

Workshop Report

Mapping a Legal Pathway to Restitution: The case of Ngonnso

From October 6th to October 8th 2022

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1 Introduction

As the conversation on restitution evolves very rapidly with several successes recorded, there is still lack of in depth approaches and frameworks that support Cameroon and Africa as a whole in the journey to get back the irreplaceable pieces of their history, culture, heritage, own their identity, build a relationship with their history and get justice for the inhuman colonial practices.

Cultural rights, cultural politics, illicit appropriation and restitution is highly debated today, yet facing high resistance from politicians, museums, anti restitution movements among others. This can partly be attributed to the fact that dealing with restitution is exposing the malignant and shameful colonial era that colonizing countries refuse to condemn. As a result, restitution comes with juridical implications.

There is therefore a critical need for communities seeking restitution to be supported with the relevant legal instruments that are crucial for restitution work such as activism, lobbying, influencing, and also for post restitution negotiations

It is against this backdrop that Sysy House of Fame with funding from Open Society Foundations organized a two day workshop with 13 legal experts in Cameroon Mansel Hotel Yaounde, to brainstorm on legal frameworks that support communities seeking restitution in Africa.

The goal of this workshop was to map out a legal pathway to restitution.

Participants brainstormed on;

1. Existing legal instruments that guide restitution
2. How communities can use these instruments
3. Possible advocacy for new instruments
4. Litigation and negotiations procedures for the final return of Ngonnso

Important workshop outputs were;

1. Legal frameworks that support communities seeking restitution in Africa
2. A handbook on legal instruments for communities seeking restitution in Africa
3. Post restitution legal framework - Ngonnso.
4. Major recommendations for communities seeking restitution, and others specific to the final return of Ngonnso

2. Workshop presentations

1. Sylvie Njobati- introducing the concept of restitution and the summary of the #BringBackNgonnso campaign so far.
2. Dr. Wabi Wilson Wakai on Restitution as a Human right
3. Dr Bamnjo Herman Yenika on the Legal framework supporting restitution in Africa
4. Dr Tanjong Napoleon on how communities can leverage legal instruments for restitution.
5. Ngo Godlove Esq. on - What are the various legal options you have in the pursuit of restitution?

3. Workshop Brainstorming Sessions and Group Presentations

Friday October 7th 2022

- Group one brainstormed on what should be done before, during and after restitution
- Group 2 on Tools that can Support Communities Seeking Restitution which includes; Education ,Institutions ,Legal Frameworks and Funding .
- Group three on Developing Specific Legal Agreements and Stakeholders Involved; Nso and Government, Nso and Museum,Nso and Nso Community and the State of Cameroon and the Nso Community and the State of Germany.

Saturday October 8th 2022

The second day of the workshop began with a brainstorming session, the groups which worked on the tool kit on the day one of the workshop were merged to come out with ideas on legal agreement and the groups that worked on the legal agreement , were merged to work on the toolkit that can support communities seeking restitution.

- Group one on Toolkit for communities seeking restitution. Legal experts agreed that the production of a toolkit will outline what communities should do before restitution, the procedure (s) to follow and what should be done after restitution
- Group Two on the clauses to be included in the Legal Agreement

3. Key messages

- There exist legal documents to support communities seeking restitution
- Restitution is a human right
- Restitution is a cultural right
- Alternative Dispute Resolutions is the best for communities seeking restitution.
- Restitution is a legal obligation.

4. Documents Developed

- Resolutions on the MoU for restitution <https://bit.ly/3CJ8N1x>

5. Major Recommendations

- Contact African Union(based on Agenda 2063)
- Advocacy toolkit
- Public influencing
- National Activism Day
- Voluntary service
- Workshop on registration; to help communities understand its importance, importance of inventory as well as provenance
- Lobbying for legislation on registration
- Lobby for the creation of an African union league on restitution
- Build a museum to host Nso cultural objects. These museums should be equipped with strong security and alarm systems
- Create a commission responsible for the installment of Ngonso
- Communities should create fund schemes to support them preserve their cultural objects such as cultural activities and festivals.
- Law enforcement officers should be educated on what antiquities are, so that they can protect them
- Lobby for a national day of Activism for Restitution
- A database should be developed for cultural objects
- Germany should build a museum for the Nso people as a repatriation for Ngonso

6. Quotes

- “I am afraid that Ngonso can return and no longer understand the Nso language”
Babiene Francis Esq
- “The importance of intergenerational dialogue in passing down cultures to generations cannot be undermined. The older generation must tell the present about their history” Babiene Francis Esq

- “The spirituality that the people of Nso attach to Ngonnso is proof of ownership”
Prof Fanzo
- "The best way for UNESCO to support Cameroon's cultural heritage is to support them bring back their lost cultural objects" Dr Wabi
- “The return of Ngonnso will bring honor and peace to the subjects of Nso land”
Njobati Sylvie
- “If we can manufacture our cultural objects, we can preserve them, bring them back, they belong to us” Dr Wabi

8. Questions and Answers

- Agbor Robert- Is it possible for host countries to create a replica of stolen cultural objects, return them to Africa and own the original ones?
- Prof Fanzo- People can identify their cultural artifacts. the people will not be able to feel the spirituality that they this object and objects which were created centuries ago can clearly be distinguished from objects created today
- Tadze Adamu- Are there international legal instruments that prohibit the replication of cultural objects?
- Ngo Godlove- If negotiations fail, what is the next plan?
- Dr Wabi- I think the best thing is for communities to take inventory of their cultural artifacts, make claims for reparation, a case for ownership and also focus on building their own museums
- Mbinkar Ernestine also added- In making a case for restitution, we should also take into consideration the fact that many objects were destroyed in the course of looting Ngonnso.
- Barista Ise-What do the Germans want in return for Ngonnso, is restitution a legal obligation, how do we prove ownership?
- Ngo Godlove- Go to where the objects were looted. Go to Nso and see the people. They will show you how the palace was burnt and their diety looted.
- Dr Tanjong -What about compensation? What exposes unequal power relations, how do we close the gap?

- Dr Wabi-Is the state of Cameroon looking into the restitution of these objects?

9. Appraisals

Dr Tanjong- Feels positive and He is glad that the workshop was made up of lawyers from grassroots

President of SODA-Looking forward to future collaboration with everyone present

*Agbor Robert Esq-*I can now help the people of Ejagham community to begin their quest for restitution, Communities need to unite and uphold their rights to seek restitution.

*Mr Bulami Edward-*Certificates of participation should be given to participants

*Dr Bamnjo Herman-*Recommends zoom meetings every month

*Dr Wabi Wilson-*Qualifies N. Sylvie as the Ground norm of restitution

*Prof Fanzo Verkijika-*At the age of 80, I went back home yesterday not feeling tired, because each moment of the workshop has been enriching