeria, under my supervision.

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Date: _____

DEDICATION

This project work is dedicated to God Almighty for His infinite grace and mercy upon my life and also to the memory of my father, Late Mr. F.A Otoide.

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CHAPTER ONE

Introduction

Background to the Study

The repatriation of an item with deep historical, spiritual, and cultural significance might seem like a mere gesture of colonial redress. But this ceremony was different, and it was about much more than a single physical object. In fact, it was a watershed moment in the West's recognition of the cultural damage inflicted by colonialism.¹ This instance only acts as one of many testaments to the role art that can play in international relations. In turn, while morality may play a role in a state's decision to return these looted works, further political and economic incentives may provide a bigger insight into the rationale behind the return of these figures. For some of the objects, the tribe or kingdom which created them no longer exists, merely just the country the group was located in. What's more, these institutions argue that these objects help to educate their citizens to better understand the vastness and culture that exists throughout the world. By this argument, to give the works back would be to lose a potent tool that facilitates an understanding of this richness in diversity.²

The politics of restitution refers to the political considerations and contexts which influence a country's willingness or otherwise to return a looted cultural object. Why will

a country seek to retribute? Is it a question of attempting to alleviate the symbolically “cumbersome” collections so as to sell off a heavy burden of a colonial past, and, along with it, any attempt at rendering this past intelligible? To use the symbolic space as a tool of *soft power* aiming to “revalorize” its image to an African generation of youth that is more and more independent-minded? Or is it to institute a new relational ethics between peoples by helping to give back to them an impeded or *blocked* memory? So as to let them set about doing the necessary work regarding their own history by accepting to debate around one of the chapters of Africa’s colonial past as well as the demand for truth? The politics of restitution encompass the above nuances.

Restitution is about more than confronting the violent legacy of colonialism, a legacy that continues to affect power dynamics in Africa and around the world. It is about supporting the work that young Africans are doing to transform the dated, racist narratives about their diverse cultural heritage and rich history. It is about giving current generations the means to shape a better future for themselves. It is, at its core, about restituting agency to a continent defining its path forward.³

The restitution of cultural property involves several political, historical, and cultural realities; it does not constitute a single debate, but rather several debates that enrich the study of cultural policy. This research has sketched out the transnational dimension of the debate about the restitution of cultural property. Over the course of

nearly five decades, a range of practices and discourses concerning restitution have developed on the fringes of existing practices.⁴ The restitution projects that have emerged since the late 1970s differ from the strictly diplomatic traditions and experiences because they are primarily driven by activist collective actions. But they also differ from the restitution practices that emerged in the immediate aftermath of the Second World War, which originated in the mass thefts (and worse), perpetrated by a state against individuals, and were perhaps resolved more in line with prevailing principles and ideas about law and private property than the cases associated with colonial abuses.⁵

In the contemporary times, these developments are seen in a novel light. There is a growing trend in many former colonial powers, such as France, the Netherlands, Germany, or Belgium, and among museums (e.g., Smithsonian Institution, Metropolitan Museum of Art) and universities (e.g., Cambridge, Aberdeen) to question the *status quo*, interrogate provenance and conditions of ownership, and contemplate return or new forms of access or circulation. Art historian Bénédicte Savoy, who co-authored the French report on *The Restitution of African Cultural Heritage* commissioned by President Emmanuel Macron,⁶ qualified the return of the Abomey treasures – including three half-animal statues representing the former kings of Dahomey (Guezo, Glélé, and Béhanzin), from the Quai Branly museum to the modern-day Republic of Benin – as a historical

tipping point in approaches towards returns, similar to the Fall of the Berlin Wall: There is a before, and there is an after.⁷

Aim and Objectives of the Study

The main aim of this study is to explore the restitution politics of African cultural properties in the 21st century. The specific goals are:

- To narrate the history of restitution of cultural materials to Africa.
- To understand the political contexts that affect the continuous retention of African cultural properties in western countries.
- To ascertain whether international relations between states promotes or hinders the restitution of African cultural properties.
- To examine the mobilization of public opinion as a means of pressuring western countries to retribute African cultural materials.
- To appraise the Benin Bronzes in exile and its return as artefacts.

Scope of the Study

This research investigates the politics affecting the restitution of African cultural properties in our present day (the 21st century) with particular focus on the Benin Bronzes. However, events which are considered relevant for the purpose of the research would be made reference to in order to give an in-depth understanding of the subject matter.

Research Methodology

The study will be carried out using the qualitative research method. Moreover, the nature of the research makes use of historical analysis to ensure a comprehensive and objective study. In the course of writing this project, relevant data and information will be obtained from two main sources. These will include primary and secondary sources. The researcher will critically analyze, interpret and cross-examine the materials with a view to sieving out the fact on restitution politics of African cultural properties in the 21st century.

Primary Sources

As a principal data source, in-person interviews with individuals possessing firsthand knowledge pertaining to the research topic.

Secondary Sources

Seminar papers and dissertations as well as relevant government agencies media reports, books, journal, articles, magazines and some published materials from public and private libraries around the country.

Literature Review

Some data that will inform the basis of this research will be literature on cultural properties, looting, restitution and will provide useful hints to the overall view of the restitution politics of African cultural properties.

In an article in the *Guardian Newspaper* on “The Benin Bronzes and Restitution, The Journey Thus Far” by Yusuf Tuggar,⁸ he said that the global debates are that the Benin Bronzes stand in contrast to other looted African art that may have been looted

from archaeological sites; the Benin Bronzes were forcibly stolen from the city after it was violently invaded by a British punitive force desecrating the Oba of Benin palace and breaking all just forms of doctrinal conventions. This assertion is historically correct and this literature is directly related with this research in the area of the return of the Benin bronzes in exile though does not discuss its restitution politics.

A. Herman, in his book titled, *Restitution: The Return of Cultural Artefacts*,⁹ reported that about 26 artefacts pillaged by General Dodds from Benin in 1892, were in fact returned to Nigeria in 2021 after they were displayed for the last time at the Musée du Quai Branly in Paris. The wooden throne of Oba Ghezo and three bacios (protective vodun figures) were among several of the pieces that were returned to Cotonou. The works went on display in a government building in Cotonou, Benin Republic. The first day that the display was open, over 1,000 people came to view the pieces. This book though it discusses the restitution of African cultural artefacts does not deal with the politics involved in the restitution..

The report by J. Surtees, in *The Guardian* titled, “They Fill Me with Emotion ... Benin Celebrates the Return of Its Looted Treasure,¹⁰” said “the returned objects fill people with emotion of the past history. And it marks a revolution for the good of generations to come”. This is a wonderful example of the powerful emotive impact these pieces can have on Nigerian citizens when they are able to see their heritage returned.

From this event, people were able to gather numerous firsthand accounts of just what these pieces mean to the people of the region, especially in relation to generational healing. This study dwells mainly on the return of looted treasure but does not directly explain issues on the restitution politics of African cultural materials.

According to R. Peters, in a journal article titled, “Dealing with Collections from Colonial Contexts: Current Developments in Germany”,¹¹ he said that the debate on the return and restitution of cultural property is by no means a new one. In recent years, however, the debate – stimulated by French President Emmanuel Macron’s speech in 2017 – extended to include the question of how to deal with collections from colonial contexts. Whereas international law provides a legal framework for how to deal with war-time looting and the present-day trafficking in cultural property, no such legal regime exists for cultural objects removed during colonial times. Nevertheless, as this article illustrates – with a focus on recent examples in Germany – current developments indicate a movement towards new political and ethical schemes on how to deal with collections from colonial contexts and, in a broader sense, how to come to terms with the colonial past. In Germany, this includes the return of cultural objects and human remains to Namibia as well as the transfer of ownership of all Benin Bronzes held by German institutions to Nigeria. This article only explains issues on restitution of cultural materials

removed during colonial times by Germany, but does not address political context and considerations which influenced Germany's decision..

The journal article by S.M. Spitra., titled “Civilisation, Protection, Restitution: A Critical History of International Cultural Heritage Law in the 19th and 20th Century”,¹² pointed out that hardly a month goes by, it seems, without an announcement of cultural treasures being returned to their country of origin. Western nations are increasingly giving serious consideration to the repatriation of cultural artefacts, whether they were stolen from former colonies, conquered territories or developing countries. As an expert on cultural heritage law, Spitra brings a wealth of knowledge to the topic. With a raft of contemporary and historical case studies, he traces the factors shaping a new paradigm in restitution, from the growing trend for repatriation of indigenous material to the crackdown on the illicit artefact trade, via examinations of colonial plundering and Nazi looted art. He begins by considering the most notorious restitution claim of all: the attempt to repatriate the Parthenon Marbles to Greece from the British Museum. A 200-year-old dispute might seem a curious starting point for this very contemporary debate, though as the author noted, the case “provides ample lessons about the particular challenges encompassed in any claim”. There is, of course, an acute sticking point: the sculptures – which were famously removed from the Acropolis of Athens in the early 19th century – have become a symbol of culture for both Britain and Greece, and their

return, it is feared, would open the floodgates, leading to the emptying out of institutions and the depletion of museum collections. This literature though relevant but does not analyse the problem of this research.

Zsuzsanna Veres, in “The Fight Against Illicit Trafficking of Cultural Property: The UNESCO Convention of 1970 and the UNIDROIT Convention of 1995”,¹³ an international journal article said that the illicit trafficking of cultural property is a growing concern as the black market trade in cultural property threatens not only the physical integrity of items themselves and the sites they came from but also the cultural heritage of the affected nations. The thefts of cultural properties occur from four categories of origin, private or public owners, known archaeological sites, undiscovered sites and illegal exportations of objects from countries of origin. This article only explains issues on the fight against illicit trafficking of cultural property, but does not address the main subject matter of this research.

Ana Filipa Vrdoljak, in *Restitution of Cultural Properties Trafficked During Colonization: A Human Rights Perspectives*¹⁴, said that culture and cultural heritage is an intrinsic component of the identities of communities and their constituent members. Effective protection and promotion of cultural heritage and diversity is increasingly defined in terms of universal human rights, particularly cultural rights by international and regional organisations, tribunals and bodies particularly for minorities and

indigenous people. This book, though it talks about restitution does not directly address the subject matter of this research.

Marie Cornu, in her article titled “New Developments in the Restitution of Cultural Property: Alternative Means of Dispute Resolution”, *International Journal of Cultural Property*,¹⁵ stated that the term restitution is currently mostly used for property pillaged in terms of war or for stolen property. According to Kowalski, it always denotes an unlawful situation. The term “return” is preferred for property displaced for the benefit of the colonial power and restored to its country of origin and also for cases of unlawful export. The restitution of cultural property has always been primarily an affair of states, and of disputes between states, with each protagonist claiming sovereignty or ownership over cultural property of major significance. Many cases of restitution of cultural property involve entities other than states. This article only explains issues on new developments in the restitution of cultural property and does not directly address the issue of restitution politics of looted African art.

Alexandra Xanthaki, in *International Instruments on Cultural Heritage: Tales of Fragmentation*,¹⁶ stated that the term “cultural heritage” has been seen as a good substitute of the term “cultural property” which prevailed in earlier documents of international law. Cultural property was associated with the understanding of culture as capital and ownership. The UNESCO convention of 1954 which stipulated the protection

of cultural property in the event of armed conflict defines cultural property as irrespective of origin or ownership, movable or immovable property of great importance to the cultural heritage of every people. This literature though relevant does not directly analyse the problem of this research.

Kurt Siehr, in *The Protection of Cultural Property: The 1995 UNIDROIT Convention and the EEC Instruments of 1992/1993*,¹⁷ said that the five-year period 1991-1995 saw the preparation of eight multilateral international instruments or resolutions dealing with the protection of cultural property by the United Nations, the International Institute for the Unification of Private Law, the European Union, the Council of Europe and International Law. This literature only explains issues on new international instruments on cultural heritage and does not address the issue of the restitution politics of African cultural belongings.

According to Amir Al- Ansi, Jin-Soo Lee and Brian King in their journal article, “Stolen History: Community Concern Towards Looting Of Cultural Heritage and its Tourism Implications,”¹⁸ the phenomenon of looting items or belongings, has referred to previous acts that have been committed by nations, typically during the course of natural disasters, riots and occupations. This article does not address the subject matter of this research.

Charles L Kirby, in his journal article, “Stolen Cultural Property: Available Museum Responses to an International Dilemma,”¹⁹ said that thieves and looters steal hundreds of thousands of arts objects from tombs, religious sites, and archaeological sites, museums and private collections. The looting and pillaging of tombs and archaeological, religious and cultural sites has become prevalent in many poor, art rich nations. This literature though relevant does not directly address the problem of this present study.

According to Patty Gerstenblith in the book, *The Public Interest in the Restitution of Cultural Objects*, the word “restitution” means a remedy involving return.²⁰ These looted items are categorised into artworks and archaeological objects.

Desola Olaleye in the article, “Existential Arguments for the Restitution of African Cultural Properties,” argues that African cultural properties should be returned to their countries of origin. Olaleye based his arguments on three main points; first, that African cultural properties have a religious and spiritual significance that is often overlooked by western museums; second, the current ownership of African cultural properties would be to promote a more positive image of Africa. This study only explains issues on public interest in the restitution of cultural objects and does not address the issue of restitution politics of African cultural belongings.

Staffan Litzen, in the article “The Benin Objects and British Museums²¹”, argues that the museums display of these objects is problematic as it reinforces the idea that

these objects are merely loot rather than an important part of a living culture. This article does not cover the subject matter of this research.

According to Christopher Olumuyiwa Ola and Adebayo Muritala Adegboire, in the *Journal on Cultural Heritage Collections, Preservations and Access*,²² cultural heritage is the value people have given to items and places. These values include those of significance to aboriginal people, places of social value to the community and places of historic and architectural significance. This literature though relevant does not directly analyse the problem of this present research.

Jolle Jackson, in the *Journal on Cultural Heritage Management and International Law on the Restitution of Benin Bronzes*,²³ opined that the Benin artefacts are not solely bronze castings. Of the approximately 3000 pieces, about 900 are brass plaques from which the collection of objects received its common name. However, the collection also includes carved ivory statues, wooden heads, masks and carved elephant tusks. The Benin Bronzes are more than decorative art pieces for the Kingdom of Benin. Rather, they were and remain an important set of cultural items that were part of the Kingdom's social fabric. This literature though relevant does not directly address the subject matter of this present research.

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CHAPTER TWO

**CONCEPT OF RESTITUTION AND HISTORY OF RESTITUTION OF
CULTURAL MATERIAL TO AFRICA**

Concept of Restitution

“To restate”, literally means to return an item to its legitimate owner. This term serves to remind us that the appropriation and enjoyment of an item that one restitutes rest on a morally reprehensible act (rape, pillaging, spoliation, ruse, forced consent, etc.) In this case, *to restate* aims to *re-institute* the cultural item to the legitimate owner for his legal use and enjoyment, as well as all the other prerogatives that the item confers (*usus, fructus, and abusus*).¹ The implicit act of the gesture of restitution is very clearly the recognition of the illegitimacy of the property that one had previously claimed ownership of, no matter what the duration of time was. As a consequence, the act of restitution attempts to put things back in order, into proper harmony. To openly speak of restitutions is to speak of justice, or a re-balancing, recognition of, restoration and reparation, but above all it is a way to open a pathway toward establishing new cultural relations based on a newly reflected upon ethical relation.

Consequently, the questions that emerge from thinking about restitutions are thus far from being limited to only the juridical aspects and to questions of legitimate ownership. The implications tied to the method of restitution are also of a political and

symbolic order, if not also of a philosophical and relational order. Restitutions open up a profound reflection on history, memories, and the colonial past, concerning the history as well as the formation and development of Western museum collections.² As importantly the question of restitution also bears on the question of the different interpretations or conceptions of cultural heritage, of the museum, and their various modalities of the presentation of objects as well as their circulation and, in the end, the nature and quality of relations between people and nations.

Translocations, Transformations

For the societies who have waited several decades for the return of their cultural objects, and in some cases, have endured centuries of their absence, a fundamental question naturally emerges regarding their symbolic re-appropriation. Is it possible to re-stitute cultural artefacts back into their societal milieus of origin, to see them regain their proper function and use, after such a long absence? If certain symbolic dispositive remains operational, the large majority of these originary environments have undergone profound mutations, certain geographies have even been displaced, and history has continued to carve out its unpredictable invisible paths.³

What the ensemble of displaced objects constitutes is in fact a “diaspora, according to the specialist of Modern African Art, John Pepper.⁴ Once they have been displaced, the objects endure a variety of processes and experiences of successive

resemanticization, and have undergone an excessive imposition of several layers of signification. The cultural theorist, Lotte Arndt,⁵ for her part, notes that besides the literal violence such as theft or embargo, one must also consider the additional violence inflicted onto the objects themselves, who often see their accouterments despoiled, varnished, or remodeled and in the end, their names, identities, significations, and functions, completely destroyed or altered. How are we able then to retribute to these objects the sense and functions that once belonged to them, without neglecting the fact that they had been captured and then reshaped by a plurality of semantic, symbolic, and epistemological dispositive for more than a century?

In certain cases, the sacred items or objects of worship have become works of art worth contemplating in their own right, ethnographic objects, or mere artifacts whose value can be derived by considering them as witnesses of history. Simon Njami emphasizes that the return of objects does not mean restituting them as they once were, but re-investing them with a social function. It's not about a return of the same, but of a "different same".⁶ And here we can see all the entanglement of questions, of the additions and subtractions of value that the question of the restitution of objects of cultural heritage brings forth within a different space-time.

So why then seek to retribute? Is it a question of attempting to alleviate the symbolically "cumbersome" collections so as to sell off a heavy burden of a colonial past,

and, along with it any attempt at rendering this past intelligible? To use the symbolic space as a tool of *soft power* aiming to “revalorize” France’s image to an African generation of youth that is less and less francophile? To send a message to the African diasporas in France? Or is it to institute a new relational ethics between peoples by helping to give back to them an impeded or *blocked* memory? So as to let them set about doing the necessary work regarding their own history by accepting to debate around one of the chapters of Africa’s colonial past as well as the demand for truth which is a corollary of this chapter? For the Africans themselves, what could restitutions possibly mean?

History of Restitution of Cultural Material to Africa

As African nations search for means to establish viable and authentic cultural identities, an increasing number of demands have been made on European Governments to return art objects, archives and antiquities taken during the colonial era. In a sense these demands come as attempts to turn back history, the history which denuded Africa of its culture in order to impress the fact of colonial subjugation.

For centuries, the movement of African art and antiquities has been an outward flow and as thousands of military and political conquerors, administrators, missionaries and adventurers took home souvenirs of their African experiences, and with the growing

awareness of the unique nature of African antiquities in Europe and America, large investment in African art commenced. In its contemporary form, this process continues as African and European art and antique dealers, attracted by huge profit margins, buy and sell African antiquities despite well publicised national laws against export of these.⁷ Thus the waves of colonial incursions which involved administrators, traders, missionaries and the like turned into almost complete depletion of the culture which was the force behind the African personality. Some missionaries who on occasions encouraged Africans to burn their so-called, pagan effigies as proof of real conversion quietly collected the best examples and shipped them back home. As a result of these activities rows, or rather piles, of African cultural objects sit like jewels behind glass in European public and private Museums often grouped with those of other so-called primitive societies. The British Museum for example houses its African specimens in a specialised Museum of Mankind with articles from Polynesian and Mayan Cultural traditions.

African Governments or Traditional Institutions

Now the situation about the flow is turning inward as African Governments or traditional institutions and leaders increasingly demand an equitable share in the heritage of the past with justifiable urgency. In some cases the demands have been respected

perhaps as prices for continuing good will or good trade relationships. Thus, for example, at the urging of a British firm the question of returning Asantehene's regalia was introduced in the House of Lords; the Belgian Government publicly acknowledged an old agreement to return significant works of art to Kinshasa; and President Giscard d'Estaing of France announced the return of some ancient Algerian archives during the first visit of a French President to Algeria since the War of Independence. In some other circles, however, talk of restitution has provoked a tortured outcry from a public which regards the treasures as their heritage as rightly gained of former empires.⁸

The most significant case for the restitution of cultural objects is the fact that there is a deep-rooted and indissoluble bond between nature, man and his artistic creations. The cultural riches of the poor countries are at their best in their natural setting because "they glow a sensual aura" as has been succinctly put by Mr. Ipoto Eyebu-Bankan'Asi of Zaire. Such works represent the manual skill and the innermost feelings of African ancestors and serve as a guiding light and inspiration. It is therefore proper that the laws of fundamental telepathy be obeyed. It is also both natural and just that these guiding lights and authentic objects and symbols be brought back against its surviving cultural traditions and placed in the context of their creation. There is no doubt that this background inspiration has a superhuman force like one possessed by the spirit of the ancestors. The result of the curse which arises out of the pollution of these by their

removal from their natural traditional setting is the inability of the alien owners to present them or generate around them the true nature of these antiquities.

Consequently, African scholars are increasingly restless about the nomenclature of European and American conceptions of African art and culture. Several Western scholars, such as William Fagg formerly of British Museum and Frank Willet of Northwestern University, have pressed to develop criticism of African art which would transcend the dominant anthropological-ethnographic emphasis. Yet their analysis remains rooted in European perceptions of abstraction and naturalism. A fine art professor at the University of Ife would say: Because they are in Europe rather than in their place of birth, misinterpretation is easy.⁹

The misrepresentation of African art and culture is the result of provision of inaccurate information, mistakes in European accounts, errors of attribution and characterization. Sometimes these errors can be traced to African sources often meant to satisfy western academic conceptions. This, one would consider, is an attempt to perpetuate the slavery of the African to Western aesthetic standards. Restitution of these objects should therefore be considered as a war against incorrect information on, and contamination of the African culture.

Issue of Political Stability in the International Sphere

Another important point to consider on the question of restitution is that one means of achieving political stability is to celebrate the value of the glorious past. At the First Inter-Governmental Conference on Cultural Policies in Africa, held in Accra in 1976, highly placed officials from thirty-five countries stressed the increasing value of culture in African politics. The consensus was that culture is at least as important as economics in the development of modern Africa, and perhaps more critical for internal cohesion and continental solidarity.

There is no truth in the argument that Africans do not appreciate these old things beyond their monetary value and would sell them unscrupulously if given the chance. African governments are committed to retrieving and maintaining their priceless heritage even at a price. The Asante Traditional Council for example recently bought a gold embroidered cap which had belonged to Nana Kofi Karikari for £2,250 at an auction in London.⁹

The Nigerian Government has purchased some Benin bronzes from the British Museum during the 1950s and has continued to purchase unusual pieces when they become available. Very recently again, the Ghana National Museum retrieved an Asante State Chair from London for the Asantehene for a huge price. The concern of Africans

about Africa's cultural property is even reflected in national budgets. Nigeria, for example, increased its annual budget for collection of cultural material from 300 000 Naira in 1974-75 to 400 000 Naira in 1975-76.¹⁰

Some people still deride the current efforts for restitution as a "nationalistic" drive contrasting it with nobler sentiments of the "universality" of art. They advocate the spirit of sharing or of exchange which is outlined in a proposed UNESCO recommendation. Academics particularly ask why Africans are not more interested in collecting European and other art. The call of restitution has therefore been considered a selfish motive, even though it is accepted that return of such objects is essential for cultural identity. So far no African country has called for the return of all the artifacts and art objects which were taken during colonialism. Where there are more than one of an African object in foreign hands it has been fair enough to consider sharing. Close examination of policies of cultural institutions in African countries indicates a very liberal hold on exchange systems of these objects.

Ownership of Cultural Property

No strong case can be made for keeping another person's cultural property other than its return to its bona fide maker. Attempts being made in various ways to return to their original owners cultural objects, therefore constitute a fight in the right direction.

Like other third world countries African countries have looked for relief in the UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property. This convention was expected to play a deterrent role in the trafficking of cultural objects. Without the support of the consumer nations, however, the convention is virtually a dead letter.¹¹ The efforts of the resolutions of the First Inter-Governmental Conference on Cultural Policies in Africa which called for co-operative regional efforts also does not seem to have been effective. Perhaps it is too short a time to judge its effectiveness. The above together with national efforts, it is hoped, will, with time, bring pressure to bear on non-supporters of the restitution call, to recognise that the best way to understand or appreciate African art and culture is to see it in its natural and true setting.

These works convey messages which can be understood only by the most elderly of the African society today and death is taking toll of those alive now who understand these symbols. In a few decades they would have passed away and would have gone with the knowledge they possess. Those who can do this interpretation are illiterates and can only do it in their natural setting. Why then can one refuse to understand the return of these cultural materials to their places of origin? It is better, not only for Africans, but for all people especially people with identifiable cultural history, to collect the correct information and records about the art and culture of Africa.¹¹

The search for cultural identity which has been one of the main features of recent African history needs serious consideration, especially as it is a major requirement not only for nation building but also constitutes one of the most powerful implements of the present liberation movements and the on-going struggle against colonialism, racism and apartheid. In this also is a case never to be offset by any contrary view, on the question of restitution. It is hoped that with time the true message of restitution of Africa's cultural property will go down the ears of all people. Then Africans will proudly say to themselves: This is our true world".

Endnotes

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CHAPTER THREE

BENIN BRONZES IN EXILE AND RESTITUTION POLITICS OF AFRICAN CULTURAL PROPERTIES

Introduction

In today's globalized world, economic activities have shifted from largely domestic affairs to more complex international relationships; and that, in itself, poses new challenges. For instance, due to the abundance of knowledge, the unprecedented cross-border transferability of information and the removal of trade barriers, the occurrence of externalities within nations has significantly increased.¹

Consequently, one of the most significant challenges that developing economies have to face relates to the attainment of competitive advantages in key economic sectors. As the UN Millennium Project noted, despite the increasing globalization of technology, the involvement of developing countries in producing new technologies and innovations is almost negligible. The production of technological knowledge is concentrated in industrial countries and developing nations are still lagging behind as far as competition on the technological frontiers is concerned. It is against this backdrop that this chapter will do a critical analysis of the impact of German-Nigeria relations on the restitution of Benin artefacts.²

Benin Indigenous Bronze

The brass casters guild, which still exists till date in Benin remain active as a hereditary and strictly male oriented vocation. In addition to their function as artists, members of the guild hold an important position in the royal court. “Around the 1530s, because of a particularly daring act of allegiance to the king by the head of the brass casting guild, Oba Esigie decided that that position would henceforth be on the Uzama N’Ibie, part of the king’s privy council,” Gunsch said. “So, the bronze casting guild has a really senior role at court. Even today, they’re very high-ranking: The head of the bronze casters guild is the highest ranking courtier among the palace guilds.”³

Before the colonial experience in Africa, indigenous technology was well expressed in the local systems. Remarkable technological innovations were made by pre-colonial Benins in traditional iron, wood and ivory working as well as in cloth weaving, pottery and indigenous drugs development. Most of the techniques involved in these processes were however, either disoriented or discontinued but were well suited to the environment and culture of the people.⁴ Traditional technology laid emphasis on the quality of life as measured in human, cultural and spiritual terms rather than in purely materials terms. Its primary goal was to equip everyone with the basic knowledge of how all essential tasks of life are carried out. In this manner, it was argued that everybody was instilled with a feeling of self-respect borne out of confidence in their own ability to help

themselves.⁵ But this confidence he further argued, has been eroded by the invasion of British forms of modernization. This is not because these forms are necessarily bad but because the way and manner, they were introduced was subversive.

Before the Benins came in contact with the British in the fifteenth century, our technological systems may have been underdeveloped and ready to take off but were not developed. The present underdevelopment of Africa thus resulted primarily from the primitive exploitation of the continent and resources for the benefit of the British, Arab and European world.⁶ This was unleashed with the slave trade, Arab and European “legitimate” trade, colonization and neocolonialism. British colonization and imperialism helped to initiate the decay of our technological and cultural institutions. This is in the sense that the institutional and cultural forms which existed prior to colonial rule and conquest became either inoperative or went on the decline.⁷

Bronze Casting in Benin

The Benin bronzes are a group of sculptures and plaques made by artists in Benin from the 16th century onwards. They were displayed in the palace of the Oba, or king, of Benin until 1897, when the British invaded the kingdom, sacked the palace and took the bronzes as reparation for British deaths during armed conflict in the country. They ended up on the international art market and many found their way into the collections of major museums in Britain and Europe. Racist attitudes towards African cultures were so

entrenched at this time that many Europeans refused to believe such sophisticated sculpture could possibly have been produced by African artists.⁸

The umbrella term “Benin bronzes” refers to a huge range of objects produced by members of the casters guild, most of which are actually made of brass or copper alloy. Due to the collecting habits of museums in Europe and North America, the most common objects associated with the Benin bronzes are plaques and commemorative head sculptures. But the Benin bronzes also include elaborate and rare altarpiece sculptures; ornate staffs and other regalia that might have been carried by members of the royal court; and large birds and articulated snakes that adorned the roofs of the palace in Benin City.



Source author field survey

The plaques, though, provide an unparalleled visual record of the kingdom's history and court customs. Most of them date from the 16th, 17th, and 18th centuries, and offer clues on everything from clothing and religious rituals to architecture and warfare in the kingdom. They are believed to have adorned the columns, rafters, and even the doors of key palace buildings for centuries. However, by the time more than 1,000 British troops stormed Benin City on February 18, 1897, the plaques had already been taken down; the British found more than 900 plaques in a storage room.⁹

Gunsch believes the plaques were not only intended to complement Benin's enduring oral history tradition. She contends that the plaques were additionally commissioned by the Obas to help shore up their power by reminding members of the court of their place, rank, and proper etiquette. Indeed, they include images of courtiers bringing taxes to the palace, warriors serving the kingdom, and metaphoric depictions of the Oba, sometimes with animal attributes. The plaques portray a kind of ritual life that includes not just royal personages, but also servants and *omada*, who were the king's servants," said Berzock. "There are within the corpus things that hint at a kind of cycle of life within the kingdom, not just in the court itself, but beyond court, that's sort of guided by these rituals."¹⁰

If the plaques served in part to guide the daily lives of members of the court, the commemorative brass heads were largely intended as tributes to the dead. "The

commemorative heads are commissioned whenever an oba passes away,” Gunsch explained. “His son’s first commission has to be pieces for his father’s memorial altar, which include bronze heads that are surmounted by full ivory tusks.” As Gunsch has written, in the Edo language spoken in the kingdom of Benin, the verb *sa-e-y-ama* means “both to make a bronze cast of a motif, and to remember.”¹¹

To this day, the altars at the royal palace in Benin City are adorned with commemorative head sculptures. Like the plaques, they are produced using the lost-wax casting process, a laborious and technically complex process that members of Benin’s brass casting guild have mastered for centuries. It involves making ceramic mold panels on either side of a finely sculpted layer of wax. The molds are then heated so the wax melts away, leaving the negative space between the ceramic panels, into which molten metal is poured. Once it has cooled, the ceramic molds are removed, leaving the finished brass sculpture.¹²

The immense skill involved in producing these sculptures adds to their historical impact and significant allure to Western collectors. “These Benin works notably stand among the highest heights of European casting,” wrote Felix von Luschan, a curator of the Berlin Ethnographic Museum, in the 1919 book *Die Altertümer von Benin* (“The Antiquities of Benin”). “Benvenuto Cellini could not have made a better cast himself,

and no one has before or since, even to the present day. These bronzes stand even at the summit of what can be technically achieved.”¹³

Bronzes in Exile

For better and worse, the history of the Benin bronzes is inseparable from their plundering by British troops in 1897. This event coincided with a moment of enormous fracture for Benin’s society, due not only to the loss of so much of its national patrimony, but also because the British forced Oba Ovonramwen into exile. The British took hundreds or perhaps thousands of artworks, though by no means all of them. Some of the seized Benin works were accessioned by the British Museum; many more were sold at public auctions in 1898, in part to pay for the costs of the so-called “punitive expedition” to Benin City. The British had no trouble finding buyers for the bronzes.¹⁴



Source: Author Field Survey

“When these objects hit the market, people were shocked that there was such incredibly fine, finely made, high-quality bronze and ivory work coming out of Africa,” said Gunsch. “That’s very surprising to Europeans, given their racist assumptions about the continent.” At the time, the Benin bronzes were unlike any African artworks and artifacts that Europeans were familiar with such as elaborate Yoruba headdresses, tunics, and other regalia both aesthetically and as records of a powerful and advanced kingdom. Because they were made through elaborate processes and from rich materials, and because they depict a vibrant cultural life in a refined, naturalistic aesthetic tradition, the

Benin bronzes fully met “the European definition of what art is,” Gunsch said. “That really changed the way people responded to them in the market. A lot of other African art objects had a longer road to being recognized as art.”¹⁵

The British auctions sparked a fever for Benin bronzes, and museums in the U.K., Germany, and Austria, in particular, sought them out, as did art dealers. In the ensuing decades from Oba Ovonramwen’s exile in 1897 up to the resumption of Benin’s second dynasty with the enthronement of his son, Oba Eweka II, in 1914 works trickled out of Benin and onto the market. Many of today’s major collections in Europe were assembled from the British auctions of 1898. Other Benin works, including some of those in U.S. museums, come from the 1970s, when the collection of the Pitt Rivers Museum in England was sold off.

In modern-day Benin City, the brass casters guild continues to make work. Thanks to a decree by Oba Eweka II, they are free to make sculptures for the market, in addition to the court. “You can go to Igun Street, which is just outside the palace grounds, and see people casting,” Gunsch said. Though technically refined and part of an unbroken artistic lineage stretching back centuries, contemporary Benin bronzes are not nearly as prized as the works that predate the British invasion. “There’s still the same court art being made today, yet there’s this Western fascination with authenticity and tradition, which is defined in a very odd way,” said Berzock. “I’m not saying these older works

aren't valuable. They're very, very valuable. But why do we then look at everything that happened after the invasion of Benin and devalue it?¹⁶

The Return of Benin Bronzes

The Return of Looted Benin Bronzes to Nigeria by Germany was seen as product of bilateral agreement. Nigerian officials involved believe that this agreement will inspire other nations to take similar action. Germany and Nigeria have struck an agreement that opens the door for the return of hundreds of artefacts known as the Benin Bronzes that were stolen and taken out of Africa more than 120 years ago. Large-scale riches, including a plethora of sculptures and bas-reliefs, were plundered in 1897 by a British colonial expedition from the royal palace of the Kingdom of Benin, located in what is now south-south Nigeria. The artefacts ended up being spread far and wide.¹⁷ Hundreds were sold to collections such as the Ethnological Museum in Berlin, which has one of the world's largest groups of historical objects from the Kingdom of Benin, estimated to include about 530 items, including 440 bronzes. Many of them date from the 16th to the 18th centuries. This is just the beginning of more than 1,000 pieces from the Kingdom of Benin that are still in German museums, and they all belong to the people of Nigeria," German Foreign Minister Annalena Baerbock said.

Returning cultural legacy is not a novel concept; it is sometimes referred to as repatriation or cultural restitution. Although it has been in the spotlight of popular media

for the past few years, it may appear to be more recent phenomena. Following the liberation from colonial rule, African nations started a quest to reclaim their cultural legacy. In recent decades, nations have started to change their positions in favor of laws that aim to bring those responsible for the return of African ancestry to justice. These policies are now viewed as unethical, immoral, and unjust in both Europe and the US. After making his declaration in 2017, President Macron commissioned a report by Felwine Sarr and Bénédicte Savoy that was published in 2018. The report was a proposal for a new system for repatriating artefacts to the countries of Sub-Saharan Africa.¹⁸

T. Adebola, in an article titled, “The Return of Looted Benin Bronzes: Art, History, and the Law,”¹⁹ explained that the return of Benin Bronze, was a remarkable and exciting moment for Africa’s creativity, innovation and history. What the step taken by the University of Cambridge and University of Aberdeen has done is tell the rest of the world that what happened in 1897 was wrong and nobody has an excuse to hold on to artefacts that are stolen. Our history was looted. Art for us then was not what art is in the West or what art is today. Art was used to record events and history. It was cultural and spiritual. In Benin, the people involved in bronze casting belong to the Igun clan. There is a street called Igun, one had to be initiated into the cult or community of bronze casters to enable production of bronzes. No one else could be involved in bronze casting. Through a system of trade secrets, taboos, metaphysical interventions and customary

laws/regulations, the community was able to protect their creativity, innovation and traditional knowledge.

One of the most well-known examples concerns the Royal Art of Benin (colloquially known as the Benin Bronzes). It consists of a group of more than a thousand cultural objects (the exact number is not known) that were taken as war booty from their home, in Benin City in present day Nigeria, in 1897 by the British in retaliation for a previous attack against their forces originating from Benin City. The Benin Bronzes are a group of sculptures that include intricately decorated cast plaques, commemorative heads, animal and human figures, items of royal regalia, and personal ornaments.²⁰ The Bronzes are works that are created from metal like their name suggests, but they are largely made from brass, rather than bronze. One key grouping within the Benin Bronzes is the plaques which once decorated the walls of the Benin Royal Palace and provided a historical record of the Kingdom. Today, these works are spread throughout the world, away from their original home and are a painful reminder to the people of Benin City of the power that Britain's colonial dominance held and still holds over them.

Relations of Objects and Cultural Heritage

The third and most contemporary model grounds responsibility in the relationship between people and objects, and the rights of people to access their culture. It is less concerned with the allocation of blame or culpability for past wrongs, but rather deals

with the contemporary connection to objects. It is grounded in cultural heritage law, which has recognized the non-severability between people and objects since the 19th century, and modern strands in human rights law, which creates a positive obligation to take steps to protect cultural groups and communities in their exercise of cultural freedoms. This approach recognizes requests for return as identity claims by communities.²¹ The guiding criterion is not so much to whom objects belonged in the past or where they are most visible, but rather where they “belong” culturally and socially today.

The important link between objects and people was first recognized in the context of self-determination. In a famous case concerning the return of a marble statue, the *Venus of Cyrene* taken by Italian troops in Libya in 1913, Italian courts even held that the right to self-determination provides a customary law basis for the duty to return cultural objects removed as a result of colonial domination. Ana F. Vrdoljak has argued that the rationale for the “restitution of cultural objects held by museums of former metropolitan and national capitals is intimately linked to the right to self-determination under international law, including a people’s ability to maintain, revitalize and develop their collective cultural identity.

Today, this approach is most visibly reflected in the growing recognition of cultural rights under human rights law and the development of the rights of Indigenous

peoples. It is grounded in the right of access to and enjoyment of cultural heritage, which follows from the right to culture under Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). It is also reflected in the 2005 Council of Europe Framework Convention on the Value of Cultural Heritage for Society (the Faro Convention) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the latter of which contains an obligation on the part of States to provide “redress” to indigenous peoples with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.²²

As Evelien Campfens has noted, the novelty of this approach lies in the fact that it ties return to the acknowledgement of a right to possess, access, or control certain involuntarily lost cultural objects on the grounds of their intangible heritage interests for specific people, independent of ownership.²³ It seeks to build and reinforce relationships of respect and responsibility between people, by recognizing the importance of cultural heritage to communities. It thereby goes beyond cultural nationalist approaches, which link return to sovereignty interests, such as the right of States to have a “key to their own history”. It facilitates return to sub-state actors, such as communities or individuals.

RESTITUTION POLITICS OF AFRICAN CULTURAL PROPERTIES

The Mobilization of Public Opinion

The role played by the increasing pressure exerted by public opinion has been felt throughout Europe. Since the early 2010s, the dossier on restitution is no longer merely constrained to the art circles of Europe or Africa. The growing interest that civil society has in these questions can be seen through the large number of novels, films, documentaries, contemporary art installations, academic conferences, tweets, and even rap songs and other types of choreography that are devoted to it. In France as well as in Germany and Great Britain, but also in Cameroon, Benin, Ethiopia, Nigeria, or in Ghana, militant non-profit organizations have begun to vigorously support reflections on restitutions over the past several years, demanding answers from the political class.²⁴

In France, the question concerning restitutions made its way onto the political agenda in 2013 thanks to the work of CRAN (The Representative Council of Black Associations) and its honorary president, Louis-Georges Tin. The campaign organized by CRAN alongside successive French presidents, as well as in Benin, largely contributed to the forward progress concerning the case of restitution. Throughout the region surrounding Paris, associations such as *Alter Natives. Héritages culturels and usages sociaux* educate the youth on the topic of restitutions in Paris and the Seine-Saint-Denis

area, through conferences, trips, and workshops held in their neighborhoods concerning questions of African cultural heritage within European museums.

On the informational website, *Modern Ghana*, a former functionary of the United Nations and a militant citizen, Kwame Opoku published over 150 articles beginning in 2008, carefully and beautifully documenting a favorable case for the restitution of items of African cultural heritage to Africa. In Ethiopia, the association Afromet (*Association for the Return of the Magdala Ethiopian Treasures*) has fought for the return of cultural items seized by the British army at Magdala in 1868.²⁵ In Cameroon and in several other European cities, the foundation *AfricAvenir International*, created by the historian Kum'a Ndumbe III, has been engaged since 2013 in several awareness campaigns concerning questions of restitutions. In Benin, the Fondation Zinsou and its president, Marie-Cecile Zinsou has mobilized youth on the ground just as much as she does on social networks.

And in Berlin, since 2013 as well, the association *No Humboldt 21* federates the opposition to the future ethnographic museum Humboldt Forum and is committed to fighting for the restitution of human remains and cultural items of African origin that are currently held in Germany. At the University of Cambridge, a co-ed group of students has been engaged in fighting for the restitution of art works originating from the pillaging of Benin City by the British Army in 1897, a portion of which is conserved in the collections of the university.

In addition to these initiatives launched by associations and militants, we should also mention the numerous projects underway by (young) academic scholars: jurists, such as the *Working Group of Young International Law Scholars*²⁶, who since 2018 have run a blog dedicated to “Cultural Heritage in a Post-Colonial World”; ethnologists, like those gathered around Paul Basu at the heart of the group *Museum affordances: activating West African ethnographic archives and collections through experimental museology* at SOAS in London; art historians, such as those who have participated along with Felicity Bodenstein and Didier Houenoude, in July 2018, at the Summer University of Porto-Novo in Benin around the theme of “Heritage-making Processes.” Along with these groups, we should also add a generation of young curators who, in Africa as much as in Europe and in France, (for example, in Angouleme, Nantes, or Lyon) continue to question with ever more acuity the way in which we might “re-invent the museums”,²⁷ to borrow the title from the remarkable collective work directed in 2007 by El Hadji Malick Ndiaye, who is currently serving as the curator of the IFAN Museum of African Arts (Musée Theodore-Monod d’art Africain) in Dakar. In a certain way, the creation by the College de France, in March 2016, of an international chair dedicated to the cultural history of artistic cultural heritage in Europe, and therefore also dedicated to the collections arising from out of the colonial period, bears witness to the capacity of academic institutions to attempt grasping a much larger question of a global scale.

But besides these academic milieus and those of the various associations, it's particularly within the world of contemporary creation—from cultural knowledge to popular culture—that the question of the possible restitution of the collections formed around the colonial period has found the most significant echo over the past several years. In 2017, one of the great gatherings of the contemporary global art world, the *documenta* held in Cassel, granted a central place to the motif of restitutions. An article from *Le Monde* by Philippe Dagen⁴ claimed that “Cassel’s *documenta* brought together the remnants of colonial pillaging and that of the Nazis. From now on, artists are taking aim at these subjects that have been kept silent for decades and are placing the facts directly in front of the public, with dates and proof.”²⁸

In May 2018, under the title “Reprendre”-*Journey* in 2001, by the American filmmaker Susan Vogel. More recently, in September 2018, the artist Kader Attia publicly questioned, during a conference organized by his hosts, whether or not it was possible to “decolonize the collection”.⁵ We could continue to multiply the number of examples in the areas of literature and especially in dance, such as the astute fable woven by Arno Betina about a fictive reclamation of a Bamileke masterpiece at the Musée du quai Branly-Jacques Chirac (*Des lions comme des danseuses*, 2015),²⁹ the novel by Fatoumata Sissi Ngom which focuses on a curator of African origin whose life is turned upside down by the discovery of a mask in a Parisian Museum, or the performance of the

dancer and choreographer Faustin Linyekula at the Metropolitan Museum of New York, inspired by a statue from the Lengola ethnic group housed in the American museum.

As far as the film industry is concerned, it has taken hold of the subject of restitution for quite some time now, with a number of spectacular *blockbusters*: *Chinese Zodiac 12* by Jackie Chan, where the plot centers around a group of martial arts heroes attempting to recover cultural objects to take back to China that had been pillaged by the French and English during the 19th century; *Invasion 1897*, by the Nigerian filmmaker Lancelot Oduwa Imasuen, where a Nigerian student steals a work of art from the British Museum in London that belonged to his ancestors; the stunning *Black Panther* by Marvel Studios, that grossed over a billion dollars at the box-office, and whose plot unfurled in front of the African vitrines of a fictitious African museum, during a fascinating dialogue between a young African-American and a museum curator.³⁰ Today, throughout the world, the question of translocations of cultural heritage and the property of objects that were musealized in Europe during the colonial period has become a subject shared at all levels of knowledge and culture.

The Politics of Looted African Art

The history of colonial art restitution is largely one of inaction. But with renewed calls for stolen cultural objects to be returned, are the winds of change blowing through Europe's museums – or is it just hot air?³¹

Fifty-four years ago, Ghanaian Nii Kwate Owoo, then a student at the London Film School, was granted access to the storage facilities of London's famed British Museum. The result was *You Hide Me* – a 40-minute film depicting Owoo and his colleague discovering an enormous volume of colonial objects hidden away in the institution's basement, as they rummage through bags and cupboards, while holding up art pieces from masks to jewellery for the camera. The film ends with a clear message: "We, the people of Africa and of African descent, demand that our works of art, which embody our history, our civilisation, our religion and culture, should immediately and unconditionally be returned to us."³² Five decades later, this request is as pertinent as ever. The British Museum, the main subject of Owoo's then-controversial film, still holds 69,000 African artefacts in its collection – and that's just the tip of the iceberg.

The major public museums in England, France, Germany, Austria and the Netherlands account for more than half a million objects. According to experts, more than 90 per cent of sub-Saharan artistic heritage is currently housed outside the continent as a result of colonial occupation during the 19th and 20th centuries.

In practice, this means the African population is largely denied access to its own cultural and artistic heritage. “Very few of us get to see it. You need money, you have to travel – just getting a visa is a nightmare,” says Raphael Chikukwa, the executive director of the National Gallery of Zimbabwe and founding curator of the Zimbabwean Pavilion at the Venice Biennale. “We want to celebrate Africa in Africa. So people can enjoy what their ancestors did, and be inspired by their artists,” he says.

Chikukwa adds: “How are we supposed to do more research about our roots and identity? Cultural rights are human rights, too, and western countries are denying us those. The repatriation and restitution of African heritage is long overdue.” As early as the 1960s, when many African countries gained independence, the topic was brought up in magazines, films, editorials and at festivals. The first official restitution request in a colonial context was made by Nigeria in 1972, and was largely greeted with inaction and ignorance. Tired of waiting, Ekpo Eyo, a Nigerian archaeologist who was then head of the country’s federal department of antiquities, decided to buy back several looted objects himself at an auction in 1980 – for half a million pounds (more than €3m in today’s money). The history of the art restitution debate is one of deflection and obstruction, as Bénédicte Savoy, professor of modern art history at the Technical University of Berlin (TU), maps out in her book, *Africa’s Struggle for its Art: History of a Postcolonial Defeat*. Accordingly, the emergent debate in the 1960s and 1970s fizzled out, largely overshadowed by, as Savoy calls it, “disavowal and arrogance.”³³

One recurring tactic by museum directors has been to employ the argument that Africans don’t know how to care for the objects in question. That assertion was firmly debunked last year when the British Museum announced that up to 2,000 objects in its care were either lost, stolen or damaged. The embarrassing incident led to renewed calls

for restitution. “If our ancestors were good enough to make those objects, we are good enough to look after them, too,” says Chikukwa. “You can’t steal my bicycle and say you’ll only return it when I have built a garage.” In a legal sense, stalling the issue played into the hands of the former colonisers. “There is no legal basis for a claim,” explains Gert-Jan van den Bergh, art lawyer at Bergh Stoop & Sanders in Amsterdam, who has been involved in art restitution cases concerning Nazi-looted art. “Too much time has passed. European museums can rely on the statute of limitations. You need a political decision to get things moving.” In November 2017, French president Emmanuel Macron took it upon himself to do just that. During a now-landmark speech in Burkina Faso’s capital, Ougadougou, he stated: “African heritage cannot solely exist in private collections and European museums (...) Within five years I want the conditions to exist for temporary or permanent returns of African heritage to Africa.”³⁴

Subsequently, Macron commissioned a study that should mark another turning point in the debate: the so-called Sarr-Savoy report, which was co-published in 2018 by Bénédicte Savoy and Senegalese academic and writer Felwine Sarr. Recommending the permanent repatriation of African heritage looted during the colonial era as well as a new, equal power dynamic between France and African nations, it calls out “a system of appropriation and alienation – the colonial system – for which certain European museums unwillingly have become the public archives”.³⁵



Benin bronze photographed during the ceremony to return them to Nigeria from Germany in Abuja, December 20, 2022

The groundbreaking report garnered a lot of media attention, both in France and internationally, launching a spirited global conversation. Sarr and Savoy even made it on to *Time* magazine’s prestigious list of the 100 most influential people of 2021. The debate gained new momentum and the French initiative spilled over into other European countries, fuelled by civil society movement Black Lives Matter, which had instigated a reckoning in the art world. “There is a new awareness now. Twenty or 30 years ago, nobody cared, but now colonial art restitution is a focal point,” says Dutch-born van den Bergh, pointing to the fact that, in the 1970s, Indonesia had submitted a long list of items to its former coloniser, the Netherlands, before the country finally handed over 478

cultural objects to Indonesia and Sri Lanka in July last year. A few months earlier, Germany had returned 22 of the famous Benin bronzes to Nigeria, while signing a deal that assures the return of hundreds more.³⁶ In the meantime, Belgium created a legal framework for future restitutions, and provided the relevant African governments and institutions with lists of the inventory of its Africa Museum in Tervuren. Created by Leopold II as a colonial propaganda instrument, it has a collection containing 120,000 African objects, mainly from the present Democratic Republic of Congo, Rwanda and Burundi. While the physical returns are symbolically significant, the numbers show they are only a drop in the ocean. “This is just the start,” Van den Bergh believes. “They began with the most clear-cut cases, where involuntary loss and ownership were obvious. The more difficult cases will emerge in the coming years when ownership and questions of whether it was loot or not will be on the table.” After all, the restitution of Nazi-looted art took decades.



Created by Leopold II as a colonial propaganda instrument, the Africa Museum in Tervuren, Belgium, has a collection containing 120,000 African objects

But overall, Europe is divided. Take Portugal, for instance. In 2020, its parliament voted against a law seeking to return artworks to former colonies. That’s why some advocates of restitution have been calling for a pan-European approach.³⁷ The European Parliament’s juridical and cultural committees have both dealt with the issue. A committee report from November 2021, “encourages the development of EU guidelines on restitution and calls for Member States to continue or to initiate processes for the restitution of cultural works and artefacts in a more consistent and timely manner”.³⁸ The European Commission, on the other hand, did not comment on the initiative, contending that the issue should be addressed by individual Member States.

However, Germany and France are taking a step in the direction of cross-border collaboration. Just last month, the countries' cultural ministries announced the launch of the first fund dedicated to international cooperation in provenance research – or the study of an object's history and ownership – which many western politicians and academics say is a key step in the restitution process.³⁹ For others, lengthy provenance research is just another way to postpone permanent restitution. “Africa is tired of the same colonial excuses,” says Chikukwa. “People are not being practical about the issue. I don't understand why we are academising this. Let's get the object back to its people, and they can decide what to do with it.” He also highlights the one-sided approach of western provenance research: “It's mainly done by foreigners, not involving local communities. Today, there are still elders who could tell us what certain objects mean. Excluding them means repeating colonial trauma,” he adds.

Similarly, Toma Muteba Luntumbue, a Congo-born curator, teacher and artist based in Brussels, says: “There is always this asymmetric relationship of power. The power of the one who gives you back the object ... the one to decide when and where.” If the restitution process is to do justice to the goal of decolonisation, the west needs to stop gatekeeping. “It's not for Belgians to decide. It's up to the Congolese, in the context of Congo's current identity,” says Luntumbue. He touches upon an issue that is a central point of contention and illustrates the cultural clashes complicating the debate. From the African point of view, restitution doesn't necessarily mean a transfer from museum to museum. After all, the pieces in question were not taken from museums. “At the time, they were ritual objects, used for the protection of a village, for example,” explains Luntumbue.



Artworks taken by France from Benin during the colonial era arrive in Cotonou

In that vein, he lauds the unprecedented decision by the American Museum of Natural History just a few weeks ago, to close its Native American exhibits – a result of new federal regulations requiring museums to obtain consent from tribes before displaying or performing research on cultural items.

Things are moving slowly, but they’re moving. While the return of art objects is still the exception rather than the rule, museums can no longer dismiss the issue. Bart Ouvry, director of the Africa Museum in Brussels, confirms: “For our credibility as an actor, restitution is essential. If we do not engage with this, in an honest and cooperative way, it would be very dangerous for our legitimacy as an institution.”

Still, for some, the physical restitution of artworks is not the be-all and end-all. Luntumbue takes it all with a pinch of salt: “Restitution is necessary, but also impossible. The essential has already been killed – by forced labour, Christianisation, occidentalisation. The objects won’t bring back the values they stood for. That has been long destroyed.”

Meanwhile, *You Hide Me* is still the subject of workshops and shown at festivals more than 50 years after its inception. As recently as 2020, it won Best Short Documentary Prize at the Paris International Film Festival. At the same time, the issue has worked its way from the fringes into mainstream pop culture and on to the big screen by way of Marvel’s *Black Panther*.



Film still from the museum scene in *Black Panther* (2018) © Walt Disney Studios Motion Pictures

The blockbuster, which hit cinemas in 2018, includes a scene that distils European consumption of colonial looted art into a few minutes of superhero action. At an

institution thinly disguised as the British Museum, the story's Wakanda-born villain, Killmonger, is seen looking at a collection of African art. He encounters the exhibition's white curator, and corrects her on the provenance of an axe: "It was taken by British soldiers in Benin, but it's from Wakanda ... I'm gonna take it off your hands for you," he says.

When the woman condescendingly tells him the items are not for sale, Killmonger says: "How do you think your ancestors got these? You think they paid a fair price? Or did they take it, like they took everything else?"

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CHAPTER FOUR

SUMMARY AND CONCLUSION

Summary

Chapter one examines the background to the study by defining restitution and cultural properties. It also explains what restitution politics entails and highlights the growing calls by Africans for their cultural properties looted by the colonialists during the colonial period to be returned. Also in this chapter, the aim and objectives and scope of this research project were clearly stated. The qualitative research method was used and about 20 books and articles, related to the research topic were reviewed.

In chapter two, the concept of restitution was looked at in a more indepth way and there was also a narration of the history of restitution of cultural materials to Africa. It was stated that to “restitute” literally means to return an item to its legitimate owner and that the implicit act of the gesture of restitution is very clearly the recognition of the illegitimacy of the property that one had previously claimed ownership of, no matter what the duration of time was. In tracing the history of restitution of cultural materials to Africa, it was stated in this chapter that for centuries, the movement of African cultural materials was an outward flow. However, as African countries began to gain independence in the late 1950s and early 1960s, African governments or traditional institutions and leaders increasingly demanded an equitable share in the heritage of the

past with justifiable urgency. In some cases, these demands have been respected. For example, at the urging of a British firm, the question of returning the Asantehene's (a Ghanaian King) regalia was introduced in the House of Lords; the Belgian government publicly acknowledged an old agreement to return significant works of art to Kinshasa and President Giscard d'Estaing of France announced the return of some ancient Algerian archives during the first visit of a French President to Algeria since the War of Independence.

Chapter three is a study of Benin indigenous bronze and its significance in dual enlightening correspondence. The chapter also examines the impact of politics on the restitution of the Bronzes in exile, in addition to connections of objects and educational heritage. Additionally, the chapter examines the mobilization of public opinion in the campaign for the return of African artefacts and discusses the politics that affect the restitution of looted African cultural materials as a whole at this present time (the 21st Century). One country that has been at the forefront of returning Benin Bronzes is Germany. The Return of Looted Benin Bronzes to Nigeria by Germany was seen as product of bilateral agreement. Nigerian officials involved believe that this agreement will inspire other nations to take similar action. Germany and Nigeria have struck an agreement that opens the door for the return of hundreds of the Benin Bronzes. This is just the beginning of more than 1,000

pieces from the Kingdom of Benin that are still in German museums, and they all belong to the people of Nigeria.

The role played by the increasing pressure exerted by public opinion for the return of looted African artefacts has been felt throughout Europe. Since the early 2010s, the dossier on restitution is no longer merely constrained to the art circles of Europe or Africa. The growing interest that civil society has in these questions can be seen through the large number of novels, films, documentaries, contemporary art installations, academic conferences, tweets, and even rap songs and other types of choreography that are devoted to it.

The restitution of African cultural materials today is tied up in a lot of politics. The history of the art restitution debate has been one of deflection and obstruction. Accordingly, the emergent debate in the 1960s and 1970s fizzled out, largely overshadowed by, disavowal and arrogance. One recurring tactic by museum directors has been to employ the argument that Africans don't know how to care for the objects in question. Some European scholars insist there is no legal basis for a claim. They say that too much time has passed and that European museums can rely on the statute of limitations. Hence, a political solution is needed to get things moving.

Conclusion

The history of colonial art restitution is largely one of inaction. However, with renewed calls for stolen African cultural objects to be returned, can it be said that the winds of change are blowing through Europe's museums – or is it just hot air? Admittedly, the renewed calls for Africa's looted artefacts to be returned has stirred some European countries into action. In 2022, Germany returned 22 of the famous Benin bronzes to Nigeria, while signing a deal that assures the return of hundreds more (in line with its promise, it returned more bronzes in May 2024). Also, Belgium created a legal framework for future restitutions, and provided the relevant African governments and institutions with lists of the inventory of its Africa Museum in Tervuren. However, while the physical returns are symbolically significant, the numbers show they are only a drop in the ocean. This is not at all surprising because there is an asymmetric relationship of power between the western countries and Africa. The former are the ones to decide when and where the objects are to be returned. And as long as this situation remains, the pace of restitution will remain slow.

It is evident that the European countries are reluctant returners of these artefacts. They have to be seen to be responsive to public opinion but their body language show that they would rather keep the artefacts. It is the reason why Europe is divided over the issue. Take Portugal, for instance. In 2020, its parliament voted against a law seeking to

return artworks to former colonies. African countries therefore must close ranks and collectively ensure that the pressure on the western countries increase and the issue of restitution remains a burning issue. If things will move along significantly with regards to the restitution of African cultural properties, the onus lies on Africans, especially the leaders, to keep on strongly demanding for what is rightfully theirs.

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E. A. Nosayanba	45	Bronze Caster	Office, at #41 Igun Street, Off Sakponba Road, Benin City	04/16/2024
H. O. Osagie,	58	Bronze Caster	Office at #41 Igun Street, Off Sakponba	04-16-2024
I. M. Edokpolor	70	Bronze Caster	Office, #10 Igun street, Off Sakponba Road, Benin City	05/12/2024
O. A. Ogieva	70	Palace Chief	Office, at #46 Ihama Road, Benin City	04-16-2024
O. I. Osula	68	Bronze Caster	Residence, at 42 Igun Street, Off Sakponba Road, Benin City	05/12/2024

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