



EXECUTIVE SUMMARY ON THE PATHWAYS FOR THE RESTITUTION OF CULTURAL HERITAGE

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This report reflects the ability to blend scholarship with practical insight, offering constructive pathways to enhance Africa's institutional and diplomatic approach to restitution



INTRODUCTION

This report examines the pertinacious displacement of African cultural artefacts and ancestral remains in Western and European museums, and removal through colonial conquest, scientific expeditions, and state-sanctioned plunder. The findings of the report emphasises that restitution is not a gesture of goodwill between states, but rather an important step in rectifying the legal, ethical and moral imperatives tied to historical justice and the cultural sovereignty of the African nations. This draws attention to the striking reality that more than 90% of Africa's material heritage remains abroad, reflecting a significant imbalance in ownership and interpretation of the continent's cultural symbols¹

The report highlights the importance of comprehensive pre-restitution measures, including establishing provenance, securing logistical and financial resources, and ensuring African national museums meet international standards such as the ICOM Code of Ethics². It further emphasizes the role of international and domestic legal frameworks such as *UNESCO 1970 Convention*³, the *UNIDROIT Convention (1995)*⁴, and relevant national laws, while noting that restitution efforts remain hindered by limited ratification, inadequate domestic implementation, and restrictive statutes of limitation and non-retroactivity provisions.

Finally, the study calls for a unified African restitution strategy anchored in regional cooperation, legal codification, and institutional reform to transform fragmented moral appeals into enforceable claims. Restitution must be redefined as a process of historical reconstruction and identity restoration, empowering African nations to reclaim the narrative of their own cultural legacy.

¹ Alessandra Gramolini, 'The Restitution of Cultural Objects to African Countries: New Form of Decolonisation?' (28 December 2021) <https://www.itssverona.it/the-restitution-of-cultural-objects-to-african-countries-new-form-of-decolonisation> accessed 10 October 2025.

² ICOM Code of Ethics for Museums

³ UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

⁴ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995.



TABLE OF CONTENTS

INTRODUCTION	5
TABLE OF CONTENTS	7
OVERVIEW OF AFRICAN ARTEFACTS AND ANCESTRAL REMAINS IN WESTERN AND EUROPEAN MUSEUMS AND COLLECTIONS.....	9
PREPARATORY STEPS FOR A RESTITUTION CLAIM	12
1. Establishing Provenance & Ownership	12
2. Legal & Treaty Framework	14
3. Logistics and Financial Resources	17
THE CURRENT PATHWAYS TO RESTITUTION	20
1.THE LEGAL MECHANISMS TO RESTITUTION CLAIMS.....	20
1.1 International Treaties and Convention Rights.....	20
1.1.1 UNESCO CONVENTION ON THE MEANS OF PROHIBITING AN PREVENTING THE ILLICIT IMPORT, EXPORT, AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY (1970)	20
1.1.2. THE UNESCO COMMITTEE ON THE RESTITUTION OF CULTURAL PROPERTY (1976–PRESENT)	21
1.2 International Guidelines and Regulations.....	23
1.2.1 THE INTERNATIONAL COUNCIL OF MUSEUMS (ICOM) CODE OF ETHICS FOR MUSEUMS.....	23
1.3 National Laws governing Restitution claims	24
1.3.1 The national laws of the UK on restitution	24
1.3.2 The national laws of France on restitution	27
1.3.3 The national laws of Germany on restitution.....	28
1.3.4 The national laws of Belgium on restitution	29
1.3.5 The national laws of Italy governing restitution	30
1.3.6 The national laws of the US governing restitution	31
1.3.7 The national laws of Canada governing restitution	32
1.3.8 The national laws of Australia governing restitution	33
1.3.9 The national laws of New Zealand governing restitution.....	34
2.THE DIPLOMATIC PATHWAYS TO RESTITUTION CLAIMS.....	35
2.1 AFRICAN FOUNDATION FOR DEVELOPMENT (AFFORD) AND ITS ALLIED INITIATIVES	35
2.2 DEPARTMENT FOR CULTURE, MEDIA AND SPORT OF THE UK’S GUIDANCE FOR THE CARE OF HUMAN REMAINS IN MUSEUMS (2005).....	36
CONCLUSIONS AND STRATEGIC RECOMMENDATIONS.....	37
BIBLIOGRAPHY.....	41



OVERVIEW OF AFRICAN ARTEFACTS AND ANCESTRAL REMAINS IN WESTERN AND EUROPEAN MUSEUMS AND COLLECTIONS

A substantial portion of Africa's cultural and spiritual heritage is currently housed in Western and European museums, much of it appropriated during eras of conquest and colonial expansion. Although such acts were framed as efforts of saving a disappearing knowledge, in reality it was a systemic displacement and looting of the cultural and religious identities of Africa.

Preservation alone cannot address the moral and historical questions surrounding these collections. Following repatriation, it must be Africans themselves who determine the worth, treatment, and role of these artefacts. Not every artefact should be confined to display cases; many hold sacred, spiritual, and communal significance as living vessels of memory, worship, and knowledge.

During the colonial period, museums were not passive beneficiaries of this loot. When Britain and other colonists dispatched its punitive expeditions with the explicit purpose of acquiring cultural objects, it institutionalised the practice of a state-sanctioned pillage. Although the UK's Human Tissue Act of 2004 introduced improved standards for the treatment of human remains in museums, artefacts from colonists continue to be framed merely as art or ethnographic objects, erasing the profound personal and spiritual ties connecting them to their communities of origin.

Museums, once viewed as detached custodians of art and knowledge, are now recognised as social and political institutions. As Hooper-Greenhill⁵ observes, museums are inseparable from society itself, serving as part of the institutional apparatus that both reflects and shapes cultural norms. Sandahl⁶ further argues that new museum paradigms must critically acknowledge the enduring inequalities and asymmetries of power that underpin global cultural relations.

⁵ Eilean Hooper-Greenhill, *Museums and the Shaping of Knowledge* (Routledge 1992) 182.

⁶ Cecilia Sandahl, *Decolonising Museums: New Paradigms in Cultural Institutions* (2019)



According to the 2018 French government-commissioned report by Senegalese economist Felwine Sarr and French historian Bénédicte Savoy⁷, up to 90% of Sub-Saharan Africa's material cultural legacy remains outside the continent⁸. Europe's leading institutions collectively hold hundreds of thousands of African

artefacts:

- Musée Royale de l'Afrique Centrale (Belgium): 180,000 artefacts, primarily from the Democratic Republic of Congo, Angola, and the Republic of Congo.
- Humboldt Forum (Germany): 75,000 artefacts.
- Musée du Quai Branly – Jacques Chirac (France): 70,000 artefacts.
- British Museum (UK): 69,000 artefacts.
- Weltmuseum Wien (Austria): 37,000 artefacts.

Beyond Europe, major holdings also exist in North America and in institutions worldwide. The **Boston Museum of Fine Arts** (USA) houses extensive artefacts from ancient Nubia, including works from the Kingdoms of Kerma and Kush. The **Geneva Museum of Ethnography** (Switzerland) maintains a collection of roughly 12,000 items from Ethiopia, Benin, and Central and West Africa. **The Staatliche Museen zu Berlin** (Germany) holds approximately 12,000 artefacts and maps from former German colonies such as Tanzania, Rwanda, Burundi, Togo, and Cameroon. Similarly, Italy's **Museum of Civilizations in Rome** contains around 10,000 African objects acquired mainly between 1875 and 1920 by explorers, missionaries, and military officials.

On a continent where **over 60% of the population is under the age of 20**, access to cultural heritage is not merely a matter of restitution

⁷ Felwine Sarr and Bénédicte Savoy, The Restitution of African Cultural Heritage. Toward a New Relational Ethics (French Ministry of Culture 2018) 12 <https://www.restitutionreport2018.com> accessed 10 October 2025.

⁸ Alain Godonou, 'Address at the "UNESCO Forum on Memory and Universality"', 5 February 2007' in Witness to History: A Compendium of Documents and Writings on the Return of Cultural Objects.



but of cultural identity and generational continuity⁹. Young Africans must be enabled to engage with their own histories, creativity, and spirituality in order to learn from the living heritage that defines who they are and who they can become.

The continued displacement of Africa's cultural heritage is not only a remnant of history but an active barrier to cultural sovereignty, justice, and self-determination. African nations should move beyond dialogue and towards implementation of immediate pathways to restitution and demand coordinated national and continental strategies that integrate legal, diplomatic, and institutional action. Restitution must no longer be seen as a symbolic gesture but as a reconstruction of history and identity, restoring to Africa the tangible and spiritual heritage that underpins its people's narrative.

⁹ Sarr and Savoy (n 7)

PREPARATORY STEPS FOR A RESTITUTION CLAIM

1. Establishing Provenance & Ownership

Provenance refers to the documented history of an item's ownership, custody, and location. It is essential for confirming authenticity, determining legal title, and assessing value. By tracing an object's journey from its creation, claimants can gather reliable evidence such as invoices, exhibition records, and sale documents. This documentation not only verifies authenticity and demonstrates that the item was not unlawfully appropriated, but also enhances its legitimacy.

Within restitution mechanisms, a central requirement in raising a claim is the claimant's burden of proving provenance, which is, establishing the history of ownership and movement of the object. While museums and curators may bear some responsibility in this process, the primary burden typically rests with the claimant.

There are various mechanisms that are currently explored in order to establish provenance to cultural artefacts.

1.1 Archival Research

Archival research involves the meticulous examination of historical records to verify ownership and assess the legality of transfers over time. Researchers analyse acquisition logs, museum catalogues, auction records, sales receipts, wills, and correspondence to reconstruct an object's chain of custody and identify how, when, and by whom it was obtained¹⁰. This process often reveals critical evidence of illicit removal, particularly during periods of colonial exploitation, wartime looting, or illegal trade. Archival documentation may further include records of confiscation, forced sales, or transfers

¹⁰ Kelley M Klor, Jane E Bartley, Jinfang Niu and Sarah A Buchanan, 'Collective Expansion of Provenance Research and Institutional Capacity to Promote and Sustain Peace' (2025) 5 SN Soc Sc 2, 12.



executed under duress, thereby supporting claims for restitution and establishing the ethical and legal basis for recovery.

1.2 Expert verification

Expert verification constitutes a critical step in establishing the provenance of an object, requiring specialised evaluation by professionals with expertise in art, archaeology, or history. Such verification typically involves stylistic and material analysis, wherein art historians, archaeologists, or curators examine the artistic style, materials, and craftsmanship of the object. This process serves to confirm authenticity and origin, ensuring that the item corresponds with its asserted historical context. Comparative studies form another key component, whereby experts cross-reference the object with similar known works to verify provenance and establish uniqueness.

1.3 Scientific and technical analysis

Scientific and technical analysis provides objective and quantifiable evidence to support provenance claims, forming a vital component of the restitution process. Dating techniques, such as radiocarbon dating, dendrochronology (tree-ring analysis), and thermoluminescence dating, are employed to establish the age of artefacts, thereby confirming whether an object originates from the asserted historical period. Material sourcing analysis, including pigment analysis, mineral composition studies, and isotopic analysis, enables the determination of the geographic origin of materials. Such methods verify whether the object is consistent with the claimed cultural or regional provenance, thereby strengthening the evidentiary foundation for claims of authenticity, legal ownership, and restitution.

1.4 Oral histories and community testimonies

Oral histories and community testimonies constitute an essential evidentiary resource in cases where written documentation is absent or has been destroyed. Such accounts draw upon the knowledge of indigenous peoples, local communities, or cultural custodians, who



can offer firsthand testimony regarding an object's origins, cultural significance, and historical ownership. These narratives frequently encompass information on ceremonial use, lineage, or local traditions associated with the artefact, providing valuable cultural context that may not be captured in documentary records. In restitution claims, oral histories can play a decisive role in validating provenance, particularly when archival or scientific evidence is incomplete or unavailable.¹¹

2. Legal & Treaty Framework

2. 1 Ensuring ratification of required International Conventions

African nations have significant scope to improve their participation in restitution-related treaties. While many states have ratified the UNESCO 1970 Convention¹² it was not yet universal. Furthermore, key frameworks such as the UNIDROIT Convention of 1995¹³, which provides detailed rules for the return of stolen or illegally exported cultural property, remain under-ratified. Greater uptake of such treaties would strengthen the continent's collective legal framework for restitution.

Ratification alone does not guarantee effective restitution. Many African states lack consistent domestic laws to implement treaty obligations, resulting in fragmented and inconsistent approaches. The development of model restitution legislation would allow states to align their legal frameworks, providing clarity and a strong foundation for claims.

Although the African Union has initiated significant discussions

¹¹ Klor et al (n 11) 14.

¹² UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (n 3).

¹³ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995 (n 4).



through the Addis Ababa conference and the designation of the “Year of Reparations”, currently there is a lack of binding regional treaties specifically addressing restitution. African nations could advance restitution efforts by developing a coordinated regional framework under the African Union, which would establish common standards, enhance cooperation, and improve the effectiveness of claims.

2.2 Framing a standard operating procedure in approaching restitution claims

The significance of framing a standardized mechanism for restitution claims lies in the need for coherence, legitimacy, and continuity in the pursuit of cultural property. The experience of **Nigeria’s Benin Dialogue Group**¹⁴ exemplifies how an organized, multi-stakeholder framework can transform restitution from isolated diplomatic appeals into a structured, sustained international dialogue. Through this coordinated mechanism, Nigeria was able to consolidate its restitution agenda, pool expertise, and present unified claims backed by legal, ethical, and curatorial arguments. This collaborative structure demonstrates that inter-agency coordination that links government ministries, museums, and traditional authorities greatly enhances the legitimacy and success of restitution efforts.

Similarly, the *Government of the Islamic Republic of Iran v. The Barakat Galleries Ltd. [2007] EWCA Civ 1374*¹⁵, case illustrates the importance of a clear legal and institutional foundation prior to initiating a claim. Where Iran’s restitution efforts were initially dismissed due to procedural and jurisdictional deficiencies, it was later upheld on appeal when Iranian national ownership laws were properly presented and recognized by the English Court of Appeal. The decision established that artifacts illegally exported can still be

¹⁴ Staatliche Museen zu Berlin, ‘In Cooperation with the Ethnologisches Museum: The Benin Dialogue Group Consolidates Plans for a Museum in Nigeria’ (25 July 2019) <https://www.smb.museum/en/whats-new/detail/in-cooperation-with-the-ethnologisches-museum-the-benin-dialogue-group-consolidates-plans-for-a-museum-in-nigeria/> accessed 10 October 2025.

¹⁵ *Government of the Islamic Republic of Iran v The Barakat Galleries Ltd [2007] EWCA Civ 1374.*



claimed by the country of origin when domestic cultural heritage legislation confers state ownership. Together, these examples underscore that restitution claims require more than moral appeals, they demand a standardized national framework encompassing provenance research, legal codification, institutional cooperation, and diplomatic strategy.

2.3 Awareness on the Statutes of Limitation or retroactivity.

Awareness of statutes of limitation and retroactivity is essential in framing effective restitution claims, as these legal constraints directly determine a state's ability to recover cultural property. *The Return of Cultural Objects Regulations 1994*,¹⁶ which implements the *UNESCO 1970 Convention*¹⁷ in the United Kingdom, sets out specific limitation periods that govern restitution actions. Similarly, *Article 3 of the UNIDROIT Convention (1995)*¹⁸ establishes clear temporal limits: restitution claims for stolen objects must be brought within three years from the time the claimant knew the location and possessor, and within 50 years from the theft. For items forming part of monuments, archaeological sites, or public collections, claims are exempt from these general time limits except for the three-year discovery rule. States may, however, extend these limits under domestic law to 75 years or more.

Equally significant is the **principle of non-retroactivity**, codified in Article 28 of the Vienna Convention on the Law of Treaties, which holds that treaties do not apply to acts or facts preceding their entry into force. As clarified in **Article 21 of the UNESCO 1970 Convention**¹⁹, its provisions apply only to cultural property illicitly exported or removed **after the Convention's entry into force** in both the requesting and requested States. These layered temporal restrictions underscore the importance of early detection, comprehensive provenance research, and strategic legal framing.

¹⁶ The Return of Cultural Objects Regulations 1994.

¹⁷ UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (n 3).

¹⁸ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995 (n 4).

¹⁹ Ibid (n17).



States must remain vigilant about limitation deadlines and the retroactive reach of treaties to ensure that restitution claims are not procedurally barred, and that appropriate mechanisms, whether legal, diplomatic, or ethical are pursued within the permissible timeframe.

3. Logistics and Financial Resources

3.1 Conservation capacity of the states and the Logistics

A fundamental prerequisite for the restitution of cultural artifacts is the requesting state's demonstrated ability to **conserve, protect, and manage** returned objects in a manner consistent with international museum and heritage standards. This encompasses not only the technical aspects of preservation but also the institutional and ethical infrastructure necessary to ensure the artifact's long-term security and cultural reintegration.

From a conservation standpoint, **Nathan Stolow's** seminal work, *Procedures and Conservation Standards for Museum Collections in Transit and on Exhibition* (UNESCO, 1981),²⁰ underscores the importance of instituting comprehensive conservation protocols at every stage of an artifact's movement. Stolow highlights that damage and deterioration in traveling exhibitions often occur due to the **absence of expert consultation and inadequate environmental control** during transit. He emphasizes that fluctuations in humidity, temperature, and vibration are among the most common causes of degradation, and advocates for the early involvement of conservation specialists to design **vibration-resistant packaging, shock-absorbent mounts, and climate-controlled containers**.

Complementing these technical capacities is the need for robust **institutional and ethical infrastructure**. The **International Council of Museums (ICOM) Code of Ethics for Museums**²¹ provides the global benchmark for professional museum conduct and stewardship. The Code, which forms part of the ICOM Statutes, presents a set

²⁰ Nathan Stolow, *Procedures and Conservation Standards for Museum Collections in Transit and on Exhibition* (UNESCO 1981).

²¹ International Council of Museums (ICOM), *Code of Ethics for Museums* (adopted 2006).



of minimum standards and guidelines for desirable professional practice across all museums.

Under Article 2.1, the ICOM Code²² mandates that each museum must adopt and publish a **written collections policy**, governing the acquisition, care, and use of its holdings. This policy forms the administrative backbone of accountability, ensuring transparency in decision-making and safeguarding against misuse or neglect of collections. Moreover, Article 2.23²³ also places strong emphasis on **preventive conservation** as an essential component of museum operations. It asserts that museums must “*create and maintain a protective environment for the collections in their care, whether in store, on display, or in transit,*” and must systematically **document and monitor** the provenance, condition, treatment, and present location of each item.

These standards are indispensable in the context of restitution. A state’s ability to adhere to ICOM’s²⁴ ethical framework and to implement preventive conservation practices demonstrates **professional credibility and custodial reliability**, both of which are critical in persuading holding institutions or foreign governments to authorize the return of artifacts.

Together, conservation competence and institutional infrastructure form the **core foundation of restitution preparedness**. They not only ensure the physical safety of cultural property but also embody a commitment to ethical stewardship, transparency, and the responsible reintegration of heritage within its rightful cultural context.

3.2 Financial planning and cost assessment

A significant obstacle to the restitution of artefacts lies in the financial and institutional capacities of claimant nations and institutions. **Research funding** is a major preliminary requirement. Provenance research demands the hiring of experts such as archivists, historians, legal specialists, and conservators to establish documentary

²² Ibid

²³ Ibid

²⁴ Ibid

evidence. This process often entails substantial expenditure on archival access fees, payment for provenance specialists, and travel and accommodation for research teams accessing foreign repositories. For instance, the €2.1 million **Franco-German fund**²⁵ demonstrates the magnitude of financial commitments that states anticipate even for the preliminary stages of provenance research, including collaborative academic and museum investigations.

Similarly, the **Glasgow City Council's decision to return 17 Benin bronzes to Nigeria**²⁶ illustrates the considerable costs associated with repatriation. The council estimated expenses of approximately £30,000 for the return of the artefacts, covering transport and insurance. The logistics of returning 26 works from various collections further revealed that *"a budget dedicated to transport and insurance costs ... can be very high depending on the fragility of the work in question and its market value."*

²⁷Beyond research and logistics, legal costs can also be substantial. Where restitution efforts involve litigation or formal negotiation, claimants must cover legal counsel fees both domestically and, where applicable, within the foreign jurisdiction holding the artefacts.

Additionally, costs of negotiation and diplomacy including travel, translation, diplomatic engagement, and public relations further strain limited budgets. These expenses may be mitigated through bilateral cooperation or international funding frameworks, though such mechanisms are not always readily accessible to developing

²⁵ Philip Oltermann, 'France and Germany to Research Provenance of African Objects in National Museums' The Guardian (19 January 2024) <https://www.theguardian.com/world/2024/jan/19/france-germany-research-provenance-african-objects-national-museums> accessed 10 October 2025.

²⁶ Rebecca Atkinson, 'Largest-ever repatriation of cultural artefacts from a Scottish museum given green light' Museums Journal (12 April 2022) https://www.museumsassociation.org/museums-journal/news/2022/04/largest-ever-repatriation-of-cultural-artefacts-from-a-scottish-museum-given-green-light/?utm_source=chatgpt.com accessed 10 October 2025.

²⁷ Ibid

nations.

THE CURRENT PATHWAYS TO RESTITUTION

1. The Legal Mechanisms To Restitution Claims.

1.1 International Treaties and Convention Rights

1.1.1 UNESCO CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT, AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY (1970)

The Convention²⁸ sets out a clear legal framework to safeguard cultural property, reinforcing the moral and legal duties of States Parties to prevent illicit trafficking and ensure restitution. It recognizes that the return of cultural property is central to preserving cultural identity, promoting solidarity, and fostering peaceful international relations.

The **preamble** establishes the guiding principle that the protection and restitution of cultural property is a core duty of States Parties, emphasizing the importance of safeguarding cultural identity and promoting peaceful coexistence.

This principle is further reinforced in **Article 3**²⁹, which provides the legal basis for declaring transfers of cultural property that violate the Convention's standards as illicit. This grants States the authority to identify and challenge unauthorized transfers and trade of cultural property.

Together, these provisions highlight both the moral and legal obligations of States Parties to prevent illicit trafficking and to ensure the protection and restitution of cultural property.

Furthermore, **Article 13**³⁰ of the convention elaborates the obligations of States Parties, requiring them to prevent transfers likely to promote illicit export or import, to cooperate in facilitating the earliest

²⁸ UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (n 3).

²⁹ Ibid, art 3.

³⁰ Ibid, art 13.

possible restitution of unlawfully exported cultural property, and to admit actions for recovery of lost or stolen cultural property brought by rightful owners. It further recognizes the inalienable right of each State Party to classify certain cultural property as inalienable, thereby strengthening their authority to prevent export and to facilitate recovery of such property.³¹

By establishing clear responsibilities for prevention, cooperation, and restitution, the Convention fosters international solidarity and reinforces a shared commitment to preserving the cultural identity of peoples. Its ratification by numerous States reflects a collective dedication to upholding the rights and protections envisioned under this international framework.

1.1.2. THE UNESCO COMMITTEE ON THE RESTITUTION OF CULTURAL PROPERTY (1976–PRESENT)

In 1976, under the aegis of UNESCO, a committee of experts convened in Venice to examine the restitution of cultural property lost through foreign or colonial occupation or illicit trafficking, especially before the 1970 Convention³². They noted the lack of international mechanisms for such cases and recommended creating a body to facilitate bilateral negotiations between States for return or restitution.

Following this recommendation, the **UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP)** was established in 1978 by **Resolution 20 C4/7.6/5** of the 20th session of the UNESCO General Conference.

The ICPRCP Committee provides a mechanism through which any State, regardless of whether it is a party to the 1970 Convention may request the restitution or return of cultural property of fundamental importance, especially in cases not covered by international conventions.

³¹ Ibid, art 13.

³² UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (n 3).



The ICPRCP Committee's mandate is to facilitate bilateral and multilateral cooperation for the restitution or return of cultural property, including proposing mediation or conciliation where necessary. It promotes research and programs to establish representative collections in countries of origin, raises public awareness on restitution issues, and guides UNESCO's related initiatives. The Committee also supports the development of museums and conservation institutions, the training of relevant personnel, and the exchange of cultural property in line with UNESCO's recommendations, while reporting its activities to the General Conference.

Before a requesting State can bring a claim to the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property, it must first attempt bilateral negotiations with the State holding the claimed object; only if these fail or are interrupted may the case be submitted. At its 33rd session, the UNESCO General Conference defined the ICPRCP Committee's role in mediation and conciliation, adopting **Rules of Procedure in 2010** to govern dispute resolution. These rules, available to UNESCO Member and Associate Member States, allow States to act on behalf of public or private institutions and nationals. Every two years, States nominate mediators and conciliators with expertise in restitution and cultural property protection. Since 1981, the Committee requires completion of a "Standard Form for Requests for Return or Restitution," which must be submitted at least six months before the Committee's session.

The committee is a cornerstone mechanism in fulfilling the principles of the 1970 UNESCO Convention³³, providing a structured, cooperative avenue for resolving disputes over cultural heritage. Through its mediation and conciliation framework, procedural rules, and standard request process, the ICPRCP Committee ensures that restitution claims are addressed transparently and fairly. Its rotating composition of 22 Member States, renewed every two years by the General Conference, strengthens its legitimacy and global representation. With Italy and the United Kingdom among

³³ Ibid.



its members, due for renewal in 2027, the Committee exemplifies sustained international commitment to protecting cultural property, fostering dialogue, and upholding the shared duty to preserve humanity's heritage.

1.2 International Guidelines and Regulations

1.2.1 THE INTERNATIONAL COUNCIL OF MUSEUMS (ICOM) CODE OF ETHICS FOR MUSEUMS

The *International Council of Museums (ICOM) Code of Ethics for Museums* establishes the minimum ethical standards for museums worldwide. It reflects a shared commitment among museums to safeguard cultural heritage, respect source communities, and uphold professional integrity. Many museums in the UK and Europe are ICOM members and are bound to comply with these provisions. The Code sets out specific duties for museums in acquisition, research, cooperation, and restitution of cultural property, ensuring ethical stewardship of collections.

Provision 2.3 of the guideline requires museums to perform thorough provenance checks and exercise due diligence before acquiring any object. This is also extended in **Provision 3.7** where it is required that research involving human remains or sacred materials be conducted in accordance with professional standards, while considering the cultural, spiritual, and ethical concerns of the source communities. It safeguards respect for heritage in both study and display.

Provision 2.5 establishes that museums must acquire human remains or materials of sacred significance only when they can be securely housed and cared for in a manner consistent with professional standards. This provision emphasizes respect for the beliefs and cultural values of the communities from which such materials originate, ensuring sensitive and culturally appropriate handling.

Furthermore, **Provision 6 (1), (2) and (3)** requires museums to cooperate with institutions in countries of origin by sharing



knowledge, initiate dialogue for the return of cultural property to the country and the museum is obliged to take prompt action to return cultural property that can be proven to have been unlawfully transferred or exported, especially when it forms part of a people's cultural or natural heritage respectively.

The **Provisions of 6 (4)** further reiterates that museums are prohibited from acquiring cultural objects from occupied territories. They must comply fully with all laws and conventions regulating the transfer of such materials, ensuring acquisitions do not contribute to exploitation or violation of international standards.

The ICOM Code of Ethics for Museums establishes a robust framework for the ethical acquisition, preservation, research, and restitution of cultural property. It places a duty on museums to respect source communities, ensure cultural sensitivity, conduct rigorous provenance verification, and engage proactively in restitution when legal and ethical grounds exist. By embedding these principles, the Code reinforces museums' role as responsible custodians of cultural heritage and as active participants in safeguarding humanity's collective memory.

1.3 National Laws governing Restitution claims

1.3.1 THE NATIONAL LAWS OF THE UK ON RESTITUTION

The Return of Cultural Objects Regulations Act of 1994

The **Return of Cultural Objects Regulations 1994**³⁴ implements the UNESCO 1970 Convention within the UK, establishing a legal framework for the identification, protection, and restitution of cultural objects unlawfully removed from the territory of a UNESCO State Party.

Article 3(1) and (2) provides that, upon application by a member State, the Secretary of State *“shall seek a specified cultural object which has been unlawfully removed from its territory”* and *“shall take steps to identify any possessor or holder,”* provided the application

³⁴ Return of Cultural Objects Regulations 1994 (UK). ³⁵ Ibid reg 3(1)–(2)

includes sufficient information, particularly regarding the actual or presumed location of the object.³⁵ **Article 3(4)**³⁶ further stipulates that once a cultural object is located, the Secretary of State must coordinate with the requesting State Party to verify its status as a cultural object, take measures to preserve it, and implement interim protections to prevent sale, export, or damage during the restitution process.

The Article 5(1) empowers the competent court to issue orders to facilitate these duties, including *“to enable a check to be made under Regulation 3(4)(a),”* for *“the physical preservation of an object which appears as a result of such a check to be a cultural object,”* and *“to prevent any such action as is mentioned in Regulation 3(4)(c).”* It is also extended by **Article 5(3)** of the act where it allows the court to authorize officers to take possession of the object or hand it over to a specified person or institution.³⁷

Furthermore **Article 6** provides that a member State “shall have a right of action against the possessor or, failing him, the holder, for the return of a cultural object which has been unlawfully removed from its territory.” Proceedings cannot be brought if the removal is no longer unlawful at the time of initiation and must be supported by a document describing the object and a declaration from the competent authorities of the member State. Additionally **Article 6** establishes that the court to order the return of the object if it is verified as the cultural object described and was unlawfully removed, but it may refuse if **proceedings are initiated more than one year after the requesting State became aware of the object’s location and possessor, or after the expiry of a special limitation period.**

Regulation 6(7) and (8)³⁸ set the special limitation periods: 75 years for objects from public collections or ecclesiastical goods, and 30 years for other objects, counted from the date of unlawful removal. These provisions override any other limitation rules under domestic law.

³⁵ Ibid reg 3(1)–(2)

³⁶ Ibid reg 3(4).

³⁷ Ibid reg 5(1).

³⁸ Ibid regs 6(7)–(8).



In sum, the 1994 Regulations provide a clear, enforceable legal mechanism for UNESCO State Parties to pursue restitution of cultural objects through UK courts while ensuring the protection and preservation of the objects during the process.

The British Museums Act of 1963

The British Museum Act 1963 is the primary statute governing the administration and management of the British Museum. One of its most significant features is its strict limitations on the disposal of objects within the collection. These statutory constraints have become central to the debate over the restitution of cultural objects, particularly those acquired during colonial periods.

General Rule in the 1963 Act³⁹

The 1963 Act prioritises preserving the national collection for public benefit. Section 3(4)⁴⁰ imposes a duty on the British Museum Trustees to safeguard objects for public use, while Section 5(1)⁴¹ prohibits disposing of any object in the collection. Together, these provisions establish a legal barrier to restitution, binding the Trustees to retain contested objects.

Narrow Exceptions in Section 5(2)

Section 5(2)⁴² of the act provides only three narrow circumstances under which the Trustees may dispose of objects. Firstly, duplicates may be disposed of, such as extra coins, books, or other items already held in the collection. Secondly, objects deemed “unfit to be retained” may be disposed of, provided this does not harm the interests of students or the general public; in practice, this exception has been interpreted narrowly, applying mainly to broken, damaged, or insignificant items. Thirdly, printed material already represented in the collection may be disposed of. These exceptions are highly

³⁹ British Museum Act 1963, s 3. ⁴⁰ Ibid art 3(4)

⁴⁰ Ibid art 3(4)

⁴¹ Ibid art 5(1)

⁴² Ibid art 5(2)

restrictive and do not extend to cultural artefacts contested by source nations, such as the Parthenon Marbles, Benin Bronzes, or Maqdala manuscripts.

Key case law in the UK Jurisdiction

Precedents highlight the interplay between statutory limits and restitution claims. In *Attorney General v Trustees of the British Museum* [2005] EWHC 1089 (Ch)⁴³, the court held that the British Museum Act of 1963 prohibits disposal of items except within narrow statutory exceptions, preventing the Trustees from returning 13 Ethiopian manuscripts looted at Maqdala (1868) despite moral or diplomatic claims. This demonstrates that such arguments cannot override clear statutory restrictions. Conversely, *Government of the Islamic Republic of Iran v Barakat Galleries Ltd.* [2007] EWCA Civ 1374⁴⁴ emphasises the need for a clear legal foundation before pursuing restitution. While Iran's initial claim was dismissed for procedural and jurisdictional reasons, the appeal succeeded once Iranian national ownership laws were established, confirming that illegally exported artifacts may be reclaimed when domestic heritage law grants state ownership.

1.3.2 THE NATIONAL LAWS OF FRANCE ON RESTITUTION

In France, the domestic implementation of the ratified 1970 Convention is primarily governed through the **Heritage Code (Code du patrimoine)**⁴⁵. **Articles L111-2 to L111-12**⁴⁶ establish controls over the export and import of cultural artifacts, while **Articles L115-2 to L115-9**⁴⁷ specifically address the restitution of human remains and property spoliated during anti-Semitic persecution. These provisions focus on addressing historical injustices, particularly the seizure of

⁴³ *Attorney General v Trustees of the British Museum* [2005] EWHC 1089 (Ch).

⁴⁴ *Government of the Islamic Republic of Iran v The Barakat Galleries Ltd* [2007] EWCA Civ 1374 (n 15).

⁴⁵ *Code du patrimoine* [Heritage Code] (France). ⁴⁶ Ibid art L111-2 to L111-12.

⁴⁶ Ibid art L111-2 to L111-12.

⁴⁷ Ibid art. Articles L115-2 to L115-9.



Jewish property under Nazi occupation and the Vichy regime, while also regulating the movement of cultural property in contemporary contexts.

Although the Heritage Code has been instrumental in managing both historical restitution and current artifact transfers, its scope has largely been limited to World War II-era cases and the general regulation of cultural property. Recognizing the need to address broader historical injustices, on 30 July 2025, French Minister of Culture Rachida Dati presented a legislative proposal to the Council of Ministers concerning the restitution of cultural property removed from former French colonies.

The proposed law specifically targets objects removed under coercion from former French colonies between 1815 and 1972, building upon President Emmanuel Macron's 2017 declaration committing France to the return of African cultural heritage held in national collections. If enacted, this legislation will create a formal framework for political negotiation and dialogue between African governments and French authorities, enabling discussions and actions to facilitate the restitution process. The bill thus reflects both a legal and political mechanism for addressing historical wrongs and promoting the repatriation of cultural property.

1.3.3 THE NATIONAL LAWS OF GERMANY ON RESTITUTION

Germany has implemented the provisions of the ratified Convention through **the Kulturgutschutzgesetz (Act on the Protection of Cultural Property)**⁴⁸, which includes specific mechanisms for claims for the return of cultural property from States Parties.

While Section 70⁴⁹ of the act establishes a clear framework for restitution claims between States Parties, Article 53⁵⁰ of the act does not extend to cultural property obtained through colonial-era acquisitions. Instead, Section 53 primarily addresses cultural

⁴⁸ Kulturgutschutzgesetz [Act on the Protection of Cultural Property] (Germany).

⁴⁹ Ibid s. 70.

⁵⁰ Ibid art. 53.



property displaced in the context of armed conflicts and restitution under the Hague Convention of 1954, with its scope largely limited to property removed after 11 November 1967.

This underscores the importance for African nations to not only ratify the 1970 Convention but also to implement it through comprehensive domestic legislation. By doing so, these states can become active parties to the Convention and bring claims under Section 70 in the German courts for the restitution of African cultural properties. Although German national law currently provides limited provisions for restitution of colonial-era cultural property, existing practices indicate a responsive and reciprocal environment that could facilitate negotiations and repatriation claims.

1.3.4 THE NATIONAL LAWS OF BELGIUM ON RESTITUTION

Belgium has incorporated the provisions of the 1970 Convention into its domestic law through the 2022 Law Recognising the Alienable Nature of Property Linked to the Colonial Past of the Belgian State⁵¹, which establishes a legal framework for the restitution and return of such property. This legislation reflects Belgium's commitment to dialogue and cooperation with States of origin while providing clear procedural mechanisms for restitution.

Article 2⁵² establishes that the primary purpose of the law is to create a legal framework governing the restitution and return of property connected to Belgium's colonial past. It emphasizes that restitution should occur through dialogue and cooperation between Belgium and the State of origin, potentially formalized through a bilateral treaty on scientific and cultural collaboration. The law further provides that such property may only be transferred for the purpose of restitution or return, and that this transfer must be made free of charge to the State of origin.

Article 4⁵³ sets the procedural framework for restitution, requiring

⁵¹ *Law recognising the alienable character of assets linked to the colonial past of the Belgian State and determining a legal framework for their restitution and return 2022 (Belgium).*

⁵² *Ibid* art. 2.

⁵³ *Ibid* art. 4.

that it occur only through a treaty between Belgium and the state of origin, and based on a scientific examination initiated by either state to determine whether the property was acquired under duress or through violence. The treaty must set out how this examination is conducted, and following it, the King may decide to decommission and return the property, transferring ownership to the state of origin. Additionally Article 3(2)⁵⁴ defines restitutable property as artifacts obtained during the period of Belgium's colonial rule over the state of origin, specifically from the signing of the Berlin Conference Act in 1885 until the country's independence.

Through this law, Belgium provides a structured and legally grounded process for restitution, combining scientific assessment, bilateral agreements, and executive decision-making, thereby operationalizing its obligations under the Convention and creating a transparent framework for returning cultural property to States of origin.

1.3.5 THE NATIONAL LAWS OF ITALY GOVERNING RESTITUTION

Although Italy is a State Party to the 1970 UNESCO Convention, its domestic implementation of international restitution obligations has primarily been effected through the **1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**. Italy ratified the UNIDROIT Convention by Law No. 213 of 7 June 1999⁵⁵, which authorized the President of the Republic to ratify the treaty and established that the Convention would be fully and directly applicable within the Italian legal system from its entry into force.

Crucially, **Article 3 of Law No. 213/1999**⁵⁶ sets out the procedural framework for restitution: claims for the return of stolen or illegally exported cultural property must be filed before the court in the jurisdiction where the object is located. If the object's location is unknown, jurisdiction lies with the court of the defendant's residence

⁵⁴ Ibid art. 3(2).

⁵⁵ Law No 213 of 7 June 1999 (Italy) (ratifying the UNIDROIT Convention). ⁵⁶ Ibid art. 3.

⁵⁶ Ibid art. 3.



or domicile; in the case of legal entities, jurisdiction is determined according to Article 19 of the Italian Code of Civil Procedure.

In addition to judicial avenues, requests for restitution may also be pursued through diplomatic and consular channels, allowing claimant States or institutions to engage both political and legal mechanisms in parallel.

Thus, while Italy recognizes the principles enshrined in the UNESCO Convention, the binding and directly enforceable mechanism within its domestic system arises from the incorporation of the UNIDROIT Convention. In practice, this means that restitution claims in Italy are pursued not solely on the basis of UNESCO obligations, but primarily through the judicial and diplomatic procedures mandated under Law No. 213/1999, providing both a legal and procedural framework for the recovery of cultural property.

1.3.6 THE NATIONAL LAWS OF THE US GOVERNING RESTITUTION

Although the United States enacted the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990 as a restitution measure, it lacks a comprehensive law addressing the return of cultural property, especially items taken during colonial periods or removed from other countries.

In practice, alternative dispute resolution (ADR) methods such as mediation and arbitration are increasingly used to address cultural property disputes, reflecting a shift beyond purely legal processes. Many U.S. cultural institutions support arbitration to resolve such matters, aiming for non-confrontational and balanced outcomes.

Glenn Lowry, Director of the Museum of Modern Art, has emphasized the need for processes that resolve disputes fairly. The Association of Art Museum Directors (AAMD) has also recommended creating mechanisms including mediation, arbitration, or similar methods in order to address the claims. Some institutions have even proposed permanent arbitration panels dedicated solely to cultural property

disputes, a concept supported by U.S. Ambassador Eizenstat as a formal means of resolving such issues.

1.3.7 THE NATIONAL LAWS OF CANADA GOVERNING RESTITUTION

Under the Cultural Property Export and Import Act 1985⁵⁷ Section 37.1 defines a *cultural property agreement* as a bilateral or international arrangement between Canada and a foreign state aimed at preventing the illicit international traffic of cultural property. It further defines *foreign cultural property* as any object designated by that state as significant for archaeology, prehistory, history, literature, art, or science, and identifies a reciprocating state as a foreign state party to such an agreement. Once such an agreement enters into force, it becomes illegal to import into Canada any foreign cultural property that has been unlawfully exported from a reciprocating state.

When the government of a reciprocating state submits a written request to the Minister for the recovery and return of such property, the Attorney General of Canada may initiate proceedings in the Federal Court or a superior court of a province for its recovery. Notice of these proceedings must be served according to court rules or as directed by a judge. If the court is satisfied that the property was illegally imported and that any amount fixed under section 6⁵⁸ has been paid, it may issue an order for the recovery of the property or make any other order necessary to ensure its return to the reciprocating state.

Section 36.1 of the same Act provides that, where the government of a State Party submits a written request to the Minister for the recovery and return of cultural property exported from an occupied territory of that State Party and held in Canada by any person, institution, or public authority, the Attorney General of Canada may commence an action in the Federal Court or a provincial superior court for its recovery. Notice of such proceedings must be served on all interested

⁵⁷ Cultural Property Export and Import Act (Canada) (1985) RSC 1985, c C-51

⁵⁸ Cultural Property Export and Import Act (Canada) (1985) RSC 1985, c C-51 art. 6.

persons in accordance with court rules or as directed by a judge.

After giving all interested parties a reasonable opportunity to be heard, the court may order the recovery or return of the property if it is satisfied that the property was exported in violation of the laws of the occupied territory or imported into Canada for protection or preservation, provided any amount fixed under subsection (7)⁵⁹ has been paid. Under this subsection, the court may also require the requesting State Party to pay just compensation to any bona fide purchaser or lawful holder who establishes valid title and demonstrates that they had no knowledge of the property's unlawful export or importation for protective purposes.

Since becoming a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Canada has actively returned significant cultural property to its countries of origin.⁶⁰ This includes important restitutions to African states such as Mali, Nigeria, and Egypt. In 2009, Canada returned three bronze bracelets of archaeological significance to Mali, and a terracotta figure resembling a Nok clay figure — along with a seated terracotta figure and a wooden ceremonial statue — to Nigeria, dating between 1,300 and 2,200 years old. These returns of artefacts of great historical, religious, and cultural value illustrate Canada's commitment to the principles of the UNESCO Convention, fostering cooperation to prevent illicit trafficking and ensure the restitution of cultural heritage.

1.3.8 THE NATIONAL LAWS OF AUSTRALIA GOVERNING RESTITUTION

Under the **Protection of Movable Cultural Heritage Act 1986**, Section 416⁶¹ stipulates that restitution of cultural objects to a

⁵⁹ Ibid S. 7

⁶⁰ Government of Canada, 'Returns of Cultural Property' (Canada.ca, 2025) <https://www.canada.ca/en/canadian-heritage/services/import-cultural-property/returns.html> accessed 10 October 2025.

⁶¹ Protection of Movable Cultural Heritage Act 1986 (Australia) s 41.

foreign country can occur only following a formal request from that country's government. An inspector may not exercise powers over a protected object of a foreign country unless there are reasonable grounds to believe that such a request has been received by the Commonwealth.

Similarly, proceedings for contraventions involving protected foreign objects cannot be initiated without a formal return request from the relevant government. In legal proceedings, a document signed by the Secretary of the Department confirming receipt of such a request serves as prima facie evidence of the stated facts. This framework ensures that restitution operates strictly on a government-to-government basis, consistent with Article 7(b)(ii) of the 1970 UNESCO Convention, which emphasizes intergovernmental cooperation in the recovery of illicitly exported cultural property.

1.3.9 THE NATIONAL LAWS OF NEW ZEALAND GOVERNING RESTITUTION

Under the **Protected Objects Act 1975**, Section 10E⁶² governs the restitution of stolen protected foreign objects. It requires that any person in possession of such an object must return it to its rightful owner. A restitution claim may be brought in a competent court within three years of the claimant learning the object's location and the possessor's identity, and within fifty years of the theft. However, the fifty-year limit does not apply where the object forms part of an identified monument or archaeological site, belongs to a foreign public collection, or was created by a tribal or Indigenous community for traditional or ritual use and is to be returned to that community.

The Act specifies that, except in limited circumstances provided under section 10D(2)(b)⁶³, no compensation is payable for the restitution of a stolen protected foreign object. Furthermore, notwithstanding the Limitation Act 2010, any claim by the current possessor against the person from whom the object was acquired may be initiated within two years of the restitution order. This provision reinforces New

⁶² Protected Objects Act 1975 (NZ) s. 10E 63 Ibid.

⁶³ Ibid.



Zealand's commitment to the recovery and return of stolen cultural property in alignment with international restitution standards.

2.The Diplomatic Pathways To Restitution Claims.

2.1 African Foundation For Development (Afford) And its Allied Initiatives

One of the principal mechanisms for pursuing restitution claims through diplomatic channels is the establishment of bilateral relationships between states, often supported by institutions dedicated to facilitating such processes. The **African Foundation for Development (AFFORD)**, founded in 1994, is an international organization committed to enhancing the role of Africans in the diaspora in advancing Africa's development. Through its **Return of the Icons Programme**, AFFORD has taken a leading role in advocating for the restitution of African ancestral remains and looted cultural artefacts. The programme operates through four core pathways: advocating for policy and institutional reform; building partnerships with African cultural and governmental institutions; mobilizing the expertise of diaspora and museum professionals; and promoting community engagement in shaping narratives of heritage, memory, and identity.

The **All-Party Parliamentary Group on African Reparations (APPG-AR)** complements these efforts by uniting parliamentarians, activists, and community stakeholders to examine issues related to African reparations and the restitution of cultural heritage. Its mandate includes developing policy recommendations on reparations and contributing to broader initiatives aimed at addressing the enduring legacies of enslavement and colonialism. AFFORD also collaborates with the **African Museums and Heritage Restitution (AFRIMUHERE)** initiative—a continental body established by the African heritage community to safeguard, promote, and facilitate the restitution of African heritage. Together, these networks strengthen Africa's diplomatic and institutional capacity to pursue restitution



claims through coordinated advocacy, partnerships, and policy engagement.

2.2 Department For Culture, Media And Sport of The Uk's Guidance for The Care Of Human Remains in Museums (2005).

This guidance applies to museums and institutions in England, Wales, and Northern Ireland holding human remains in permanent collections.

Issued after the 2003 DCMS report and 2004 consultation⁶⁴, it supports **Section 47 of the Human Tissue Act 2004**⁶⁵, which permits nine national museums to de-accession human remains under 1000 years old. The guidance is non-statutory but refers to statutory obligations, representing best practice adaptable to the size, nature, and purpose of collections.

Part 3 addresses claims for restitution or return⁶⁶. Museums, as guardians of remains, retain decision-making power but are urged to engage openly, transparently, and constructively with claimant groups. Where remains lack significant scientific value and there is a clear claimant, return may be facilitated swiftly with proper documentation. Often, claims begin with information requests rather than direct return demands. Institutions are encouraged to respond positively, as engagement fosters respectful relationships, knowledge exchange, and collaboration, even where remains are not returned.

⁶⁴ Department for Culture, Media and Sport, Guidance for the Care of Human Remains in Museums (UK, 2005).

⁶⁵ Human Tissue Act 2004 (UK) s 47.

⁶⁶ Department for Culture, Media and Sport, Guidance for the Care of Human Remains in Museums (UK, 2005) Part 3.

CONCLUSIONS AND STRATEGIC RECOMMENDATIONS

The restitution of African cultural heritage is not a diplomatic courtesy but a legal and moral necessity rooted in historical justice. Despite the establishment of international frameworks such as the UNESCO 1970 Convention and the UNIDROIT 1995 Convention, their limited ratification, narrow temporal scope, and inconsistent domestic implementation have restricted their effectiveness. Furthermore, the lack of a regional legal mechanism has left African nations pursuing fragmented, case-by-case claims, often at the mercy of foreign procedural constraints.

However, recent legislative reforms in states such as France, Belgium, and Germany demonstrate a global shift from moral acknowledgment to actionable restitution. These developments present a crucial window of opportunity for African nations to transition from advocacy to enforcement, anchoring claims in both international and domestic law, and ensuring that restitution is pursued as a right, not a favour.

Restitution must therefore be understood as a process of reconstruction: rebuilding archives, museums, and educational systems that restore cultural sovereignty, identity, and historical continuity. To achieve this, African nations must integrate legal precision, institutional readiness, and diplomatic strategy into a unified continental approach.

Strategic Recommendations

1. Establish a Unified African Restitution Framework:

Create a continent-wide legal and institutional framework to coordinate restitution efforts. This body should standardize procedures, pool expertise, maintain a digital inventory of displaced artefacts, and represent member states in negotiations or proceedings before international and domestic courts abroad.

2. Codify Model Restitution Legislation Across African States:

Each state should adopt national laws reflecting the principles of the UNESCO and UNIDROIT Conventions. These laws should codify state ownership of cultural property, establish restitution commissions, and create standing legal mandates to engage in both diplomatic and judicial recovery actions.

3. Strengthen Provenance Research and Documentation Infrastructure:

Invest in dedicated provenance research units and databases that document ownership histories, looting contexts, and current locations. Collaborative networks with international museums, archives, and universities should be formalized to enhance transparency and access to evidence for restitution claims.

4. Build Conservation and Museum Capacity:

Align museum operations with the ICOM Code of Ethics, ensuring ethical acquisition, preventive conservation, and transparent recordkeeping. Establish climate-controlled facilities and train conservation professionals to meet international standards, proving readiness to receive and preserve restituted artefacts responsibly.

5. Proceed with Legal Restitution Claims in Foreign Jurisdictions:

African nations should not rely solely on diplomacy but also pursue restitution claims through judicial proceedings in the jurisdictions of holding states. This includes filing actions before national courts in countries such as the UK, France, Germany, Belgium, and the US, where domestic statutes already incorporate restitution provisions.

States should appoint specialized legal teams with comparative expertise in cultural property law and engage international counsel familiar with these jurisdictions. Where applicable, African states should invoke standing under the Return of Cultural Objects Regulations (UK), the Belgian 2022 Colonial Restitution Law, the German Kulturgutschutzgesetz, and the French Heritage Code. Strategic litigation not only enforces existing obligations but also sets valuable precedents strengthening Africa's bargaining position



in future negotiations.

6. Mobilize Financial and Diplomatic Resources:

Establish an African Restitution Fund, supported by member contributions, diaspora networks, and international cultural foundations. This fund should cover legal fees, research costs, transport, and conservation expenses. Diplomatic missions should appoint Cultural Restitution Attachés tasked with advancing bilateral negotiations and representing states in international forums.

7. Promote Bilateral and Multilateral Cooperation with Holding States:

Following Belgium's treaty-based model and the Benin Dialogue Group, African states should negotiate structured restitution treaties with timelines, scientific review procedures, and terms for joint exhibitions and educational partnerships.

8. Engage Civil Society, Diaspora, and Youth in Heritage Diplomacy:

Cultural restitution must be a collective movement. Mobilize civil society and the African diaspora in advocacy, digital documentation, and cultural programming. Youth-led campaigns and heritage storytelling initiatives should transform restitution from a legal struggle into a unifying continental cause.

9. Create a Continental Digital Heritage Repository:

Build a comprehensive online platform documenting looted artefacts, pending claims, and resolved cases. This repository would serve as a public record, research tool, and advocacy platform, strengthening Africa's transparency and institutional credibility.

10. Reframe Restitution as Cultural Renaissance:

Restitution must be reimagined as a foundation for cultural revival. Beyond the physical return of objects, the process should reignite indigenous knowledge systems, revive community-based heritage practices, and inspire new forms of cultural creativity and scholarship. Through restitution, Africa reclaims not only artefacts but the authorship of its own story.

Ultimately, restitution must be understood not merely as the physical return of artefacts, but as the restoration of justice, dignity, and authorship to Africa's cultural narrative. By uniting legal strategy, diplomatic engagement, and institutional capacity, African states can transform restitution from isolated moral appeals into a structured framework of accountability and renewal. The way forward rests upon collective action, legal precision, and an unyielding commitment to ensure that Africa's heritage is not only returned, but rightfully reintegrated into the living continuum of its people and history.



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