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Returns of Cultural Artefacts and Human Remains in a (Post)colonial Context

Mapping Claims between the Mid-19th Century and the 1970s

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Preface

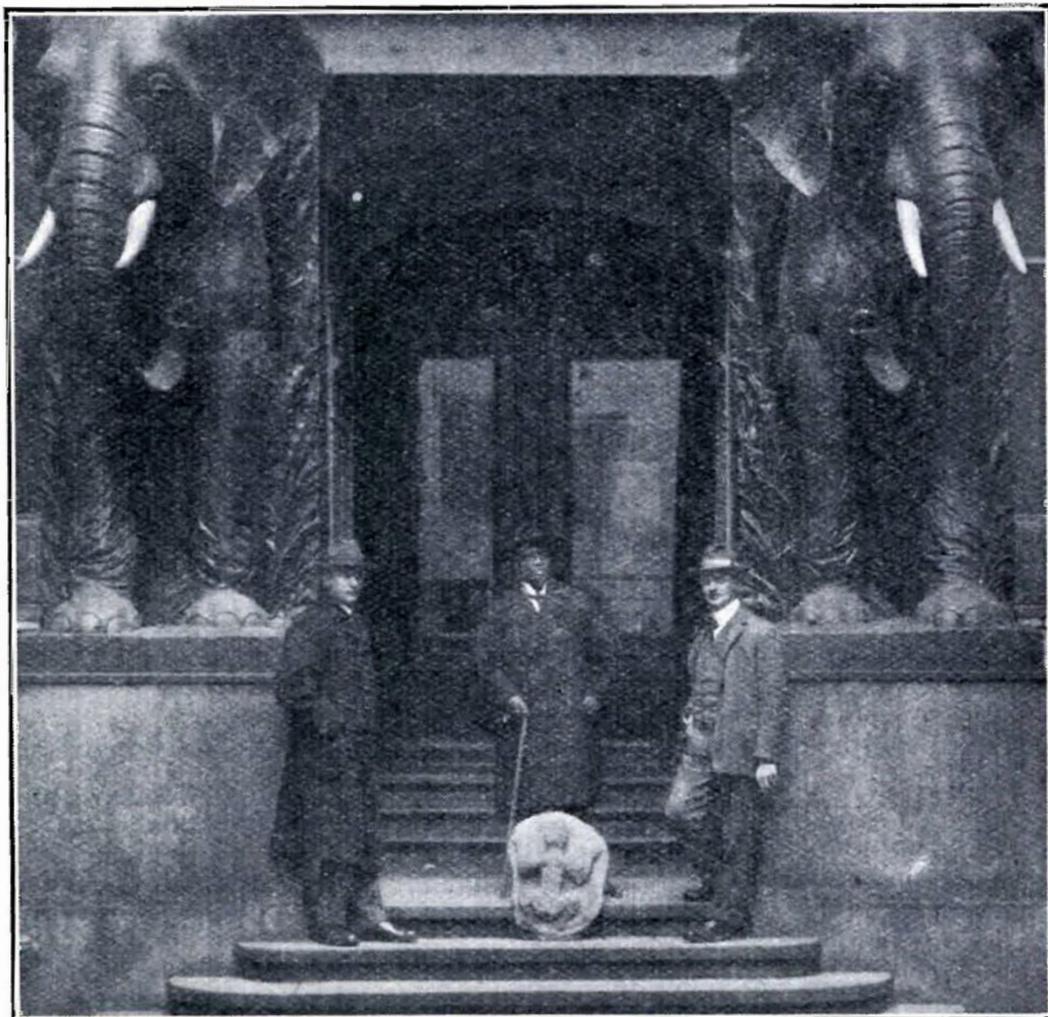


Illustration from: 'Liberia's Famous Stone. Its Disappearance and Return: An Unhappy Sequel to the Enterprise of a Film Expedition', in: *The African World*, 24 January 1925, XVII, German Federal Foreign Office, Political Archive, RZ 20778247.

It has always been popular for collectors to have themselves photographed together with their ‘acquisitions’ for purposes of visual evidence, a motif we often still encounter today when researching and presenting the histories of collections. The title photograph of this working paper can be interpreted as a counter-image in this respect¹: before the impressive backdrop of the *Afrikahaus* in Hamburg and framed by two elephant statues, the Liberian Consul General Momolu Massaquoi occupies central position; the *Mafue Stone* lies at his feet. The director of Woermann Lines and a German Foreign Office representative stand beside him. This image does not symbolise the ‘finders’ or ‘collectors’ of the object but rather the *recovery* of the stone by Liberia. In 1924, Hans Schomburgk (not in the photograph) had brought the *Mafue Stone* to Germany in the course of his documentary film work in Liberia, and Massaquoi sued him. A settlement was reached that allowed the stone to be returned to Liberia, and Woermann Lines, the shipping company who had originally transported the stone to Germany, agreed to return the object free of charge. This is only one of the early examples, largely forgotten today, in which cultural property was returned from Europe to Africa. At first glance, many aspects of the intense discussion around post-colonial restitution currently ongoing in Europe and worldwide seem new. In the light of growing demands from the countries of origin, a general confrontation with the colonial past and an increased openness of museums to the subject, for the first time it seems possible – perhaps even imperative – to address the subject of returning cultural property, or restitution. A number of voices have pointed out, however, that this discussion has grown from an earlier debate already under way in the 1970s and 1980s.

This working paper takes the matter a step further by rendering visible protests against the dispossession of cultural property and demands for its return in both colonial and post-colonial times. The regional orientation will address Africa, Asia, the Americas with the Caribbean, and Oceania with Australia and New Zealand. The paper provides an overview of examples between 1867 and approximately 1970, with an initial mapping of the field in order to cover the early cases and propose further, perhaps comparative, research. It is thus designed as a starting point rather than an exhaustive study, and seeks to specifically collate, render visible and connect example cases.

1 On counter-images, see (in German) Halder, Lucia (2020), ‘Gegenbilder’ on the platform *Visual History*: <https://visual-history.de/2020/10/20/gegenbilder/> (accessed 29 September 2021). In this context it is interesting to note that this photograph – as far as we know today – was not printed in German newspapers, which would otherwise generally feature images of the stone, sometimes with its ‘collector’, Schomburgk.

I. Introduction

Research status

Systematic studies of early restitution claims have only been rudimentarily embarked upon by research to date. Despite a clear interest in returns and restitution demonstrated by more recent studies, the field still lacks a comprehensive overview. An initial orientation, from which this paper has greatly benefited, is provided by Jos van Beurden's *Treasurers in Trusted Hands* (2017) and Jeanette Greenfield's *The Return of Cultural Treasures* (2017).¹ Essays on example cases from various disciplines and perspectives are accommodated across a vast spectrum of journals, while a wealth of texts casually refer to or suggest restitution claims without elaborating on their contexts.²

Period of investigation

This working paper collates, with the widest possible scope, cases of returns or claims for such concerning objects acquired in colonial contexts, the latter understood here not only in the sense of formal colonial rule over a territory but also in the wider sense proposed by the German Museums Association (*Deutscher Museumsbund*).³ It also addresses the activities of collectors beyond formal colonial rule that made use of colonial networks or similar power imbalances. Collecting in a 'colonial context' also means collecting with a colonial mentality, for instance when activities are based on an assumed superiority of the collector's own culture or aim to 'preserve' cultures deemed to be in a state of decline. In this sense this paper implicitly acknowledges the fact that Colombia, Turkey and Liberia, for instance, examined here in the context of collectors' activities in the early twentieth century, were independent states at the time. The cases given as examples here are intended to emphasise that the practice of collecting in these countries was nevertheless rooted in a colonial tradition, which indeed can have implications for justifying the returning of objects.

1 Beurden, Jos van (2017), *Treasurers in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, Leyden. Jeanette Greenfield (2017), *The Return of Cultural Treasures*, Cambridge.

2 For an overview of current cases, see ArThemis, a database of objects currently subject to restitution demands: <https://plone.unige.ch/art-adr/about-a-propos> (accessed 29 September 2021).

3 Deutscher Museumsbund (2019), *Guidelines for German Museums: Care of Collections from Colonial Contexts*, Bremen, 19-23.

Object of
investigation

There are several reasons for ending this study in the early 1970s. There is currently a growing interest in the debates around post-colonial restitution cases of the 1970s and 1980s, notably in the works of Bénédicte Savoy.⁴ International developments of the time brought about a decisive shift in the discourse. First, voices from the countries of origin became audible on an international level, such as in the speech given by Zairian president Mobutu Sese Seko to the UN General Assembly in 1973. Second, various international agreements gave rise to a re-framing of the debate, most notably the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. Subsequent discussion and negotiations eventually led to the establishment of the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation*. In 1971 ICOM (International Council of Museums) adopted a number of resolutions on the matter at its General Assembly, for instance on the 'Ethics of Acquisition' (Res. No. 2) or the 'Documentation of Collections and Field Missions' (Res. No. 3). The latter stipulated that 'all large museums holding important collections of foreign origin in their reserves, help, by all the means in their power (gifts, loans, deposits, exchanges, research scholarships, training of personnel, etc.), the countries of origin of these collections, so as to allow them to establish and develop modern museums which are truly representative of their specific cultures'.⁵

The majority of the examples examined here address returns or demands for such between European and African or Asian countries. To a certain extent this corresponds with the focus of the current discourse. While a few well-known cases from the Americas or Oceania are also examined, it appears that fewer requests were placed from these regions during the period of investigation, or at least that less research has addressed them.⁶ These areas of focus are, however, also a result of the

4 Sarr, Felwine, Savoy, Bénédicte (2018), *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*, http://restitutionreport2018.com/sarr_savoy_en.pdf (accessed 29 September 2021). Savoy, Bénédicte (2020), *Afrikas Kampf um seine Kunst*, Berlin. Strugalla, Anna Valeska (2020), 'Museumsdirektoren nehmen Stellung. Argumentationen, Intentionen und Geschichtsbilder in der Restitutionsdebatte der frühen 1970er Jahre', in: *Werkstatt Geschichte* 81, 101-117. On the contemporary debate see Paczensky, Gert von; Ganslmayr, Herbert (1984), *Nofretete will nach Hause. Europa. Schatzhaus der 'Dritten Welt'*, München. Fitschen, Thomas (2004), '30 Jahre 'Rückführung von Kulturgut'. Wie der Generalversammlung ihr Gegenstand abhanden kam', in: *Vereinte Nationen* 2, 46-51. For a stronger focus on illegal trade, see Meyer, Karl E. (1977), *The Plundered Past: The Traffic in Art Treasures*, London. For the British debate, see Chamberlin, Russell (1983), *Loot! The Heritage of Plunder*, London.

5 Resolutions adopted by ICOM's 10th General Assembly, Grenoble, France, 1971. <https://icom.museum/wp-content/uploads/2018/07/ICOMs-Resolutions-1971-Eng.pdf> (accessed 29 September 2021). See also the increasing coordination on the part of the countries of origin expressed in 'Resolution and Explanatory Note on Restitution of Works of Art to the Countries from Which They Have Been Expropriated', adopted at the Fifth Conference of Heads of State or Governments of Non-Aligned Countries in Colombo/Sri Lanka, August 1976.

6 It should also be pointed out here that the majority of literature analysed for this

genesis of this working paper. The examples presented are primarily cases that were publicised, and the paper has recourse to archive material from Germany and Great Britain in line with the author's research interests. The design of the paper thus also reflects the accessibility of literature and archives. Above all, it is important to note that it was not possible for this study – not least on account of the COVID-19 pandemic – to conduct research in the archives of the claimants; for the most part formerly colonised countries.

The majority of returns discussed here came from public museums or collections. There is also evidence of a number of returns on the part of private individuals, but the source material as it currently stands does not adequately reflect such cases. For this reason, some case studies can only be touched upon briefly or presented in fragments. While some examples have attracted a great deal of attention others have only been casually mentioned in the literature to date.

In the following I will concentrate on cases in which the claimants were aiming for a permanent return of the objects in question. There is also a history of requests to receive objects on loan. In 1950, for example, Mexico, or its National Institute of the Fine Arts (*Instituto Nacional de Bellas Artes*), enquired via the Austrian government whether the Museum of Ethnology (*Museum für Völkerkunde*) in Vienna might loan the institute *Moctezuma's Featherwork* for an installation in Mexico City: the institute was planning a large exhibition on Mexican art from the pre-colonial, colonial and post-colonial eras. The exhibition was intended to be highly attractive, including objects from museums abroad and thus 'unknown to the Mexican people'.⁷ Similar requests for exhibits were made for the same purpose of other European and North American museums. Both the arguments made by Mexico and the declining of the request by Austria – primarily for conservational reasons – are strongly reminiscent of other negotiations around restitutions during the same period. In this case, however, we also see – and this argument will recur later in other examples – that in many cases the struggle for returns has a significantly longer history than we might imagine today.⁸

paper was in the English language; for examples from Latin America see also relevant publications in Spanish or Portuguese.

- 7 Translation of memorandum to the Secretary of State for Foreign Affairs, Mexico, 11 August 1950, in: Weltmuseum, Archive, Vienna, 'Direktionsakten', Weltmuseum Wien, D50/163c-g.
- 8 This incident is documented in the Director's Files ('Direktionsakten') stored in the archive of the Weltmuseum Wien. See especially the correspondence between the Federal Ministry of Education, the Federal Chancellery/Foreign Affairs, the Ethnological Museum and the National Institute of the Fine Arts between 1950 and 1951. It appears that other European museums also declined Mexico's request. As a result, Mexico planned an exhibition in Paris in 1951, for which Austria once again turned down the request for a loan for conservational reasons. Other European countries did agree to participate, however. On current restitution claims see, among others, Opoku, Kwame: 'Now is the Time for Austria to Act on the Restitution of Montezuma's Crown to Mexico', *Africavenir*, 27 January 2017, <https://www.africavenir.org/news-details/archive/2011/january/article/kwame-opoku-now-is-the-time-for-austria-to-act-on-the-restitution-of-montezumas-crown-to-mexico>.

Another consequence of the diverse approaches to the topic of restitution claims and returns is the wealth of different terms and definitions used to refer to the process by claimants and activists as well as academic researchers. In the following I will not argue for a universally valid definition but rather underline the importance of addressing the issue at the beginning of any study on the subject. Wojciech Kowalski reflects on three concepts in particular from a legal perspective⁹: the term *restitution*, he states, results from an unlawful situation and is to be applied primarily to objects that have been expropriated or purloined during a state of war. *Repatriation* is different in a legal sense: although the term equally refers to the return of objects it infers a specific target recipient, Kowalski continues, for example the repatriation of objects to an ethnic group. While both are legal terms, *repatriation* implies moral rather than legal reasons. Piotr Bienkowski therefore defines restitution as a ‘return to [the] legitimate owner, based on property rights’ and repatriation as a ‘return to [the] country or sub-state group, based on ethical considerations’.¹⁰ Kowalski’s third concept is that of a *return*, which he also uses to describe the return of objects to their ‘original location’, but defines this more openly to include the return of objects from colonial contexts or illicit trafficking. When using these terms we face the challenge that they are not only defined in legal texts but have also evolved historically over time and are politically contested. The debate within UNESCO in the 1970s, for instance, constitutes only one example of a fierce dispute on the delimitation of terminology referring to restitution and returns.¹¹ For the purposes of this working paper I will therefore for the most part use the term ‘return(s)’ thanks to its wider scope.

Procedure

The examples have been regionally organised for this working paper, which systematically explores cases from the major regions of Africa, Asia, the Americas with the Caribbean, and Oceania, Australia and New Zealand, which in turn are addressed by sub-regions. This allows the study to juxtapose the cases as openly as possible and thus to unveil possible connections between them. A different structure – chronological or thematic, for instance – might render invisible long-term efforts towards restitution such as in the cases of Sri Lanka, Nigeria and Burma. The results are then summarised in three main points, bearing in mind

<https://www.ttnews.com/news/2021/09/29/through-an-anticolonial-looking-glass-on-restitution-indigenismo-and-zapatista-solidarity-in-raiders-of-the-lost-crown/> (accessed 29 September 2021); Ponce de León, Jennifer (2018), ‘Through an Anticolonial Looking Glass: On Restitution, Indigenismo, and Zapatista Solidarity in Raiders of the Lost Crown’, in: *American Quarterly*, 70, 1, 1–24.

- 9 Kowalski, Wojciech (2005), ‘Types of Claims for Recovery of Lost Cultural Property’, in: *Museum*, 228, 57, 85–102.
- 10 Bienkowski, Piotr (2015), ‘A Critique of Museum Restitution and Repatriation Practices’, in: Conal McCarthy (Ed.), *International Handbooks of Museum Studies: Museum Practice*, Chichester, 431–453, here 432–433.
- 11 Kowalski (2005), ‘Types of Claims’. Pupeter, Ellen (2021), ‘Restitution, Rückgabe oder Transfer? Ein langer Streit um den passenden Begriff’, in: *Zeitgeschichte-online*. The discussion is not limited to these three terms: in other contexts, terms such as ‘cultural recovery’ or ‘rematiration’ are used. Cf. Bienkowski (2015), ‘A Critique’, 433.

that any conclusions at this stage must remain relatively open. Nevertheless, this paper thus seeks to provide a point of departure for further discussion around early claims for restitution as well as on systematic research and a comparison of the various cases.

II. Africa

North and East Africa

Ethiopia

Ethiopia has presented a number of claims for the return of objects from European states; indeed, it is likely that one of the first official requests in a colonial context originated from this region. In the following I will discuss two Ethiopian claims which have been analysed by, among others, Richard Pankhurst, historian and former professor at the University of Addis Ababa, Ethiopia. These are, first, claims pertaining to objects looted by the British at Maqdala in 1868 and, second, objects expropriated by Italy in 1935.

In 1868, British troops occupied the mountain fortress at Maqdala, where the Ethiopian Emperor Tewodros had retreated. It was the conclusion of a British 'punitive expedition' against Ethiopia. Tewodros committed suicide in order to escape captivity. The British troops subsequently looted the palace and exported a number of objects to the United Kingdom. After Tewodros' death, Emperor Yohannes IV ascended the throne in 1872 and, as Pankhurst reports, demanded the return of the objects only six months later.¹² He wrote to Queen Victoria and the British Foreign Secretary, Earl Granville, requesting that the *Kebrä Nagast Manuscript and an Icon* stolen at Maqdala be returned.¹³ The British Museum was in possession of two editions of the manuscript and shortly thereafter returned what was considered an 'inferior copy'.¹⁴ Pankhurst describes this as probably 'the first request for restitution of cultural property ever made by an African ruler' and adds: 'The return of this manuscript set an interesting precedent, for it was the only British Museum acquisition thus far ever to be returned to a Third World country'.¹⁵ The location of the icon was unknown at the time; it was not until 1890 that it transpired that it was in the hands of Richard Holmes, who had accompanied the

12 For more background detail see Pankhurst, Richard (1999), 'Ethiopia, the Aksum Obelisk, and the Return of Africa's Cultural Heritage', in: *African Affairs* 98, 229-239, here 230-234.

13 Ullendorff, Edward; Demoz, Abraham (1969), 'Two Letters from the Emperor Yohannes of Ethiopia to Queen Victoria and Lord Granville', in: *Bulletin of the School of Oriental and African Studies* 32, 1, 135-142.

14 Pankhurst (1999), 'Ethiopia', 233.

15 Pankhurst (1999), 'Ethiopia', 233.

'Maqdala Expedition' as an archaeologist from the British Museum. A photograph of the icon was printed for the first time in 1905; however, Yohannes IV had died in 1889 and the request for its return seemed to have been forgotten.¹⁶ After Holmes' death his wife had the icon auctioned by Christie's in 1917. In 1950 the icon was put on the market once again; this time the Keeper of Prints and Drawings of Windsor Castle was interested, who also informed the Ethiopian Embassy in London should they wish to redeem it. Eventually, however, it became the private property of the Portuguese art historian Reis Santos. During a state visit by Haile Selassie, Emperor of Ethiopia, to Portugal in 1967, Santos proposed that the Portuguese government purchase the object from him to present it to Ethiopia as a state gift. This was not realised, however, and the icon remained in private hands.¹⁷

On returns in the course of state visits see
↗ China ↗ Ghana
↗ Indonesia

Two further cases from the depredation at Maqdala deserve a brief mention here, although there does not seem to have been a return request in the immediate run-up to the returns. During a state visit to the United Kingdom by the Empress Zewditu of Ethiopia and Crown Prince Ras Tafari Makonnen (the future Emperor Haile Selassie) in 1924, King George V presented them with one of the two *Crowns of Tewodros II*, which had previously been housed in the Victoria & Albert Museum (V & A) in London. In the course of a state visit by Queen Elizabeth II to Ethiopia in 1965, the Queen presented the Emperor Haile Selassie with a *Royal Cap and Imperial Seal of Tewodros*; both had also been kept at Windsor Castle.¹⁸ Research into archival records held in Ethiopia would be necessary to detail these cases.

On claims for returns following the Second World War see
↗ Egypt ↗ New Zealand ↗ Nigeria
↗ Turkey

The second group of requests for restitution to be discussed here concerns objects expropriated from Ethiopia by Italy.¹⁹ After the Italian invasion of Ethiopia in 1935, various cultural objects were transported abroad – most notably the *Obelisk of Axum* and the statue known as the *Lion of Judah* – both of which were taken to Rome. Requests for the return of the obelisk continued for several decades: first Haile Selassie, who was in exile in the United Kingdom at the time, protested against this deprivation of cultural property in a speech to the World Council of Churches.²⁰ In 1946, the Ethiopian delegation at the Paris Peace Negotiations demanded the return of the stolen property. Italy agreed in Article 35 of the 1947 Peace Treaty to return 'all works of art, religious objects, archives and objects of historical value belonging to Ethiopia or its nationals and removed from Ethiopia to Italy since 3 October 1935' within 18 months, but subsequently proved uncooperative. Although it returned most of the *Ethiopian Government Archives* as well as *paintings from the*

16 Pankhurst (1999), 'Ethiopia', 233-234.

17 Pankhurst, Richard (1982): 'The History of the Kwer'ata re'esu: An Ethiopian Icon', in: *African Affairs* 81, 322, 177-125, here 124-125.

18 Pankhurst (1999), 'Ethiopia', 234. Personal correspondence of the author with the Stella Panayotova/Royal Library, 16 March 2021.

19 For a brief summary see Mariam, Haile (2009), 'The Cultural Benefits of the Return of the Axum Obelisk', in: *Museum International*, 241/242, 1/2, 48-51; Pankhurst, Richard (1986), 'The Case for Ethiopia', in: *Museum* 38, 1, 58-60.

20 Pankhurst (1999), 'Ethiopia', 235-236

Ethiopian parliament as well as the *Lion of Judah* statue in 1969, it kept a *Crown of Tewodros* and the obelisk.

An Italo-Ethiopian Agreement of 1956 again stipulated the return of the obelisk, with reference to the 1947 Peace Treaty. However, no return was subsequently made, resulting in a resolution being passed by the Ethiopian Parliament in 1970 stipulating that: 'Pressure should be applied, for the return of the obelisk and other historical objects, by refusing permits to persons coming to the country, by the suspension of trade, and as a last resort by breaking off diplomatic relations'.²¹ For reasons of domestic politics, however, it was not possible to resolutely and durably enforce the resolution.²²

The Ethiopian example shows how in some cases claims for the return of objects were not necessarily negotiated bilaterally or in direct exchange with the holding institution, but even in the early stages were addressed in an international context or in the course of peace negotiations. Two further examples from African countries equally demonstrate this: Tanzania's claims in the context of the Treaty of Versailles and Egypt's claims directly following the Second World War.

Tanzania

On claims for returns in the Treaty of Versailles see ↗ China ↗ Saudi Arabia

The claim pertaining to the *Skull of Mkwawa*, Chief of the Hehe (†1898), a resistance fighter against German colonial rule in German East Africa, is particularly illustrative of the interconnections between British, German and Tanzanian history. This claim has been relatively well researched.²³ It was first made in the Treaty of Versailles (Art. 246): Germany was to hand over the skull to the UK, which would then return it to Tanzania. However, the skull was nowhere to be found in Germany and became the subject of intermittent debates. When, following the Second World War, the British governor Edward Twining personally took on the search, he identified a skull in the Bremen Overseas Museum (*Übersee-Museum*) and attributed it to Mkwawa. The skull was returned to

21 Quoted from Pankhurst (1999), 'Ethiopia', 235-238.

22 Pankhurst (1999), 'Ethiopia', 235-239. It was not possible here to discuss possible claims for restitution pertaining to objects not located in Italy or in the United Kingdom. An example from the 1980s shows that claims are not only negotiated between the formerly colonised and former colonisers, international trade also playing its part. The Kenya Museum had acquired a shield attributed to Emperor Tewodros, which it returned to Ethiopia in 1986. See Pankhurst (1986), 'The Case', 60. The restitution claims continued beyond the timeframe covered by this paper: a group of 500 Ethiopians published a petition calling for the return of the obelisk in 1991. The Askum Obelisk Return Committee was founded, which organised demonstrations, gaining support on the Italian side and worldwide. In Ethiopia this led to the parliament conducting a public hearing for the first time in 1996. As a result, in 1997 a joint committee was founded together with Italy, and a memorandum of understanding was signed. Nevertheless, the object was not returned until 2005.

23 Brockmeyer, Bettina; Edward, Frank; Stoecker, Holger (2020), 'The Mkwawa Complex: A Tanzanian-European History about Provenance, Restitution and Politics', in: *Journal of Modern European History*, 1-23. Bucher, Jesse (2016), 'The Skull of Mkwawa and the Politics of Indirect Rule in Tanganyika', in: *Journal of East African Studies* 10, 2, 284-302. Baer, Martin; Schröter, Olaf (2001), *Eine Kopfgeldjagd. Deutsche in Ostafrika*, Berlin, esp. 185-197.

Tanzania in a grand ceremony in 1954, although whether or not this object actually was the *Skull of Mkwawa* remains unclear.²⁴

Alongside this case, hominid fossils have also played an important role in the history of Tanzania's claims for the return of cultural property. The palaeoanthropologists Mary and Louis Leakey, for instance, had discovered a fossilised skull of the extinct hominid Zinjathropous ('*Nutcracker Man*') in 1959 and taken it to Kenya when Louis Leakey became a curator in the Coryndon Museum (today National Museum of Kenya). In 1965 the skull was to return, and it was presented to President Nyerere and the National Museum of Tanzania. The ceremony in the National Museum was also 'supposed to signal the movement of the bulk of Tanzanian fossils back to Dar es Salaam – the reclaiming of a national heritage from the scientific dominance of their Kenyan neighbours' as Amy Staniforth elaborates.²⁵

Egypt

While in the case of the *Skull of Mkwawa* the UK acted as Tanzania's advocate, urging the return not least in the interests of securing its own rule, it had no interest in supporting the return of the *Nefertiti Bust* following the Second World War. The bust is currently one of the most infamous objects in a German museum.²⁶ It was excavated by Ludwig Borchard in Tell el-Amarna in 1912 and subsequently brought to Germany when the archaeological finds were distributed. Soon after the Second World War in 1946, the Egyptian ambassador contacted the British Foreign Office, requesting the return of the bust with reference to earlier claims from the 1920s.²⁷ The British Foreign Office passed the matter on to the Allied Control Commission in Germany, which declined to support the claim, however, as the bust had not been expropriated by Germany during the last war but constituted an earlier case. While this argumentation was similar to that made in the cases of Turkey or Nigeria, it differed dramati-

On claims for returns following the Second World War see
 ↗ Ethiopia ↗ New Zealand ↗ Nigeria
 ↗ Tanzania ↗ Turkey

- 24 Alongside the skull, the *Tooth of Mkwawa* is also a controversial object. The tooth was also brought to Germany under private ownership. Only in recent years was it returned to a descendent of Chief Mkwawa. Its location seems to have been unknown in Tanzania for a long time, which is why the negotiations pertaining to the skull did not include the tooth. Hölzl, Richard (2017), 'Auf der Suche nach dem kulturellen Erbe von Iringa. Ein Gespräch über antikononialen Widerstand, Museen und Tourismus mit Jan Küver', in: *Werkstatt Geschichte*, 75, 57-69.
- 25 For a video of the return, see Tanzania: Skull Of 1,750,000-Years-Old 'Nutcracker Man' Received By President Nyerere For National Museum 1965 on: <https://www.britishpathe.com/video/VLVA99MJ3IUXEYURMINMP5NN-P5QDD-91765> (accessed 29 September 2021). There had been voices demanding the return since 1959, and in 1960 Leakey gave a replica to the museum in Dar es Salaam. For the debate and negotiation around the return see Staniforth, Amy (2009), 'Returning Zinj: Curating Human Origins in Twentieth-Century Tanzania', in: *Journal of Eastern African Studies*, 3, 1, 153-173.
- 26 See Goldmann, Matthias (2019), 'Alles nur geklaut? Zur Rolle juristischer Provenienzforschung bei der Restitution kolonialer Kulturgüter', in: *MPIL Research Paper Series*, No. 2020-19, 14-20, Savoy, Bénédicte (2011), *Nofretete: Eine deutsch-französische Affäre 1912-1931*. Köln.
- 27 Note from the Egyptian government, 14 April 1946, in: The National Archive, Kew, TNA FO 371/53375. On the early history of the Egypt's restitution claim, see Deplat, Juliette, 'The Nefertiti Affair: The History of a Repatriation Debate!' <https://blog.nationalarchives.gov.uk/nefertiti-affair-history-repatriation-debate/> (accessed 29 September 2021).

Uganda

On claims for
returns in the
context of political
independence see

↗ Congo ↗ India/
Pakistan
↗ Indonesia
↗ Laos ↗ Myanmar
↗ Senegal ↗ Sri
Lanka

cally from the statements presented to New Zealand, a country with which the British enjoyed closer political ties within the Commonwealth.²⁸ A large number of artefacts in western collections have been subject to claims by Egypt, and some of them have since been returned. Most of these claims were made beyond the temporal scope of this paper.²⁹

Two restitution cases with very different points of departure will be discussed in reference to Uganda. In 1961, before Uganda gained independence in 1962, Abubakar Mayanja, the Ugandan Minister of Education, visited his former place of study, the University of Cambridge. On this occasion he asked the vice-chancellor of the university to return the *Kibuuka Relics*, religious objects from the cult around the god Kibuuka, then located in the University's Museum of Archaeology and Anthropology, to Uganda. A year later, on the occasion of Ugandan independence, the objects were handed over on permanent loan.³⁰ In this case the objects in question were artefacts that the then Prime Minister, Apolo Kagwa, had entrusted to the museum during a journey to Cambridge in 1902.³¹ In his letter, Mayanja explained the doubt surrounding the question as to whether Kagwa had had the right to give the relics away, while also expressing gratitude that they had been well cared for in Cambridge.³²

Around a decade later, in 1972, the Ugandan Ministry of Foreign Affairs officially requested of the British Foreign Office to return the *Luzira Head* together with its accompanying artefacts.³³ This archaeological object, found during construction work in 1929, is a terracotta head. The torso as well as further pieces were also discovered during the same excavation. In the absence of comparable finds, British archaeologists at the time experienced difficulty in culturally identifying these works of pottery. The *Luzira Head* and its accompanying objects had been pre-

28 Allied Control Authorities' reply to the Egyptian government, 14 December 1946, in: The National Archive, Kew, TNA FO 371/53375.

29 For example, the fragment of the *Beard of the Great Sphinx of Gizeh*, the return of which was discussed in the 1980s, or the *Rosetta Stone or Cleopatra's Needle*, first officially claimed in 2003. On these cases see Greenfield (2013), *The Return*, 116–119. On the return of the *Amon Min Statue* to Egypt as ordered by a French court in 1981, see 'Return of Cultural Property' (1985) in: *UNESCO News*, 153, 4.

30 The artefacts are not described in more detail; see, however, Bennett, Alison (2018), 'Diplomatic Gifts: Rethinking Colonial Politics in Uganda through Objects', in: *History of Africa* 45, 193–220.

31 On the giving of artefacts to the Museum of Archaeology and Anthropology in Cambridge see Hand, Rachel (2015), 'Brass Necklet, Uganda', in: Karen Jacobs, Chantal Knowledge, Chris Wingfield (Eds.), *Trophies, Relics and Curios: Missionary Heritage from Africa and the Pacific*, Leyden, 75–78.

32 He also wrote that the National Museum in Uganda would be in a position to adequately accommodate the items; see Thomas, Nicholas (2016), *The Return of Curiosity: What Museums are Good for in the 21st Century*, London, 86–88. Thomas also explains here that there was controversy within Uganda as to how to best address the issue.

33 Ministry of Foreign Affairs, Kampala, Uganda to British High Commission, Kampala, 22 March 1972: 'This note is to request the British Government for the return of the original Luzira Head, together with all the associated finds, to the Uganda Government for preservation in the Uganda Museum', in: The National Archive, Kew, TNA FCO 31/1359.

sent to the British Museum by British archaeologists in 1933, and despite a number of academic publications on the subject by British scholars the find remained largely unknown in Uganda for a long time.³⁴ In 1972 the United Kingdom categorically declined to return the pieces after consulting with the British Museum.³⁵ This case can be considered in two different contexts: first, Idi Amin had assumed power in Uganda via a military coup in 1971. The claim for the return was made less than a year after he had established rule, at which time international ties to the UK were still cordial. But shortly after Uganda began to persecute its minorities and nationalise British companies in the country, relations with the UK deteriorated rapidly and the request was denied. Second, the early 1970s were a time in which the debate around restitution was enjoying increasing international attention. To consider this claim in the context of domestic cultural policy, the fact that Uganda undertook no further attempts following the formal refusal could be explained as a result of the decline in international relations. Archives in Uganda would have to be consulted, however, in order to conclusively settle the matter. At the same time, the request of 1972 also demonstrates that there must have been previous negotiations regarding the object's return: between 1939 and 1945 the British Museum had cast a replica of the *Luzira Head* and offered it to the Uganda Museum. No replicas were cast, however, of the accompanying objects, although the latter – according to the Ugandan claim – were of great significance for further research.³⁶

The cases of the *Kibuuka relics* and the *Luzira Head* objects differ, on the one hand, in that they were accommodated in their respective collections under different circumstances – in one case via a representative of the country of origin, and in the other case via a British archaeologist. It therefore seems all the more surprising that in the first case the restitution was completed relatively smoothly while the second case resulted in a categorical refusal on the part of the Foreign Office and British Museum. On the other hand, the cases also differ in terms of the ways in which the claims were made (the direct, personal request as compared to a state-based claim). This raises the question as to whether direct, personal requests may be more likely to achieve the desired effect in the case of smaller museums such as the Museum of Archaeology and Anthropology in Cambridge, rather than placing official claims via state institutions as in the case of the British Museum, conceived of as a universal museum and (still today) subject to many diverse restitution claims.

34 On the history of the find, see Reid, Andrew; Ashley, Ceri Z. (2008), 'A Context for the Luzira Head', in: *Antiquity* 82, 99-112, on attention given to the artefacts within Uganda see 103, Andrew Reid, Ceri Z. Ashley (2008): 'A reconsideration of the figures from Luzira', in: *Azania. Archaeological Research in Africa* 43, 1, 95-123.

35 On the internal discussion see The National Archive, Kew, TNA FCO 31/1359.

36 Ministry of Foreign Affairs, Kampala, Uganda to British High Commission, Kampala, 22 March 1972, in: The National Archive, Kew, TNA FCO 31/1359.

West Africa

Senegal

Claims for the return of objects in the course of decolonisation were also addressed to France. Senegal declared its independence in 1960 and only a year later the *Musée du Quai Branly* was called upon to return the *Sword of El Hadj Omar Tall* as well as other artefacts. Although France initially rejected the claim³⁷ the sword was returned to Senegal in 2019.³⁸

Liberia

A broad interpretation of colonial contexts would include Liberia and the hitherto under-researched first example discussed in this paper: the *Mafue Stone*. Liberia is one of the few regions in Africa that was not colonised by European powers. In the early 19th century, freed slaves from the USA settled in a region of West Africa that the Portuguese referred to as the Guinea Coast. In 1847 the country declared its independence, with African-American settlers dominating the local population. In the early 1920s, documentary filmmaker Hans Schomburgk was travelling through Liberia. According to his own account³⁹ he purchased the *Mafue Stone* from a Paramount Chief and sent it to Germany, where he presented it to the Museum of Ethnology in Hamburg (*Völkerkundemuseum Hamburg*) in 1924. The stone depicts a tailless alligator and is considered a religious artefact. It appears that, shortly afterwards, the Golo Community, the previous owners of the stone, intervened via the Liberian government. The result was that the Consul General, Momolu Massaquoi, the official representative of the Liberian government in Germany, instituted legal proceedings against Schomburgk. He questioned Schomburgk's account as to how the stone had been acquired: 'the stone in question is a monument sacred to the memories of the ancestors of that section of Liberia where it was found. For centuries it has been, and is still revered by the people of that section. It is not one man's property; but property of the entire country, nor can it, under the communistic law of that tribe, be sold by any one individual – not even excepting the Paramount Chief.'⁴⁰ The Consul General subsequently argued that Schomburgk had paid a fee agreed upon with the Paramount Chief merely to film the stone.

The lawsuit could not be ignored by Germany – unlike protests from the local populations of the colonies or other faraway regions. The police confiscated the stone, the German Foreign Office acted as arbiter, and Hamburg traders sought to intervene. Alongside the political and

On claims for returns
via lawsuits see
↗ China ↗ Colombia
↗ USA

On returns by private
individuals see
↗ Nigeria ↗ Sri Lanka
↗ USA

37 Example given in Foliard, Daniel (2018), 'Les vies du "trésor de Ségou"', in: *Revue Historique*, 4, 688, 869-898, here 889-890.

38 'France returns Omar Tall's Sword to Senegal', *BBC News*, 18 November 2019, <https://www.bbc.com/news/world-africa-50458081> (accessed 29 September 2021). Sarr, Felwine; Savoy, Bénédicte (2021), 'Eine protokollarische Herausforderung', in: Merten Lagatz, Bénédicte Savoy, Philippa Sissis with Simon Lindner (Eds.), *Beute. Ein Bildatlas zu Kunstraub und Kulturerbe*, Berlin, 356-359.

39 See for the response and other matters of interest: Liberian Consulate-General, Hamburg, to Senate Committee for Foreign Affairs, Hamburg, 11 June 1924, in: Hamburg State Archive, 132-1 I_2498.

40 Liberian Consulate-General, Hamburg to Senate Committee for Foreign Affairs, Hamburg, 11 June 1924. Hamburg State Archives, 132-1 I_2498.

economic considerations, the case also had a personal dimension. While Schomburgk was not strictly averse to returning the artefact, he was anxious that doing so might be interpreted as an admission of guilt, which would have damaged his reputation. At the time he was one of the most important conveyors of knowledge about Africa in Germany on account of his work as an author, touring lecturer and documentary filmmaker, and as newspapers were already reporting on the matter he was concerned for his good name. Eventually, Schomburgk and Liberia's lawyers agreed to a settlement that would allow the object to be returned and permitting replicas of the stone to be cast while clearing Schomburgk of any deliberate malice.⁴¹

Togo

The following case from West Africa concerns the then German colony of Togo. Hans Gruner reports that, during the 'Togo Hinterland Expedition' of 1894/95, two of his soldiers found a robber's lair and returned the stolen goods to their various owners, as far as they could be identified. Gruner allowed the soldiers, however, to keep two *Sultan Robes* as a 'reward'. During subsequent talks between Gruner and the sultan, the latter demanded that the robes be returned; he had presented them to two of his 'greatest' as 'awards' and 'rank insignia'. At first Gruner refused but later offered a compromise: the robes would be returned if the soldiers were offered appropriate compensation. Ultimately, this was the reason why the robes were not returned.⁴²

This incident is instructive from a number of perspectives. First, it illustrates that during the colonial era persons of authority demanded the return of objects that had been appropriated by representatives of the colonial power. Second, Gruner's descriptions demonstrate a discrepancy in legal concepts: Gruner saw no legal or moral transgression in withholding the sultan robes. Rather, he criticises the complaint or claim made by the sultan as a violation of the 'good customs of the indigenous people' which frown upon business or legal affairs being discussed during courtesy calls; typical, Gruner claimed, 'of the insolent manner in which individual indigenous rulers seek to satisfy the interests of their key players even at the expense of their contractual obligations'.⁴³ Sources depicting the other side of the story would be helpful for contextualisation purposes, particularly for cases where protests were voiced shortly after the expropriation of cultural artefacts but were ignored or negated by the colonial rulers.

On claims for returns
around the time of
expropriation see
↗ Botswana ↗ Congo
↗ Namibia ↗ Nigeria

41 Transcript: Civilian cases, Hamburg State Court 10, 8 December 1924. Hamburg State Archives 132-1 I_2498. One replica is in what is now the MARKK (*Museum am Rothenbaum – Kulturen und Künste der Welt*), Hamburg, and another is in the Berlin Museum of Ethnology (*Ethnologisches Museum*).

42 Quoted from: Gruner, Hans (1997), *Vormarsch zum Niger. Die Memoiren des Leiters der Togo-Hinterlandexpedition 1894/95*, ed. and introduced by Peter Sebald, Berlin, 359, 369–370. The incident is also described in: Riesz, János (2009), 'Der Bericht des Arztes Dr. Richard Doering (1868–1939) über seine Teilnahme an der Togo-Hinterland-Expedition von 1894–1895', in: Katharina Inhetveen, Georg Klute (Eds.), *Begegnungen und Auseinandersetzungen*, Köln, 533–555, here 543. Many thanks to Eva Künkler for bringing this case to my attention.

43 Gruner (1997), *Vormarsch*. Riesz (2009), 'Der Bericht', 543.

On restitution claims around the time of expropriation, see ↗ Botswana ↗ Congo ↗ Namibia ↗ Togo

Nigeria, with its claim for the *Benin Bronzes*, is a prominent case in the ongoing restitution debate. It should not be forgotten, however, that Nigeria can look back on a long history of restitution claims, some of which have been successful.⁴⁴

The first case described here is an example of a return in the direct context of the dispossession of cultural artefacts. When German ethnologist Leo Frobenius conducted an expedition in Nigeria in 1910, the bronze *Olokun Head* had already caught his interest during the preparations. During his stay in the Yoruba area of southern Nigeria he learned that the head was in the possession of a local priest. Frobenius initiated negotiations and purchased the *Olokun Head* for a small sum; the priest was planning to deconsecrate the head in a ritual. The next day, however, the priest expressed concern that he had sold something that had not belonged to him. Frobenius took the *Olokun Head*, promising to have a replica made.⁴⁵ As historian Glenn Penny has argued, however, what was later referred to in the literature as the ‘Olokun Affair’ was essentially not the conflict between Frobenius and the previous owners, but rather the dispute between Frobenius and the British colonial powers. Following the sale of the object, the local population reported to the British authorities that Frobenius had purloined religious artefacts without the consent of the population, including, most controversially, the bronze *Olokun Head*. The British authorities summoned Frobenius back to Ife, called him before an improvised court and compelled him to return a number of artefacts. The British reports describe Frobenius’ behaviour as ‘uncooperative’, ‘dishonest’ and ‘at times childish’. Frobenius gave a rather different account: the incident, he said, was caused by a translation error on the part of his assistant, as well as the envy and resentment of Charles Partridge, the local British representative. He interpreted the situation not only as an obstruction to his work but also as an attack on the scientific community. German newspapers, museum directors and both German and British politicians became involved in the dispute – which, it appears, grew deaf to contributions from local voices.⁴⁶

44 On this see also Tuggar, Yusuf M. (1 April 2021), ‘Afrikas Kulturschätze müssen zurückkehren. Seit fünfzig Jahren fordert Nigeria die Restitution der geraubten Benin-Bronzen’, in: *FAZ*, 13. Here, the republic’s ambassador reports on the past fifty years of restitution claims.

45 Fagg, William; Underwood, Leon (1947), ‘An Examination of the So-Called ‘Olokun’ Head of Ife, Nigeria’, in: *MAN* 49, 1-7. Description based on Leo Frobenius’ reports. See also Hellman, Amanda (2013), ‘A Continuation of the German-British Rivalry in Nigeria: The Case of Leo Frobenius’, in: Amanda Hellman, *Developing the Colonial Museum Project in British Nigeria*, Georgetown, 44-48.

46 Penny, Glenn (2002), *Objects of Culture. Ethnology and Ethnographic Museums in Imperial Germany*, Chapel Hill, 115-123. Other reports claim that Frobenius apologised or was compelled to apologise, *ibid.*, 116. It is striking that Ekpo Eyo mentions the incident in the introduction to the exhibition ‘Treasures of Ancient Nigeria’ but does not do so in his later article providing an overview of African restitution claims: Eyo, Ekpo (1980), ‘Introduction’, in: Ekpo Eyo, Frank Willett (Eds.), *Treasures of Ancient Nigeria*, New York, 3-23, here: 11. Eyo, Ekpo (1996), ‘Repatriation of Cultural Heritage: The African Experience’, in: Flora Kaplan (Ed.): *Museums and the Making of ‘Ourselves’: The Role of Objects in National*

On returns made by
private individuals
see ↗ Liberia
↗ Sri Lanka ↗ USA

At the forefront of the claims, however, we find artefacts that were purloined during a British 'punitive expedition' to Benin in 1897. A very early restitution case has been analysed by Audrey Peraldi: when the British Under-Secretary of State for the Colonies, Lord Plymouth, travelled through Nigeria in 1935, Oba Akenzua II asked for this support with the recovery of two *stools* that had been expropriated in 1897. Research as to the location of the stools led Plymouth to the Royal Museum of Ethnology, Berlin (*Königliches Museum für Völkerkunde*). The museum was not willing to return the original stools; an agreement was reached, however, by which replicas would be produced and sent to Nigeria. It is important to note here that each of the two replicas had an inscription added to its base: 'Oba Akenzua II. Replica of Oba Esigie's Stool. 1897 Benin Expedition war trophy now in the State Museum in Berlin' and 'Oba Akenzua II. Replica of Oba Eresoyen's Stool. 1897 Benin Expedition war trophy now in the State Museum in Berlin'. In 1939 the replicas were transported to Nigeria at the expense of the British embassy.⁴⁷ Parallel to this procedure a number of private returns took place, such as *coral beads and crowns* as well as a *tunic of coral beads* to Oba Akenzua II by G. M. Miller, whose father had acquired the objects during the 'punitive expedition' of 1897.⁴⁸ And in 1957 Josephine Walker, widow of Captain Herbert Sutherland Walker, donated a *six-foot ivory tusk* to the Museum at Jos, Nigeria, that her husband had acquired during the 'Benin punitive expedition' – this inspired Mark Walker, grandson of Josephine Walker, to return other objects in 2014.⁴⁹

After the Second World War and the establishment of the Antiquities Service, Nigeria's efforts towards recovering artefacts became more systematic. The first significant case was that of the *Ife Bronzes*, which US-American William Bascom had removed from the country during a research expedition in 1938. The matter was also debated on an official level from 1946. Kenneth Murray, Head of the Antiquities Service, addressed the requests for return to the US State Department, but despite several years of correspondence the endeavour ultimately proved unsuccessful in 1948. When Bascom undertook a further expedition to Nigeria in 1950, however, he returned both the controversial *Ife Bronzes*. This instance is especially significant given that Bascom was one of the leading experts on Yoruba culture and society, and the return of the objects reflected on his reputation. It was therefore important to Bascom to

Identity, London, 330-350.

- 47 For a description, including details on the sources, see Peraldi, Audrey (2017), 'Oba Akenzua II's Restitution Requests', in: *Kunst & Kontext* 1, 23-33.
- 48 Plankensteiner, Barbara (2016), 'The Benin Treasures: Difficult Legacy and Contested Heritage', in: Brigitta Hauser-Schäublin, Lyndel V. Prott (Eds.), *Cultural Property and Contested Ownership: The Trafficking of Artefacts and the Quest for Restitution*, London, 133-155, here 139.
- 49 Layiwola, Peju (27 July 2014), 'Walker and the Restitution of two Benin Bronzes', in: *Premium Times Nigeria*, <https://www.premiumtimesng.com/entertainment/165632-walker-and-the-restitution-of-two-benin-bronzes-by-peju-layiwola.html> (accessed 29 September 2021). Van Beurden (2017), *Treasures*, 214, 216.

have Murray confirm his innocence when exporting the artefacts: that his motivation had been to merely raise public awareness of Ife art.⁵⁰

In the post-war period until the 1970s, Nigeria also purchased a number of artefacts originating from the Kingdom of Benin – the British spoils of the 1897 war. These objects were part of the collections of Admiral Rawson (1948, 1951), Robert Allman (1953), and William Oldman (1949). Some of these acquisitions came from the British Museum in London which resold some objects to Nigeria. All in all, the British Museum sold thirty Benin artefacts between 1949 and 1972, using the revenue to purchase new objects, and additionally donated some as gifts.⁵¹

One of these sales requires closer examination. In 1909 anthropologist Charles Seligman, a professor at Oxford, purchased and presented to the British Museum a number of artefacts that had been acquired in Benin during the 1897 expedition. One of these was a 16th-century mask that later became known as the *Mask of Queen Idia* or the *FESTAC'77 Mask*; a further mask remained in his possession. At the end of the 1950s his widow, Brenda Seligman, wished to sell the mask.⁵² In January 1958, Kenneth Murray, Surveyor of Antiquities, Nigeria, contacted Nelson A. Rockefeller to ask whether the latter knew that the *Seligman Mask* was for sale. He said that it had been offered to Nigeria (for 20,000 pounds sterling) but that Nigeria could not afford to pay such a high price for a single object. He suggested that Rockefeller purchase the mask in order to then donate it to Nigeria: 'In view of past history I feel that the 'Whiteman' should do all possible to help to bring back to the countries of West Africa such very important specimens of art as this ivory', wrote Murray.⁵³ The proposal seemed realistic in that Rockefeller was interest-

50 Hellman, Amanda (2013), 'William Bascom and the Ife Heads', in: Amanda Hellman, *Developing the Colonial Museum Project in British Nigeria*, Georgetown, 66-74. On the controversy surrounding awareness of the fact that Bascom was exporting the artefacts, see also: Tignor, Robert L. (1990), 'W.R. Bascom and the Ife Bronzes', in: *Afrika* 60, 3, 425-434. Ottenberg, Simon (1994), 'Further Light on W.R. Bascom and the Ife Bronzes', in: *Afrika* 64, 4, 561-568. See also Eyo, Ekpo (1979), 'Nigeria', in: *Museum*, 18-21.

51 Here, Ekpo Eyo emphasises the cooperation with William Fagg, British Museum, and writes that Nigeria ceased purchasing Benin artefacts at the end of the 1960s due to the dramatic rise in the market prices. Eyo, Ekpo (1979), 'Nigeria', in: *Museum*, 18-21. For a list of transactions carried out by the British Museum, including the sales and gifts to Nigeria, see Lundén, Steffan (2016), *Displaying Loot: The Benin Objects and the British Museum*, Göteborg, 436-441. See also: Plankensteiner, 'The Benin Treasures', 138. The repurchasing activities seem, however, to have been resumed at a later date, as suggested in Savoy's reports of auctions during the 1980s in which Nigeria was among the bidders: Savoy (2021), *Afrikas Kampf*, 142-144. Opoku, Kwame (2008), 'The Absence of a Formal Demand for Restitution A Ground For Non-Restitution?', in: *Modern Ghana*, 14 April 2008 <https://www.modernghana.com/news/162530/is-the-absence-of-a-formal-demand-for-restitution.html> (accessed 29 September 2021).

52 On this, see also Phillips, Barnaby (2021), *Loot. Britain and the Benin Bronzes*, London, esp. chap. 15. Phillips also explains here that Murray was first considering whether the richest Nigerians could each contribute a financial donation with which the mask could then be purchased; later he requested funds from Shell, without success.

53 Murray to Rockefeller, 3 January 1958, Rockefeller Archive, Folder 1652. My thanks to Bethany J. Antos, Rockefeller Archive.

ed in purchasing the mask for the Museum for Primitive Art, New York, and was also a strong financial supporter of museum activities in West Africa. When Rockefeller nevertheless declined the suggestion, Murray once again appealed to his sense of altruism: 'It would have been a gesture which might have had considerable repercussions in convincing Africans of the genuineness of the whiteman's claim to altruism'. He also emphasised that Bascom had been convinced to return artefacts in the past.⁵⁴

This case is best considered in the context of the great debate around the *FESTAC'77 Mask*. FESTAC'77 was the Second World Black and African Festival of Art and Culture, planned in Nigeria in 1977. Before the event, Nigeria had requested the restitution or loan of the *Mask of Queen Idia* of the British Museum, which was declined. As a result, the mask became a symbol of post-colonial restitution demands. Even if the *Mask of Queen Idia* in the British Museum is given a certain prominence in current debates, it is comparable to the *Seligman Mask* not only with regard to its artistic or cultural value but also given that both masks have the same provenance.⁵⁵

Nigeria continued its efforts towards the return of artefacts even after it had ceased purchasing objects as of 1970. This activity entered a new phase in 1968 when Ekpo Eyo took over the Department of Antiquities. A Nigerian now occupied this position for the first time since Murray, and this fact raised awareness of restitution issues on an international level.⁵⁶

Ghana

The seizure, destruction and depredation of the city of Kumasi by British troops in 1874 during the Third Anglo-Ashanti War constitutes an event of Ghanaian history that in many aspects can be considered comparable to the 'punitive expedition' against Benin of 1897. While the return of the Benin Bronzes is still the subject of intense debate today, the possible return of the *Ashanti Gold*, expropriated by the British in a similar context, has received far less attention. While no protests are known

54 Murray to Rockefeller, 31 January 1958, in: Rockefeller Archive Center, New York Folder 1652. On the later purchase by Rockefeller see Linné, S. (1958), 'Masterpiece of Primitive Art', in: *Ethnos* 23, 2, 172-174, in which Linné emphasises the value of the mask and reports that it fetched 'the highest sum ever paid for an ethnographical object'. This was not the only example where Murray sought to acquire an object or a group of objects at great expense. In 1946 he wrote to the British Colonial Office describing Nigeria's need for the return of objects and ability to preserve them. Germany, on the other hand, had extensive Nigerian collections and it should be explored to what extent objects from these collections could be transferred to Nigeria. He added an extensive list of collections and museums in German-speaking countries. This attempt failed. See Murray to Carstairs, 8 July 1945, in: TNA.

55 On the valuation of the *Seligman Mask* see Fagg, William (1957), 'The Seligman Ivory Mask from Benin', in: *MAN* 57, 113 and Plate J. For a classification of the *FESTAC'77 Mask* see the object description by the British Museum: AF1910,0513.1 https://www.britishmuseum.org/collection/object/E_AF1910-0513-1 (accessed 29 September 2021).

56 See Plankensteiner: 'The Benin Treasures' 141; cf. also Eyo, Ekpo (1996), 'Repatriation of Cultural Heritage: The African Experience', in: Flora Kaplan (Ed.): *Museums and the Making of 'Ourselves': The Role of Objects in National Identity*, London, 330-350. On further purchases after 1970 see FN 51.

*On returns in the
course of state
visits see ↗ China
↗ Ethiopia
↗ Indonesia*

to historians from the time when the cultural property was purloined, the discussion around cultural artefacts between Ghana and the UK began during the independence era.⁵⁷

In this context, the Secretary of State for the Colonies, Alan Lennox-Boyd, proposed returning a Golden Mask to Ghana – unsuccessfully, due to a lack of support from the other ministries.⁵⁸ More concrete was the issue of the return of objects during Queen Elizabeth II's state visit to Ghana in 1961: She presented five Ashanti objects to President Nkrumah for Museums in Ghana (two chairs, two stools and an umbrella).

Prior to the state visit in 1961, various restitution requests were voiced by Labour MP Tom Driberg. He had learned during a trip to Ghana that Ghana did not possess a complete collection of *Gold Coast Stamps* and proposed that the Queen present the missing stamps during her next state visit; due to the costs, amongst other reasons, the idea was not realised, however. Like the first case, the matter can only be reconstructed here using the British records and so it remains unclear whether this wish was also expressed by the Ghanaian government. The second Driberg case is considerably more instructive. In a museum in Ghana (probably Accra), Driberg had seen a *bronze jug* that was obviously a replica; the original was in the British Museum in London. Driberg proposed that the objects be exchanged. What makes this case particularly interesting is that the artefact was a jug from 14th-century England that had probably previously been in a collection in Kumasi, from where it was then brought back to England after the city was sacked. While the acquisition history remains unexplained it is conceivable that it was a gift or object of exchange of European travellers or diplomats. And although the context in which the replica was made is equally unknown, its production and exhibition demonstrates the interest of the museum in these artefacts. Inquiries were made but any possible return or exchange proved impossible due to formidable resistance from the British Museum's curator. The case is notable in that the discussion pertains not to the return of an artefact produced in Ghana but of a European object that was part of the Kumasi collection before the city was sacked by British troops.⁵⁹

57 One stool and the umbrella were looted in Kumasi; the stool was presented to Edward VII (Prince of Wales); the umbrella was displayed at the Kensington Museum. The other chair as well as the stool were presented to Queen Victoria after a military campaign 1896. Both have plates stating 'This chair belonged to King Prempeh of Ashanti'. It is unknown if the objects are still in the National Museum, Accra. There are also Objects in a museum in Kumasi that house objects brought back by Queen Elisabeth II during a state visit. Personal correspondence of the author with the Stella Panayotova/Royal Library, 16 March 2021 and Boakye Bua, Francis (1995), 'Community Initiative & National Support at the Asante Cultural Centre, Ghana', in: Claude Daniel Ardouin, Emmanuel Arinze (Eds.), *Museum & the Community in West Africa*, London, 105-112.

58 Memorandum in The National Archive, Kew, TNA FCO 65/1335.

59 Further information about the case can be found in The National Archive, Kew, TNA DO 195/60.

In the 1970s, a public discussion began around the return of cultural property to Ghana. One of the earliest claims that can be found in British records is a case concerning the report on the opening of the West African Historical Museum at Cape Coast Castle, Ghana, in 1972. In the opening speech, the director of the Ghana Museum and Monuments Board, Kwesi Myles,⁶⁰ and the Central Regional Commissioner, Commander J. K. Amedume, both appealed to the UK to return artefacts removed from the country during the colonial era – the UK having, they noted, a ‘special responsibility’ in this regard.⁶¹ The British present at the opening ceremony reported this to London but otherwise the incident was ignored. It was not until 1974, on the 100th anniversary of the sack of Kumasi (and beyond the timeframe covered by this paper) that the then Asantehene, Otumfuo Nana Opoku Ware II, reclaimed *Ashanti Regalia* via the Ghanaian government. These claims for restitution were discussed in various newspapers. Even though the actual objective – the recovery of the objects – was unsuccessful, the claim resulted in a cooperation and an exhibition, some years later, on ‘Asante: Kingdom of Gold’ in the Museum of Mankind/British Museum, London.⁶²

Central Africa

Congo/Zaire

Congo/Zaire also plays an important part in the history of restitution claims. Mobutu Sese Seko put the restitution discourse on the international agenda with his speech before the UN in 1973, thus initiating developments that would lead to the return of artefacts for years to come.⁶³ In this respect, his speech can be contextualised within a longer history of restitution claims.

Maarten Couttenier has traced the history of a wooden statue that belonged to Ne Kuko, one of the ‘nine great chiefs of Boma’ in the west of nowadays DR Congo. The statue was brought to Belgium in 1883 by its ‘collector’, Belgian officer Alexandre Delcommune, where it entered the collection of the Royal Museum of Central Africa, Tervuren, as a ‘gift’ with inventory number 7943. The statue was acquired in a context of violence. During warlike conflicts in 1878, Delcommune’s troops advanced against Kikukku in eastern Boma, amongst other targets. Delcommune ordered his men to set fire to the first houses they came across, and the

*On claims for returns
around the time of
expropriation see*
↗ Botswana
↗ Namibia ↗ Nigeria
↗ Togo

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- 60 Myles wrote a review of the museum holdings in Ghana for UNESCO in 1981 in which he also listed collections located abroad in order to promote returns or restitutions. See Myles, Kwesi (1981), *Study of the Situation in Ghana*, CC.81/Conf.203/8.
- 61 Cook to Baker (WAD, FCO), 8 January 1974, in: The National Archive, Kew, TNA FCO 65/1503.
- 62 Opoku Ware II to Her Majesty’s Government, The Ghana Government, The British High Commissioner in Ghana for onwards transmission, 2 January 1974, in: The National Archive, Kew, TNA FCO 65/1503. See also: *Centenary of the Sargrenti War: The Call for the Return of the Asante Regalia*, brochure issued by the Centenary Committee, 1974.
- 63 Savoy refers to the event as the ‘birth’ of the international restitution debate. Savoy (2020), *Afrikas Kampf*, 45.

On claims for returns in
the context of political
independence see
↗ India/Pakistan
↗ Indonesia ↗ Laos
↗ Myanmar ↗ Senegal
↗ Sri Lanka ↗ Uganda

inhabitants fled. They left behind – according to Delcommune's records – amongst other items a 'big war fetish', which he described as 'one of the most reputed idols of the whole region'. He referred to the statue as a 'hostage, even, more important than a human hostage'.⁶⁴ The first demand for the return thus took place around the time when the cultural property was expropriated. It was during a subsequent meeting (*palaver*), that the previous owner, Ne Kuko, first demanded the return of the statue from Delcommune. While the latter insisted that the statue belonged to him as 'booty', he did agree to negotiate a ransom (*raachat*) at a later date. This, however, never took place.

The second phase of claims began in the context of the independence movement. Sarah van Beurden has analysed in detail the relationship between Congo/Zaire and Belgium, or between Congo/Zaire and the Africa Museum in Tervuren, providing insight as to the discussions around the returns of ethnographic artefacts and art.⁶⁵ In April 1960, before independence, the journal *Notre Kongo* (Our Congo) discussed the extent to which Belgium was the rightful owner of Congolese cultural property and inquired as to whether it would perhaps be a logical consequence of political independence to reclaim their national heritage. Although there was already a discussion on the matter at this stage, Belgium was anxious to keep the discourse separate from the independence negotiations. Lucien Cahen, director of the museum at Tervuren, considered his institution a 'custodian of Congolese art' and suggested as a rhetorical strategy to refer to the issue as 'cultural collaboration' rather than 'restitution'.⁶⁶ After Mobutu came to power in 1966, however, relations between the two countries deteriorated.⁶⁷ The exhibition titled *Art of the Congo*, held in Baltimore, New York, Dallas, Milwaukee and Montreal between 1967 and 1969 can be described as the next step in matters of restitution. Mobutu Sese Seko demanded the return of 200 artefacts that were exhibited there, including the statue belonging to Ne Kuko. While Belgium was willing to return objects to the Congo/Zaire, the list of items in question was altered several times and ultimately this statue was not returned.⁶⁸ The fact that the artefacts were returned at a much later date can also be attributed to Cahen, who delayed addressing the restitution claims by categorising them as cooperation and foreign aid. He questioned whether the Congo/Zaire possessed sufficient infrastructure to accommodate the artefacts. As a result, a bilateral treaty of 1971 initially stipulated the establishment of an Institute of National

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- 64 Couttenier, Maarten (2018), 'EO.O.0.7943', in: *BMGN - Low Countries Historical Review* 133, 79-90, here 85.
- 65 Van Beurden, Sarah (2015), *Authentically African: Arts and Transnational Politics of Congolese Culture*, Athens.
- 66 See van Beurden, Sarah (2015), 'Restitution or Cooperation? Competing Visions of Post-Colonial Cultural Development', in: *Africa Global Cooperation Research Papers* 12, 8-12.
- 67 Van Beurden writes that Mobutu's predecessors, Lumumba and Kasavubu, had already made several restitution claims, on which Mobutu's activities were based. Van Beurden (2017), *Treasures*, 182.
- 68 Couttenier (2018), 'EO.O.0.7943'.

Museums. After protracted negotiations, the first artefacts were sent in 1976 and, by 1982, the museum in Tervuren had returned 1,042 objects to the Congo/Zaire.⁶⁹

Southern Africa

Namibia

Namibia has made headlines in the area of restitution claims, especially in recent years. The return of Hendrik Witbooi's *Bible and Whip* as well as the *Stone Cross of Cape Cross* are two examples of most recent returns in the post-colonial context.⁷⁰ The history of claims for objects from this region, however, is considerably older. Reports, diaries and the correspondence of travellers in the then German colony of German South-West Africa provide examples of protests against the dispossession of cultural property and human remains either at the time of or shortly after the artefacts were purloined. Some of their descriptions of these events – written from the coloniser perspective – are strikingly and uncritically direct. The German Waldemar Belck participated in an expedition in 1884 in order to document resources in the German colony. He reports on how, in December 1884, he 'collected' human remains and in doing so desecrated graves, removing the skeleton of Jacobus Hendrick as well as two others. This did not go unnoticed by the local population; Hendrick's daughter, whose name is unrecorded, confronted Belck and demanded the return of the remains. According to records, Belck felt compelled to return to her a skull; sources suggest, however, that the skull returned was not that of Hendrick. This case of grave desecration for the purpose of collecting skeletal material for racial research seems to have become publicly known and shows how the local population, at least in some cases, not only demanded returns but also exerted sufficient pressure to obtain them, even if they – in this case the daughter of

*On claims for returns
around the time of
expropriation see
↗ Botswana ↗ Congo
↗ Nigeria ↗ Togo*

- 69 Van Beurden (2015), 'Restitution or Cooperation?', 12-18. Ne Kuko's statue was not exhibited in the permanent exhibition in Tervuren again until 2007. It was also used for international exhibitions. A third claim was made of Maarten Couttenier during a research field trip in 2016 by Chief Alphonse Baku Kapita, a descendent of Ne Kuko – in order that the artefact resume its ritual function within the society. Couttenier (2018), 'EO.O.0.7943' and 'Catalogue Number EO.O.0.7943. A Story about Restitution' (December 2020): https://www.africamuseum.be/de/discover/history_articles/EO.O.0.7943 (accessed 29 September 2021). This artefact thus tells the story in three chapters (1878/1973/2012) of the restitution claim by the previous owners made to the 'collector', by Zaire's Head of State to Belgium, and by a descendent of the previous owner to a representative of the holding museum.
- 70 See Kößler, Reinhart (2019), 'Die Bibel und die Peitsche. Verwicklungen um die Rückgabe geraubter Güter', in: *Peripherie* 1, 1, 78-87. The German Historical Museum (*Deutsches Historisches Museum*) in Berlin organised an international symposium in 2018 on the return of the Stone Cross of Cape Cross of which some of the contributions can be viewed on Youtube: <https://www.dhm.de/besuch/veranstaltungen/tagungen-und-symposien/archiv/die-saeule-von-cape-cross/> (accessed 29 September 2021).

the deceased – had no way of verifying that the correct remains had been recovered.⁷¹

The Swiss Hans Schinz was another ‘collector’ of human remains in the colony of German South-West Africa around the same time. His journey can be traced through the diary entries and letters edited by Dag Henrichsen. Schinz desecrated a burial site of the Ndonga Kings, in the course of which he also chopped pieces off a ‘sacred stone’.⁷² This incident also attracted attention and the Ndonga elite demanded the return of the human remains as well as the stone fragments. Schinz was compelled to pay a sum in compensation and to return the human remains. Like Belck, however, he deceived the Ndonga by keeping a skull and a piece of stone.⁷³ The incident led not only to further internal conflict among the Ndonga; it was also reported in Switzerland, where the artefacts and remains were transported. While the newspapers criticised Schinz’ actions, they also praised him as a ‘martyr of science’ because of the risks he had taken. The examples of Belck and Schinz suggest that relevant ‘collector practices’ such as grave robbery were not only known in Europe but also subject to moral and legal critique – at least from a number of European observers. Nevertheless, the ‘scientific’ benefits were still valued more highly than the critique of the practices by which the artefacts were ‘collected’.

Bleck, Schinz, or Gruner in Togo are three examples that show how examples of direct protest against the dispossession of cultural property or the deprivation of human remains can be found between the lines of materials in colonial archives, despite the fact that in these cases the voices of representatives of the societies of origin are merely perceptible through the texts of colonists. It is much more difficult to find direct records of African perspectives or bodies of knowledge. In many cases no official records were archived in the European tradition. Historians are therefore reliant on kinds of sources and different approaches.

Anette Hoffmann adopts an instructive approach in this regard: During her work in the Berlin Audio Archives she came across a recording of the voice of a San man named |Kxara. Austrian ethnologist Rudolf Pöch had asked |Kxara for permission to record him speaking freely

Bechuanaland
Protectorate /
nowadays
Botswana

71 On this case see: Förster, Larissa; Henrichsen, Dag; Stoecker, Holger; Eichab, Hans (2018), ‘Re-Individualising Human Remains from Namibia: Colonialism, Grave Robbery and Intellectual History’, in: *Human Remains & Violence* 4, 2, 45-66. Henrichsen, Dag (2020), ‘Demands for Restitution – A Recent Phenomenon? Early Histories for Human Remains Violation in Namibia’, in: *Contemporary Journal of African Studies* 7, 1, 38-46.

72 Schinz mentions three stones. One was in the settlement (‘*Wertt*’) and was being used for mundane purposes; Schinz was given permission to chop a piece off. He chopped off two pieces – without permission – from a ‘mysterious stone’. In his diary, Schinz writes clearly that the place was ‘taboo’. See Schinz’ letter to his mother of 13 March 1886 and the relevant diary entry: Schinz, Hans (2012), *Bruchstücke. Forschungsreisen in Deutsch-Südwestafrika*, ed. by Dag Henrichsen, Basel, 92-102, FN227, 142-143. On the incident see also Henrichsen (2020), ‘Demands’. The collectors were well aware that their actions were not in line with moral and legal standards, as is illustrated in the case study by Eugen Mansfeld (ibid.).

73 It is not clear from the records which fragment of stone he kept.

*On claims for returns
around the time of
expropriation see
↗ Congo ↗ Namibia
↗ Nigeria ↗ Togo*

during his visit to the Bechuanaland Protectorate in 1908. Pöch was interested in the flow and melody of his speech rather than the content. !Kxara took the opportunity to demand the return of a knife that he had lent Pöch a month earlier. More than half a dozen times the words 'Give me my knife back' appear in the transcript of the recording. This can be interpreted as contemporary criticism of Pöch's practices with regard to the ethnographic artefacts that he acquired, most of which he presented to the Museum of Ethnology in Vienna (today *Weltmuseum Wien*).⁷⁴

These example cases unveil how articulations of claims for return or restitution can be identified in historical documents such as travel reports, diaries and similar materials. The example of the analysis of audio material in particular demonstrates the possibilities available, including to the former colonial powers, to extend the source base. Of the utmost importance, however, is the inclusion of archives of the formerly colonised, not only in order to identify hitherto unresearched cases but also to expand research on known cases to include new perspectives.

74 In Hoffmann, Anette (2020), *Kolonialgeschichte hören. Das Echo gewaltsamer Wissensproduktion in historischen Tondokumenten aus dem südlichen Afrika*, Vienna, see especially '!Kxara der Ältere fordert sein Messer zurück. Kritik an Praktiken der Aneignung in Historischen Tonaufnahmen', 137-158.

III. Asia

Hashemite Kingdom
of Hejaz / nowadays
Saudi Arabia

*On claims for returns in
the Treaty of Versailles
see ↗ China ↗ Tanzania*

Turkey

West Asia

As mentioned above, the Paris Peace Treaties after the First World War stipulated the return of certain artefacts. Article 246 of the treaty specified alongside the return of the *Skull of Sultan Mkwawa* to Tanzania (see above), a further return to the Hashemite Kingdom of Hejaz (today part of Saudi Arabia). The British delegation at Versailles demanded that, within six months, Germany ‘return to His Majesty the King of Hejaz the original Koran that belonged to Caliph Osman and was removed from Medina by the Turkish authorities in order to be presented as a gift to the former Kaiser Wilhelm II’. This claim was based on the testimony of Sharif Hussein of Mecca, who stated that the Koran had been given to the German Kaiser by Sultan Ottoman. In January 1920, Germany officially announced that the Koran had never been presented to the German Kaiser and indeed was not in Germany. This article of the Treaty of Versailles thus remained unfulfilled.⁷⁵

Another example that can be broadly interpreted in a colonial context is that of a claim from the Ottoman Empire, later Turkey, which remained unresolved for almost one hundred years. In the early twentieth century, the German Archaeological Institute had excavated, amongst other objects, 10,000 *cuneiform tablets* as well as two Hittite statues of *Stone Sphinxes* close to Boğazköy in the Ottoman Empire. In 1917 it was decided that these would be brought to Germany for documentation and restauration and subsequently sent back. Although a few tablets were indeed returned in the years following, only the sphinx that was in better condition was returned; the other remained in Berlin. In 1938, Turkey demanded for the first time, without success, the return of the sphinx from the Pergamon Museum where it was located.⁷⁶ Germany did not return

75 On the claims, see Goldstein, Erik (2019), ‘Cultural Heritage, British Diplomacy, and the German Peace Settlement of 1919’, in: *Diplomacy & Statecraft* 30, 2, 336-357, here 344-345.

76 Haines, Aaron (2012), ‘The Hattusa Sphinx and the Turkish Antiquities Repatriation Efforts’, in: *Art Crime* 8, 99-103. See also Teixeira, Maria Inês (2011), *Pasts Returned: Archaeological Heritage Repatriation Policy in Turkey and the Plans for a Future Nation*, unpublished. Many thanks to Gökyay Kanmazalp for discussing this claim.

On claims for return following the Second World War see
 ↗ Egypt ↗ Ethiopia
 ↗ New Zealand
 ↗ Nigeria

any of the restored tablets during the war years – for reasons of security during transportation. In 1946, Turkey eventually turned to the UK in order to recover the sphinx – and was advised to direct the claim to the Soviet Union, in whose occupation zone the museum was located. Germany was not officially contacted at this stage. Following the establishment of two German states, the museum and thus also the sphinx and the clay tablets were in the GDR, with whom Turkey had no diplomatic relationship for a long time. It was only in 1974 that Turkey once again demanded the return of the tablets and the sphinx. After 10 years of bilateral negotiations, Turkey appealed to the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* in 1984. While the clay tablets were then indeed returned, the restitution process for the sphinx continued until 2011.⁷⁷

South and South-East Asia

In this region, the majority of claims for the return of objects came from one country, or representatives of that country; the question of jurisdiction was thus a matter of negotiation between two parties.⁷⁸ Some artefacts were or are subject to claims by different countries and in these cases the holders usually decide with whom to negotiate. In the region of South and South-East Asia in particular, which for a time was consolidated into the one administrative entity of British India and today comprises Pakistan, India, Bangladesh, Nepal, Bhutan and Burma, certain artefacts are subject to claims by several countries and governments. I will address these multiple claims first, before discussing those raised by individual countries.

India
 Pakistan
 (Afghanistan)

The *Koh-i-Noor* diamond, today presented as one of the British Crown Jewels, is probably one of the most famous controversial artefacts due to its many diverse owners over the course of its history. Its provenance is well researched. It was probably discovered some 300 years ago in the area of modern-day India, and was in the possession of the Mughal dynasty in Delhi for 200 years. The heartlands of the Mughal Empire were in the north of India; in its largest form at the end of the 17th century it spanned the Indian subcontinent as well as parts of modern-day Afghanistan. When Delhi was conquered by Nadir Schah of Persia in 1739, the Koh-i-Noor came into his possession. Nadir Schah was murdered and the stone was inherited by his grandson, Ahmad Shah Durrani, the founder of the Afghan Empire, who in turn presented the diamond to Ranjit Singh, the founder of the Sikh Empire, in 1813, to thank

77 Particularly for the 1970s onwards, see Chechi, Alessandro; Bandle, Anne Laure; Renold, Marc-André (n.d.), 'Case Boğazköy Sphinx – Turkey and Germany', *ArThemis* <https://plone.unige.ch/art-adr/cases-affaires/bogazkoy-sphinx-2013-turkey-and-germany> (accessed 29 September 2021).

78 This does not rule out the possibility that it may be controversial within the claimant countries as to whether an object should be accommodated by a national museum or a regional institution.

On claims for returns in the context of political independence see
 ↗ Congo ↗ Indonesia
 ↗ India/ Pakistan
 ↗ Laos ↗ Myanmar
 ↗ Senegal ↗ Sri Lanka
 ↗ Uganda

Pakistan, India
 (Myanmar)

the latter for his support. The stone was then kept in Lahore, in modern-day Pakistan. The Treaty of Lahore ended the Anglo-Sikh War and stipulated that the Koh-i-Noor would be presented to the British Queen Victoria. The diamond was first presented to the British public at the Great Exhibition in London in 1851, before it was later re-cut and added to the Crown Jewels collection.⁷⁹ Due to the succession of states, India, Pakistan and Afghanistan have all claimed the diamond, and other previous owner-states no longer exist today. India voiced its claim for the first time following its independence in 1947, and the claim was rejected by the UK.⁸⁰

For Pakistan, the country's Prime Minister Zulfikar Ali Bhutto made an official claim for the diamond in 1976. He began his letter by mentioning the anniversary of independence but also the international restitution debate, then specifically referring to the Koh-i-Noor as of 'immense sentimental value for Pakistan': 'Its return to Pakistan would be a convincing demonstration of the spirit that moved Britain voluntarily to shed its imperial encumbrances and lead the process of decolonization. Indeed, it would be symbolic of a new international equity strikingly different from the gasping, usurping temper of a former rage.'⁸¹ The UK nevertheless rejected the claim as the stone was being demanded by several states, and particularly because it had not been purloined as a 'trophy' but had officially been presented to the British queen – the object, thus it was argued, had thus been legally transferred. India and Pakistan have repeated their restitution claim several times, and around the turn of the millennium Afghanistan also became a claimant.⁸²

One of the – at least partly – coordinated claims for a return made by several parties is that of the *India Office Library* (IOL). The latter was a collection of books, manuscripts, archival materials and other documents, located in the UK, that had been compiled and continuously augmented by the East India Company from 1798. Today it is merged with the *India Office Records* (IOR), the administrative archives of British India. Both collections cover the entire region of former British India. The two collections differ, however, in their purpose. While the IOR for the most part comprises documents necessary for the administration of the colonised land, the objective of the IOL was to research the local cul-

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- 79 On the history of the stone, see Dalrymple, William; Anand, Anita (2017), *Koh-I-Noor: The History of the World's most Infamous Diamond*, New Delhi. On the restitution claim, see Greenfield, *The Return*, 129-131.
- 80 Dalrymple, William; Anand, Anita (2017), *Koh-i-noor: The History of the World's most infamous Diamond*, London, Chapter 'We must take back the Koh-i-noor'. The *Free Press Journal* reports alongside the claim of 1947 of a second claim in 1953 – the year of Elizabeth II's coronation. 'India's Lost Treasures: Of Kohinoor and Selected Antiquities Recovered' (31 May 2019), in: *The Free Press Journal*, <https://www.freepressjournal.in/weekend/indias-lost-treasures-off-kohi-noor-and-select-antiquities-recovered> (accessed 29 September 2021).
- 81 Bhutton, Zuffikar Ali and Callagan, James, 13 August 1976, in: The National Archive, Kew, TNA PREM 16/1037.
- 82 On these claims and the problems of the state succession in matters of cultural property with regard to this example, see Jakubowski, Andrzej (2015), *State Succession in Cultural Property*, Oxford, 91-94.

tures, societies and languages and thus indirectly served the rulers over these areas. In 1947 India and Pakistan gained independence. The Indian Independence Act regulated the dissolution of the India Office, which had administrated the IOL. One consequence of this was that the IOL was taken over by the administrative department of the Secretary of State for Commonwealth Relations.⁸³

Following its own independence, Burma (today Myanmar) began to express interest in parts of the IOL in 1948. British Foreign Office records confirm that the UK was successful in evading these enquiries – at least until 1954, when Burma officially claimed for the first time 177 books and manuscripts that had originally (until 1885) been part of the Royal Library at Rangoon. At this stage, the UK merely replied that the IOL should remain intact (and in the UK) and thus declined to negotiate.⁸⁴

India and Pakistan also asserted claims to the IOL after independence. In 1959 an *aide-memoire* was sent from the Indian and Pakistani governments to the Minister of State for Commonwealth Relations, in which both governments agreed that the collection should initially remain in London and not be divided up; in other words, that the 'Indian' and 'Pakistani' sections should not be separated. They also demanded, however, that the British government acknowledge India and Pakistan as the rightful owners of the IOL. A negotiation began between the three governments that lasted several years. The UK asserted a number of fundamental conditions (no division of the IOL, IOL should remain in the UK, etc.).⁸⁵ Later an agreement was reached regarding a shared administration of the library. It should be noted here that Burma had also asserted claims to manuscripts and books of the IOL (see above) but that the UK only entered into negotiations with India and Pakistan.⁸⁶

Using the *Relics of Śāriputta and Moggallāna* as an example, Torkel Brekke has shown how returns to Sri Lanka and India were carried out. These were artefacts that were first used to revive Buddhism at the end of the 19th century and by the Indian government as national

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- 83 On the background, see Datta, Rajeshwari (1966), 'The India Office Library: Its History, Resources, and Function', in: *The Library Quarterly*, 36, 2, 1966, 99-148.
- 84 It was not possible within the scope of this paper to research the inquiry regarding a possible correspondence between the UK and Burma on this issue. Cf. the description of the process in Foreign Office (FO), J.E. Cable (FO) to Costley-White (CRO), 5 July 1961, in: The National Archive, Kew, TNA FO 371/159788.
- 85 Cabinet Papers: India Office Library, 26 April 1960, in: The National Archive, Kew, TNA CAB 129/101/23; Cabinet Papers: India Office Library, 28 April 1960, in: The National Archive, Kew, TNA CAB 128/34/28.
- 86 On the Burmese claims and the possible complications of negotiations on the Mandalay Regalia should the Burmese claims to parts of the IOL be acknowledged, see W.A.B. Hamilton (CRO) to Warner (FO), 3 September 1962, in: The National Archive, Kew, TNA FO 371/1666408-DB1761/8. As far as could be ascertained there were no official negotiations regarding the Burmese claims to the IOL. Following the request of the Burmese ambassador, however, the UK inquired as to whether Burma might receive copies of selected books and manuscripts as microfiches, describing this process as time-consuming and cost-intensive. See Minutes, Tonkin, 21 August 1963 and Draft Letter to Burmese Ambassador, in: The National Archive, Kew, TNA FO 371/1666408-DB1761/4.

symbols in 1952. The relics were removed from their ancestral location in Sanchi, India, in 1851 and ultimately found their way into the Victoria and Albert Museum (V & A). The ownership of the V & A was questioned for the first time by the Buddhist Mission and the British Maha Bodhi Society in 1932. Brekke then traces the negotiation process pertaining to the relics, during which was initially permitted the Maha Bodhi Society to carry out rituals with the relics on the museum premises. In 1938 the first request was submitted for the artefacts to be returned to the Maha Bodhi Society of Calcutta. Following agreements with the British Ministry of Education and the India Office, the return of the objects was settled; however, the repatriation process was delayed, probably on account of the war. In 1947 the artefacts were first taken to Ceylon/Sri Lanka, at the time still part of the British Empire, where they were exhibited for two years. The negotiations between the Society and the Indian government lasted several years, and it was not until 1952 that the relics were eventually re-enshrined in their place of origin.⁸⁷

Myanmar

Burma, today Myanmar, is a country that has asserted a number of claims over a relatively long period of time – like Nigeria or Sri Lanka, some of the cases being conducted in informal settings.⁸⁸ One of the most famous pieces was the *Lion Throne* – one of a total of eight historical thrones of Burmese monarchs. After the Third Anglo-Burmese War, the throne was taken to India in 1885, where it was exhibited in Calcutta. In 1948, after Burma's independence, Lord Mountbatten, at the time Governor General of India, presented it to Burma, where it was subsequently put on display in the National Museum.⁸⁹

The *Burmese Regalia or Mandalay Regalia* constitute by far the most significant collection of controversial artefacts.⁹⁰ These were declared the property of the Indian government at the capture of Mandalay in 1885, and were sent to London for the Colonial and India Exhibition in 1886. As the Indian Office objected to their being auctioned after the

On claims for return in the context of political independence see
 ↗ Congo ↗ India/
 Pakistan ↗ Indonesia
 ↗ Laos ↗ Myanmar
 ↗ Senegal ↗ Sri Lanka
 ↗ Uganda

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- 87 Brekke, Torkel (2007), 'Bones of Contention. Buddhist Relics, Nationalism and the politics of Archaeology', in: *Nume* 54, 270-303.
- 88 During his state visit of 1950, for example, U Nu inquired as to the return of the *Nga-mauk Ruby* in an informal setting. The Foreign Office noted that 'U Nu asked whether the Nag-mauk ruby could not be found and returned, but no action was taken on what was a verbal and informal approach.' It seems that there had been earlier claims for the return of the ruby by the former Royal House of Burma. They claimed it as 'personal property of the ex-King Thibaw'. The FO noted that '[s]uch requests are usually associated with demands for monetary aid.' The location of the ruby was and is, however, unknown. In 1955 a Burmese naval officer visiting Plymouth requested the return of Burmese weapons that had been brought to England in 1885. See the summary, in: The National Archive, Kew, TNA 371/143913/DB 1761/1.
- 89 Draft letter to Lord Taylor (CRO), Re: Mandalay Regalia, 26 October 1960, in: The National Archive, Kew, TNA FO371/175141-DB1761/2. Aldrich, Robert (2016), 'The Return of the Throne: The Repatriation of Kandyan Regalia to Ceylon', in: Robert Aldrich, Cindy McCreery (Eds.), *Crowns and Colonies: European Monarchies and Overseas Empires*, Manchester, 139-162.
- 90 Clarke, John (2021), 'On the Road Back to Mandalay: The Burmese Regalia – Seizure, Display and the Return to Myanmar in 1964', in: Louise Tythacott, Panggah Ariyansyah (Ed.), *Returning Southeast Asia's Past: Objects, Museums and Restitution*, Singapore, 111-138.

exhibition, the collection was given to the South Kensington Museum, later the V & A, for safekeeping. The regalia did not become the property of the museum; the V & A merely took them into 'custody'.⁹¹

The IOL, as discussed above, was being claimed by both India and Pakistan, and Burma's claims in this regard were never officially negotiated. But when Burma made claims to the *Mandalay Regalia*, there were concerns among the various UK ministries that the claim to the regalia would complicate the negotiations with India and Pakistan.⁹² One fear, for instance, was that returning the regalia might set a precedent supporting arguments for the return of (parts of) the IOL. These concerns were fed by the 'coincidence' that the IOL contained manuscripts that had previously belonged to the Royal Library of Burma and had been confiscated by British troops.⁹³ In order to avoid such complications, the British side decided to include in the regalia only the artefacts that were being kept in the V & A Museum and not the IOL manuscripts.

Archival records show that the first unofficial request for the regalia was made by the ambassador in London in 1956 and declined by the British government. Some in the British Foreign Office, however, were in favour of returning the regalia in 1957, on the occasion of the 10th anniversary of independence.⁹⁴ In his recent article, John Clark traces the process around the claims by Burma that began in 1960.⁹⁵ In 1961, a military regime put an end to this democratic chapter in Burma's history, also resulting in a deterioration of relations with the UK. The museum, or rather its curator John Irwin, had for some years advocated the return of the regalia, but until now had met with resistance from the Foreign Office. When General Ne Win, Head of State of Burma, made a private visit to the UK in 1964, however, the decision to return the artefacts was made relatively quickly.⁹⁶

While the return of the *Burmese Regalia* did not have the 'domino effect' feared by the officials – there was no dramatic increase in claims pertaining to other collections in the UK – the case did serve as a point of reference for others, both in the UK and in other countries. In 1967, for ex-

91 S. Pearn: Minutes BURMESE REGALIA, 14 April 1959, in: The National Archive, Kew, TNA 371/143913.

92 On 'Burmese interest in the future of the India Office Library' see letter: FO and Coatley-White (CRO), 5 July 1961, in: The National Archive, Kew, TNA FO 371/15978.

93 This seems to have rather been the concern of the Commonwealth Relation Office (CRO), under whose responsibility the IOL fell and who were critical of proposals to return the regalia. At the same time, the FO also noted in this regard 'inter-department jealousies and even personal animosities behind this prolonged intransigence'. J.E. Cable, 15 April 1964, in: The National Archive, Kew, TNA 371/175141/DB1761/1. In this letter the date is given as 1889, which was the date of confiscation of the manuscripts with the regalia; another document names 1885 as the year when the Royal Palace at Mandalay was looted: J.E. Cable (FO) to Coatley-White (CRO), 5 July 1961, in: The National Archive, Kew, TNA FO 371/159788.

94 See The National Archive, Kew, in TNA 371/143913/DB 1761/7 and TNA FO 371/129445.

95 Clarke (2021), 'On the Road Back'.

96 See The National Archive, Kew, TNA FO 371/169782.

ample, Burma asserted claims via the German ambassador in Rangun for frescoes that Theodor Heinrich Thomann had either exported at the end of the 19th century and had sold to the Museum of Ethnology (*Völk-erkundemuseum*) in Hamburg in 1906. The ‘Thomann Affair’ is one of the few cases to have been discussed in the German parliament.⁹⁷ When the request was passed from the Foreign Office to the museum the latter took a clear position, emphasising the significance of the frescoes for research and transfer of knowledge about Burma in the interests of international understanding – and above all that the frescoes had been obtained legally. The museum also stressed, however, that, despite their significance for Germany, the frescoes were far from possessing the ‘national, historical, political and thus emotional importance of a crown treasure’; in other words, their significance was incomparable to that of the regalia returned by the UK.⁹⁸ In the ensuing discussion, the claim was reduced to Burma requesting merely photographs of the frescoes. The artefacts were returned neither then nor when the debate was re-kindled in the 1980s.⁹⁹

Sri Lanka

Sri Lanka plays a prominent role in the history of returns, particularly because of the claim it asserted in 1980. In May of that year, shortly after the establishment of 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), Sri Lanka made a claim, via the Committee, for the restitution of cultural property from more than 20 institutions from eight countries – at the time probably the most extensive formal claim for different objects from one country in history. This large-scale and public demand for the return of objects tends to detract from the fact that Sri Lanka had a long history of claims. Indeed, the 1980 claim was only made possible by the work of Hemasiri de Silva, director of the National Museum of Sri Lanka, who had conducted prior research into which objects were being held in which foreign museums.¹⁰⁰

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- 97 See for example Deutscher Bundestag, 203. Session of 6 December 1968, 10927-10928.
- 98 Gernot Prunner, Head of East Asia Department, re: Foreign Office inquiry as to possible return of Pagan frescoes in the Thomann Collection to the Burmese government, 11 April 1967, in: Museum am Rothenbaum – Kulturen und Künste der Welt (MARKK), Archive, 101-1, No. 1512
- 99 According to the Foreign Office, in later discussions Burma no longer attributed such significance to the frescoes; the director of the Burmese archaeological service is even quoted as saying ‘We have got enough of them [frescoes] in Pagan’, see *Regierungsrat* Kilzer to *Museum für Völkerkunde*, 6 March 1970. On the further procedure, see the relevant files in the museum, with the Foreign Office and Federal Ministry of the Interior (BMI).
- 100 Statement presented by the Democratic Socialist Republic of Sri Lanka concerning the restitution of significant cultural objects from Sri Lanka, Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, 1st session, Paris 1980, in: UNESCO Archive, Paris, France, CC.79/conf.206/6,CC.79/conf.206/Col.10. De Silva, Hemasiri (1975), *A Catalogue of Antiquities and Other Cultural Objects from Sri Lanka (Ceylon) and Abroad*, Colombo. For a contextualisation of this discussion, see Naazima Kamardeen (2017), ‘The Protection of Cultural Property: Post-Colonial and Post-Conflict Perspectives from Sri Lanka’, in: *International*

Sri Lanka's history is shaped by a succession of three colonial powers. In the early 16th century, Portuguese settlers established the first colonies in the coastal regions of what was then Ceylon and gradually expanded their rule. These territories were seized by the Dutch in the mid-17th century, who controlled the island except for the Kandyan Kingdom in the Central Province. Around 1800, the British captured these areas, fought against the Kandyan Kingdom in 1815, and thus ended the last independent monarchy of Ceylon. Ceylon gained independence in 1948. If we focus only on the claims made to the UK – only one of the three colonial powers – we can identify a number of claims (and some returns) made between 1929 and 1971 that have remained largely unresearched to date. It is likely that further claims for objects were asserted to the other (former) colonial powers or western countries.¹⁰¹

British historian Robert Aldrich has reviewed the restitution claims (and returns) of a number of artefacts that can be attributed to the *Kandyan Regalia*.¹⁰² He explains that as early as 1933, George E. de Silva, a member of the Kandy City Council and elected member of the State Council, drafted a resolution that was passed by the State Council in 1934 and approved by the Governor of Ceylon: 'This Council respectfully requests His Majesty's Government in England that the Crown and Throne that were removed from Ceylon and which are now at Windsor Castle be restored to this Government to be kept as a national possession'.¹⁰³ With the support of the governor as well as the Secretary of State for the Colonies, both of whom believed the 'good-will gesture' would strengthen their relationship with the colony, King George V decided to return both artefacts.

Historian Nira Wickramasinghe has reviewed a case from the context of the 1948 independence celebrations: the return of *Keppetipola's Cranium*, which Wickramasinghe describes as one of the most celebrated returns of 'national objects'. Keppetipola Disawe was one of the leaders of the rebellion against British rule. He was executed in 1818 and his skull was brought to the UK. The return of the skull was demanded in the context of independence. A few days before independence was declared, the Duke of Gloucester returned the cranium of this resistance fighter against colonial occupation.¹⁰⁴

On claims for returns in the context of political independence see
 ↗ Congo ↗ India/
 Pakistan ↗ Indonesia
 ↗ Laos ↗ Myanmar
 ↗ Senegal ↗ Uganda

Journal of Cultural Property 24, 429–450.

- 101 A systematic study is required as to possible claims in earlier periods to the other countries which had colonies in Sri Lanka (Dutch, Portuguese), but also to what extent other countries received claims for artefact returns. The connection to India is particularly important here. For an initial overview see de Silva, Hemasiri (1979), 'Sri Lanka', in: *Museum*, 22–25. De Silva also refers to voluntary returns by private individuals. Jos van Beurden mentions a 'tooth of the Buddha' which was returned during or shortly after the Dutch Wars in Kandy, see van Beurden (2017), *Treasures*, 44.
- 102 Aldrich, Robert (2016), 'The Return of the Throne: The Repatriation of Kandyan Regalia to Ceylon', in: Robert Aldrich, Cindy McCreery (Eds.), *Crowns and Colonies. European Monarchies and Overseas Empires*, Manchester, 139–162.
- 103 Quoted from Aldrich (2016), 'The Return', 146.
- 104 Local newspapers referred to the skull as a 'national relic'. Wickramasinghe, Nira (2003), 'The Return of Keppetipola's Cranium: The Construction of

Alongside these two relatively well researched cases there is a wealth of further claims that are only casually mentioned in the literature. In 1934 the Duke of Gloucester handed over in the name of the king a *throne and footstool of the last king of Kandy*, in 1936 the *crown of King Siri Vikrama Raja Simha* as well as a *sceptre*, a ceremonial sword, and a *belt* of the last King of Kandy, and these were followed in 1937 by a *painting* of the 'Dutch Governor receiving ambassadors from the king of Kandy' from the Royal Asiatic Society. Claims were made for a *Kandyan gun* from Dublin in 1939, Admiral S. Brownrigg offered to return *Buddha's Tooth* to Ceylon in 1942, and the *Flags of Kings of Kandy* were claimed from the UK in 1971. Returns were also made by private individuals, such as the *Kandyan Kastane Sword*, which was returned to the National Museum of Colombo by Josephine Whitelaw of Scotland in 1930 (her husband had acquired the sword). A *royal seal* that H. Parker had presented to the Manchester Museum was exchanged for other artefacts with the National Museum of Colombo in 1929.¹⁰⁵

India

India has already been mentioned in the context of objects that India returned to Burma during the colonial period or due to restitution claims asserted by both India and Pakistan. For the temporal scope of this paper, only relatively few cases were found in which India had raised claims for artefacts. An early case has been reviewed by historians Bahai Nahar Singh and Bahai Kirpal Singh, and pertains to the *Swords of Guru Gobin Singh* (1666-1708).¹⁰⁶ At the capture of Lahore, mentioned here in the context of claims to the Koh-i-Noor diamond, one of the swords of Guru Gobin Singh was confiscated and sent to the UK in 1853, and a second sword belonging to the Guru was given to UK officials in order to be presented to Queen Victoria. After Bahai Nahar Singh had published initial findings on related artefacts in 1964, the Indian External Affairs Department took over the matter and discovered that Lady Lindsay, great-granddaughter of Lord Dalhousie (Governor General of British India), was in possession of artefacts associated with the swords; she returned these in 1966.¹⁰⁷ In 1989, Bahai Nahar Singh published a third, extended documentation, intended to motivate the 'Indian Government, Sikh leaders, public men and researchers' to undertake further research on the locations of the two swords and to subsequently request their return.

Singh also explains that the regional government in Punjab, part of former British India, had first made inquiries as to the whereabouts of the

Authenticity in Sri Lankan Nationalism', in: Gyanebdra Pandey, Peter Geschiere (Ed.), *The Forging of Nationhood*, New Delhi, 129-155. Wickramasinghe, Nira (26 July 1997), 'The Return of Keppetipola's Cranium: Authenticity in a New Nation', in: *Economic and Political Weekly*, 85-92.

105 Wickramasinghe (2003), 'The Return', 153-154. De Silva (1979), Sri Lanka, in: *Museum international* 22-25, here 23. See also TNA FCO 37/783, CO 54/976/14, CO 54/969/7, CO 54/979/3, CO 54/979/2 as well as other files in the National Archive, Kew.

106 Bahai Nahar Singh and Bahai Kirpal Singh (1989), *Two Swords of Guru Gobin Singh in England (1666-1708 A.D.)*, Delhi.

107 1. Shield, 2. Dai-Ahini, 3. Shamsher-i-Tegha, 4. Bracelet, 5. Burchee and 6. Chakar-i-Ahini, *ibid.*, XI-XII.

Indonesia

swords in 1921 and until 1928 had continued its efforts to collect further information.¹⁰⁸ It proved impossible, however, both in the 1920s and during the research of Bahai Nahar Singh, to uncover any reliable information regarding their location and so no official claim could be made for their return. The case remains unsolved today.¹⁰⁹

A relatively large amount of work is available on returns, or claims for such, placed on the Netherlands by Indonesia. Hari Budiarti of the National Museum of Indonesia, for example, has traced, among other aspects, the changes in ownership of a collection acquired during the *South Sulawesi Expeditions* in 1905.¹¹⁰ These expeditions included the Third Bone War and the Gowa War, struggles for the supremacy of Sulawesi. The Dutch military confiscated a number of objects that were initially sent to the Museum of Batavian Society, Jakarta (today the National Museum of Indonesia) in order to be valued. Some artefacts were released for sale, and several hundred examples of Gowa jewels and weapons were presented to the *Rijksmuseum voor Volkenkunde* in Leiden in 1907, where they were exhibited together with artefacts acquired during a military expedition to Bali in 1906 or during the war against Bone. In 1937 the Kingdom of Gowa became an autonomous region with good relations with the Netherlands. A number of returns on the part of the Batavia Museum in 1938 can be considered in this context, including regalia, which were brought directly to the Sultan Muhammad Tabir Muhiimmuddi Tumenanga ri Sungguminasa, the thirty-fifth Sombaya ri Gowa (Gowa king). In 1931, the eldest son of the sultan demanded the return of objects that were then in the Museum in Leiden. The Dutch East Indies Government supported the claim on account of its loyalty to the royal family. Later the regalia were also returned to Bone.¹¹¹

Similar, the *Lambok Treasure* also comprised objects acquired by the Dutch during a military expedition in the early 1890s and handed to the Museum of Batavian Society 'for safekeeping'. As Wahyu Ernawati has pointed out, the Dutch government requested that the artefacts be sent to the Netherlands in 1896, where Lambok objects were exhibited together with other items in the *Rijksmuseum* in 1897. Some of the artefacts were returned after negotiations between the Minister for the Colonies and the Batavian Society. The others initially remained in the Netherlands.¹¹²

108 Enquiry by the Punjab government as to the whereabouts of the sword belonging to Guru Gobin Singh to The Secretary of Govt. India, 13 June 1921; the last letter in the records is dated 1928. *Ibid.*, 23–64.

109 As reported, for example, by Kulwant Singh (3 June 2001), 'Quest for the Guru's Swords', in: *Tribune India*, <https://www.tribuneindia.com/2001/20010603/spectrum/main2.htm> (accessed 29 September 2021).

110 Budiarti, Hari (2007), 'Taking and Returning Objects in a Colonial Context. Tracing the Collections Acquired during the Bone-Gowa Military Expeditions', in: Pieter ter Keurs (Ed.), *Colonial Collections Revisited*, Leyden, 124–144.

111 For a list of several objects, see Budiarti: 'Taking and Returning', 134–140.

112 Ernawati, Wahyu (2007), 'The Lambok Treasure', in: Pieter ter Keurs (Ed.), *Colonial Collections Revisited*, Leyden, 186–202.

A third case of claims from the colonial occupation pertains to objects acquired by the Dutch in Bali during military expeditions between 1906 und 1908. Francine Brinkgreve, David J. Stuart-Fox and Wahyu Ernawati have focused in their work on the *keris*, often referred to as regalia. In 1938 the Netherlands-Indies government decided to return a limited amount of power to the former rulers of the Balinese states. There was a discussion as to whether the specific *keris*, at the time in the Museum of Batavian Society, should be returned. Unlike in the cases of Gowa und Bone, no reasons for the decision are documented in the records. Two of four *keris* were returned in 1937 following repeated requests, and two are still in the museum in Jakarta.¹¹³

These examples from the Dutch colonial period show how the restitution discourse was linked to political arguments, as has already been noted with regard to the British example, placing the discussion of returns within the context of struggles for independence. Cynthia Scott has examined these with an interest in the 'cultural diplomacy' of the Netherlands and shown how returns could serve to foster loyalty or maintain good relations. After the Second World War, restitution debates became more palpable for the first time in 1949 when an employee of the Dutch National Railway proposed returning to the Indonesian government 'various trophies' including the 'crown treasures'.¹¹⁴

This was a controversial topic within the Dutch government, but the cultural sub-committee of the Committee for Indonesian Affairs included the possibility to exchange artefacts of cultural or historical value in a draft cultural agreement.¹¹⁵ A deterioration in Indonesian-Dutch relations stood in the way of further negotiations on the matter until the situation improved again in 1963, and discussions on cultural relations – and thus also on restitution – were resumed.¹¹⁶ The Dutch side was anxious to address the return of artefacts within the framework of foreign aid. After long negotiations, the first returns eventually took place in the 1970s, with Queen Juliana beginning the process by presenting President Suharto with the manuscript of the *Nagarakertagama* as a 'gesture of goodwill' during a state visit in 1973.¹¹⁷ Further returns were made after a cultural agreement was signed in 1975: the *Crown of Lambok* and other *Lambok Treasures* in 1977, and the *Statue Prajñāpāramitā* was handed over to the Museum Pusat in Jakarta in 1978. Between 1977 and 1978 objects were returned that had once belonged to Prince Diponegoro and which were being kept in the Bornbeek Museum in Velp.¹¹⁸

On returns in the
course of state visits
see ↗ China
↗ Ethiopia
↗ Ghana

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- 113 Francine Brinkgreve, David J. Stuart-Fox with assistance of Wahyu Ernawati (2007), 'Collections after Colonial Conflict. Badung and Tabana 1906-2006', in: Pieter ter Keurs (Ed.), *Colonial Collections Revisited*, Leyden, 145-185, here esp. 162-164. On the return in the 2000s see 166-174.
- 114 Scott, Cynthia (2020), *Cultural Diplomacy and the Heritage of Empire: Negotiating Post-Colonial Returns*, New York, 25-33.
- 115 Scott (2020), *Cultural Diplomacy*, 46-49.
- 116 Scott (2020), *Cultural Diplomacy*, 73-78.
- 117 Scott (2020), *Cultural Diplomacy*, 112-123.
- 118 Scott (2020), *Cultural Diplomacy*, 130-136.

On claims for return in the context of political independence see ↗ Congo ↗ India/Pakistan ↗ Laos ↗ Myanmar ↗ Senegal ↗ Sri Lanka ↗ Uganda

Laos

On claims for return in the context of political independence see ↗ Congo ↗ India/Pakistan ↗ Indonesia ↗ Myanmar ↗ Senegal ↗ Sri Lanka ↗ Uganda

Alongside these returns of ethnological artefacts, the claims for *Java Man* are also noteworthy here – the fossilised remains of a *Homo erectus* found in modern-day Indonesia. Eugene Dubois had found the remains in 1895 and taken them to the Netherlands as private property. The return of this fossil was one of the cases discussed in the course of Indonesian independence. As Fenneke Sysling and Caroline Driehuisen have pointed out, the fossil was of huge significance for the new nation as proof that Java had been one of the earliest populated regions of the world. Returning the fossil would also have underlined the significance of independent Indonesia as a nation of science, adding to the cultural aspects of the debate the new dimension of Indonesia's potential to preserve and scientifically study such fossils.¹¹⁹ As in the case of *Nutcracker Man*, this example too demonstrates that scientific finds can carry the same significance for claimants as cultural artefacts and therefore should be equally included in restitution research.

A French case has been mentioned in a number of publications without further detail: the return of cultural property to Laos.¹²⁰ Andrzej Jakubowski explains how various agreements were reached between France and Laos in the context of the power transfer in the 1940s. Laos officially gained independence in 1949, and on 6 February 1950 both states signed an agreement that included cultural matters, initially placing, for instance, the museum collections of the *École française d'Extrême-Orient* (EFEO) in Laos under joint ownership. When the EFEO had to leave Laos in 1975, the collections were nationalised and, in the course of restitution discussions at the UNESCO level, Laos reported in the same year that matters of restitution were concluded for the country.¹²¹

East Asia

China

On claims via lawsuits see ↗ Colombia ↗ Liberia ↗ USA

Restitution is a topic that is steadily gaining in importance for China. The State Administration of Cultural Heritage is currently compiling a catalogue of Chinese cultural property located abroad and, as Zuozhen Liu writes, the repatriation of cultural artefacts has become a national project for China since the beginning of the 21st century.¹²² At the same time, China can also look back on a long history of claims, returns and discussions. Four early cases prior to 1970 will be outlined in the following.¹²³

The earliest case that revolves around an artefact from China acquired in a context of colonial violence is related to an inner-German dis-

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- 119 Sysling, Fenneke; Driehuisen, Caroline (2021), 'Java Man and the Politics of Natural History: An Object Biography', in: *Journal of the Humanities and Social Sciences of Southeast Asia* 177, 2-3, 290-311.
- 120 Greenfield (2007), *The Return*, 371; Ganslmayr, Herbert (1980), 'Wem gehört die Benin-Maske? Die Forderung nach Rückgabe von Kulturgut an die Ursprungsländer', in: *Vereinte Nationen* 3, 88-92, here 91. Van Beurden (2017), *Treasures*, 88.
- 121 Andrzej Jakubowski (2015), *State Succession in Cultural Property*, Oxford, 121-123.
- 122 Zuozhen Liu (2016), *The Case for Repatriating China's Cultural Objects*, Singapore, 20.
- 123 More generally on returns to China see Liu (2016), *The Case*.

On claims for restitution
in the Treaty of Versailles
see ↗ Tanzania
↗ Saudi Arabia

cussion around the possible misconduct of a soldier in the Boxer War.¹²⁴ Georg Wöhlert had been involved in the suppression of the Boxer Rebellion in China. After his return to Germany, he sold a number of objects to the then Hildesheim Municipal Museum (*Städtische Museum Hildesheim*, today the *Roemer- und Pelizaeus-Museum*), including a battle painting on silk. In 1902, Wöhlert was tried by a military court in Leipzig for 'unauthorised looting or theft'.¹²⁵ The museum in Hildesheim was requested to pass on the items in question to the court for appraisal for the duration of the trial. The museum complied with the request but emphasised that the purchase of the artefacts had been made in good faith as to their legality, and that the museum had not received notification that a third party was claiming the artefacts. Should a claim to the objects be raised, the museum noted, the claimant should contact the museum directly, and the military court was not authorised to decide on the release of the artefacts.¹²⁶ The court dismissed the case due to a lack of evidence, and the painting was sent back to Hildesheim.¹²⁷

The Treaty of Versailles stipulated the return of all the *astronomical instruments* removed from China by Imperial Germany during the Boxer War of 1900/1901 – within 12 months (Art. 131).¹²⁸ This brings us to the second example. This return was specified by the treaty despite the fact that China was not one of the signatory states, and these objects were returned shortly afterwards.¹²⁹ The idea of claiming these items does not seem to have come from China in this case, however, but rather from the US delegation.¹³⁰

A Chinese claim did reach the Weimar Republic in 1931. The National Library of Beijing contacted Otto Glauning, director of the Leipzig University Library, and requested the return of the three volumes of the

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- 124 Many thanks to Sabine Lang of the *Roemer und Pelizaeus-Museum Hildesheim* for information about this case.
- 125 Letter from the Royal Court of Saxony, 2nd Division No. 24, to the Magistrate of the City of Hildesheim, 13 March 1903, in: *Roemer- und Pelizaeus-Museum Hildesheim*, Archive, miscellaneous files.
- 126 Director of the Roemer Museum to the Royal Court of Saxony, 2nd Division No. 24, Leipzig, 19 December 1902, in: *Roemer- und Pelizaeus-Museum Hildesheim*, Archive, miscellaneous files.
- 127 Letter from the Royal Court of Saxony, 2nd Division No. 24, to the Magistrate of the City of Hildesheim, 13 March 1903, in: *Roemer- und Pelizaeus-Museum Hildesheim*, Archive, miscellaneous files.
- 128 Germany was also responsible for covering the expenses. *Ibid.*, 'Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900-1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking'. Treaty of Versailles, Art. 131.
- 129 A short message of 1921 reports that 'five bronze astronomical instruments' were returned. See W.W.C. (1921), 'Return of Astronomical Instruments to China', in: *Publication of the Astronomical Society of the Pacific*, 33, 195, 272-273.
- 130 The US diplomat Shotwell seems to have initiated this – cf. Xu Guoqi (2005), *China and the Great War: China's Pursuit of a New National Identity and Internationalization*, Cambridge, 268. Shotwell, James T. (1937), *At the Paris Peace Conference*, New York, 136-139. Many thanks to Niklas Leverenz for discussing this claim. See also Niklas Leverenz (30 April 2014), 'Chinas Enttäuschung als Siegermacht', in: *Die Zeit*.

Yongle Dadian Encyclopedia that were in Leipzig. Only a small part of this historically significant work was in Beijing, it was explained; the remainder of the encyclopedia was either destroyed or dispersed around the world. The Beijing library was in the process of contacting the various other institutions in possession of the works, requesting 'photographic or photostat prints of their volumes'. In return, Beijing offered the same number of copies of the volumes in Beijing. According to the letter, the Sinology department at Hamburg (*Seminar für Sprache und Kultur Chinas*), the British Museum in London, the Bodleian Library, Oxford, and the Royal Museum of Ethnology, Berlin (*Königliches Museum für Völkerkunde*), to name but a few, had already sent copies of their volumes to China.¹³¹ Based on the correspondence records available in Leipzig, this can be regarded as one of the most extensive claims of the era: even if the matter 'merely' revolved around a limited collection of artefacts, objects were requested by a large number of actors from a wide range of countries.

Leipzig University Library made inquiries of the other libraries and eventually was even willing to return the original volumes in exchange for a complete set of copies of the encyclopedia, given the support of the Foreign Office of the state of Saxony.¹³² This example shows that Leipzig University Library, like other institutions, was sympathetic to and supportive of this claim for their return.

The fourth case to be mentioned here is from the context of international relations with the GDR. In 1955, Otto Grotewohl, *Minister-President* of the GDR, visited China. In a speech to the People's Chamber in Beijing in December he presented his hosts with ten flags that German troops had seized during the Boxer Rebellion. This handover took place during a state visit that led to the signing of a friendship treaty between the GDR and the People's Republic of China.¹³³ In his speech, Grotewohl also spoke of having returned three volumes of the *Yongle Dadian Ency-*

*On returns in the
course of state visits
see ↗ Ethiopia ↗
Ghana ↗ Indonesia*

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- 131 National Library of Peking to Prof. Otto Glauning, Director, University Library, Leipzig, 25 November 1931, in: Leipzig University Library, Archive, Leipzig, Germany, miscellaneous files. Many thanks to Cordula Reuß for discussing this case.
- 132 Von Seydewitz, Ministerium für Volksbildung to Sächsische Ministerium für auswärtige Angelegenheiten, 10 March 1932. Letter to the director of the National Library, Beijing, 19 April 1932, in: Leipzig University Library, Archive, miscellaneous files. The National Library of Beijing sent thanks for the offer but made a counter-offer: Prof. Lessing, Prof. Erkes and Prof. Weller had commented that current Chinese literature would be more useful for their work in China than copies of the encyclopedia. Based on the market value of the three volumes, the professors would be allowed to select titles of modern literature. National Library of Peking to Otto Glauning, University Library, Leipzig, 17 May 1932. It is unclear which agreement was ultimately reached. In: Leipzig University Library, Archive, Leipzig, Germany, miscellaneous files.
- 133 'Rede Otto Grotewohl, 11.12.1955' (1995), in: Werner Meißner (Ed.), *Die DDR und China 1945-1990. Eine Quellensammlung*, Berlin, 79-80. See also Felber, Roland; Rostek, Horst (1987), *Der Hunnenkrieg Kaiser Wilhelms II*, Berlin, 42-43. 'Vertrag über Freundschaft und Zusammenarbeit zwischen der Deutschen Demokratischen Republik und der Volksrepublik China vom 25. Dezember 1955', in: Werner Meißner (Ed.), *Die DDR und China 1945-1990. Eine Quellensammlung*, Berlin, 81.

clopedia, although archive records indicate that the volumes had been returned to China in the 1930s. It is possible that the title of ownership had not been transferred with the volumes at the time.¹³⁴

Grotewohl linked the decision to the fact that the Soviet Union had already returned the volumes that had been in Soviet possession. This too must be considered in the larger political context. In 1950, the Soviet Union and China signed the *Treaty of Friendship, Alliance and Mutual Assistance*, which was followed by cultural cooperation.¹³⁵ The Soviet Union presented 64 volumes to China – 52 of these were released by the Russian State Library in 1954 and another 12 volumes probably came from the Leningrad State University Library in 1951. According to information provided by the Russian State Library, the latter received 202 volumes of the reprinted *Yongle Dadian Encyclopedia* in exchange, which suggests that the exchange discussed in the 1930s regarding single (original) volumes for reprints of the entire work (at least of the available volumes) was completed to the satisfaction of both sides. The fact that this process was deeply embedded in international relations is demonstrated by the letter of thanks: ‘Your generous gift proves that the great friendship between the peoples of China and the Soviet Union is getting stronger and stronger day by day.’¹³⁶

134 ‘Rede Otto Grotewohl, 11.12.1955’ (1995), in: Werner Meißner (Ed.), *Die DDR und China 1945–1990. Eine Quellensammlung*, Berlin, 79–80. The archive materials of the 1950s include a letter from students of the Teacher Training College, Beijing, of 12 December 1955, which expresses thanks for the return of the encyclopedia. In the same file there is also a note on the various state gifts, which does not mention the encyclopedia. This cannot be conclusively clarified without further research in Chinese archives. See ‘Vorschläge für die Entsendung einer Regierungsdelegation der Deutschen Demokratischen Republik in Volksrepublik China’, n. d., both in The Political Archive of the Federal Foreign Office, Berlin, M1-A/6618. Many thanks to Jan Hüsgen for discussions on this case.

135 Knight, John M. (2020), ‘Mandated Internationalism: Sino-Soviet Friendship 1949–1956’, in: *Twentieth Century Communism* 19, 27–60.

136 Translated by Mikhail Melanin, Deputy Head of the Oriental Center, Russian State Library, whom I thank warmly for information on this case.

IV. The Americas and the Caribbean

USA

The discussion in the USA on the return, restitution or repatriation of cultural property is currently dominated by the *Native American Graves Protection and Repatriation Act* (NAGPRA) of 1990. This law governs the return of cultural property to Native Americans. This should not obscure, however, the fact that there was a longer history of claims and returns in the USA before NAGPRA was passed. A number of bilateral treaties were intended to protect cultural property, such as the *Treaty of Cooperation between the United Mexican States and the United States of America Providing for the Recovery and Return of Stolen Archaeological, Historical, and Cultural Properties* (1970), which was signed towards the end of the period of study defined by this paper and which subsequently led to a number of returns.¹³⁷

On claims via
lawsuits see
↗ China ↗ Colombia
↗ Liberia

An important group of objects subject to claims are *wampum belts*: beaded belts made to commemorate moments of significance. The first known claim dates from around 1900, when the Onondaga Nation sued the Mayor of Albany, New York, for the return of wampum belts kept in a New York museum: 'The object of this action in brief is to have it adjudicated that the Indian League of Five Nations composed of the Onondagas, Oneidas, Mohawks, Senecas and Cayugas, and afterwards made Six Nations by the addition of the Tuscaroras, used wampum belts to commemorate important events; that these belts by an association of ideas with them served the purpose of a history; that there was an official of the league known as wampum keeper whose duty it was to preserve the wampums, and upon proper occasions to expound their meaning and signification; that the Onondaga Indian from whom defendant's assignors obtained the wampums in suit had possession of them as such wampum keeper; that such sale by him was unauthorized, and that the property, having a peculiar and special interest not to be measured by money damages, this action may be maintained on behalf of the Indian Nations in question to in effect recover their possession'.¹³⁸ Although the

137 Trinidad Meléndez, Miguel Ángel (2014), 'USA and Mexico (1970): Bilateral Treaties and Patrimonial Property Restitution', in: Claire Smith (Ed.), *Encyclopaedia of Global Archaeology*, New York, 7575-7577.

138 *Onondaga Nation v. Thacher*, 29 Misc. 428, N.Y. Misc. 1899, decided Nov 1, 1899. Many thanks to Rainer Hatoum for discussing these claims.

On returns by
private individuals
see ↗ Liberia
↗ Nigeria ↗ Sri
Lanka

suit was dismissed by the New York State Supreme Court,¹³⁹ the claim was nevertheless pursued further. Martin Sullivan argues that in the 1960s the return of wampum belts became a focus of Onondaga and Iroquois activism, paralleling the rise of a movement advocating for the rights of these groups within society.¹⁴⁰ The issue was discussed further in 1969, for example, when the Onondaga demanded the wampum belts be returned from the New York State Museum.¹⁴¹ There were also privately organised returns, such as that by Mrs M. J. Jamieson in 1950, who, having found herself in possession of a wampum belt but with no knowledge of its provenance, sent the artefact back to the Hopi.¹⁴² In 1972, wampum belts and *ceremonial masks* of the Seneca were to be auctioned off at Sotheby's. Onondaga Chief Oren Lyons protested against the auction with activists and achieved a partial victory. While three wampum belts were withdrawn from the auction, the ceremonial masks were sold. Calvin John of the Seneca Nation purchased a mask but – according to his statement – the Seneca did not have sufficient means to bid for the others, which were bought by private collectors.¹⁴³

In addition to these items, human remains were also subject to claims. The Nez Perce people negotiated the return of human remains, for instance, with the archaeologist Roderick Sprague and the anthropologist Deward Walker in the early 1960s.¹⁴⁴ The American Indian Movement (AIM) brought the Southwest Museum in Los Angeles into the limelight by occupying the museum in 1972 and demanding the repatriation of remains and sacred objects and the removal of various items from the exhibit. These claims were increasingly articulated publicly, as is shown by an Iroquois demonstration in front of the State Capitol in Albany in 1970.¹⁴⁵

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- 139 See also *Onondaga Nation v. Thacher*. Error to the Supreme Court of the State of New York, No. 234, argued April 8, 9, 1903 – Decided April 27, 1903.
- 140 Sullivan, Martin (1992), 'Return of the Sacred Wampum Belts of the Iroquois', in: *The History Teacher* 26, 1, 7-14, here 10.
- 141 For an overview see Zimmerman (2014), 'Repatriation Acts'. Goldstein, Lynne (2014), 'Repatriation: Overview', in: Claire Smith (Ed.), *Encyclopaedia of Global Archaeology*, New York, 6327-6335. For a critical discussion of the Onondaga claim, see William N. Fenton (1971), 'The New York State Wampum Collection: The Case for the Integrity of Cultural Treasures', in: *Proceedings of the American Philosophical Society* 115, 6, 37-461. On early claims and later returns, see Sullivan (1992), 'Return'.
- 142 Newspaper article 'Hopi Tribe's Lost Wampum Belt Returned by Six Nation', in: *The Brantford Expositor*, n.d. <https://vitacollections.ca/sixnationsarchive/details.asp?ID=2695917> (accessed 29 September 2021). It is reported here that a 'runner's belt' was also handed over; this cannot be clarified from the newspaper article, however.
- 143 Montgomery, Paul L. (1972), 'Indians get Partial Victory on Sacred Objects' Sale', in: *The New York Times*, <https://www.nytimes.com/1972/10/21/archives/indians-get-partial-victory-on-sacred-objects-sale.html> (accessed 29 September 2021). Bruchac, Margaret (2018), 'Broken Chains of Custody: Possessing, Dispossessing, and Repossessing Lost Wampum Belts', in: *Proceedings of the American Philosophical Society* 162, 1, 56-105, here 58.
- 144 Zimmerman, Larry J. (2014), 'Repatriation Acts: Before NAGPRA', in: Claire Smith (Ed.), *Encyclopaedia of Global Archaeology*, New York, 6298-6303, 6298.
- 145 On this see the newspaper article 'Iroquois are Seeking Return of Wampum Belts Held by State Museum' (17 April 1970), in: *The New York Times*, printed in Margaret Bruchac (2018), 'Broken Chains of Custody: Possessing,

Canada

With regard to Canada, Ira Jacknis has reviewed the case of the *Kwakiutl Artefacts* (today Kwakwaka'wakw). In 1885, the Canadian parliament passed the Indian Act, which among other aspects forbade certain rituals (e.g. *potlatch ceremonies*). While the rituals were nevertheless continued in secret, a number of artefacts were 'confiscated' over the years. It was only following a change in the law in 1951 that it became possible to take action against this dispossession. The first documented effort to recover potlatch collections dates from 1958. Andrew Frank (Coast Salish Indian married to a Kwakiutl woman) claimed artefacts from the National Museum, Ottawa, for permanent loan for a Native Community House that was being planned at the time. In 1963, Kwakiutl chief James Sewid requested the return of a collection from the National Museum. When he was informed that the objects had been purchased legally he offered to repurchase them for the same amount. While no return was made at that time claims continued to be made, and in 1967 the stance of the government and the museums changed – the next few years would see a number of returns.¹⁴⁶

Jamaica

Mariana Françoza and Amy Strecker have investigated how the Caribbean Community (CARICOM) has, since 2014, repeatedly requested of former European colonial powers 'reparations for slavery and native genocide', drawing attention to artefacts of Caribbean provenance in European museums. Until now, however, no formal claims have been asserted, which Françoza and Strecker attribute to three primary aspects: First, the artefacts in question include archaeological material originating from Caribbean groups who lived on the islands prior to 1492, while today's Caribbean population is multi-ethnic. Second, the artefacts have not yet been sufficiently digitised for potential claimants to learn of their existence. Third, political interest in pre-1492 societies is limited in the modern-day Caribbean.¹⁴⁷ In the course of this study only one case emerged for the period prior to 1970 in this geographic region, which will be discussed in the following.

In 1793, three Taíno carvings were discovered in a cave in the Carpenter's Mountains, Jamaica, amongst other artefacts. The carvings were first exhibited at the Society of Antiquaries, London, in 1799 and later found their way into the British Museum. Joanna Ostapkowicz has traced the exhibition history of these artefacts and shown that a possible claim to return the objects may have been asserted by Jamaica around 1940.¹⁴⁸ Wayne Modest ascertains, however, that no formal request was

Dispossessing, and Repossessing Lost Wampum Belts', in: *Proceedings of the American Philosophical Society* 162, 1, 56-105, here 74.

- 146 On this case see Jacknis, Ira (2000), 'Repatriation as Social Drama: The Kwakiutl Indians of British Columbia, 1922-1980', in: Devon Abbott Mihesuah (Ed.), *Repatriation Reader: Who Owns American Indian Remains?* Lincoln, 266-280.
- 147 Françoza, Mariana; Strecker, Amy (2014), 'Caribbean Collections in European Museums and the Question of Returns', in: *International Journal of Cultural Property* 24, 451-477.
- 148 Plaster casts were made in 1939 – it appears according to Georg A. Aarons that a 'repatriation request' had been made by the Jamaican government. See

Colombia

submitted during this period and questions why the loss of the carvings is nevertheless a matter of deep grievance in Jamaica. He also points out that today no Taíno live in Jamaica, so in this case there would be no cultural descendents to claim them.¹⁴⁹

The restitution debate is also a much-discussed topic in the states of modern-day Latin America, despite a lack of historical antecedents. Of the few claims identified from the period prior to 1970, a well-known example is the case of the *San Agustín Sculptures* from Colombia. Konrad Theodor Preuss travelled to Colombia in 1913 on behalf of the then Royal Museum of Ethnology, Berlin (*Königliches Museum für Völkerkunde*), in order to gather material for the museum. Although Colombia had already declared its independence from Spain in 1810, the collections from this region can nevertheless be considered within a colonial context.¹⁵⁰ Manuela Fischer has analysed the history of Preuss' collection and points to a protest against the dispossession of cultural property. Preuss included in his journey a three-month excavation in San Agustín, during which he discovered various sculptures from the pre-Hispanic era. The significance of these finds is documented in the establishment of an archeological park in San Agustín as early as 1935, which has been a UNESCO World Cultural Heritage Site since 1995.¹⁵¹ Some of the sculptures were exported and are now in Berlin. Preuss was a distinguished guest in 1930s Colombia and would meet with then President Carlos Eugenio Restrepo, among others. The landowner on whose premises the excavations had taken place had already allowed others to examine the area. The sculptures that Preuss wished to export were left to him by the administrators, one of whom was Sixto Ortiz. Despite the formally authorised procedure there were regional protests against the plan. The community of San Agustín, for example, submitted a formal complaint to the *Academia de Historia* (later the *Instituto Colombiano de Antropología e Historia*) regarding the planned export by a German scientist and also reported the matter to the local press, calling upon the department governor to prevent the export, which had already been approved. The Ministry of Cultural Affairs then researched the circumstances and reminded regional offices of the Decree for the Protection of National Cultural Property, in force since 1906. Although various deliveries to Germany had already been carried out at the time of the complaint, some were delayed until 1921 by the First World War, and the government does

On claims via lawsuits
see ↗ China ↗ Liberia
↗ USA

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- Ostapkoqicz, Joanna (2015), 'The Sculptural Legacy of the Jamaican Taíno. Part 1: The Carpenter's Mountain Carvings', in: *Jamaica Journal* 52-61, here 54.
- 149 Ostapkoqicz (2015), 'The Sculptural Legacy', 54. Modest, Wayne (2012), 'Material Bridges: Objects, Museums and New Indigeneity in the Caribbean', in: Joy Hendry, Laara Fitznor (Eds.), *Anthropologists, Indigenous Scholars and the Research Endeavour: Seeking Bridges Towards Mutual Respect*, New York, 2012, 185-195, here 186-189.
- 150 Deutscher Museumsbund (2019), *Guidelines*, 19-23. See also Introduction, FN 3.
- 151 On the history of the collection see Fischer, Manuela (2019), 'Die Skulpturen von San Agustín (Kolumbien) im Ethnologischen Museum, Staatliche Museen zu Berlin. Eine strittige Sammlung', in: *Bassler-Archiv* 65, 1-21.

not seem to have undertaken serious efforts to prevent the later exports.¹⁵² This example is interesting for two reasons: First, the export took place despite the existence of a law or decree which could have prevented it; second, the case seems to suggest a domestic conflict within Colombia in which the government was in support of Preuss' research while critique of the exports was expressed at the regional level.

152 *Ibid.*, 13-18.

V. Oceania, Australia and New Zealand

Australia

The collection history of *secret sacred* objects from Australia, especially of *tjurunga*, occupies a prominent position in current restitution debates. The collection practice for *tjurunga* was extremely complex and ranges from the voluntary handing over of objects to outright theft. Protests against the dispossession of cultural property can be traced back to the period of collectors' activities. Philip Jones, for example, describes several incidents in which individuals involved in the trade of *tjurunga* were aware, or became aware in the course of their activities, that the loss of these objects was a subject of intense grief on the part of the Indigenous population.¹⁵³ This knowledge led collectors to at least consider returning selected *tjurunga* to Aboriginal individuals.¹⁵⁴ This did not fundamentally challenge the collectors' practices, however, not even when it became known that the Aboriginal people were not only protesting against European collectors but also against those who cooperated with them, including Aboriginal people who showed the collectors where the *tjurunga* were kept and thus enabled the theft. During the 'Horn Expedition' of 1894, for example, Racehorse, an Aboriginal guide, had shown a group including Edward Stirling (anthropologist from the *South Australia Museum*) and Charles Winnecke (a land surveyor) a secret site from which the group purloined 45 *tjurunga*. Francis Gillen, 'special magistrate and Aboriginal sub-protector'¹⁵⁵, later reported that Racehorse had received threats from the keepers of the sacred objects and required

153 See for example Baldwin Spencer's report on the 'Horn Expedition' of 1894, in: Philip G. Jones (1996), 'A Box of Native Things': *Ethnographic Collectors and the South Australian Museum, 1830s-1930s*, Adelaide, 301-302. To elaborate on the critical challenging of collectors and – later in the museal context – their practices would exceed the scope of this paper; on this see the text 'I believe that half of your museum is stolen' by Sarreiter, Regina (2012), 'Ich glaube, dass die Hälfte Ihres Museums gestohlen ist', in: Anette Hoffmann, Britta Lange, Regina Sarreiter (Eds.): *Was Wir Sehen. Bilder, Stimmen, Rauschen. Zur Kritik anthropometrischen Sammelns*, Basel, 43-58. Many thanks to Olaf Geerken for a discussion on Australian restitution claims.

154 Gillen, for instance, ordered Cowle to return *tjurunga* in 1897. Jones (1996), 'A Box of Native Things', 304. See also Smith, Laurajane (2000), 'A History of Aboriginal Heritage Legislation in South-Eastern Australia', in: *Australian Archaeology* 50, 109-118.

155 Mulvaney, D. J., 'Gillen, Francis James (1855-1912)', in: Australian Dictionary of Biography, <https://adb.anu.edu.au/biography/gillen-francis-james-6383/text10907>, (accessed 29 September 2021).

police protection. In some cases such inner-Aboriginal conflicts, provoked by the collectors' theft, ended in the murder of the collector-compliant Aboriginals.¹⁵⁶ This example shows how colonised peoples, often not in a position to express their protest, claims for restitution or revenge to the European collectors directly, would take action against persons who acted in their favour.¹⁵⁷

These early examples of resistance to the dispossession of cultural property were isolated incidents. In 1927, following one particular case, the discussion of Aboriginal cultural property was publicly and fundamentally addressed. Mr D. H. Durean, a white businessman, and a group of tourists on the Reso Central Australian Tour were shown a tjurunga storage site near Oodnadatta by an Aboriginal guide, where they purloined several objects. Following their return to Melbourne, this 'Reso Incident' became public and led to probably the first instance of public criticism of collection practices in Australia. A wealth of political and societal actors took positions on behaviour towards tjurunga and collector practices.¹⁵⁸ The Anglican Archbishop of Melbourne, Dr Lees, publicly took the position that the objects should be returned. Herbert Basedow, at the time a Member of Parliament, argued: 'I am of [the] opinion that the removal of any sacred implement of the aborigines should be prohibited by Act of Parliament, as long as any of the tribe are living. The sacred stones collected during the recent tour to Central Australia, belonged to the Arunta tribe, one of the most thickly populated and intellectual of Australian tribes'.¹⁵⁹ But despite the ensuing public discussion on the legal protection of cultural property, it was still some decades before changes were made in this area.¹⁶⁰

156 Strehlow later wrote in reference to this case that Racehorse was executed for his deception. Jones (1996), 'A Box of Native Things', 301-302. Batty, Philip (Draft), 'A Secret History. The Collection and Repatriation of Aboriginal Sacred Objects', https://www.academia.edu/36025989/DRAFT_A_Secret_History_The_Collection_and_Repatriation_Aboriginal_Sacred_Objects (accessed 29 September 2021).

157 The fact that collectors and informants alike were aware that passing on information and/or objects could be dangerous is also relevant for other regions. Andreas Reischek writes in reference to his grave robbery in New Zealand that he risked his life to export mummies and funerary objects – even if some of his descriptions must be seen as self-glorifying, the fact remains that he was aware that he was committing an injustice.

158 Gibson, Jason M. (forthcoming), 'Dealing with the Sacred: The Value of Secret-Sacred Collections from Central Australia', in: Howard Morphy, Robyn McKenzie (Eds.), *Museums, Societies and the Creation of Value*, 6-7. See also Jones (1996), 'A Box of Native Things', 312-313. Newspapers reported widely on the incident.

159 Quoted from 'Aboriginal Sacred Stones. Removed by Tourist. Action Denounced' (3 September 1927), in: *Observer*, 7. See also the newspaper article: 'The Mainland Day by Day', in: *Melbourne*, 20 August 1927, 8. With reference to the actions of Aboriginals in this context, the *Chronicle* reports: 'Ethnologist stated that the plundering of the caves was a sacrilege, and there was little doubt that if the native who gave away the secret was discovered he would be put to death by the tribesmen'. See *Chronicle*, 27 August 1927, 50.

160 Cultural Heritage Protection is primarily the responsibility of the individual states and territories of Australia. West Australia passed the *Aboriginal Heritage Act* as the first law protecting cultural property in 1972. The Northern Territories passed

One of the earliest claims asserted by the Maori dates back to 1867. As Toon van Meijl has pointed out, a meeting house (*whare tupuna*) with the name Te Hau ki Turunga was confiscated in 1867 at the behest of the Minister of Native Affairs, James Richmond, in the course of the 'Maori wars'. In consequence, Te Hau ki Turunga became a museum exhibit (in the Colonial Museum, Wellington, later the Dominion Museum). However, Raharuhi Rukupo, a Maori leader, submitted a petition to the New Zealand parliament together with seven other Maori in the same year. When this failed, a second petition was filed in 1878, this time by Wi Pere, another Maori leader. This also failed and it was not until the year 2012 that New Zealand's parliament agreed to return Te Hau ki Turunga to the Rongowhakaata people, and indeed the return has still not been carried out to date.¹⁶¹

While this was a claim negotiated within New Zealand, the 'Reischek Collection' constitutes an example of an appeal to a European institution, in this case a museum in Austria, from which the Maori people have been requesting the return of artefacts and human remains for a relatively long period of time. Paneta Maniapoto Otene and ten supporters filed a petition to the New Zealand parliament in 1945, shortly after the end of the Second World War.¹⁶² In the light of the occupation of Austria by the Allied Forces, the petition requested the return of human remains as well as artefacts that Andreas Reischek had exported from New Zealand towards the end of the 19th century and which were now in the Natural History Museum, Vienna (*Naturhistorisches Museum, Wien*).¹⁶³ The government of New Zealand attempted to facilitate the re-

On claims for return following the Second World War see
 ↗ Egypt ↗ Ethiopia
 ↗ Nigeria ↗ Turkey

a law in 1977 protecting sacred sites (*The Aboriginal Lands and Sacred Sites Bill*), see *Aboriginal Areas Protection Authority: Protecting Sacred Sites Across the Territory. History*: <https://www.aapant.org.au/about-us/history> (n.d.) (accessed 29 September 2021). This legislation was often closely linked to environmental protection laws; on this see for example the case of New South Wales, which protected pre-1788 remains of Aboriginal occupation with the 1967 *Wildlife Act* (rock art, sacred trees, burial sites), see 'What legislation protects Aboriginal heritage in NSW?', in: Office of Environment & Heritage: *Aboriginal Heritage Legislation in NSW. How the Aboriginal Heritage System Works?* Sydney 2012, 4–6.

- 161 'Raharuhi Rukupo et al.: Petition of Natives at Turunga (1867), commented by Toon van Meijl' (3 April 2020), in: *Translocations. Anthologie: Eine Sammlung kommentierter Quellentexte zu Kulturgutverlagerungen seit der Antike*, <https://translanth.hypotheses.org/ueber/turunga> (accessed 29 September 2021).
- 162 Petition No. 66/1945. Petition of Paneta Maniapopo and Others, in: The National Archive, Kew, TNA DO 35/1195/36. If not otherwise noted, the following details are based on Müller, Lars (2020), 'Ringen um Rückgabe. Frühe Forderungen der Maori nach Restitution und Repatriierung, 1945–1947', *boasblog* (<https://boasblogs.org/de/dcntr/ringen-um-rueckgabe/>) (accessed 29 September 2021). See also O'Hara, Coralie (2020), 'The Andreas Reischek Collection in Vienna and New Zealand's Attempts at Repatriation', in: Cressida Forde, C. Timothy McKeown, Honor Keeler (Eds.), *The Routledge Companion to Indigenous Repatriation*, New York, 438–451.
- 163 On the Maori human remains in the Natural History Museum, Vienna, as well as the handing over of the Reischek Collection to the museum, see Eggers, Sabine; Herewini, Te Herekikie; Mamaku, Te Arikirangi; Schattke, Constanze; Buttinger, Katharina; Eggers Gorab, Matthias; Berner, Margit (2021), 'Māori and Moriori Human Remains in the Natural History Museum in Vienna: Exhumed, Shipped, Exchanged and Inventoried', in: Pia Schönberger (Ed.), *Das Museum*

turn via the UK, with the primary objective being the inclusion of the return in a peace treaty. When this became likely the return was discussed via diplomatic channels. This is one of the early cases in which the return of human remains and objects was discussed publicly in a country of origin while the process did not become public in the UK or Austria. The British Foreign Office (and the Dominion Office) gathered information on the collection history, the whereabouts of the human remains and objects as well as on comparable cases in order to establish a position. While the UK was initially sympathetic to the request, its support waned somewhat once more extensive information about comparable cases in British and New Zealand museums had come to light, and Austria was offering no encouragement. The British closed the case, and soon after the government of New Zealand also dismissed the matter. But the public debate in New Zealand kept the case alive. When, a year later, still no progress had been made, Raureti Te Huia and 23 others initiated a second petition.¹⁶⁴ In 1947 a businessman offered the Minister of Maori Affairs his Austrian contacts in order to support the claim, but the offer was refused.

It was not until the 1950s that New Zealand undertook a new official attempt. New Zealander George F. Kiwi Howe informed the Minister of External Affairs in 1956 that he was negotiating with Austrian representatives on behalf of the Maori people and that there was a chance that the return would be carried out if the government of New Zealand placed an official request. Despite scepticism, New Zealand contacted the Austrian Embassy and proposed continuing the negotiations that had been left open in the 1940s. Austria once again rejected the claims, however, as the mummies – such were the arguments – were (1) of considerable scientific interest; (2) because a return would set a precedent that could have implications for other countries that accommodated human remains; and (3) Austria had been advised against returning the objects by other museums worldwide.¹⁶⁵ A repeated claim by New Zealand in the early 1960s was also rejected in internal discussions. It was not until the mid-1970s that the issue was revived, and talks took place between the government of New Zealand and the Wikato and Maniapono communities as well as with Etta Becker-Donner, director of the Viennese Museum of Ethnology (*Völkerkunde Museum Wien*). At this point, the New Zealand side was optimistic that the objects in Vienna might be exchanged for (contemporary) Maori art. When Becker-Donner died, however, at the end of 1975, the process was once again discontinued

im kolonialen Kontext, Vienna, 281-303.

- 164 Petition No. 38/1946 Raureti Te Huia and 23 Others, presented by Mr Cotterill for Mr Ratana to the Hon. The Speaker and Members of the House of Representatives in Parliament assembled, in: Archives New Zealand, Wellington, ANZ AAMK 869 W3074 674/b 19/1/547.
- 165 Department of External Affairs to Department of Maori Affairs, 16 April 1958, in: Archives New Zealand, Wellington, ANZ AAMK 869 W3074 674/b 19/1/547. This at least implies that international agreements were reached as to how to proceed in this and similar cases. It is currently unclear which museums were contacted by Vienna.

Samoa

in the New Zealand files. It took another 10 years until, in 1985, the first human remains from the 'Reischek Collection' were given back to New Zealand.¹⁶⁶

While claims from Australia and New Zealand have been relatively intensively debated, those from other regions of Oceania, including historical examples, are hardly audible in the current discourse. In his overview of claims for the return of human remains held by Germany, Andreas Winkelmann reports of a claim from Samoa from the year 1911 pertaining to two skulls. As in the cases of Belck and Schinz, here too skulls were returned in less than good condition; in other words, the specifically requested skulls were not returned and remain in Berlin today.¹⁶⁷

166 On the later returns, see Weiss-Krejci, Estella (2013), 'Abschied aus dem Knochenkabinett – Repatriierung als Instrument kultureller und nationaler Identitätspolitik am Beispiel österreichischer Restititionen', in: Holger Stoecker, Thomas Schnalke, Andreas Winkelmann (Eds.), *Sammeln, Erforschen, Zurückgeben? Menschliche Gebeine aus der Kolonialzeit in akademischen und musealen Sammlungen*, Berlin, 447-476.

167 Winkelmann, Andreas (2020), 'Repatriations of Human Remains from Germany – 1911-2019', in: *Museum & Society* 18, 1, 40-51. Also on this case, see Zimmerman, Andrew (2001), *Anthropology and Antihumanism in Imperial Germany*, Chicago, 161-162.

VI. Discussion

This first 'global' mapping of restitution claims against (former) colonial powers, usually European, their representatives and above all their collecting institutions, and the resulting returns illustrate, first, that there had been a wealth of both claims and returns prior to 1970. But it also becomes clear that these have until now only seldom been considered in relation to one another. The state of research of a possible new research field, (*postcolonial*) *restitution studies*,¹⁶⁸ can be described in many respects as fragmented. This hinders the development of a common research field that might move beyond individual case studies or compare the various cases of claims and returns. A further challenge is the highly interdisciplinary nature of the field. Publications have appeared in journals of historical scholarship, political science, social studies, science of art, archaeology, law or ethnology as well as in disciplines that are per se interdisciplinary, such as regional studies (including African studies), heritage studies, museum studies, etc. Other cases are only known as a result of reports in the press. This not only makes it difficult to find existing work but also means that very different perspectives are taken on the subject of claims, returns and restitutions. We must also consider that the few existing publications on the subject have largely been written by researchers in the Global North, whose research questions are shaped by their academic socialisation, access to sources and their research interests.

Second, while there has been a large number of claims, there have also been many different types of claims, negotiations and also returns. Simple explanations, such as that claims were fundamentally rejected by western institutions or that the current visible increase in claims to European and North American museums are for the most part a result of growing confidence on the part of the formerly colonised, tend to fall short. Already in colonial times or during decolonisation, extensive demands were made of the former colonisers and in some cases successfully enforced. Nor is an overly simplistic, binary categorisation of former colonisers and colonised necessarily useful when reconstructing the of-

168 Scott, for instance, locates her book within the 'field of cultural restitution studies', cf. Scott, Cynthia (2000), *Cultural Diplomacy and the Heritage of Empire. Negotiating Post-Colonial Returns*, book description.

ten complex negotiations around claims for the return or restitution of an object. Example cases can be found for the colonial period in which returns were supported by representatives of the colonial powers – in order to secure the loyalty of the colonised peoples, for example. Similar political arguments were put forward in and beyond the context of political independence. Alongside arguments either supporting or rejecting a claim, closer attention should be paid to the various actors themselves. On the claimant side, these might range from individual family members to local administrative offices and interest groups to postcolonial states. Sometimes, representatives of the (former) colonial powers would actively support and encourage returns procedures. On the side of the holding institutions, private individuals – collectors as well as scientists – were involved, as were a wealth of museums and state institutions such as ministries of education or of foreign affairs. The modes of asserting claims were equally diverse, from private inquiries to unofficial requests, paragraphs in international treaties, or official restitution claims made by state actors or pursued via lawsuits.

Third, we see that numerous restitution claims – even those that were temporarily suppressed, forgotten, or at least not repeated – are still effectively ‘open’, having been either completely ignored, rejected, or given an evasive response. It would be instructive for the current debate to engage in historical reflection on the individual claims, to contextualise and – where appropriate – build on them, particularly those that resulted in success.

VII. Concluding Remarks

Based on the example cases discussed here, I would like to make the case for a systematic analysis of returns and restitution claims that, above all, firmly and openly includes voices from the countries of origin. Restitution history only becomes comprehensible when the various sides – in some cases multilateral constellations – are taken into consideration. The absence of – and sometimes disregard for – voices of claimants in the discourse is particularly striking.¹⁶⁹

Given this aspect, it is especially important to focus on the early restitution claims, which generally formed the basis for later developments, even in the absence of a direct connection or if the earlier case appeared forgotten in the meantime. Studying the claims of individual countries from a *longue durée* perspective is thus particularly instructive. Even if recent work considers the 1960s as the beginning of a new restitution debate, or if the 1970s are interpreted as a period in which questions of (post)colonial returns received fresh attention on an international level and new forums of exchange emerged,¹⁷⁰ it is also clear that many initiatives and activities were pursued in spite of political and cultural upheaval. Although the international framework changed in the process, interests, arguments, strategies and so on were reinforced, repeated and continued, or indeed they were adapted and changed.

The documentary film 'You Hide Me!' by Ghanaian Nii Kwate Owoo symbolises the upheaval during this period. Owoo was already filming this documentary about African and Ghanaian artefacts in the British Museum in 1970, in which he had clear recourse to earlier discussions. The film can be interpreted as an impressive plea for returns and/or as

169 In the most recent issue of the *Contemporary Journal of African Studies*, Apoh and Mehler articulate research questions that are helpful for a better understanding of current debates and practices around returns and claims for such. Apoh, Wazi; Mehler, Andreas (2020), 'Mainstreaming the Discourse on Restitution and Repatriation within African History, Heritage Studies and Political Science', in: *Contemporary Journal of African Studies* 7, 1, 1-16. Bianca Gaudenzi and Astrid Swenson argue primarily for an examination of returns from a transnational and global perspective and propose a framework in which diverse returns can be analysed: Gaudenzi, Bianca; Swenson, Astrid (2017), 'Looted Art and Restitution in the Twentieth Century – Towards a Global Perspective', in: *Journal of Contemporary History*, 52, 3, 1-27.

170 Most recently on this: Savoy (2021), *Afrikas Kampf*, 8.

an indication that the topic of returns and restitution was not only a matter for museums or international politics but also enjoyed attention from a wider public, such as the Ghanaian diaspora in the UK. The concluding words of Owoo's film were taken as the point of departure for a large BBC documentary on the topic of restitution in 1981: 'These works of art which belongs [*sic*] to the African peoples were looted and brought back to Europe by missionaries, colonial army officers, tradesmen and the so-called experts of today known as anthropologists and ethnography. Why should Africans, including African artists, only be able to read about their works of art in books written by white people? We, the people of Africa and of African descent, demand that our works of art, which embodies [*sic*] our culture, our history and our civilization should immediately and unconditionally be returned to us'.¹⁷¹

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171 Owoo, Nii Kwate (1970), *You Hide Me! The Colonization of African Art*. British Museum. There seem to have been varying versions of this text. The version referred to here is from the script by Ben Shepard (1981), *Chronicle: Whose Art is it Anyway?* 27 May 1981, BBC Written Archives Centre. My thanks to Samantha Blake, BBC Written Archive, for sending me this manuscript.

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