

Joint Master in European Cultural Governance

***The Politics of Return:
Historical Institutionalism and the
Restitution of African Cultural Objects
Held in European Museums***

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Abstract

Restitution of cultural objects that have been appropriated in ways we now consider immoral or illegal is one of the most pressing issues in museum governance. The debate becomes even more sensitive when the art in question reflects broader conversations about colonialism and historical injustice. More than 90% of sub-Saharan African cultural heritage is preserved outside of Africa, and demands from governments across the continent to see it returned, have increased in the past decade. The responses from European museums however, have been uneven and mixed: some museums and governments have acknowledged the legitimacy of these claims and agreed to return cultural objects of great artistic and historical importance to their communities of origin, while others have remained cautious and reluctant to see parts of their collections deaccessioned. This thesis adopts a qualitative, comparative case-study research design to explain why museums and state authorities in France, Germany, the United Kingdom and the Netherlands have responded differently to restitution claims concerning African cultural property acquired during the colonial period. Drawing on historical institutionalism, it explains these variations in restitution settlement types by considering how national legal frameworks, museum governance structures, political interventions and veto-point configurations shape institutional behavior.

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Introduction

Following the 1973 address of President Mobutu Sese Seko of Zaire (now the Democratic Republic of the Congo) in the United Nations, and an emergency motion put on the agenda of the General Assembly a few weeks later, the UN issued the historic Resolution 3187 on the Restitution of Works of Art to Countries Victims of Expropriation. One hundred and thirteen countries had voted in favor with just seventeen abstentions, the latter coming from countries including France, the United Kingdom, Belgium, the Netherlands and West Germany.¹

Bénédicte Savoy, a prominent French art historian and co-author of the Sarr-Savoy report commissioned by President Macron in 2018 begins her book *Africa's Struggle for Its Art* with the striking observation that almost the entirety of African cultural heritage resides in a handful of European countries.² “It is difficult to convey the magnitude of this reality in numbers, to physically experience the space it occupies, to imagine the weight it represents, the forces it took to move these pieces and the time it would take to physically lift them one by one.”³

The scholarship on the restitution of cultural property to states and communities of origin has been highly interdisciplinary, drawing on postcolonialism, museum and heritage studies, legal and ethical literatures and broader debates over historical injustice, reparations and the politics of memory. Arguments for both favoring and opposing the deaccession of public collections have centered around the importance of encyclopedic museums as educational institutions that act as a public good, and the need to address the legacy of European imperial expansion respectively.

Issued in 2002 by the Bizot Group, the Declaration of the Importance and Value of Universal Museums argued against the restitution of cultural objects and proclaimed that the diminishing of public, encyclopedic collections would deal a great blow to universal cultural heritage: “Museums serve not just the citizens of one nation but the people of every nation. Museums are agents in the development of culture, whose mission is to foster knowledge by a continuous process of reinterpretation. Each object contributes to that process. To narrow the focus of

¹ Bénédicte Savoy, *Africa's Struggle for Its Art: History of a Postcolonial Defeat*, trans. Susanne Meyer-Abich (Princeton, NJ: Princeton University Press, 2022), 31–32.

² Savoy, *Africa's Struggle for Its Art*, vi.

³ Savoy, *Africa's Struggle for Its Art*, vi.

museums whose collections are diverse and multifaceted would therefore be a disservice to all visitors.”⁴

In *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution*, Dan Hicks offers a different reading of museum collections. Against the established language of cultural biography and entanglement, he proposes the term “necrography”: a way of writing the histories of colonial objects through violence, death, and loss rather than circulation and accumulation.⁵ On this account the Benin Bronzes for example are not objects that simply moved across cultures but material evidence of colonial violence, and their continued retention in European museums does not merely preserve that history but perpetuates the violent act of their seizure. For Hicks this violence is unfinished, and museum displays extend the original act of dispossession across time rather than consigning it to the past.⁶

Since 2017, debates over restitution have acquired renewed urgency, as demands from African governments for the return of cultural property exhibited in European museum collections have become an increasingly visible and politically salient issue. The outcomes of these restitution demands, however, have been unequal across Europe. Some museums and state authorities have embraced this new reality as a formula for cultural diplomacy poised to improve relations in an increasingly polarized world. Others have been adamant in their positions that encyclopedic public collections should not be broken down and dispersed, while some have adopted a hybrid model that favors negotiated forms of shared custodianship. Existing scholarship has paid comparatively little attention to why similar pressures to return cultural property have produced divergent restitution outcomes.

This raises the central question of the thesis: why do museums and state authorities in the United Kingdom, France, Germany, and the Netherlands reach different settlement outcomes in response to restitution claims for African cultural objects acquired during the colonial period? To answer it, this thesis adopts a qualitative, comparative case-study research design grounded in historical institutionalism, examining four major national repositories of colonial-era African collections: the British Museum in London, the Musée du quai Branly–Jacques Chirac in Paris,

⁴ Dan Hicks, *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution* (London: Pluto Press, 2020), 196.

⁵ Hicks, *The Brutish Museums*, 196.

⁶ Hicks, *The Brutish Museums*, 196.

the Ethnologisches Museum housed in the Humboldt Forum in Berlin, and the Wereldmuseum in Leiden.

It argues that legal capacity to transfer ownership defines the range of settlements available to a museum; that political interventions can act as critical junctures determining whether that capacity is exercised; and that the configuration of institutional veto points shapes the restitution arrangements that result.

Literature review

The literature on restitution of contested cultural objects has expanded in the past decade, but it remains fragmented across legal scholarship, museum studies literature and postcolonial and ethical critique. This thesis aims to be positioned at the intersection of these literatures, not arguing whether restitution is morally justified, but how museums bound by diverse institutional settings convert broadly similar restitution claims into different settlement forms.

Museum studies and governance

Museums as we understand them today are modern institutions, originally centered on amassing and preserving objects of great historical and cultural importance.⁷ The first modern museum is often traced back to Renaissance Rome, when Pope Sixtus IV donated a group of ancient bronze statues to the people of the city in 1471. This donation helped establish the Capitoline Museums, widely regarded as one of the earliest examples of public museums in Europe.⁸ In the sixteenth century, collectors across Europe created wunderkammern, or cabinets of curiosities, where natural specimens, antiquities, artworks, and unusual objects were displayed together as signs of aristocratic learning and status.⁹

By the eighteenth and nineteenth centuries, university museums, state museums and art galleries such as the Louvre emerged with public missions to educate and classify human achievement. These museums often arranged objects according to chronology, geography, style, or nation, encouraging visitors to understand history through broad categories such as civilization, artistic progress, and national identity.¹⁰

⁷ The word museum derives from the Greek mouseion, meaning seat of the Muses, the ancient inspirational goddesses of the arts. Alexander Herman, *Restitution: The Return of Cultural Artefacts* (London: Lund Humphries, 2021), 44.

⁸ Francesca Iannelli, "The Blind Forerunner, the Silent Visionary, and the Stone Guest: Hirt, Hegel, and Goethe Imagining the 'Nevermuseum,'" *Revista Eletrônica Estudos Hegelianos* 22, no. 41 (2025): 2, <https://doi.org/10.70244/reh.v22i41.597>.

⁹ Oliver Impey and Arthur MacGregor, eds., *The Origins of Museums: The Cabinet of Curiosities in Sixteenth- and Seventeenth-Century Europe*, 2nd ed. (London: House of Stratus, 2001), 2, <https://archive.org/details/originsofmuseums0000unse>.

¹⁰ Tony Bennett, *The Birth of the Museum: History, Theory, Politics* (London: Routledge, 1995), 26.

The formal academic discipline of museology developed more systematically in the twentieth century, with major contributors including Georges Henri Rivière and later André Desvallées, who helped define museology as a reflection on both the institutional functions and interpretive strategies of museums.¹¹ As one of the pioneers of modern museology and director of the International Council of Museums from 1948 to 1965, Georges Henri Rivière established the core principles that continue to guide how public collections are preserved and promoted today.¹²

The nouvelle muséologie, a term credited to French museologist (and longtime assistant of Georges Henri Rivière) André Desvallées in 1980, marked a movement for the renewal of museology that had begun in the 1970s.¹³ It sought to reframe museums not as custodians of static knowledge but as active agents in social discourse, emphasizing inclusion and community engagement in interpretation.¹⁴ This rethinking accompanied the consolidation of museum studies as an interdisciplinary field drawing on anthropology, art history, education, and cultural theory.

In an era of increasing restitution demands, how can museums, especially in countries with a complicated imperial past, preserve their encyclopedic and global character while also addressing the deep historical injustices that might have enriched their collections in the first place?¹⁵ Questions like this lie at the heart of ongoing scholarly debates concerning restitution, historical injustices, and the ethical responsibilities of museums whose collections were shaped by imperial expansion.

¹¹ The term museology has gradually replaced the term museography in European countries since the 1960s with the exception of Great Britain, where the term museum studies is generally preferred. André Desvallées and François Mairesse, eds., *Key Concepts of Museology*, trans. Suzanne Nash (Paris: Armand Colin / ICOM, 2010), 54. In English literature the term New Museology appeared with Peter Vergo in 1989 as a critical examination of the social and political role of museums. Desvallées and Mairesse, *Key Concepts of Museology*, 54.

¹² ICOM France, “Georges Henri Rivière, Voir c’est comprendre,” accessed June 14, 2026, <https://www.icom-musees.fr/actualites/georges-henri-riviere-voir-cest-comprendre>.

¹³ Bruno Brulon Soares, “L’invention et la réinvention de la Nouvelle Muséologie,” *ICOFOM Study Series* 43a (2015): 57, <https://doi.org/10.4000/iss.563>.

¹⁴ Desvallées and Mairesse, *Key Concepts of Museology*, 55.

¹⁵ Drawing on Appiah, Jérémie Eyssette argues that the notions of universality and cosmopolitanism in the case of the British Museum cannot stand if the museum prevents certain ethnic groups from accessing their core cultural traditions. Since British troops looted Ethiopian tabots at the battle of Maqdala in 1868, the British Museum has forbidden researchers to study them and kept them off display. Jérémie Eyssette, “Restitution vs. Retention: Reassessing Discourses on the African Cultural Heritage,” *African Studies Review* 66, no. 1 (2023): 119, <https://doi.org/10.1017/asr.2022.153>. Dan Hicks argues that the terms universal museum and encyclopedic museum were never employed in the case of the British Museum until the later 20th century, and that universality originally referred to the diversity of its collections and disciplines, and not to the universalist ideals of the Encyclopédistes of the Age of Enlightenment. Hicks, *The Brutish Museums*, 202–203.

Postcolonial studies

Today, a large body of scholarship treats restitution as a response to historical violence, unequal possession, and the uncomfortable political legacy of empire building.¹⁶ Demands for restitution of cultural property are of course nothing new. After the Napoleonic Wars, authorities in Italy, Austria and Germany all demanded that their treasures be returned from Paris, where Dominique-Vivant Denon, director general of the French museums and head of the Louvre had proudly proclaimed that “what is good belongs to the entire world.”¹⁷

Critiques of the devastating effects of European colonialism have also been the subject of historical and academic discussions for decades. In 1867, Karl Marx described in *Das Kapital* the “brute force” and “primitive accumulation” of British colonialism.¹⁸ In 1913, Rosa Luxemburg would further build upon these concepts to explain capitalism’s interrelation with non-capitalist systems of production and the true dynamics of extractive corporate colonialism.¹⁹

Critical and postcolonial theory reshaped how museums understand their own authority. Edward W. Said’s *Orientalism* in 1978, criticized Western representations of the East as constructs of power and imagination rather than objective knowledge. Said argued that Western discourse often labeled “the Orient” as exotic and backward in contrast to a self-defined rational and progressive West.²⁰ In *The Invention of Africa*, V. Y. Mudimbe argues that Africa itself was in a sense invented as an object of Western knowledge and curiosity.²¹ Mudimbe identifies a “colonizing structure” that operated simultaneously on a physical, human and spiritual space, and through which African societies and cultures were rendered “marginal” within a Eurocentric order.²² He shows how the scholarly discourse of “Africanism” did not simply describe Africa but produced it as a category, organizing it through dichotomies of traditional

¹⁶ For Hicks, frameworks such as cultural biography and cultural entanglement risk transforming colonial plunder into a story of mobility and curious exchange; against this, he insists on foregrounding the violence of looting and the ethical necessities of restitution. Hicks, *The Brutish Museums*, 26–29.

¹⁷ David Gilks, “Attitudes to the Displacement of Cultural Property in the Wars of the French Revolution and Napoleon,” *Historical Journal* 56, no. 1 (2013): 133, <https://doi.org/10.1017/S0018246X12000453>.

¹⁸ Hicks, *The Brutish Museums*, 21.

¹⁹ Hicks, *The Brutish Museums*, 22–23.

²⁰ Edward W. Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), 9–10.

²¹ V. Y. Mudimbe, *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge* (Bloomington: Indiana University Press, 1988), 82–84.

²² Mudimbe, *Invention of Africa*, 14–17.

versus modern, primitive versus civilized.²³ Ethnographic museums were a central instrument of this knowledge production, using their displays to immortalize European military triumphs over “primitive” people and cultures.²⁴ In *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution*, Dan Hicks encapsulates the intertwined histories of anthropology museums and European colonialism in a single sentence: “as the border is to the nation state so the museum is to empire.”²⁵

The independence and simultaneous United Nations membership of seventeen African countries in 1960, named the Year of Africa, gave long-standing restitution claims a new political basis.²⁶ Newly sovereign states could now make their case as equals on the international stage and called for the return of cultural property as part of a wider effort to establish more equal, post-colonial relations with their former colonizers.²⁷ Restitution was thus seen as a way to affirm national dignity against a Eurocentric order and to assert a new African presence on the world stage.²⁸ The poet and journalist Paulin Joachim was a prominent African intellectual active in France during the 1950s that associated the return of cultural property with the recovery of post-colonial dignity.²⁹

Following the first wave of African independence in 1960, the holdings of the Musée National des Arts Africains et Océaniens administered by the Ministry of the Colonies would be transferred to the French Ministry of Culture and thus subjugated to France’s principle of inalienability, while the British Parliament would prohibit the British Museum from disposing of its holdings with the Act of 1963.³⁰ These initiatives however were not enough to prevent more restitution claims in the 1970s and 1980s from gaining public attention.³¹ In 1981,

²³ Mudimbe, *Invention of Africa*, 9–11, 22.

²⁴ Hicks, *The Brutish Museums*, 10–11.

²⁵ Hicks, *The Brutish Museums*, 17.

²⁶ Savoy, *Africa’s Struggle for Its Art*, 4–5.

²⁷ The literary movement of negritude emerged in Paris during the 1930s with poets and intellectuals including Aimé Césaire, Léon Damas and Léopold Senghor speaking about a common black identity. In 1948, Sartre promoted negritude to a political and philosophical criticism of colonialism with his essay *Black Orpheus*. Mudimbe, *Invention of Africa*, 96.

²⁸ Savoy, *Africa’s Struggle for Its Art*, 7.

²⁹ As editor of *Bingo*, a monthly magazine published in Paris and Dakar and read throughout both Francophone Africa and the African diaspora in Europe, he also described how the exposure to European art worked as “a shot in the arm” for the European avant-garde giants such as Picasso, Matisse and Modigliani. Savoy, *Africa’s Struggle for Its Art*, 6–7.

³⁰ Savoy, *Africa’s Struggle for Its Art*, 6.

³¹ In May 1979, the *Frankfurter Allgemeine Zeitung* published an article that began with a reference to Karl Marx: “For approximately six years, a spectre has been haunting European museums, in short, restitution.” Savoy, *Africa’s Struggle for Its Art*, 89.

François Mitterrand's government tried to build new alliances with so-called Third World countries by addressing claims for the return of their cultural heritage.³²

Restitution demands have intensified since the late 2010s, particularly after high-profile political interventions such as President Macron's 2017 Ouagadougou speech, which framed the continued concentration of African heritage in France as lacking a "lasting and unconditional justification."³³ Following President Macron's speech in Burkina Faso, the 2018 Sarr-Savoy report reframed the restitution of African art exhibited in European museums (over 90% of African heritage is said to be held in museums outside the continent) as part of a new relational ethics between the two continents and signaled a change in attitudes across Europe on how to address historical injustices.³⁴ The academics of the report commissioned by President Macron, Bénédicte Savoy of France and Felwine Sarr of Senegal, suggest that "objects that were removed and sent to mainland France without the consent of their countries of origin be permanently returned — if the country of origin asks for them."³⁵

The report sent shockwaves across Europe. Public museums in France, Germany, Britain, Belgium, Austria, and the Netherlands together own more than half a million items of African cultural heritage according to their own estimates, while 237 French museums are holders of around 150,000 African objects.³⁶ The enormous size of these collections however does not automatically translate to adequate exhibition spaces or sufficient public access. The British Museum exhibits only around 1% of its total collections, while the Humboldt Forum in Berlin exhibits around 4%.³⁷ In "Restitution vs. Retention: Reassessing Discourses on the African Cultural Heritage", Jérémie Eyssette compares major European museums after the post-2017 shift. He examines the British Museum, the Musée du quai Branly in Paris, the Humboldt Forum

³² Savoy, *Africa's Struggle for Its Art*, 120.

³³ Emmanuel Macron, "Emmanuel Macron's Speech at the University of Ouagadougou" (speech, University of Ouagadougou, Ouagadougou, Burkina Faso, November 28, 2017), Élysée, <https://www.elysee.fr/en/emmanuel-macron/2017/11/28/emmanuel-macrons-speech-at-the-university-of-ouagadougou>.

³⁴ Felwine Sarr and Bénédicte Savoy, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*, trans. Drew S. Burk (Paris: Ministère de la Culture, 2018), 3, https://www.unimuseum.uni-tuebingen.de/fileadmin/content/05_Forschung_Lehre/Provenienz/sarr_savoy_en.pdf.

³⁵ Farah Nayeri, "Museums in France Should Return African Treasures, Report Says," *New York Times*, November 21, 2018, <https://www.nytimes.com/2018/11/21/arts/design/france-museums-africa-savoy-sarr-report.html>.

³⁶ Saskia Cousin Kouton et al., "La restitution à l'heure du retour," in *Afrique, musées, restitutions: Le temps du retour*, ed. Saskia Cousin Kouton, Anne Doquet, Alexandra Galitzine Loumpet, and Didier Houénoué (Paris: La Documentation française, 2026), 11.

³⁷ Eyssette, "Restitution vs. Retention," 107.

in Berlin, and the AfricaMuseum in Belgium, and analyzes the arguments used by retentionists and restitutionists alike.³⁸

The encyclopedic museum and the ethics of restitution

Debates over the future of colonial acquisitions in museum collections across Europe also turn into discussions over the broader reconsideration of the entire architecture and *raison d'être* of those collections in the first place.³⁹ Retentionist arguments have been focusing on the cosmopolitan value of the universal museum as a public good that can educate and share human achievement with the widest possible audience.⁴⁰ In that respect, retention can also be defended on ethical grounds: the benefits of the encyclopedic-museum according to Cuno and the cultural-internationalist ethic articulated by Merryman frame the shared display of a common human heritage as the higher moral good.⁴¹

Another body of scholarship views museums with colonial holdings as moral agents instead of neutral custodians, and that their refusal to restitute cultural property is itself an ethical choice. One of the strongest versions is Hicks's study of the Benin Bronzes, which recasts the encyclopedic museum as a site of colonial violence and treats retention as the prolongation of that violence.⁴² He claims that anthropology and ethnological museums at the turn of the century were conscious instruments of the legitimization of colonial atrocities and the ideology of white supremacy.⁴³ Hicks builds on Sarr and Savoy, who reframe restitution as "justice, or a re-balancing, recognition, of restoration and reparation."⁴⁴ Vincent Negri argues that the very

³⁸ He also discusses the reality of Françafrique policies, asymmetrical military and monetary relationships that can accompany restitution settlements. On November 17, 2019, the El Hadj Omar Tall sword was officially returned to Senegal, as the country was purchasing military equipment worth hundreds of millions of euros. Eyssette, "Restitution vs. Retention," 109–110.

³⁹ Clémentine Bories et al., "Introduction," in *Les restitutions des collections muséales: Aspects politiques et juridiques*, ed. Clémentine Bories, Claire Bouglé-Le Roux, Philippe Charlier, and Mélanie Clément-Fontaine (Paris: Mare & Martin, 2022), 24–25.

⁴⁰ Kwame Anthony Appiah, "Whose Culture Is It?," in *Whose Culture?: The Promise of Museums and the Debate over Antiquities*, ed. James Cuno (Princeton, NJ: Princeton University Press, 2009), 71–86, <https://doi.org/10.1515/9781400833047-005>.

⁴¹ John Henry Merryman, "Two Ways of Thinking About Cultural Property," *American Journal of International Law* 80, no. 4 (1986): 831–853, <https://doi.org/10.2307/2202065>; James Cuno, *Museums Matter: In Praise of the Encyclopedic Museum* (Chicago: University of Chicago Press, 2011).

⁴² Hicks, *The British Museums*, 194–208.

⁴³ Hicks, *The British Museums*, 4–5, 15.

⁴⁴ Sarr and Savoy, *Restitution of African Cultural Heritage*, 29.

language of universality has historically masked Eurocentric assumptions and that restitution claims challenge the inherited legal insulation of public collections.⁴⁵ Jérémie Eyssette argues that restitution can only be meaningful if accompanied by provenance research, repair of trust and relations, and reappropriation of the objects in question into new African contexts.⁴⁶

In a similar tone, Tangwa and Refem argue in “In Defence of Theft? On the Theft and Restitution of Ngonso’ and Punitive Exhibitions” that restitution requires an honest admission of theft, violence, and damage, and criticize European institutions for trying to impose conditions on the return of looted heritage.⁴⁷ They reject the paternalistic idea that former imperial holders remain the best judges of what should happen to returned objects, because the forceful removal of these belongings has caused cultural and spiritual loss to the communities of origin.

The Germany – Namibia repatriation case is especially illuminating. In 2011, the Charité hospital in Berlin returned 20 skulls to Namibia that belonged to victims of German colonial violence from the Herero and Nama communities in what was then German South West Africa from 1884 until 1915. The return of these remains was meant to restore the dignity of the dead and their communities and to acknowledge a historical injustice committed by German forces. However, the handover ceremony turned into an unfinished dispute of broader German colonial responsibility.⁴⁸ Germany would return more human remains to Namibia in 2014 and 2018, and would formally recognize the atrocities against the Herero and Nama as genocide in 2021, while also pledging €1.1 billion in development funding. The repatriation of human remains is different than the restitution of cultural objects, but both returns can lay the foundation for deeper and more difficult conversations about historical responsibility and future reparations.⁴⁹

⁴⁵ Vincent Négri, “Restituer le patrimoine culturel africain aux peuples africains: apories d’un débat juridique,” in *Les restitutions des collections muséales: Aspects politiques et juridiques*, ed. Clémentine Bories, Claire Bouglé-Le Roux, Philippe Charlier, and Mélanie Clément-Fontaine (Paris: Mare & Martin, 2022), 71–84.

⁴⁶ Eyssette, “Restitution vs. Retention,” 115.

⁴⁷ Godfrey B. Tangwa and Fogha M. C. Refem, “In Defence of Theft? On the Theft and Restitution of Ngonso’ and Punitive Exhibitions,” in *Fifteen Colonial Thefts: A Guide to Looted African Heritage in Museums*, ed. Sela K. Adjei and Yann LeGall (London: Pluto Press, 2024), 134–135.

⁴⁸ Larissa Förster, “The Face of Genocide: Returning Human Remains from German Institutions to Namibia,” in *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, ed. Cressida Fforde, C. Timothy McKeown, and Honor Keeler (London: Routledge, 2020), 103–110, <https://doi.org/10.4324/9780203730966-7>.

⁴⁹ Reinhart Kößler, “The Restitution of Human Remains and Artefacts: Reflecting on Namibian-German Experiences,” *German Lost Art Foundation*, December 21, 2021, https://kulturgutverluste.de/sites/default/files/2023-04/2021-12-21_HK_Blogbeitrag_Reinhart_Kossler.pdf; *Joint Declaration by the Federal Republic of Germany and the Republic of Namibia: “United in Remembrance of Our*

The debate over the restitution and retention of cultural property, can therefore be understood as a clash between two ethical frameworks, the ethics of reparative justice versus those of cultural internationalism, and not as an argument of virtue against its absence.

Museums as institutions may indeed produce knowledge through their narratives and curatorial approaches that can perpetuate power structures such as eurocentrism and colonial bias. Recognizing those nuances however does not explain why similar institutions respond differently to contemporary restitution claims. To better understand the divergence of settlement outcomes in major European museums today, we need to focus less on arguments about moral posture and instead move to an institutional analysis of the structures through which restitution claims are actually processed.

Legal scholarship on inalienability and deaccessioning

Restitution expresses the act of returning property to its legitimate owner. This definition assumes that current parties in possession of cultural objects (for example European museums) need to return the property to the person or group that rightfully owned it in the first place, and from whom it was forcefully taken.⁵⁰ Thus, by returning these objects, the rights of the original owners are finally restored.⁵¹ In France, the legal system has been restricting the realization of

Colonial Past, United in Our Will to Reconcile, United in Our Vision of the Future", Parliament of Namibia, 2021, <https://www.parliament.na/wp-content/uploads/2021/09/Joint-Declaration-Documents-Genocide-rt.pdf>.

⁵⁰ Cousin Kouton et al., "La restitution à l'heure du retour," 12.

⁵¹ A major argument in favor of retention has been the alleged inability of claimant countries to be trustworthy custodians of their own cultural property. In the case of the Benin Bronzes, reports of thefts and lack of security in the government museums of Nigeria have long been the source of doubt in European museum circles. Barnaby Phillips, *Loot: Britain and the Benin Bronzes* (London: Oneworld Publications, 2021), chap. 19, Perlego ebook. The question of which museum in which city in Nigeria is better equipped to exhibit the Bronzes has also been put forward: could it be in the more neutral and geographically central capital of Abuja or in the National Museum of Lagos where they have been displayed since independence? Phillips, *Loot*, chap. 15. In addition to the existing National Museum in Benin City, plans have been put forward for two new museums in the city, both of which have become entangled in national political complications: the Benin Royal Museum and the Museum of West African Art (MOWAA). The establishment of the former was announced at the 2018 meeting of the Benin Dialogue Group in the Netherlands, while the opening of the latter, originally scheduled for November 2025, was postponed. Afolabi Adekaiyaoja, "Whose Museum Is It Anyway?," *Africa Is a Country*, December 12, 2025, <https://africasacountry.com/2025/12/whose-museum-is-it-anyway>. The Benin Royal Museum is set to display collections from European and Nigerian partners on a rotational basis. Edo State Government, "Edo State to Build Benin Royal Museum to Display Historical Artworks," October 24, 2018, <https://invest.edostate.gov.ng/edo-state-to-build-benin-royal-museum-to-display-historical-artworks/>. In March 2023, then-president Muhammadu Buhari signed a decree acknowledging the Oba, as rightful owner of all returned Benin Bronzes and responsible for managing the places where the artefacts would be kept. Ope Adetayo, "Nigeria's Museum Agrees with Royal Ruler on Custody of Benin Bronzes," *Reuters*, February 26, 2025, <https://www.reuters.com/world/africa/nigerias->

restitution claims. Property incorporated into public collections is described as inalienable, imprescriptible, and immune from seizure (inaliénable, imprescriptible et insaisissable).⁵² As a result, unless the law is amended, only tailored and time-consuming legal exceptions can be allowed to address restitution claims. However, private owners are not subject to these restrictions, and can dispose of their property at their own accord.⁵³ Furthermore, the doctrine of inalienability is not monolithic across Europe. In Switzerland, the Federal Act on the International Transfer of Cultural Property of 2003 permits the removal of a cultural object from the Federal Registry if “the cultural property is no longer of essential importance to cultural heritage.”⁵⁴ This notion of significant importance may evolve over time and across contexts. When private actors are concerned, “any person in possession of cultural property that has been unlawfully imported into Switzerland may be sued for repatriation by the State from which the cultural property has been unlawfully exported. The plaintiff State must in particular prove that the cultural property is of essential importance to its cultural heritage and was unlawfully imported.”⁵⁵ This diversity of legal provisions and exceptions across Europe illustrates the complexity of returning contested cultural property. With collections scattered throughout the continent, the outcomes of restitution demands for claimant states can greatly differ based on the European party in question.

Literature gap and thesis contribution

Four insights emerge from this body of scholarship. First, while restitution claims for African cultural property are broadly similar in their moral and historical basis, the settlements they produce vary significantly. This diversity in outcomes, ranging from complete restitution to simple title transfer to no ownership changes at all, points to institutional differences.

museum-agrees-with-royal-ruler-custody-benin-bronzes-2025-02-26/. MOWAA was created to promote, preserve and celebrate West African art and to provide infrastructure for research and heritage conservation. “What We Do,” Museum of West African Art, accessed June 20, 2026, <https://wearemowaa.org/what-we-do>. In Senegal, the Museum of Black Civilizations in Dakar was inaugurated in 2018 and houses the sword of Omar Tall on loan from France. Dave Glover, “The Museum of Black Civilizations,” *Africa Is a Country*, March 6, 2019, <https://africasacountry.com/2019/03/the-museum-of-black-civilizations>.

⁵² Cousin Kouton et al., “La restitution à l’heure du retour,” 12.

⁵³ Cousin Kouton et al., “La restitution à l’heure du retour,” 12.

⁵⁴ Swiss Confederation, Federal Act on the International Transfer of Cultural Property (Cultural Property Transfer Act, CPTA), of 20 June 2003 (status as of 1 June 2005), SR 444.1, accessed June 20, 2026, <https://www.fedlex.admin.ch/eli/cc/2005/317/en>.

⁵⁵ Swiss Confederation, Cultural Property Transfer Act, SR 444.1.

Second, legal restrictions are an important caveat, but not in a strictly prohibitive way: legal rules interact with political systems and institutional governance structures in many ways. Legal architecture is therefore better understood here as a variable itself requiring explanation and not as a fixed background.

Third, postcolonial and museological scholarships show that museums are not neutral repositories of artefacts but historical instruments of colonial knowledge production. This critique establishes the moral and political stakes of restitution as not merely requests for the transfer of objects, but as demands for recognition, dignity, historical accountability, and the repair of relationships damaged by conquest, extraction, and colonial rule. However, it does not explain why similar institutions facing comparable moral and political pressure, arrive at different settlement forms.

Fourth, restitution should not be understood as a binary ethical question but as a central issue in museum governance, cultural diplomacy, and postcolonial relations. Restitution can itself be a multifaceted concept; it can involve the restoration of legitimate ownership, support the recovery of post-colonial dignity, function as an admission of theft and historical violence, or be used as a starting point for wider questions of financial reparation. Because restitution carries these different meanings, it can generate different forms of negotiation and, ultimately, different institutional outcomes.

Eyssette's comparative study of the British Museum, the Musée du quai Branly, the Humboldt Forum and the AfricaMuseum is particularly useful for understanding how European museums have repositioned themselves within the restitution versus retention debate. His discourse analysis shows that retentionist arguments concerning security, accessibility, law and ethics have increasingly been challenged, while restitutionist discourses themselves may be shaped by political rebranding, economic interest and selective provenance research.⁵⁶ He further argues that the four institutions exert reciprocal pressure on one another. Eyssette's contribution, however, remains an evaluation of discourse, classifying institutions as "retentionists, rhetorical restitutionists or truly reformed restitutionists" according to the degree to which their practices match their restitutionist language.⁵⁷ Rather than classifying institutions in that way, this thesis asks why comparable restitution claims produce materially different outcomes. It therefore

⁵⁶ Eyssette, "Restitution vs. Retention," 104.

⁵⁷ Eyssette, "Restitution vs. Retention," 101.

shifts the analysis from museum discourse to institutional explanation, analyzing how legal dispositional capacity, governance structures and veto-point configuration shape whether a claim results in retention, a loan-based arrangement, a hybrid settlement, or full transfer of ownership and custody.

Taken together, these insights point beyond the question of whether restitution is justified, but to how claims are processed once they enter specific institutional and legal settings. Public ownership rules, doctrines of inalienability, deaccessioning procedures, museum governance structures, ministerial authority, and the degree of political discretion available to decision-makers all shape what restitution can become in practice. As a result, the same type of claim may lead to permanent return in one context, to a long-term loan or partnership agreement in another, and to the change in title of ownership without physical transfer in a third. This thesis therefore shifts the focus from the moral justification of restitution to the institutional conditions that convert similar claims into divergent settlement forms.

Theoretical Framework

The wide variation of restitution settlements across Europe is fertile ground for scholarly and policy research. Why is it that public, encyclopedic museums such as the British Museum, the Musée du quai Branly in Paris, the Ethnology Museum at the Humboldt Forum in Berlin, and the Wereldmuseum in Leiden, all equipped with rich ethnographic collections which have been subject to increased restitution demands, respond in different ways to such claims? Why is it that Western European democracies that share a similar imperial legacy translate issues of historical injustice in relation to cultural heritage differently? And why is it that despite changes in public opinion and the growing visibility of voices from former colonized states, both museums and public officials adopt different approaches to addressing these topics?⁵⁸

This thesis rejects the idea that certain cultural institutions or governments are simply acting on more moral grounds than others, and argues that historically embedded institutional arrangements are the biggest driving forces shaping restitution policy. Historical institutionalism therefore can help explain why the same normative pressure applied in similar environments can result in different outcomes ranging from unconditional physical restitution, to a hybrid regime that favors transfer of ownership with considerable loan-backs, to a sole preference for long-term loans and partnerships.

Historical institutionalism is an approach in the social sciences that explains political, legal, social or economic outcomes by looking at how institutions develop over time and how earlier choices shape later possibilities.⁵⁹ Institutions are not only formal organizations like parliaments, ministries or museums but they also include informal routines, norms, conventions and bureaucratic procedures.⁶⁰ More specifically, public museums in France, the UK, Germany and the Netherlands respond differently to restitution claims because each country's past institutional choices has created different paths of authority, constraint and legitimacy.

⁵⁸ YouGov, "Do You Personally Think Britain Should Return the Elgin Marbles to Greece or Keep Them in Britain?," Daily Question, December 2, 2024, <https://yougov.com/en-gb/daily-results/20241202-919af-2>.

⁵⁹ Orfeo Fioretos, Tulia G. Falletti, and Adam Sheingate, "Historical Institutionalism in Political Science," in *The Oxford Handbook of Historical Institutionalism*, ed. Orfeo Fioretos, Tulia G. Falletti, and Adam Sheingate (Oxford: Oxford University Press, 2016), 4, <https://doi.org/10.1093/oxfordhb/9780199662814.013.1>.

⁶⁰ Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996): 938, <https://doi.org/10.1111/j.1467-9248.1996.tb00343.x>.

Historical Institutionalism emphasizes that political outcomes are shaped by inherited rules, path dependence, veto points, and critical junctures rather than by free-floating preferences alone.⁶¹ Applied to restitution, this means museums do not simply decide whether to return contested artefacts on moral grounds, but they operate within legal and governance architectures that make some actions easier and quicker than others, and render some nearly impossible unless external shocks force the institution to comply.

Following Immergut's concept of veto points and building on Tsebelis's analysis of political systems as configurations of veto players, this thesis uses the term veto-point configuration to refer to the number of veto points within a decision-making process, together with their institutional distribution, degree of constraint, and accessibility to relevant actors.⁶² Applied to restitution, this means that divergent settlement outcomes are shaped not merely by veto-point density, but by whether veto points are binding or negotiable, concentrated within a single institutional arena or dispersed across multiple levels of authority, and accessible to actors capable of blocking, delaying, or reshaping restitution decisions.

⁶¹ One approach to path dependence is that departure or deviation from an existing path becomes increasingly difficult over time. As a result, initial events that set the tone are much more consequential than subsequent ones. Fioretos, Falleti, and Sheingate, "Historical Institutionalism in Political Science," 15. For Pierson, "the probability of further steps along the same path increases with each move down that path." Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94, no. 2 (2000): 252, <https://doi.org/10.2307/2586011>. Capoccia and Kelemen describe critical junctures as "relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest." Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World Politics* 59, no. 3 (2007): 348, <https://doi.org/10.1017/S0043887100020852>. Thelen and Steinmo describe veto points as "areas of institutional vulnerability ... points in the policy process where the mobilization of opposition can thwart policy innovation." Kathleen Thelen and Sven Steinmo, "Historical Institutionalism in Comparative Politics," in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, ed. Sven Steinmo, Kathleen Thelen, and Frank Longstreth (Cambridge: Cambridge University Press, 1992), 7. However, they are neither permanent nor inevitable, and can be shifted or disappeared entirely.

⁶² Ellen M. Immergut, "Institutions, Veto Points, and Policy Results: A Comparative Analysis of Health Care," *Journal of Public Policy* 10, no. 4 (1990): 391–416, <https://doi.org/10.1017/S0143814X00006061>; George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton, NJ: Princeton University Press, 2002), 12–13. According to Tsebelis, "Veto players are individual or collective actors whose agreement is necessary for a change of the status quo. It follows that a change in the status quo requires a unanimous decision of all veto players." Tsebelis, *Veto Players*, 19.

Research design and methodology

This thesis adopts a qualitative, comparative case-study research design, using historical institutionalism as a theoretical framework to explain variation in restitution outcomes across the United Kingdom, France, Germany, and the Netherlands.⁶³ It follows a most-similar-systems logic at the level of the restitution claim, while also incorporating a nested within-country comparison in the United Kingdom.⁶⁴ Each national case concerns a Western European democracy with a colonial history in Africa and major encyclopedic ethnographic collections. In three of the four cases, restitution demands concern the same category of object: Benin Bronzes looted during the 1897 British expedition and claimed by the same state, Nigeria. To that extent, the nature of the restitution claim is broadly comparable across cases, allowing variation in settlement outcomes to be examined in relation to the receiving institutions rather than to differences in the claim itself.

These four national cases nevertheless differ across several institutional dimensions, including legal system, state structure, and museum governance, differences that this thesis treats as explanatory factors. The cross-national comparison therefore maps how different institutional configurations convert broadly similar restitution claims into different settlement types, rather than functioning as a controlled test of a single variable. The design also draws additional controlled leverage from within one national case. In the United Kingdom, the British Museum, the Horniman Museum, and the University of Cambridge operate within the same national political context but under different legal-institutional regimes, making it possible to examine legal dispositional capacity while holding the broader national context relatively constant.

The analysis relies on process tracing, reconstructing the decision-making sequence in each case, and on the examination of legal documents, press releases, advisory committee reports,

⁶³ On comparative and case-study design, Dimitar Toshkov, *Research Design in Political Science* (Basingstoke: Palgrave Macmillan, 2016), chaps. 9–10.

⁶⁴ On most-similar-systems and nested designs, Toshkov, *Research Design in Political Science*, chaps. 9 and 11; on case selection, Jason Seawright and John Gerring, “Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options,” *Political Research Quarterly* 61, no. 2 (2008): 294–308, <https://doi.org/10.1177/1065912907313077>.

parliamentary debates, bilateral agreements, political speeches, museum statements, and secondary scholarship.⁶⁵

It is important to note that restitution claims can address not just artefacts and sacred items but also documents, archives, manuscripts and other objects of artistic and cultural value. Scholars make a distinction between cultural goods and cultural heritage because the latter can also encompass intangible elements such as language, memory and knowledge.⁶⁶ This thesis will therefore use the terms cultural property and cultural objects interchangeably in order to describe artworks and cultural goods at the center of restitution debates. Cultural property is the terminology used in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, while the term cultural objects is used in the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

The 1970 UNESCO Convention is principally a public-law, state-to-state framework aimed at preventing the illicit trafficking of cultural property.⁶⁷ The 1995 UNIDROIT Convention is a more detailed private-law instrument that complements the 1970 Convention by enabling the actual recovery of stolen or illegally exported cultural objects through courts or other competent authorities.⁶⁸ Both aim to combat the illicit trafficking of cultural property (theft, illegal export, and unlawful transfer of ownership) and both rest on the premise that such objects carry a public cultural value exceeding their market value.⁶⁹

⁶⁵ Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods: Foundations and Guidelines*, 2nd ed. (Ann Arbor: University of Michigan Press, 2019); for the critical-juncture application, Capoccia and Kelemen, “The Study of Critical Junctures.”

⁶⁶ Cousin Kouton et al., “La restitution à l’heure du retour,” 10.

⁶⁷ UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris, 14 November 1970, 823 UNTS 231, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>.

⁶⁸ UNIDROIT, Convention on Stolen or Illegally Exported Cultural Objects, Rome, 24 June 1995, 2421 UNTS 457, <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

⁶⁹ The Hague Conference of 1899 was a precursor to both conventions, prohibiting the pillage and seizure of works of art. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict in 1954 enshrined into international law that cultural or religious property could not be removed from a warzone or occupied territory. Herman, *Restitution*, 48.

Research question and subquestions

The aim and contribution of this thesis is to explain how institutional structures respond to restitution pressure by producing distinct settlement types. More specifically, it will examine how museums in the United Kingdom, France, Germany and the Netherlands, all of them countries with historical ties to colonialism in Africa, have adopted different approaches to increasingly visible and politically sensitive demands for restitution from governments and institutions in Africa.

The research covers the period from November 2017 to May 2026. The starting point is Macron's landmark speech at the University of Ouagadougou in Burkina Faso, where he declared that he wanted "the conditions to exist within five years for the temporary or permanent restitution of African heritage to Africa."⁷⁰ The endpoint is May 2026, when France adopted Law No. 2026-351 on the restitution of cultural property that had been the subject of unlawful appropriation.⁷¹ This period captures the development of restitution policy from critical political intervention to most recent legislative change.

The main research question of this thesis is the following:

Why do museums and state authorities in the United Kingdom, France, Germany, and the Netherlands reach different settlement outcomes in response to restitution claims for African cultural objects acquired during the colonial period?

⁷⁰ Présidence de la République, "Restitution des biens culturels : une promesse tenue pour une nouvelle page des relations entre l'Afrique et la France," Élysée, December 18, 2020, <https://www.elysee.fr/emmanuel-macron/2020/12/18/restitution-des-biens-culturels-une-promesse-tenue-pour-une-nouvelle-page-des-relations-entre-lafrique-et-la-france>.

⁷¹ Loi n° 2026-351 du 9 mai 2026 relative à la restitution de biens culturels ayant fait l'objet d'une appropriation illicite, *Journal officiel de la République française*, no. 0109, May 10, 2026, <https://www.legifrance.gouv.fr/eli/loi/2026/5/9/MICB2517755L/jo/texte>.

Based on the literature review, the research will structure its analysis around the following subquestions:

SQ1: How does a museum’s legal dispositional capacity (its statutory ability or inability to transfer ownership) shape the range of possible settlement types?

SQ2: Under what conditions do high-level political interventions such as presidential commitments, ministerial policy frameworks and bilateral declarations function as critical junctures that expand or reshape the range of possible restitution outcomes?

SQ3: How does the configuration of institutional veto points affect whether restitution claims result in a stalemate, in hybrid arrangements, or in full return?

Case studies

This thesis will focus on four countries: the United Kingdom, France, Germany and the Netherlands. These are all Western European democracies with rich public ethnographic collections and share a history of colonialism and imperial expansion in the modern era.⁷²

At the Berlin Conference of 1884–5, Europe’s imperial powers agreed on how to divide the African continent between them.⁷³ Germany was a key player at the Scramble for Africa, but would eventually lose its colonies that included Namibia, Togo, Rwanda and Cameroon to Britain, France and Belgium after the treaty of Versailles at the end of World War I.⁷⁴ Looting that followed military excursions by imperial forces was common in sub-Saharan Africa at the heyday of European imperialism at the end of the nineteenth century. French attacks on Ségou (present-day Mali) in 1890 and Abomey (present-day Benin) in 1892, and the British pillaging

⁷² The history of late nineteenth century ethnographic collections is inseparable from imperial expansion. Displays in museums across Europe would grow from “exotic objects” collected by missionaries, soldiers and colonial administrators. Phillips, *Loot*, chap. 10. During the first exhibition of the Benin Bronzes at the British Museum in 1897, the *Illustrated London News*, quoted in Phillips, would describe the pillaged city as “a mine of ethnographical treasure.” The Kaiser also supported ethnography and anthropology as disciplines that could strengthen German imperialism. Phillips, *Loot*, chap. 10.

⁷³ Phillips, *Loot*, chap. 3.

⁷⁴ Tangwa and Refem, “In Defence of Theft?,” 105.

of Maqdala in Ethiopia in 1868, and Kumasi (present-day Ghana) in 1874 led to the seizure and distribution of African art throughout Europe.⁷⁵

One of the most destructive campaigns was the 1897 punitive expedition by British forces to Benin City, the historical capital of the Kingdom of Benin, today part of Edo state in Nigeria.⁷⁶ Alongside the human losses of the raid and occupation, and the widespread destruction of the city, thousands of objects of ceremonial and ritual value were looted as spoils of war by British forces.⁷⁷ These included carved ivory tusks and brass heads of former Obas, traditional rulers of the Edo people, removed from royal ancestral shrines. Furthermore, more than 900 brass relief plaques, forming the bulk of what would be labelled the Benin Bronzes, were looted from the Oba's palace before it was burned down.⁷⁸

Drawn to commodities such as palm oil, the lubricants for the machines of the Industrial Revolution and driven by pseudoscientific theories of racial superiority, the Victorian world sought to spread both trade, and civilization to the edges of its empire.⁷⁹ Lord Curzon at the Foreign Office and future Viceroy of India would declare that “in the Empire we have found not merely the key to glory and wealth, but the call to duty, and the means of service to mankind.”⁸⁰ As “the heirs of Rome” in the popular words of late Victorian poet John Davidson, Britain had both the prerogative and the responsibility to rule over all others.⁸¹ In *Loot: Britain and the Benin Bronzes*, Barnaby Phillips discusses in great detail the conditions under which the punitive expedition to Benin occurred, the lives of the soldiers involved in the sack of the city, as well as how the Bronzes ended up in the British Museum and beyond.⁸²

⁷⁵ Herman, *Restitution*, 46–47.

⁷⁶ Punitive expeditions usually followed the imprisonment, torture or execution of European nationals by local rulers in reaction to a particular grievance, and were employed by European imperial powers as instruments of punishment. In 1860, French and British forces set fire to the Qing Emperor's Summer Palace in China and subsequently looted thousands of cultural objects, from porcelain vases to jade figurines, a collective trauma still alive in China today. Herman, *Restitution*, 47–48, 52–53.

⁷⁷ While Great Britain, France, Germany and Russia would agree in Brussels in 1874 to a common declaration that proscribed pillage and the confiscation of works of art during conflict, and the British Institute of International Law would produce the Oxford Manual of the Laws of War on Land in 1880 forbidding the seizure of religious and artistic objects, European powers were not as keen to enforce those principles to their colonies. Phillips, *Loot*, chap. 8.

⁷⁸ British Museum, “Benin Bronzes,” accessed June 20, 2026, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/benin-bronzes>.

⁷⁹ Phillips, *Loot*, chap. 2; Phillips, *Loot*, chap. 3.

⁸⁰ Phillips, *Loot*, chap. 5.

⁸¹ Raimund Schäffner, “‘Better to Reign in Hell than Serve in Heaven’: Aspects of Social Darwinism in John Davidson's Poetry,” *Journal of European Studies* 33, no. 2 (2003): 119–144, <https://doi.org/10.1177/00472441030332002>.

⁸² Phillips, *Loot*.

In the seventeen and eighteenth centuries, the Dutch colonial empire would include territories from Indonesia to the Caribbean and from West Africa to South America. The Dutch East India Company and Dutch West India Company were major forces behind the economic and maritime Golden Age of the Dutch Republic.⁸³ Many of the cultural objects looted by colonial powers were distributed throughout the continent via the art market and would subsequently end in various museums around Europe.⁸⁴

This thesis does not treat museums as fully autonomous decision-makers and independent units of analysis. Although museums are the visible holders of contested cultural property and often the public face of restitution debates, their ability to return objects is shaped by wider legal and political structures. As will be shown, the British Museum, for example, operates under statutory restrictions that differ from the legal position of the Horniman Museum in London or the Museum of Archaeology and Anthropology in Cambridge. Similarly, the Musée du quai Branly's restitution capacity is shaped by the French doctrine of inalienability and by parliamentary exceptions to that doctrine. In Germany, museum decision-making is embedded in federal, Länder, and municipal structures, while in the Netherlands museums operate within an administrative policy framework supported by the Colonial Collections Committee.

For this reason, the thesis uses the British Museum, the Musée du quai Branly–Jacques Chirac, the Ethnologisches Museum housed in the Humboldt Forum in Berlin and administered through the Stiftung Preußischer Kulturbesitz and the Wereldmuseum in Leiden as case studies, but focuses its analysis on the institutional frameworks for restitution through which these museums, together with political actors, advisory bodies and legal statutes translate restitution claims into concrete outcomes. In other words, these four museum cases will allow the thesis to compare the institutional pathways through which restitution claims are processed into specific settlement types.

⁸³ Ulbe Bosma, "The Economic Historiography of the Dutch Colonial Empire," *Tijdschrift voor Sociale en Economische Geschiedenis* 11, no. 2 (2014): 153–154.

⁸⁴ British Museum, "Benin Bronzes," accessed June 20, 2026, <https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/benin-bronzes>.

Variables, indicators and sources

The table below explains the dependent and independent variables for the research question and subquestions, their indicators, how their operationalization will be measured and finally the sources from which the data will be collected:

<u>Variables</u>	<u>Indicators</u>	<u>Measurement</u>	<u>Data sources</u>
Restitution settlement type (Dependent Variable)	1. Title of ownership 2. Physical custody 3. Conditions for transfer	1. Retained vs transferred 2. Retained, shared or returned 3. Long-term loan-backs, exchanges, symbolic gestures	Partnership agreements, institutional documents, press releases and public announcements
Legal dispositional capacity (Independent Variable 1)	1. Legal status of collection 2. Availability of legal exceptions	1. Inalienability vs alienability 2. Special deaccession legislation	Legal sources, legal commentary, press releases
Political intervention (Independent Variable 2)	1. Political commitments 2. Policy instruments 3. Bilateral agreements	1. In favor or against restitution 2. Advisory committee reports, ministerial frameworks 3. Joint declarations	Official statements, political speeches, parliamentary records, policy reports and documents

Veto-point configuration (Independent Variable 3)	1. Number of veto points /actors whose authorization is required 2. Institutional distribution of points 3. Degree of constraint 4. Accessibility to relevant actors	1. Single/few vs multiple 2. Concentrated vs dispersed on different levels 3. Binding vs negotiable 4. Closed vs limited vs open access	Committee reports, institutional announcements, legal documents, public records
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The first independent variable, legal dispositional capacity is used to address the first research subquestion about the way legislation affects the range of possible settlement types. Political intervention will be used to answer the second research subquestion and explain how restitution results are shaped by political initiatives that act as critical junctures that influence path dependencies. Finally, the number, distribution, degree of constraint and accessibility of institutional veto-points relate to the third research subquestion on how institutions produce distinct negotiated outcomes.

Whereas legal dispositional capacity concerns whether ownership transfer is legally possible at all, and therefore defines the outer range of available settlement types, degree of constraint concerns the character of the veto points encountered within that range once a claim enters the decision-making process: whether a given point is binding or negotiable, and whether it can be overcome through ordinary administrative or political channels or only through legislative change. The two dimensions may vary independently: a collection may be legally alienable yet still subject to multi-actor authorization before transfer occurs, while a legally restricted collection may nonetheless offer limited routes to action through specific procedures or statutory exceptions.

Case analyses

France

In France, the doctrine of inalienability of public collections has been the biggest obstacle to the realization of restitution claims. It has been bypassed through legislation to allow for specific restitutions such as the 2020 law on returns to Benin and Senegal and the restitution of the Djidji Ayokwe drum to Côte d'Ivoire in 2025, but overall, these legal pathways have been difficult and time-consuming.⁸⁵

In early May 2026, both chambers of the French Parliament adopted the final text of a bill, which was promulgated as Law No. 2026-351 on 9 May 2026, and is seen as a seismic shift in the restitution not just of African cultural objects but of any cultural property acquired illegally or under illegitimate conditions in colonial or asymmetric contexts.⁸⁶ The Loi n° 2026-351 du 9 mai 2026 relative à la restitution de biens culturels ayant fait l'objet d'une appropriation illicite creates an exception to the inalienability doctrine for cultural property unlawfully appropriated by “theft, pillage or gift obtained by coercion or violence” from 1815 to 1972.⁸⁷ According to Article L. 115-13, “the restitution request is examined, with regard to the elements mentioned in Article L. 115-11, by a scientific committee established in consultation with the requesting State in order to represent both States in a balanced manner.”⁸⁸ This has been a much anticipated development that finally creates a recognized institutional pathway to address and examine restitution claims, after initial reactions that France was moving too slowly to fulfill its top priority pledge to return African art.⁸⁹

⁸⁵ Claire Chastanier, “La France face aux demandes de retour – Aspects et enjeux actuels autour des restitutions de patrimoine africain,” in *Les restitutions des collections muséales: Aspects politiques et juridiques*, ed. Clémentine Bories, Claire Bouglé-Le Roux, Philippe Charlier, and Mélanie Clément-Fontaine (Paris: Mare & Martin, 2022); Musée du quai Branly–Jacques Chirac, “Restitution du tambour parleur dit Djidji Ayokwè à la Côte d'Ivoire,” accessed June 20, 2026, <https://www.quaibranly.fr/fr/collections/provenances/restitution-du-tambour-parleur-dit-djidji-ayokwe-a-la-cote-divoire>. The high-profile restitution campaign to Benin featured 26 objects that were plundered from a royal palace of modern-day Benin in 1892 when French forces invaded the country then known as Dahomey. Farah Nayeri and Norimitsu Onishi, “Looted Treasures Begin a Long Journey Home from France,” *New York Times*, October 28, 2021, <https://www.nytimes.com/2021/10/28/arts/design/france-benin-restitution.html>.

⁸⁶ Catherine Porter, “France Passes Law Easing Process of Returning Looted Art,” *New York Times*, May 7, 2026, <https://www.nytimes.com/2026/05/07/arts/design/france-africa-art-restitution-colonialism.html>.

⁸⁷ Loi n° 2026-351 du 9 mai 2026. The Second Treaty of Paris ended the Napoleonic wars in 1815 and the UNESCO convention on the illicit import and ownership of cultural property came into effect in 1972. Porter, “France Passes Law Easing Process of Returning Looted Art.”

⁸⁸ Loi n° 2026-351 du 9 mai 2026.

⁸⁹ Farah Nayeri, “France Vowed to Return Looted Treasures. But Few Are Heading Back,” *New York Times*, November 22, 2019, <https://www.nytimes.com/2019/11/22/arts/design/restitution-france-africa.html>.

The Musée du quai Branly - Jacques Chirac in Paris, France's premier ethnographic museum, houses around 70,000 objects from the Africa and Madagascar collections of the Musée de l'Homme and the Musée National des Arts d'Afrique et d'Océanie.⁹⁰ The museum highlights its commitment to transparency and that "provenance research and collection documentation are among the priorities of [its] scientific and cultural policy," while also underlining the principle of inalienability in the public domain.⁹¹ It will be interesting to see how museum and state authorities in France address further restitution claims (for example, from Mali and Ethiopia) in light of the new law, which is also intended to address criticism that previous restitution campaigns yielded very small, mostly symbolic results.⁹²

The Netherlands

In the Netherlands, institutional responses to restitution demands have moved at a quicker pace. In 2020, the Advisory Committee on the National Policy Framework for Colonial Collections presented the advisory report *Colonial Collections and a Recognition of Injustice* to the Minister of Education, Culture and Science.⁹³ The government adopted that advice and turned it into formal policy with the Policy Vision on Collections from a Colonial Context in 2021. This institutionalized the principle that objects involuntarily lost in a colonial context should be returned unconditionally when claims are well-founded.

One of the recommendations of the Advisory Committee adopted in the Policy Vision, clearly stresses the importance of historical responsibility: "The Committee also recommends considering applications for restitution of cultural objects held by the Dutch State from countries that were colonized by other powers. As such requests may require wider consideration the Committee recommends decisions to be made in each case based on reasonableness and fairness and after a weighing of interests. Nevertheless, where the

⁹⁰ Musée du quai Branly-Jacques Chirac, "The Africa Collections," accessed May 31, 2026, <https://www.quaibranly.fr/en/collections/all-collections/history-of-the-collections/the-africa-collections>.

⁹¹ Musée du quai Branly-Jacques Chirac, "Provenances of the Collections," accessed May 31, 2026, <https://www.quaibranly.fr/en/collections/living-collections/provenances-des-collections>.

⁹² Nayeri, "Museums in France Should Return African Treasures"; Nina Siegal, "Louvre Museum Names Advocate for African Art Repatriation as Next 'Great Thinker,'" *New York Times*, September 3, 2025, <https://www.nytimes.com/2025/09/03/arts/design/louvre-museum-benedicte-savoy-repatriation.html>.

⁹³ Advisory Committee on the National Policy Framework for Colonial Collections, *Colonial Collections and a Recognition of Injustice* (The Hague: Council for Culture [Raad voor Cultuur], 2021), 14, <https://www.raadvoorcultuur.nl/site/binaries/site-content/collections/documents/2021/01/22/colonial-collection-and-a-recognition-of-injustice/Colonial+Collection+a+Recognition+of+Injustice.pdf>.

application concerns a cultural object that was lost involuntarily, the Committee considers that here, too, the basic premise must be the possibility of rectifying injustice. This is because, regardless of whether the Netherlands itself played a part in causing the injustice in these countries, as the current holder of the cultural object it is the only party that can rectify that injustice.”⁹⁴

The Colonial Collections Committee was established in 2022 to implement those policies into practice. It is an independent body that advises the Minister of Education, Culture and Science on requests for the restitution of cultural objects in the possession of the State of the Netherlands. Importantly, it has been consistent on the premise that cultural goods that have been looted or involuntarily lost in both former Dutch colonies as well as third countries and ended up in the Netherlands should be returned after assessment.⁹⁵ It highlights how the redress of injustice is the starting point for the restitution process and can also, at the request of the Minister, advise on restitution claims in the possession of a party other than the State of the Netherlands, such as municipalities, universities or private individuals.⁹⁶

These policy initiatives have facilitated high-profile restitution cases such as the 2023 return of 478 cultural objects to Sri Lanka and Indonesia, including items from the famous Lombok treasure that ended up in the Netherlands through looting or purchases under duress.⁹⁷ In June 2025, 119 Benin Bronzes looted during the 1897 British Punitive Expedition to the city of Benin in the Edo state of modern-day Nigeria and displayed at the Wereldmuseum in Leiden, were handed over by the Dutch to the Nigerian government at the National Museum in Lagos. This marked the largest single physical transfer of Benin artefacts to Nigeria to date and was heralded as the beginning of a new chapter in the cooperation between Nigerian and Dutch museums.⁹⁸

⁹⁴ Ministry of Education, Culture and Science, *Policy Vision on Collections from a Colonial Context* (The Hague: Ministry of Education, Culture and Science, January 29, 2021), 14, <https://committee.kolonialecollecties.nl/documents/2021/01/01/policy-vision-on-collections-from-a-colonial-context>.

⁹⁵ Colonial Collections Committee, “About the Committee,” accessed May 31, 2026, <https://committee.kolonialecollecties.nl/about-the-committee>.

⁹⁶ Colonial Collections Committee, “Home,” accessed May 31, 2026, <https://committee.kolonialecollecties.nl/>.

⁹⁷ Government of the Netherlands, “Colonial Collections to Be Returned to Indonesia and Sri Lanka,” July 6, 2023, <https://www.government.nl/latest/news/2023/07/06/colonial-collections-to-be-returned-to-indonesia-and-sri-lanka>.

⁹⁸ Government of the Netherlands, “Benin Bronzes from the Netherlands Returning Home to Nigeria,” June 18, 2025, <https://www.government.nl/latest/news/2025/06/18/benin-bronzes-from-the-netherlands-returning-home-to-nigeria>.

Germany

Similar restitution claims in Germany reveal a more complex institutional compromise. The 2025 Joint Guidelines for Dealing with Cultural Property and Human Remains from Colonial Contexts were agreed upon by the Federal Government Commissioner for Culture and the Media, the Minister of State at the Federal Foreign Office, the Cultural Affairs Ministers of the Länder and municipal umbrella organizations.⁹⁹ Building upon similar Framework Principles adopted in 2019, authorities across Germany “acknowledge the historical responsibility resulting from German colonialism” and aim “to provide concrete recommendations in order to simplify the return of cultural property and the repatriation of human remains from colonial contexts from public museums and collections.”¹⁰⁰ In March 2026, the German government announced the creation of the Coordination Council for Returns of Cultural Property and Human Remains from Colonial Contexts, to oversee and coordinate restitution demands.¹⁰¹

On July 1st 2022, the governments of Germany and Nigeria signed a joint declaration for the return of the Benin Bronzes. Similar to the Netherlands, the bronzes had found their way into museums in Germany via the art market.¹⁰² Germany also agreed to help build a museum in Benin City to house the artworks and provide training for museum staff in Nigeria.¹⁰³ In August 2022, the SPK became the first institution in the world to transfer ownership of all 512 of its Benin bronzes to Nigeria.¹⁰⁴ Established in 1957, the Stiftung Preußischer Kulturbesitz (SPK)

⁹⁹ Conference of Ministers of Culture, “Dealing with Colonial Heritage in Museums and Collections,” Standing Conference of the Ministers of Education and Cultural Affairs, accessed May 31, 2026, <https://www.kmk.org/en/kulturministerkonferenz/kulturthemen/dealing-with-colonial-heritage-in-museums-and-collections.html>.

¹⁰⁰ Federal Government Commissioner for Culture and the Media et al., *Joint Guidelines for Dealing with Cultural Property and Human Remains from Colonial Contexts*, October 14, 2025, 2, https://www.germancontactpoint.org/relevant_documents/20251126_Joint%20Guidelines_for_Dealing_with_Cultural_Property_and_Human_Remains_from_Colonial_Contexts.pdf.

¹⁰¹ Catherine Hickley, “Germany to Create Council to Oversee Restitution of Colonial-Era Acquisitions,” *The Art Newspaper*, March 31, 2026, <https://www.theartnewspaper.com/2026/03/31/germany-to-create-council-to-oversee-restitution-of-colonial-era-acquisitions>.

¹⁰² Staatliche Museen zu Berlin, “In Cooperation with the Ethnologisches Museum: The Benin Dialogue Group Consolidates Plans for a Museum in Nigeria,” July 25, 2019, <https://www.smb.museum/en/whats-new/detail/in-cooperation-with-the-ethnologisches-museum-the-benin-dialogue-group-consolidates-plans-for-a-museum-in-nigeria/>. The biggest collections of Benin Bronzes are at the care of the British Museum in London and the Ethnologisches Museum in Berlin (formerly the Museum für Völkerkunde). Phillips, *Loot*, chap. 17.

¹⁰³ UNESCO, “UNESCO Welcomes the Signing of a Historic Agreement between Germany and Nigeria for the Return of 1,130 Benin Bronzes,” July 1, 2022, <https://www.unesco.org/en/articles/unesco-welcomes-signing-historic-agreement-between-germany-and-nigeria-return-1130-benin-bronzes>.

¹⁰⁴ Staatliche Museen zu Berlin, “Return of the First Ten Benin Objects from the Collection of the Staatliche Museen zu Berlin’s Ethnologisches Museum,” December 20, 2022, <https://www.smb.museum/en/whats-new/detail/return-of-the-first-ten-benin-objects-from-the-collection-of-the-staatliche-museen-zu-berlins-ethnologisches-museum/>.

or Prussian Cultural Heritage Foundation, is Germany's largest cultural institution overseeing museums, libraries, archives, and research institutes.¹⁰⁵ Around a third of the objects transferred to Nigerian ownership would remain at the Humboldt Forum in Berlin on loan for 10 years, with the rest gradually returned to Nigeria.¹⁰⁶ Unlike the restitution frameworks currently underway in France and the Netherlands, this hybrid settlement is one of the clearest examples of institutional compromise, separating the legal ownership title of many artworks from their immediate physical custody.¹⁰⁷

The United Kingdom

Across the Channel, the British Museum holds 73,000 objects from sub-Saharan Africa in its collections and has repeatedly emphasized its commitment to building partnerships with institutions around the world. It has agreed to lend objects to the J.K. Randle Center and the Benin National Museum in Nigeria, while also being involved in the development of a national museum in Ghana.¹⁰⁸ In the United Kingdom, the cultural portfolio is divided between relevant ministers in England and the devolved nations. National collections are administered by separate boards of trustees, that are to be kept at arm's length from government. More than half of the Trustees of the British Museum are appointed by the Prime Minister.¹⁰⁹

Except under narrow statutory exceptions, the British Museum is bound by law to retain ownership of its holdings and cannot break up its collections. Restricted by the British Museum

¹⁰⁵ Stiftung Preußischer Kulturbesitz, "About Us," accessed May 31, 2026, <https://www.preussischer-kulturbesitz.de/en/about-us.html>.

¹⁰⁶ Staatliche Museen zu Berlin, "Return of the First Ten Benin Objects." The Humboldt Forum has not itself been spared from controversy. Housed inside the renovated former Berlin Palace, a symbol of Prussian monarchy, its rich ethnographic collections are preserved in a space that has been associated with Germany's colonial and imperial past. Gorda Stan, "Unlike All Other Empires – The Instrumentalization of Critique in the Humboldt Forum," *Humboldt Forum Magazine*, November 2, 2022, <https://www.humboldtforum.org/en/magazine/article/the-instrumentalisation-of-critique/>.

¹⁰⁷ It is also an important practical distinction. In 2020, France returned 24 skulls of anti-colonial resistance fighters back to Algeria. The return was celebrated publicly as a gesture of reconciliation, but a *New York Times* investigation found that many of the skulls were misidentified or of uncertain status, and that France retained ownership because no full legal restitution had yet been enacted. Constant Méheut, "France Returned 24 Skulls to Algeria. They Weren't What They Seemed," *New York Times*, October 17, 2022, <https://www.nytimes.com/2022/10/17/world/europe/france-algeria-restitution-skulls.html>.

¹⁰⁸ Nayeri, "France Vowed to Return Looted Treasures."

¹⁰⁹ Herman, *Restitution*, 24–26.

Act of 1963, Trustees may dispose of objects only in narrow circumstances.¹¹⁰ The UK government reiterated in July 2025 that it has no plans to legislate for the return of objects such as the Parthenon Sculptures, while again pointing to the two standing exceptions for human remains and Nazi-era looted art.¹¹¹ In 2009, eleven years after the Washington Principles on Nazi-Confiscated Art, the British government introduced the Holocaust (Return of Cultural Objects) Act, allowing seventeen national institutions including the British Museum and the National Gallery to return cultural property to their original owners or their descendants.¹¹²

Other British museums, however, not bound by the 1963 Act have adopted different approaches. In 2022, the Horniman Museum in London agreed to return ownership of its 72 Benin bronzes to Nigeria, some of which have been loaned back to the museum.¹¹³ In February 2026, the University of Cambridge announced it had transferred legal ownership of 116 Benin artefacts from the Museum of Archaeology and Anthropology collections to Nigeria's National Commission for Museums and Monuments, operating under a management agreement with the Benin Royal Palace.¹¹⁴ These objects were identified as connected to the British Punitive Expedition of 1897. The Museum of Archaeology and Anthropology holds additional objects from Benin, however they appear to have entered the museum through different routes, including by the British anthropologist and collector Northcote Thomas, in the beginning of the twentieth century.¹¹⁵

The Horniman Museum is a registered charity, while the Museum of Archaeology and Anthropology forms part of the University of Cambridge, an exempt charity.¹¹⁶ Their restitution

¹¹⁰ In 1983, Labour party member of Parliament and former arts minister Hugh Jenkins unsuccessfully tried to have the British Museum Act revised following restitution claims from the Greek government. Savoy, *Africa's Struggle for Its Art*, 129.

¹¹¹ British Museum Act 1963, c. 24, 1–4, <https://www.britishmuseum.org/sites/default/files/2019-10/British-Museum-Act-1963.pdf>; United Kingdom, House of Lords, “Parthenon Sculptures: Return,” Hansard, July 16, 2025, <https://hansard.parliament.uk/lords/2025-07-16/debates/A88B9DD1-CA29-4A42-AA8B-0CE58FB33821/ParthenonSculpturesReturn>.

¹¹² Phillips, *Loot*, chap. 18.

¹¹³ Horniman Museum and Gardens, “Horniman to Return Ownership of Benin Bronzes to Nigeria,” August 7, 2022, <https://www.horniman.ac.uk/story/horniman-to-return-ownership-of-benin-bronzes-to-nigeria/>.

¹¹⁴ Jessica Keating, “Cambridge University Returns Legal Ownership of 116 Benin Artefacts to Nigeria’s National Commission for Museums and Monuments,” University of Cambridge, February 8, 2026, <https://www.cam.ac.uk/stories/benin-artefacts-return>.

¹¹⁵ Phillips, *Loot*, chap. 17.

¹¹⁶ Charity Commission for England and Wales, “The Horniman Public Museum and Public Park Trust,” Register of Charities, charity no. 802725, accessed June 20, 2026, <https://register-of-charities.charitycommission.gov.uk/en/charity-search/-/charity-details/802725>; University of Cambridge, “The University as a Charity,” December 6, 2023, <https://www.cam.ac.uk/about-the-university/how-the-university-and-colleges-work/the-university-as-a-charity>.

decisions therefore engage charity law. In cases where the trustees, or the University acting through its relevant charitable decision-making body, “could reasonably be regarded as being under a moral obligation” to transfer collection objects without financial return, and where no ordinary legal power authorizes the transfer, the relevant framework is the Charities Act 2011 moral, or ex gratia, payments regime, under which Charity Commission authorization may be required.¹¹⁷

Cambridge University had also hosted the Benin Dialogue Group in 2017, an initiative that brought together museums from Germany, the UK, the Netherlands, Austria and Sweden with partners from Nigeria and representatives of the royal court of Benin.¹¹⁸ The University also noted that physical transfer of the majority of the artefacts would be arranged in due course, with seventeen items remaining on loan and on display at the Museum of Archaeology and Anthropology for three years.

¹¹⁷ Charities Act 2011, c. 25, s. 106, <https://www.legislation.gov.uk/ukpga/2011/25/section/106>; Charity Commission, *How Charities Can Make a Moral, or ‘Ex Gratia,’ Payment (CC7)*, GOV.UK, last updated November 27, 2025, <https://www.gov.uk/government/publications/ex-gratia-payments-by-charities-cc7/ex-gratia-payments-by-charities-cc7>. The Charity Commission for England and Wales is the non-ministerial regulator of the charitable sector. Charity Commission, “About Us,” GOV.UK, accessed June 20, 2026, <https://www.gov.uk/government/organisations/charity-commission/about>.

¹¹⁸ Staatliche Museen zu Berlin, “In Cooperation with the Ethnologisches Museum.”

Comparative analysis

The four cases described above offer a controlled comparison: a broadly similar claim for the return of African cultural objects taken during the colonial period (and in three of the four cases the Benin Bronzes specifically, looted in the single 1897 expedition and claimed by the same country), has produced different settlements. The Netherlands transferred title and custody outright. Germany transferred title while retaining roughly a third of the objects on a ten-year loan. France returned objects in full but only through bespoke legislation, retaining the rest of its holdings under the doctrine of inalienability until a general framework law was passed in May 2026. The British Museum retained both title and custody, offering loans and partnerships; and within Britain, the Horniman Museum and the University of Cambridge transferred title where the British Museum could not. In this section, the analysis will proceed according to subquestions and their variables: legal dispositional capacity (SQ1), political intervention and critical junctures (SQ2), and veto-point configuration (SQ3).

SQ1: Legal dispositional capacity and restitution outcomes

How does a museum's legal dispositional capacity (its statutory ability or inability to transfer ownership) shape the range of possible settlement types?

The four cases sit across a spectrum of dispositional capacity, and the legal capacity of each institution sets the range of available restitution settlements. As we have seen, in the United Kingdom, major museums are governed by trustees and protected by specific statutes, especially the restrictive British Museum Act 1963. This legal framework sharply limits deaccessioning and makes permanent restitution difficult without parliamentary action, which explains the British Museum's tendency to emphasize loans, partnerships, research collaboration, and international cooperation rather than permanent transfer of ownership. Therefore, where there is public support for restitution, trustees and ministers can point to inherited legal structures. The government can say museums are bodies operating at arm's

length, and museums can say that their hands are tied by parliament, while consecutive governments have refused to amend the Act.¹¹⁹ This path thus becomes self-reinforcing.

However, the United Kingdom should not be treated as a single uniform case since institutional lock-in is not the inevitable outcome in collections that are not bound by statutory restrictions, for example in the cases of the Horniman Museum, and the Universities of Cambridge and Aberdeen.¹²⁰ The Horniman transferred ownership of its Benin Bronzes to Nigeria, and the University of Cambridge did the same while retaining some objects temporarily on loan. This shows that institutions outside the British Museum Act, institutions that operate in the same country, under the same government, facing the same claimant, act differently. This within-country contrast therefore provides the clearest available evidence for the claim that legal capacity sets the range of feasible settlements.

France's path is shaped by a strong, centralized republican state and the idea that national collections are part of the public domain. This has made restitution difficult under the doctrine of inalienability, but it also meant that once the central state decides to act, it can coordinate national museums and legislation.

On the other hand, Germany's institutional path is federal and decentralized. Collections are held by federal bodies, Länder, municipalities, foundations and universities, meaning that restitution cannot usually be commanded from one center alone. Germany, however, also has a powerful postwar institutional culture of historical responsibility.¹²¹ Colonial restitution has increasingly been absorbed into that broader politics of memory. This helps explain why

¹¹⁹ British Museum, "Governance," accessed May 31, 2026, <https://www.britishmuseum.org/about-us/governance>; Gareth Harris, "UK Heritage Minister Says Government Has No Plans to Amend Law That Prevents Museums from Disposing of Objects," *The Art Newspaper*, October 15, 2022, <https://www.theartnewspaper.com/2022/10/15/uk-heritage-minister-says-government-has-no-plans-to-amend-law-that-prevents-museums-from-disposing-of-objects>.

¹²⁰ In March 2021, the University of Aberdeen in Scotland became the first UK institution to announce the restitution of a Benin bronze to Nigeria, with a handover ceremony taking place in October of the same year. Titilayo Adebola and Neil Curtis, "The Repatriation of Benin Bronze and Decolonisation of Museums: Views from the University of Aberdeen," *University of Aberdeen School of Law Blog*, November 25, 2021, <https://www.abdn.ac.uk/law/blog/the-repatriation-of-benin-bronze-and-decolonisation-of-museums-views-from-the-university-of-aberdeen/>.

¹²¹ In the *Politics of Regret*, Olick discusses topics of political memory and historical responsibility by using Germany as a case study. He describes how guilt and the public culture of collective remorse became prevalent in Germany after WWII. Jeffrey K. Olick, *The Politics of Regret: On Collective Memory and Historical Responsibility* (New York: Routledge, 2007), 13, <https://doi.org/10.4324/9780203941478>.

Germany could move dramatically on the Benin Bronzes (or the case of human remains from Namibia) once the issue became a test of national credibility.

In the Netherlands, restitution policy has not been more generous than in France for moral reasons, but it is a direct result of embedding expert consultations in public administration. By developing a policy framework in which countries can make restitution claims, the independent Colonial Collections Committee can directly advise the Minister of Culture. Committee consultations and expert provenance research have therefore been allowed to operate within the state mechanism. Once a positive decision is made, there are comparatively few legal obstacles to transferring both title and physical custody.

SQ2: Political intervention and critical junctures

Under what conditions do high-level political interventions such as presidential commitments, ministerial policy frameworks and bilateral declarations function as critical junctures that expand or reshape the range of possible restitution outcomes?

France represents a centralized state model in which major museum collections are closely tied to the public domain and to national cultural policy. The Musée du quai Branly–Jacques Chirac, France’s principal ethnographic museum and the holder of major African collections, cannot be studied separately from the French state. Since public collections are protected by the principle of inalienability, the museum’s capacity to return objects has traditionally depended on state action and legislative exceptions.

The most distinct critical juncture in the case of France, the moment when existing paths became open to change, was President Macron’s 2017 Ouagadougou speech. This key public event reframed restitution from a museum issue to a governmental diplomatic priority. The Macron-commissioned Sarr-Savoy report in 2018, the 2020 laws surrounding restitutions to Senegal and Benin, and more recently the legal exception to the inalienability doctrine all derived from this initial presidential redirection in 2017.

France therefore stands out as a strong case of political intervention being the decisive mechanism behind institutional behavior: because inalienability barred ordinary institutional or

administrative routes to return, restitution occurred only when high-level presidential commitment was translated into ad hoc legislation creating specific exceptions.

In the Netherlands, restitution claims are processed through a national policy framework that values expert advisory mechanisms. The Dutch critical juncture was the 2020 advisory process that led to the national 2021 Policy Vision and the Colonial Collections Committee. This decision channeled the restitution debate directly into the administrative process and provided both museums and claimants with a more predictable route for assessing claims. These political interventions can therefore reduce uncertainty and shift restitution from an ad hoc topic into an administrative and expert-led process, especially when there is clear political reasoning behind it. The return of the Benin Bronzes from the Wereldmuseum in Leiden to Nigeria illustrates how consultative ministerial decision-making that prioritizes evidence-based expert advice and adopts it into policy recommendations, can set the stage for the complete physical restitution of cultural objects in state ownership.

Germany's critical juncture has been a more layered process, through the convergence of distinct episodes: public controversies surrounding the new Humboldt Forum and renewed debates on Germany's colonial history and responsibility in combination with Nigeria's determined and systematic campaigns to reclaim the Benin Bronzes. The change therefore occurred through political consensus and coordinated institutional agreements.

In the United Kingdom, we have not yet witnessed a comparable critical juncture event.¹²² Compared to Macron's 2017 Ouagadougou speech, no equivalent high-level political moment

¹²² A revolutionary institutional shift is not the only way for changes to occur. Sometimes, slow and gradual institutional changes can yield equally powerful results. Mahoney and Thelen note how both displacement (the removal of existing rules and the introduction of new ones) as well as institutional layering (the introduction of new rules on top of, or alongside existing ones) can be modal types of institutional change. James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010), 2–3, 15, <https://doi.org/10.1017/CBO9780511806414.003>. France is a good example of the latter. It did not abolish the principle of inalienability but successively added layered exceptions to it: case-specific laws in 2020 for Benin and Senegal, a law in 2023 relating to the repatriation of human remains, a law relating to the restitution of cultural property that was spoliated in the context of anti-Semitic persecutions perpetrated between 1933 and 1945, and more recently the 2026 general framework law for unlawfully appropriated cultural property to establish a new general procedure. Loi n° 2020-1673 du 24 décembre 2020 relative à la restitution de biens culturels à la République du Bénin et à la République du Sénégal, *Journal officiel de la République française*, no. 0312, December 26, 2020, text no. 5, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042738023>; Loi n° 2023-1251 du 26 décembre 2023 relative à la restitution de restes humains appartenant aux collections publiques, *Journal officiel de la République française*, no. 0299, December 27, 2023, text no. 2, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048668800>; Loi n° 2023-650 du 22 juillet 2023 relative à la restitution des biens culturels ayant fait l'objet de spoliations dans le contexte des persécutions antisémites

has occurred in Britain. There were no landmark prime ministerial commitments, no government-commissioned restitution reports or committees, and no government-legislative initiatives designed to alter the British Museum's statutory limits on deaccessioning. The 2023 dispute between British Prime Minister Rishi Sunak and his Greek counterpart Kyriakos Mitsotakis illustrates this very absence of favorable political intervention. The abrupt cancellation of Sunak's scheduled meeting with Mitsotakis over the Greek prime minister's recent appeal to return the Parthenon Sculptures to Athens, positioned the British government's response in direct opposition to Macron's 2017 Ouagadougou speech, which publicly reframed restitution as a state priority and initiated a policy sequence in France.¹²³

Therefore, and even though the British Museum specifically has been marked by controversies, including the recent theft scandal, there hasn't been a critical juncture event that produced a national legal or policy break equivalent to France's 2026 law, Germany's planned Coordination Council for Returns of Cultural Property and Human Remains from Colonial Contexts or the 2022 Dutch Colonial Collections Committee.¹²⁴

Counterfactual reasoning clarifies why this absence amounts to the lack of a critical juncture rather than a juncture that merely failed to deliver. Had the British government made a Macron-style intervention (for example, by committing to create the conditions for restitution, commissioning an official review, or introducing legislation to amend the British Museum Act 1963) the British Museum case might have entered a critical juncture. Such an intervention would have expanded the range of feasible choices available to the trustees by shifting the issue from museum-level discretion to parliamentary authorization.¹²⁵ In its absence, however,

perpétrées entre 1933 et 1945, *Journal officiel de la République française*, no. 0169, July 23, 2023, text no. 2, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047874541>; Loi n° 2026-351 du 9 mai 2026.

¹²³ Chris Mason, "Sunak Cancels Greek PM Meeting in Parthenon Sculptures Row," *BBC News*, November 28, 2023, <https://www.bbc.com/news/uk-politics-67549044>.

¹²⁴ In August 2023, hundreds of pieces of classical jewelry were stolen from the collections of the British Museum. British Museum, "Recovery of Missing Items," accessed May 31, 2026, <https://www.britishmuseum.org/our-work/departments/recovery-missing-items>. In October 2025, the Louvre was the target of a jewelry heist in broad daylight, an incident that caused public outcry in France. Ian Aikman and Rachel Hagan, "Everything We Know about the Louvre Jewellery Heist," *BBC News*, October 20, 2025, <https://www.bbc.com/news/articles/cg7nrlkg0zxo>.

¹²⁵ For Capoccia and Kelemen, a critical juncture exists when actors' choices become unusually consequential because structural constraints are temporarily relaxed. During such moments, actors have a broader range of feasible options, and their decisions are more likely to shape the outcome. Capoccia and Kelemen, "Study of Critical Junctures," 343. Counterfactual reasoning matters because it poses the question: could actors realistically have chosen otherwise, and would that alternative choice have changed the outcome? They also define critical junctures as short periods in which there is a "substantially heightened probability" that actors' choices will affect the outcome. Capoccia and Kelemen, "Study of Critical Junctures," 348.

political pressure did not relax the binding legal constraints. The trustees could only discuss loans, cooperation, and partnerships, and not the full transfer of ownership.

SQ3: Veto-point configuration and distinct settlement types

How does the configuration of institutional veto points affect whether restitution claims result in a stalemate, in hybrid arrangements, or in full return?

The UK has especially strong veto points for national museums, considering the trustee structure of the British Museum, the 1963 British Museum Act and the 1983 National Heritage Act.¹²⁶ France has strong veto points as well, mainly because of the public inalienability principle, but has effectively overcome them since May 2026 by allowing for an institutional platform to replace time-consuming, tailored legal exceptions. The Netherlands has effectively reduced points of conflict by routing political decisions through expert guidance, without requiring a revolutionary institutional break.

The German Benin Bronzes settlement is analytically important because it shows that high veto-point density does not necessarily produce blockage where effective coordination mechanisms exist. Unlike France, Germany does not operate through one centralized cultural authority, but its federal cultural system disperses authority across federal institutions, Länder, municipalities, foundations, and universities.¹²⁷ In principle, this fragmentation from multiple veto points should slow down or block restitution. In the Benin case, however, the coordination problem was addressed through an intergovernmental framework rather than through ad hoc negotiations by each museum acting alone. The bilateral Joint Declaration with Nigeria in July 2022 set common terms for the return of Benin objects across all German museums involved.¹²⁸ This framework therefore allowed otherwise dispersed authorities to produce a coordinated outcome. The result was a hybrid settlement because legal title and physical custody were partly decoupled. Ownership passed to Nigeria, while some objects, including part of the Berlin Ethnologisches Museum collection, remained temporarily in Germany on loan and on display

¹²⁶ National Heritage Act 1983, c. 47, <https://www.legislation.gov.uk/ukpga/1983/47/contents>.

¹²⁷ European Committee of the Regions, “Germany: Culture,” Division of Powers, accessed June 20, 2026, <https://portal.cor.europa.eu/divisionpowers/Pages/Germany-Culture.aspx>.

¹²⁸ Ministerium für Wissenschaft, Forschung und Kunst Baden-Württemberg, “Rückgabe von Benin-Objekten an Nigeria,” press release, December 18, 2022, <https://mwk.baden-wuerttemberg.de/de/service/presse/pressemitteilung/pid/rueckgabe-von-benin-objekten-an-nigeria>.

in the Humboldt Forum, in contrast to the unconditional ownership transfers seen in the Netherlands. This allowed Germany to reconcile restitution with continued public display.

More specifically, this outcome was made possible by coordination structures that predated the 2022 settlement. In March 2019, the Federal Government Commissioner for Culture and the Media, the Federal Foreign Office, the Länder culture ministers, and municipal umbrella organizations jointly adopted the Framework Principles for Dealing with Collections from Colonial Contexts.¹²⁹ In 2020, a federal-Länder-municipal German Contact Point began its operations.¹³⁰ It was within this pre-existing structure, that the Joint Declaration with Nigeria was concluded in July 2022 and the transfer of title to the Benin Bronzes from five German museums was realized.¹³¹

The Berlin collection also illustrates why the settlement was administratively manageable. By far the most significant collection, the Ethnologisches Museum's Benin holdings sat within the Stiftung Preußischer Kulturbesitz (SPK), whose governing structure already brings together federal and Länder representatives. Other major institutions with large holdings that saw the transfer of ownership were located in Dresden, Stuttgart, Cologne and Hamburg, all spread across federal, state, and municipal authority.¹³² These included the Staatlichen Ethnographischen Sammlungen Sachsen (State Ethnographic Collections of Saxony), part of the Staatliche Kunstsammlungen Dresden (SKD) consortium located in the cities of Leipzig, Dresden and Herrnhut; the Linden-Museum in Stuttgart; the Rautenstrauch-Joest-Museum in Cologne; and the Museum am Rothenbaum – Kulturen und Künste (MARKK) in Hamburg.¹³³ These five museums with the largest holdings, transferring ownership of 1,117 Benin bronzes to Nigeria in total, would keep a third of those on long-term loans.¹³⁴ The digital database of

¹²⁹ Federal Government Commissioner for Culture and the Media et al., *Framework Principles for Dealing with Collections from Colonial Contexts*, March 13, 2019, <https://www.auswaertiges-amt.de/resource/blob/2210152/b2731f8b59210c77c68177cdcd3d03de/190412-stm-m-sammlungsgut-kolonial-kontext-en-data.pdf>.

¹³⁰ The Contact Point's establishment was decided in October 2019 and it began operating on August 1, 2020. Conference of Ministers of Culture, "Dealing with Colonial Heritage."

¹³¹ Federal Republic of Germany and Federal Republic of Nigeria, *Joint Declaration on the Return of Benin Bronzes and Bilateral Museum Cooperation*, July 1, 2022, https://kulturstaatsminister.de/fileadmin/user_upload/Downloads/Aufarbeiten/2022-07-01-Joint-Declaration-Benin-Bronzes.pdf.

¹³² Catherine Hickley, "Germans Falter on Benin Bronzes' Return to Nigeria," *The Art Newspaper*, April 5, 2023, <https://www.theartnewspaper.com/2023/04/05/germans-falter-on-benin-bronzes-return-to-nigeria>.

¹³³ German Contact Point for Cultural Property and Human Remains from Colonial Contexts, "Benin Bronzes in Germany," accessed June 20, 2026, <https://www.germancontactpoint.org/transparency/benin-bronzes.php>.

¹³⁴ Hickley, "Germans Falter on Benin Bronzes' Return to Nigeria."

the German Contact Point for Cultural Property and Human Remains from Colonial Contexts displays an overview of the Benin-Bronzes that are held in German museums.¹³⁵

Taken together, the four cases show that settlement outcomes are shaped less by the number of veto points than by attributes such as legal constraint, distribution, and accessibility: whether veto points are binding or negotiable, whether they are concentrated or dispersed on multiple levels of authority, and who can actually activate them once a restitution claim enters the system. The Netherlands has relatively few veto points, and none appears absolute: claims move through a short and openly accessible administrative route, so once a positive decision is made, there is little to obstruct the transfer of both title and custody. Britain shows that even a small number of veto points can be decisive where one is legally absolute. In the case of the British Museum, the 1963 Act operates as a statutory restriction that negotiation cannot bypass, producing retention despite political or diplomatic pressure. France presents a different configuration: the doctrine of inalienability creates a legislative obstacle that allows limited accessibility, because restitution from national collections generally requires Parliament to authorize removal from the public domain. This has produced an all-or-nothing response in which objects are retained by default unless a specific law enables full return.

Finally, the German case is best understood as a high-fragmentation case in which veto-point risks were mitigated through prior institutional coordination. What might otherwise have appeared as a dispersed negotiation across multiple veto players was therefore partly absorbed into an institution designed to coordinate federal and state cultural authority.¹³⁶

The 2019 Framework Principles and the 2020 German Contact Point had already created a federal-Länder-municipal architecture for dealing with collections from colonial contexts. The later 2025 Joint Guidelines further institutionalized this model by calling for governing bodies to “strive for a uniform approach” and by designating the Federal Foreign Office as the lead channel for communication with countries of origin.¹³⁷

¹³⁵ German Contact Point for Cultural Property and Human Remains from Colonial Contexts, “Database of Benin Bronzes in Germany,” accessed June 18, 2026, <https://www.germancontactpoint.org/benin-bronzes/>.

¹³⁶ The SPK’s Foundation Council is chaired by the Federal Government Commissioner for Culture and the Media and composed of federal and state representatives. Stiftung Preußischer Kulturbesitz, “Foundation Board,” accessed May 31, 2026, <https://www.preussischer-kulturbesitz.de/en/about-us/foundation-board.html>.

¹³⁷ Federal Government Commissioner for Culture and the Media et al., *Joint Guidelines*, 12.

The following tables summarize these findings. Legal capacity sets the range of possible outcomes, political intervention can open or reshape that range, and veto-point configuration explains why restitution claims are blocked, delayed, and fully or partially realized.

Table 1 compares the four national cases across the thesis's main explanatory variables: legal dispositional capacity, political intervention, veto-point configuration and restitution outcome. Table 2 then translates these national patterns into negotiated settlement types by distinguishing between transfer of title of ownership, transfer of physical custody and the conditions attached to restitution.

Table 1. Comparative Restitution Outcomes

Country	Legal dispositional capacity	Political intervention	Veto-point configuration	Outcome
France	Inalienability of public collections, modified by specific laws and the 2026 framework law	2017 Macron speech and 2018 Sarr-Savoy report	Few veto points; centralized; binding but legislatively surmountable; limited access	State-mediated restitution through legislative/framework procedures
Netherlands	Administrative policy framework for colonial collections	2020 Advisory Report, 2021 Policy Vision and 2022 Colonial Collections Committee	Few; administratively concentrated; negotiable; open access	Full restitution through administrative procedures
Germany	Fragmented federal, state, municipal and foundation-based cultural governance	2019 Framework Principles, 2022 Germany-Nigeria Joint Declaration	Multiple; dispersed across federal/state/municipal levels; negotiable; limited but coordinated access	Hybrid restitution with loan-back arrangements

United Kingdom	British Museum Act 1963	Limited government intervention	Few; statutory/trustee-based; binding; closed access	Retention, loans, and partnerships
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Sources: compiled by the author.

Table 2. Settlement Types

Country / Institution	Title transferred	Physical custody transferred	Conditions	Settlement type
France / Musée du quai Branly–Jacques Chirac	Yes, in selected cases	Yes, in selected cases	Requires legislation	State-mediated legislative restitution
Netherlands / Wereldmuseum	Yes	Yes	Unconditional return, with few objects on loanback	Full restitution
Germany / Stiftung Preußischer Kulturbesitz	Yes	Partial	Around one third is retained in Berlin on long-term loan	Hybrid restitution
United Kingdom / British Museum	No	No	Loans and partnerships only	Retention model
United Kingdom / Horniman Museum and University of Cambridge	Yes	Yes or partial	Charity-law procedures	Within-country institutional exception

Sources: compiled by the author.

Although the British Museum is the main United Kingdom case used for cross-national comparison, the Horniman Museum and the University of Cambridge are included as a within-country contrast. This contrast shows that restitution outcomes in the United Kingdom vary not simply because of national political culture, but because different institutions operate under different legal regimes.

Policy implications

This analysis points to several policy implications. First, the research has shown that legal reform matters. If restitution outcomes are shaped by the legal capacity of museums to dispose of objects, then moral commitment, public pressure, or institutional goodwill alone cannot produce meaningful change where the law prevents deaccessioning. In countries like the United Kingdom, where major institutions like the British Museum operate under restrictive statutory frameworks, restitution may require legislative amendments, more clear legal exceptions, or a formal procedure for handling claims concerning contested cultural property. Without such reforms, museums are likely to remain limited to loans, partnerships, and symbolic gestures, even when the ethical case for return is widely acknowledged.

A second implication is that clear institutional pathways are more effective than ad hoc decision-making. Restitution claims become slower and more politically vulnerable when each case requires a tailor-made solution. By contrast, formal procedures such as advisory committees and ministerial initiatives can reduce uncertainty and ambiguity. The Dutch case is particularly useful in this respect, because it shows how restitution claims can move away from a series of isolated political controversies into a more regularized administrative process supported by expert advice.

A third implication is that provenance research should be treated as a core element of restitution policy rather than as a purely academic or curatorial practice. Museums cannot respond consistently or credibly to restitution claims without reliable information about how objects entered their collections, under what conditions they were transferred, and whether coercion, violence, looting, or unequal colonial power relations were at play. The Dutch 2021 policy vision adopted the recommendations of the 2020 advisory report, including one that stands as an illuminating example: “The Committee recommends the establishment of a Centre of Expertise for the provenance of colonial cultural objects. Its tasks would include verifying the provenance of cultural objects in the event of restitution applications, conducting or commissioning additional provenance research as necessary, establishing, managing and providing general access to a database on the provenance of colonial cultural objects in Dutch museums, and promoting expertise among museums.”¹³⁸

¹³⁸ Ministry of Education, Culture and Science, *Policy Vision on Collections from a Colonial Context*, 15.

The Digital Benin project provides a centralized digital platform documenting the cultural objects removed from the Kingdom of Benin and dispersed across international collections. While it does not itself constitute restitution, it supports provenance research and makes the global distribution of objects visible to a global audience.¹³⁹ This means that provenance research requires stable funding, trained staff, shared databases, public accessibility, and collaboration with source communities and institutions. Without this infrastructure, restitution policy risks remaining reactive, selective, and dependent on the continued visibility of high-profile cases rather than on the systematic knowledge and research of museum collections.

A further implication is that museum governance reform may be as important as restitution policy itself. Since decisions are shaped by trustees, museum boards, ministries, parliaments, advisory committees, and other institutional actors, reform should focus not only on whether objects are returned but also on who has the authority to decide about it. More transparent and accountable governance structures could include independent review panels and clearer obligations for museums to investigate contested objects in their collections. Such reforms would make restitution processes less dependent on institutional discretion and more responsive to public accountability, allowing claims to be submitted, assessed, negotiated, and implemented more easily.

Finally, this thesis suggests that European countries can learn from one another, but restitution models cannot simply be copied from one national context to a different one. For example, hybrid arrangements such as title transfer combined with loan-backs or shared custodianship can offer practical solutions where continued museum display remains politically or educationally important. However, France's centralized structure, the advisory and administrative framework of the Netherlands, Germany's federal model, and Britain's statutory restricted trustee structures all reflect different institutional histories. Policy transfer is therefore possible, but it should be adapted to the legal, political, and museum governance contexts of each country.

¹³⁹ Digital Benin, "Museum am Rothenbaum (MARKK), Hamburg," accessed June 20, 2026, <https://digitalbenin.org/>.

Limitations and areas of future research

This thesis also has several limitations that should be acknowledged. First, the comparative scope of the study is limited to four Western European countries and a selection of major museums. While these case studies provide valuable insight into different legal, political, and institutional approaches to restitution, they cannot fully represent the diversity of restitution debates across Europe or globally. Restitution practices are shaped by specific national histories, colonial relationships, legal traditions, museum governance structures, and diplomatic priorities. Therefore, the conclusions drawn from this study should not be understood as universally applicable to all museum systems or all postcolonial restitution claims.

Second, the thesis focuses specifically on African cultural objects acquired in colonial contexts. This focus allows for a more coherent and detailed analysis, but it also excludes other important categories of contested heritage. These include human remains, Nazi-looted art, Indigenous heritage, sacred and ceremonial objects, archaeological material, and intra-European cultural property disputes. Each of these categories raises distinct ethical, legal, and political questions. For example, claims concerning human remains often involve questions of dignity, ancestry, and burial rights.

Third, the study relies primarily on publicly available legal, governmental, museum, and scholarly sources. Although these sources are essential for understanding official policy positions and institutional practices, they provide only a partial view of restitution processes. Many important discussions take place behind closed doors, including informal negotiations between states, internal museum debates, donor or trustee concerns, and confidential diplomatic exchanges. As a result, this thesis cannot fully capture the political pressures, institutional disagreements, or strategic compromises that may influence restitution decisions. Further research based on interviews with museum professionals, policymakers, legal experts, diplomats, and representatives of claimant communities would allow these internal processes to be examined directly rather than inferred from publicly available sources, and would offer a more comprehensive understanding of how restitution decisions are made in practice.

Finally, restitution policy is developing rapidly. Legal reforms, changes in government, new museum policies, activist pressure, and emerging claims will continue to reshape the landscape examined in this thesis. This is not merely a limitation, however. France's 2026 framework law

fell within the study period and confirmed the mechanism proposed here. The framework also suggests how future change is likely to occur: new restitution opportunities will emerge when political actors loosen the legal or institutional constraints that currently limit museums' capacity to reconstitute. Future research should therefore assess whether subsequent reforms and claims develop in line with the model's expectations, particularly as more states legislate on restitution or revise museum policy.

The most valuable extension of this research, however, lies on the other side of the restitution relationship. Research centered on African states, source communities, artists, and heritage professionals would complement this thesis's account of European holders by incorporating claimant perspectives that a European-institutional research design cannot fully capture.

Conclusion

Ultimately, restitution claims should not be understood merely as ethical questions but as central issues in museum governance, cultural diplomacy and postcolonial relations. While demands for the return of cultural objects looted or appropriated from African countries during the colonial period have been increasing, the responses from major European art museums have been varied and nuanced. Some institutions have moved towards restitution through legislative reform, bilateral agreements, or case-specific returns, while others have relied on long-term loans and dialogue-based partnerships. This variation demonstrates that restitution is not only a matter of moral recognition, but also a question of institutional capacity, legal authority, political will, and historical responsibility.

This thesis argued that historical institutionalism is a useful theoretical framework for analyzing the discrepancies in restitution policies. Restitution outcomes are shaped by inherited legal rules, museum governance structures, state traditions, and the distribution of authority between governments, parliaments, museums, trustees, and expert bodies. The concept of path dependence helps explain why certain countries or institutions remain locked into restrictive restitution trajectories, particularly where legal barriers or high political costs make change difficult.

Critical junctures, by contrast, help identify moments when existing constraints are relaxed and new policy directions become possible. The configuration of veto points further explains why some restitution claims are slowed down, blocked, or redirected, even where strong ethical support for return exists. Finally, institutional layering shows how change can occur gradually, as new policies, advisory bodies, bilateral agreements, or exceptional legal mechanisms are added onto older institutional arrangements rather than replacing them entirely.

This framework avoids reducing restitution politics to a simple moral distinction between actors willing to confront colonial histories and actors unwilling to do so. Instead, it shows that restitution decisions emerge from the interaction between ethical pressure, legal constraint, political opportunity, and institutional design. Museums may publicly acknowledge colonial violence while still lacking the legal authority to deaccession objects. Governments may support restitution rhetorically while hesitating to create general legal mechanisms. Conversely, moments of political intervention can open new pathways by relaxing inherited constraints and making return institutionally possible.

Restitution of cultural property therefore remains a complex and contested field. It involves questions of ownership, memory, sovereignty, diplomacy, and public accountability. For researchers, cultural professionals, and policymakers, the most productive approach is not to rely on black-and-white moral interpretations, but to examine the institutional conditions under which restitution becomes possible, delayed, or blocked. Such an approach does not remove the ethical urgency of restitution. Rather, it clarifies how ethical claims are translated into policy outcomes. In doing so, it offers a more realistic way to understand a fast-moving field in which museums are no longer only custodians of cultural objects, but also engaged actors in wider debates over historical justice, postcolonial relations, and the future of cultural heritage governance.

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