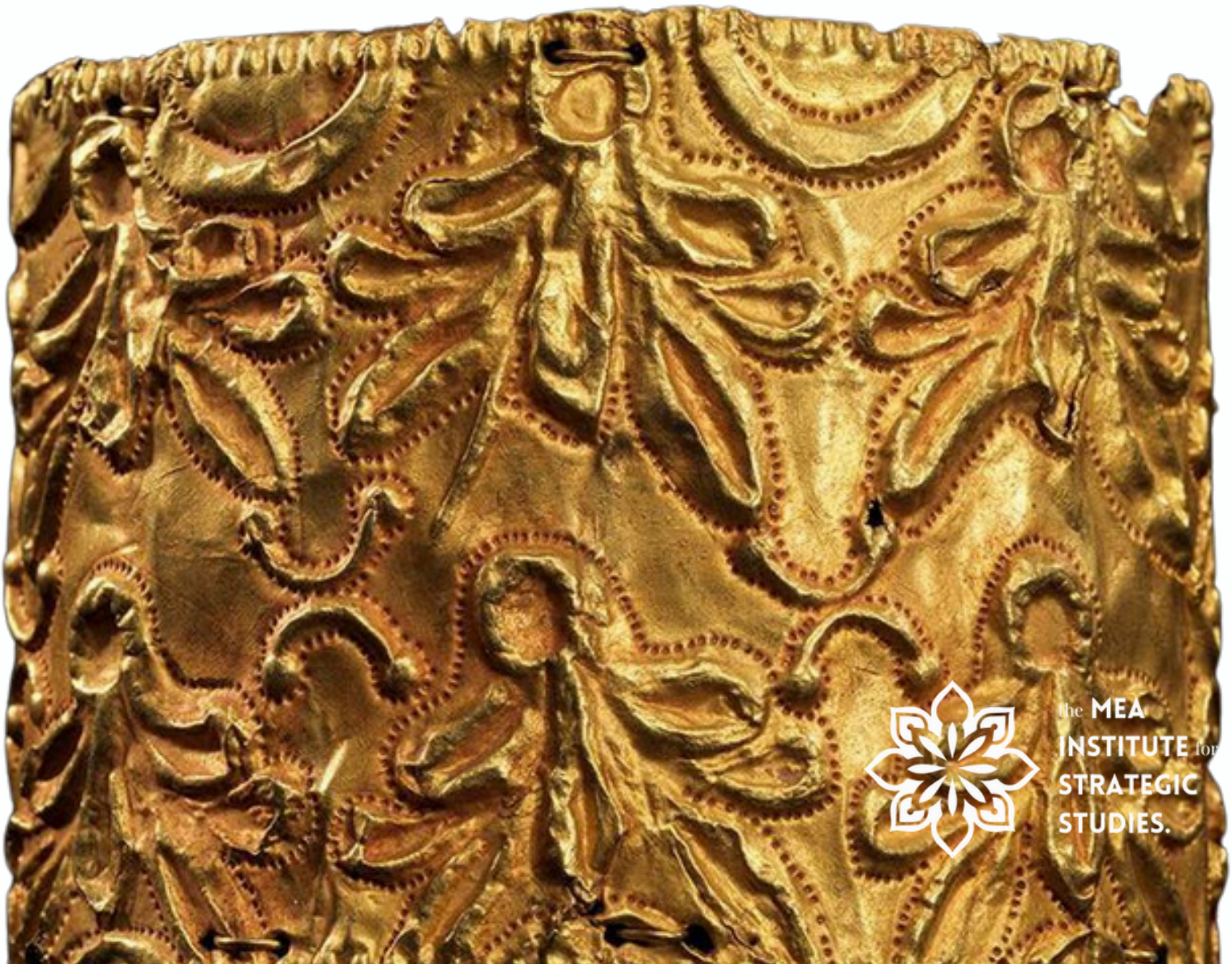
Sub-Saharan Africa Desk

Special Edition

Policy Report

July, 2025

Reparations for African Peoples: Justice Through Art, Policy, and Peacebuilding



the MEA INSTITUTE for STRATEGIC STUDIES.

About us

The MEA Institute for Strategic Studies

The MEA Institute is a hub for expert research, strategic analysis, and public engagement. We specialise in geopolitical strategy, economic forecasts, and sociopolitical trends, bringing clarity to complex issues and linking regional dynamics to global impacts, with expertise crafted by locals for locals and beyond. Our mission is to empower stakeholders, governments, businesses, and civil society through informed guidance that addresses the immediate and long-term challenges facing the Middle East and Africa.

We are proud to be the first youth-led Think Tank initiative in MENA and Sub-Saharan Africa, bringing together some of the brightest minds and researchers from the region and around the globe.

AUC - MEA Reparation Project

In 2025, the African Union (AU) declared the "Year of Justice for Africans and People of African Descent Through Reparations," marking a pivotal moment in the continent's reparatory justice agenda. This initiative builds on decades of Pan-African advocacy and follows the 2023 Accra Conference, where frameworks like the Global Reparations Fund were proposed. The AU's 2025 agenda focuses on institutional reform, including the establishment of an African Reparations Fund and a Committee of Experts. It promotes a unified African position, mainstreams reparations into national policies, and enhances global advocacy with events such as the Africa Dialogue Series at the UN and AU-EU transitional justice seminars.

Key goals include financial and symbolic reparations, heritage restoration, education, and structural reforms to global systems of inequality. The AU also seeks stronger alignment with CARICOM and other global actors. Despite resistance from former colonial powers, the AU remains committed to mobilising support and resources to achieve its objectives. The initiative represents a strategic shift from symbolic demands to actionable policy and institutional mechanisms, aiming to address historical injustices from slavery, colonialism, and systemic racism. Through education, diplomacy, and civil society engagement, the AU hopes to create a sustainable path toward justice and healing for Africans and the diaspora.

the **MEA INSTITUTE** for **STRATEGIC STUDIES.**

African Union

@TheMEAInstitute
contact@meainstitute.org

Reparations for African People: Reclaiming Justice Through Art, Best Practices, and Effective Peacebuilding

Project Directors:
Abdul Fattah El Cheikh
Genevieve Labuschagne

Contributing Researchers:
Abigail Call, Aisha Mohamed,
Brian Chaggu, Khayria Mansouri,
Michaela Papavero, Muhammed Musa,
Rachael Nyirongo, Salman Huwait.

Table of Contents

Executive Summary

Reparations and repatriation are critical to achieving historical equity in post-colonial African nations. As Kenyan contemporary artist Peterson Kamwathi notes, "reparations add to whatever initiatives exist towards making amends, it's not cause correcting... but I think we will be able to get to a place where we are aware of the certain realities that we have to contend with." The forceful removal of African artifacts and cultural objects during colonial rule severely disrupted traditional systems and imposed European cultural norms, stripping these objects of their historical and sacred meaning. Art and artifact reparation projects acknowledge these losses, facilitating restitutive justice and reshaping cultural narratives.

The **African Union's (AU) 2025 theme, "Justice for African People and People of African Descent through reparations,"** aims to unite African nations in addressing the impacts of slavery and colonialism. This initiative is crucial for recovering history, dismantling colonial narratives, and promoting resilience, vitalizing African identity and education. This aligns with **Aspiration 5 of Agenda 2063**, which seeks to leverage Africa's rich human, cultural, historical, and natural endowments for inclusive, sustainable development. Cultural heritage and artistic practices are central to this vision, making reparations a pathway to sustainable peace and development.

International legal frameworks, such as the **1954 Hague Convention** and the **1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property**, define cultural property and oblige states to prevent illicit transfers. The **1995 UNIDROIT Convention** provides complementary restitution rules. While not originally designed as reparation tools, these frameworks offer African states legal avenues to demand the return of looted artifacts. However, significant structural and practical challenges persist in the protection of cultural property in Africa.

Case studies illustrate the complexities of repatriation:

- **Algeria:** In **2020, France returned 24 skulls of Algerian resistance fighters** to Algeria, though only six were conclusively identified. France characterized this as a renewable 'loan,' highlighting legal obstacles and undisclosed return criteria. The Stora Report ruled out a formal apology or material support, underscoring the symbolic nature and limitations of France's engagement with its colonial past.
- **Egypt:** The **Rosetta Stone**, seized by the British in **1801**, remains at the British Museum. Despite Egypt's increasing demands for its return, linking it to national identity and post-

colonial justice, the British Museum refuses, citing preservation and public access concerns. The stone's removal predates international heritage laws, creating legal hurdles.

- **Ethiopia:** The **1868 Maqdala looting** by British forces resulted in **356 Ethiopian manuscripts** being taken. While **13 looted Ethiopian artifacts were returned in 2021**, Ethiopia continues to seek the return of **twelve sacred tabots** held by the British Museum, which cites the **1963 British Museum Act** to resist restitution.
- **Namibia:** Under German colonial rule, the **Herero and Nama genocide (1904–1908)** led to human remains being exported for racial experiments. In **2011, 16 skulls** were returned by the University of Leipzig. In **2021, Germany formally recognized the genocide** and committed to financial reparations and cultural heritage restitution.

AU Endowment Fund: A Sustainable, Enabling, and Forward-Looking Solution

To address the challenges of cultural heritage repatriation, the establishment of an **AU Endowment Fund** is proposed. This fund would serve as an investment pool, generating a reliable revenue stream to support long-term, complex restitution efforts. These efforts include tracing and documenting stolen art, supporting provenance research and legal claims, facilitating negotiations and acquisitions, and raising public awareness. The fund would also invest in strengthening cultural and archival infrastructure within African nations.

The Endowment Fund would be established as a specialized trust or foundation under AU auspices, governed by a board of trustees comprising AU officials, member state delegates, technical experts, civil society, and diaspora representatives, along with an independent auditor. Adopting best practices in spending rules, diversified investment, donor engagement, and audit oversight would ensure the fund's sustainability and impact.

Cultural reparations and repatriation are fundamental to post-colonial justice efforts in Africa. While legal frameworks provide some recourse, restitution efforts face significant legal, political, and logistical challenges, as evidenced by the cases of Algeria, Egypt, Ethiopia, and Namibia. The proposed **AU-facilitated continent-wide Endowment Fund** offers a sustainable solution by providing long-term financial and institutional support for restitution efforts, ultimately strengthening African cultural infrastructure and identity.

Introduction

The legacies of colonialism continue to impact Africa's cultural heritage, as post-independence African nations remain entangled in repatriation battles. African Union's (AU) 2025 theme, "Justice for African

People and People of African Descent through reparations," starkly redirects focus to these battles. This policy brief engages with this theme to re-imagine a reparation policy that is rooted in a sustainable, future-focused, and collaborative strategy. An in-depth review of the historical context under which the theft of African artefacts and art provides the foundation for engagement with policy ambitions directed at improving standing repatriation efforts. To set this foundation, this report delves into the historical context of colonial looting as well as the intricacies of international legal frameworks. Namely, attention is drawn to the lack of protection for cultural property on the continent. Four case studies are utilised to examine the complex setting under which repatriation and restitutive justice unfold, and often, struggle to occur. Ultimately, this report draws insights and recognises limitations to produce a unique policy position that the African Union can pragmatically implement to pursue reparation and restitutive justice.

Methodology

The purpose of this report is to develop a pragmatic policy recommendation to facilitate reparation efforts and ensure restitutive justice for African people and people of African descent. The report employs a qualitative and interpretive methodology, drawing on both primary and secondary sources written on African heritage, international law, and post-colonial studies. Emphasis was placed on centring African perspectives to ensure contextual accuracy and authenticity in historical background and legal analysis. African Union policy documents, including Agenda 2063 and the 2025 reparations theme, were used to understand institutional frameworks and previous and ongoing cultural reparation efforts. Legal analysis was conducted through a review of international legal instruments and case law relevant to cultural property protection and restitution, with attention to their application and limitations in the African context. Archival analysis, centred mostly on the AU archives, was used extensively to navigate the research, frame it through a study of precedents and previous restoration and reparations efforts, and to better inform policy recommendations that reflect African needs and priorities. To bolster policy insights, a single semi-structured interview was conducted with an African contemporary artist, who has successfully displayed work on both the Eurocentric and African international stages. As only one interview was done, the purpose was to engage with the lived experience of an African artist.

In terms of the case studies, the general strategy involved authors utilising desktop and secondary research to engage with relevant sources such as academic articles, legal cases, policies, and regulations, as well as AU frameworks to orient this report's analysis. In-depth engagement with the historical and legal contexts provided analytical insights which, when applied to the chosen case studies (Algeria, Egypt, Ethiopia, and Namibia), proved effective in drawing out policy potentials and identifying lessons. The crux of this report, the policy recommendation, was then informed and motivated by these lessons and potentials. The Algerian case study on the loan of colonial-era remains involved a qualitative study of peer-reviewed papers. Other resources examined included reports commissioned by the French government and proposed French legislation regarding the restitution process under the principle of inalienability and the *Code du Patrimoine* (the French Heritage Code). The case study on Ethiopia's stolen manuscripts was developed through a

qualitative analysis of peer-reviewed papers, UNESCO conventions, and the British Museum's legal documents to examine the historical context and cultural importance of the looted manuscripts. A consultation of newspaper articles aided in exploring past and current diplomatic negotiations around the restitution processes. The Namibian case study employed a qualitative, case study-based approach, focused on the repatriation of human remains and cultural artefacts in Namibia as a lens for understanding broader issues of historical justice and national identity in Southern Africa. Data was sourced from a review of academic literature, including peer-reviewed journals (e.g. Journal of Southern Africa Studies, African Studies Review), policy documents, government statements, and credible media sources (e.g. BBC News) to trace the timeline, actors, and impact of repatriation efforts.

Historical Context and Rationale

Understanding African cultural heritage requires a critical examination of the colonial legacy in Africa. The continent is rich in cultural heritage, encompassing a wide range of natural and cultural sites, belief systems, artefacts, visual and performing arts, and the diverse traditional practices that have shaped Africa's identity throughout history[1]. Colonialism severely disrupted these traditional systems and imposed European cultural norms, often through the forceful removal of African artefacts and cultural objects, and their subsequent transfer to European museums. The unethical acquisition of African heritage was carried out by various actors: colonial administrators, missionaries, private collectors, soldiers, and even museum officials. Their actions, though varied in motive and method, collectively contributed to the large-scale removal of cultural objects across the continent.

The removal of African cultural heritage during the colonial period was not the result of a single force, but rather a network of actors whose actions—intentional or not—contributed to a deep cultural loss. Missionaries, often convinced they were acting for a higher moral purpose, took religious artefacts without seeking permission, disregarding their sacred meaning. Soldiers confiscated cultural objects during military conquest, reducing them to symbols of dominance. Tourists collected items as mementoes, rarely aware of the histories they were displacing. Colonial officials, working systematically, transferred these artefacts to museums and research institutions in Europe, stripping them of their original context. Even some African intermediaries, facing colonial pressure or acting in pursuit of survival or personal gain, played a role in this process. Together, these actions fragmented cultural memory and identity, leaving a legacy that African communities are still working to reclaim and heal from today[2].

[1] Van Beurden, Sarah. "LOOT: Colonial collections and African restitution debates." *Origins: Current Events in Historic Perspective* (2022).
[2] Van Beurden, Sarah. "LOOT: Colonial collections and African restitution debates." *Origins: Current Events in Historic Perspective* (2022).

These actions created a profound imbalance of power, ceding control of the narrative surrounding African culture and history to European colonisers, an imbalance that continues to affect efforts toward restitution and cultural justice today. For the past five decades, African scholars, writers, and nations have been demanding the restitution of cultural heritage taken during colonial rule. Cultural heritage is a selective process involving practices that typically align with human rights standards protected under international law. Restitution is the return of unlawfully removed objects to their rightful owners, but more importantly, it implies a legal obligation to repair the harm caused by the removal. This connects directly to demands for reparation made by African states, which include addressing past injustices through formal apologies, financial compensation, restoration of rights, and/or the return of stolen items[3].

Cultural Heritage Reparation: An African Union Perspective

The African Union's (AU) 2025 theme, "Justice for African People and People of African Descent through reparations,4" builds on the momentum of the Accra Reparations Conference 2023. This renewed focus marks a significant step in advancing Africa's reparations agenda. Importantly, it presents a vital opportunity for the AU to lead in uniting African nations, peoples, and diasporas in the pursuit of justice, recognition, and redressing the lasting impacts of slavery, colonialism, and exploitation.

In this context, cultural heritage reparation is essential, as it enables Africans to recover lost history, reclaim knowledge that was disrupted by colonialism, and rewrite their own narratives. The latest point is of particular importance as a counterweight to European Colonialist narratives surrounding Africa, namely the "Civilising Mission" narrative, "Europe's Burden", and others promoting Africans' inability to interact or value their arts due to Europe's ostensible grasp of aesthetics, as opposed to Africans'. The process of reparation described above fosters resilience, strength, and pride—elements that can help address contemporary challenges facing the continent. The looting of human remains, cultural objects, and artworks represented more than material loss; it stripped communities of their sense of identity and collective memory. Therefore, returning these items is not merely about restoring physical artefacts. It is a recognition of historical injustices and a symbolic act of healing. Furthermore, restitution supports the revival of cultural education, the resurgence of heritage practices, and the rebuilding of historical awareness, ultimately reshaping African identity and reaffirming the continent's rightful place in global history[5].

Moreover, revisiting African culture reveals its potential as a tool for inter- and intra-community peacebuilding. For centuries, African communities have documented their lived experiences and organised their societies through artistic expression, which continues to play a vital role in post-conflict processes,

[3] Effiboley, Emery Patrick. "Reflections on the issue of repatriation of looted and illegally acquired African cultural objects in Western museums." *Contemporary Journal of African Studies* 7, no. 1 (2020): 67-83.
[4] "Au Theme of the Year 2025," African Union, February-20-2025, https://au.int/en/theme/2025
[5] IDUGIE, Gabriel Osaherhunmwen, and Anita Uchenna ONOCHIE. "Regulatory Frameworks and Challenges in the Reparation of Benin Artefacts: A Postcolonial African Perspective on Cultural Heritage Reparation." *African Journal of Law And Human Rights* 9, no. 1 (2025).

including truth-telling, accountability, and reconciliation. This demonstrates the strong connection between arts, culture, peace, and security in post-conflict resolution[6].

In line with the above, using art as a form of post-conflict healing aligns directly with Aspiration 3 and Aspiration 4 of the African Union's Agenda 2063. Aspiration 3 envisions an Africa with "good governance, democracy, respect for human rights, justice, and the rule of law."[7] Aspiration 4 aims to create a peaceful and secure Africa by preventing conflicts, managing existing ones, and promoting reconciliation in post-conflict settings. Art and culture can promote unity, foster shared identity, and support reconciliation programs that contribute to long-term peace and stability.

Equally important, the AU's 2025 theme on reparations also aligns with Aspiration 5 of Agenda 2063, which seeks to harness Africa's rich human, cultural, historical, and natural endowments to drive inclusive, people-centred growth and sustainable development. Cultural heritage and artistic practices are central to this vision, making reparations not only an act of justice but a pathway to sustainable peace and development.

In summary, reparation is not only about righting historical wrongs, but also a transformative process that restores identity, strengthens unity, and supports Africa's broader development goals. Through this year's theme, and its alignment with Agenda 2063, the African Union reaffirms its commitment to justice, healing, and the revitalisation of African cultural legacy as a foundation for peace, resilience, and sustainable progress.

Archival Analysis

The African Union (AU) archives serve as a crucial evidentiary site for understanding the transformation of reparations from a fragmented postcolonial demand to a consolidated continental policy priority. Rather than treating archives as passive repositories, this analysis approaches AU archival materials as active instruments of political authorship, documents that reflect and shape the evolving normative architecture of African-led justice. A close reading of four key sources EX.CL/223(VIII) (2006), EX.CL/1501(XLIV) (2024), the African Transitional Justice Policy (2019), and the 27th Activity Report of the ACHPR reveal that the AU has constructed a reparative framework that is juridical, institutional, and transgenerational in its ambitions. Together, these archives not only chronicle the continent's engagement with restitution and reparations but also assert Africa's right to author its own justice narratives within global governance systems.

[6] Deane, Tameshnie. "The Case for Arts in Reconciliation and Peacebuilding in Africa." *Southern African Journal of Security* (2024): 18-pages.
[7] African Union, 2025. "Au Theme of the Year 2025," *African Union,* February-20-2025, https://au.int/en/theme/2025

Foundational Calls: Drafting a Common African Position on Restitution (2006)

The 2006 document EX.CL/223(VIII) marked an early articulation of the AU's intention to formalise restitution within its legal and diplomatic structures.[8] The draft policy called for the creation of a "Common African Position on the Restitution of Cultural Property", explicitly recognising that the mass removal of African cultural heritage under colonial regimes constituted a violation of cultural sovereignty and self-determination. Importantly, the document critiques the inadequacies of international conventions, such as the 1970 UNESCO Convention, in addressing historical looting. Instead, it recommends African-led bilateral and multilateral mechanisms rooted in legal innovation and moral legitimacy. Crucially, the report includes the Commissioner's position that the AU Commission "aspires to use culture as a vehicle for social, economic and political integration," and that Africa must "promote, protect, and renovate its cultural assets at national, regional and continental levels."[9] This archival document reframes restitution not as symbolic redress but as a material condition of postcolonial dignity and regional integration. In doing so, it set the stage for future institutional developments and established an enduring policy rationale for the recovery of African cultural patrimony.

Operationalising Justice: The African Transitional Justice Policy (2019)

Adopted by the African Union in February 2019 during its 32nd Ordinary Session in Addis Ababa, the African Transitional Justice Policy (ATJP) codifies the Union's commitment to embedding transitional justice within continental governance systems. The ATJP identifies reparations as one of its five core pillars alongside truth-seeking, accountability, reconciliation, and institutional reform, and explicitly defines reparations as encompassing restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Within this framework, restitution is not limited to legal property claims but extends to the restoration of cultural artefacts, reinstatement of communal land rights, and symbolic acts of acknowledgement and apology from state and regional actors.

Unlike dominant transitional justice models in the Global North, which tend to emphasise individualised legal remedies within post-conflict liberal democratic transitions, the ATJP asserts a collective, Afrocentric model of justice. It integrates customary law, spiritual healing, and collective memory work into its framework and urges Member States to adopt context-specific national transitional justice policies that reflect local histories of violence and resistance. This policy orientation reconceptualises restitution not simply as the return of tangible assets, but as a transformative tool for rebuilding the moral and civic foundations of post-conflict societies, re-legitimising the state, and affirming the historical dignity of

[8] African Union Commission, *Progress Report on the Draft Framework for a Common African Position on the Restitution of Cultural Property*, EX.CL/223(VIII), 2006, https://archives.au.int/bitstream/handle/123456789/4144/EX%20CL%20223%20VIII_E.PDF?sequence=5&isAllowed=y.

[9] African Union Commission, *Progress Report on the Draft Framework for a Common African Position on the Restitution of Cultural Property*, EX.CL/223(VIII), 2006, 2, https://archives.au.int/bitstream/handle/123456789/4144/EX%20CL%20223%20VIII_E.PDF?sequence=5&isAllowed=y.

marginalised groups. As a foundational document, the ATJP signals a paradigmatic shift in Africa's justice architecture: from episodic reconciliation initiatives to an institutionalised, forward-looking reparations regime embedded in continental law and practice. Collectively, these archival documents demonstrate that the African Union is not merely responding to past harms but actively authoring a future-oriented, legally grounded, and structurally integrated reparations regime.

International Legal Frameworks

Over the centuries, there have been several instruments indirectly addressed at cultural property in conflict, including: The Lieber Code of 1863,[10] The Brussels Declaration of 1874,[11] The Oxford Manual of 1880,[12] The Hague Conventions of 1899[13] and 1907.[14] However, these treaties did not explicitly define "cultural property" or establish clear prohibitions against its destruction or appropriation, focusing primarily on limiting wartime conduct without a direct framework for the preservation of cultural heritage.

In 1954, The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict[15] was drafted to address this gap. It was the first comprehensive treaty explicitly dedicated to the protection of cultural property, defining it as "movable or immovable property of great importance to the cultural heritage of every people", including architectural, artistic, historical, and religious interests.[16] It established obligations to safeguard and respect cultural property in armed conflict,[17] imposed prohibitions on using cultural property for military purposes,[18] and created the emblem system to mark protected heritage.[19]

The First Protocol (1954)[20] to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict addressed a critical gap by specifically prohibiting the export of cultural property from occupied territories during armed conflict and requiring the return of such property to the competent authorities of the previously occupied territory at the close of hostilities. This ensured cultural property would not be removed and retained by occupying powers, an issue not explicitly covered in the main

[10] United States War Department. *Instructions for the Government of Armies of the United States in the Field, General Orders No. 100*. Washington, D.C.: Government Printing Office, 1863.
[11] Brussels Conference. *Project of an International Declaration Concerning the Laws and Customs of War*. Brussels: August 27, 1874.
[12] Institute of International Law. *Manual of the Laws of War on Land (Oxford Manual)*. Oxford: September 9, 1880.
[13] Hague Convention (II) with Respect to the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803, TS No. 403.
[14] Hague Convention (IV) Respecting the Laws and Customs of War on Land, October 18, 1907, 36 Stat. 2277, TS No. 539.
[15] UNESCO, Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, 249 U.N.T.S. 240.
[16] UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, art. 1(a).
[17] UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, May 14, 1954, 249 U.N.T.S. 240, arts. 2–4.
[18] UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, art. 8(b).
[19] UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, art. 10.
[20] Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, May 14, 1954.

convention text. However, much like the main Convention, the First Protocol applied only to international armed conflicts, leaving cross-border or internal armed conflicts outside its explicit scope.[21]

The Second Protocol (1999)[22] was adopted to address enforcement and scope limitations in the original Convention. Article 22(1) of the Protocol extended protections to non-international armed conflicts, which the original Convention only implied but did not explicitly cover. The Protocol established individual criminal responsibility for serious violations against cultural property and introduced enhanced protection mechanisms for cultural sites of greatest importance. Additionally, it required states to incorporate these protections into national criminal legislation, thereby filling the enforcement gap and ensuring violators can be held accountable under both domestic and international law.

Despite these provisions, the strength of any law, especially international law, lies in its implementation. States have historically shown inconsistency in implementing international legal obligations, and the protection of cultural property is no exception. This has also been evident in Africa, where implementation has been uneven. Out of 54 African states, only 32 have ratified the 1954 Convention, 20 have ratified the First Protocol, and 14 have ratified the Second Protocol. Reporting to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has been limited, and many states lack enabling legislation to domesticate treaty obligations, hindering effective protection of cultural property during conflict.

Application in the African Context

Despite these international frameworks, the protection of cultural property in Africa remains inadequate, reflecting a broader global challenge of translating legal commitments into effective action. African states face both structural and practical challenges in implementing these obligations. Armed conflict, challenges to governance, and limited resources have led to the continued destruction and theft of cultural heritage across the continent[23]. Cultural heritage sites are often used for military purposes, exposing them to attacks and damage during conflicts. The absence of comprehensive national inventories, inadequate military training on the protection of cultural property, and weak legal enforcement frameworks further undermine effective safeguarding.

While many African countries, such as Mali and Nigeria, have taken important steps towards protecting heritage during conflicts, these efforts are often constrained by delayed ratification of relevant treaties and the absence of enabling legislation to implement them. As a result, the application of these international

[21] Afolasade Abidemi Adewumi, The Protection of Cultural Property in Africa: An Analysis of Policies and Practices, Policy Brief, Vol. 16, no. 1 (January 2022): p2.
[22] Protocol II to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, April 26, 1999.
[23] Deane, Tameshnie. "The case for arts in reconciliation and peacebuilding in Africa." *Southern African Journal of Security* 2 (2024): 18-pages.

legal frameworks falls short of what is required to ensure the effective protection of cultural property during armed conflict.

Repatriation and Restitution under International Law

The right to repatriation of cultural heritage is grounded in established principles of international law, including state sovereignty, self-determination, and the right to reparations for wrongful acts under customary international law. It is further supported by treaty frameworks such as the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which obliges states to prevent the illicit movement of cultural property, and the UNIDROIT Convention of 1995, which provides complementary rules for the restitution of stolen or illegally exported cultural objects[24].

While these instruments were not specifically designed as a framework for reparation, they create legal avenues through which African nations can demand the return of looted artefacts as part of broader efforts toward cultural reparation. In doing so, they acknowledge historical injustices and contribute to the rebuilding of cultural identities assailed by colonial plunder and illicit trafficking. Understanding how these instruments can be effectively leveraged is critical for advancing claims for repatriation, and it is to these practical and legal pathways for African states that the next section now turns.

Case Law and Relevant Precedents

While this is not an exhaustive list, several key cases and mechanisms illustrate the growing legal recognition within international law of cultural property repatriation, despite direct international court decisions on the matter remaining limited. The Temple of Preah Vihear (Cambodia v Thailand) [25] case before the International Court of Justice (ICJ) addressed the return of cultural property within a territorial dispute, highlighting how cultural sites are intertwined with sovereignty and national identity, even if not framed strictly as reparations.

The Al Mahdi case[26] before the International Criminal Court (ICC) further advanced the legal protection of cultural heritage, establishing the intentional destruction of cultural sites as a war crime under international law. This landmark case reinforced accountability for heritage destruction and signals that protecting cultural heritage is increasingly seen as integral to post-conflict justice and human rights frameworks. Mechanisms such as the UNESCO Intergovernmental Committee for Promoting the Return

[24] IDUGIE, Gabriel Osaherhunmwen, and Anita Uchenna Onochie. "Regulatory Frameworks And Challenges In The Repatriation Of Benin Artefacts: A Postcolonial African Perspective On Cultural Heritage Preservation." *African Journal Of Law And Human Rights* 9, no. 1 (2025).
[25] Temple of Preah Vihear (Cambodia v. Thailand), Judgment, International Court of Justice, June 15, 1962, ICJ Reports 1962, p. 6.
[26] Prosecutor v. Ahmad Al Faqi Al Mahdi, Case No. ICC-01/12-01/15, Judgment, International Criminal Court, September 27, 2016.

of Cultural Property, demonstrated in Nigeria's ongoing efforts to secure the return of the Benin Bronzes, also show how negotiation can facilitate repatriation.

In parallel, bilateral agreements have also proven effective in certain cases. Notably, Nigeria successfully secured the return of artefacts from Germany, including the Benin Bronzes, through a bilateral agreement. These items are now housed in the newly established Museum of West African Art (MOWAA)[27], a dedicated institution built to preserve and display returned cultural heritage. This case serves as a powerful example of how direct negotiations between states can lead to meaningful restitution.

However, in contrast, countries such as the United Kingdom, which still retain a large share of African artefacts, have resisted repatriation. Instead, they have offered financial compensation and justified their refusal by arguing that African nations lack the resources and capacity to safeguard these artefacts. Such claims not only ignore the efforts made by countries like Nigeria but also reinforce outdated colonial narratives that deny Africans' agency over their heritage. As a result, many African nations have been forced to pursue individual, bilateral agreements rather than collective continental efforts. This is largely due to the limitations imposed by the current International Council of Museums (ICOM) Code of Ethics, which was historically crafted to favour colonial acquisitions. These guidelines prohibit the movement of artefacts once acquired, effectively obstructing coordinated restitution. Therefore, urgent reform of these frameworks is essential both to support broader reparative justice and to enable the rightful return of cultural heritage to communities where it originated.

Drawing from the approach of the Hague Convention for the Protection of Cultural Property, a potential avenue to guide reparations projects could be the adoption of a binding continental legal framework aligned with the 1954 Hague Convention. The African Union and its member states, guided by this framework, could pursue the establishment of a Pan-African Museum dedicated to safeguarding cultural artefacts, integrating both security services training and public education initiatives to ensure the protection of cultural heritage in the event of armed conflict and/or civil strife.

Insights from Select Case Studies

As aforementioned, reparation encompasses more than righting historical wrongs; it embodies a transformative process that restores identity, strengthens unity, and supports Africa's broader development goals. Under colonial rule, communities and nations experienced numerous instances of appropriation and theft of artefacts and art, much of which remains in the possession of European governments or under private ownership. African countries continue to seek recognition, reparations, and restitution as well as the return of these artefacts and art. It is necessary to recognise that due to the arbitrary process of border-drawing led by occupying and colonial powers, distinct and distinguishable communities were separated or

[27] Idugie, Gabriel Osaherhunmwen, and Anita Uchenna Onochie. "Regulatory Frameworks And Challenges In The Repatriation Of Benin Artefacts: A Postcolonial African Perspective On Cultural Heritage Preservation." *African Journal Of Law And Human Rights* 9, no. 1 (2025).

displaced. By acknowledging that distinct communities exist irrespective of national borders, a single community can advance a legal argument through any state(s) in which its members hold citizenship. The theft of cultural valuables from communities remains a cross-border, pan-African experience. However, the retrieval of these stolen valuables and accompanying reparations has rested on the shoulders of national governments. Countless attempts, successful and unsuccessful, have been undertaken by African nations. The following select case studies, while only a small representation of the diverse continent, provide key context and insights.

Algeria: Repatriating Colonial-Era Human Remains

Between the mid-19th and early 20th centuries, French colonial forces in Algeria seized the skulls of resistance fighters as trophies of war, later storing them at the *Musée de l'Homme* (Museum of Mankind) in Paris. By the 2010s, the museum held more than 18,000 human remains from across the world, many acquired through colonial violence or pseudo-scientific expeditions.[28] The discovery and partial return of these remains in July 2020 became a test case for historical justice, reparations, and the limitations of symbolic diplomacy between former colonial powers and African states.

In 2011, Algerian historian Ali Farid Belkadi identified 68 skulls of Algerian origin through extensive archival research and cross-referencing colonial records.[29] Civil society actors, including French and Algerian scholars, launched petitions and open letters. A 2016 online petition led by Ibrahim Senouci gathered more than 30,000 signatures, pressuring French authorities to return the remains by referencing the Évian Accords.[30]

Although the impacts of Belkadi and Senouci's work did not receive as much attention as desired,[31] a Franco-Algerian committee was established in 2018 to identify remains eligible for return.[32] This process coincided with President Macron's 2017 declaration describing colonialism as "crimes against humanity," which created a limited opening for symbolic gestures.[33]

French law treats national collections as "inalienable public property." The 2020 return relied on a special executive decision, not a permanent restitution law.[34] Only six of the returned skulls were definitively linked to known resistance fighters; the rest had uncertain or conflicting provenance. France described the return

---

[28] Constant Méheut, "France Returned 24 Skulls to Algeria. They Weren't What They Seemed," *New York Times*, July 21, 2020.
[29] Pauline Blache, *Imbroglio, Flawed Procedure or a State Scandal? Untangling the Complexities of the 2020 Restitution of Human Remains from France to Algeria* (Master's thesis, Uppsala University, Department of Archaeology and Ancient History, 2023), 7, https://uu.diva-portal.org/smash/get/diva2:1792664/FULLTEXT01.pdf
[30] Amira Toureche, "Fight Against Colonialization in Algeria and French War Crimes: History and Memory," *Politics Today*, last modified May 12, 2021, https://politicstoday.org/fight-against-colonialization-in-algeria-and-french-war-crimes-history-and-memory/.
[31] Blache, *Imbroglio, Flawed Procedure or a State Scandal?*, 7.
[32] Ibid., 8.
[33] Toureche," My Grandfather's Fight Against Colonialization."
[34] Blache, *Imbroglio, Flawed Procedure or a State Scandal?*, 5.

as a renewable "loan," reinforcing perceptions of reluctance to relinquish full ownership.[35] Despite recommendations, the museum's criteria remain unpublished, and affected families still lack open-access databases for verification.[36] The Stora Report[37] ruled out a formal apology for colonial violence, limiting the return's restorative potential.[38] No material endowment or technical support was provided to help Algeria conserve or memorialise the remains, highlighting the risks of purely symbolic returns.

Lessons Learned from Algeria:

- Domestic legal frameworks take precedence over goodwill. Algeria's case shows that, without binding national laws, returns remain discretionary and symbolic.
- Local research builds leverage, and evidence-based advocacy strengthens claims.
- Civil society engagement strengthens claims. Grassroots historians, diaspora petitions, and legal challenges can sustain momentum.
- Regional coordination creates power. Collective approaches reduce the risk of one-off, politically diluted returns.
- Symbolic gestures are insufficient. Without legal transfer, open acknowledgement, and material support for local conservation, "permanent loans" risk becoming performative.

Policy Recommendations

1. Strengthen Domestic Legal Standing

Enact or update national heritage laws to define human remains as a protected category with a right to restitution. Establish clear national procedures for identifying claimants and submitting requests through diplomatic channels. Require national museums and archives to collaborate with claimants by law.

2. Build National Provenance and Identification Capacity

Invest in local forensic labs, archives, and digital databases to verify provenance in-country. Mandate that repatriated remains are processed through community-led research committees. Develop technical partnerships and training with universities and heritage bodies.

3. Develop Community Protocols for Consent and Reburial

Adopt national guidelines to ensure free, prior, and informed consent for any research or display. Provide funding for dignified local memorialisation, reburial, or community museums.

[35] Ibid., abstract.
[36] Méheut, "France Returned 24 Skulls to Algeria."
[37] Benjamin Stora, *Rapport à Monsieur le Président de la République: Les questions mémorielles portant sur la colonisation et la guerre d'Algérie* (Paris: Présidence de la République, 2021).
[38] Toureche," My Grandfather's Fight Against Colonialization."

4. Mandate Transparency of Domestic Collections

Require national museums to inventory and publish collections of human remains or colonial artefacts. Join or develop regional open-access databases for cross-verification. Commit to annual public updates on claims and progress.

5. Leverage the AU for Collective Negotiation

Establish an AU Restitution Coordination Mechanism to pool legal expertise, standardise templates, and track progress. Publish an annual Repatriation Scorecard to highlight which countries are responsive. Use regional frameworks to negotiate binding bilateral agreements rather than one-off deals.

6. Integrate Repatriation into Foreign Policy

Embed restitution demands into the cultural affairs work of embassies. Include restitution in bilateral negotiations, trade agreements, and cultural exchanges. Train diplomats in heritage law to ensure claims do not stall during political transitions.

Namibia: Repatriation and Its Impact on National Identity and Historical Justice

Reparations and repatriation have become central to global conversations about historical justice, particularly in post-colonial African nations. For Southern African countries such as Namibia, the return of human remains and cultural artefacts removed during colonial rule is an essential part of national healing and the reconstruction of historical narratives. This case study examines the repatriation efforts in Namibia, exploring how they have contributed to restoring national identity, promoting historical justice, and facilitating peacebuilding through cultural empowerment.

Background

Namibia experienced severe colonial brutality under German rule, most notably the Herero and Nama genocide from 1904 to 1908. During and after this atrocity, German scientists and institutions exported the human remains of genocide victims to Europe for racial experimentation, alongside looted cultural artefacts.[39] For decades, these items remained in European museums and universities, becoming symbols of unresolved colonial trauma and the continued denial of African humanity and dignity.

The Repatriation Process

Efforts to reclaim these remains began in the early 2000s, led by both the Namibian government and local communities. A significant milestone occurred in 2011, when 16 skulls of Herero and Nama victims were returned by the University of Leipzig in Germany. These remains had been used in anthropological studies to support colonial ideologies of racial hierarchy.[40] Repatriation efforts were further strengthened in 2021,

[39] Eve Hamrick and Haley Duschinski, "Enduring Injustice: Memory Politics and Namibia's Genocide Reparations Movement," *Memory Studies* 11, no. 4 (2018): 437–454, https://doi.org/10.1177/1750698017693668.
[40] Ibid.

when Germany formally recognised the genocide and committed to financial reparations and the restitution of cultural heritage items.[41]

In addition to human remains, cultural objects such as ceremonial items, weapons, and personal artefacts have been requested by Namibia. These items, housed in European museums, are deeply tied to spiritual and communal identity. Their return is viewed not merely as a diplomatic gesture but as a profound act of justice and reclamation.

Impact on National Identity and Historical Justice

Restoring Dignity and Historical Truth

The repatriation of human remains and cultural objects has had a significant impact on Namibia's national consciousness. First, it has restored a sense of dignity to affected communities, particularly descendants of the Herero and Nama peoples. Traditional burial rites, long denied by colonial powers, have been performed upon the return of remains, providing emotional and spiritual closure.[42] This process underscores the cultural importance of death rites and how their restoration helps rebuild community identity.

Moreover, the return of these artefacts has challenged colonial narratives that minimised or denied the genocide. By acknowledging and confronting this past, Namibia has taken ownership of its historical narrative, reinforcing a sense of collective memory and resistance against historical erasure.

Educational and Reconciliation Outcomes

Repatriated artefacts are now being incorporated into public exhibitions and educational curricula. Institutions like the Namibian National Museum have used these objects to spark conversations about colonialism, genocide, and reconciliation. This has helped foster a culture of historical awareness among Namibian youth, who are now better equipped to understand their nation's past and the importance of decolonisation.

Ongoing Challenges

Despite these successes, the process of repatriation remains slow and complex. Negotiations often face bureaucratic and legal hurdles, and not all institutions have agreed to return items. Furthermore, repatriation alone cannot address the broader economic and social inequalities that persist due to colonial exploitation.

---

[41] BBC News. "Germany Recognises Namibia Genocide and Pledges Reparations." *BBC News*, May 28, 2021. https://www.bbc.com/news/world-europe-57279008.

[42] Jeremy Sarkin, *Colonial Genocide and Reparations Claims in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904–1908* (Praeger Security International, 2008), accessed via Bloomsbury Collections, https://www.bloomsburycollections.com/monograph?docid=b-9798400628559.

Nonetheless, the symbolic and cultural significance of these acts remains powerful and continues to shape national dialogue.

Policy Recommendations

1. Establish a National Repatriation and Restorative Justice Commission

Namibia should institutionalise a dedicated, multi-stakeholder commission mandated to coordinate all repatriation efforts. This body should include government representatives, traditional leaders, affected communities (especially Herero and Nama descendants), legal experts, and historians. Its roles would include:

- Managing negotiations with foreign institutions.
- Overseeing the respectful return and burial of remains.
- Advising on reparative measures (e.g., memorialisation, education).

This commission would ensure transparency, community participation, and long-term accountability in the repatriation process.

2. Integrate Repatriated Materials into a Decolonised National Curriculum

To ensure that the symbolic power of repatriation leads to lasting societal change, Namibia should revise its national education curriculum to:

- Include repatriated artefacts and remains in history and civic education.
- Teach about colonial violence, resistance, and genocide from an African perspective.
- Promote restorative history and cultural pride among youth.

This would help nurture a generation that understands the importance of cultural sovereignty, historical justice, and African agency.

3. Create Decentralised Memorial and Healing Centres in Affected Regions

Repatriated remains and artefacts should not only be placed in national museums but also returned to the communities from which they were taken. The state should invest in building community-based memorial and healing centres in the Herero and Nama regions to:

- Honour the dead through traditional rites and memorials.
- Provide spaces for intergenerational healing and dialogue.
- Support local tourism and economic revitalisation through heritage preservation.

This approach centres local knowledge and dignity while empowering historically marginalised communities.

4. Advocate for a Legally Binding International Framework for Repatriation

Namibia, in collaboration with the African Union and UNESCO, should lead calls for an international legal instrument on repatriation and restitution that:

- Recognises repatriation as a human right under international law.
- Imposes obligations on former colonial powers to return remains and artefacts.
- Facilitates cross-border restitution without excessive legal or bureaucratic barriers.

This would help level the legal playing field between African nations and Western institutions and set a precedent for historical justice globally.

Egypt's Rosetta Stone: Repatriation through Moral and Legal Appeal

Few artefacts carry the symbolic weight of the Rosetta Stone. The fragment of carved basalt unlocked the meaning of ancient Egyptian hieroglyphics, opening the door to understanding thousands of years of history. Such a symbolic item has great meaning for the successor nation of the ancient Egyptians today, but has come to embody a complicated legacy of colonialism, cultural dispossession, and intellectual appropriation.

The stone was discovered in the late 1700s during Napoleon's expedition to Egypt. It features a decree inscribed in 3 scripts: hieroglyphic, Demotic, and Greek, making it significant for scholars but also imperial powers as a trophy for the conquest of another civilisation. After British forces defeated the French in Egypt in 1801, the stone was claimed as part of the Treaty of Alexandria, then shipped to the British Museum, where it has remained ever since. When the treaty was signed, Egypt was legally an Ottoman province under temporary French occupation. Importantly, Egypt did not have sovereign authority to contest the transfer of the stone, making it a wartime seizure without consent rather than a neutral act of preservation.[43]

Following Egypt's independence and the rise of Arab nationalism under President Abdel Nasser, Egyptian officials and the public began to more forcefully challenge the historic looting of its physical history. New museums were built in Egypt, which also revitalised interest in ancient heritage as a cornerstone of national identity. By the 2000s, global civil society and academia were also onboard, making the repatriation of the stone a central demand in Egypt's cultural diplomacy. The British Museum continues to resist calls for repatriation and argues that its stewardship scientifically preserves the stone and ensures public access.

Complicating the case for repatriation, however, the stone was removed under ambiguous conditions of occupation, before international cultural heritage protections existed. The lack of legal clarity continues to complicate Egypt's case, making it more of a political and moral appeal than a legal campaign. Legally, Egypt's claims are constrained by the fact that international heritage law cannot be applied retroactively. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property does not apply to artefacts removed before the convention

[43] Chicago Sun-Times. "Rosetta Stone: Egyptians Calling for Its Return from the British Museum." Chicago Sun-Times, November 30, 2022. https://chicago.suntimes.com/entertainment-and-culture/2022/11/30/23486518/british-museum-return-rosetta-stone-egyptians-petitions.

was adopted. Speaking on the topic of proving that the artefacts were taken illegally under the standards of the time, Egypt's Minister of Antiquities acknowledged in 2017 that "no documentation exists to prove the legal export of the stone in the 19th century." He also recognised that the absence of such documentation does not necessarily constitute proof of theft. There is, therefore, a legal grey zone which is also further complicated by British law, which classifies national museum holdings as inalienable public property.[44]

Despite legal obstacles, Egypt has pursued a public campaign for the stone's return based on moral appeals to dignity and postcolonial justice. In 2003 and 2009, former Antiquities Chief Zahi Hawass symbolically made formal requests to the British Museum, which were, of course, denied. In trying to strengthen the case, Hawass has engaged in issue linkage with other campaigns to return high-profile artefacts across the world, such as the Bust of Nefertiti from Berlin. Reinvigoration of the postcolonial movement by the return of the Benin Bronzes has reignited interest in Egypt's claims, with civil society and academia getting involved.[45] In 2022, a petition led by Egyptian archaeologists and academics gathered more than 100,000 signatures calling for the stone's return, to which the British Museum responded with the standard position. Interest in the stone will likely continue to rise with the state investing in domestic museum infrastructure, such as the Grand Egyptian Museum in Giza, weakening the British argument that repatriated artefacts would lack proper conservation conditions.[46]

Lessons learned from Egypt's Case

- **Legal ambiguity favours retention:** Without legal frameworks that apply retroactively, restitution cases depend on moral persuasion rather than enforceable law
- **Documentation gaps weaken claims:** The lack of written evidence proving theft makes it harder to win not only legal but also diplomatic battles
- **Persistent public advocacy matters:** When the legal case is weak, sustained pressure by officials, scholars, and civil society helps maintain visibility and moral urgency
- **Museums exploit preservation narratives:** Museums often involve conservation and public access to justify holding contested objects indefinitely, even after concrete steps towards safe preservation are taken by countries

---

[44] Ahram Online. "International Law Prevents Recovery of Rosetta Stone from UK, Egypt's Antiquities Minister Tells MPs." Ahram Online. Accessed July 12, 2025. http://english.ahram.org.eg/NewsContent/9/40/281853/Heritage/Ancient-Egypt/International-law-prevents-recovery-of-Rosetta-Sto.aspx.

[45] [25] Repatriate Rashid. "Repatriate Rashid Campaign." Accessed July 12, 2025. https://www.repatriaterashid.org/.; Return the Stone Campaign. "Press & Media – Return the Stone." Accessed July 12, 2025. https://returnthestone.org/media/.

[46] Al Jazeera. "'Act of Plunder': Egyptians Want the Rosetta Stone Back." Al Jazeera, November 30, 2022. https://www.aljazeera.com/news/2022/11/30/after-220-years-egypt-demands-the-return-of-the-rosetta-stone.; CBS News. "Egypt Wants the Rosetta Stone Back from Britain. Is Now the Time to Heal 'the Wounds Inflicted by Colonial Powers?'" CBS News. Accessed July 12, 2025. https://www.cbsnews.com/news/rosetta-stone-egypt-britain-colonial-wounds-petition-for-artifacts/.

Policy Recommendations

1. Strengthen domestic legal standing

- Create legal mechanisms to assert claims on objects taken during colonial occupation, regardless of date

2. Build provenance research capacity

- Invest in national archives and digital databases to reconstruct the history of key artefacts
- Support domestic educational institutions and training in heritage documentation

3. Shift cultural diplomacy strategies

- Link restitution demands to bilateral cultural exchange programmes
- Offer long-term exhibition partnerships and temporary loans as interim steps and trust-building measures toward permanent return

Ethiopia's Stolen Manuscripts: A Case for Cultural Repatriation and Reparative Justice

Context

In 1868, during a military expedition against Emperor Tewedros in Ethiopia, the British troops looted hundreds of manuscripts and artefacts from the fortress at Maqdala, the Empire's capital. The renowned 'Battle of Maqdala' left marks of colonial times and violence on the population who lost items of high spiritual and cultural value – now dispersed across British institutions. The African Union's 2025 Reparation Theme offers a crucial opportunity to advance restorative justice and the return of Ethiopia's cultural heritage.

Historical and National Significance

The Maqdala looting, as a reminiscence of colonial injustices, was sponsored by the British Museum Acting Director Richard Holmes, whose goal was to bring artworks from the expedition to the Museum. As part of his policies to modernise Ethiopia, Emperor Tewedros had set up the Medhanialem Library with more than 1,000 manuscripts before the battle[47]. However, after his defeat and suicide, British troops looted the capital and stole the library's treasures. Holmes infamously succeeded in his mission to enrich the British Museum with foreign artworks, as he collected 356 manuscripts[48]. Nowadays, some manuscripts are also located in the Bodleian Library at the University of Oxford. Specifically, the Bodleian Library houses 66

[47] Woldeyes, Y. G. (2020). "Holding Living Bodies in Graveyards": The Violence of Keeping Ethiopian Manuscripts in Western Institutions. *M/C Journal*, *23*(2). https://doi.org/10.5204/mcj.1621

[48] Woldeyes, Y. G. (2020). "Holding Living Bodies in Graveyards": The Violence of Keeping Ethiopian Manuscripts in Western Institutions. *M/C Journal*, *23*(2). https://doi.org/10.5204/mcj.1621

Ethiopian manuscripts that were either donated or purchased over the years after the expedition, of which eleven are directly linked to Maqdala[49].

Beyond being historical materials, the Ethiopian manuscripts are part of Ethiopia's Orthodox Christian traditions, ceremonial customs, and cultural identity. According to the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 'Intangible Cultural Heritage' refers to the "practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage"[50]. The manuscripts stolen from the Maqdala's fortress in 1868 fall within this framework. They are embedded in Ethiopian spiritual and cultural heritage and, as such, they need to be transmitted to preserve communities' knowledge systems and ownership across generations. Moreover, retaining manuscripts in British museums and libraries hinders access to national knowledge not only for Ethiopian communities but also for Ethiopian researchers who cannot conduct in-depth studies based on their intellectual heritage.

Current Status and Cultural Diplomacy

Diplomatic efforts to enhance the restitution process had a successful outcome in 2021, when 13 Ethiopian artefacts, looted during the battle of Maqdala, returned to Ethiopia. The items included a red and brass imperial shield, a crafted processional cross, and a painted triptych of Jesus's Crucifixion[51].

The Ethiopian Embassy to the UK had also started negotiations with the British Museum to return 12 tabots, taken from Maqdala, back to Ethiopia. The tabots hold a significant value for the Ethiopian Orthodox Church as they are replicas of the Ark of the Covenant. One of the tablets was privately restituted through the mediation of Dr. Jacopo Gnisci, professor at UCL, who spotted it and prevented it from being sold online in 2023[52].

However, 11 more plundered Ethiopian relics remain in the British Museum's collection, and one at Westminster Abbey[53]. Calls for restitution from the Ethiopian government, civil society organisations, and public figures are pressing the British Museum to return the rest of the sacred Ethiopian tablets.

---

[49] Illiano, Sabrina. "The Legacy of Maqdala 1868 at the Bodleian Library." *Histories of Oxford Anthropology Project*, School of Anthropology & Museum Ethnography, University of Oxford. Accessed July 2025. https://www.anthro.ox.ac.uk/legacy-maqdala-1868-bodleian-library.

[50] UNESCO. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2024 edition. Paris: UNESCO. https://ich.unesco.org/doc/src/2003_Convention_Basic_Texts_2024_version_EN.pdf.

[51] Al Jazeera. "After a Century and a Half, Ethiopian Artefacts Return Home." *Al Jazeera*, November 24, 2021. https://www.aljazeera.com/gallery/2021/11/24/photos-after-a-century-and-a-half-ethiopian-artefacts-return-home.

[52] Stephens, Max. 2023. "Art Expert Warns British Museum Over Ethiopian 'Tabot' Sold at Auction." *The Telegraph*, October 1, 2023. https://www.telegraph.co.uk/news/2023/10/01/british-museum-art-expert-ethiopian-tabot-sold-auction/?ICID=continue_without_subscribing_reg_first.

[53] Stephens, Max. 2023. "Art Expert Warns British Museum Over Ethiopian 'Tabot' Sold at Auction." *The Telegraph*, October 1, 2023. https://www.telegraph.co.uk/news/2023/10/01/british-museum-art-expert-ethiopian-tabot-sold-auction/?ICID=continue_without_subscribing_reg_first.

Nonetheless, the Museum continues to resist the repatriation of items. It cites legal clauses established under the British Museum Act 1963, which prohibits the museum from deaccessioning objects from its collection, except under special circumstances, such as duplicates or "unfit to be retained" items[54]. The Museum has oftentimes proposed long-term loans instead of unconditional restitution, and it has further justified the restricted access to the sacred objects by stating that only Ethiopian clergy can view them.

This context reveals policy gaps between the UK's legal framework, specifically around its cultural public institutions like the British Museum, and international agreements on the repatriation of cultural heritage. The lack of legally binding enforcement mechanisms poses additional challenges to international cooperation and restitution processes. Moreover, in the context of colonial legacy and injustices, these dynamics further reflect the power asymmetry between African countries and Western institutions regarding the conservation of cultural heritage and knowledge retention.

Policy Recommendations

1. Advance Bilateral Cooperation Between Ethiopia and Great Britain

Increase diplomatic efforts between the Ethiopian and British national governments and cultural institutions to push towards the implementation of restitution processes.

2. Promote Digital Repatriation and Accessibility of the Stolen Manuscripts

Facilitate digital repatriation by creating digital copies and virtual experiences of the manuscripts and artefacts to allow community access and engagement until complete restitution.

3. Strengthen Legal Frameworks and Enforcement Mechanisms for Restitution

The African Union, national governments and UNESCO should cooperate to harmonise and establish binding legal frameworks holding institutions accountable for the restitution of cultural heritage. Part of a stronger international legal apparatus could include continuous monitoring systems, dispute-resolution procedures, and protocols to enhance repatriation efforts.

4. Amplify Civil Society and Local Communities' Voices in Restitution Efforts

Hold institutional forums convening the AU, British museums, and government representatives on African cultural heritage that include civil society actors and local communities. These forums aim to empower communities to claim the artefacts back and express the culture, religion, and identity-driven significance of restitution.

Cross-border, pan-African insights

Analysis of the above case studies draws attention to key lessons. While reparations and repatriation efforts of special artefacts and art are contextual and involve culture-, community- and country-specific nuances, there are general or cross-country lessons which can inform policy strategies.

[54] United Kingdom. *British Museum Act 1963*, c. 24, § 5, .gov.uk/ukpga/1963/24/section/5

- Regional coordination creates power. Collective approaches reduce the risk of one-off, politically diluted returns. Leveraging regional and collaborative relationships allows for the successful use of soft power to pursue reparations.
- Civil society engagement strengthens claims. Grassroots historians, diaspora petitions, and legal challenges can sustain momentum.
- Inaccurate documentation and subsequent gaps weaken claims to ownership.
- Domestic legislation needs to be curated to encompass artefacts and artworks in legal standings that facilitate reparation rights.
- A robust provenance research capacity supports reparation efforts through the development of an adequate educational foundation for cultural heritage.

Endowment Fund for the Repatriation of Stolen African Artworks

The above-discussed case studies bring to light key recommendations that hold potential to amplify Africa's reparation project. While each case study involved context-specific challenges, it highlighted the diverse nature of the continent. The AU's "Justice for African People and People of African Descent" presents the opportunity to re-engage with reparations collectively as a continent by leveraging the institution's membership. A potential avenue to ensure a sustainable, efficient and effective future-oriented strategy is the creation of an endowment fund.

Historical Context of Looting and Restitution

Colonial Plunder: Beginning in the late 19th century, European colonial powers aggressively looted African art and cultural heritage. For example, British forces sacked Benin City in 1897, seizing thousands of ivory and brass artefacts (the Benin Bronzes). Similar raids occurred in present-day Cameroon, Nigeria, Tanzania, Namibia and elsewhere. By some estimates, over 500,000 identifiable African cultural objects now reside in Western museums, meaning "more than ninety percent of all cultural artefacts known to originate in Africa" are overseas. Major institutions exemplify this legacy: the British Museum alone holds 69,000 African items.

Cultural and Spiritual Loss: These artefacts are not mere "curiosities" but often sacred or historically significant objects (royal regalia, ancestral masks, ritual items) that embodied communal identity. Removing disrupted transmission of knowledge, rites and heritage, inflicting a "living wound" on source communities. UNESCO has framed restitution as a process of "healing, justice and empowerment" for dispossessed peoples.

Past Efforts and Obstacles: African demands for return date back decades. UNESCO's Director-General Amadou-Mahtar M'Bow appealed for restitution in 1978, decrying the plunder of irreplaceable heritage. However, Western museums and governments largely resisted. State laws (for example, the French view of public collections as inalienable property, British statutes protecting national collections) effectively blocked

many requests. Legal hurdles and statutes of limitations often preclude claims. Only recently have official returns begun. France, following the 2018 Sarr–Savoy commission, repatriated dozens of items to former colonies (for example, 26 Benin Bronzes to Nigeria in 2022). Germany signed a 2022 memorandum to return 1,130 Benin artefacts to Nigeria and promised statues to Cameroon, Namibia and Tanzania. Belgium and the Smithsonian have also agreed to review and repatriate colonial-era pieces. These shifts reflect a "tectonic change" in attitude, but actual returns remain very limited (only "a handful of objects" out of thousands of formal requests). In practice, many African governments (for example, Nigeria's Legacy Restoration Trust) have resorted to purchasing looted art or forming special agencies to negotiate returns.

International Framework: The need for systematic action is underscored by UNESCO's 1970 Convention, which makes the return of stolen cultural property a central goal of international law. However, global mechanisms lack dedicated funding or enforcement. African states have often been under-resourced to mount claims or research provenance. The AU itself has recognised gaps: the 2018 AU Model Law on Cultural Property highlights weak national laws, poor awareness, and insufficient funding for protection and restitution. In sum, centuries of dispossession have created a vast restitution challenge: most African heritage is abroad and recovering it will require sustained effort, expertise, and money beyond ad hoc campaigns.

An endowment fund offers strategic advantages for cultural repatriation

Benefits of an Endowment Fund (a capital investment pool that generates income annually): Sustainable, Unrestricted Funding: Unlike one-off donations or government grants, an endowment provides a reliable revenue stream in perpetuity. The invested principal remains intact, while a prudent spending rule (for example, 3–5% of the fund's value per year) yields steady support for operations. This continuity would allow long-term planning, which is critical for the complex, multi-year process of tracing, negotiating and transferring artworks. For example, major cultural institutions often rely heavily on endowments: the Metropolitan Museum of Art's $2.26 billion endowment (in 2008) funds a substantial share of its annual budget. Likewise, the proposed African Art Restitution Fund could ensure that repatriation efforts survive annual budget cuts or political changes, providing "lasting support" even in downturns.

Attracting Major Donors: Endowments signal long-term commitment, attracting philanthropists and partners. Large donors can commit principal donations (including bequests) whose income perpetually supports the mission. Indeed, specialised endowment vehicles already exist in the art world. For instance, Spanish collectors created the Charitable Museum Endowment Fund to finance new museums; it invests art assets to generate returns for cultural projects. The rendering below shows the COLLEGIUM museum (Arévalo, Spain), whose $100M+ project is backed by this endowment. Such models demonstrate how pooling capital can "reduce or eliminate" dependency on short-term fundraising.

Financial Resilience: In economic slumps, an endowment acts as a financial cushion. It "can support an organisation during economic slumps and other times when finances are stretched thin". For repatriation, this means that surges in demand (for example, unexpected large discovery of illicit items) or urgent legal battles (which can be costly) will not bankrupt the effort. Of course, endowments entail investment risk: historical data show art institution endowments dropped 17–22% during the 2008–09 crisis. A well-governed fund would mitigate this through diversified portfolios and conservative policies.

Strategic Growth and Impact: Since endowments can grow over time, they enable scalable impact. Donors who care about Africa's cultural future can contribute, knowing their gift yields compounding benefits. As one guide notes, an endowment "signals… that you are working to meet current needs while also ensuring your long-term viability". In practice, endowment-backed projects often achieve community transformation: the COLLEGIUM (for example) is designed to fund educational programs, residencies and archives year after year, in a self-sustaining way. In short, an African Art Endowment would reassure stakeholders (African governments, international partners, civil society) that restitution efforts have dedicated, growing resources – a powerful commitment mechanism.

Objectives of the Repatriation Fund

Based on the above context and the current "restitution gap," the Fund should pursue clear, measurable objectives, for example:

Locate and Document Stolen Art: Maintain a database of high-priority lost objects. Fund research trips, archival work and inventories. Encourage AU member states to inventory national heritage and compile lists of known missing works. (This aligns with UNESCO's emphasis on inventories and documentation to prevent illicit trade.)

- A tangible objective could be to catalogue X% of historically looted collections from each region by 2030.

Support Provenance Research and Legal Claims: Allocate grants to museums, universities, and NGOs in Africa to build provenance expertise. Cover legal fees for filing claims (especially in jurisdictions with complex museum laws). For example, African governments currently struggle to pay UK-style legal lawyers for Benin Bronze claims; the Fund can underwrite such costs.

- Objective: Fund Y number of restitution cases or legal processes per year.

Facilitate Negotiations and Acquisitions: Provide money for diplomacy, travel for African curators to sit at negotiation tables, and to secure transportation of repatriated items. In cases where governments or communities agree to purchase works (as Nigeria did in 1980 by buying back artefacts), the Fund could finance such acquisitions from willing sellers abroad.

Invest in Return-Ready Institutions: Require or support host African institutions (new museums or cultural centres) to receive the art. This may include funding exhibition spaces, conservation labs, and community displays. A repatriation without a home does little good, so part of the Fund's mission is capacity-building. (Indeed, UNESCO-AUDA programs emphasise training heritage managers.)

- Objective: Assist in creating or upgrading African museums/archives specifically to house returned artefacts within five years.

Raise Public Awareness: Sponsor exhibitions in Africa (and travelling exhibits globally) to showcase restored heritage. Fund educational campaigns highlighting African provenance to bolster moral and political support.

- Objective: Host annual Pan-African cultural symposium on restitution, and publish two major reports on progress per year.

Each objective would be tied to monitoring data: For example, the number of items identified, returned, institutions improved, or legal cases funded. Given that "only a handful of countries" have yet negotiated returns, the Fund must target the bottlenecks: expertise, money, and coordination. By aligning these goals with international law (UNESCO 1970, UNIDROIT 1995) and Agenda 2063, the Fund ensures activities are evidence-based and time-bound.

Operational and Governance Framework

The Endowment Fund should be an independent but AU-affiliated entity with robust governance. Key elements include:

Legal Structure: It could be established as a specialised trust or foundation under AU auspices. Two models are common:

- a fund housed within the AU budget structure, protected by board resolution; or
- a separate legal entity (for example, an AU-chartered foundation) with its own board. A separate foundation provides greater legal protection for its assets and allows for dedicated staff, but it requires more setup.

Many nonprofits prefer a quasi-endowment approach (board resolution and separate account), while truly independent endowments (like university foundations) opt for separate entities. Whichever is chosen, the Fund's governing documents (bylaws or trust deed) must lock in its mission (only income spendable, principal preserved) and spending rules (for example 4% annual draw).

Board Composition: The Board of Trustees should combine stakeholder representation with expertise:

- African Union officials: The AU Commissioner for Social Affairs (who oversees Culture and Heritage) might chair or appoint a trustee. Include a senior AUC legal counsel member to ensure alignment with AU treaties (such as the Model Law).

- Member State Delegates: At least 4–5 representatives from different regions (for example, culture/heritage ministers or nominated experts), to reflect AU membership and foster political buy-in.
- Technical Experts: 3–4 independent trustees with museum, legal, or finance backgrounds (for example, museum directors from Africa, art law scholars, veteran fund managers).
- Civil Society and Diaspora: Include 1–2 prominent cultural figures or NGO leaders (artists, museum curators, restitution advocates) and perhaps one diaspora representative, ensuring grass-roots legitimacy.
- Auditor/Oversight: An independent auditor (or audit committee) should be appointed, and an external board (or committee) of donors could provide additional oversight if needed.

Fiduciary Oversight: The Fund must adopt strong transparency and accountability practices. This includes annual financial statements audited by a reputable firm, and public reporting of activities (for example, a yearly "State of African Heritage Fund" report). It should align with AU financial governance (following budget and audit standards of the AU). An Investment Committee (subset of the Board) should set policy in consultation with a professional investment advisor: approving an Investment Policy Statement that balances growth and preservation, limits risky assets, and includes ethical (for example, no-investment-in illicit-trafficking markets) guidelines. A spending policy (commonly 3–5% of a 3- or 5-year trailing average) should guide annual budget allocations, smoothing out market fluctuations.

Transparency Mechanisms: To build trust, all key documents (annual budget, audited reports, board minutes) should be publicly available. The Fund could establish a "Restitution Observatory" portal listing claims and progress, reinforcing that Africa leads this process. Reporting lines should go to the AU Assembly and relevant Executive Council, perhaps through the Pan-African Parliament's Committee on Education, Culture and Heritage. (This echoes how the AU Model Law was vetted by the Pan-African Parliament.)

Risk Management: Major risks include market risk (investment losses), legal/political risk (failed restitution attempts), and reputational risk. Maintain a well-diversified portfolio (equities, bonds, alternatives) and keep an operating reserve (for example, 2–3 years of budget). Conduct periodic risk assessments (via the Board or external consultants). Legal risk is mitigated by only funding vetted claims (requiring proper provenance documentation before engagement). Political risk (for example change in AU support) is mitigated by embedding the Fund's mandate in AU policy (for example, as part of Agenda 2063 or specific AU declarations).

The Fund's governance would combine AU institutional authority with specialised expertise, modelled on successful endowments. For example, many universities and non-profits use similar structures: Oxford's endowment fund draws on multiple collegiate contributors and invests broadly. Adopting such best

practices (spending rules, diversified investment, donor relations, audit committees) will be essential to ensure the Fund's longevity and effectiveness.

Funding Sources and Financial Sustainability

Colonial Reparations and Government Contributions: Several former colonial powers have made reparations or development pledges. For instance, Germany's 2021 agreement with Namibia of €1.1 billion for colonial-era atrocities included €50 million for a "reconciliation foundation" supporting cultural projects. Such funds (from agreements with Germany, Britain, France, etc.) could earmark a percentage for cultural restitution. The AU and member states should negotiate that a portion of any reparations go to the Endowment Fund. Similarly, national governments should be encouraged to allocate a part of their budgets: the AU itself has resolved that all member states devote at least 1% of their national budgets to culture and heritage by 2030. Those cultural allocations could include contributions to the Endowment.

African Union Member State Donations: The AU could seed the Fund from its budget or dedicated cultural programs. Over time, AU summits or specialised committees (for example, Ministers of Culture) might annually resolve additional contributions. For example, the AU's "Year of African Arts and Culture (2021)" and related commitments show political will; this could translate into voluntary dues or levies. If each of 50 AU states contributed even a modest sum annually, the Fund's corpus would grow steadily.

Philanthropic and Corporate Donors: International foundations and corporations concerned with cultural heritage, human rights or development could donate endowment gifts. Notably, the Open Society Foundations pledged $10 million (2019) to strengthen African heritage restitution networks. Similar grants (from Ford Foundation, Mellon, and African diaspora philanthropies) could be treated as principal gifts. Private sector support (for example, auction houses agreeing to remittances, mining or oil companies allocating funds for heritage) can be mobilised. The Fund should establish gift acceptance policies for all forms of capital (cash, securities, and even art endowments).

Diversified Investment: To sustain itself, the Fund must invest prudently. A typical long-term asset allocation (for example, a mix of global equities, bonds, real estate, and alternative assets) is recommended. Given the Fund's mission, it might also invest in African markets to support local economies (while managing risk). A diversified portfolio helps maintain growth; historically, arts endowments aim for 5–7% real returns. Any spending policy should limit withdrawals: for example, 4% of the fund's 5-year rolling average is common, leaving the rest for inflation and growth. Over decades, this approach can dramatically expand capacity. For instance, an initial $100 million fund at 5% spending could disburse $4–5 million annually forever. That could sponsor dozens of restitution projects each year.

Transparency in Finance: The Fund must report all income and spending transparently. Donations and investment performance should be publicly tracked. This openness will encourage future gifts. It should

also adhere to AU financial regulations (for example, following AU Procurement and Audit policies) and best practices in endowment management.

By combining upfront contributions with ongoing investment returns, the Endowment Fund can grow to a size capable of meaningful impact. Its sustainability depends on prudent fiscal policy: limiting annual draws (for example, 4–5%) and reinvesting surplus ensures that even as projects are funded, the capital base endures. This prudent spending policy is key, as one guidelines source notes, such a rule "ensures the fund's long-term viability" and smooths out year-to-year fluctuations.

AU Oversight and Partnership Recommendations

AU Commission – Department of Social Affairs (Culture Division): This Division (headed by the Commissioner for Social Affairs) currently "harmonises and coordinates policies… promoting African cultural heritage". It is the natural host for the Fund's secretariat. The Division already oversees cultural programs and can integrate the Fund's activities into Agenda 2063 goals. AU cultural bodies (like the African World Heritage Fund) can share expertise in asset management and capacity-building.

AU Specialised Technical Committee (Youth, Culture and Sports): The STC on YCS has previously adopted the Model Law on Cultural Property. This committee can periodically review the Fund's mandate and encourage member state buy-in. (They could require reporting on fund progress at annual STC meetings, for example.)

Pan-African Parliament (Education, Culture, Science & Technology Committee): For legislative visibility, PAP's culture committee can be briefed on the Fund's work. Its support would reinforce member states' obligations and could facilitate "return encouragement" resolutions.

African Committee of Experts on the Rights and Welfare of the Child/ HPR: Article 17 of the African Charter on Human and Peoples' Rights (ACRWC) acknowledges the right to cultural life. These bodies can advocate that cultural repatriation is a human rights issue. Aligning the Fund's work with continental human rights frameworks could open additional channels of support.

Regional Economic Communities (RECs) and African Union Development Agency (AUDA-NEPAD): Partnerships with subregional organisations (ECOWAS, SADC, etc.) can disseminate best practices to national agencies. AUDA-NEPAD, already involved in heritage training, could co-run capacity-building workshops funded by the Fund.

In practice, the Fund's governing board would include AUC members and coordinate closely with these bodies, but its day-to-day operations (grants management, investment) could be managed by a small secretariat (perhaps headquartered in Addis Ababa or Rabat).

Recommendations:

- House the Fund within the AU's Social Affairs Directorate (Culture), ensuring administrative integration.
- Establish a Steering Committee comprising representatives of the AUC, PAP, AUDA-NEPAD, UNESCO and civil society to advise the Board.
- Engage the African Development Bank or similar institutions for technical support (for example, in investment management or grant administration).

Selected African Repatriation Efforts: Case Studies

Country of Origin	*Artefacts/ Case*	*Source Country & Institution*	*Key Outcome (Fund Mechanism)*
Nigeria	Benin Bronzes (1897)	UK (British Museum, others)	Hundreds returned in 2022–23. Nigeria created the Legacy Restoration Trust (2020) to negotiate. Negotiations via MOUs transferred 1,130 items from Germany in 2022, and the UK promises loans. Large demand still pending. Funding: Nigeria's own museum budgets & global funds.
Namibia	Human remains (Genocide)	Germany	2021–2022: Germany acknowledged genocide; negotiated the return of skulls and remains. €1.1bn agreement included €50M for reconciliation (cultural projects), some used for heritage. Several dozen skulls repatriated by 2022.
Cameroon (Nso)	Ngonnso Statue (1903)	Germany (Berlin Ethnological Museum)	Statue "Ngonnso" was returned in 2022 by the Humboldt Forum. Community campaign (#BringBackNgonnso) aided efforts. Fund role: Civic groups led campaign; national govt supported claims.
Senegal	Thiaroye drum (1867)	France (Museums)	One drum was voluntarily returned to Senegal in 2018. France's Sarr-Savoy report spurred returns of 27 pieces to Senegal/ Madagascar/ Benin (2019–22).
Dem. Rep. Congo	Kirobo doll	Belgium (Royal Museum for Central Africa)	Returned 2019; Belgium reviewing DRC claims. (Fund role: Belgian government budgets for repatriation)
USA/ Global	Fang relics and others	USA Museums (Smithsonian, others)	Smithsonian agreed in 2022 to permanently transfer 39 Benin Bronzes to Nigeria. Funding: US philanthropic grants and diplomacy.

Investment Model

An illustrative initial portfolio for a $100 million endowment might be:

Asset Allocation: 50% Global Equities, 25% Fixed Income, 15% Alternatives (infrastructure/real assets), 10% Cash/Reserves. This mix targets a 6–7% annual return.

Spending Rule: 4% of 5-year moving average, yielding $4M/year initial payout.

Growth Assumption: With a 6% annual return, the fund could grow 2% above inflation after spending, increasing capacity over time.

Scenario: If the Fund disburses $4M in Year 1 (to legal funds, capacity grants, etc.) and still earns $6M, its corpus grows to $102M. After 10 years of growth (assuming constant 6% returns, 4% spending), the fund approaches $115M, increasing annual support to $4.6M under the spending rule.

Conclusion

Reclaiming Africa's Heritage: The Push for Cultural Reparations and Repatriation

Cultural reparations and the return of stolen artefacts are at the heart of post-colonial justice in Africa. These efforts aim to mend the deep cultural and historical wounds left by colonialism. The **African Union's (AU) 2025 theme, "Justice for African People and People of African Descent,"** strongly supports this collective mission. It aligns perfectly with **Agenda 2063's vision for inclusive and sustainable development**, emphasising the urgent need to reclaim looted heritage and restore cultural identity across the continent.

The Challenge of Scattered Heritage

Colonial powers forcibly removed countless African artefacts, often displaying them in European institutions. This has resulted in most of the African heritage being scattered across the globe. While international agreements like the **1970 UNESCO Convention** and the **1995 UNIDROIT Convention** offer some legal avenues for recovery, the path to restitution and reparation is fraught with legal, political, and logistical hurdles.

The complexities of this issue are evident in several key case studies:

- **Algeria and Namibia** have seen the return of human remains, a powerful symbolic act of reconciliation.
- However, ongoing disputes persist over iconic artefacts such as **Egypt's Rosetta Stone** and **Ethiopia's sacred tabots**, highlighting the significant challenges in recovering culturally vital objects.

A Sustainable Solution: The AU Endowment Fund

To overcome these obstacles and ensure lasting success, the establishment of an **AU-facilitated continent-wide Endowment Fund** is proposed. This Fund would provide crucial long-term financial and institutional support for restitution efforts. Its activities would include:

- **Funding provenance research** to trace the origins of artefacts.
- **Supporting legal claims and negotiations** for their return.
- **Facilitating acquisitions** when necessary.
- **Raising public awareness** about the importance of cultural heritage.

- **Strengthening cultural infrastructure** within African nations to properly house and care for returned items.

The Fund would be structured as a trust, operating under the AU's leadership. It would feature a diverse governance board, including representatives from member states, experts, and civil society. By adopting best practices in investment and transparency, the Endowment Fund would be designed for longevity and maximum impact in the ongoing effort to reclaim Africa's invaluable cultural heritage.

References

Adewumi, Afolasade Abidemi. *The Protection of Cultural Property in Africa: An Analysis of Policies and Practices.* Policy Brief, Vol. 16, no. 1 (January 2022): p2.

African Union. "AU Theme of the Year 2025." *African Union*, February 20, 2025. https://au.int/en/theme/2025

African Union Commission. "Agenda 2063, the Africa We Want." 2025. https://au.int/sites/default/files/documents/36204-doc-agenda2063_popular_version_en.pdf

Al Jazeera. "After a Century and a Half, Ethiopian Artefacts Return Home." *Al Jazeera*, November 24, 2021. https://www.aljazeera.com/gallery/2021/11/24/photos-after-a-century-and-a-half-ethiopian-artefacts-return-home.

BBC News. "Germany Recognises Namibia Genocide and Pledges Reparations." *BBC News*, May 28, 2021. https://www.bbc.com/news/world-europe-57279008.

Blache, Pauline. *Imbroglio, Flawed Procedure or a State Scandal? Untangling the Complexities of the 2020 Restitution of Human Remains from France to Algeria.* Master's thesis, Uppsala University, Department of Archaeology and Ancient History, 2023. https://uu.diva-portal.org/smash/get/diva2:1792664/FULLTEXT01.pdf

Deane, Tameshnie. "The Case for Arts in Reconciliation and Peacebuilding in Africa." *Southern African Journal of Security* (2024): 18 pages.

Duschinski, Haley, and Eve Hamrick. "Enduring Injustice: Memory Politics and Namibia's Genocide Reparations Movement." *Memory Studies* 11, no. 4 (2018): 437–454. https://doi.org/10.1177/1750698017693668.

Effiboley, Emery Patrick. "Reflections on the Issue of Repatriation of Looted and Illegally Acquired African Cultural Objects in Western Museums." *Contemporary Journal of African Studies* 7, no. 1 (2020): 67–83.

Hague Convention (II) with Respect to the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803, TS No. 403.

Hague Convention (IV) Respecting the Laws and Customs of War on Land, October 18, 1907, 36 Stat. 2277, TS No. 539.

IDUGIE, Gabriel Osaherhunmwen, and Anita Uchenna ONOCHIE. "Regulatory Frameworks and Challenges in the Reparation of Benin Artefacts: A Postcolonial African Perspective on Cultural Heritage Reparation." *African Journal Of Law And Human Rights* 9, no. 1 (2025).

Illiano, Sabrina. "The Legacy of Maqdala 1868 at the Bodleian Library." *Histories of Oxford Anthropology Project*, University of Oxford. Accessed July 2025. https://www.anthro.ox.ac.uk/legacy-maqdala-1868-bodleian-library

Institute of International Law. *Manual of the Laws of War on Land (Oxford Manual).* Oxford: September 9, 1880.

Méheut, Constant. "France Returned 24 Skulls to Algeria. They Weren't What They Seemed." *New York Times*, July 21, 2020. https://www.nytimes.com/2020/07/21/world/europe/france-algeria-skulls.html

Prosecutor v. Ahmad Al Faqi Al Mahdi. Case No. ICC-01/12-01/15, Judgment, *International Criminal Court*, September 27, 2016.

Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. *The Hague*, May 14, 1954.

Protocol II to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. *The Hague*, April 26, 1999.

Sarkin, Jeremy. *Colonial Genocide and Reparations Claims in the 21st Century: The SocioLegal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904–1908*. Praeger Security International, 2008. Accessed via Bloomsbury Collections. https://www.bloomsburycollections.com/monograph?docid=b-9798400628559

Stephens, Max. "Art Expert Warns British Museum Over Ethiopian 'Tabot' Sold at Auction." *The Telegraph*, October 1, 2023. https://www.telegraph.co.uk/news/2023/10/01/british-museum-art-expert-ethiopian-tabot-sold-auction/?ICID=continue_without_subscribing_reg_first

Stora, Benjamin. *Rapport à Monsieur le Président de la République: Les questions mémorielles portant sur la colonisation et la guerre d'Algérie.* Paris: Présidence de la République, 2021.

Temple of Preah Vihear (Cambodia v. Thailand). Judgment, *International Court of Justice*, June 15, 1962, ICJ Reports 1962, p. 6.

Toureche, Amira. "Fight Against Colonialization in Algeria and French War Crimes: History and Memory." *Politics Today*. Last modified May 12, 2021. https://politicstoday.org/fight-against-colonialization-in-algeria-and-french-war-crimes-history-and-memory/

UNESCO. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.* 2024 edition. Paris: UNESCO. https://ich.unesco.org/doc/src/2003_Convention_Basic_Texts_2024_version_EN.pdf

UNESCO. *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, May 14, 1954, 249 U.N.T.S. 240.

UNESCO. *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, art. 1(a).

UNESCO. *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, May 14, 1954, 249 U.N.T.S. 240, arts. 2–4.

United Kingdom. *British Museum Act 1963*, c. 24, § 5. https://www.legislation.gov.uk/ukpga/1963/24/section/5

United States War Department. *Instructions for the Government of Armies of the United States in the Field, General Orders No. 100*. Washington, D.C.: Government Printing Office, 1863.

Van Beurden, Sarah. "LOOT: Colonial Collections and African Restitution Debates." *Origins: Current Events in Historic Perspective* (2022).

Woldeyes, Yirga Gelaw. "Holding Living Bodies in Graveyards": The Violence of Keeping Ethiopian Manuscripts in Western Institutions. *M/C Journal* 23(2), 2020. https://doi.org/10.5204/mcj.1621

the **MEA INSTITUTE** for **STRATEGIC STUDIES**

@TheMEAInstitute
contact@meainstitute.org