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Will Provenance Research Delay Restitution of Looted African Artefacts?

There have been in recent months many references to provenance research whenever there have been discussions on restitution of looted African artefacts that are in Western museums and institutions. The impression often arises as if provenance research and restitution were inextricably linked. However, some supporters of provenance research make it clear that the two are not necessarily linked. Provenance research is presented as a possible way of obtaining knowledge and information about the looted artefacts and how they came into Western museums and institutions. However, until fairly recently there was no mention of provenance research with regards to restitution of African artefacts.

When the high priests of the 'universal museums', Philippe de Montebello, James Cuno, and Neil MacGregor discussed restitution and defended the right, if not the duty, of the Western museums to hold on to their ill-gotten African artefacts, they did not mention the need for provenance research. Similarly, the notorious *Declaration of the Importance and Value of Universal Museums* (2002) by which the Western museums tried to establish for themselves immunity against possible claims by those deprived of their artefacts, did not refer to provenance research. When in 2007 an international conference was held in Vienna within the context of the magnificent exhibition, *Benin Kings and Rituals-Court Arts from Nigeria*, and the issue of restitution was raised, no one, neither the Royal Family of Benin that requested restitution of their looted artefacts nor the Western museums that denied the request, adverted to provenance research. The absence of any reference to provenance research by all parties is easily explained. None of the parties involved or those commenting on the issue felt any need for provenance research on the Benin artefacts concerning restitution.

I started writing on restitution in 2007 and do not recall having seen or heard of provenance research in connection with restitution of looted African artefacts back then. In those days, provenance research related mainly to restitution of Nazi-looted artefacts. There was a need to find out the whereabouts of the objects, identify the owners or their successors (if they had not all been killed), and to return the objects to the owners. This was never an easy task.

Looted African artefacts, such as the Benin treasures did not pose similar problems. Everyone knew where most of the Benin bronzes were to be found, that they came from Benin City (Nigeria) and that the rightful owner, the Oba of Benin, is in Benin City and has been asking for restitution of the treasures from Western museums since decades with no success.



Head of a queen mother ioyba, Nigeria, Kingdom of Benin, early 16th century, gun bronze; Africa department, Ethnological Museum,

Berlin, Germany, Inv. No. III C 12507 (collection Theodor Francke, acquired in 1901). Author: Bin im Garten, CC BY-SA 3.0 , via Wikimedia Commons.

As demands for restitution of African artefacts became incessant and unavoidable, many NGOs, especially those united under the name of No Humboldt 21 supported restitution of the African artefacts to be shown in the Humboldt Forum in Berlin and drew attention to the illegality of the selected objects. Bénédicte Savoy resigned from the Board of Experts of the Humboldt Forum on the same issue and more attention was paid by the German authorities to the issue of illegal acquisitions. After the Sarr-Savoy report recommended restitution of looted African artefacts in French museums, we started hearing more about the necessity for provenance research. Hermann Parzinger, President of the Prussian Foundation for Cultural Heritage admitted that there had hitherto been no provenance research concerning the restitution of African artefacts:

> *"Similarly, as in the case of Nazi-looted art, it must be reconstructed from the beginning. Similarly, as in Nazi-looted art, we want not only to react to restitution demands but to proactively research and thus strengthen international cooperation. Provenance research is complicated and takes time. There is no reason for me to avoid this and we do not do that in the case of Nazi-looted art."*

It became the mantra of Hermann Parzinger that provenance research was in the DNA of the Humboldt Forum. Thus until approximately 2016, no one spoke much about provenance research with respect to African artefacts in Germany and in Europe.

During the Sarr-Savoy Commission, we had no detailed discussion on a need for

provenance research. Much of the information required by the Commission was already available in the inventories of the Musée du Quai Branly. Indeed, most persons would have been surprised if anybody suggested that there was a need for provenance research. We would have wondered what the French museums had been doing in the previous hundred years if they did not have adequate information relating to the acquisition of the looted African artefacts in their museums.

But how come that the French museums have open and detailed inventories of their acquisitions whilst the Germans do not have such records? It appears that some time around 1978, the German ethnology museums were advised not to make such inventories available to the public in order to avoid claims from the

Having developed a habit of not keeping open inventories of colonial acquisitions, German ethnological museums found themselves unable to provide such lists quickly. Instead, they felt the need to do provenance research which consists mainly of looking into their own archives and records where all the relevant information must be. This cannot take as much time as we are made to believe. Of course if you have only one staff to do provenance research on thousands of artefacts, this will take time.

Having failed for decades to keep clear inventories, the German museums are asking for more time to do this work at the cost of postponing African restitution. The need for provenance research with respect to looted African artefacts is then a German invention, appearing in response to demands for restitution and the need to appear to be doing something with respect to restitution, especially after the Sarr-Savoy report. Suddenly, there was money for provenance research of the African artefacts. Foundations and other bodies made respectable sums available for research. The German Federal Culture Foundation allocated to three museums, Ethnology Museum (Hamburg), Grassi Museum (Leipzig), and Linden-Museum (Stuttgart) each 1 million Euros over a period of four years. The ethnology museums that had been under heavy criticisms suddenly appeared to be very busy with research projects.

Frankfurt, Hamburg, and Leipzig ethnology museums seemed to be experiencing a revival or renaissance with many discussions and projects. Soon many appeared to have forgotten all the works of pioneer scholars such as Felix Luschan on Benin artefacts and saw themselves as pioneers in this matter. Does anybody want us to believe that Luschan and the other ethnologists who established the reputation of German scholars for meticulous and detailed scholarship did not carefully note the sources and circumstances of the acquisition of the many objects they received for their museums?

The question of restitution of African artefacts looted during the colonial period appeared as an examination of the German colonial system. Germans who have been mostly preoccupied with the Nazi period and Nazi restitution seemed suddenly to be confronted with the German colonial past. They were rediscovering their colonial past that they would rather forget and found that they had to deal with colonial genocides in Namibia and elsewhere.

The German Association of Museums produced *Guidelines for the handling of collections acquired in colonial contexts.* The impression created was as if African artefacts had just recently been acquired and there was an urgent need to regulate their treatment when in fact they had been lying in German museums for more than a hundred years. The Guidelines had been produced partly in answer to President Macron's declaration at Ouagadougou on 17 November 2017 on the need to restitute African artefacts from French museums, especially Musée du Quai Branly. The Guidelines which were revised within one year of their publication were clearly not in favour of restitution and tended to emphasize the need for provenance research which had been given a wider scope than we were hitherto used to. Provenance research, according to its proponents, was to deal with many aspects of the artefacts. The concept is so wide as to include finding out whether those who produced, for example, the Benin artefacts felt they were slaves or considered themselves as free artists.

We suspected that provenance research was being used as a pretext for delaying restitution. This suspicion was reinforced by the results of provenance research at the Hamburg Kunst und Gewerbe Museum (Arts and Crafts Museum). After research had shown that three Benin bronzes were indeed part of the loot of 1897, the pieces were not returned to the Oba of Benin but handed over to the Hamburger Völkerkunde Museum (which since 2019 has been known as "MARKK – Museum am Rothenbaum Kunst und Kulturen der Welt") that had already 196 looted Benin pieces in its collection. The ground advanced was that the Ethnology Museum, now Museum at Rothenbaum, could provide a better framework for displaying Benin artefacts. So, what was the point of the research? There was no need for provenance research in order to arrive at that decision. What has been done would be similar to a situation where a car thief has been apprehended and the car seized. Instead of returning the car to the original owner, one decides to hand over the vehicle to another holder of looted cars on the grounds that he has several looted cars in his car park and would be able to display better the vehicle in question.

There is no guarantee in the non-binding *Guidelines* that provenance research would lead to restitution if it was proven that the object was indeed looted. The Guidelines emphasize that provenance research is independent of restitution.

There seems to be a general assumption that once objects are restituted to the owners there can be no research on them and that is why Western museums advance the argument for research. But looked at objectively, this is not necessarily true. Questions of ownership and location need not prevent further research that is not related to ownership. One can always do research on artefacts that belong to Nigeria wherever the objects may be located provided they are sufficiently identified. Nigerian and other African scholars can also do provenance research on African artefacts.

The more important question is whether provenance research is needed at all on African artefacts such as the Benin artefacts that all came from the notorious 1897

British invasion. Who needs such research, the owners in Nigeria or the illegal holders who have kept the articles for more than 100 years? The origin of many African artefacts in Western museums, such as the Benin artefacts, Asante gold objects, and Ethiopian artefacts and scripts are known. Are there any persons who are not aware of the origin of the Rosetta stone or the bust of Nefertiti?

A remarkable aspect is that those Western museums that clamour for provenance research usually employ one person to do such research on thousands of looted artefacts. In the World Museum, Vienna, one staff member is responsible for provenance research on 38,000 African objects. How long would she take to complete the work? The museum has recently been granted 160,000 Euros by the Austrian Parliament for 2021.One is never informed on what precise object or objects museum officials are doing provenance research. That posts entirely devoted to provenance research are rare, can be seen from the amount of talk and space used whenever such a post is announced. Very few museum staff devote their time entirely to this type of research.

The German Maritime Museum, (Deutsches Schifffahrtsmuseum) in Bremerhaven, which holds 200,000 objects has been since 2017 tracing objects looted by the Nazis and in its new research project, the focus is on objects looted in the colonial period. The head of the museum has stated that her museum has enough artefacts to keep the museum busy for the next 30 years. It does not appear that the museum has adequate staff and indeed it has been sued by a lawyer for the negligence of State property leading to damages and destruction of public property.

The Contact Point that was recently established by the German government to help African States and persons searching for their artefacts in German museums has only three members of staff. Considering the great number of African artefacts in German museums that may be subject of inquiries, it is clear that the number of staff is wholly inadequate and therefore would not be able to answer satisfactorily numerous inquiries and thus delay any eventual process of restitution.

The German argument of the need for provenance research seems to have attracted museums and institutions in other countries. Even the venerable British Museum, the holder of the greatest number of looted artefacts in the world, has found it useful to use this excuse though, in its usual crafty way, not directly advancing the argument for the need for provenance research but creating the impression that it is responding to that need.

It has been reported that the great museum has appointed a curator for researching the history of its collections. A spokeswoman of the museum is accredited with saying *'it is not the purpose of this role to examine the specific histories of contested objects' even though the project 'will cover areas of the collection that include contested objects'. 'It is 'likely that issues such as the role of the slave trade and empire...will be relevant to some of the research undertaken*".

Although claims are being made for artefacts such as The Parthenon Marbles and Benin Bronzes the new curator has a wider brief to examine general issues relating to past acquisitions but research on individual objects remains with curators in museum departments.

What then is really the function of the new curator? Would she examine contested acquisitions or not? The British Museum statement provides for both 'no' and 'yes' answers. The museum thus appears to be responding to actual pressures relating to the Parthenon Marbles, and the Benin Bronzes but does not promise that these cases will be researched by the new curator. Whatever happens eventually, the venerable museum would win. The museums seek to pacify critics and protestors without seeming to yield to their pressures. The guidelines for handling colonial artefacts in the United Kingdom which the Institute for Art and Law was to produce for the Arts Council England are not yet issued.

Switzerland which never directly had colonies in Africa but undoubtedly profited from the colonial system, has recognized the need to restitute looted African

artefacts but has recently started speaking of the need for provenance research instead of proceeding to restitute.

Western contempt for Africans and their leaders comes out very clearly in restitution matters. So far, no serious argument has been advanced for non-restitution and the obvious delaying tactics involved in advancing arguments based on need for provenance research, after 100 years of illegal detention of artefacts as well as projects for digitalization, show how little Westerners respect our intelligence. Provenance research and digitalization of artefacts are useful *per se* but are being used in this context to delay restitution in so far as the financing, researchers, the tempo, and objects are all determined by the Western governments and institutions that are not in any hurry to return the looted artefacts they have kept for so long.

A recent example of disrespect is when the Nigerian ambassador to Germany, Ambassador Yusuf Tuggar requested twice the return of the Benin bronzes to Nigeria and received no answer. He later learned that his request was not acceptable since it was in his own name and not in the form of a note verbal. Readers may recall that the dynamic Zahi Hawass of Egypt received a similar treatment from Germany when he requested the return of the bust of Nefertiti as the General Secretary of the Egyptian Office of Antiquities. He was told the request must come from a minister. When Hawass became a minister and sent a request, he was informed the request must come from the President of Egypt.

Despite UN/UNESCO resolutions starting from 1973 and renewed almost every second year, urging holders of looted colonial artefacts to return them to their countries of origins, Western States and their museums have stubbornly refused to return any artefacts, knowing fully that this refusal violates the right of self-determination of peoples as already stated in the *Declaration on the Granting of Independence to Colonial Countries and Peoples*,14 December 1964, adopted without dissenting votes. Europeans have advanced spurious arguments against restitution

which they know are not valid and had been already addressed by this declaration that excludes such arguments in its articles 2 and 3:

> 2. *All peoples have the right to self-determination; by virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development.*
>
> 3. *Inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence.*

If inadequacies of colonial countries cannot be advanced as excuse for not granting independence, it follows logically that inadequacies of colonial powers can also not be advanced for not returning artefacts. Thus, arguments based on lack of provenance research, lack of funds, lack of personnel for such work and lack of time to complete such research are all invalid.

One favourite argument of Europeans has been that the African countries have not requested the return of artefacts, cheerfully ignoring the fact that the ICOM *Code of Ethics for Museums* stipulates in its Paragraph 6.2, under the heading Return of Cultural Property that *Museums should be prepared to initiate dialogue for the return of cultural property to a country or people of origin.*

By refusing to make any concrete restitution, the German government, and all European States, must realize that they are encouraging those persons, not only Africans or members of the African diaspora, who believe we must think of other ways of securing the return of our artefacts other than interminable talks and appeals to Europeans which have so far, for more than a hundred years, not yielded any restitutions.

From the many discussions and articles about restitution of looted African artefacts

in the last decades and recent times, one cannot avoid the conclusion that not much has been achieved.

French President Macron must be congratulated for his famous Declaration at Ouagadougou on 28 November 2017 for asserting that African artefacts must be displayed not only in Paris but also in Dakar, Lagos, and Cotonou. The first European statesman to accept the notion of restitution of African artefacts. The Sarr-Savoy report he commissioned shook the European States and set in motion activities that still continue. But France has not so far restituted any African artefacts. The French legislator approved the restitution of 27 artefacts to the Republic of Benin and one sword to Senegal. The French rule against alienation of objects in State domain was not modified for any general exceptions and so each object must be specifically exempted. Considering the 75,000 African objects in Musée du Quai Branly alone, this is little but theoretically this approval signifies an advancement on the French position since centuries.

Despite a flurry of initiatives and activities, Germany has not advanced much towards restitution but on the contrary, one may experience a step backwards with defences based on provenance research. Incidentally, someone should inform Germans that returning a Portuguese stone cross (Padrão) looted from Namibia and returning Witbooi's bible stolen by German soldiers, encouraging acts in themselves, do not constitute what we mean by restitution of looted African artefacts. They should not have stolen them in the first place and should not act as if they are the most generous and respectful of religions.

The Dutch have made great advances in equipping themselves with legislation that should make restitution easier, but they have also embarked on projects of provenance research which could be used to delay restitution. Could they restitute in absence of completed provenance research? Would the Dutch who are also in the Benin Dialogue Group be willing to restitute any of the 196 Benin artefacts they hold despite the group's offer of only loans, without British and German agreement?

Would the Dutch be able to resist the European family positions that often prevail in such matters? Even with the new measures, it seems the Dutch would maintain a distinction which we have previously criticised, namely, between artefacts from countries that were previously Dutch colonies and countries that were not Dutch colonies, restituting artefacts unconditionally to the first group but attaching conditions to restitution to the second group.

The recent Dutch efforts appear to be the most promising, but experience teaches us not to be too hopeful or confident about European activities when it comes to dealing with restitution of looted African artefacts. We have to wait and see.

The Belgians are busy examining their brutal colonial past and do not show any particular hurry to restitute the 180,000 looted African objects in the Tervuren Museum, now rebaptised as Africa Museum. A report is expected in October 2021.

Nobody expected the British to be in a hurry to restitute African artefacts such as the Benin treasures they looted in 1897 in a military invention. The British Museum continues to be a citadel with most looted artefacts in the world and has at most offered to consider loans of artefacts to the original owners.

It is abundantly clear, despite all subterfuges, that the Europeans will do anything except restitute a considerable number of African artefacts unless obliged to do so. Their position is clear: we keep what we hold at the moment, stolen or otherwise.

What about Africans, have we learnt anything from 500 years of European domination and racial arrogance?

Judging by recent discussions, it is difficult to assert that, at least as far as the African elite is concerned, a new vigorous, self-assured attitude, conscious of our long historical experience with Europe, and determined to be independent of Western hegemony, has appeared on the international scene and is willing to take steps to ensure restitution of a considerable number of the looted African artefacts

lying in European museums.

Europeans have been making for decades the same useless arguments to support their illegal holding of stolen African artefacts. They have even made the insulting offer of loans of our looted artefacts to the owners. Have Africans come out and strongly condemned such an insult?

Racism is at the basis of slavery, colonialism, and robbery of our resources, including artefacts. However, many Africans, especially the elite, do not appear to be willing to raise such a basic issue. They show great diffidence in their relations with Westerners and do not want to touch on any matter that might embarrass Europeans. Most of the arguments presented by Westerners for detention of colonial artefacts are based on assumptions of inherent white superiority which they expect Africans to accept without discussion.

Instead of coordinating our efforts in the struggle to recover our looted artefacts, many seem to believe it is best to do it alone. We have not heard that Ethiopia and Nigeria are consulting each other on such matters.

The fathers of African Independence would be shocked to learn that 60 years after independence we are still discussing with some Europeans what they should have handed over at the latest at the time of Independence.

What about the other States where looted African artefacts are to be found such as Denmark, Italy, Norway, Portugal, Russia, Spain, and Sweden? Are they busy with provenance research?

Whatever may be the assessment of the achievements of the last decades in the quest for the return of looted African artefacts, it is clear that the subject will not disappear no matter what subterfuges are employed such as the need for provenance research or need for more museums.

Kwame Opoku is an independent commentator on cultural affairs. This contribution is a short version of an article that first appeared in modernghana under the title 'Will Provenance Research Delay Restitution of Looted African Artefacts?' on March 14, 2021.