European Colonial Expansion and the Appropriation of Benin Cultural Property in the 19th Century

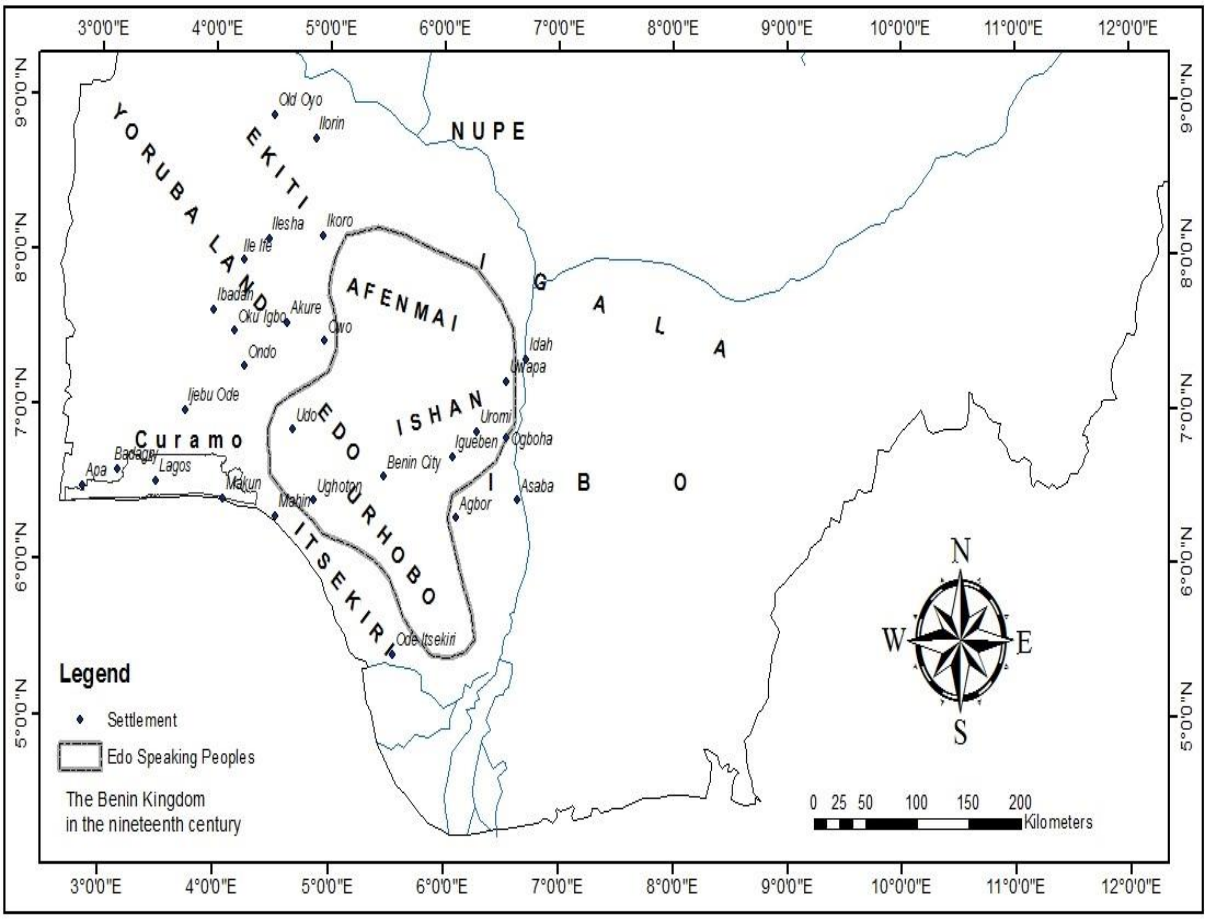
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Abstract

This study is on European colonial expansion and the appropriation of Benin cultural property in the 19th century. European colonial expansion was marked by a large-scale acquisition and appropriation of cultural property in the nineteenth century. In 1897 following the invasion of Benin, a British military expedition was credited with the plunder of an enormous cache of metal plaques, bronze and ivory artworks of ceremonial importance. There have been global calls for the repatriation of looted colonial cultural objects, but the intention to return rather than to restitute denounces the illegality of colonial acquisitions. Although previous studies have dealt extensively on the British invasion and conquest of Benin, this paper interrogates the discuss on colonial cultural property appropriation and the debate on restitution. Using qualitative research methods, the study analyzes the return policy of holding institutions. The study also historicizes the ethical contexts of colonial cultural acquisitions in view of internationalists' objections to return. It examines the claims for access to the dispersed cultural patrimony, especially of the Benin bronzes, given the current artistic value of the objects. Findings from the study reveal that the reassembly of dispersed heritage through restitution or return of objects is now considered to be an ethical principle recognized and affirmed by major international organizations. The study is significant in showing that the preservation of Benin cultural property beyond the restituted loot is a marker of cultural identity.

Keywords: Benin, European, Colonial Expansion, Cultural Property, Restitution, Repatriation

Map of Benin Kingdom



Benin Kingdom in the Nineteenth Century. Adapted from A. F. C Ryder, *Benin and the Europeans 1485-1897*, [i]

Introduction

European colonialism dates to ancient times with the territorial expansion of empires like Greece, Rome, Persia, and the Chinese. By the fifteenth century, European powers, most notably Spain and Portugal, sought new trade routes to Asia and the Americas, leading to the establishment of colonies in those regions. The sixteenth and seventeenth centuries saw the emergence of other European powers, including the Dutch, French, and English, who established colonies in the Americas, Africa, and Asia. The eighteenth and nineteenth centuries witnessed a significant expansion of European colonialism, driven by the Industrial Revolution and the rise of imperialism. European powers colonized vast areas of Africa and Asia, often through conquest, and the imposition of colonial administrations. Colonial conquests which majorly involved military expeditions did not only guarantee economic and political gains. Colonial conquests were invasive and also involved the appropriation of cultural property. Europe's museums and art collections often follow a colonial logic. They hold precious items belonging to the cultural heritage of other continents, with artifacts, ceremonial objects and royal insignia as main attractions. In 1897 following the invasion of Benin,[ii] a British military expedition seized and subsequently sold more than three thousand bronze and ivory artworks of ceremonial importance.[iii]

After the capture of Benin by the British forces, the city was looted by the invaders.[iv] Hall records that the British invaders were astounded by the "artistic sophistication of the more than two thousand artifacts found in the palace compound of the Oba."[v] Barnaby Phillips writes that "It was a moment of vandalism, a rupturing of tradition and knowledge, that scholars of Benin's art and history have spent many decades trying to repair"[vi] Ratté comments that "the removal of an estimated two thousand five hundred art objects and artifacts can in no way be seen as a premeditated act. It was, rather, a thoughtless act, committed with no awareness of consequences and no consciousness of guilt".[vii] There are conflicting reports on how much was taken from Benin in the weeks after its fall. A few years later, a leading German scholar estimated two thousand four hundred pieces, but a British expert of the late twentieth century believed the figure was close to four thousand".[viii] The repatriation of cultural property looted during colonial conquest or exploration has become an important element in decolonization. Europe's former colonial powers have been called upon to recognize that their museum collections include artifacts and cultural property illegally removed or extorted from conquered peoples; objects, which testify to their cultural identity, traditions and history. This study hinges on the historical debate surrounding European colonial cultural appropriations, and the continuing restitution/repatriation dialogue on the Benin bronzes. The paper is divided into sections. The introduction is followed by the clarification of concepts. After that is the section that discusses European Colonial Expansion and the Appropriation of Cultural Property: A historical Analysis. Sequel to that is the section that discusses the British Invasion and Plunder of Benin Art in 1897. The next section analyses, Restitution or Repatriation: Towards Reconciling the Debate. Following this is the summary and conclusion of the study. Major findings inform that beyond ethical considerations in the post-colonial restitution debate, the preservation of Benin cultural property beyond the restituted loot is a prominent marker of cultural identity.

Conceptual Clarification

The study will attempt to define the concepts of European colonial expansion, cultural property, restitution and repatriation. European colonial expansion refers to the historical process in which European powers established control over territories outside Europe, often through colonization, involving settlement, exploitation, and the establishment of trade and military bases.[ix] Although there is no universal definition of cultural property, one widely used definition is provided by Article 1 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954: "The term 'cultural property' shall cover, irrespective of origin or ownership: movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art, or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or reproductions of the property defined above".[x] Originally intended to prevent destruction and looting in armed conflicts, its provisions have informed broader restitution efforts by establishing that cultural property should not be subjected to wartime plunder. Restitution, sometimes called reparation is defined as the payment for damage or loss of property, or the return of items stolen or lost. It is also a legal action serving to cause restoration of a previous state.[xi] Repatriation is the act or process of returning someone or something to the country of origin, allegiance or citizenship.[xii]

European Colonial Expansion and the Appropriation of Cultural Property: A Historical Analysis

Beyond access to valuable natural resources such as gold, silver, spices, and later, rubber, oil, and minerals which conquests provided for the European powers, was the acquisition of cultural properties, most of which were invasively plundered. This action has been variously described by authors as colonial loot, pillage, booty, theft, spoils, raid or sack. Colonial looting of cultural heritage in conquered territories often involved military campaigns and punitive expeditions: where forces invaded, captured, and pillaged valuable artifacts, artworks, and cultural objects as "war booty". There were also expeditions and raids, which were targeted attacks on cultural sites like temples, museums or royal palaces. There was acquisition through coercion, in which case, local leaders or communities were forced to relinquish cultural items under threat or pressure. Also of note, were scientific expeditions and archaeological excavations which led to the removal of artifacts without prior and informed consent of local owners. Others included cultural items acquired through unequal purchases or 'gifts' presented under duress. Missionary activities were also involved, with missionaries sometimes destroying objects they considered "pagan" or facilitating the transfer of such objects. These actions often lacked consent, disregarded cultural significance and stripped societies of their heritage. Consider the Parthenon Marbles of Greece, removed from the Parthenon in Athens in the early nineteenth century when Greece was under Ottoman rule and which was later acquired by the British Museum.[xiii] There was also the Rosetta Stone of Egypt, (relevant for decoding hieroglyphs) first with the French following Napoleon's invasion of 1799, and later becoming a property of the British following the 1801 Treaty of Alexandria after the French defeat. It remains with the British Museum.[xiv] The Maqdala Treasures of Ethiopia raided following the Abyssinian Expedition by the British in 1868, are held by the British Museum and other institutions[xv], and the Bangwa Queen of Cameroon, a significant wooden sculpture acquired by German colonial agent Gustav Conrau about 1899 possibly through force eventually ended in private collections and thereafter in Paris, despite ongoing calls for its return by traditional Bangwa leaders.[xvi]

British invasion and Plunder of Benin Art in 1897

The invasion, conquest and plunder of Benin by the British in 1897 is often associated with the term "loot". This concept in some contexts have been referred to as derisive – considering the appropriateness or justification behind war plunder or booty by the invader against the conquered. Consider Eva Meyerowitz' writing, that the only loot of any value among the ruins of Benin were the bronzes and ivory carvings found in the Royal Palace and in the houses of nobles. It reads "apart from those which were taken as souvenirs to England, the great bulk of them found their way into the hands of Lagos dealers who auctioned the bronzes as 'scrap metals' and the beautifully carved ivory tusks as 'damaged ivory'.[xvii] There are documented accounts showing the divide of spoils from Benin, which conveniently indicates looting. The cultural property which comprises the loot falls under the umbrella term of the Benin Bronzes. Peju Layiwola writes that "apart from the outright looting of works from Benin, a number of artifacts were destroyed in the fire that was set up on the third day of the siege laid by British soldiers in the Oba's palace."[xviii] The contentious fire which some have claimed was accidental, was to some others, started to ensure undisturbed looting. Layiwola stresses that the fragmentation of social and political lives of the people caused by the expedition, the climax of which was the exile of Oba Ovonramwen to Calabar, is revealed in the manner in which

the art objects were dispersed. For example, in 2007, the upper part of a two-part bronze plaque, which had been removed to London, was united with its lower part, which had been in Vienna since 1897, for the first time at the Vienna exhibition. The travelling exhibition titled *Benin Kings and Rituals: Court Arts from Nigeria* was shown in Vienna, Berlin, Paris and Chicago.[xix]

Ben-Amos ponders the preponderance of brass and ivory over wooden objects in contemporary collection. The question remains that since the majority of the art were removed in 1897, not much collection of the rattle staff (*ukhurhe*) which seem to be the most commonly used object in Edo religion were recovered, as when compared to the number of brass objects numbered in collections. Ben-Amos proffers that in comparison to the multiples of rattle staff in current existence, evidence in 1897, suggests that they were similarly in abundance at that time. A possible answer as to why there are only few numbers of these carvings in collections may be that most of the woodcarvings were destroyed in the fire that gutted the royal palace and much of Benin during the British punitive expedition. Alternatively, it is possible that fewer wooden objects were taken out as booty by members of the British expedition, who may not have valued them to the same extent as ivory or brass objects, an aesthetic evaluation that would be consistent with that held by seventeenth and eighteenth century European visitors.[xx] The corpus of wooden figurative sculpture which includes objects taken in 1897 consists of prestige objects such as bowls, stools, lintels and kola-nut boxes as well as religious sculpture (primarily commemorative heads, rattle staffs, assorted altar pieces for shrines of the hand and head, and masks for village ritual use). These were often small and portable objects.[xxi]

Professor von Luschan, the famous German ethnologist, was able to secure the larger part of the booty for the German Museums. He pointed the outstanding value of the finds and described the best bronzes after having examined many of them as technically perfect, "the casts so good that neither Benvenuto Cellini himself nor anybody before or after him, up to the present day could possibly improve upon them." [xxii] The destruction of Benin left the kingdom completely bereft of all works of art which they had once created, bearing testimony to their great past - the large ceremonial bronze heads, ancestral portraits on altars and shrines. Osagie Ojo writes that after the palace of the Oba had been captured, the British colonial army began to search the palace for treasures as they were instructed in their dispatch letter.[xxiii] It was said that one of the commanders later recalled that the store houses were full of all sorts of items and artworks including "several hundred unique bronze plaques." When the British soldiers occupied Benin, they found the bronze plaques lying under a thick layer of dust on the floor in one of the palace courtyards. Some of the reliefs portray important battles of the expansion wars of the sixteenth century. Most however depict court dignitaries in splendid ceremonial attire, in which they probably appeared for rituals at the royal court.

The bronze heads stood on ancestral altars and also served as the base for carved elephant tusks which were placed in the opening of the head.[xxiv] It was also reported that some of the soldiers erroneously thought the objects to be suggestive of almost Egyptian design but of really superb casting.[xxv] Barbara Plankensteiner writes that prior to the Benin expedition of 1897, a few European visitors to Benin had already reported of ivory carvings and bronze casting but this did not receive much attention from specialists in the field. Knowledge of fine ivory carvings which through the Portuguese trade made their way to European art

enthusiasts in the sixteenth and seventeenth centuries had been lost over the centuries. Prior to 1897, the items had been wrongly viewed as Indian, Turkish or even Mexican artworks. It was only after the discovery of beautifully carved ivory tusks from Benin that these misrepresentations were revised.[xxvi] The discovery of the art treasures in the king's palace in Benin was unexpected and astonishing. While the objects on the altars were initially not perceived as artworks because of their covering with remains of sacrifices, the bronze relief plaques and the ivory carvings left a deep impression on the British soldiers. The recovered artworks were assembled in the courtyard and shipped to Britain. Some of the works were distributed among the expedition members according to their military rank.

It was reported that Captain Egerton received about a dozen special objects while other members made do with a ceremonial sword or an arm ring. Admiral Harry Rawson, the commander of the punitive expedition and Sir Ralph Moore, Consul General of the Niger Coast Protectorate sent a leopard pair carved from ivory and two large carved ivory tusks to Queen Victoria in the name of the entire troupe.[xxvii] The other objects sent to London were apparently immediately given up for auction by the Admiralty. The British museum exhibited over three hundred bronze plaques on loan from the Foreign Office in 1897. After their presentation, the curator Charles Hercules Read acted as intermediary in selling some of them to a number of British and foreign museums, private collectors and dealers.[xxviii] Osagie reports further, that the soldiers picked up whatever they could carry and took them to the Oba's Council Chamber and a central courtyard next to their makeshift headquarters.[xxix] Subsequently, the soldiers reportedly broke into Ugha-Erhoba and continued looting of Benin art treasures. Among their findings were altars to some deceased Obas, adorned with carved tusks, cast metal heads and more statues. The doors were lined with stamped brass as were part of the rafters.[xxx]

At the center of the looting military team were Admiral Harry Rawson Holdsworth; who commanded the invading army and Ralph Moore; the Consul General for the Niger Coast Protectorate.[xxxi] The Foreign office was informed of the discovery of the huge store of metallic art works in the palace of the Oba. These military loots were the most precious and valued artworks of the Benin kingdom including: richly carved tusks, delicate ivory armlets and fine bronze masks and plaques.[xxxii] Other valuable artworks and treasures were found in specially designed houses with shrines (such houses belonged to high-ranking chiefs and other wealthy people in the kingdom who could afford to decorate their altars with such complex artworks). The area occupied by the Queen mother and other religious buildings were also ransacked. Outside the palace, items looted included terracotta heads, wood carvings, tusks and other items including bronze artifacts taken from the craftsmen workshop and the production guilds. The treasure house of artworks known as the Iwowa was also not spared in the plunder.[xxxiii]

Restitution or Repatriation: Towards Reconciling the Debate

Restitution and return claims go back to the first half of the 20th century and the debates on an international cultural order in the 1970s. The debate on colonial objects, or better "subjects/objects", has remained in the shadow of the Holocaust and the return of Nazi-looted art. In the context of the struggle over colonial objects in the 1970s and beyond, former colonial powers have lobbied extensively for use of the term "return", rather than "restitution", in

order not to set any precedent implying the illegality of historical takings. Today, these developments are seen in a novel light. There is a growing trend in many former colonial powers, such as France, the Netherlands, Germany, or Belgium, and among museums, for example the Smithsonian Institution, Metropolitan Museum of Art, and Universities such as Cambridge, and Aberdeen to question the status quo, interrogate provenance and conditions of ownership, and contemplate return or new forms of access or circulation.[xxxiv]

Between 2005 and 2010, US art museums returned over a thousand looted antiquities to Italy and Greece. Many of these returns also termed restitutions had long been the subject of dispute. These and subsequent restitutions, the result of direct negotiations between the US museum directors and the claimant countries signal a change in attitude from the earlier position of these same institutions. Previously, for the last quarter of the twentieth century, many of them, like the Metropolitan Museum of Arts in New York, had strongly resisted giving ancient objects back and did so only when pressured by lawsuits.[xxxv] Objects taken in the 1897 attack on Benin kingdom occupy a central place in the restitution movement. They have triggered a ripple effect which is reflected in the decisions by Cambridge, Aberdeen, or the Horniman Museum to return objects to Nigeria. In consideration are: the return of two brass plaques and a brass head by the Metropolitan Museum of Art in New York; the new return policy by the Smithsonian Institution facilitating the return of thirty nine Benin objects; and the agreement on "unconditional" return between Germany and Nigeria on July 1 2022, following which Germany agreed to transfer ownership to Nigeria "of all Benin Bronzes held in public museums and institutions in Germany", numbering over a thousand objects in all. Today, return is not only contemplated by countries which were involved in forcible takings, but also by countries which acquired objects through market transactions.[xxxvi]

The movement of African art and antiquities has been an outward flow and as thousands of military and political conquerors, administrators, missionaries and adventurers took home souvenirs of their African experiences, it came along with a growing awareness of the unique nature of African antiquities in Europe and America. As a result of this awareness, large investment in African art commenced. Some missionaries who on occasions encouraged Africans to burn their 'so-called pagan effigies' as proof of real conversions quietly collected the best examples and shipped them back home.[xxxvii] Over the past few years, conversations regarding the global repatriation of cultural artifacts have garnered substantial attention. These discussions have ignited debates throughout Western nations, focusing on the topics of repatriation and restitution as crucial components to confront and address the legacies of colonialism.

Among these debates is the international initiative for the return of the Benin Bronzes, which has emerged as a pivotal point in reconciling historical injustices and reclaiming cultural heritage. Recently, the campaign for their repatriation has gained momentum, fueled by calls for restitution and acknowledgment of the injustices perpetuated during and since the Scramble for Africa and the Benin Massacre of 1897. Carsten Stahn in her work *Confronting Colonial Objects, Histories, Legalities and Access to Culture* writes on the advocacy of Nigerian artist, Professor Peju Layiwla towards the restitution of the Benin looted arts. Referencing a performance she delivered in November 2021 at the Rautenstrauch-Joest Museum in Cologne

during the exhibition *RESIST*. titled, "I have come to take you home". The call for return, referred to the Benin bronzes taken in 1897 form Benin. [xxxviii]

Stahn writes further that countries such as France, the Netherlands, Germany or Belgium have begun to initiate steps on the keeping of objects acquired in colonial contexts, and other countries such as Austria, are considering regulatory policies to deal with returns. In the same token, these developments are complemented by changing ethical policies of museums in the United States. Resultantly, with the establishment of museums like the Museum of Black Civilizations in Dakar and the National Museum in Kinshasa, traditional cultural internationalist objections to return, such as the absence of museums or lack of a proper maintenance culture, become more difficult to maintain.[xxxix] The troubled history of the Bronzes includes international theft, colonialism, and unethical or highly dubious museum curatorial practices. The central issue of Nigeria's claims for access to the dispersed cultural patrimony concerns the Benin bronzes. The artistic value as well as the renowned, dramatic vicissitudes of these artifacts made this case the most emblematic example of the post-colonial restitution debate.[xl]

At the time of the decolonization of Nigeria, the question of the restitution of artworks removed prior to independence was not explicitly raised in terms of legal claim. Nigeria started a campaign to recover the dispersed cultural heritage of Benin. Within this objective some of the bronzes were purchased directly from the British museum and other pieces were bought at public auctions. In addition, the government of Nigeria issued an appeal through the International Council of Museums (ICOM) for the restitution of cultural patrimony through long-term loans or donations of some examples of Benin art. In the twentieth century, ethical decision making was for a long time determined by the interests of holders of objects. Some returns were made by colonial representatives or museum professionals prior the 1970s. They were however based on strategic grounds. With growing critiques of the preservation of artworks in the keeping of museums and the recognition of culture as important means of resistance to colonial intrusion and socio-economic development, calls for return increased in the 1970s.

ICOM postulated in 1979 that the reassembly of dispersed heritage through restitution or return of objects is now considered to be an ethical principle recognized and affirmed by the major international organizations.[xli] In practice, the claims founded on the law of state succession could be presented only to public institutions of Nigeria's predecessor, the United Kingdom. These institutions preserved only a part of the treasures plundered in 1897. The vast majority of the Benin bronzes were in the possession of different museums such as in Germany and the United States, who were not involved in the colonization of Benin or in the plunder committed thereof. Therefore, while claiming the return of its cultural objects, Nigeria recalled the moral duty of current holders of such items to reverse colonial discriminatory policies towards the cultural heritage of African peoples.[xlii]

Although in 1897, the removal of artworks from Benin was not considered unjust, it clearly violates contemporary beliefs. Today, the act has become a symbol of imperialist plunder. Plundering artworks has become a crime in Europe for centuries and the international consensus is that exceptional art belongs to its creators. Even those skeptical of the merits of

African art accept that the Benin objects are in that superior category. Oba Erediauwa, predecessor to Oba Ewuare II, clamored for the return of the looted art. He explained the art works stolen in 1897 represent 'a stolen library of the history of Benin Kingdom".[xliii] The efforts to get back art works have been spearheaded by the Benin Monarchy and members of the royal family. The restitution debate however poses some questions: Who would benefit from the restitution? Are the receivers the right beneficiaries? Would the current owners of the objects be cooperative or resistant in the face of public opinion? A more problematic question is who the recipient of the objects should be? On the other hand, returned objects that are not properly displayed or handled become a deterrent to further cooperation. For example, there have been cases where objects restored to their owners have resurfaced on the market or simply deteriorated out of view.

Frank Willett argues that the Nigeria government bought at auction a small collection of Benin art pieces for them to be shown temporarily at the National Museum Benin as "Lost Treasures of Ancient Art". This incident dated to 1982 had witnessed the appeal of the Benin monarch to the Federal government to recognize Benin as the home of the exhibited arts, while admonishing the Museum to be conscious of the security of the works. Willett claims some of those works may have found their way out, but were fortunately returned by an American dealer.[xliv] In line with the above narrative, there were indications that following the activities of art collectors and keepers, the pieces returned to Nigeria may well reappear on the market once again or stimulate their replacement on the market by other pieces. Other concerns raised are that Nigerian leaders may not have set a good example. Phillips states that in 1961, Prime Minister Tafawa Balewa took a Benin carved tusk from the National Museum which he gave to President John F. Kennedy in Washington. Curators in Lagos were appalled. Similar situations had been replicated in Jos museum were it was recalled that government officials were noted to have picked objects from the museum for VIP visits.[xlv]

Critics of restitution have challenged the turn to cultural justice based on the arguments that atonement for the past may politicize material culture, detract from the original meaning of artifacts, or sensationalize looted objects. This argument proposes that justice related perspective may reduce artifacts to 'objects of tragedy and apology' and focus perspectives on objects and museums as the source of domination, rather than seeing them as institutions that reflect wider political and social events of their time.[xlvi] This cultural property (Benin bronzes) is considered an indispensible component in the formation of a national identity. On the other hand, successive British governments have argued for their continued custody of Benin bronzes on the basis of the internationalism of museum culture, while at the same time asserting the significance of the bronzes as part of a British national heritage.[xlvii] The restitution dialogue is an ongoing debate that is gaining increasing traction. Germany has committed to returning ownership of over one thousand Benin Bronzes in its public museums. A total of twenty physical bronzes were initially handed over in December 2022, and more have followed or remain in Germany on loan. The Netherlands officially returned one hundred and nineteen sculptures in June 2025, in what was described as the single largest physical return of Benin antiquities to date. While the British Museum (which holds the largest collection) has not made permanent returns due to legal restrictions, individual institutions have. The Horniman Museum & Gardens in London transferred ownership of seventy two items in its collection in November 2022. Jesus College Cambridge returned a bronze cockerel (known

as the Okukur) in October 2021. Aberdeen University also returned a bronze head at a similar time. Other European countries like Belgium have also been involved in the broader restitution debate and may have returned items or are in the process of doing so, but the primary significant returns by state and major public institutions have come from Germany and the Netherlands. In a move aimed at addressing the longstanding issue of the ownership of ancient Benin artifacts, Edo State Governor Monday Okpebholo restored the full statutory rights of His Royal Majesty, Oba Ewuare II, the Omo N'Oba N'Edo Uku Akpolokpolo, over the artifacts looted during the 1897 British colonial invasion.[xlviii] With regards to the housing of the repatriated artifacts, the Monday Okpebholo administration is backing the initial plan of the State Government to build the Benin Royal Museum that will house the returned artifacts and is distancing itself from the Museum of West Africa Art (MOWAA) which the previous administration fronted, as widely reported by the media.[xlix]

The Federal Government had issued a Gazette for the recognition of ownership and custody of the repatriated Benin artifacts to Oba of Benin, Oba Ewuare II.[l] Abdulsalam Abdullah, in *The Cable* quotes the Edo State Governor as saying, "The Oba of Benin, as the father of all Benin people, is the sole custodian of the customs and traditions of the Benin people and my administration respects customs and traditions in the land and hereby restores the statutory rights of the Oba of Benin as the true custodian of the returned Benin artifacts"[li] This declaration reinforces the position of the Museum of West African Art (MOWAA) in its establishment as a non-profit organization, focused on the preservation of cultural heritage across West Africa, and not with particular reference to the repatriated Benin art. It also settles the question surrounding the holding of the repatriated art, which earlier provoked media outrage following contending arguments over their keeping

Conclusion

The restitution debate is significant especially as the United Nations (UN) Sustainable Development Goals (SDGs) refer to the role of cultural heritage/property in development. The International Council on Monuments and Sites (ICOMOS) has published policy guidelines in this regard, buttressing the importance of cultural heritage for local populations, their sense of belonging and continuity, as well as creativity, tourism and economy. Cultural heritage is also recognized as an element of justice in the Sustainable Development Goals (SDGs). This calls for the need to strengthen the recovery and return of looted assets. International conventions referring to stolen cultural property were signed in the second half of the twentieth century. Not being retroactive, they do not apply to objects looted or stolen before 1970 and make legal claims extremely difficult and burdensome..[lii] In recent years, an approach based on the concepts of state succession and self-determination has been adopted and resulted in deployment of soft laws, such as provenance research by museums (reconstructing the history of given objects), good faith negotiations with source communities or former owners and equitable solutions for claims. The return of cultural objects is based on moral grounds as a necessary element in the cultural development of new states. Cultural rights such as the right not to be separated from certain cultural objects together with the assumption that communities, not states, are rights-holders, is becoming an important element that is being taken into consideration.[liii]

The identity and culture of Benin exists beyond the looted bronzes, while much emphasis has been on the restitution of the looted art, much is needed to preserve the history of Benin heritage that suffered despoliation at the fury of the British gunfire. The fallen Benin walls equivalent only to the great walls of China, and the Benin moat, a tentative UNESCO world heritage site, and a Guinness World Record holder were cultural witnesses to the British invasion, the heritage of which seem to be in oblivion following the passage of time. While restitution of the looted objects remains the ultimate goal, it is also necessary to preserve the remnants of heritage sites, tangible or intangible as these areas open new vistas for research and scholarly interrogation.

The highlight of this study is on the necessity for digital tools which are increasingly been deployed to alleviate the challenges of restitution. Virtual repatriation and 3D reconstruction have emerged as significant methods for ensuring access to displaced cultural heritage. For example, digital archives (such as Digital Benin) and online exhibitions enable scholars and the public to study and appreciate artifacts before their physical return. Museums and cultural institutions also utilize 3D scanning and printing technologies to create highly accurate replicas of artifacts. These replicas serve educational and research purposes while negotiations for full restitution continue.[liv] Such technologies bridge restitution gaps, providing interim solutions while diplomatic processes unfold.

ENDNOTES

BIBLIOGRAPHY

Abdullah, Abdulsalam, "Okpebholo gives Oba of Benin Full Rights to Returned Artefacts", *The Cable*, November 24, 2024.

Agbontaen-Eghafona, Kokunre and Okpoko, Ikechukwu, "Curatorship of Benin Cultural Materials: Towards Integrating Indigenous and Orthodox Methods", *African Study Monographs*, 24(4), 2004, 200

Agorsah, E. K. "Restitution of Cultural Material to Africa", *Africa Spectrum*, 12(3), 1977, 305-308

Bacon, Reginald, *Benin: The City of Blood*, London: Edward Arnold, 1897.

Ben-Amos, Paula, *Art, Innovation, and Politics in Eighteenth Century Benin*, Indiana: Indiana University Press, 1999.

Ben-Amos, Paula, "A Note on a Lost Woodcarving Tradition from the Benin Kingdom", *African Arts*, 24(2), 1991, 76-78; 92.

Blackmun, Barbara Winston, "Continuity and Change: The Ivories of Ovoranmwen and Eweka II", *African Arts*, 30(3), 1997, 68-79; 94-96.

Boisragon, Alan, *The Benin Masscre*, London: Methuen & Co., 1898.

Campfens, Evelien, "The Bangwa Queen: Artifact or Heritage?" *International Journal of Cultural Property*, 26(1), 2019, 75–110.

Cartledge, Yianni "The Parthenon Marbles: Imperialism and Diasporic Memory", *Journal Of Imperial And Commonwealth History*, 53(3), 2025, 701– 710.

Coombes, E Annie. "Ethnography, Popular Culture, and Institutional Power: Narratives of Benin Culture in the British Museum, 1897-1992", *Studies in the History of Art*, 47, 1996, 142-157.

Cormack, Zoe, "The British Museum and the Abyssinian Campaign, 1867–1868", *The Journal of the Historical Association, HISTORY*, 110(392), 2025, 326-345.

Effros, Bonnie, and Lai, Guolong eds., *Symbols of Colonial Archeology*, Los Angeles: Costen Institute, 2018.

Eyo Ekpo, "The Dialetics of Definitions: 'Massacre' and 'Sack' in the History of the Punitive Expedition", *African Arts*, 30(3), 1997, 34-35

Ezra, Kate, *Royal Art of Benin*, New York: Metropolitan Museum of Art, 1992

Fiofori, Tam, "The Benin Monarchy", *National Standard*, October 2016.

Follette, La Laetitia, "Looted Antiquities, Art Museums and Restitution in the United States since 1970", *Journal of Contemporary History*", 52(3), 2017, 669-687

ICRC Database, "Treaties, States Parties and Commentaries, Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague", 14 May 1954., Article 1 - Definition of Cultural Property, https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv- 1954/article-1a, Accessed January 3, 2026)

Idugie, O Gabriel. and Onochie, U Anita. "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*, 2025, 9(1), 70-79.

Igbafe, A. Phillip, "The Fall of Benin: A Reassessment", *The Journal of African History*, 11(3), 1970, 385-400

Ikime, Obaro, "Colonial Conquest and Resistance in Southern Nigeria", *Journal of the Historical Soociety of Nigeria*, 6(3), 1972, 251-270.

Jakubowski, Andrzej, *State Succession in Cultural Property*, New York: Oxford University Press, 2015.

Kaplan, F. ed. *The Images of Power, Arts of the Royal Court of Benin*, New York: New York University Press, 1981.

Layiwola, Peju, "Making Meaning from a Fragmented Past: 1897 and the Creative Process", *Open Arts Journal*, 3, 2014, 85-96.

Mardon, Austin, *The Rosetta Stone*, Edmoton, Golden Meteorite Press, 2021.

Merriam-Webster.com Dictionary, Merriam-Webster, "Repatriation." https://www.merriam-webster.com/dictionary/repatriation. Accessed January 3, 2026.

Merriam-Webster.com Dictionary, "Restitution." Merriam-Webster, https://www.merriam-webster.com/dictionary/restitution. Accessed January 3,2026.

Meyerowitz, L. R. Eva, "Ancient Bronzes in the Royal Palaceat Benin", *The Burlington Magazine for Connoisseurs*, 83(487), 1943, 248-253.

Nevadomsky, Joseph, "Studies of Benin Art and Material Culture, 1897-1997", *African Arts*, 30(3), 1997,The Benin Centinerary Part 1, 18-27;91-92.

Nowell E.[1]Charles, Webster A Richard, Magdoff Harry "Western colonialism". Encyclopedia Britannica, https://www.britannica.com/topic/Western-colonialism, accessed, January 3, 2026.

Obiyan, Thomas Uwadiale, "The Annexation of Benin", *Journal of Black Studies*, 19(1), 198829-40

Olaniyi, Bisi, "Looted artefacts: Edo Govenor Restores Full Statutory Rights to Oba of Benin", *The Nation*, November 24, 2024

Osagie, Idahosa Ojo, "British Colonial Rule and the Internationalization of the Benin Bronze Artefacts 1897-1960", Ph.D. Dissertation, Nigerian Defence Academy, 2021.

Pasikowska-Schnass, Magdalena,"Colonial-era cultural heritage in European museums"https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696188/EPRS_ATA(2021)696188_EN.pdf, accessed, January 6, 2026.

Phillips, Barnaby, *Loot: Britain and the Benin Bronzes*, London: One World Publications, 2021.

Plankensteiner, Barbara, *Benin: Kings and Rituals: Court Arts from Nigeria*, Chicago: Art Institute of Nigeria, 2008.

Ralph Moore to Sa Bury, 1897. CSO1/13, 7, Ibadan: National Archives

Ratté, Mary Lou, "Imperial looting and the case of Benin", M. A. Dissertation, University of Massachusetts, 1972.

Roth, L. Henry, *Great Benin, Its Customs, Arts and Horrors*, Halifax, England: F. king & Sons, Ltd, 1903.

Ryder, A. F. C. *Benin and the Europeans 1485-1897*, London: Longman Group, 1977.

Stahn, Carsten, "Beyond "To Return or not to Return"- The Benin Bronzes as a Game Changer?", *Santan der Art and Culture Law Review*, 2(8), 2022, 49-88.

_____, *Confronting Colonial Objects, Histories, Legalities, and Access to Culture,* Oxford: Oxford University Press, 2023.

T. Alfred and Ralph Moore, 1897, National archives, Ibadan. File No. 6/1 iii.

Vanguard, "Looted Artefacts: Okpebholo Restores Statutory Rights to Oba of Benin", available at, https://www.vanguardngr.com/2024/11/looted-artefacts-okpebholo-restores-statutory- rights-to-oba-of-benin/ , accessed, November 24, 2004

Willett, Frank, "Restitution or Re-circulation: Benin, Ife and Nok", *Journal of Museum Ethnography*, 12, 2000, 125-131

[i] A. F. C. Ryder, *Benin and the Europeans 1485-1897* (London: Longman Group, 1977), 1

[ii] Phillip Igbafe, "The Fall of Benin: A Reassessment", *The Journal of African History*, 11(3), 1970, 385-400; see also, Barnaby Philips, *Loot: Britain and the Benin Bronzes*, (London: One World Publications), 2021; Thomas Uwadiale Obiyan, "The Annexation of Benin", *Journal of Black Studies*, 19(1), 1988, 29-40; Ekpo Eyo, "The Dialetics of Definitions: "Massacre" and "Sack" in the History of the Punitive Expedition", *African Arts*, 30(3), 1997, 34-35.; Obaro Ikime, "Colonial Conquest and Resistance in Southern Nigeria", *Journal of the Historical Soociety of Nigeria*", 6(3), 1972, 251-270; Alan F. C. Ryder, *Benin and the Europeans 1485-1897*.; Joseph Nevadomsky, "Studies of Benin Art and Material Culture, 1897-1997", *African Arts*, 30(3), The Benin Centinerary 1, 1997, 18-27;91-92.; Barbary Wiston *Blackmun*, "Continuity and Change: The Ivories of Ovoranmwen and Eweka II", *African Arts*, 30(3), 1997, 68-79; 94-96.; Eva L. R. Meyerowitz, "Ancient Bronzes in the Royal Palace at Benin", *The Burlington Magazine for Connoisseurs*, 83(487), 1943, 248-253.

[iii] Neil Brodie, *Problematizing the Encyclopedic Museum: The Benin Bronzes and Ivories in Historical Context in Bonnie Effros and Guolong Lai eds., "Symbols of Colonial Archeology*", (Los Angeles: Costen Institute, 2018). In 1897, the British punitive expedition removed thousands of artworks as "war booty". These were made in a variety of materials including brass, iron, wood, ceremics, ivory, leather, beads and cloth. They also consisted of figurative sculpture, regalia and utilitarian objects in a wide range of forms and styles….see also Paula

Ben-Amos, *Art, Innovation, and Politics in Eighteenth Century Benin*, (Indiana: Indiana University Press, 1999, 21). See also, Alan Boisragon, *The Benin Massacre*, (London: Methuen & Co., 1898).

[iv] Ralph Moore to Sa Bury, 1897. CSO1/13, 7. Ibadan: National Archives. Earlier in 1757, Captain Harrison Commanded the Rainbow to the Benin River and purchased 5,400 pounds of Ivory to Barbados. The Oba reportedly claimed one tusk on every elephant killed and invariably bought the second from the hunter. It was in this fashion that the large store of ivory was accumulated which the British pound after the capture of the city. See, T. Alfred and Ralph Moore, 1897, National archives, Ibadan. File No. 6/1 iii.

[v] R. W. Hall, *Benin Arts as Power*, in Flora Kaplan ed., *The images of power, arts of the royal court of Benin*, (New York: New York University Press, 1981), 9.

[vi] Barnaby Phillips, *Loot*, 88.

[vii] Mary Lou Ratté, "Imperial looting and the case of Benin", M. A. Dissertation, University of Massachusetts, 1972. 8-9.

[viii] Barnaby Phillips, *Loot*, 88.

[ix] Charles E. Nowell. Richard A. Webster, Harry Magdoff. "Western colonialism". Encyclopedia Britannica, 25 Nov. 2025, https://www.britannica.com/topic/Western-colonialism. Accessed, January 3, 2026.

[x] ICRC Database, "Treaties, States Parties and Commentaries, Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague", 14 May 1954., Article 1 - Definition of Cultural Property, https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-1954/article-1a, Accessed January 3, 2026.

[xi] Merriam-Webster.com Dictionary, "Restitution." Merriam-Webster, https://www.merriam-webster.com/dictionary/restitution. Accessed January 3,2026.

[xii] Merriam-Webster.com Dictionary, Merriam-Webster, "Repatriation." https://www.merriam-webster.com/dictionary/repatriation. Accessed January 3, 2026.

[xiii] Yianni Cartledge, "The Parthenon Marbles: Imperialism and Diasporic Memory", *Journal Of Imperial And Commonwealth History*, 53(3), 2025, 701– 710.

[xiv] Austin Mardon, *The Rosetta Stone*, (Edmoton, Golden Meteorite Press, 2021).

[xv] Zoe Cormack, "The British Museum and the Abyssinian Campaign, 1867–1868", *The Journal of the Historical Association, HISTORY*, 110(392), 2025, 326-345.

[xvi] Evelien Campfens, "The Bangwa Queen: Artifact or Heritage?" *International Journal of Cultural Property*, 26(1), 2019, 75–110.

[xvii] Eva L. R. Meyerowitz, *Ancient Bronzes in the Royal Palace at Benin.*

[xviii] Peju Layiwola, "Making Meaning from a Fragmented Past: 1897 and the Creative Process", *Open Arts Journal*, 3, 2014, 85-96.

[xix] Peju Layiwola, "Making Meaning from a Fragmented Past".

[xx] Paula Ben-Amos, "A Note on a Lost Woodcarving Tradition from the Benin Kingdom", *African Arts*, 24(2), 1991, 76-78;92. See also Kate Ezra, *Royal Art of Benin*, one of the constant features of Benin ancestral altars, whether commemorating royalty, chiefs, or commoners, is the presence of ratthe staffs (*ukhurhe)*. They represent authority transmitted from a family, village or ward head or a priest to his successor.They are generally made of wood , or brass as in the case of royal altars. The sound and prayers it accompanies are believed to call the attention of the ancestral spirits to either help or to place a curse. In the case of the Oba's *ukhurhe*, they are the symbol of the authority transmitted through his father from all previous kings.

[xxi] See Paula Ben-Amos, *A Note on a Lost Woodcarving*, "what is known today of Benin carving however does not constitue the whole story writes Ben-Amos. Historical documentation, oral and visual evidence exist for a carving tradition consisting of large, free standing human figures and figurative roof posts that dates back to at least the early eighteenth century or even as far back as to the middle of the sixteenth century. Such large standing wooden figures (Imuemuen) are identified in Benin oral history for their use in the Benin-Idah war.

[xxii] Eva L. R. Meyerowitz, *Ancient Bronzes in the Royal Palace at Benin.*

[xxiii] Philip Igbafe, *The Fall of Benin: A Reassessment* in Osagie, Idahosa Ojo, British Colonial Rule and the Internationalization of the Benin Bronze Artefacts 1897-1960, Unpublished Ph.D. Dissertation, Nigerian Defence Academy, 2021. 201.

[xxiv] Barbara Plankensteiner, *Benin: Kings and Rituals: Court Arts from Nigeria*, (Chicago: Art Institute of Nigeria, 2008).

[xxv] Reginald Bacon, *Benin: The City of Blood* (London: Edward Arnold, 1897), 91.

[xxvi] Barbara Plankensteiner, *Benin: Kings and Rituals*

[xxvii] Barbara Plankensteiner, *Benin: Kings and Rituals*

[xxviii] Barbara Plankensteiner, *Benin: Kings and Rituals*

[xxix] .Barnaby Phillips, *Loot*, 87 in Osagie, Idahosa Ojo, "British Colonial Rule and the Internationalization of the Benin Bronze Artefacts 1897-1960", 202

[xxx] Henry L. Roth, *Great Benin: Its Customs, Arts and Horrors*, (London: king & Sons, Ltd, 1903).

[xxxi] Philip Igbafe, *The Fall of Benin: A Reassessment,* 399.

[xxxii] Barnaby Phillips, *Loot*, 91

[xxxiii] Kokunre Agbontaen-Eghafona and Ikechukwu Okpoko. "Curatorship of Benin Cultural Materials: Towards Integrating Indigenous and Orthodox Methods", *African Study Monographs*, 24(4), 2004, 200.

[xxxiv] Carsten Stahn, *"*Beyond "To Return or not to Return"- The Benin Bronzes as a Game Changer?", *Santan der Art and Culture Law Review*, 2(8), 2022, 49-88.

[xxxv] Laetitia La Follette, "Looted Antiquities, Art Museums and Restitution in the United States since 1970", *Journal of Contemporary History*", 52(3), 2017, 669-687. The shift towards a greater willingness to contemplate restitution in certain cases reflects increasing pressure to change norms about the acquisition and ownership of undocumented works. The same awareness has led to the US government policies that focus on the protection of cultural heritage worldwide, in keeping with the 1970 UNESCO Convention on the Means of Prohibition and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 670.

[xxxvi] Carsten Stahn, *Beyond "To Return or not to Return*

[xxxvii] E. K. Agorsah, "Restitution of Cultural Material to Africa", *Africa Spectrum*, 12(3), 1977, 305-308.

[xxxviii] Carsten Stahn, *Confronting Colonial Objects, Histories, Legalities, and Access to Culture*, (Oxford: Oxford University Press, 2023), 414.

[xxxix] Carsten Stahn, *Confronting Colonial Objects*

[xl] Andrzej Jakubowski, *State Succession in Cultural Property*, (New York: Oxford University Press, 2015), 136.

[xli] Carsten Stahn, *Confronting Colonial*, 419.

[xlii] Andrzej Jakubowski, *State Succession in Cultural Property*, 137.

[xliii] Tam Fiofori, "Benin, Art, Benin Monarchy and the World", *National Standard*, October 2016, 37.

[xliv] Frank Willett, "Restitution or Re-circulation: Benin, Ife and Nok", *Journal of Museum Ethnography*, 12, 2000, 125-131.

[xlv] Barnaby Phillips, *Loot* 225.

[xlvi] Carsten Stahn, *Confronting Colonial Objects*, 417.

[xlvii] Annie E. Coombes, "Ethnography, Popular Culture, and Institutional Power: Narratives of Benin Culture in the British Museum, 1897-1992", *Studies in the History of Art*, 47, 1996, 142-157.

[xlviii] Bisi Olaniyi, "Looted Artefacts: Edo Govenor Restores Full Statutory Rights to Oba of Benin", *The Nation*, November 24, 2024.

[xlix] Vanguard, "Looted Artefacts: Okpebholo Restores Statutory Rights to Oba of Benin", available at, https://www.vanguardngr.com/2024/11/looted-artefacts-okpebholo-restores-statutory-rights-to-oba-of-benin/ , accessed, November 24, 2004.

[l] Abdulsalam Abdullah, "Okpebholo gives Oba of Benin Full Rights to Returned Artefacts", *The Cable*, November 24, 2024.

[li] Abdulsalam Abdullah, "Okpebholo gives Oba of Benin Full Rights to Returned Artefacts",

[lii]Magdalena Pasikowska-Schnass,"Colonial-era cultural heritage in European museums"https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696188/EPRS_ATA(2021)696188_EN.pdf, accessed, January 6, 2026.

[liii] Magdalena Pasikowska-Schnass, " Colonial-era cultural heritage in European Museums".

[liv] Gabriel O. Idugie and Anita U. 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*, 2025, 9(1), 70-79.