

POLITICKÉ VEDY / POLITICAL SCIENCES

Journal for Political Sciences, Modern History, International Relations, security studies / Časopis pre politológiu, najnovšie dejiny, medzinárodné vzťahy, bezpečnostné štúdiá

URL of the journal / URL časopisu: <http://www.politickevedy.fpvmv.umb.sk>

Author(s) / Autor(i): Bernadin Kouhossounon
Article / Článok: The Restitution of Cultural Property at the Heart of Cultural Diplomacy / Obnovenie kultúrneho vlastníctva v srdci kultúrnej diplomacie
Publisher / Vydavateľ: Faculty of Political Sciences and International Relations – MBU Banská Bystrica / Fakulta politických vied a medzinárodných vzťahov – UMB Banská Bystrica
DOI: <http://doi.org/10.24040/politickevedy.2019.22.2.78-97>

Recommended form for quotation of the article / Odporúčaná forma citácie článku:

KOUHOSSOUNON, B. 2019. The Restitution of Cultural Property at the Heart of Cultural Diplomacy. In *Politické vedy*. [online]. Vol. 22, No. 2, 2019. ISSN 1335 – 2741, pp. 78-97. Available at: <http://doi.org/10.24040/politickevedy.2019.22.2.78-97>

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RESTITUTION OF CULTURAL PROPERTY AT THE HEART OF CULTURAL DIPLOMACY

Bernadin Kouhossounon*

ABSTRACT

Relations between France and West African countries are longstanding and are also evolving in the economic, political, security and even cultural fields. Various mutations and permanent stakes linked to the underdevelopment of states sometimes give rise to certain historical facts and the conduct of certain previously established cooperation between West African countries and Paris. As example, we can cite the restitution of the African cultural heritage by France. The specific case of Benin with this European country is the subject of our present approach. The results that will come from this study will allow the analysis of the behavior of the actors concerned, but they will also inform on the possible impacts in relation to the links of cooperation linking them. Such a theme is undoubtedly both sensitive and complex because, the prospects and the possible resolutions of the said problem will depend on the will and the action of the diplomacy of two States on a matter of interest. However, any approach that is meant to be original and scientific must be based on a variety of documentary sources. This is why, apart from our previous works, our present contribution will make use of the Savoy-Sarr report, correspondences, conventions, conference acts, journalistic and scientific articles. We also count on our fruitful talks in Paris at the Quai Branly-Jacques Chirac museum, at UNESCO and the Benin embassy. International law as well as information acquired from site visits and interviews with specialists in the cultural field and other resource persons with a precise knowledge of the problem are also considered.

Key words: Restitution, Cultural property, Benin, Colonization, Diplomacy

Introduction

In Africa, development has become a major challenge for which each country is looking for ways and means to start it. It is the same for the Republic of Benin in Africa. It is in this perspective that the government of Benin, to

* Mgr. Bernadin Kouhossounon is a PhD. student at the Department of the International relations and Diplomacy, Faculty of Political Science and International Relations, Matej Bel University in Banská Bystrica, Kuzmányho 1, 974 01 Banská Bystrica, Slovak Republic, e-mail: bernadin.kouhossounon@umb.sk.

DOI: <http://doi.org/10.24040/politickevedy.2019.22.2.78-97>

achieve this goal, has undertaken important reforms in different areas. The cultural sector is one of them, since the country intends to use culture and tourism as development levers. The need for the country to reaffirm its cultural identity, to enhance its cultural heritage and to make the country attractive to the rest of the world has become more than ever a concern.

However, like other African countries, the country has many of its cultural properties outside its territory. Since it is a former French colony, the majority of the concerned objects is in France in public or private collection. As a result, Benin has decided to try to seek the return of its cultural property from the French authorities. At the international level, the problem of restitution is not new, however, in this case it turns out to be sensitive as such request can impact the long-standing close relations existing between this country of Africa and France.

Based on existing work and a range of available resources, we would like to study the perspectives of such idea, its evolution over time while highlighting international law, difficulties and dead ends. The study will also be interested in analyzing the position and behavior of the two states in order to make a judgment on their diplomacy in relation to a possible willingness or lack of thereof to achieve acceptable outcome of the problem.

1 The problem of restitution

Cultural globalisation intensifies the coexistence of races and cultures different within the same company. Dorina Chiş talks about this community life to which we are submitting by saying: "*In today's world, we can not live than together*" (Chiş, 2012, p. 313). Different cultures coexist without being truly questioned about their merger. Perceived as rewarding, if several activities promote the multiculturalism at various levels, there is still pervasiveness between the cultures that cross. This just because of the immutability of history and the identity of peoples. For evidence, the sites and objects of diverse origin inscribed on the World Heritage List of UNESCO remain the distinctive property of the countries because each of them embodies the brand identity of a given people. According to François Schmitt, the notion of culture oscillates between universalism and particularism (Schmitt, 2012, p. 212). Mainly with regard to the works of arts on the list, we recognize, for example, the heritage of the *Fujara* harmonic flute in Slovakia while the *Guèlèdè* mask bears the distinctive stamp of Benin. This being the case, despite the inscription of works of art on

UNESCO's Heritage List, each of which remains the identity mark of a given state. To this end, culture seems to be an effective factor in differentiation from one group people to another. In a more global and European context, François Soulages evoked this identity mark when he says that *"these images can be, for Europe, tools of knowledge and self-recognition"* (Soulages, 2012, p. 16).

Historical facts such as colonization and Nazism had provoked dominated and dominating states. This atmosphere had in its turn favored the illegal appropriation of the historical artifacts of certain cultures. And since nowadays every nation is committed to the immutability and the reinforcement of its culture and its identity, dispossessed nations claim the return of their art objects lying outside of their territory. International law and UNESCO have been involved for some time for the protection of the heritage of nations, without sparing any effort for peaceful outcomes in litigation for restitution of cultural property between States. Despite the existence of these provisions, diplomacy undoubtedly also has its role to play in this subject, which is contested and sensitive at the same time. The specific case of restitution of cultural property prevailing between Benin and France will be the main concern in our present study.

At the time of colonization, Western settlers had another conception of the African culture. "For most Europeans, people without writing had no history and the beginnings of schooling, replicated European programs, taught the history of Europe, including this iconic "our ancestors the Gauls" schoolbooks used in the French colonies" (Pourtier, 2017, p. 91). According to their vision, the entire culture of African origin qualifies as barbarous. For that, that it is the fetishes, the cults, the sacrifices, the prayers like all other practices stemming from the civilization of the *"black continent"* are admitted as inhuman and therefore unseemly. On the other hand, certain historical objects resulting from this civilization of the continent were swept away by these same settlers. Thus, *"90% of African works of art are always found outside the continent"* (Central African News Agency, 2016). Considering the magnitude of the situation worldwide, the United Nations Education, Science and Culture (UNESCO) considers that *"with drug trafficking and of weapons, the black market of antiquities and culture is one of the illegal trades the most entrenched on the planet"* (The 1995 UNIDROIT). In the African context, restitution of these cultural goods taken away by Western powers during colonization remains one of the controversial subjects on which some former colonies of Africa have very often murmur. Thus, to characterize the unorthodox ways in which cultural heritage found themselves outside the African territory, some do not hesitate to

make use of the expressions like "theft", "looting" or "spoliation". If France is not the only Western State singled out in this affair, it still seems to be particularly targeted by the critics and the prospects of claiming in French-speaking Africa. To take possession of these unique African historical items French territory is one of the leitmotifs of these former colonies of African countries. And if they hesitate or at least delay coming out of their whisper, the Republic of Benin marks the difference. As a proof, at the end of the Council of Ministers of 27 July 2016, the Government of Benin made an official request to the Quai d'Orsay to return to all cultural property taken illicitly during colonization extending from 1892 to 1958. These are the exceptional properties of the Kingdom of Dahomey that existed between the seventeenth and the end of the nineteenth century. Over the years, the kingdom has become powerful. The city of Abomey as its capital sheltered a remarkable palace and at the same time represented the center of the political, social and religious life of the kingdom. The works in question include the statue of King Guezo, royal recades, the throne of King Glèlè same as sacred doors of his Kingdom. In the publication of *Franceinfo* of 8 August 2016, we read: „*Benin calls for the return of works of art looted by France during colonization*“. The magazine *Panafricain* meanwhile gives information on the number and position of Beninese works in France by affirming the following: "They are today, in much of it, at the Quai Branly Museum in Paris, with more than 5,000 Beninese disseminated in private collections" (Panafricain, 2016). According to the explanations of Louis-Georges Tin, president of the Representative Council of Black Associations in France (CRAN), "This is the first time that a former colony of Black Africa began such an approach" (France24, 2016). Many people today are curious about the progress of the case, including the French position in the face of such a request, the reasons for such a Beninese decision, the estimated cost of the items concerned and the legal requirements the deadlock over such a problem and the possible impacts at different levels, etc.

2 French position on the request for restitution

At this unprecedented request from Benin, the long-awaited French response was finally achieved by the head of the Beninese diplomacy, Aurélien AGBENONCI, on December 12, 2016. In this correspondence, the French Government through its Minister of Foreign Affairs and international development, Jean-Marc AYRAULT, refers to the recognition of objects claimed

and their eminent value. Let us consider some excerpts from this correspondence: *"I am aware of the historical and cultural value of these properties for the Benin and all Beninese. I share your wish to make them better known"*. France, undoubtedly, shows all its support for the Beninese project. But paradoxally, despite this recognition, it does not seem to be in favour of restitution. As proof, the correspondence goes on to say: *"The properties you mention have been integrated a long time ago for more than a century to the public domain of the French State"* it goes even further and always about the objects claimed, opposed an end of not receiving in these terms: *"In accordance with the legislation in force, they are subject to the principles of inalienability, imprescriptibility and unseizability. As a result, their restitution is not possible"* (Ayrault, 2016). By contrast, already in 1978, the General Director of UNESCO, Mr. M'Bow, pronounced a statement, in the form of "appeal" in respect of the international community of States as well as other actors in the field of cooperation by pointing out that restoring cultural property to their country of origin is *"to allow people to recover a part of their memory, of their identity, is to make the proof that, in mutual respect between nations, the long dialogue of civilizations that defines the history of the world"* (M'Bow, 1978). If some think the reasons their importation into proven French territory. What else can others possible unclear reasons for such French inadmissibility with regard to the request to which Benin holds firmly?

As previously mentioned, the particularity of the request lies in the fact that it is for the first time in history that a French-speaking African State voiced such a request for restitution to his former colonizer. This Beninese approach, whether on the African continent as in the rest of the world comes up for once the question of African heritage held outside the continent. Several reasons elucidated could certainly be the basis of such a French refusal.

First, France seems to be animated by a fear of seeing other old French colonies following Benin. Under the pretext of showing a fierce opposition to the first restitution request from a country in this region of Africa, the hardest option would be only this categorical refusal.

Secondly, if preservation and logistics related to these objects require without ambiguity of colossal average financial to the French government, it must also be recognized that their exhibition in museums to the public, including tourists, in return represents a source of income for France. The economic contribution of tourism to creation jobs through site visits, accommodations and restorations is not needed to demonstrate. However, the presence of these

works of art of African origin in French territory would also inevitably contribute to the enhancement of the country's tourism potential. If France and more precisely Paris remains a favored destination of tourism, it is because apart from the usual attraction that one recognizes him, it abounds in more elements exotic tourism as a sign of its multiculturalism. Therefore, a possible and spontaneous French favorable opinion in the face of such restitution would be seen by some as a decision that goes against the interests of the country. While inside the country as out of its borders, the preservation of the splendid image that the whole world has of him remains primordial and irreversible. Nevertheless, if the immensity of French wealth in history and culture does not raise questions, the objects in question remain unique and carry in them peculiarities different from those of France.

Not only to stop at these eventualities, the French government would also seem to be predictable in its answer, because if Benin did, another former French colonies Africa would certainly be tempted to follow suit. As proof, *Le Monde* newspaper December 1, 2017 evoking Benin and the wave of claims that could drain its request for restitution, recalls that: "[...], the National Assembly of the Kings of Ivory Coast expressed a similar request, transmitted to the Élysée by the CRAN" (Le Monde, 2017). That in the case of the French takeover in Africa, whether on the political, economic, military and even cultural, the country does not intend to give up an iota. Even worse, anyone who tries to do it in any way, to restrict the control of this French domination over the Black continent is paying the price. The Ivorian President claims to have paid the price to have a political vision that the French compared to the management of his country: "If we do without the French, it's as if we attack them ..." (Gbagbo, 2017). If France defends an interest other than his own, it is the European one as it remains a key player at of the continent: "France will adapt its policy so that it will act in the best interests of Europe and its people" (Gura & Rouet, 2010, p. 68).

3 Restitution and international law

In fact, the question of restitution of cultural property to their country of origin does not date of today. The subject has become more and more worrying as soon as the international community has become aware of the growing illicit trade and objects from the heritage of states to other territories. It is in this perspective that measures are envisaged at the international level to eradicate

the phenomenon that is not to create disparities among certain countries. For this, for peace and security to be guaranteed, the United Nations through its specialized agency, UNESCO has made appropriate arrangements for the protection of cultural heritage against theft and looting. These international legal measures include, first and foremost, 1970 UNESCO Convention on the measures to be taken to prohibit and prevent the import, export and transfer of illicit property of cultural property. It should be remembered that UNESCO is part of UN organizations. After decades of existence, this agency has always embodied a global reputation and was active with national and international administrative institutions. Its actions are appreciated at the level of the nation-states as well as at the level of the different peoples thanks to the great propaganda of the rescue of the cultural inheritance variously threatened by the Men and / or of the nature, etc.

Despite the provisions of the previous Convention, we notice an upsurge vis-à-vis wealth inherited illegally to certain States before the Convention of 1970. Consequently, the wave of complaints called for the pure and simple objects stolen or looted from countries to which they belong. Large bodies have been seized to rule on the various disputes between certain countries. Aware of the scale of the issue over time, the international community realized the willingness of States to take possession of their stolen cultural objects. Thus, on June 29, 1995, following a Diplomatic Conference, the UNIDROIT Convention on Stolen Cultural Objects (or illegally exported) was adopted in Rome, Italy. This is complementary to the 1970 UNESCO Convention and its most important provision is the principle that the possessor of a cultural object illegally acquired must in all cases return it.

If the courageous act posed by Benin is often described as unheard of in Francophone Africa, it is not completely new. The Legion of Curly Restitution Cases between countries testifies to this. In this State claim, the Intergovernmental Committee for the promotion of the return of cultural property to their country of origin or their return in the event of unlawful appropriation has supported several successful cases of restitution. For this, that we prefer the name of return or restitution of cultural property, we firstly mention the case between Italy and Ecuador: *"In 1983 Italy returns to Ecuador more than 12,000 pre-Colombian objects. The case was resolved after a dispute seven years old. The Committee's moral support had been recognized by the Ecuadorian authorities as a significant factor in the success of their cause"* (UNESCO - *Restitution of Cultural Property*). Similarly, we have the case of the 7,000

artifacts returned by the German Democratic Republic to Turkey in 1987, the *lintel Phra Narai* which, by mediation, was returned by the United States to Thailand in 1988. The last case of return comes from Germany to Turkey in 2011. In early May 2011, the Secretariat of the Intergovernmental Committee was informed of that a bilateral agreement has been reached between Germany and Turkey concerning the *Sphinx of Bogazkoy*. This case has been presented to the Committee since 1987. Finally, it should also be noted that in the history of France, restitution is well known with various and varied experiences. Thus, Germany has returned 27 French paintings stolen by the Nazis during the war. A salutary act that in 1994 saw the public recognition of François Mitterrand at the place of Helmut Kohl.

4 Beninese project and perspectives

Any research that is intended for study, the evaluation of potentialities and assets of the African continent has always revealed the availability of colossal natural resources and a panoply of essential raw materials for transformation. This unequivocally justifies the perceptible covetousness of different actors in the international scene on the continent. But paradoxally, the ratio of its potentialities with the level of development of the continent remains disappointing and gives rise to questions. Being interested in the root causes of such disappointment, the result is malfunctions from African States themselves as well as from the mode of cooperation of their foreign partners. Given this sub-development of African countries, the continent seems to be doomed on the part of its partners foreigners to various forms of development assistance. President Valéry Giscard d'Estaing, during the program *Questions à domicile*, described Africa as "*a continent in economic and social sinking*" he continues, speaks about Africa and says: "*it is necessary to help him*" (Giscard d'Estaing, 1988). For this reason, any development aid action has often been the subject of propaganda where we are witnessing exchanges of diplomatic speeches mediated, some to sell aid made, the others to thank. Now, if these aids with all that they leave noticeable nevertheless participate in their own way in raising the standard of living in African countries, development itself requires first and foremost at the level of each African country a real awareness so as to be able to separate the challenges and the means likely to raise.

The current government of Benin seems to have understood the problem and decided to play its partition at the national level by undertaking numerous

reforms within the country. According to the head of the Permanent Delegation of Benin to UNESCO, *"With patience and method, Benin is advancing in a program of political, institutional, economic and social reforms"* (Zevounou, 2018, p. 3). In said reforms, the cultural and tourist sectors occupy a prominent place, as the continent despite its greatness and diversity feels the need to reaffirm its identity at a time when Western civilization is growing in the universality of its values. For the African context, during the presentation ceremony of his Government's Program of Action (PAG), Beninese President Patrice Talon stated: *"If Europe is Judeo-Christian culture, if the East claims to be Islamic culture, Africa is what culture? [...] Africa is Vodoun culture. Today, Africa is secular, she is Muslim, she is Catholic, she is even Buddhist sometimes, but she is Vodoun culture"* (La Nouvelle Tribune, 2016). Roland Pourtier, speaking of religions in African territory also evokes the voodoo: *"Among the animist religions, voodoo occupies a position apart. It combines religion and social practices, intellectual construction, ritual ceremonies with esoteric symbolism, and secular functions. [...] Porto-Novo, in Benin, is a high place, with its many temples and the signs which inscribe the old city in the mesh of a sacred space marked out by interdicts"* (Pourtier, 2017, p. 178). It is also because of the place occupied by this Voodoo in the traditions it is instituted in the Republic of Benin, an annual festival of traditional Voodoo religions, celebrated every January 10 of each year.

This being the case, African countries in their desire to make development a reality should make use of the roots of the culture of the continent. *"Culture is the face of the soul of a country, because it reflects the thought and the way of acting of the inhabitants who inhabit it"* according to Malinovská (Malinovská, 2017, p. 6). In addition, Benin remains an example of a democratic country with stability in the subregion; sine qua non conditions for its eventual tourist potential. Therefore, the request for the refund of cultural property formulated by Benin is part of its development project that it has set itself in contrast to the sometimes divergent and varied analyzes that are to this Beninese project.

Benin's request for the restitution of its cultural property had two types of opinion corroborated by questions and curiosities. If a first opinion has surrounded the legitimacy and scope of the request for the people of Benin and brandishing an unequivocal return works, the other seems to be refractory to the project. For the latter, he urges before any feasibility study of the said restitution to ask whether the current Republic of Benin strictly preserves until today the same borders inherited from the old Kingdom of Dahomey. Likewise, without

mentioning what it would serve, a commercial estimate of all the works of art claimed also surround this affair. Finally, comes the question of the existence of adequate logistics that can house the objects as well as the lack of museum security in Benin.

We consider it imperative some attempts to answer the above concerns mentioned. Addressing concerns about the current borders of the country, it must be said that despite the various denominations that the country has known, from the Kingdom of Dahomey to the Republic of Benin, this country of West Africa had not in fact undergo any modification at the level of the delimitation of its territory. The one and only event in the history of country that we can laconically recall here would be only the borderer dispute of the country in its northern part with Niger. If borderlessness is not foreign to Africa, Lefebvre clarifies its origin in these expressions: *"The speech of the artificiality of the borders Africans is not worn by African leaders and peoples. It has a colonial origin and is especially as old as colonization"* (Lefebvre, 2011, p. 77). In *"Frontières d'Afrique. Pour en finir avec un mythe"*, Michel Foucher evokes the border disputes of the continent, including that of Benin with Niger: *"Since 1963, eight disputes have been by CPJ, the date indicated being that of the conclusion: 2015 - Benin / Niger, Lété Island Goungou returns to Niger (filed in 2002)"* (Foucher, 2014, pp. 26-27). If after the verdict of CPJ Benin lost the Lété Island Goungou, this cannot in any way interfere with the request for restitution of the Beninese cultural heritage. Then everything exercise aimed at a commercial estimate of the objects concerned would be described as tedious. In other words, such an approach has no substantial contribution to make to the subject posed. Finally, the questions related to the lack of appropriate logistic that can accommodate the Heritage in Benin is of undeniable relevance to the debates. If Benin holds firmly this project, measures of security in this sector remain a challenge. Although the country has many museums and tourist sites, some of which are even inscribed on the World Heritage List, preservation and enhancement provisions are not yet anchored in Beninese politics. In France and unlike in Benin: *"Cities play a vital role [...]. On its own, the municipality of Paris spends a budget of 2 billion francs (\$ 0.3 billion) to culture but many cities provincial governments have also made great financial efforts to only to develop specific activities"* (Ministère des Affaires étrangères, 1999, p. 225). From the foregoing, the Beninese government must now think of the investment in the sector before it can truly become a pillar of development as envisaged.

5 Partition of diplomacy

What is the fundamental role of the diplomacy of the two States in this restitution case? Five main functions constitute the responsibility of a diplomatic mission considering the Article 3 of the 1961 Vienna Convention on Diplomatic Relations. They are: *Representing, protecting, negotiating, get informed and promote* (United Nations, 1961). From there, diplomacy would no longer be truly what it is if any of these functions were missing. But by working on the one embodied by promotion, culture occupies a primordial place; which, incarnated by cultural heritage is emphasized in the preamble of the 1970 UNESCO Convention in these expressions: *"cultural properties are one of the fundamental elements of civilization and people's culture"* (1970 Convention). To make known his State to the rest of the world through the promotion of its particular economic and cultural potentials part of the daily activities of diplomats in their mission. Therefore, the promotion of state culture is fundamental in diplomacy itself. So, everything subject of cultural interest between international actors must unequivocally make the concern of diplomacy. Now, strong is to perceive sensitive topics that should be analyzed and decided within the diplomatic networks, constitute the subject of debate and controversy thus making the buzz of newspapers, associations, Internet users and activists. Because the states and the real actors of the said diplomacy often abstain or sometimes delay in deciding on hot issues. This case is common in relations between France and African states. Jean-Christophe Rufin, in *"La France en Afrique: Le combat des Anciens et des Modernes"*, emphasized this aspect by affirming: *"It is rare that the real actors of the Franco-African relationship speak"* (Gounin, 2009, p. 5). While according to Satow, diplomacy *"is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal States; or, more briefly still, the conduct of business between states by peaceful means"* (Satow, 1917).

The official request for restitution of cultural heritage introduced by Benin deserves on the part of French diplomacy special attention. Because, contrary to the idea of repentance or repair that some people stick to it wrongly and through, the project fits into a first logic of research of the roots of the cultural identity of Benin. About the second, it is the will to make cultural and tourism fields a pillar of development of the country. It is, moreover, because of the contribution that culture makes to the benefit of development that Professor

Emeritus Jean Benoist says: *"The cultural industry is increasingly integrated into development programs, [...]"* (Benoist, 2007, p. 11). Nowadays, there is good press to talk about the promotion of state culture. If the goal essential aim is to make the country known to the rest of the world, it also aspires to which diplomacy speaks very little. Benin having become aware of this potentiality in culture for the development so much expected by its population, the country now intends to make culture a privileged lever. That is why the current one government of this West African country embarked on the recovery of all its objects from past wherever they are. If the importance of the works of art concerned is no longer to be demonstrated; it must be mentioned that they bear the story of a people, convey a philosophy and embody a belief. In view of a peaceful bilateral cooperation between France and Benin, diplomacy of the two countries is called upon to engage in discussions on intercultural dialogue as a pledge a successful partnership. Let us admit that the correspondence notifying the French refusal to request for restitution puzzles more than one. But the latest statements by the French President give a real change of trend about. To avoid being exhaustive, let's just breathe these excerpts from Emmanuel Macron's speech on November 28, 2017 at Ouaga University 1 in Burkina Faso: *"[...] I can not accept that a large part of the cultural heritage of several African countries, is in France"* He continues and adds to these: *"African heritage must be showcased in Paris, but also in Dakar, Lagos, in Cotonou, it will be one of my priorities. I want the conditions to be met in five years for temporary or definitive restitution of African heritage in Africa"* (Macron, 2017). France seems to have always shown the will to accompany African states for projects that can increase the standard of living of their populations. The question of restitution of cultural property was therefore timely to allow us to gauge the French government on its willingness to really contribute to the development of African countries.

6 The resurgence of the restitution of African cultural heritage

If the Beninese dossier relating to the return of the royal treasures of Abomey seems to be closed by the refusal of the French side, it has subsequently taken another exceptional and unexpected turn. The resurgence of this demand can be linked to several events as relations between the world's players are changing. Among the impulses that have generated such a thing chronologically figure the election of Macron at the Élysée and his speech

delivered in Ouagadougou November 28, 2017, *"I want that five years the conditions are met for temporary or permanent restitutions African patrimony in Africa are possible"*. Thus, to join action to the word, the French president considered it urgent the reopening of the subject so that this problematic is the object of a minituous examination in order to determine its prospects. It was after such an idea that it was commissioned in March 2018 to the art historian Bénédicte Savoy and the Senegalese university Felwine Sarr, the report *„on the restitution of the African cultural heritage“*.

Similarly, the official visit to the Élysée of Beninese President Patrice Talon on March 5, 2018. A visit during which the question of restitution was at the heart of the exchanges with his French counterpart. Then, on June 1, 2018, at the UNESCO House in Paris, a conference was held on the theme: *"Circulation of Cultural Property and Shared Heritage: What New Prospects?"*. The Conference was sponsored by the Director-General of UNESCO, Audrey Azoulay and Beninese President Patrice Talon. In his address, the latter mentioned that the restitution, sharing and circulation of cultural goods now constitute for sound an essential means of fighting against poverty, a factor of creation of jobs and wealth and therefore a tool for development. Referring to Benin's request for restitution, he said: *"In doing so, Benin counts, with the restitution of its cultural property, to rehabilitate and offer to the world, the epic of its kings and amazons, the vestiges of the most Great West African port of history of slaveryas well as the richness of the arts and cultures of its Voodoo heritage "* (Talon, 2018, pp.14-15).

The long-awaited report is made almost a year after the promise made by President Macron in Ouagadougou in November 2017. A promise that, in the eyes of many, seemed more utopian than realistic. However, on November 23, 2018 the French President received from the hands of academics at the Élysée, the famous document. What can we retain from its content? 90,000 objects of African art, this is the figure to remember for the moment since the count could not be 100% exhaustive. If the Quai Branly museum remains the best known for this case, the document also informs about other French institutions that also hold it. For more precision, these chiefs are scattered in museums located particularly in French port cities. *"At the presentation of the report, the President of the Republic entrusted the Minister of Culture and the Minister of Europe and Foreign Affairs with the responsibility of taking the next steps, which are decisive in achieving the objective set for this process: that the African youth have access in Africa and not only in Europe to its own heritage and the*

common heritage of humanity " (Élysée, 2018). A decision quite salutary that gives a sigh of relief to the government and the people of Benin and the entire African continent. Such a statement symbolizes the beginning of a happy ending of the controversial subject. *"Emmanuel Macron has decided to restore" without delay "26 works requested by the authorities of Benin, taken during the war by the French army in 1892"* (Jeune Afrique, 2018). Benin Minister of Tourism, Culture and Sports, Oswald Homeky the Paris decision stated the following: *"These goods are Beninese yes, they are from Africa but they will be in Beninese museums, in African museums and will also be in other museums as part of the museum cooperation"* (Homeky, 2018).

7 Challenges and possible impacts related to restitution

Other African countries such as Senegal and Ivory Coast also express their desire to see their cultural heritage restored from the French territory. If there is an enthusiasm for restitution from other states of the continent, many people are concerned about conservation and development that will be reserved for heritage once they return to Africa. Consequently, the conservation and theft of cultural heritages become major challenges to be relieved by the recipient states. Since one thing is to win the restitution claims, but the second is to ensure adequate infrastructures that can shelter them, their conservation and wise use of masterpieces. Let us stay in the specific case of Benin to examine the arrangements that are being made. In fact, within the framework of the provisions relating to the return of chiefdoms, Benin by Presidential Decree No. 2018-419 of 12 September 2018 proceeded to the appointment of the members of the Committee on Museum and Heritage Cooperation between France and the Kingdom of Benin. In addition, after the presentation of the Savoy-Sarr Report, Aurelien Agbénonci, Benin's Minister of Foreign Affairs and Cooperation, at the microphone of Nadir Djennad on November 29, 2019, gave his first impressions of BBC-Africa. According to him, Benin is preparing itself in various ways to receive his royal treasures. After listing some of the country's museums that could shelter the objects despite the need to be rebuilt, he mentioned the project of building other museums: *"[...] rebuilt to have a museum of the Dahomey kings, a museum of the Amazons' epic and that's Abomey. We have planned to build the Museum of Voodoo Arts in Porto-Novo and we have planned to build museum of slavery, which will be called Toussaint Louverture Museum in Allada. We have a museum development program that is very clear,*

which is in our tourism offer and which is improving" (Agbénonci, 2019, 17).

With regard to the possible impacts, two sides must be distinguished: the French part and the African part. The first and main impact on the side of the French cultural structures would be only the one mentioned above and which would have justified the end of non-receivable that had known the request introduced by the Benin Government: the fear of the emptiness that would generate the restitutions of African cultural heritage preserved in different French museums. *"They are afraid of seeing French museums emptied, a cultural wealth that has unfairly benefited them for centuries. We can understand this faint fear when we imagine, for example, that the Quai Branly museum would lose around 11 million visitors a year if it were dispossessed of its typically African jewels"* (Hountondji, 2018). A more or less negative impact in the eyes of some. Indeed, what will remain in the French museums concerned? How to maintain the preservation of attractiveness of these institutions? Will it exist after a partnership between African and French cultural structures? These are questions that deserve to be asked at this moment when the thorny question of restitution is more and more cogitated. And as a first proposal for an answer and this crucial question, Savoy and Sarr advocate *"the making of doubles"* (Savoy-Sarr, 2018), in order not to leave the places deprived.

If in France, the African leaders involved are not only exposed to the museum Quai Branly, the latter still has an exceptional feature of the moment when it remains a French museum where the largest number is crowded. *"Of the 90,000 African works currently in France, 70,000 are at Quai Branly. Two thirds of the objects could be involved in a restitution procedure, if the Sub-Saharan States so request. At the forefront of this fight Benin and Senegal"* (RFI, 2018). And if nowadays, the museum tends towards the withdrawal of some of its precious objects, it would be currently arousing the curiosity of many people. Thus, many would be tourists and experts eager to contemplate these works before their shipment to African countries. In such a perspective, the museum Quai Branly would register more visitors in these periods and it would certainly increase its turnover.

On the other hand, except for the absence of objects in museums, the decision is not without a positive aspect. Far from any repentance, the concretization of the restitutions would normally be understood as the closure of a page of the history of the colonial relations of France with African countries. Unlike an act of cultural rupture between the said actors, the initiative would allow the opening of another page more dynamic and fair for cultural

exchanges. This was explained by the President of the Republic of Benin, Patrice Talon, on June 1, 2018 at the UNESCO headquarters in Paris during the International Conference on the *"Circulation of cultural property and Heritage sharing: What new perspectives?"*. After having reminded the audience of the merits of claiming the cultural heritage of his country for development purposes, he had given the following precision: *"For its part, Benin remains convinced of one thing: whatever the circumstances historical relocation goods, cooperation and partnership remain the most effective means for their renaissance and their lasting influence for the benefit of all"*¹.

Conclusion

The Benin Republic's restitution request to the French Republic in 2016 could initially be compared to a strike that would have missed its target. But nowadays, it could be qualified as a time bomb from the moment when it came to center the official debate of the restitution of the African cultural heritage by France. A request from Benin whose resolution was supposed to be the subject of the diplomacy of the two state actors has finally taken another scale. In short, the silence and the fear of negative effects that could be generated between the metropolis and the states that would have manifested themselves for such a cause seems to have faded in African countries. Paris through the concretization of the restitutions to put in effect of the president Emmanuel Macron seems to have shown the will to reinvigorate the relations of old date with the African countries. To speak openly about restitutions is to speak of justice, rebalancing, recognition, restoration and reparation, but above all, it is to pave the way for the establishment of new cultural relations based on a redesigned relational ethics. The African countries and France need reciprocally to regain their confidence in order to set up more frank cooperations based on contemporary realities. In this dossier of restitution, the beninese diplomacy and the French one until then show maturity and political wisdom. Since, unlike many cases of restitution, it is still not the subject of any dispute and therefore does not require the mediation of UNESCO or any other structure whatsoever. Despite a diplomatic crisis that some people foresaw between the parties concerned, the current atmosphere favorable to the resolution of the problem is

¹ Extracted from the opening speech of Benin President Patrice Talon at the International Conference on the "Circulation of Cultural Property and Shared Heritage: What New Perspectives?" Held on June 1, 2018 at UNESCO Headquarters in Paris.

not likely to negatively affect the relations existing between the States. In doing so, the diplomacies of these countries opt for justice, peace and cultural dialogue. Such conviction, unequivocally salutary requires being placed at the service of other sectors of cooperation between France and Benin.

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