Colonial-era cultural heritage in European museums

While Europeans access and enjoy their rich cultural heritage, making the most of the European Heritage Days every September, it is worth reflecting on what access people living in territories once dominated by Europe’s colonial powers have to their cultural heritage. Colonial times saw the destruction of cultural property and removal of precious and symbolic items. Countries now going through the long decolonisation process have reached a point where they are exploring ways to recover their cultural property and heritage.

Displaced cultural heritage
The European Heritage Days have been organised across Europe every September since 1999. While every year millions of Europeans enjoy their cultural heritage, appreciate its beauty, and connect to their roots, many are not aware that Europe’s museums and art collections often follow a colonial logic. They hold precious items belonging to the cultural heritage of other continents, with artefacts, ritual objects and royal insignia often among their main attractions.

Europe’s colonial past did not end with the declarations of independence of territories once under the administration and domination of European powers. It has been a long process of gaining control over all aspects of self-determination. It began with the economic and political spheres that are of crucial importance for the survival of these countries and their citizens. Recently, however, the process has gained a new dimension. The reappropriation of cultural heritage and cultural property looted during colonial conquest or exploration has become an important element in decolonisation. Europe’s former colonial powers have been called upon to recognise that their museums’ collections include artefacts and cultural property illegally removed or extorted from dominated peoples who had no choice but to surrender objects testifying to their identity, traditions and history.

Where does colonial-era cultural heritage belong?
In April 2010 in Cairo (Egypt), a Conference on International Cooperation for the Protection and Repatriation of Cultural Heritage concluded with demands for the return of certain cultural objects that former colonial powers had looted or stolen and that are now exhibited in the world’s finest museums. For years, the main narrative of these museums has been that they are keeping and preserving the objects as part of world heritage until museums in the countries of origin are able to ensure proper conditions for their preservation. In December 2002, leading European and North American museums signed a declaration reflecting this approach. Meanwhile, this cultural heritage remains inaccessible to the people whose heritage it represents, by virtue of it being held in Western countries.

During the 2010 conference, a long list was prepared of items that countries such as Egypt, Nigeria, China, Peru and Syria would like to see returned. It covers some of the world’s finest artworks or heritage items, including the Rosetta Stone, the Nefertiti Bust, the Dendera Zodiac, a statue of Rameses II, the Benin Bronzes, an ivory hip mask of Queen-Mother Idia, the Machu Picchu collection, the feather head-dress of the Aztec ruler, Montezuma, and the Elgin Marbles from the Parthenon in Athens, to name just a few. The claims are addressed to many of Europe’s leading museums: including the British Museum (London), the Neues Museum (Berlin), the Louvre (Paris), the Hermitage (Saint-Petersburg), the National Museum of Denmark, and important museums in Italy, the Netherlands and Austria, for instance.

In order to address this important issue the Organisation of African Unity declared 2021 the Year of Arts, Culture and Heritage in Africa. The concept note for the year-long event refers to the restitution of cultural property and heritage, and tasks African museums with hosting and promoting African cultural heritage, including cultural property that could potentially be returned. In 2015, the UNESCO General Conference had already proclaimed 5 May to be African World Heritage Day to take place every year.
Grounds for the return of colonial-era cultural property
The first meeting of the Economic Community of West African States (ECOWAS) Regional Monitoring Committee on the action plan 2019-2023 for the return of cultural properties to their countries of origin was held in July 2021 in Cotonou (Benin). The action plan provides for the establishment of a regional committee in charge of monitoring the plan. This committee has highlighted that out of a total of 121 cultural heritage sites on the list of world cultural and natural heritage, the ECOWAS region has 32 sites, while a significant part of the cultural heritage of West Africa is held in Western museums. The meeting concluded that the restitution of looted cultural heritage was necessary to reconstitute the cultural heritage of the region.

The restitution issue is all the more important since the United Nations (UN) sustainable development goals (SDGs) refer to the role of cultural heritage in development. The International Council on Monuments and Sites (ICOMOS) has published policy guidance on this topic, stressing the importance of cultural heritage for local populations, their sense of belonging and continuity, creativity, tourism and economy. Cultural heritage is also recognised as an element of justice in SDG 16.4, which refers to the need to strengthen the recovery and return of stolen assets.

International conventions referring to stolen cultural property were signed in the second half of the 20th century. Not being retroactive, they do not apply to objects looted or stolen before 1970. The 1970 UNESCO Convention on the means of prohibiting the illicit import, export and transfer of ownership of cultural property and make legal claims extremely difficult and burdensome. In recent years, an approach based on the concepts of state succession and self-determination has been adopted and resulted in soft law instruments, such as provenance research by museums (reconstructing the history of given objects), good faith negotiations with source communities or former owners and equitable solutions for claims. The return of cultural objects is based on moral grounds as a necessary element in the cultural development of new states. Cultural rights, such as the right not to be separated from certain cultural objects (ritual artefacts, insignia, etc.) together with the assumption that communities, not states, are rights-holders has become a new important element that is being taken into consideration.

First tentative steps forward
On these grounds, in 2017, the French President, Emmanuel Macron, promised to make possible the return to Africa of its cultural property: ‘African cultural heritage can no longer remain a prisoner of European museums’. A report published in November 2018 was a game-changer in relations between former-colonial powers and territories once under their domination, and not only for France. Belgium followed the new approach. In June 2021, it issued its report 'Ethical principles for the management and restitution of colonial collections in Belgium'. Similarly, following an October 2020 report, major museums in the Netherlands agreed that they should return cultural objects looted from former colonies. In March 2021, the country decided to launch a €4.5 million project to develop a practical guide on colonial collections. Germany, following suit, has decided to return the Benin Bronzes to Nigeria, and placed the process under the supervision of the Prussian Cultural Heritage Foundation. Nigeria’s ambassador to Germany criticised this decision however, hinting that the Foundation may still be taking a colonial approach to the issue. Modalities of return, e.g. legal aspects, permanent return versus permanent loan – either to the countries of origin or to European museums, and other delicate issues, are still up for debate.

European Union regulations on imports of cultural goods
In 2019, Council and the European Parliament adopted Regulation (EU) 2019/880 on the introduction and the import of cultural goods on its territory, to prevent the illicit trade in such goods and safeguard the cultural heritage of other territories. Archaeological objects or elements of monuments more than 250 years old must be accompanied by an import licence and supporting documents from source countries, such as export certificates, ownership titles, sales contracts, insurance documents, and expert appraisals. Less vulnerable objects – at least 200 years old and of a minimum value of €18 000 – require a statement from the importer. These procedures are intended to limit trafficking of cultural heritage items that are particularly vulnerable on account of conflicts and wars in their territories of origin. This is very important, since the areas that were stripped of their cultural property by colonial powers are nowadays the places where the main art markets for illicit artefacts are located.