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# Colonial Plunder and Contemporary Responsibility: The Case for Reparations in the Repatriation of African Heritage

Chiedozie P. Nwosu<sup>1</sup>  
 Igwe Kenneth Chiemeka<sup>2</sup>  
 Gabriel Ngozi Ikpolo<sup>3</sup>  
 Onyekere Faith Ngozi<sup>4</sup>  
 Chukwu Nnaemeka Christian<sup>5</sup>

**Authors' Affiliation**

<sup>1</sup>Department of Political Science,  
 Alex Ekwueme Federal University, Ndufu-Alike,  
 Ebonyi State  
 Tel: +2348039584367. Email:  
[chiedozie.nwosu@funai.edu.ng](mailto:chiedozie.nwosu@funai.edu.ng)  
<https://orcid.org/0000-0001-6000-997X>

<sup>2</sup>Department of Political Science,  
 University of Nigeria, Nsukka, (UNN)  
 Tel: +2347030450963. Email:  
[gabriel.ikpolo@gmail.com](mailto:gabriel.ikpolo@gmail.com)

<sup>3</sup>Department of Political Science,  
 Alex Ekwueme Federal University, Ndufu-Alike,  
 Ebonyi State  
 Tel: +2348063814438. Email: [kkiwge@yahoo.com](mailto:kkiwge@yahoo.com)

<sup>4</sup>Department of Political Science,  
 Alex Ekwueme Federal University, Ndufu-Alike,  
 Ebonyi State  
 Tel: +2348133812661. Email:  
[onyekere.faith@funai.edu.ng](mailto:onyekere.faith@funai.edu.ng)

<sup>5</sup>Alex Ekwueme Federal University, Ndufu-Alike,  
 Ebonyi State  
 Tel: +2347062914320. Email:  
[chukwunnaemeka35@gmail.com](mailto:chukwunnaemeka35@gmail.com)

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**ABSTRACT**

*Colonial dispossession of African cultural heritage represents one of the most enduring yet poorly addressed form of historical injustice. Grounded in postcolonial and decolonial theory, focusing on the concepts of coloniality and epistemic domination, this article examines how colonial power continues to affect debates over ownership, meaning, and authority in global heritage governance. Based on the ideas expressed by Fanon, Said, Mbembe, and Mignolo, It views colonial looting as an ongoing system that sustains cultural and epistemic imbalance through museums and international law. Focusing on the repatriation of African cultural artifacts, the paper discusses the notion of restitution as a part of reparative justice discourse. Applying qualitative thematic analysis of secondary literature from international law, postcolonial studies, and museum anthropology, it asserts that restitution is both a moral and political necessity as the aftermath of colonial violence. Nevertheless, its practical implementation is hindered by narrow legal definitions, deep-seated institutionalized resistance, and power asymmetries on a global scale. With the aid of examples, such as the Benin Expedition of 1897, as well as the contemporary discussion around African collections in museums of Europe, it shows that present-day repatriation projects lack coherence. Overall, the paper concludes that true restitution requires not only returning cultural objects but also changing heritage systems to promote cultural justice and decolonization.*

## Introduction

European domination and colonial escapade in Africa took the form of coordinated and systematic pillaging of the continent's political, economic and cultural domains. Coombes, (1994) and Hicks (2020) contend that much scholarly attention has not been paid to the study of the cultural aspect of European exploitation of Africa especially as it concerns the removal of African heritage in very large numbers; emphasis has however been more on the economic and political aspects of European exploitation of the continent. European colonial agents appropriated artifacts through military conquest, punitive expeditions, missionary activity, and asymmetrical trade relations, subsuming cultural dispossession within the broader political economy of the empire ( Savoy, 2018; Van Beurden, 2015). These objects so looted did not only possess aesthetic values but encapsulated spiritual meaning, political authority, and collective memory, thus making their forceful removal a deep form of cultural violence (Fanon, 1963; Mbembe, 2001)

The Benin Expedition of 1897 stands out as one of the most remarkable cases of such plunder, when British forces looted artworks in their thousands from the Kingdom of Benin. These objects, now widely referred to as the Benin Bronzes, were subsequently distributed across major museums, including the British Museum, as well as institutions in Germany and the United States (Hicks, 2020; Shyllon, 2010). In the view of Coombes (1994) and Cuono (2008), the Benin episode indicates how colonial violence aided the transformation of royal and sacred objects into commodities within global art markets, thus reinforcing imperial narratives of civilizing missions and dominance. Similar patterns of extraction occurred elsewhere, including the looting of treasures and manuscripts following the Battle of Maqdala in Ethiopia and the removal of antiquities from Egypt during the colonial period (Pankhurst, 1999; Reid, 2002). The aforementioned incidents indicate how much the looting of Africa's valued artefacts and cultural heritage was systemic and widespread.

Recent projections suggest that between 80% and 90% of sub-Saharan Africa's cultural heritage is located outside the continent, essentially in Western museums and private collections (Sarr & Savoy, 2018). This growing and wide imbalance brings to

the fore the extent to which colonial extraction has reshaped global cultural geographies. Importantly, this displacement is not confined to the past as it still persists as an ongoing manifestation of structural inequality. Scholars conceptualize this continuity through the lens of coloniality, which refers to the enduring patterns of power, knowledge production, and cultural hierarchy established during colonial rule (Mbembe, 2001; Mignolo, 2011). The foregoing narrative shows that Western museums serve as custodians of heritage and also as institutions that reproduce historical asymmetries in authority and representation (Simpson, 2009; Shelton, 2006).

The question of ownership and legitimacy remains deeply contested. Legal frameworks governing cultural property often prioritize formal ownership over historical justice. This allows institutions to retain artifacts acquired under coercive conditions (Prott, 2009; Merryman, 1986). At the same time, advocates of the universal museum argue that such institutions perform a global public good by preserving and displaying world heritage, but critics say they still retain colonial power and influence (Cuno, 2008; Hicks, 2020). Critics of this notion further aver that this argument ignores the historical contexts of acquisition and the rights of source communities, which thereby perpetuates epistemic and cultural domination (Smith, 2006; Kreps, 2011).

The key problematique that this paper seeks to address is the persistent gap between increasing calls for repatriation and the uneven and limited responses being expressed by holding institutions. African governments, scholars, and cultural activists have intensified demands for restitution, framing it as a matter of justice and a key component of broader reparations for colonialism (African Union, 2023; Sarr & Savoy, 2018). Many western institution still treat reparation as optional, they rather offer partial returns or loans than engage in full transfer of ownership.(Hicks, 2020; Tythacott & Arvanitis, 2014). Anghie (2005) quips that this discrepancy reflects deeper structural inequalities in global governance, providing a state of affairs where erstwhile colonial powers still retain disproportionate control over cultural resources and decision-making processes.

Moreover, the repatriation debate now goes beyond legal ownership to include ethical and political concerns. Scholars like (Barkan, 2000; Torpey, 2006) argue that restitution is also about restoring dignity, correcting historical injustice, and reshaping relations between former colonial powers and African societies. In this sense, repatriation cannot be divorced from the broader discourse on reparations, which essentially aims at providing healing to communities affected by historical harm (Torpey, 2006). However, substantial questions remain unattended to especially concerning the implementation, scope, and limitations of such efforts.

This paper therefore interrogates the relationship between colonial plunder and contemporary responsibility by examining repatriation as a form of reparative justice. It asks the following questions: Can the return of cultural heritage address the legacies of colonialism? What structural hurdles continue to impede restitution? And how might repatriation be integrated into a broader scheme of global justice? By drawing on interdisciplinary scholarship, the study contributes to debates heritage governance, decolonization, and restitution ethics.

## Methodology

This study employs the qualitative, interdisciplinary research design and grounded in secondary sources from law, history, political theory and anthropology. It adopts thematic analysis of scholarly literature, comparative case studies, such as the Ethiopian manuscripts, Benin Bronzes and normative analysis of legal and ethical frameworks. The research draws on peer-reviewed policy reports, journal articles, institutional publications monographs, and integrates foundational postcolonial theory with recent studies on restitution and museum ethics. This approach links past and present views and situates repatriation within wider debates on reparations and global justice.

## Literature Review

### Colonial Violence and Cultural Appropriation

Colonial plunder should be construed as a form of structural violence under the umbrella of imperial rule and domination. Frantz Fanon (1963) sees colonialism as a system that destroys both the

material and cultural bases of colonized societies, creating a “zone of nonbeing” where indigenous identities are dehumanized. This process, in the view of Fanon (1963), Bhabha (1994) and was not limited to physical coercion but extended into the symbolic realm, where cultural artifacts were stripped of their original meanings and recontextualized within colonial narratives. In a similar vein, Mbembe (2001) contend that colonial rule controlled knowledge and representation, determining how African cultures were displayed, classified, and understood in Western systems. This intellectual harm and violence strengthened hierarchies that situated European culture as universal and African culture as crude or static (Mbembe, 2001; Mignolo, 2011).

The stealing of African heritage by Europeans was completely intentional as it was however essential to the colonial project. Artifacts were often seized during military campaigns, missionary expeditions, or administrative interventions and later integrated into European collections as symbols of authority and conquest (Savoy, 2018; Van Beurden, 2015). In the views expressed by Gell (1998) Simpson (2009) and (Smith, 2006), these acts of taking objects by Europeans broke local meaning and authority, since the items had religious, political, or ancestral importance, and their removal weakened African culture and history.

Dan Hicks (2020) props up this argument by framing museum collections as sites of violence, where looted objects continue to embody the legacies of colonial brutality. In his view, the ongoing retention and exhibition of these artifacts sustain what he terms “colonial afterlives”, in which historical injustices are normalized through institutional practices. African artifacts in Western museums have often been shown in ways that suggest Europe is superior and Africa is inferior, treating them as relics of a “primitive” past instead of part of living, evolving cultures. (Coombes, 1994; Clifford, 1988). Hall (1997) and Shelton (2006) aver that such portrayals helped create systems of racial inequality and justified colonial rule by suggesting that African societies could not preserve their own heritage.

Moreover, museum practices have been implicated in what scholars describe as the objectification of colonized cultures, whereby artifacts are detached

from their social and cultural origin and reinterpreted through Western epistemologies (Ames, 1992; Kreps, 2011). This process not only alters the meaning of cultural objects but also undermines indigenous knowledge systems and voices. For this reason, museums have historically functioned as tools of cultural imperialism, affecting global understandings of Africa indicating colonial power relations (Meskell, 2018; Oguibe, 2004).

Together, these perspectives show that colonial plunder was not just theft but a process of knowledge control, physical violence, and cultural appropriation. The presence of African artifacts in Western institutions continues this colonial legacy, sparking urgent debate about justice, representation, and ethical responsibility.

### **Legal Regimes and the Limits of Restitution**

The legal framework governing cultural property remains widely regarded as inadequate for addressing colonial-era dispossession. Central international instruments such as the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property were designed primarily to curb contemporary trafficking rather than to remedy historical injustices (O'Keefe, 2006; Prott, 2009). Notably, the Convention is not retrospective meaning that objects taken out during the colonial period is outside its legal coverage. Equally, the UNIDROIT 1995 Convention on Stolen or Illegally Exported Cultural Objects reinforces private law remedies but also applies only in future terms, thereby limiting its relevance for claims stemming from colonial-era expropriation (Stamatoudi, 2011; Francioni, 2013).

As a result of these limitations, most restitution claims involving African heritage are pursued through diplomatic negotiation, bilateral agreements, or voluntary institutional policies rather than binding legal mechanisms (Shyllon, 2010; Greenfield, 2007). This reliance on non-compulsory frameworks often places source countries at a disadvantage, as outcomes depend heavily on political will rather than enforceable rights. In practice, many returns are partial, conditional, or framed as long-term loans, thereby preserving legal ownership in the holding institutions (Tythacott & Arvanitis, 2014; Hicks, 2020). Such arrangements are criticized for

maintaining unequal power relations and limiting restitution. Scholars argue that these shortcomings reflect deeper structural biases within international law itself. As Antony Anghie (2005) reveals, modern international law emerged in keeping with European imperial expansion and was essential in legitimizing colonial dominance. According to Anghie (2005) and Koskeniemi (2002), This history has created legal rules that prioritize state ownership and sovereignty while downplaying claims based on historical injustice and cultural rights. As a result, the law often fails to recognize the forceful conditions under which many cultural artifacts and objects were obtained during colonial rule.

The preference for legal title rather than ethics is especially clear when it comes to museums. These institutions often base their claim of legitimacy regarding their collections based on how well acquired items are documented, regardless of how faulty or incomplete this documentation may be (Merryman, 1986; Prott, 2009). The use of such legal arguments by museums is at odds with ethical theory that prioritizes restoration of objects as an ethical duty (Barkan, 2000; Lenzerini, 2011). Critics hold that adherence to strict legal ownership reinforces historical injustices by ignoring the unequal power dynamics that contributed to the original transactions (Mignolo, 2011; Hicks, 2020).

In addition, the idea of the universal museum, which is frequently used as an argument for keeping the artifacts in question, adds complexity to restitution demands. The claim suggests that such museums benefit humanity as a whole because they preserve and exhibit heritage from around the world; however, this argument has been heavily criticized on the grounds of perpetuating the colonial roots of such museums and supporting Western cultural hegemony (Cuno, 2008; Simpson, 2009). When looked at from a decolonial point of view, the continuation of retaining African heritage in Western museums is certainly not neutral. It however represents the persistence of colonial authority over cultural resources (Smith, 2006; Meskell, 2018).

The latest trends point to a slow but steady movement towards more responsive systems of law and policies, including national laws on restitution and greater transparency from institutions. These mechanisms are

still scattered and largely non-binding, hence the need for more comprehensive and binding mechanisms at the international level (Francioni, 2013; Stamatoudi, 2011). This implies that the inadequacies of current legal mechanisms involve the inclusion of ethical, historical, and political perspectives in restitution procedures, which is why one needs to move away from mere possession.

### **Institutional Resistance and Emerging Norms**

Despite growing global momentum for restitution, significant resistance persists among major cultural institutions, particularly large encyclopedic museums such as the British Museum. These institutions frequently justify retention of contested artifacts by invoking legal ownership, fiduciary duties to the public, and statutory restrictions that limit deaccessioning (Hicks, 2020; Simpson, 2009). For example, in the United Kingdom, laws such as the British Museum Act of 1963 limit the museum's authority to return artifacts, thus upholding the notion that legality outweighs ethics in a legal framework (Greenfield, 2007; Prott, 2009). As a consequence, even when moral arguments for restitution are admitted, legal and bureaucratic obstacles often delay or prevent meaningful action.

Arguments against repatriation have also often been based on issues of conservation, security, and capacity of the source country. The case for retention is that Western museums are better able to conserve cultural property than the source countries owing to greater capacity and knowledge (Cuno, 2008; Merryman, 1986). This view is connected to the notion of the universal museum, which suggests that some museums cater to a world-wide public through their encyclopedic collections that surpass the national boundaries (Cuno, 2008). Nonetheless, this claim has faced much criticism on account of its implication of a colonialist hierarchy where the ability of the African nations to administer their own cultural heritage is doubted, along with the coercive acquisition of some artifacts (Hicks, 2020; Smith, 2006; Mignolo, 2011). Moreover, the institutional opposition is not just a problem of logistics and legality but rather of epistemology and politics. For instance, museums have been known as sites of knowledge construction which have influenced global perceptions on the culture and history of the world (Shelton, 2006; Clifford, 1988). In doing so, by

maintaining control over the artifacts originating from Africa, these institutions have remained authoritative on how the history of Africa should be told, thus perpetuating cultural hegemony associated with the period of colonialism (Coombes, 1994; Meskell, 2018). In this sense, resistance to restitution can be understood as a struggle over power, legitimacy, and the authority to define cultural meaning.

Nonetheless, Recent trends point to a slow but steady move towards accountability and responsiveness. A number of governments across Europe have taken steps for restitution by returning the items back to the respective African nations, while some are on their way to implementing repatriation programs. One example is that of the French government adopting restitution policies after the release of the Sarr-Savoy report (Sarr & Savoy, 2018; Savoy, 2018). Likewise, Germany has taken measures to reconstitute some Benin Bronzes, indicating increasing awareness about the illegitimacy of the acquisitions made by colonialists (Hicks, 2020). This indicates the development of the emerging norm whereby restitution is seen not as a discretionary action but as an ethical one.

However, it should be acknowledged that such changes have not been consistent. There have been numerous cases of restitution being incomplete, contingent on certain conditions, or even temporary, with museums maintaining possession of their collections while making concessions in terms of public demands (Tythacott & Arvanitis, 2014). Such measures are seen as a way of recreating imbalanced power dynamics through undermining the ability of source nations to exercise sovereignty over their heritage (Shyllon, 2010; Barkan, 2000). In addition, there are discrepancies among different countries regarding their laws and museum policies. (Stamatoudi, 2011).

This demonstrates how norms are beginning to emerge in relation to the management of cultural heritage internationally, particularly as they pertain to source, openness, and ethics. However, the move from optional individual cases of repatriations to mandatory legal provisions is far from complete, and the question of repatriation continues to be defined by the struggle between resistance and reform.

### **Theoretical Underpinning: Postcolonial Theory (Decolonial Critique of Knowledge and Power)**

A strong and coherent theoretical framework to anchor this study is Postcolonial Theory, particularly its decolonial component. This framework is especially appropriate because it directly interrogates how colonial power continues to shape cultural authority, knowledge production, and institutional ownership of African heritage in the present.

Postcolonial theory, which was conceptualized by theorists like Frantz Fanon (1963) and Edward Said (1978), views colonialism as not merely a historical phenomenon but a process through which cultural and epistemological hegemony is maintained. According to Fanon (1963), colonization undermines native identities, and according to Said (1978), Western institutions construct knowledge of colonized cultures in order to legitimize dominance and control. This is relevant to museum collections, where artifacts in Africa were historically removed, reclassified, and displayed within Eurocentric interpretive frameworks that reinforced colonial hierarchies (Coombes, 1994; Clifford, 1988).

On this basis, decolonial writers like Mbembe (2001) and Mignolo (2011) have argued that colonialism does not end but carries on in the form of coloniality, meaning the perpetual subjugation of knowledge, culture, and global hierarchies regardless of political sovereignty. Therefore, the existence of African cultural items in Western museums continues to be a problem because of this perpetuation of epistemic hierarchies.

The significance of postcolonialism theory with regard to this paper comes from the idea that postcolonialism can be used as a framework for understanding repatriation beyond an act of return to something akin to decolonization of cultural power. In other words, museums as places containing the remains of colonial past can be seen as places of the reproduction of colonial history rather than mere keeping of it. Hicks (2020) illustrates this point by highlighting how colonial violence lives on within museum practices today by embodying colonial violence through the categorization and display of looted artifacts, thereby reinforcing historical inequalities.

In light of this theoretical perspective, repatriation takes the form of an epistemological and physical justice, and thus works to subvert colonial discourses of ownership, interpretation, and benefit of cultural heritage. This notion is consistent with the view that restitution is not only a legal or bureaucratic matter but a transformative practice that disrupts existing regimes of cultural dominance (Smith, 2006; Meskell, 2018).

### **Discussion of Findings**

#### **Repatriation as a Mechanism for Reparative Justice**

The findings suggest that repatriation functions as much more than a simple transfer of property; it is a critical instrument of cultural reparative justice. While traditional forms of reparations often prioritize financial compensation to address economic loss, cultural restitution engages with the intangible dimensions of colonial harm, such as identity disruption, historical erasure, and the loss of collective dignity (Barkan, 2000; Torpey, 2006). In this way, repatriation serves a restorative function by attempting to mend relationships that were violently severed during periods of imperial extraction (Savoy, 2018).

However, there is significant scholarly debate regarding the sufficiency of these acts. Some researchers caution that if restitution remains purely symbolic, it may fail to address the deeper structural inequalities and knowledge asymmetries left in the wake of colonialism (Meskell, 2018; Coombes, 1994). There is a risk that partial or conditional returns could be used by holding institutions to avoid engaging with more profound issues of power and control. Conversely, others argue that symbolic restitution provides the necessary moral and political foundation required for addressing deeper material injustices (Barkan, 2000; Torpey, 2006).

#### **Case Studies as Evidence of Colonial Dispossession**

##### **The Benin Bronzes**

The historical reality of colonial plunder is clearly evidenced through specific case studies, most notably the Benin Bronzes. The British expedition of 1897 resulted in the seizure of thousands of sacred and royal objects from the Kingdom of Benin, which were subsequently distributed among Western

museums (Hicks, 2020; Shyllon, 2010). While recent initiatives by governments such as Germany represent a move toward accountability, these efforts are often criticized for being partial or inconsistent (Hicks, 2020; Savoy, 2018). A recurring concern is whether returned items are transferred with full ownership rights or if they are merely provided as long-term loans, which would allow Western institutions to maintain ultimate authority over African heritage (Tythacott & Arvanitis, 2014).

### **Ethiopian Manuscripts and the Maqdala Loot**

A similar pattern of systemic extraction is seen in the looting of Ethiopian manuscripts and sacred objects during the Battle of Maqdala. The dispersal of these items into European collections highlights that cultural dispossession was a widespread phenomenon across the continent rather than an isolated occurrence (Pankhurst, 1999; Reid, 2002). Furthermore, the unevenness in how different claims are handled, with some receiving swift attention and others facing decades of delay, reveals how geopolitical interests often dictate the geography of restitution (Shyllon, 2010).

### **Structural Constraints on Restitution**

Despite a growing global consensus on the ethics of return, several structural barriers continue to impede progress. The most prominent is the limitation within international legal frameworks. Because principles such as non-retroactivity apply to instruments like the UNESCO 1970 Convention, many colonial-era acquisitions fall outside the scope of binding legal adjudication (Prott, 2009; Francioni, 2013). This forces African nations to rely on voluntary diplomatic negotiations rather than enforceable rights.

Institutional resistance also plays a significant role. Many major museums justify their retention of contested artifacts by invoking statutory restrictions or the ideology of universal heritage (Cuno, 2008; Hicks, 2020). These arguments are often viewed as ways to protect institutional authority and maintain the status quo under the guise of conservation or public benefit (Smith, 2006; Kreps, 2011). This is compounded by global power asymmetries. States in Africa frequently lack the political or economic leverage required to negotiate on equal terms with Western institutions. This results in processes that are often politically mediated and asymmetrical (Anghie, 2005; Mignolo, 2011).

### **Beyond Repatriation: Toward Comprehensive Reparative Frameworks**

The findings indicate that while repatriation is essential, it cannot stand alone as a complete solution to colonial injustice. A truly effective approach should be situated within a broader framework of reparations that addresses both symbolic and material harms. This model should include financial redress for economic extraction (Barkan, 2000), alongside deep institutional reforms in museums to ensure transparency and shared authority over collections (Tythacott & Arvanitis, 2014). Furthermore, there is a need for educational initiatives that challenge colonial epistemologies and reshape how historical narratives are taught in both Africa and the West (Smith, 2006; Mignolo, 2011). Ultimately, addressing these injustices requires formal political recognition and apologies to facilitate genuine transitional justice (Torpey, 2006; Lenzerini, 2011).

### **Conclusion**

The continued retention of African cultural heritage within Western institutions represents more than a mere administrative or museum-related issue; it is a persistent, unresolved legacy of colonialism that continues to shape global inequalities in authority and knowledge production (Hicks, 2020; Savoy, 2018). These collections are not neutral assemblages of world history, they are deeply embedded in the histories of conquest and asymmetrical power relations that defined the colonial era (Coombes, 1994; Van Beurden, 2015). Consequently, the debate over repatriation is fundamentally a question of historical accountability and the unfinished project of decolonization within global cultural governance.

Repatriation should be understood as a vital component of justice that addresses both material and symbolic harms (Barkan, 2000; Torpey, 2006). By returning objects taken under conditions of structural coercion or without consent, restitution serves to restore the cultural dignity and historical continuity of affected communities (Lenzerini, 2011; Savoy, 2018). This process does more than return an object; it disrupts the inherited colonial narratives that have long positioned Western institutions as the sole custodians of global heritage while marginalizing African agency in the preservation and interpretation of its own history (Cuno, 2008; Mignolo, 2011).

However, meaningful progress remains unevenly distributed. The limitations of current international legal frameworks, particularly regarding non-retroactivity, alongside institutional resistance that are rooted in universalist ideologies, continue to hinder full restitution (Prott, 2009; Hicks, 2020). These challenges are further intensified by the enduring power asymmetries that define modern relations between African states and Western cultural institutions (Anghie, 2005; Meskell, 2018).

In all, this study argues that repatriation cannot be treated as an isolated or purely symbolic gesture. To achieve true equity, repatriation should be embedded within a comprehensive framework of reparations. This approach requires not only the return of cultural objects but also systemic institutional reform, investment in African heritage infrastructure, and a fundamental transformation of educational narratives (Barkan, 2000; Torpey, 2006). For it is only through such an integrated strategy can global cultural governance move beyond incremental concessions toward a truly just and equitable order.

### Recommendations

1. Repatriation should be treated as a moral and historical obligation, not optional goodwill, with unconditional return of clearly looted artifacts and public acknowledgment of harm.
2. Museums should strengthen provenance research, ensure full transparency, and adopt standardized global procedures for restitution, while supporting African institutions in conservation and management capacity.
3. International legal frameworks should be reformed to address colonial-era dispossession, replacing restrictive rules with enforceable restitution mechanisms and fairer negotiation structures.
4. Repatriation should be part of broader reparations, including investment in cultural infrastructure, education, and long-term redress for colonial harms.

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