Return of the Icons

Key issues and recommendations around the restitution of stolen African artefacts

June 2020
AFFORD’s Return of the Icons programme is exploring and taking forward key conversations around cultural artefacts – and human remains – held by UK museums and other institutions, their preservation and campaigns for their eventual return to their countries of origin.

British museums, libraries, and other cultural institutions hold unique collections of art, artefacts, and historical treasures from around the world as a result of Britain’s colonial past. Now, as UK foreign policy goals shift towards a vision of a Global Britain, how controversial issues around cultural patrimony and heritage are handled will increasingly come under the spotlight.

The first phase of AFFORD’s Return of the Icons programme has been an initial mapping phase, which sought to assess and identify:

- Best practice in restitution and preservation of African cultural artefacts and human remains among curators, experts, and practitioners in UK museums, libraries, educational and cultural institutions.

- African diaspora experts in the cultural sector interested in training and building capacity in institutions in their countries of origin and heritage to better preserve and display African cultural artefacts there.

- Attitudes among young members of the diaspora in the UK towards African cultural artefacts in UK museums and cultural institutions, and their shared heritage.

The initial mapping will inform a broader programme of engagement, advocacy and action over the next four to five years which will seek to:

- Strengthen policy and practice around the restitution and preservation of African cultural artefacts in the UK.

- Strengthen the capacity of museums and cultural institutions in Africa through academic exchanges and diaspora skills transfer.

- Increase the engagement of young people in the diaspora and young Africans with their cultural patrimony in the UK.

Working with institutions, experts and governments in Europe and Africa, Return of the Icons will enable a sharing of information and best practice, and the development of common advocacy voices, platforms and actions.

Return of the Icons is part of a wider $15 million initiative supported by Open Society Foundations to strengthen efforts to restore cultural objects looted from the African continent and to ensure their preservation.
AFFORD proposes the following recommendations to different stakeholders to achieve restitution of stolen African artefacts and human remains from UK museums and other cultural institutions:

**Governments**
The UK government should take a broader, more international view of issues relating to restitution of African artefacts to strengthen bilateral ties with African states. This is likely to become more urgent post-Brexit, as the government develops a new Global Britain foreign and trade policy, and also as it responds to the issues of slavery, colonialism and structural racism that the Black Lives Matter movement has put on the agenda.


The UK government should establish an All Parliamentary Working Group/Select Committee on the restitution of African objects in British museums and cultural institutions.

The UK Department for Culture, Media and Sport (DCMS) should fund a comprehensive mapping exercise of African artefacts held in UK heritage and museum collections, in partnership with diaspora organisations, and make the results freely and digitally available. The Department for Education should do the same for collections of manuscripts in universities and other academic institutions.

DCMS should host an international roundtable with key museum and heritage sector leaders on the issue of restitution to develop a comprehensive mapping remit of the objects held and identify those that can be returned, shared, loaned or copied.

The UK government should support capacity-building of African cultural institutions and the development of the culture and heritage sectors in African economies as part of a response to the eight Rs (see page 4). Through the British Council, it should support the training and professional development of Africa-based curators, archivists and other museum and heritage professionals through the development of international partnerships with UK-based museums.

African governments should extend diplomatic and advocacy efforts for restitution of stolen artefacts and remains from UK museums and other cultural institutions. These should include submission of more formal requests for the restitution of such items held by national, regional, and local institutions in the UK.

**Museums and cultural Institutions**

Museums and other institutions should identify African artefacts and human remains held within their collections with a view to developing policies to enable restitution, in partnership with African diaspora communities in the UK and African museums.

The Arts Council England should establish and fund a specialist subject network on African artefacts with a view to developing specialist knowledge on African artefacts held within UK collections and sharing good practice on issues of restitution.

The Arts Council’s forthcoming guidance on restitution and repatriation should include the views of African and diaspora communities gathered at a one-day seminar, held before the guidance framework is agreed.

The British Museum, the Victoria and Albert Museum and others should fund the training and professional development of partner African museums through a funded PhD programme between 2020 and 2030.

The British Library should research and develop a new online portal providing access to previously undigitised archive materials on African history.

International Council on Museums UK, in partnership with the British Council, should host an international conference on the restitution of African artefacts.
Institutional collaboration and support with their counterparts in Africa will enable good practice to be shared and adopted here and there. Innovative partnerships with the public and private sector should also be considered to ensure that items are catalogued, and returned items are preserved and exhibited to their potential.

**Funders**

Issues surrounding the eight ‘Rs’ are growing in importance. Heritage and other funding should support diaspora communities and other organisations to become involved in engagement and educational programmes with museums and their communities, as well as advancing the four-track approach to restitution.

**Civil society and community groups**

Groups and campaigns for the return of stolen African artefacts should be supported to coordinate more effectively to help build momentum and public support, and to carry out advocacy campaigns. Greater coordination between campaigns, and improved capacity and resources, can strengthen their impact.

Encouraging a simultaneous four-track approach to the restitution of African artefacts, including: advocacy to achieve legal changes preventing returns from national collections, pursuing legal test cases for return of sacred or ceremonial objects, voluntary return agreements with sub-national collections and other forms of return (including long-term loans, symbolic acts of restitution such as improved cataloguing, commissioning replicas of icons for UK institutions and creating fresh works for African institutions.

AFFORD should hold seminars on each approach with campaign groups, museums and heritage practitioners, and other stakeholders with a view to identifying key priorities for campaigning and restitution.

AFFORD should work with the Black Studies Association and others to develop an advocacy network on the return of African artefacts in UK museums and heritage collections, with the view to hosting an annual event on International Museums Days to highlight current issues, campaigning strategies and to share best practice.

The Black Studies Association with other stakeholders should advocate for a more comprehensive teaching of Britain’s colonial past in schools and the history of the acquisition of cultural artefacts in developing the collections of British cultural institutions.

Campaigns groups and museums and other institutions should also seek to foster deeper partnerships with institutions in countries of origin.

Finally, there is a need to research and identify key communities of practice in Africa to inform the focus and priorities of any advocacy campaign for the restitution of African artefacts and human remains.
Key issues

Introduction

This policy brief seeks to explore the policy and legal issues around the restitution of stolen African artefacts and human remains from UK museums and other institutions. The return of the icons is greatly sought after by African governments and communities, as well as the African diaspora worldwide:

• To restore their cultural heritage and patrimony
• As a resource for the education of future generations
• For socio-economic development as part of growing cultural, heritage, and tourism sectors.

Ghana’s Year of Return programme in 2019 shows how critical heritage tourism can be to African economies, attracting more than one million diaspora visitors and generating $US 1.8 billion in additional spending. African countries see the potential for heritage and cultural tourism as drivers of economic activity and employment, especially as part of post Covid-19 economic recovery plans.

The resurgence of the global Black Lives Matters movement, triggered by the killing of George Floyd, has again opened up important questions of continuing structural racism in the UK. Specifically, this includes how to deal with controversial icons and monuments from the UK’s history of empire and colonialism (which arguably should be housed in museums, rather than public spaces) and other controversial looted collections from the period of slavery and empire.

Estimates suggest up to 90% of sub-Saharan Africa’s cultural heritage is held outside the continent, as a result of conquest, plunder, colonisation, as well as legitimate trade and exchange, although this figure is disputed by some scholars. The total number of African artefacts held in UK museums, libraries, palaces, and other public collections is not known with accuracy, but is thought to be in the hundreds of thousands, or even higher. Not all UK museums have catalogued all the African artefacts they hold.

These objects are of great artistic, cultural, religious and sacred value to those that lost them, with loud calls for their return starting the moment they were taken.

The agitation for the return of African artefacts has continued to grow in recent years, at clan, ethnic, national and continental levels. With the release of Nelson Mandela and the collapse of South Africa’s apartheid regime in the early 1990s, these campaigns were frequently interwoven with other discrete but related issues. The eight ‘Rs’ – recognition, remembrance, restoration, restitution, reparations, reconnection, return, and reconstruction – underpin the black and African response to the damaging impact and legacies of slavery and colonialism. They are also a key part of the demands of the Black Lives Matter Movement.

Approaches to the restitution of human remains

Some parts of the eight ‘Rs’ agenda have been easier to move forward, such as the restitution of collections of skeletons and body parts. Most institutions in the UK engage actively in the return of human remains, with examples of restitution to communities in Africa, the Americas, Australia and New Zealand. Institutions such as the Natural History Museum are governed by the Human Tissue Act 2004 that empowers them to actively consider requests to change the custody of human body parts that are less than one thousand years old.

Models of good practice have been developed and implemented by UK institutions in this area, such as the partnership between the Manchester Museum, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and local communities in Australia and New Zealand. Manchester Museum has been returning human remains since 2003.
Restitution of other sacred objects and artefacts

There are increasing examples of the restitution of other sacred artefacts and objects, and models of good practice have been developed and implemented by UK institutions in this regard, such as the partnership between the Manchester Museum, AIATSIS and indigenous communities for the unconditional repatriation of 43 secret sacred and ceremonial objects to their communities of origin. There have been calls for the restitution of sacred objects from foreign governments. Ethiopia and China, for example, have formally requested the return of sacred objects from UK institutions, with limited success.

A major issue which museums have raised is to whom African art and artefacts ‘belong’. Establishing the provenance of objects and artefacts is key in assessing claims for their restitution. Some African artefacts in UK collections were acquired legally and legitimately through trade, gifts, and exchange. Our principal concern in this policy brief are items that were clearly stolen, looted, or acquired by force.

Ethical arguments for and against wholesale restitution

For restitution of any sort to happen there must be a considerable interest in the object to begin with. Some museums already actively respond to such demands, short of full restitution. This includes moving objects from restricted to public spheres, updating accompanying literature, translocation within a museum or between museums, or a willingness to send an object on loan to other institutions, for a short period of time or indefinitely.

Historically, a range of arguments have been used for and against full restitution. These are summarised in Appendix 2. This policy brief in no way suggests any equivalence between these arguments. They are meant to be merely indicative of the way they are deployed, especially by institutions seeking to avoid the return of artefacts. Certainly, from an African and African diaspora perspective, very few of the arguments against return of artefacts carry any weight and appear to represent special pleading by institutions. The ethical case for returning stolen artefacts is largely unanswerable – grounds for challenge are usually centred around questions of process and technicalities.
The current UK legal position on restitution

Perhaps the biggest barrier to the restitution of stolen African artefacts from national museums, galleries, libraries, and collections is current national museum legislation, which places severe restrictions on deaccessioning collection items found within them. The main legislation is set out below.

**British Museum Act (1963)**
The British Museum Act prohibits by law the return of artefacts from the British Museum in almost all circumstances. Its introduction was influenced by, and referenced with, concern for the Elgin Marbles.9

There is a provision within the 1963 Act that allows British Museum trustees to give away items (or ‘deaccession’ them) from the collection if they are deemed ‘unfit’ for retention in the collection and that their removal would not be detrimental to the interests of students.10

**National Heritage Act (1983)**
This act established the Victoria and Albert Museum, the Science Museum, the Armouries and the Royal Botanic Gardens, Kew, as non-departmental public bodies, and placed conditions on the circumstances under which museum boards might acquire or dispose of objects.

Specifically with regard to return of artefacts from museum collections, it states that ‘the disposal is by way of sale, exchange or gift of an object which in the Board’s opinion is unsuitable for retention in their collections and can be disposed of without detriment to the interests of students or other members of the public.’

**The Holocaust (Return of Cultural Objects) Act (2009)**
This act was passed following a case where the British Museum was barred from restoring four Old Master drawings looted from a Jewish couple murdered by the Nazis, the Feldmans. Its purpose is to confer on national institutions the power to return to their rightful owners any cultural objects unlawfully acquired during the Nazi era.11
Other UK policies and practices on restitution

Different UK museums and cultural institutions are also developing their own restitution policies, such as the Liverpool World Museum.\(^\text{12}\) There is a lively debate within and between institutions about the need to develop and implement such policies sensitively in a way that respects the law, as well as the interests of communities in the UK and of origin.\(^\text{13}\) Sub-national collections, such as local, regional, and university museums have far greater latitude to grant restitution requests.

Models of good practice have been developed by such institutions, especially around the return of human remains, but also including voluntary return agreements and long-term loans.\(^\text{14}\) In early 2020, Arts Council England appointed the Institute of Art and Law to develop national guidelines for museums on the restitution of cultural artefacts.\(^\text{15}\) This guidance is due to be published in Autumn 2020, and will aim to ‘encourage a more proactive and coordinated approach across UK museums by providing them with a practical tool that will include case studies, best practice and signposting to other resources’\(^\text{16}\).

Despite this, the UK government is opposed to any restitution of stolen artefacts from UK national collections and has made its position clear on this. In April 2019, the then Culture Secretary Jeremy Wright ruled out legal changes to enable restitution of artefacts, preferring instead to focus on ‘collaboration and long-term loans’ and emphasising the need for museums as ‘single points where people can see multiple things’.\(^\text{17}\) This reflects both UK legislation and echoes the position of the British Museum and some other collections. But the logical extension of this argument would suggest that African museums and institutions should also form such ‘single points.’

Campaigns for the return of artefacts will need to influence public opinion diaspora and communities to put pressure on policymakers to shift their position on this issue.

Global context – restitution legislation, policies, and practice

As a global framework, the United Nations Education, Scientific and Cultural Organisation (UNESCO), convenes an intergovernmental committee for promoting the return of cultural property whose aim is, ambiguously, to return cultural property to ‘its countries of origin’. Currently, six of the 22 countries who sit on the committee are African.\(^\text{18}\)

Europe

It is clear that restitution debates in Britain are heavily influenced by the similar debates taking place in continental Europe. The 2018 Sarr-Savoy report in France endorsed at a presidential level the wholesale return of African objects from French museums.\(^\text{19}\) The report’s authors have accused the authorities at the British Museum of ‘burying their head in the sand.’\(^\text{20}\) Such criticism arguably ignores the work being done by the Benin Dialogue Group. This is a multilateral collaborative working group that brings together museum directors and delegates from Austria, Germany, the Netherlands, Sweden and the UK with representatives of the Edo State Government, the Royal Court of Benin and the National Commission for Museums and Monuments, Nigeria, to work together to establish a museum in Benin City that will facilitate a permanent display reuniting Benin works of art dispersed in collections around the world.\(^\text{21}\)

North America and Oceania

Museums and collections in North America are bound by laws to return indigenous human remains and cultural objects. The US Native American Graves Protection and Repatriation Act (NAGPRA), passed in 1990, mandates all federally funded museums and federal agencies to return certain cultural items such as human remains, funerary objects and sacred objects to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organisations.\(^\text{22}\) While there is no federal law in Canada providing for the return of human remains or cultural objects, individual museums have developed policies in recent years to provide for their return.\(^\text{23}\)

The example of Australia is also highlighted by Pickering (2007), in following the restitution of aboriginal remains from within its own museums back to their communities.\(^\text{24}\) Since the 1980s, Australian museums and other cultural institutions have developed and implemented proactive restitution policies and practices for the repatriation of human remains and artefacts to their communities of origin, developed in partnership with indigenous communities.\(^\text{25}\) Similar policies and practices have been developed in New Zealand, where The Protected Objects Act (1976) provides for the protection of Maori cultural property and deterring of illicit trafficking.\(^\text{26}\)
Africa

An important event in catalysing the different movements was the Pan African component of the Reparations Movement launched in Lagos, Nigeria, in 1990, which led the Organization of African Unity (OAU) to set up a Group of Eminent Persons (GEP) in 1992. The GEP was tasked to develop an agenda and secure technical advisors who would help solve some of the difficulties associated with the claim for reparations. A second conference on reparations held in Abuja, Nigeria, in 1993, attended by representatives from Africa and its diaspora, issued The Abuja Proclamation, which called for a national reparations committee to be established throughout Africa and the diaspora to deal with financial and psychological reparations as well as the restoration of artefacts.

In 2006, at the Sixth Ordinary Session of the African Union Assembly, held in Khartoum, member states agreed the Charter for African Cultural Renaissance. This sets out the importance of African cultural heritage to the cultural and socio-economic development of African states, and under Article 3 includes objectives to ‘preserve and promote the African cultural heritage through preservation, restoration and rehabilitation’ and to ‘integrate cultural objectives in development strategies’. Article 26 states that ‘African States should take steps to put an end to the pillage and illicit traffic of African cultural property and ensure that such cultural property is returned to their countries of origin’.

At a side event of the AU Assembly in February 2020, at the invitation of Malian President Ibrahim Keita, 12 African heads of states formed a Council of Peers to provide leadership, advocacy and facilitation for Arts, Culture and Heritage in Africa. The heads of state of Cabo Verde, Congo, Democratic Republic of Congo, Egypt, Equatorial Guinea, Ethiopia, Ghana, Kenya, Morocco, Namibia, Nigeria and South Africa committed to (among other objectives): advocate for the ratification of the Charter for African Cultural Renaissance; promote culture as a tool for peace building; develop creative industries generating economic development and outreach; and speed up the return of cultural assets.

Restitution in Africa – capacity, preservation and exhibition

Museums, libraries, galleries and other institutions in African countries form important cultural and educational resources for their populations and stores of traditional and indigenous knowledge. Just as importantly, they contribute to the cultural, heritage and tourism sectors of national economies, helping to generate revenue both for the cultural sector and local communities more broadly. Ghana’s Year of Return contributed USD$1.8bn to the country’s economy.

However, many African museums and cultural institutions lack the funding, capacity and expertise to preserve, display and research items held in their collections to their full potential. African states may also face political instability and corruption, conflict and humanitarian emergencies that make effective preservation and display of cultural heritage difficult or even dangerous.

There is a strong case for development agencies in the Global North to provide greater support here, to improve how institutions exhibit and preserve their collections and help build heritage and tourism sectors of African economies that support local jobs and livelihoods. UK museums and institutions have world-renowned expertise in preservation and display, as seen after the looting of the Baghdad Museum in 2004, when the British Museum provided technical experts to help rebuild its collections.
Pathways of return for African artefacts

There are four main pathways for the return of African artefacts from UK collections.

Legal test cases
Robertson (2019) argues there is scope for taking legal test cases through the courts to challenge retention of specific objects by UK institutions. There are several examples of stolen African artefacts that could form the basis of potentially strong legal test cases. These are typically either sacred objects or royal or ceremonial objects, such as the Asante King’s Royal Regalia, or the case of the Ethiopian tabots (representations of the Ark of the Covenant) held by the British Museum and Westminster Abbey respectively.

Legal changes through lobbying and advocacy
Seeking to change the law, through lobbying and advocacy of MPs and peers, and the use of procedural measures such as private members’ bills. This path is being explored by the Just Ghana group for the return of the Asante King’s Royal Regalia.

Voluntary return agreements
A third approach – appropriate for local, regional and university collections not subject to legal restrictions – is voluntary return agreements for specific items whose return has been requested.

Other forms of return
Agreements for the loan (on a long-term and permanent basis) of items to institutions in countries of origin. This model has been proposed by Tristram Hunt for the return of Ethiopian artefacts held by the Victoria and Albert Museum and by British Museum curators as a compromise to return objects without changing the law.

While this is the preference of some UK institutions, it has encountered resistance from some in countries of origin and the diaspora, who argue it is an attempt to avoid more difficult questions of ownership.
Attitudes to restitution – gaps in perception

If the principal barriers to restitution of stolen African artefacts and human remains from UK institutions are legal, another barrier is social and cultural attitudes. Mapping conducted for AFFORD’s Return of the Icons project identified a gap – or a gulf even – in perception between some museum professionals, trustees, politicians, cultural commentators and members of the public and African and African diaspora communities.

Public awareness in the UK of stolen African artefacts and human remains is limited and influenced by prevailing social and cultural attitudes and nationalist sentiments. The resurgent Black Lives Matter movement in 2020 has restarted a new in-depth conversation about slavery, colonialism and structural racism, which will inevitably focus on all aspects of UK life, including museum collections.

Advocacy and campaigns for the return of African artefacts needs to target diaspora communities, museum professionals and the broader public to build momentum in the UK behind a change in official policy on returns.

Culture in times of crisis – restitution and Covid-19

It is important to consider why the restitution of stolen artefacts and human remains is still important during a global pandemic. Lockdowns mean museums and other cultural institutions are closed to the public. Many have been working hard to increase accessibility of their collections to the public via the internet.

Dr Hartwig Fischer, Director of the British Museum, has noted: ‘Culture gives comfort in times of turmoil, it unites us and makes us understand what it means to be human’. Like other cultural institutions, museums provide an anchor, a reference point and a refuge – people cling closer to culture for reassurance in uncertain times. Cultural heritage also has a vital role to play in national crises, as it forms and informs national conversations about identity.

Tourism and heritage sectors were of growing importance to economies in Africa before the current crisis and will be again after it has passed, providing much needed jobs for local people. The return of stolen artefacts to Africa (or elsewhere), combined with capacity-building support to African institutions, can help drive economic recovery after the pandemic and build cultures of pride and resilience. Following the pandemic, the world will be beginning a conversation about global economic, ecological and human cultural values – the role and impact of slavery, colonialism, and structural racism are now key considerations.
Conclusion and recommendations

This policy brief has identified several barriers to the restitution of stolen African artefacts and human remains: national museum legislation; institutional inertia and government resistance; limited public awareness in the UK; and limited capacity and expertise in African museums and cultural institutions.

The case of the Holocaust (Return of Cultural Objects) Act 2009 cited above indicates just how conservatively UK law interprets the British Museums Act and other legislation governing national museums and galleries. But it also provides a precedent for UK national museums and galleries to restore looted artefacts to other groups of owners, especially if there is sufficient public interest or pressure. It would be entirely reasonable, and not implausible, for UK parliamentarians to enact further legislation to enable the restitution of looted African artefacts.

Cases for restitution of African artefacts (rather than human remains) will need to satisfy a number of criteria. It is important to demonstrate the provenance of artefacts, in particular that they have been acquired by theft or looting; to identify institutions or individuals who have a legal claim to them; and to make provisions to improve the capacity to preserve items appropriately.

AFFORD proposes a clear theory of change to achieve this that incorporates: multimedia campaigns to raise awareness among the British public and diaspora communities; lobbying and advocacy to support the four pathways to restitution; advocacy to influence national and institution-level policy and practice; and building partnerships with African institutions using the expertise of museum and diaspora professionals.

AFFORD proposes the following recommendations to different stakeholders to achieve restitution of stolen African artefacts and human remains from UK museums and other cultural institutions:

**Governments**

The UK government should take a broader, more international view of issues relating to restitution of African artefacts to strengthen bilateral ties with African states. This is likely to become more urgent post-Brexit, as the government develops a new Global Britain foreign and trade policy, and also as it responds to the issues of slavery, colonialism and structural racism that the Black Lives Matter movement has put on the agenda.


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Finally, there is a need to research and identify key communities of practice in Africa to inform the focus and priorities of any advocacy campaign for the restitution of African artefacts and human remains.
### Appendices

#### Appendix 1 – National collections falling under the Museums and Galleries Act 1992

<table>
<thead>
<tr>
<th>Institution</th>
<th>Governing body</th>
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<tr>
<td>The British Library</td>
<td>The British Library Board</td>
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<td>The British Museum</td>
<td>The Trustees of the British Museum</td>
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<td>The Imperial War Museum</td>
<td>The Trustees of the Imperial War Museum</td>
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<td>The National Gallery</td>
<td>The Board of Trustees of the National Gallery</td>
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<td>The National Galleries of Scotland</td>
<td>The Board of Trustees of the National Galleries of Scotland</td>
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<tr>
<td>The National Library of Scotland (established by section 1(1) of the National Library of Scotland Act 1925 (c.73))</td>
<td>The Board of Trustees of the National Library of Scotland</td>
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<tr>
<td>The National Maritime Museum</td>
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<td>The Wallace Collection</td>
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### Appendix 2 – Ethical arguments commonly used for and against restitution

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<th>Arguments for</th>
<th>Arguments against</th>
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<tr>
<td>Morally, it is the right thing to do. It would address the historical injustices of colonialism and the role museums have played. (moral/ethical case)</td>
<td>They are part of a global story, sitting side by side with other civilisational achievements, and accessible to wider audiences. (education/cultural protection case)</td>
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<tr>
<td>They have been illegally procured, often as a result of theft, looting, and violence. (moral/ethical case)</td>
<td>Not all of the collection items were acquired illegally or through conquest, many were legally traded and gifted to museums. Laws are in place against breaking up collections or returning them. For instance, in the UK, the British Museum, British Library, National Army Museum and V&amp;A, amongst others are affected. (legal case)</td>
</tr>
<tr>
<td>Artefacts that may seem meaningless or divorced from context in the UK, often have great meaning to the peoples they were taken from, and form an important part of their cultural heritage and identity. (moral/ethical case)</td>
<td>Better contextualisation will explain the meaning of artefacts to British audiences. (education/cultural protection case)</td>
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<tr>
<td>Historical artefacts are important for the education of citizens in the countries where artefacts were seized from, and especially young people, of their cultural heritage and history, rather than the distorted narratives handed down by colonial and postcolonial governments. They are an important resource for local people in the country of original provenance to draw on. (education/cultural protection case)</td>
<td>Historical artefacts are important for the education and history of UK citizens and other global visitors to the museums. (education/cultural protection case)</td>
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<tr>
<td>Understanding of artefacts is enriched by being viewed in their place of origin. (education/cultural protection case)</td>
<td>Understanding of artefacts is enhanced by being viewed in comparative context in ‘world museums’. (education/cultural protection case)</td>
</tr>
<tr>
<td>Artefacts are part of the area’s history – restoring to local experts and audiences the idea of Africans as producers and maintainers of their own history (education/cultural protection case)</td>
<td>Artefacts are part of British history and removing them elides the role of British people, for good or for bad, in their provenance, preservation, and research. (education/cultural protection case)</td>
</tr>
<tr>
<td>They are the foundation of a potentially lucrative heritage tourist trade and should bring revenues to the country of origin. (heritage tourism/business case)</td>
<td>It is unrealistic to build a tourism trade with one or a few national museums, especially in areas where the infrastructure for tourism is less developed. (poor infrastructure case)</td>
</tr>
<tr>
<td>The resources are now available to restore such collections 39. (adequate protection case)</td>
<td>The artefacts serve as important reminders of past oppression. (education case)</td>
</tr>
<tr>
<td>The resources are now available to restore such collections. 40</td>
<td>There are few world class facilities in the countries of origin to maintain many fragile and delicate pieces, which are currently well looked after. (inadequate protection case)</td>
</tr>
<tr>
<td>Return is a moral imperative as the artefacts were seized, often with great violence. Return is an important form of reparation, and it should be the right of African institutions to then loan them to museums in other countries. (moral/ethical case)</td>
<td>Return is not the only option. Loans and museum partnerships offer other possibilities. (collaboration/’shared’ ownership case)</td>
</tr>
<tr>
<td>Return is the default position but while waiting for returns, loans and museum partnerships offer other possibilities. (collaboration/’shared’ ownership case)</td>
<td>African institutions may lack capacity and resources to preserve, research and display them adequately. (inadequate protection case)</td>
</tr>
</tbody>
</table>
1 See, for example, the Statement on Repatriation and restitutions by the UK government, 2019.
2 Wambu, O – Speech at the Africa Regional meeting of the UN Decade of People of African Descent, Dakar, Senegal, October 2019.
3 The most famous of such remains are arguably those of Sarah Baartman, whose brain, genitalia, and skeleton were preserved in a back room at the Musée de l’Homme (Museum of Mankind) in Paris. Baartman was taken to Europe as an anthropological curiosity in the early 19th century, and displayed under the name of the Hottentot Venus. She died at the age of 27, but was denied a burial, and her remains fell into the hands of various museums. Her remains were eventually repatriated to South Africa and buried in 2002, 192 years after Baartman had left for Europe.

6 https://www.museum.manchester.ac.uk/about/restitution/; https://www.bbc.co.uk/news/uk-england-manchester-50504511. Similarly, sacred objects have also been returned from the Pitt Rivers Museum to Maasai communities in Kenya, see https://www.prm.ox.ac.uk/
8 There are some differences of view between African diaspora communities and the broader worldwide historical diaspora, in particular the African Caribbean community, who have a different relationship with these artefacts and arguably might risk losing access to parts of their history if some items are returned to Africa.
9 The ‘Elgin Marbles’, sometimes known as the Parthenon friezes, have long occupied a totemic position in Britain’s social, cultural, and political self-identification. Robertson (2019) notes how in 1924 – nearly forty years before the British Museum Act (1963) was enacted – a FCO memorandum authorising the gift of jewellery taken in the Maqdala expedition to an Ethiopian princess stressed that this must not be considered as a precedent that could justify Greek claims to the Elgin marbles. This concern to ensure the Elgin marbles are never to be returned on the part of the UK government, cultural institutions, and cultural commentators continues to the current time.
11 The Act was amended in 2019 to remove a ‘sunset clause’ and make the law permanent, see: http://www.legislation.gov.uk/ukpga/2019/20/enacted
12 Personal communication, Dr Zachary Kingdon, March 2019
14 See, for example, the Statement on Repatriation and Restitution in November 2018 from the Museums Association in the UK, which notes that ‘factors to be taken into account include the law; current thinking on the subject; the interests of actual and cultural descendants; the strength of claimants’ relationship to the items; the scientific, educational, cultural and historical importance of the items; and the consequences of retention and repatriation for a range of stakeholders’. Available at: https://www.museumsassociation.org/download?id=1266340
16 Ibid.
19 There has been dispute about how the French state is implementing this, and in particular how it is linking returns selectively with its foreign policy towards African states. Hunt (2018) notes that the Sarr-Savoy Report ‘is a consciously state-led enterprise demanding bilateral responses between France and various African states. Within this architecture, museums are presented as instruments of government and, as such, the restitution discourse is consciously situated within a broader narrative of post-colonial reparations and challenging structural inequality between the Global North and South’. See: ‘https://itsartlaw.org/2019/01/31/the-sarr-savoy-report/’ and https://www.theguardian.com/comment/restitution-report-museums-directors-respond
21 https://www.tropenmuseum.nl/nl/press-statement-meeting-benin-dialogue-group-1
22 https://www.congress.gov/bill/101st-congress/house-bill/5237. However, progress in returning cultural artefacts remains slow, and relatively recent auction sales of Hopi, Zumi, and Navajo sacred objects in France show the limitations of this act, see Kevin P. Ray, ‘NAGPRA and Its Limitations: Repatriation of Indigenous Cultural Heritage’, 15 J.MARSHALL REV.INTELL.PROPL.472(2016), available at: https://repository.jmls.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1386&context=rpl
23 For example, see the Canadian Museum of Civilization Corporation (CMCC) Repatriation Policy (available at: https://www.historymuseum.ca/wp-content/uploads/2015/09/REPATRIATION-POLICY.pdf); the Royal BC Museum has also developed a policy that includes repatriation grants for First Nations remains and artefacts, see: https://www.cbc.ca/news/canada/british-columbia/new-b-c-museum-policy-highlights-return-of-indigenous-remains-artifacts-1.5142265 However, there has been greater progress of implementation of such policies for human remains than for cultural artefacts (see https://www.theglobeandmail.com/canada/article-indigenous-experts-call-for-repatriation-of-cultural-artifacts-and/)
25 (2000), Select Committee on Culture, Media and Sport Appendices to the Minutes of Evidence - APPENDIX 64: Memorandum submitted by the Australian Government, available at: https://publications.parliament.uk/pa/cm199900/cmselect/cmcumeds/371/371ap76.htm
and assigning levels of protection (see: https://mch.govt.nz/nz-identity-heritage/protected-objects/taongatuturu). The Museum of New Zealand Te Papa Tongarewa Act 1992 gives the Board of the national museum broad discretion in deciding how it should spend the funds it receives, and has since 2003 operated under a governmental order to develop and implement a repatriation programme. See: https://www.loc.gov/law/help/repatriation-human-remains/new-zealand.php
27 http://www.shaka.mistral.co.uk/abujaProclamation.htm
28 Available at: https://au.int/sites/default/files/pages/32901-file-01_charter-african_cultural_renaissance_en.pdf
29 Ibid.
30 Ibid. This Charter has yet to be formally ratified by Member States.
31 https://au.int/en/pressreleases/20200210/twelve-heads-state-commit-themselves-play-role-leadership-advocacy-and
32 Ibid.
33 REF:
34 Conflicts in Libya and Syria, Iraq, and Afghanistan have created conditions where artefacts and antiquities are destroyed, or looted and trafficked for sale on the antiquities black markets of Europe, North America and Asia.
35 https://metro.co.uk/2020/03/20/british-museum-may-closed-can-virtually-explore-venue-comfort-home-12432145/?ito=cbshare
36 Ibid.
37 Culture is not only a source of comfort and succour, it is also a source of memory and guidance, and a repository of what crises have befallen us and how we have responded to them, for good or ill. Indeed, Diamond in his 2011 book, Collapse: How Societies Choose to Fail or Survive, argues it is our cultural and historical memories of crises and our responses to these that give our species a better chance of survival in the future, and this is one reason why we try to protect and preserve them.
38 It is important not to understate the likely challenges involved in achieving this, which would require significant advocacy efforts towards parliamentarians as well as support from diaspora communities and the public. It could also fall foul of legal requirements to only return items to the legal heirs of the original owners, providing sufficient evidence of which may be challenging in some African countries.
39 https://debatewise.org/debates/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/
40 https://debatewise.org/debates/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/
About AFFORD

The African Foundation for Development (AFFORD) is an international organisation established in 1994, with a mission ‘to expand and enhance the contributions Africans in the diaspora make to African development’.

Our innovative approach mobilises the financial, intellectual, and political assets of the African diaspora and channels them to drive economic growth and social development in Africa. We also enhance the capacity of actual and potential investors and actively influence international policies to ensure they address the real needs and root causes of underdevelopment and poverty on the continent.

Our mission is achieved through programmes and projects within the following overlapping themes: enterprise and employment, diaspora remittances and investments, diaspora engagement and capacity and action-research, policy and practice.