

Impediments to restitution and reparation justice

By Chief Charles A. Taku

Abstract

Communities and indigenous peoples in Africa who suffered from historical wrongs and serious international crimes from the global West over many centuries are entitled to restitution and reparation justice now. Unfortunately, colonialism and the neo-colonial states of Africa it created to serve its interest at independence are obstacles to the realisation of this objective. Atrocity crimes which were committed with sadistic impunity and bestial alacrity, devastated Africa and left a gapping wound on the conscience of humanity. Reparations for the harm caused must be paid now.

European countries which met in Berlin Germany in 1884 and decided on the partition of Africa established an international legal order of colonialism to legitimise the crimes and protect their predatory economic capitalism on the blood indigenous African populations, the ruins of African autonomous kingdoms. They destroyed, dismembered, redesigned, packaged, cloistered or jampacked African autonomous kingdoms and indigenous communities into parchments of exclusive colonial economic possessions over which they exercised sovereignty and subordinated Africans objects under Westphalian international law.

Africa and its resources belonged to them. Africans were dispensable enforced work force. Under the cloak of Westphalia international law, they looted, stole, pillaged, massacre, raped, torched indigenous cultural heritage artifacts of spiritual value, treasures, desecrated sacred places of worship, civilisational value and of cultural identity.

The 21st century heralded an invigorated clamour for reparations and restitution across Africa and peoples of Africa origin worldwide. The clamour for reparations and restitution has encountered challenges and obstacles. These range from the reluctance or outright refusal from European colonial museums, private holders and neo-colonial powers to discuss the claims of reparations and restitution in good faith. Colonialism and neo-colonial states which were midwived and legitimized by Westphalia colonial legal order in 1884-1885 as objects of international law are standing on the way of reparation and restitution motivated by economic interests.

This paper examines the legality of reparations and restitution claims made by communities and indigenous peoples who suffered the devastation and harms of sadistic criminality of the global West. The paper proposes legitimate and legal avenues to obtain unfettered redress.

Key words: Africa, Berlin, Communities, International law, Reparations, Restitution, Westphalia.

Introduction

During different periods of human history, Western nations through piracy, human trafficking, imperialism, aggression and colonialism, blighted autonomous kingdoms of Africa and its indigenous population. They obliterated the creative ingenuity of Africans; and Africa's cultural, spiritual and civilisational ethos. Precious treasures were stolen, looted and pillaged.

Resistance to the invasion of Africa and atrocity crimes which was mounted by autonomous kingdoms and indigenous peoples, was met with disproportionate force and genocide. Mortal remains of victims of genocide and atrocity crimes were taken to European colonial laboratories and preserved as scientific relics of racial violence and economic colonialism.

The clamour for restitution and reparation justice for historical crimes is a major preoccupation of affected communities worldwide, particularly in Africa. Affected communities in the African context are autonomous kingdoms and indigenous communities which were invaded by European powers.

The clamour for independence of African states was accompanied by calls for the decolonisation of international law; for restitution and reparations for historical wrongs. Africa was granted independence, through wild repression and effusion of blood with no restitution and no reparations.

Prior to establishing colonialism as a principle of international law, each Western nation finetuned its favoured criminal tool of economic exploitation: The Portuguese and Spanish used piracy; Belgian King Leopold used genocide, Netherlanders used apartheid, France used genocide, economic blackmail and terror and Britain through imperialism. With these criminal tools, they established racist criminal networks which they used to steal, exploit and looted Africa's cultural heritage objects, expropriated Africa's ancestral land, occupied, seized and controlled Africa's mining fields and subjected African owners to forced and indentured labour.

When they granted African countries Independence, they did not return looted and stolen cultural heritage objects to the affected communities from where they stole and looted. They did not pay reparation for historical wrongs and international crimes committed against Africa and peoples of African origin worldwide.

These crimes were legitimised through colonialism and condoned and normalised by international frameworks, including the United Nations (UN) and its human rights regime. The independence of Africa was resisted and repressed by European UN members on the watch of the UN. These UN members reluctantly granted

independence but retained sovereignty over their colonial loot and theft through colonial treaties and neocolonialism.

Colonial masters retained economic sovereignty over their erstwhile colonies. Africa was independent but not free. A founding father of the Organisation of African Unity (OAU) Osagyefo Dr Kwame Nkrumah of Ghana called this “neo-colonialism”. The African Charter on Human and Peoples’ Rights (Banjul Charter 1981) recognised the continuing colonial status of Africa in its preambular pledge:

“To eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations. and the Universal Declaration of Human Rights

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, Zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinions;”

The ongoing struggle for reparation for historical wrongs and international crimes such as colonialism and the restitution of stolen and looted Africa’s cultural heritage objects in European colonial possessions, is a significant step towards the effective end of colonialism and the advent of a genuine independence.

Immunised international criminality

Colonial states in Africa underwent legal mutations, forced by a changing European historical worldview. The first and second world wars (1914-1918) brought about many changes in the world, which ultimately led to the independence of colonial peoples. Colonial boundaries which are products of criminality, were endorsed by the principle of *Uti Possidetis Juris* at the Conference of Heads of State and Governments of the Organisation of African Unity (OAU) in Cairo Egypt from 17 to 21 July 1964 (the Cairo Resolution) as the principle by which border conflicts between member states would be settled Article 4(b) of the AU Constitutive ACT.

The United Nations established frameworks in its Charter which led to independence without legal frameworks for restitution and reparation for historical crimes. It established legal principles without enforceable content and substance. Under the UN, Africa was still not a subject of international law. Chapter XI of the UN Charter (on independence of non-self-governing states and XII (Trusteeship Council on trust

territories) endorsed colonialism with a pledge to progressively grant independence on unclear and opaque terms which were influenced by colonial powers.

Charter Article 76 (b) of the UN Charter on self-determination has been used in conjunction with the principle of territorial integrity to protect the territorial framework of the colonial period in the decolonisation process and to prevent permitting secession from independent states to address colonial wrongs.

According to Jan et al.¹

‘Under the influence of the decolonisation process, the right to self-determination became enshrined in the UN conventions of 1966 and was confirmed in a Declaration of Principles adopted by the UNGA in 1970.² Under this Declaration, self-determination can take the form of independent statehood, association, or integration with another state, or some other political status. It is generally considered a rule of customary international law, and the ICJ has referred to self-determination as an erga omnes principle.³

Autonomous kingdoms disappeared, lost their political sovereignty, suffered and continue to suffer the consequences of invasion, colonialism, and the devastation of colonial crimes. The weight of colonial crimes did not obliterate their right to cultural heritage sovereignty, creative ingenuity, civilisational and spiritual ethos and distinctive racial and human identity. They have insistently been asserting these rights and reparation for the harms incurred. Autonomous kingdoms and indigenous peoples who suffered crimes against humanity, genocide and war crimes for historical wrongs, particularly colonialism, are facing external and internal obstacles.

Competing Interests.

Writing about cultural objects, a leading cultural property scholar and specialist Evelien Compens wrote that

“Cultural objects have a multifaceted nature. They can be seen as possessions and as such, can be owned, traded, and are subject of property law regimes. The commodification of cultural objects may be as old as time itself and is expanding because of globalisation. Yet it is their intangible cultural or heritage value that sets these objects apart from other goods. The intangible value is by no means a static notion: An artefact may be valued by the general public by its (art) historical or scientific value; but at the same time, it be of spiritual importance to a

¹ Jan Ludert, Maria Ketzmerick and Julius Heise, *The United Nations Trusteeship System: Legacies, Continuities, and Change* (Routledge 2023) 106–108.

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² UNGA Res.2625 (XXV), *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the UN* (adopted 24 October 1970).

³ East Timor (Portugal v Australia) (Judgment) [1995] ICJ Rep 90, para 29.

specific community, symbolic of cultural identity of a people or a nation or it may be a special family heirloom".⁴

Evelien Campfens identifies the conflicting interests over African cultural heritage objects in European colonial possessions in terms and context of European colonial interests and African communities from which the artefacts were stolen or looted. This may be explained by the fact that independent neo-colonial states of Africa were indifferent to the fight for restitution and reparations by affected communities which suffered historical wrongs, endured serious international crimes from which their cultural heritage artefacts were stolen until lately when the possibility of restitution and reparations appeared attainable. The opportunistic intervention of the neo-colonial state is not to safeguard or secure the interest of affected communities. It is to share the economic of the crimes that blighted Africa civilisation, changed its course of history, debased African humanity and obliterated its value systems. The neo-colonial state has opened another battlefield against affected communities in the fight for restitution and reparation.

Colonial interests

The underlying claims of rights over African cultural heritage artefacts and trafficked Africans to Western plantations as slave and indentured labour were legitimised and deemed legal under racist laws and policies. The Westphalia international legal order which provided an international legal basis for the colonisation of Africa in General Act of the Berlin West Africa Conference, 26 February 1885 was explained in the website of the Foreign Office Berlin in the following passage:

The Berliner Kongo-Konferenz (English: West Africa Conference or Berlin West Africa Conference) was held in Berlin from 15 November 1884 to 26 February 1885. The conference was hosted by the German Reich Chancellor Otto von Bismarck and representatives gathered at Wilhelmstraße 77 (at what is now Wilhelmstraße 92). A total of 14 states participated in the conference: the German Reich (host), the United States, the Ottoman Empire, Austria-Hungary, Belgium, Denmark, France, the United Kingdom, Italy, the Netherlands, Portugal, Russia, Spain, and Sweden-Norway. The conference's aim was to agree on freedom for trade and shipping throughout the Congo River basin, as well as on freedom of navigation along the Niger and Congo Rivers. Another aim was in particular to establish rules for the claiming of territory on the African continent by the colonial powers, so as to avoid violent conflict among those states. Contrary to popular belief, the conference did not draw any specific borders, but instead established a framework under international law for dividing up Africa amongst the colonial powers with as little violent conflict as possible. During the

process, no African representatives were consulted at any point, and African interests did not play any role.

There was one special case during the conference proceedings, namely the formation of the independent Congo Free State (today's Democratic Republic of the Congo). Although this was not recorded in the general act of the Berlin West Africa Conference, it was agreed at a side event that it would be recognised as the private property of Belgium's King Leopold II. The general act mentions the maritime zone extending from the Congo estuary, the Congo River basin and the territory to the east of it – for which freedom of trade and shipping was declared from then on. It forbade slave trading in the Congo River basin, obligated the parties to observe the neutrality of the basin and contained two Acts of Navigation – one for the Congo and one for the Niger. Even more far-reaching, however, were Articles 34 and 35, which set out the principle of effective occupation. This principle expanded the definition of when a power could claim a tract of land, stating that structures to ensure authority had to be established throughout the respective territory. Only proof that existing rights and the freedom of trade and of transit could indeed be protected according to universally recognised rules would from then on legitimise the occupation of a colony and protect it from claims by rival powers. Following the agreements reached at the conference, merely symbolic acts such as the raising of a flag would no longer suffice for claiming a territory. As a result, efforts to establish colonies and colonial oppression extended from the African coastline deep into the heartland of the continent. Although the Berlin West Africa Conference was not the sole origin of what is known as “the Scramble for Africa”, it did catalyse a process that had begun prior to it. The agreements reached at the conference did in fact intensify the economic exploitation of the continent and the oppression of the local population. Even though most borders on the continent were demarcated only after the Berlin West Africa Conference, this was done through bilateral negotiations based on the provisions set out in the conference's general act. This makes the conference a key moment in the history of colonialism and symbolises the brutality employed during this time. The economic, political and cultural effects are still felt across the African continent to this day”.⁵

Affected community interest: The Case of the Bangwa

Communities in which historical wrongs and serious international crimes were committed, have carried the weight and consequences of the violations and intergenerational harm from when the crimes were committed. Affected communities are autonomous kingdoms and indigenous people who suffered the devastation of invasion, looting, theft, massacres and genocide with enduring effect. My ancestral kingdom of Lebang-Fontem- Bangwa and my great grandfather Fontem Asonganyi suffered four German military expeditionary attacks which inflicted profound devastation, looting and theft in 1898. Fontem Asonganyi led the Bangwa to resist

German colonial aggression until he surrendered to avoid the extensive destruction by the Germans. Benedicte Savoy et al, described the extent of the harm which was caused in Atlas of Absence⁶

‘Bernhard von Besser, a captain known for his "brutal and even sadistic advances" was indirectly approached by the Royal Museum. Luschan, who had got wind of an upcoming expedition, wrote to the Colonial Department of the Foreign Office in early 1900: "The Bangwa own a most curious pillared house [...]. In the event of a punitive expedition being undertaken, the Royal Museum would have a very great interest in ensuring that this house is not burnt. In the scientific interest, it is urgently desired that at least the pillars and long beams carved with figures be preserved and brought to Berlin. In addition, before the destruction, the recording of exact ground plans and elevations as well as cross-sections of both the pillared house and the adjacent dance house would be very desirable. The destruction of the city of Fontem and the Berlin Museum für Völkerkunde's explicit interest in its architecture exemplify the prototypical process of extraction'. European professionals and missionaries participated in these crimes. The colonial records provide ample information about the participation of missionaries and medical doctors in atrocity crimes. One significant example is the case of Dr Theodor Berké (1870-1949) who participated in the expeditionary attack on the Bangwa (1901/02 and 1904). ‘Dr. Theodor Berké (1870-1949), who took part in "punitive expeditions" against the Bangwa in Fontem and the Anyang in the Cross River region in 1901/02 and 1904 in the grasslands in what is now the South and Northwest regions of Cameroon, extracted about 100 human remains, which are now in the Institute for Anatomy in Strasbourg. In addition to cultural objects, a Dr. Esch sent at least twelve skulls to the Berlin Museum für Völkerkunde’

In 2021, I was the first Bangwa and great grand son of Fontem Asonganyi (about 1870-1951) ⁷to see and touch his royal staff and other royal property which was looted and stolen by German Captain Kurt Strümpell (1872-1947) and donated to Städtisches Museum in 1902.⁸ Braunschweig Germany. A provenance researcher Isabella Bozsa explains the object of her research and historic encounter with me in the following article “ Bangwa collection from the colonial context revisited, Museum objects as “the conscience of black civilisation” on 09.08.2012 ⁹

Since October 2019, I have been working as a provenance researcher at the Municipal Museum of Brunswick (SMBS) within the framework of the research project PAESE (Provenance Research in Non-European Collections and Ethnology in Lower Saxony). At the centre of my work is an ethnographic collection of about 700 objects from Cameroon, which the museum received from Kurt Strümpell (1872-1947), a colonial officer from Brunswick, between 1901 and 1908. Of particular interest are the circumstances of acquisition or appropriation under German colonial

⁶ <http://www.tu.berlin/en/go221098/>

⁷ <https://project-house.net/gustav-conrau-and-the-bangwa-exploits-since-1898-a-historical-account/>

⁸ <https://www.braunschweig.de/kultur/museen/staedtisches-museum/artikelpool-dauerhaft/bangwa-besuch-englisch.php>

⁹ 09.08.2021 Blog Bangwa, Braunschweig, Fontem, Kamerun, kolonialer ,
kontext PAESERETOUR - Freier Blog für Provenienzforschende
by Isabella Bozsa

rule. Furthermore, my research seeks to identify representatives of communities of origin; descendants of former owners, users, or producers (cf. DMB 2021: 22), and to inform them about the whereabouts of objects possibly linked to them. By establishing contact with community members, I ask whether it is possible to reanimate their relation to the objects of the museum collection and which knowledge and meanings they attribute to them (cf. Basu 2015: 348). This new knowledge may either challenge the ontological status of things as ‘epistemic objects,’ which they obtained upon entering the museum (cf. Alberti 2005: 567) or raise questions as to the future handling of objects or even lead to claims for restitution. In this paper, I would like to draft some (post)colonial entanglements of three Bangwa¹ objects of the collection at the Municipal Museum in Brunswick based on my archival research and my exchange with His Royal Highness Chief Charles Achaleke Taku. Chief Charles Taku is a representative of the Bangwa community: he is a member of the royal family of Fontem² and acts on behalf of His Majesty Fontem Asabatun. In addition, he is a criminal and human rights lawyer at the International Criminal Court in Hague, Netherlands. With the support of the PAESE project and together with colleagues of the SMBS and the Rautenstrauch-Joest Museum (RJM)³, I organised his visit to Germany in July 2021.

My provenance research began with a study of the Strümpell Cameroon collection at the SMBS. Together with the PAESE cooperation partners like Paul Chlisthène Dassi and Rachel Mariembe⁴, we identified a sword with an animal skin scabbard and two big staffs decorated with colourful glass beads as ritual objects, used in ceremonial dances of kingdoms in parts of North-, South- and West Cameroon as “culturally sensitive collection items” (DMB 2021: 20). From the museum records, we learned that their cultural attribution is “Bangwa,” which ties them regionally to today’s Anglophone Cameroon. Furthermore, they are described as former attributes of a chief. On the index card of the sword, even the name of the kingdom is noted: Fontem. This is very helpful information as the ruler at the time of “collecting” is known to have been Fontem Asunganyi (ca. 1870-1951). His encounter, negotiation, and war against the German colonial administration were documented extensively in the scientific literature”

My visit to Braunschweig was to formerly submit the request of the king Fontem Asabatun on behalf of the affected community of Bangwa-Fontem and the royal family of Fontem which I am a member. During this visit and subsequent visits, I did not find a record of a request for the return of our cultural heritage artefacts from the Government of Cameroon or its national interministerial committee.

The Cameroon Government did not show interest in helping the restitution and reparation effort of our kingdom or any other affected community in Cameroon. There was no official policy of restitution and reparation although there were a worldwide awareness and clamour on the matter of reparation and restitution.

My visit brought to my attention, the reality of contested interests which Evelien Campfens explained as follows about:

“Cultural heritage objects in European colonial possessions in terms and context of European colonial interests and African communities from which the artefacts were stolen or looted”.

European colonial interest was known and protected by Eurocentric international law which was defined by the European colonial record which enabled and glorified colonialism and German military officials and colonial agents who killed, stole, looted and brought the spoils of devastating crimes to Europe. After performing traditional and cultural rites, I for the first time in about 123 years, held my great grand father’s

symbolic staff of temporal and spiritual power. I explained to Isabella the Provenance research expert, the Director of the museum Dr Peter Joch and curator Dr Hartoum, the significance of our ancestral stolen and interned cultural heritage objects; our cultural identity, spirituality, creative ingenuity, civilisational ethos and our very essence of being. That was a rare moment of communion with my ancestors. I felt the power of their resistance against our sovereign cultural identity, against injustice, against international criminality. The spiritual intercourse was profound and the mandate to fight on, until all, our cultural heritage objects are brought back to their sacred shrines and natural environment and Lefem where they belong. The spiritual moment and the commitment to pursue the exercise of our right to cultural self-determination; to restitution and reparations was unequivocal, profound and powerful.

Speaking of the spiritual significance of the Bangwa Queen during another interview on 23 July 2021, I explained to Isabela Bozsa that,

"These objects are the spirit of our civilisation. They are not simply symbols or works of art. They are instruments through which we communicate with our ancestors and sustain our spiritual traditions. The Bangwa Queen possesses profound spiritual significance. Since her removal, successive misfortunes have been associated by many members of our community with her absence. They believe that she must return before the broken relationship between our people, our ancestors and our spiritual heritage can be restored."

During my visit to Braunschweig in July 2021, I reflected on my encounter with the Royal Staff of Authority:

"It was an historic moment because, in a profound spiritual sense, I was able to commune with my forebears—with Fontem Asonganyi, my great-grandfather; Fontem Defang; Fontem Njifua; my mother, Helen Atabong Asaba Fontem; my grandfather, Asaba Fontem; and with the countless ordinary men, women and children of my Kingdom, including those taken away by Strümpell and other German officers for forced labour who never returned.

In the summer of 2021, Chief Charles Taku was the first to visit the museum. This year, His Majesty Fontem Asabaton personally followed with another eight delegation members travelled from Cameroon to Braunschweig and Cologne.¹⁰

I subsequently secure an invitation, to visit the Ethnological Museum in Berlin where most of our artefacts was stolen by a German official Gustav Conrau (2 October 1865 – December 1899)¹¹ trafficked to different parts of the Western world.

¹⁰ Stadt Braunschweig <https://www.braunschweig.de › kultur › museen>

Royal Visit from Cameroon at the Municipal Museum of ...

¹¹ <https://project-house.net/gustav-conrau-and-the-bangwa-exploits-since-1898-a-historical-account/>

On leaving the National Ethnological Museum, I was persistent in searching for our artefacts in Germany and many countries in Europe. The director of the ethnological museum informed me that Germany attacked the Bangwa an autonomous kingdom and seized the artefacts which were in the museum and others which were trafficked to other parts of world and that they may be willing to allow us to visit but may not return them.

I wrote to Prof. Dr. Markus Hilgert Secretary General, Cultural Foundation of the German Federal States Director, German Contact Point for Collections from Colonial Contexts requesting information about our artefacts in other German museums and he replied,

We received a total of 14 positive responses from German museums and institutions regarding the Bangwa ancestral sculptures (Lefem), although the responses did not refer to sculptures only. In addition, we have also received five positive responses from German institutions which could not assign the objects in question to the Bangwa with certainty, but which hold objects that are likely to originate from Cameroon.¹²

These efforts which took several years were entirely carried out me on my behalf, the King, the affected community, Bangwa-Fontem and the royal family, The Cameroon Government was indolent to our restitution and reparations effort and that of other affected communities.

Our visits and requests were followed by mass and social media campaigns and popular mobilisations to pressurise museums where our artefacts are held to accept to return them. We started to receive support from within German and indications that the municipal museums of Braunschweig and Cologne were ready to initiate the processes of restitution. It was at this moment that we got news from the municipal museum of Cologne that the Cameroon government had established an interministerial committee to take over the exclusive responsibility of negotiating the return of inappropriately trafficked artefacts from Cameroon in European museums. We did not receive any further information of the interministerial committee. There was no statutory instrument establishing the committee. There was no legal instrument defining its functions and internal procedures. The affected communities were not specifically informed by the Cameroon government about the interministerial committee.

We heard that members of the interministerial committee were visiting Germany to familiarize with the procedures of restitution. We the affected communities were ignored and in the process.

¹² ULTURSTIFTUNG DER LÄNDER | LÜTZOWPLATZ 9 | 10785 BERLIN Mr. Chief Charles A. Taku Chief
Generalsekretär Prof. Dr. Markus Hilgert

Neo-colonial state impediment

On 10. January 2024, the Mayor of Cologne wrote in reply to my follow up letter about our pending restitution request dated 14 November 2023, informing us that,

“Your restitution request from August 2022 had been communicated to the national interministerial committee as well as our recommendation that you should be part of the process, we hope the city of Cologne will find a solution”.

It was surprising and shamefully that we were receiving the information about an interministerial committee which was established to pursue our restitution request for the first time from one of the museums from which we had submitted our request and was at an important stage of the municipal council making a decision about our request. The municipal council appeared surprised and embarrassed as well. The municipal authorities communicated our request to the interministerial committee but insisted that we should made participants in the interministerial committee’s restitution mandate and effort. This decision meant that without our participation, the municipal government of Cologne was not going to take any steps restitution. Our advanced request effort was stalled by the Cameroon government.

The decision by the municipal council of Cologne was followed by the municipal museum of Braunschweig which similarly informed the Cameroon interministerial committee about our pending restitution request and the fact that a provenance research procedure had been carried out which is a prerequisite for a restitution decision to be made by the municipal government.

On 29 February 2024, a WhatsApp message was sent to Dr Peter Joch Director of the Braunschweig Municipal Museum by Pr. Dr Hugues Heumen, Director of the National Museum of Cameroon irreverently informing him that the only institution to engage in all the processes of the restitution of objects in Cameroon is the inter-ministerial committee set up by the Cameroon Government.

He sent this message as the Director of the National Museum of Cameroon and did not specify that he was writing on behalf of the Interministerial committee which he alleged was the competent institution to engage in all processes of the restitution of objects. Furthermore, this WhatsApp message was totally misconceived. Nothing stopped affected communities in making restitution requests and as the German Foreign office explained to us, the competence to made restitution requests rests with the German municipal governments who owned the museums in which the artefacts are found. These municipal authorities did not accept to proceed with decisions of requests in which affected communities are not part of the processes.

The message from Professor Heuman was surprising because by the time he sent the message, we had submitted our request to the national interministerial committee through the Cameroon Embassy in Berlin on 14 January 2024 when the committee was

in German. The Embassy acknowledged receipt of our request on 6 February 2024 and submitted it to the committee.

Unlike the Cameroon national interministerial committee the German Foreign Office on 05.02.2024 sent a reply to our correspondence dated January 14, 2024 requesting that we must be associated with all restitution procedures as the affected community and any restitution must be made to us as the owners of our cultural heritage artefacts.

The Foreign Office appreciated our “engagement and the efforts made towards the return claims of the stolen and looted Bangwa cultural heritage. Addressing historical injustices and returning cultural objects from colonial contexts is a matter of great importance to the German government.

Our approach to the return of cultural objects involves engaging with both governments and communities of origin. Given the unique historical backgrounds, structures, and claimants involved, discussions are tailored to the specific circumstances of each country. We commend the Cameroonian government for establishing the "Interministerial Committee" (“Comité Interministériel chargé du rapatriement des biens culturels camerounais illégalement exportés à l'étranger”) in 2022, which coordinates the government's efforts in returning Cameroonian cultural objects abroad. We understand that it is the position of the Cameroonian government that all communication from Cameroon to German institutions be directed through this mechanism.

While the Federal Foreign Office accompanies the process politically, decisions regarding deaccessions are made by museums and their trustees on a regional or local level. This decentralized structure is due to our federal political system and should be taken into account.

We hope that through mutual understanding Germany and Cameroon will achieve a successful procedure that respects the cultural heritage and history of the Bangwa community”

The reaction from Pr. Dr Heumen rather than discourage, motivated us to submit requests and follow up correspondences at the Secretariat of the national committee in Yaoundé. We did not receive acknowledgements of receipt. There was no attempt to engage with us as the Mayor of Cologne and the Director of the Municipal Museum of Braunschweig advised and as the Foreign Office in Berlin anticipated.

It began to appear to me that there were attempts by the national interministerial committee to cut us off the restitution procedures which we initiated with European colonial museums, governments and private possessors. What the motivation was, could only be discerned from the available evidence on my possession and the lone WhatsApp response by Professor Heumen, the Director of the National Museum of Cameroon to an official communication intending to facilitate the restitution process which he received from the Director of the Municipal Museum Braunschweig. The tone of the message regarding us, the owners of the cultural heritage artefacts which the national committee professed to recover, were portrayed as intruders. I could not discern on the face of his message on what capacity he sent the irreverent message.

The capacity in which he wrote the message is not material now. He is a senior government official in charge of the national museum. It might be reasonably discern from his message that he was tacitly laying claims to the artefacts on behalf of the national museum he heads to establish a policy of “national character” which he has fronted in some media reports and that the interests of effected communities from which the artefacts were stolen which the museums and the German Foreign Office wanted safeguarded would not be respected. What “national character” means within the assertion of interests over the artefacts is an open question.

Beyond conflicting interests.

Federal and municipal governments in German have emphasized the role of affected communities in the restitution process even when it is led by the government. This conditionality is legitimate and legal. It is not about political or diplomatic discretion or convenience. The Foreign Office pointed to the federal character of Germany which makes the decision by the museums that affected communities must be involved in the restitution process hard to ignore. The national interministerial committee appears to be comfortable with negotiating with the National Ethnological Museum in Berlin which has not been cooperative in the Bangwa artefacts request on the grounds that Bangwa was an autonomous kingdom in 1898 during German invasion and theft of Bangwa artefacts including the Bangwa Queen which is in Dapper Foundation in Paris France, Bangwa King in the Metropolitan Museum in New York and 70 Bangwa artefacts which are in the National Ethnological Museum.

It took several years for the National Ethnological Museum to grant me access to my ancestral cultural heritage artefacts. Senior officials of the museum were quick to travel to Yaounde, Cameroon to hold a meeting with the national committee in the absence of affected communities. It may be discerned that it did so because alternative methods of compensation can be negotiated which will eviscerate the rights of affected of our affected community.

Some members of the national committee have publicly asserted that even if the artefacts were to be returned, they will first keep them in the national museum to assert the national character of the artefacts. For the Bangwa, this will be unacceptable. Doing so will trivialize the wounds and pains of colonialism, retraumatize us and insult the memory of our ancestors. Also, we will never ever accept the monetisation of our spiritual and civilisational ethos. Behind the aversion to associate us with the negotiation for the return of our cultural heritage artefacts.

Conclusion.

Restitution and reparations to affected communities are not fanciful claims. They are measures aimed at healing the wound which was inflicted on the conscience of humanity through the racist stinks of weaponized international law and Western

economic diplomacy. Western democracies criminalised actions and policies which the legalised and legitimized to blight human, cultural and economic life of Africa. Africa was dismembered, redesigned and repackaged to satisfy the economic needs of Europe. This colonial economic architecture is still serving the economic needs of the West. The struggle for restitution and reparation by African communities which suffered historic wrongs is hampered by the paucity of national, regional and international legal and conflict resolution frameworks.

During the period when German commercial agents and thereafter four German Expeditionary Forces devastated, stole and looted the Bangwa-Fontem cultural heritage artefacts, European powers established The Hague Convention II with Respect to the Customs and Laws of War and its annex : Regulations concerning the laws and customs of War on Land 29 July 1889 which was revised in 1907 to protect European cultural property in time of war. The Hague Conventions for the Protection of Cultural Property in the Event of Armed Conflict, 1954, like the United Nations in 1945, the Universal Declaration of Human Rights was not available for Africa which was not a subject of international law.

With independence, African communities which suffered the horrors of colonialism and historical crimes are still hampered from obtaining restitution and reparation justice because of independent neo-colonial states of Africa are hamstrung by colonial treaties limiting their sovereignty over major areas of national life.

Evelien Campfens recalls that,

In terms of criminal accountability, the Nuremburg Trials after the Second World War, against individuals who were charged for crimes against cultural heritage such as looting, plundering and destruction. set a precedent in the prosecution of individuals for grave offences against cultural heritage such as looting and destruction.¹³

Other examples cited by Evelien Campfens are the restitution and prosecutions for wide looting during the conflict and wide looting and plundering in Iraq and Syria and that,

The obligation to return looted cultural objects is the logical counterpart of the prohibition to loot or possess looted objects regarding wartime looting, the legal obligation to return dispersed cultural objects is well established in international law. The Peace Treaties after the Napoleonic Wars in the early part of 19 century. considered turning point in developing the law.... European powers considered restitution based on origi-geography of dispersed heritage was a principle of justice. Not a matter of winner takes all.¹⁴

In recent times, the International Criminal Tribunal for the former Yugoslavia criminalised acts against cultural heritage as war crimes and crimes against humanity,

¹³ Ibid 4 p 13,
Crime Against humanity ICTY ICC Almadi TJ (27 Sept 2016

¹⁴ Ibid 13 p 13

while the International Criminal Court, convicted Al Faqi Al Madhi for intentional attacks against historic monuments and buildings dedicated to religion in Timbuktu Mali.

Institutions and individuals responsible for looting or concealing Nazi arts are still being pursued worldwide for accountability and restitution. These crimes are not prescriptible. A comprehensive record of looted and stolen Bangwa cultural heritage objects is available. The criminal origin of these artefacts in European museums, laboratories, individual holdings and potentially some religious organisations, is not in dispute. We the victims of the intergenerational harm which was caused and the heirs of ancestors who were trafficked and disappeared, of spiritual and civilisational ethos which were eviscerated, of ancestral shrines and treasures, and cultural identity obliterated, of ancestors tortured, humiliated and dehumanized, now want our individual and collective rights of restitution and reparation respected and enforced. We will not accept any obstacle to stand between us and justice.

This situation of the Bangwa recounted in this paper is painful reality of affected communities all over Africa. Let the neo-colonial state not be a poisoned spear on the collective wound of Africa.