



RESTITUTION AND REPATRIATION OF AFRICAN ARTEFACTS

PROF E.S. DANDAURA, *PhD, fsonta, fnipr, fta, fitin, MNAL*

Executive Director, Institute of Strategic & Development Communication, NIGERIA



ARTS, CULTURE AND HERITAGE:
Levers for Building the Africa we Want



GAPS:

Protection of African Cultural Property & Heritage

- ❑ No robust laws to protect African cultural property and heritage in most Member States.
- ❑ Weak frameworks: particularly the non-ratification and domestication of the various conventions regarding cultural property and heritage,
- ❑ Poor communication and awareness activities for the protection of cultural property and heritage leading to lack of cooperation,
- ❑ Lack of sustainable structures for the protection of cultural property and heritage in most Member States also resulted in uncoordinated actions in the sector,
- ❑ Complacency of some officials in the unwholesome practice of illicit trafficking in cultural property
- ❑ Inadequate modern museum infrastructure in most member states

GAPS Cont:

- ☐ Poor community awareness & involvement in the control and protection of cultural property and heritage

- ☐ Poor Funding

- ☐ Poor record keeping and lack of comprehensive inventory system

- ☐ Lack of sustainable structures for the protection of cultural property

- ☐ Poor capacity of personnel within the law enforcement agencies as it relates to the control of illicit trade and export of cultural goods

- ☐ Poor security: cultural goods or heritage sites are physically exposed

- ☐ Poverty encourages pillage by even the locals themselves

- ☐ Limited specialized training for core stakeholders

Why Protect African Cultural Properties & Heritage?

From pre-colonial period, the cultural industries have continued to shape economic growth and provide sustenance for a large number of people across the various social and economic strata in various African communities.

Africa has comparative advantage with her unique cultures and diversified offerings





Why Protect African CP&H?

- ❑ The unity and development of Africa rests largely upon its history and shared cultural values.
- ❑ Preserve the Identity of its people
- ❑ Key enduring evidence that Africa contributed to early human civilization.

Rock-Art of Tadrat Acacus mountains, Libya

- ❑ Human history provides concrete basis for and validate ideas
- ❑ Promote cultural diversity and human capital development
- ❑ A matter of honour and dignity
- ❑ Economic value and
- ❑ Empowerment of the majority
- ❑ Social Inclusion

Why Protect African Cultural Properties & Heritage?



Burnt historic texts in Mali

“I have reason to believe that sufficient ivory may be found in the King’s house to pay the expenses incurred in removing the King from his stool” – Phillips, the British under

Secretary of State in a letter written November 1896 fuelled the famous Benin invasion that dethrone Oba Ovonramwen the following year (1897)

“unscrupulous Europeans and Americans have bought up everything they can get hold of” –Ulli Beier, German critic, 1960.

“these bronzes are technically of the highest quality possible” – Benvenuto Cellini, German arts collector, 1919

“they are works of arts of the very high order and should be preserved as part of world artistic inheritance” – Kenneth Clark, Director of the British Museum, 1940

Why Protect African Heritage? ... Best Quality



Looting is Motivated by High Global Demand for Africa CP&H

- ❑ Theft in Jos (1987, 1990 and 1995), Ife Museum (1993 and 1995),
- ❑ Also looted were museums in Abeokuta, Ibadan, etc.
- ❑ Indeed even private research Museums located at the University of Ibadan in Ibadan and the Obafemi Awolowo University, Ife, were not spared.
- ❑ The University of Ibadan case



Excuses by Holding Countries

- ☐ Right of Colonial Masters to hold such Heritage
- ☐ Looted Artefacts as part of World Heritage
- ☐ Lack of Infrastructure
- ☐ Mischievous claims of some decendants of African slaves to the heritage

**PRIORITY AREAS:
COMMON AFRICAN POSITION
(CAP) ON RESTITUTION OF
HERITAGE RESOURCES**

- ❑ 9 priority areas

- ❑ Each has specific commitments that pertain to the role of the various stakeholders

Priority 1: Restitution of Heritage Resources

African heritage resources stolen and or illicitly trafficked from the continent and currently in foreign countries be restituted to their places and or communities of origin unconditionally.

Commitments:

- ☐ Establish dedicated national, regional, international and institutional frameworks for restitution initiatives.
- ☐ Promote heritage driven incentive-based development policies and strategies.
- ☐ Strengthen capacities of law enforcement agencies through specialised trainings on the protection of heritage resources against illicit trafficking.
- ☐ Strengthen protection mechanisms of heritage resources in conflict zones through training in emergency response, preparation of emergency plans and their implementation.

Priority 2: Identification and Inventories

Member States shall urgently identify, conduct provenance research and inventory of heritage resources that were illicitly acquired and or stolen from the continent and are currently in foreign countries shall involve communities and diaspora in the process.

Commitments:

- ☐ Develop and maintain a single register of national and other heritage resources, indicating, location, description and custodianship.
- ☐ Accelerate the digitalisation of all national and other heritage resources.
- ☐ Support and promote education, research and training in the areas of heritage resources.

Priority 3: Management of Heritage Resources

Conservation policies and mechanisms for the management of heritage resources shall be established and or enhanced in order to consolidate community based, Pan-African heritage collections and exhibition initiatives.

Commitments:

- ☐ Ensure Assembly Decision 772 (XXXIII) regarding the allocation of at least one percent of the annual budgets of Member States to the arts, culture and heritage sector by 2030 is implemented.
- ☐ Facilitate and implement all other relevant AU instruments, decisions and policies on the management of heritage resources.
- ☐ Provide adequate security and interactive infrastructure for the protection and exhibition of heritage resources.
- ☐ Make heritage resources of greater relevance and benefit to the communities through creative expressions.
- ☐ Accelerate capacity building trainings for heritage resource custodians and stakeholders to address skills and knowledge gaps.
- ☐ Ensure timely completion and operationalisation of **the Great Museum of Africa (GMA)** – a Flagship Project of the **AU Agenda 2063**, as a continental hub for restituted heritage resources.

Priority 4: Education and Awareness

Heritage resources shall be preserved for sustainability through innovative and holistic education approaches that allow for a better understanding of previous generations and accurate history.

Commitments:

- ☐ Promote both formal and informal education that will allow for creative knowledge sharing.
- ☐ Increase stakeholder awareness in order to ensure community participation and inclusiveness in safeguarding heritage resources.
- ☐ Empower communities to utilise creative storytelling techniques to evolve accurate narratives that promote awareness of their heritage resources.
- ☐ Integrate heritage education, into national curricula including oral traditions, documentation and translation of materials on heritage resources in African languages.
- ☐ Support scholars to undertake research and training in the areas of heritage resources.
- ☐ Implement formal and informal heritage education programmes for children from early childhood.
- ☐ Provide inter-agency and joint capacity building initiatives for artists, curators, law enforcement agents, culture and creative industries professionals on restitution of heritage resources.

Priority 5: African Regional Parliaments and National Assemblies

African Regional Parliaments and National Assemblies shall use their mandates and perform effective oversight and accountability roles to ensure implementation of the Common African Position on Restitution.

Commitments:

Ensure:

- ☐ Assembly Decision 772 (XXXIII) regarding the allocation of at least one percent of the annual budgets of Member States to the arts, culture and heritage sector by 2030 is domesticated and implemented.
- ☐ Facilitation and implementation of all other relevant AU instruments, decisions and policies on the management of heritage resources.
- ☐ The utilisation of Pan-African institutions that already have structures in place for preserving, promoting and showcasing restituted heritage resources.
- ☐ Pan-African Parliament (PAP), Parliaments of Regional Economic Communities and National Assemblies play a critical role in prioritising restitution.
- ☐ Establishment of a network of PAP and other Regional Parliaments as a cross-cutting entity to give agency, and priority to restitution.
- ☐ PAP works with EU Parliament, Inter-Parliamentary Union (IPU), Organisation of African, Caribbean and Pacific States (OACPS), and similar institutions to engage in the campaigns for Restitution.
- ☐ Resources are allocated through respective budgetary processes to support institutions, groups and initiatives that promote the restitution.

Priority 6: Youth and Diaspora

The youth as agents of transformation and future custodians of heritage resources and the diaspora populations shall be empowered to support their local communities in making and overseeing claims, including creating global initiatives that advance the Common African Position on Restitution.

Commitments:

- ☐ Galvanize youth-led technology institutions to evolve innovative ways of collecting archives and creating claims.
- ☐ Collaborate with diaspora heritage institutions, advocacy groups, and communities to identify illicitly acquired and or stolen heritage resources.
- ☐ Create restitution-centred popular-culture campaigns to mobilise support and ensure sustainability within the youth and diaspora.
- ☐ Leverage social media channels to engage youth and diaspora as ambassadors to prevent illicit trafficking and sales of African heritage resources online.
- ☐ Create homecoming programs for the diaspora to connect with communities on the continent to change tainted narratives on African heritage resources.

Priority 7: Media and Civil Society

Media outlets shall be enabled to engage in investigative journalism, agenda setting, and ensure the delivery of accurate information to communities and multiple audiences. Civil Society shall be encouraged to promote debates, lobby and mobilise actors in countries holding illicitly acquired and or stolen heritage resources to advocate for their restitution.

Commitments:

- ☐ Encourage and support local, national and international media to key into the process of agenda setting and sensitization of different segments of the society on restitution of heritage resources
- ☐ Encourage Civil Society Organisations (CSOs) and other actors to embrace and elevate the Common African Position on Restitution.
- ☐ Identify and appoint Restitution Ambassadors of heritage resources that will amplify voices from communities at all levels and empower them to promote the Common African Position on Restitution through the Cultural and Creative Industries (CCIs).
- ☐ Empower the Restitution Ambassadors to promote the Common African Position on Restitution through the Cultural and Creative Industries (CCIs).

Priority 8: Cooperation and Partnership

Continental and international cooperation and partnerships that support restitution of heritage resources shall be built and enhanced in the spirit of justice and solidarity.

Commitments:

- ☐ Encourage Member States to secure collaborations and partnerships in the form of financial and technical assistance to realize their agenda on heritage restitution.
- ☐ Increase cooperation within and between Regional Economic Communities to facilitate the implementation of the Common African Position on Restitution.
- ☐ Conclude ongoing bilateral, regional and international partnerships that support restitution by addressing the challenges created by countries holding the heritage resources.
- ☐ Encourage inter-agency and cross-border cooperation between law enforcement agencies in Member States to safeguard heritage resources and facilitate the restitution of illicitly exported and or stolen heritage resources.

Priority 9: Arts, Culture and Creative Industries

Artists and other Creative Industries Professionals shall be encouraged to work within their communities to utilise different mediums of knowledge sharing, advocacy and expand audiences.

Commitments:

- ☐ Encourage national policy making bodies to involve artists and art-centred institutions in policy formulation and implementation in regard to restitution.
- ☐ Ensure the African Union Pan-African Cultural Congress (AU-PACC) discharges its function of galvanising positions of artists and other creative industries professionals to strengthen policies on heritage resource.
- ☐ Encourage the integration of oral traditions and African knowledge systems in order to promote the African position on restitution.
- ☐ Support artists to undertake advocacy and sustain creative initiatives on restitution.
- ☐ Facilitate the role of artists, independent curators, culture and creative industries professionals as links between the communities and heritage institutions to promote and sustain community-based engagements on restitution.
- ☐ Empower and provide support to art communities to safeguard heritage resources.

Summary of Recommendations

To ensure an efficient and effective implementation of the Common African Position on Restitution of Heritage Resources, We commit to the following 34 actions at national, continental and international levels:

National	—	25 actions
Continental	-	5 actions
International	-	4 actions

AT THE NATIONAL LEVEL

- ❑ Establish dedicated national institutional frameworks for restitution initiatives.
- ❑ Promote heritage driven incentive-based development policies and strategies.
- ❑ Strengthen capacities of law enforcement agencies through specialised trainings on the protection of heritage resources to combat illicit trafficking.
- ❑ Develop and maintain a single register of national and other heritage resources, indicating, location, description and custodianship.
- ❑ Accelerate the digitalisation of all national and other heritage resources.
- ❑ Support and promote education, research and training in the areas of heritage resources
- ❑ Provide adequate security and interactive infrastructure for the protection and exhibition of heritage resources.
- ❑ Make heritage resources of greater relevance and benefit to the communities through creative expressions.

AT THE NATIONAL LEVEL

- ❑ Accelerate capacity building for heritage resource custodians and stakeholders to address skills and knowledge gaps.
- ❑ Increase stakeholder awareness in order to ensure community participation and inclusiveness in safeguarding heritage resources.
- ❑ Empower communities to utilise creative storytelling techniques to evolve accurate narratives that promote awareness of their heritage resources
- ❑ Support scholars to undertake research and training in the areas of heritage resources.
- ❑ Implement formal and informal heritage education programmes for children from early childhood.
- ❑ Provide inter-agency and joint capacity building initiatives for artists, curators, law enforcement agents, culture and creative industries professionals on restitution of heritage resources.

AT THE NATIONAL LEVEL

- ❑ Ensure that resources are allocated through respective budgetary processes to support institutions, groups and initiatives that promote restitution.
- ❑ Implement all other relevant AU instruments, decisions and policies on the management of heritage resources.
- ❑ Encourage and support media to key into the process of agenda setting and sensitization of different segments of the society on restitution of heritage resources
- ❑ Encourage Civil Society Organisations (CSOs) and other actors to elevate and embrace the Common African Position on Restitution.
- ❑ Identify and appoint Restitution Ambassadors of heritage resources that will amplify voices from communities at all levels and empower them to promote the Common African Position on Restitution through the Cultural and Creative Industries (CCIs).

AT THE NATIONAL LEVEL

- ❑ Conclude ongoing bilateral, regional and international partnerships that support restitution by addressing the challenges created by countries holding the heritage resources.
- ❑ Encourage national policy making bodies to involve artists and art-centred institutions in policy formulation and implementation in regard to restitution.
- ❑ Support artists to undertake advocacy and sustain creative initiatives on restitution.
- ❑ Facilitate the role of artists, independent curators, culture and creative industries professionals as links between the communities and heritage institutions to promote and sustain community-based engagements on restitution.
- ❑ Empower and provide support to art communities to safeguard heritage resources.
- ❑ Integrate heritage education, into national curricula including oral traditions, documentation and translation of materials on heritage resources in African languages.

AT THE CONTINENTAL LEVEL

Ensure:

- ❑ Assembly Decision 772 (XXXIII) regarding the allocation of at least one percent of the annual budgets of Member States to the arts, culture and heritage sector by 2030 is implemented.
- ❑ Facilitation and implementation of all other relevant AU instruments, decisions and policies on the management of heritage resources.
- ❑ Timely completion and operationalisation of the Great Museum of Africa (GMA) – a Flagship Project of the AU Agenda 2063, as a continental hub for restituted heritage resources.
- ❑ The utilisation of Pan-African institutions that already have structures in place for preserving, promoting and showcasing restituted heritage resources.
- ❑ Pan-African Parliament (PAP), Parliaments of Regional Economic Communities and National Assemblies play a critical role in prioritising restitution.

AT THE CONTINENTAL LEVEL

- ❑ Establishment of a network of PAP and other Regional Parliaments as a cross-cutting entity to give agency, and priority to restitution.
- ❑ Member States secure collaborations and partnerships in the form of financial and technical assistance to realize their agenda on heritage restitution.
- ❑ African Union Pan-African Cultural Congress (AU-PACC) discharges its function of galvanising positions of artists and other creative industries professionals to strengthen policies on heritage resource.
- ❑ Support increased cooperation within and between Regional Economic Communities to facilitate the implementation of the Common African Position on Restitution.
- ❑ Encourage inter-agency and cross-border cooperation between law enforcement agencies in Member States to safeguard heritage resources and facilitate the restitution of illicitly exported and or stolen heritage resources
- ❑ Encourage the Integration of oral traditions and African Knowledge Systems in the development of narratives on the restituted heritage resources.
- ❑ Strengthen protection mechanisms of heritage resources in areas experiencing armed conflicts through training in emergency response.

AT THE INTERNATIONAL LEVEL

- ❑ Conclude ongoing bilateral and multilateral partnerships that support restitution by addressing the challenges impeding restitution of heritage resources.
- ❑ Encourage the African Union Commission to engage with the European Union and similar institutions on the Common African Position on Restitution.
- ❑ Encourage the Pan-African Parliament to engage with the Parliament of the European Union, the Inter-Parliamentary Union (IPU), the Organisation of African, Caribbean and Pacific States (OACPS), and similar institutions on restitution.
- ❑ Develop and strengthen collaborations and partnerships to address the challenges inhibiting timely restitution of heritage resources.