

Now THEREFORE, as the President of the Federal Republic of Nigeria, and in the exercise of the powers conferred on me by section 5 of the Constitution of the Federal Republic of Nigeria, 1999, as altered, I, MUHAMMADU BUHARI, hereby give notice, declare and order that:

- (a) the ownership of the artefacts looted from the ancient Palace of the Oba and other parts of Benin kingdom be and is vested in the Oba;
- (b) custody of the repatriated artefacts, shall, from wherever and whenever they are brought into Nigeria, be handed over to the Oba as the original owner and custodian of the culture, heritage and tradition of the people of Benin kingdom in Edo State of Nigeria.



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# Usus, Fructus, Abusus: The Bronze Attributes of the Oba's Right to Property

By Yves-Bernard Debie



FIG. 1 (top):  
The crest of Nigeria.  
From the *Official Gazette*,  
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2023.

FIG. 2 (left):  
The *oba* of the  
Kingdom of Benin,  
Nigeria.  
His Majesty Omo N'Oba  
N'Edo Uku Akpolokpolo,  
Ewuare II at the Ugie  
Ododua ceremony in Benin  
City, Edo state. Image  
© Majority World CIC /  
Alamy Stock Photo.

Following seven recitals extolling the glory of the *oba* of Benin and shaming the British expedition that put an end to the Kingdom of Benin in 1897, on March 28, 2023, Nigerian President Muhammadu Buhari thumbed his nose at all the Western do-gooders who thought they might get away with clearing their colonial consciences on the cheap as he imposed new conditions on the repatriation of the famous “Benin bronzes”—a collection of copper-alloy sculptures, along with associated regalia and ivory ornaments. In doing so, he cited the UNESCO conventions of 1970 and 1978 and

the UNIDROIT convention of 1995, all of which are totally inapplicable in this case, as justifications for his decision.

It is difficult to ignore the logic here given the line of reasoning that seems to govern all of Western efforts at repatriation of African art. Since we in the West have come to characterize ourselves as receivers of stolen property and descendants of looters, why would we expect to be treated as anything else? Since, according to our own governments, we are dealing here with “ill-gotten” goods “looted” during the colonial era, and since no historical or legal argument seems to be able to justify, at the very least, their continued preservation in Western museum collections, isn't it fair that they should be returned to the descendants of their rightful yet despoiled owners?

That said, it is tempting to say—or shout—“We told you so!” History and the law cannot be altered to suit a given situation with impunity, and the past cannot be judged using our current morality or law as a yardstick.

What Buhari's declaration means is that the “objects looted from the Oba's former





**FIG. 3 (left):** Signing ceremony for an accord for the repatriation of Benin bronzes from Germany to Nigeria. Left to right: Annalena Baerbock (Alliance 90/The Greens), Nigerian Minister of Information and Culture Lai Mohammed, Nigerian Minister of State for Foreign Affairs Zubiaro Dada, and Minister of State for Culture and the Media Claudia Roth (Alliance 90/The Greens). Image © dpa picture alliance/Alamy Stock Photo.



**FIG. 4 (far left):** Eight Benin bronzes repatriated to the National Commission for Museums and Monuments of Nigeria, Washington, DC, 11 October 2022. Photo © Rodney Choice/AP Images for the National Museum of African Art, Smithsonian Institution.

palace and from other parts of the Kingdom of Benin”—those already returned as well as those to be returned in the future—are to be the personal property of the current *oba* of Benin, without any restrictions or obligations, not even that of making them accessible to the public. He will therefore be able, like any rightful owner, to enjoy and dispose of them in any way he sees fit, to keep them for his exclusive pleasure, to sell them, to lend them, to hire them out, or to pawn them. He will do with them as he pleases, and it’s a fair bet he’ll make good use of them.

From Berlin to Washington by way of London, the announcement of this privatization of assets that have remained public for more than a hundred years is finally beginning to loosen some tongues. This is manifest in the state of uncertainty in which international bodies suddenly find themselves, having all been completely blindsided by this presidential decree. It raises the question of the legitimacy of the Nigerian organizations with which these bodies thought they were negotiating. Since the *oba* is the sole owner and custodian of these works, the Nigerian National Commission for Museums and Monuments (NCMM) and the Legacy Restoration Trust, renamed the Edo Museum of West African Art Trust, which have played active roles in the negotiations to repatriate these artworks, apparently have no authority in this matter. This despite the fact that the Trust had obtained considerable international support, notably from the British Museum, for the construction of a new museum called the Edo Museum



of West African Art (EMOWAA) designed by Sir David Adjaye, a British architect of Ghanaian origin, which would meet modern museological standards both in terms of public access and the preservation and conservation of the artworks it would hold.

In light of these facts, what should become of, for example, the agreements concluded in 2022 between Germany and Nigeria, which provide for the transfer of ownership of 1,117 objects, while allowing for long-term or permanent loans of some of the same material to German museums? Or of the twenty-nine bronzes that the Smithsonian National Museum of African Art thought it was transferring ownership of to the Nigerian Commission for Museums and Monuments in 2022, while anticipating to continue displaying the majority of them in Washington, DC?

The *oba* is in no way bound by these agreements and could very well elect to demand the repatriation of the works that are now his property rather than that of the nation of Nigeria. He could also require that museums now borrowing these objects reinterpret them for cultural or even political-propaganda purposes. There are precedents for this, such as the 2020 situation that pitted the Musée des Ducs de Bretagne against the Chinese government over a proposed exhibition on the Mongol Empire.

This seems all the more ominous if we, caught up as we are in the throes of our benevolent revisionism, stop castigating ourselves for long enough to take the time to read what is written in article two of the Nigerian order of March 28, 2023:

That following a military expedition in February 1897, known as the Benin massacre, the British Royal Marines invaded the ancient Palace of the Oba, looted and carted away thousands of artefacts of Benin origin from the Palace of the Oba and other parts of Benin kingdom.

In truth, if anything should be termed a Benin massacre, it was the one ordered by the then *oba*, in which the British Deputy Consul James Robert Phillips, seven of his nine staff members, and several hundred African porters were killed on January 4, 1897. It was this massacre, which, in the eyes of the British, justified the subsequent

punitive expedition referenced in the order. The legitimacy of this military action was believed to have been confirmed after the capture of Benin City by the discovery of the remains of hundreds of slaves who had been sacrificed in recent weeks. Accounts of the period are unanimous in nicknaming Benin City the “City of Blood,” and Sir Reginald Bacon used this as the title of the publication of his campaign diary later in 1897. The atrocities committed in Benin City under the *oba* were photographed and described by the expedition’s doctor, Felix Roth.

While one can legitimately doubt that the practice of human sacrifice conferred spiritual power upon the *oba*, it is undeniable that the



THE CRUCIFIXION TREE

FIG. 5 (left):  
“The Crucifixion Tree,”  
illustration by W. H. Overend  
after a sketch by Commander  
R. H. Bacon, R.N.  
From Reginald Bacon, *Benin: The City  
of Blood*, Edward Arnold, London/  
New York, 1897, p. 93.

FIG. 6 (below):  
Reginald Kerr Granville,  
Interior of *oba*'s compound  
burnt during siege of Benin  
City (present-day Nigeria),  
with bronze plaques in the  
foreground and three British  
soldiers of the Benin Punitive  
Expedition, 9–18 February  
1897.  
Gelatin silver print. 12 x 16.5 cm.  
Pitt Rivers Museum, University of  
Oxford, inv. 1998.208.15.11.



slave trade had greatly enriched his dynasty. This wealth is embodied in the disputed bronzes, both in the royal support accorded to the talented Edo artists for their work and in the brass itself, earned in exchange for the trade in human souls. The major role played by West African kingdoms such as Dahomey and Benin in this odious trade has long been common knowledge, but a study by a German scientific team recently highlighted the origin of the brass used in Benin City, which has deep connections to this.

Every form of trade requires a common currency, the value of which is recognized by all parties involved. For slaves, this currency often took the form of “manillas,” brass bracelet-like

the Rhine region between Cologne and Aachen. British production eclipsed this process in the late eighteenth century.

In short, the Benin bronzes in question were largely produced from “made in Germany” brass used as slave currency for the glory of slave kings, who were eventually defeated by the British Empire. Yet it is on the basis of a very modern morality that the repatriation of these works, not ultimately to Nigeria but to the descendants of these cruel rulers, is deemed both mandatory and justified. Is this a neocolonialist interpretation of a Western world that refuses to face up to its past and make true amends for its misdeeds? That is far from certain.

**FIG. 7 (right):**  
Examples of manillas from eight different sites.

From T. B. Skowronek, C. R. DeCorse, R. Denk, S. D. Birr, S. Kingsley, G. D. Cook, et al. “German brass for Benin Bronzes: Geochemical analysis insights into the early Atlantic trade,” *PLoS One* 18(4) (2023), <https://doi.org/10.1371/journal.pone.0283415>. Image © 2023 Skowronek et al.



currency objects with which buyers and sellers agreed to judge the value of the men and women who had become merchandise. Many of Benin’s bronze plaques show figures holding these objects, thousands of which still lie in the wrecks of European merchant ships that sailed to and from Africa.

This German team, working under Dr. Tobias Skowronek of Technische Hochschule Georg Agricola in Bochum, set out to compare the brass used in Benin City sculptures with dozens of samples from Africa and Europe. This effort is particularly interesting given Germany’s role in the recent and ongoing campaigns to repatriate these works. The results fell close to home, as they found that the metal used by the Edo artists came largely from manillas produced from the fifteenth to the eighteenth centuries in

While it’s a commonly accepted idea that history is written by the victors, the Restitution Study Group (RSG), which advocates for the American descendants of antebellum African slaves, is in the process of demonstrating that such writing can be thwarted by the heirs of the vanquished. The RSG made a name for itself with regard to Benin in October of 2022 through its legal action against the Smithsonian Institution to prevent the transfer of ownership of the “Benin bronzes” in its collections. Last May, it followed up by presenting a preview of a short film called *They Belong To All of Us: The Benin Bronze Slave Trade Story* at the Cannes Film Festival, which asserts slave descendants’ rights to these works of art that bear witness to the institution of slavery of which their ancestors were the victims. Staunchly opposed to



these repatriations, the RSG wants the “Benin bronzes” to remain in Western museums, where they can be made accessible to all, including the descendants of slaves and where they can serve as a memorial to the suffering of millions. If these rightful claimants contend that the transfer of their patrimony to Nigeria is a mistake, they consider President Buhari’s gift of that patrimony to the *oba*, the direct heir of the slave kings of the ancient Kingdom of Benin, to be an insult.

Faced with the immense challenges that questioning our shared history presents, perhaps the most urgent thing to be done is to take the opportunity to study and understand it rather than add a new and questionable chapter to it.

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FIG. 8 (below):  
Group of manillas.  
Photo © Tribal Art magazine.

