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THE VISIBLE AND THE INVISIBLE:
ART BETWEEN MUSEAL MONOPOLY AND
CULTURAL DECOLONIZATION

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ABSTRACT

The choice of the following elaborate dates back to a group project I have been able to conduct with my two other colleagues during the first year of my master's degree, in relation to the "Decolonial Strategies" course. Our work was exclusively focused on the thematic of restitution of colonial artworks to their legitimate owners, a struggle already existing in less recent times, but which actually became definitively object of our current days cultural and political debate right after the French President Emmanuel Macron's speech of 2017. I have always been fascinated by the cultural and museal field, hence, the awareness deriving from the perspectives provided by the course led me to deepen how the decolonisation of the western cultural heritage represents now more than ever a fertile ground to implement a set of new strategies and approaches pursuing the ultimate goal of removing all the relationships based on the supremacy of a culture over the other ones, toward a more inclusive and equal way to approach to the museum field and cultural ones in general. The attempt is that of show how, despite the several laws against the illegitimate appropriation, Western museums appears full of artwork carried away during the colonial period and never returned: the voice of their legitimate owners has become louder and louder through these years, and in the following pages will be taken into account the best practices implemented toward an open dialogue with them, passing through the juridical field, moving on the conceptual one, trying to assume whether or not the repatriation of the artwork in question is possible, while presenting the "easier" process of decolonisation as a more concrete and urgent one.

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INTRODUCTION

In recent years, more and more attention has been given to issues related to the artistic and cultural heritage: as anticipated through the abstract, the following elaborate will deal with all those goods unlawfully taken from the past colonial countries, trying to answer to the main research question which is about the real possibility of proceeding with a concrete and definitive restitution of the works of art stolen during the colonial period to their legitimate owners, or whether in the short term it would be more appropriate to urgently and collectively develop actions and strategies aimed at decolonising Western artistic and cultural spaces.

If, however for a long time we have been talking about protection, at the international level the issue of restitution of cultural goods began to develop only in the second half of the last century. However, the two topics are closely related to each other, so it is difficult to talk about restitution without first referring to the protection. Hence, the choice has been that of starting the first chapter by taking into consideration the juridical field, introducing the legal sources divided into international instruments, acts of international organisations and regional instruments. As regards international instruments, they are those of a binding nature concerning the protection and restitution of cultural objects, whether in the event of conflicts that in time of peace; were then analysed some UNESCO Declarations, of non-binding nature. Also, the instruments emanated from international organisations have been divided into hard and soft law instruments, while in the section related to regional instruments, particular attention has been paid to the European legislation on illegal export and return of cultural goods, without forgetting to mention the Conventions issued by the Council of Europe and on the “protection and respect of cultural heritage”. It was therefore considered appropriate to first deepen what is the existing legal landscape concerning the artistic and cultural heritage in order to demonstrate how despite the several existing rules, the illegitimate appropriation of objects of property of other cultures happened in any case during the colonial period.

Following, the second chapter will therefore analyse the situation of colonial oppression, considering the roots but especially demonstrating how it still affects our lives, clearly

with a particular focus on the museal field. The second chapter will begin by outlining what the very concept of culture is, in a generic and anthropological sense, mentioning what is the first definition that was attributed to it, passing through the definition of multiculturalism and interculturalism deriving from the contraposition to the monoculturalism, and then considering the difficulties encountered in recognizing and understanding the differences that distinguish each culture from the other ones: consequently, the delineation of the concept of diversity will follow, mentioning the meaning of ethnocentrism which will be opposed by that of cultural relativism, which will then evolve into critical ethnocentrism aiming to produce more appropriate answers able to embrace a different perspective able to change the way people use to approach to something, and of course someone, different from their own culture.

We will see in this sense, how we still tend to be to a certain extent intimidated by the different, which on the contrary should be considered in an extremely positive way for the possibilities of connection and enrichment it offers. This is intended to be the starting point for entering into the problematic object of the second chapter, in which the cultural oppression due to the colonial period is reflected in the museum field: first of all, will be explored what are the very roots of the decolonial thought, to then outline the elements that would confirm the persistent predominance of a culture above the others inside the museal field, which is still extremely evident today even if, superficially, we tend not to pay due attention to the problem. In this sense, will be then illustrated some dynamics that, with respect to very specific points of view, should be considered in order to progressively eliminate the colonial imprint and to relate to diversity in a "different" and inclusive way.

At the same time, we will highlight those that, compared to the more “simple” (although extremely difficult) choice of returning the works to the former colonial countries as well as legitimate owners, would be the obstacles and problems connected to the restitution issue: in this sense, in the first part of the third chapter will be analysed the two contraposed points of view, where on one side we have those in favour about the restitution of cultural goods to the former colonial countries, and on the other hand those who do not think that this action should be implemented for all the reasons that will be underlined in the proper section.

The elaborate will follow taking into consideration two study cases, namely the British Museum and the Royal Museum for Central Africa, being two emblematic example of cultural spaces in which people could admire a huge number of sculptures, art works, collections, objects or manufacts, coming from the past colonial countries: in this section, will be mentioned the struggles toward the restitution of the objects into question, as well as good practices and results achieved in this sense, even if for a predetermined and limited period.

Following, a section will be dedicated to the activism deriving exactly from the illegitimate appropriation many people proved to be ready to fight against: the most emblematic example of these recent years is in fact that of Emery Dyabanza, who together with the collective founded by him started to visit museums with the final aim of resume pieces of collections, representing a kind of “*Art’s Robin Hood*” for the medias, raising the audience of these last ones, and of everyone else, by taping every single action while specifying he is not a rubber, but simply a man doing the right thing in response of several wrong actions committed in the past. His final aim is hence that of improve the awareness of our society that is strictly required an action able, at least, to definitely delete the still existing differences among different cultures, among a superior one and inferior ones.

To conclude the chapter, will be therefore mentioned some important good practices and projects developed following this increasing consciousness and voices claiming for justice once at all. Will be hence demonstrated how some museums have already developed, or are going to develop, new strategies with the goal of change the perception and the perspective normally evocated by the western collection, thinking in a more inclusive way while involving in the narrative all those people being silenced for so long, who are exactly those being colonized in the past (and still in our present): museums are finally recognizing the urgency of change their practices, and the importance of collaborate together with all the agents who must be considered essential to reach the final goal of decolonising our cultural spaces as well. Everyone, from curators, to educators, researchers, artists, institutions, governments and the entire public must cooperate toward the same direction, undertaking an inclusive path through which, if the concrete restitution proves to represent a longer and more difficult option, or even an utopian one, at least a decolonisation of our museums will contribute to the elimination of the strong barriers still existing and characterizing the cultural field of our society.

CHAPTER 1

Sources for the return of art works to the former colonial countries

1.1. International instruments of supposed universal nature

1.1.1. Binding instruments

1.1.1.1. Additional Regulations to the 1899 and 1907 International Conventions of Hague on laws and uses of land war and 1907 Hague Convention (IX) on bombing by naval forces in wartime

According to qualified doctrine, *"les racines du droit international de la culture prennent naissance dans le droit de la guerre"*¹. The first important international treaties attesting a greater attention to this issue are in fact the "Rules of Procedure on laws and customs of the land war" annexed to the "Second Hague Convention" of 1899², the Regulation of the same name annexed to the "Fourth Hague Convention" of 1907, as well as the "Ninth Hague Convention" of 1907 on bombing part of naval forces in wartime.³ These conventions arose following the Peace Conferences convened between the end of the 19th and the beginning of the 20th century by the Tsar Nicholas II of Russia, in order to maintain a general state of non-belligerence and monitor the continued development of armaments. As regards the content of the two Regulations related to laws and customs of the war, in both articles 46 and 56 is found the principle according to which "cultural

¹ Tullio Scovazzi, *La notion de patrimoine culturel de l'humanité dans les instruments internationaux*, Le patrimoine culturel de l'humanité/The Cultural Heritage of Mankind, 2008.

² The Second Convention was signed in The Hague on 29 July 1899 and entered into force on 4 September 1900.

³ The 1907 Conventions were signed in The Hague on 18 October 1907 and entered into force on 26 January 1910. Italy is a party to the Convention of 1899 but not to that of 1907, of which it is only a signatory. The content of the two Regulations annexed to the Second Convention of 1899 and the Fourth Convention of 1907 is almost identical, especially in those Articles concerning goods cultural.

assets owned by religious, educational, and charitable institutions, and those devoted to the arts and sciences, must be regarded as private property, even if owned by the State⁴ and therefore, they must not be subjected to international looting, destruction or damage”. In addition, Article 27 of both Regulations states that “all necessary precautions must be taken to avoid damage to buildings dedicated to religious worship, art or science, as well as buildings housing charitable institutions and hospitals”. These buildings should also not be used for military purposes and must be marked with a symbol which, if possible, must be notified beforehand to the assailants. It is interesting to note how the article 56 of both introduces the concept of “individual criminal liability” for all those found guilty of the crimes mentioned above, a concept that will then come several times included in international law. Also, in the “Convention on Bombardment by Naval Forces in war time” is found an article, in this case Article 5, which states that “the belligerent parts to take all necessary precautions to avoid hitting those buildings linked to science, culture and the arts, as well as sacred buildings and institutes of charity, always provided that they are not used by the counterpart for military purposes”. In addition, Article 7 provides for “a ban on plundering cities that were captured after the bombing”. One of the main defects of these conventions is that, like all treaties, international rules governing the conduct of the parties in the event of armed conflict, were only applied in cases of international armed conflict issued by official declarations of war, which allowed the formal passage from the application of international peace law to the application of international war law.⁵In addition, almost all provided for the clause *si omnes*, in the sense they were feasible only if all the countries involved in the conflict were also part of the Convention in question.⁶

⁴ Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

⁵ Federico Lenzerini, *The UNESCO Declaration Concerning The Intentional Destruction Of Cultural Heritage: One Step Forward And Two Steps Back*, The Italian Yearbook of International Law Online, 2003

⁶ Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

1.1.1.2. Convention for the protection of cultural objects in the event of armed conflict (The Hague, 1954)

The first text of international law dealing exclusively with cultural heritage is the “Convention for the protection of cultural heritage in the event of armed conflict”, adopted in Hague on 14 May 1954.⁷ The Convention demonstrate at the origin a greater awareness over the importance of cultural heritage, awareness arising from the extensive damage suffered during the Second World War. The Hague Convention of 1954 is the first text, which also contains a detailed definition of cultural good⁸ and enshrines its respect and protection as expressed in the preamble, the damage caused to a cultural asset damage to the cultural heritage of humanity as a whole.⁹ As regards the content of the Convention, it deals with two different levels of protection, namely general protection and special one. All the assets described in art. 1 consists of a “positive obligation committing States to peacetime measures suitable for the protection of cultural heritage in the event of armed conflict and in a negative obligation binding each party to the conflict to compliance with those goods and prevents their use for military purposes”. It shall also commit the Member States to: “prohibit, prevent, or repress any act of theft, plunder, requisition, and retaliation against them, unless it is dictated by imperative military needs”¹⁰. Chapter II of the Convention, on the other hand, specifies that “special protection concerns only those monumental centres and shelters for the protection of movable property registered in the International Register of Cultural Goods under Special Protection”¹¹. For be able to be entered in that register, the goods must meet the requirements referred to the art. 8, par. 1 a)¹². Chapter IV of the 1954 Hague Convention defines the scope of application, which is no longer confined to international armed

⁷ The 1954 Hague Convention entered into force on 7 August 1956 and was ratified by Italy with L. 7 February 1958, n. 279. It currently includes 123 countries, including China and states United States of America, which ratified it on 5 January 2000 and 13 March 2009 respectively. There are still some countries which are rather important at international level, first of all the United Kingdom.

⁸ Chapter I, Art. 1 of the 1954 Hague Convention.

⁹ Alberico Gentili, *La salvaguardia dei beni culturali nel diritto internazionale*, Milano, 2008.

¹⁰ Chapter I, Art. 4 of the Hague Convention of 1954.

¹¹ Chapter II, art. 8 of the Hague Convention of 1954.

¹² That Article provides "*that they shall be at a sufficient distance from a large industrial centre and any objective constituting a sensitive point, such as an airport, a station radio broadcasting means an establishment working for national defence, a port or a station railway of a certain importance or a major road*".

conflicts, or in case of declared war, but also in case of territorial occupation¹³ and conflicts of non-international character¹⁴. As several scholars point out, the latter article is one of the most important innovations compared to the previous Treaties and is rather relevant in present times, during which non-international or mixed conflicts are increasingly frequent¹⁵. In addition, there is no longer provision for the clause *si omnes*, namely that of the High Contracting Parties shall be deemed to be bound even if one of the Powers Parties conflict is not part of the Convention¹⁶. As regards the liability regime, Chapter VII of The Hague Convention, clearly establishes individual criminal liability for all persons who have violated or given orders to violate the Convention itself. The High Contracting Parties must in fact lay down in their legal systems the measures necessary to ensure that such persons are penalty prosecuted, or disciplinarily¹⁷. However, no mention is made for the responsibility of Member States, which tacitly refers to the rules of customary law.¹⁸ In organising the protection of their cultural property, the Contracting Parties may also request the technical collaboration of UNESCO¹⁹ and are required to submit to the General Director a four-year report on the measures planned for the application of the Convention²⁰. Finally, in the Convention's Implementing Regulation precise provisions are given for the establishment of inspection bodies set up for monitoring compliance with the rules laid down in the agreement²¹: first, each Member State contracting party, in case of being engaged in a conflict, "must establish within its territory a representation for the cultural heritage which has the task of overseeing the compliance with the Convention and may have the power to intervene in the event of finding cases of infringement of the rules in question". A General Commissioner for cultural goods is also appointed, who "exercises deliberative functions on matters on the

¹³ Chapter VI, Art. 18, par. 2 of the 1954 Hague Convention.

¹⁴ This means that the provisions concerning respect for cultural goods are also applied in case of internal conflicts, as required by art. 19 of the Hague Convention of 1954.

¹⁵ Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

¹⁶ Chapter VI, Art. 18, par. 3 of the 1954 Hague Convention.

¹⁷ Chapter VII, Art. 28 of the 1954 Hague Convention.

¹⁸ Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

¹⁹ Chapter VII, Art. 23 of the 1954 Hague Convention.

²⁰ Chapter VI, Art. 18, par. 3 of the 1954 Hague Convention.

²¹ Regulation implementing the Convention signed in The Hague on 14 May 1954, Chapter I, Art. 2.

application of the Convention"²², submitted to him by the above representative. He shall also draw up reports on the application of the Convention and communicate them to the Parties concerned and the Protecting Powers, also exercising the power to coordinate or draft bowls himself²³. While the 1954 Hague Convention has the merit of being the first Treaty on International Law to deal exclusively with goods, on the other hand, it lacks some gaps and some inaccuracies: first of all the lack of rules on the return of cultural objects unlawfully removed, subject which delegates to an Additional Protocol.

1.1.1.3. First Additional Protocol to the 1954 Hague Convention

In conjunction with the 1954 Hague Convention, an Additional Protocol was then adopted on the return of cultural objects stolen during an armed conflict. This Protocol must be considered as an international treaty distinct from the Convention to which it refers²⁴. In fact, a country may decide to ratify the Convention without however being forced to ratify even the First Protocol.

1.1.1.4. Second Additional Protocol to the 1954 Hague Convention (The Hague, 1999)

To correct some shortcomings²⁵ of the 1954 Convention and to implement it in some points considered significant, the Hague Conference came to draw up on 26 March 1999 a Second Additional Protocol²⁶ open only to States that are already part of the Convention

²² Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

²³ Chapter I, Art. 6 of the 1954 Hague Convention.

²⁴ The First Protocol, which, like the Convention, dates from 14 May 1954, is currently part one hundred countries, including China; has not yet been ratified by the United States of America and the United Kingdom United. The First Protocol was ratified by Italy with L. 7 February 1958, n. 279, the same the entry into force of the Convention. For status of ratifications and accessions to the Convention and the First Protocol of 1954 it is possible to consult online the site: <http://portal.unesco.org/en/ev.php>

²⁵ Andrea Gioia, *The development of international law relating to the protection of cultural property in the event of armed conflict: the second protocol to the 1954 Hague Convention*, Italian Yearbook of International Law, 2003.

²⁶ The Second Protocol entered into force on March 9 of 2004 and as of November 2011 there are 60 countries that are part of it. During the Conference has been considered the possibility of drafting a revision or amendments formal to the Convention, as well as the idea of drafting a new and separate convention. All these options were hardly feasible: the first two as they provided for the agreement

of 1954. The Second Protocol "does not reduce in any way the importance of the Convention itself, which continues to be the basis for the protection of cultural property".²⁷ In the Second Protocol the object of protection remains unchanged, so that art. 1 refers directly to the definition of cultural property dictated by art. 1, while the first major change concerns the content. In addition, the Second Protocol provides for "two different types of protection", namely "general protection and reinforced protection": even in this case, the safeguard and respect criteria applied are those already established by the Convention but is finally given a definition of safety²⁸. That enhanced protection should remedy the flawed system of the special protection provided in the Convention, but without replacing it. It no longer has the exclusive character of the special protection but is granted potentially to any cultural asset, but only if the three conditions provided by art. 10²⁹ are respected. A list of Cultural Goods is also established under enhanced protection, which provides for more agile and less bureaucratic procedures compared to those provided in the Register for Protected Cultural Goods under special protection³⁰. Speaking about the circulation of cultural goods, in art. 9 are given those provisions relating to the protection of cultural objects in the Occupied Territories, and in particular, this article prohibits the illicit export and transfer of property, in addition to prohibiting archaeological excavations except for strict reasons related to the conservation and preservation of cultural goods. However, no provision is made for the return of goods unlawfully exported for which there is an implicitly reference to the First Protocol. As regards the liability regime of the Second States Protocol it does not foresee particular news: it has instead rather precise rules about individual criminal liability, dual level of liability, distinguishing between serious

unanimous of the High Contracting Parties, while the third would have required excessive negotiation and would have led to the birth of two treaties with parallel content.

²⁷ Jiri Toman, *The Hague Convention: a Decisive Step Taken by the International Community*, Museum International, 2005.

²⁸ The art. 5 dictates in fact a whole series of actions to put into effect in time of peace in order to prevent the damages to the assets cultural in the event of armed conflict, including "the preparation of inventories, the planning of measures of emergency for fire protection or structural collapse, preparation for the removal of movable cultural goods or provisions for the adequate in situ protection of such goods, and the description the competent authorities responsible for safeguarding cultural objects".

²⁹ The cultural heritage in question must be considered of the utmost importance for humanity, they must already be protected by the internal legal system, and, above all, they must not come used for military purposes or as a shield of military sites.

³⁰ Art. 8, par. 6 of the 1954 Convention.

breaches to the Protocol and other breaches³¹. In the case of serious infringements, “it is the responsibility of the Member States to prosecute those responsible in case they are present in their territory, irrespective of their nationality and place in that such infringements have been committed”.³² One of the most important innovations introduced by the Second Protocol is the creation of a special institutional structure³³, namely the “protection of cultural heritage in the event of armed conflict” and the establishment of a “Fund for the protection of cultural objects in the event of armed conflict”, the functions of which are listed in Chapter VI. It is important to note that, the Protocol provides for the cooperation between the Contracting Parties, the Committee and international organisations, are they governmental or non-governmental, provided that they have common goals to those provided by the Convention and by both additional Protocols. Are favoured especially relations with those organisations which already have formal relations with UNESCO, which in this case perform purely advisory tasks. Among the organizations explicitly mentioned in the Protocol are the International Committee of the Blue Shield (ICBS), which is a body set up in 1996 by four major non-governmental organisations, such as the International Council of Archives, the International Council of Museums (ICOM), the International Council of Monuments and Sites (ICOMOS) and the International Federation of Library Associations and Institutions (IFLA). ICBS, collaborates with UNESCO in the Protection of Cultural Heritage, especially in case of armed conflict³⁴; the International Center for the Study of Conservation and Restoration of Cultural Heritage, or Center of Rome (ICCROM) and the Committee International Red Cross (ICRC), which is an intergovernmental organization established in Rome in 1959 by decision of UNESCO which deals with the promotion and conservation of movable or immovable³⁵ cultural heritage.

³¹ Art. 21 of the Second Protocol of 1999.

³² Lauro Zagato, *La protezione dei beni culturali in caso di conflitto armato all'alba del secondo Protocollo 1999*, Torino Giappichelli, 2007.

³³ Frits Kalshoven, Liesbeth Zegveld, *Constraints on the Waging of War*, International Committee of the Red Cross 3rd edition, 2001.

³⁴ Jan Hladik, *The Control System Under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 and its Second Protocol*, Yearbook of International Humanitarian Law, 2001.

³⁵ <http://www.iccrom.org/>

1.1.1.5. Convention on the measures to be taken in order to prohibit and prevent illicit import, export and transfer of ownership of cultural goods (Paris, 1970)

The UNESCO Convention on Measures to Prevent Illicit Trafficking import, export and transfer of ownership of cultural goods, was concluded in Paris on 14 November 1970³⁶ and entered into force on 24 April 1972³⁷. From the Preamble is showed that “cultural goods are at the basis of civilization and believes that the exchange of these goods for scientific, educational and cultural purposes will enrich the cultural background of each people”. In the preamble it also specifies how much the goods are closely linked to their history and origin and therefore international cooperation is necessary in order to maintain their value and allow each State to protect its own cultural heritage. The scope of the 1970 UNESCO Convention³⁸ concerns all movable property considered important by each Member State. Art. 1 is a “true list of cultural goods”, which, in order to fall within the scope of Convention, must have a formal link with their State of origin. Right because of this condition, the 1970 Convention is often considered weak as regards the return of cultural goods, since it is true that not only Member States, but also the owners of cultural goods, can claim their property over them, but it is also true that the Convention is applicable only where such goods have been illicitly stolen from museums or public collections.

However, it should be remembered that here the main object is not the return of cultural goods, but rather the fight to their illicit trafficking, a point with this Convention deals in an exhaustive manner, so much that it will be taken as an example in the drafting of subsequent treaties. It is the responsibility of the Member States to protect cultural goods and to supervise their regular exit from its territory, including through the establishment of national services responsible for the protection of cultural heritages³⁹. An important element of this Convention is the obligation to “establish an export certificate without

³⁶ Jiri Toman, *The Hague Convention – A Decisive Step taken by the International Community*, Museum International, 2001.

³⁷ The 1970 UNESCO Convention was the result of a long preparatory phase and the result of heavy compromises between the different countries, so much that despite today United States, the United Kingdom and France are part of it, their ratification is conditioned by a large number of reservations and declarations.

³⁸ International Legal Materials, *UNESCO Draft Convention on the Illicit Movement of Art Treasures*, Cambridge University Press, 2017.

³⁹ International Legal Materials, *UNESCO Draft Convention on the Illicit Movement of Art Treasures*, Cambridge University Press, 2017.

which such goods cannot leave the territory of the Member State in which they are”⁴⁰. However, the 1970 UNESCO Convention does not lay down any rules which also prohibit the importation of goods without such a certificate, generally limited to prohibit the entry of stolen material in museums or public monuments: in fact, in order to be able to prove their membership of such institutions, the assets must have been previously inventoried in accordance with Art.7 of the 1970 UNESCO Convention. The commitment to impose criminal or administrative penalties on persons responsible for breaches of the said Convention⁴¹ is addressed to the interior legislation of each state, while allowing agreements in a simplified form among the various institutions⁴². States are also required to prohibit with every appropriate means, the illicit transfer of ownership of cultural goods and to allow claims by the rightful owner⁴³, which consists of a request for restitution addressed to the State in issue and should therefore be exclusively through diplomatic way⁴⁴. Very important and innovative is the principle of fair compensation to the purchaser in good time faith provided by Art.7, principle that will be taken up later in the UNIDROIT Convention of 1995 and Community measures. However, one of the shortcomings of this Convention is the fact that it does not provide any provision, which requires Member States to adapt their national law to "dispossess the purchaser of good faith that has, according to the *lex rei sitae*, validly acquired the right of ownership of the property claimed".

1.1.1.6. UNIDROIT Convention on Stolen or Unlawfully Exported Cultural Goods (Rome, 1995)

During the 80s of the last century, UNESCO asked UNIDROIT⁴⁵ to be able to solve some private problems that had not been solved by the 1970 Convention: in particular, the fact

⁴⁰ Art. 6 of the 1970 UNESCO Convention.

⁴¹ Art. 8 of the 1970 UNESCO Convention.

⁴² Art. 9 of the 1970 UNESCO Convention.

⁴³ Art. 13 of the 1970 UNESCO Convention.

⁴⁴ Art. 7 of the 1970 UNESCO Convention; Anyway, in this article, as in the rest of the Convention, there is no indication of the limitation periods for submission of the application, nor on the determination of the burden of proof by the holder in good faith, and especially on the calculation of compensation.

⁴⁵ UNIDROIT, or International Institute for the Unification of Private Law, is an independent and intergovernmental organisation with headquarters in Rome, which deals with harmonizing the private law of different states, paying particular attention to trade laws.

that this Treaty was applied only to goods which had been stolen from museums or public monuments that, even in this case, found application only if such goods were present in an inventory kept by those institutions. In addition, as regards protection of the purchaser in good faith there were difficulties in implementing the Convention depending on whether the buyer was in a common law country instead of a civil law one.⁴⁶ Finally, following eight years of negotiations, at the invitation of the Italian Government, the Committee of Studies and the Committee of Governmental Experts of UNIDROIT met in Rome in 1995, and after a diplomatic conference lasting almost three weeks, came to the approval of the text of the Convention on Cultural Goods stolen or unlawfully exported.⁴⁷ The present Convention is only applied in the case of disputes to international nature and concerns both public collections and property belonging to private individuals. The Convention distinguishes between restitution, which makes reference to stolen cultural goods, and return, which concerns cultural goods instead illegally exported. The first subject is Chapter II, in which relies the basic principle of the Convention based on the fact that “the holder of a stolen asset is obliged to its return, regardless of whether or not the good faith at the time of acquisition”⁴⁸. Chapter III instead speaks about the return of cultural goods, defining as “unlawfully exported those goods that were brought outside the national borders violating the export rules established by the country in which was located the good”⁴⁹. As the Conventions previously mentioned above, the UNIDROIT Convention is not retroactive, so it can only be applied for irregularities that occurred after its entry into force: this point actually limits its applicability in the case of the return of cultural goods removed during the colonial period

⁴⁶ In practice, common law countries protect the original owner of a stolen property, following the *nemo dat quod non-habet* principle, meaning that no one may transfer rights other than owner. On the contrary, the systems of civil law privilege the protection of the owner in good faith and, in the case of restitution, they often provide for the payment of compensation in its favour. Normally, in an international dispute about the ownership of a cultural object is applied the so-called *lex rei sitae*, namely the law of the country in which the good is found. This fact may however encourage illicit trafficking in cultural goods, since traffickers may decide to transfer an asset to a state of civil tradition in such a way as to facilitate the transfer of property and avoid the return of the property in question.

⁴⁷ The UNIDROIT Convention was adopted in Rome on 24 June 1994 and entered into force on 1 July 1998. Currently it has been ratified by 32 countries, including Italy, where it entered into force on 1 April 2000.

⁴⁸ Art. 3 para. 1) of the 1995 UNIDROIT Convention.

⁴⁹ Art. 5-8 of the 1995 UNIDROIT Convention.

1.1.2. Non-Binding international instruments

1.1.2.1. Universal Declaration on Cultural Diversity (Paris, 2001)

Since the First Gulf War in 1991, several Member States have showed their support for the adoption of a text emphasising the importance of recognition of cultural diversity as an *indispensable tool* for maintaining international security and peace. Following the terrorist attacks of 11 September 2001 became even more urgent, so much that, a few weeks after the event, during its thirty-first session, the UNESCO General Conference unanimously approved the Universal Declaration on cultural diversity: the Declaration was adopted on November 2 of the same year and it represents a soft law tool, therefore does not contain any binding provisions for Member States, even if it represents their accession to the principles contained in them and is often the basis in the development of hard law tools. This declaration, which was followed in 2005 by the adoption of a real Convention for the Protection and Promotion of Cultural Diversity (Paris, 20 October 2005), does not give a definition of cultural diversity, but states that "*the respect for diversity of cultures, tolerance, dialogue and cooperation in a climate of trust and mutual understanding are among the best guarantees of peace and international security*"⁵⁰. The Declaration also states the principle that cultural diversity is part of the common heritage of the whole humanity and therefore needs to be defended and promoted as a fundamental right⁵¹. The Declaration also states "the need to distinguish between goods and services and cultural goods" since the former are the fruit of creativity and interaction between cultures.⁵² States should also work together to establish a system of international solidarity to allow the birth of cultural institutions able to spread creativity worldwide.⁵³ Finally, point 13 of the Action Plan is of particular relevance, annexed to the Declaration that states that, in adopting this text, the Member States undertake to "develop policies and strategies for the protection and enhancement of cultural heritage and natural, especially oral and intangible culture, and combating illicit trafficking in cultural goods and services".⁵⁴

⁵⁰ Point 7 of the Preamble to the 2001 UNESCO Declaration on Cultural Diversity.

⁵¹ Art. 1 of the 2001 UNESCO Declaration.

⁵² Art. 7-8 of the 2001 UNESCO Declaration.

⁵³ Art. 10 of the 2001 UNESCO Declaration.

⁵⁴ Action plan annexed to the 2001 UNESCO Declaration.

1.1.2.2. Declaration on the intentional destruction of cultural heritage (Paris, 2003)

Following the destruction of the Bamiyan Buddhas by the regime Taliban in Afghanistan in March 2001, on 17 October 2003 the UNESCO General Conference unanimously approved the Declaration on Intentional Destruction of cultural heritage⁵⁵. In the Preamble there is in fact an explicit reference to this event, and it is also noted that the number of voluntary acts of destruction of the cultural heritage not only in the event of war but also in time of peace. In the Preamble also contains direct references to previous conventions⁵⁶, and customary law on the protection of cultural goods⁵⁷. The field of application of this text includes all those acts of damage or the destruction, even partial, of the cultural heritage, including cultural heritage linked to a natural site⁵⁸. The Declaration invites states to “combat the intentional destruction of cultural heritage through the adoption of appropriate legislative, administrative, educational and technical measures necessary for protect the cultural heritage both in peace and in war⁵⁹ time”. They are also invited to ratify the Hague Convention of 1954 and both its Additional protocols, as well as protocols I and II to the Fourth Geneva Convention of 1949.⁶⁰ As regards the liability regime, the UNESCO Declaration of 2003 states that “States are responsible both if they are involved in the intentional destruction of the cultural heritage, whether they refrain from taking all appropriate measures to ensure that such destruction does not occur”; held in both international collaboration and collaboration with the UNESCO.⁶¹ In addition, the regime of individual criminal liability is established, which provides for the punishment of all those who have committed or have given order to committing acts of violation of cultural heritage⁶². Finally, Art. 9 states that “the intentional destruction of cultural heritage is closely related to violations of human rights

⁵⁵ Francesco Francioni, *The Human Dimension of International Cultural Heritage Law: An Introduction*, European Journal of International Law, 2011.

⁵⁶ In fact, both the Hague Conventions of 1899 and 1907 and their regulations are named annexed.

⁵⁷ Point 8 of the Preamble to the 2003 UNESCO Declaration: <https://en.unesco.org/about-us/legal-affairs/unesco-universal-declaration-cultural-diversity>

⁵⁸ Art. 2 of the 2003 UNESCO Declaration.

⁵⁹ Art. 4-5 of the 2003 UNESCO Declaration.

⁶⁰ Art. 3 of the 2003 UNESCO Declaration.

⁶¹ Art. 8 of the 2003 UNESCO Declaration.

⁶² Art. 7 of the 2003 UNESCO Declaration.

and humanitarian international law”, therefore accession to the Declaration implies recognition of the need to respect these international rules.

1.2. Acts of international organisations

1.2.1. Binding acts

1.2.1.1 UN Security Council Resolution 1483/2003

An important step toward the matter of restitution of cultural heritage has been made in 2003 when the United Nations Security Council adopted Resolution n. 1483, aimed at regulating the situation between Iraq and Kuwait. Among the other provisions present in it, with this Resolution the UN established the repatriation of those cultural goods illegally exported from the territory of Iraq after August 6, 1990⁶³. The Security Council also invited states members to facilitate the return of those assets of particular historical, archaeological, cultural, scientific or religious value, which had been removed by institutions culturally relevant to the Iraqi people, specifically citing the National Museum of Iraq and the National Library of Baghdad. In case it proves necessary, the Resolution also proposed cooperation between Member States and international organisations such as UNESCO and Interpol in order to achieve this goal. Another aim of this Resolution is to promote “international cooperation aimed at banning all types of illegal trade in goods from the territories considered”. Thanks to the adoption of this text, several artifacts that were stolen illegally from Iraq during the First Gulf War and the following decade have returned to their State of origin, even if there are still many who are missing.⁶⁴

⁶³ This date corresponds to the beginning of the First Gulf War and, specifically, the adoption of Resolution 661 (1990) by the United Nations Security Council, whereby condemning the invasion of Kuwait by Iraq and establishing economic sanctions in the comparisons of the latter.

⁶⁴ Neil Brodie, Morag M. Kersel, *The Plunder of Iraq's Archaeological Heritage, 1991-2005, and the London Antiquities Trade*, in *Archaeology, Cultural Heritage, and the Antiquities Trade*, Gainesville: University Press of Florida, 2006.

1.2.2. Non-Binding acts

1.2.2.1 Resolutions of the United Nations General Assembly

One of the international bodies most involved with restitution and return of cultural heritage to their countries of origin is the United Nations General Assembly, which, since 1973, has repeatedly dwelt⁶⁵. In each of these resolutions the importance of returning those works with a particular spiritual and cultural significance for the country of origin is emphasized, reaffirming the concept that “restitution strengthens international cooperation”. At the same time, Member States are invited to fight against the illicit traffic of cultural goods, including through the ratification of the 1970 Convention on measures to prevent illicit import, export and transfer owned by the cultural heritage. Resolution 3187 (XXVIII) of 18 December 1973 is the first act of the United Nations General Assembly to address this issue, making moreover a specific reference to the duty of restitution from those Countries that have come into possession of cultural heritage following a period of colonial domination. In the same year, resolution 3148 of 14 December 1973 recognises the “sovereignty of each Member State to take the necessary measures to implement and protect its cultural heritage”, establishing at the same time the right of every people to develop and preserve their cultural peculiarities. Other innovative resolutions are 33/50 of 14 December 1978, which invites Member States to “sign bilateral agreements for the restitution”, and Resolution 34/64 of 29 November 1979 which invites Member States to “support information and education also through mass communication means”, in order to raise public awareness of the importance of the return of cultural goods to their original country. Resolution 35/128 of 11 December 1980 calls Member States to draw up, if necessary in collaboration with UNESCO, the inventories of cultural heritage present in their territory, while in the following year through the Resolution 36/64 of 27 November 1981, it is also asked to museums and private institutions to return the goods in question, or at least to make available those stored in warehouses, and reminds member states their commitment to implement the infrastructure of museums, with particular reference to conservation techniques and staff training. With the Resolution 54/190 of 17 December 1999 requires the “electronic

⁶⁵ The texts of all resolutions adopted by the General Assembly can be found on the UN website: <http://www.un.org/documents/resga.htm>

transmission of information in order to implement international collaboration and the fight against illicit traffic”. Resolution 58/17 of 3 December 2003 emphasises the importance of training not only for the staff of museums and cultural institutions, but also for the police, in particular the police national borders. Finally, in resolution 64/78 of 7 December 2009 Member States are invited to create an electronic database of their laws and proposes a system of mutual legal assistance to the possible extradition of those individuals who have been proved guilty for crimes against the cultural heritage.

1.2.2.2. Proceedings of the Intergovernmental Committee for the Promotion of the Return of Culture Ownership of the country of origin or restitution in the event of an illegal act Allocation

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation⁶⁶ is an intergovernmental institution with an advisory function, created in 1978 during the 20th session of the UNESCO General Conference⁶⁷. The Committee deals with the promotion of international cooperation and the search for bilateral or multilateral agreements for the return of cultural goods, in particular in those cases where the return of such property is not regulated by international conventions or agreements and especially for those goods that were removed from their country of origin during the colonial domination⁶⁸. Since 1999, the Committee has also been endowed with a Fund, funded by volunteers’ contributions from both States and privates⁶⁹, which allows States “to cover the costs of combating illicit trafficking”. In 1981 the Committee developed a basic module completed with the data of the property for which the return is requested, for the purpose of simplify their return in the event that the parties do not reach bilateral agreement or are at a standstill. This form must be completed by both Parties and shall be

⁶⁶ Thomas Fitschen, *United Nations General Assembly Discusses the Return and Restitution of Cultural Property to the Countries of Origin at its 50th Session 1995*, International Journal of Cultural Property, Cambridge University Press, 2007.

⁶⁷ official website of the Committee:

http://portal.unesco.org/culture/en/ev.phpURL_ID=35283&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁶⁸ Art. 3 of the Statute of the Committee.

⁶⁹ The Fund, or Fund of the Intergovernmental Committee for the Promotion of the Restitution of Cultural Property. Countries of origin or restitution in case of illicit appropriation, It was approved in the November 1999 with UNESCO General Council Resolution 27.

brought to the attention of the Committee to be discussed during ordinary sittings⁷⁰. Over the years, the Committee has helped to solve several disputes, encouraging the return of many objects. However, some cases remain suspended and rather known, like that concerning the friezes of the Parthenon now at the British Museum in London and claimed by Greece: these friezes were transported to the United Kingdom by Lord Elgin in the early 19th century, becoming property of the British Government in 1816 and since then are kept in the British Museum. In recent years there have been several applications for refunds from Greece, which in 1984 decided to bring the case to the attention of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. However, despite the Committee's requests, the marbles in question are still in located London.⁷¹

1.3. Regional instruments

1.3.1. Acts of the Council of Europe

1.3.1.1 European Cultural Convention (Paris, 1954)

The European Cultural Convention was signed in Paris on 19 December of 1954 and entered into force on 5 May of the following year, and it is open to the Member States of the Council of Europe, and to the European states that are not member as well⁷². As is clear from the Preamble, the purpose of this Convention is to encourage the development of a common policy for strengthening the union of European people, also through the study of languages and history of the other Member States⁷³. Art. 1 specifies that “each contracting party is required to safeguard and encourage the development of the European cultural heritage, thereby mentioning for the first time the need to protect a culture that is no longer only national but also collective.” Of particular importance is Art. 4, which

⁷⁰*Promoting the Return or Return of Cultural Heritage:*

<http://unesdoc.unesco.org/images/0013/001394/139407eb.pdf>

⁷¹ James Cuno, *Who owns antiquity? Museums and the battle over our ancient heritage*, Princeton, 2008.

⁷² Council of Europe website: <http://www.coe.int/lportal/web/coe-portal/home>

⁷³The Human Right to Cultural Property, in Michigan Journal of International Law http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1872707;

states that, “in order to promote the study of national and Community civilisations, each Contracting Party shall coordinate its actions in such a way as to facilitate the movement of persons and the exchange of "objects of cultural value"”. However, Art. 8 specifies that “none of the Convention’s provisions should affect any bilateral cultural agreements already signed by Contracting Parties or the desirability of concluding new agreements”. The Parties are therefore entitled to sign additional bilateral treaties, provided that they comply with the provisions contained in this Treaty.

1.3.1.2. European Convention for the Protection of Archaeological Heritage (London, 1969) as revised by the European Convention on the Protection of the Archaeological Heritage (Valletta, 1992)

The European Convention for the Protection of Archaeological Heritage has been concluded in London on 6 May 1969, following the proposal of an Italian delegation with the aim to create a legal instrument that could protect archaeological heritage from the danger of illegal excavations and illicit trafficking of cultural goods⁷⁴. In the Art.1, the London Convention of 1969 presents a definition of this, which is considered archaeological patrimony: then are defined general rules to allow the demarcation of areas of archaeological interest in order to prohibit and punish illegal digging. Art. 4 contains “indications concerning the review of archaeological heritage”, whether public or private, and “excavations in the territory of each contracting State”, with the aim of allow the circulation of information and the study of such findings. It is also established that States “must undertake to promote trade in cultural goods of archaeological value”, provided that such trade takes place legitimately and without affect the cultural heritage of other member countries. Of particular importance is art. 8, which states that “the measures provided for by the Convention in examination must not be an obstacle to trade and the lawful possession of archaeological artifacts”. This protection system, devised in 1969, did not prove to be adequate to combat the damage resulting from economic progress which, especially during the eighties of the last century, favoured the construction of roads, pipelines, intensive crops and urban expansions to the detriment of any

⁷⁴ <http://www.coe.int/lportal/web/coe-portal/home>

archaeological resources present in the territory⁷⁵. For this reason, the Committee of Ministers of the Council of Europe arrived to the adoption of a recommendation on the protection of archaeological property,⁷⁶ which then led to the revision of the text of the previous Convention of London of 1969. On 16 January 1992 was signed in Valletta the European Convention on the Protection of the Archaeological Heritage (Revised)⁷⁷. The (revised) Convention assumes that “archaeological asset is not an important instrument of memory and study for the country alone that hosts it, but for all European states as a whole”⁷⁸. In addition to containing more precise provisions on the recognition of archaeological heritage, it specifies that “are part of it both the finds found on land and those found at sea”, thus extending the legal regime with respect to the Convention of 1969. One of the crucial aspects of the Convention as revised in 1992 is the key role requested to archaeologists and experts, who in addition to helping in the preparation of inventories of the finds present in the territory of the Member States, are also called to “cooperate with the institutions if it is necessary to modify or slow down those territorial plans that may interfere with archaeological excavations”. It is also established that the various “countries should set up such funds to cover the necessary expenditure to protect the archaeological heritage in case of works that can go to affect it”, as well as to “support scientific research and dissemination”. The Convention also calls on the Parties to “create institutions dedicated to the exchange of information necessary to counter illegal excavation and circulation”, as well as establishing a “system of mutual support at both technical and scientific level”, which, however, must not conflict with any bilateral or multilateral agreements that treat the argument.

⁷⁵ Patrick J. O'Keefe, *The European Convention on the Protection of the Archaeological Heritage*, Marine Policy, 1996.

⁷⁶ Recommendation NR (89)5 Concerning the Protection and Enhancement of the Archaeological Heritage in the Context of Town and Country Planning Operations.

⁷⁷ <http://www.coe.int/lportal/web/coe-portal/home>

⁷⁸ Preamble of the European Convention for the Protection of Archaeological Heritage (revised) of 1992.

1.3.1.3. European Convention on Offences relating to Cultural Property (Delfi, 1985)

On 23 June 1985, the Council of Europe signed the Convention on this treaty⁷⁹, assuming that cultural heritage is a unifying factor for the European States, and it is therefore essential that the States cooperate in order to protect it against all kinds of illicit activities. Art. 2 defines the scope of the Convention, referring to the documents in the annex for a complete list of what is considered cultural property⁸⁰, while art. 3 defines which are the unlawful acts against a cultural goods⁸¹. Articles 6 to 11 regulate the restitution of cultural property, calling for “cooperation between States in order to return those assets removed improperly from the territory of a Member State”⁸². Contracting Parties “must inform the private party of the cultural heritage of its discovery if it is believed that its removal was unlawful”⁸³. However, the restitution remains subjected to the legislation of each State, as it must be in accordance with the provisions of the laws of the country of origin of the cultural heritage and the request for return must be by regulatory letter: however, any party may decide not to apply the provisions of Articles. 7 and 8 and therefore refusing to proceed with the restitution, where it may call into question their territorial sovereignty or reasons of public order. Finally, Articles 12 to 19 concern criminal liability and state that “Member States must adapt their legal systems in such a way as to appropriate punishments in case of unlawful acts aimed at cultural goods”. However, no reference is given to individual criminal liability or liability of States.

1.4. Soft law instruments

1.4.1. Recommendation 1072 of 23 March 1988 (International protection of cultural goods and movement of art works Recommendation)

The Recommendation 1072 (1988) was adopted by the Parliamentary Assembly of 23 March 1988 concerning the “international protection of cultural heritage and its circulation within the European Union”. Parliament recognises that “theft, illegal export

⁷⁹ The Delphi Convention was signed by only six countries, notably Cyprus, Greece, Italy, Portugal, Liechtenstein, and Turkey.

⁸⁰ Annex II to the text of the European Convention on Cultural Offences.

⁸¹ Annex III to the text of the European Convention on Cultural Offences.

⁸² Art. 6 of the European Convention on Offences relating to Cultural Property.

⁸³ Art. 7 of the European Convention on Offences relating to Cultural Property.

and abusive archaeological excavations, undermines the integrity of the cultural heritage” of the various countries, which must therefore “cooperate in order to safeguard and facilitate lawful movement of cultural goods”. Considering, however, that the trade in art works cannot be regulated as the trade of any other goods and that legislations about cultural goods are different among countries, the Assembly calls the Member States to “ratify existing international conventions and adopt an Additional Protocol to the Delphi Convention of 1985⁸⁴. The Recommendation also calls for the necessary “legal measures to facilitate the return of cultural objects” and calls on the Member States to “strengthen control over the import and export of cultural goods”, but without specifying what measures should be taken to achieve this. At the same time, the Assembly invites the Countries to introduce “fiscal policies in order to facilitate the acquisition and donation of art works to national institutions”, in addition to approving rules to facilitate the international exchange of them in case of temporary departures from the territory of a Member State, such as organize exhibitions and cultural ones as well.

1.5. Acts of the European Union

1.5.1. Council Regulation No. 3911/92 of 9 December 1992 on the export of cultural goods, as amended by Regulation EC 2469/96, by Regulation EC 974/2001 and Regulation EC 806/2003, then replaced by Regulation EC 116/2009

Regulation EEC 3911/92¹²⁰, as well as the subsequent Directive 93/7/EEC, arises from the need to control the import and export of cultural goods, necessary after the abolition of customs and the consequent free movement of goods within the European Community as provided by the Treaty of Maastricht⁸⁵. In particular, the Regulation accords cultural goods an exceptional regime in relation to other goods⁸⁶ and allows for the establishment of a legislative uniform system to control its export beyond the borders of the European

⁸⁴ Point 8 b) of Recommendation 1072 (1988).

⁸⁵ The Maastricht Treaty, signed on 7 February 1992, provided, among other things, that from 1 January 1993 customs duties between European Union countries were abolished in order to create a market. The European Union is the only one that would allow the free movement of persons, goods and capital.

⁸⁶ The need to standardise controls on the export of cultural goods arises from the fact that rigidity of controls in this matter varies from country to country.

Union.⁸⁷ The scope of the Regulation refers to the goods listed in the Annex, which, while not containing a specific definition of cultural good, defines in detail the goods that need more control of and does not prevent Member States from widening the category of such goods⁸⁸. The main point of the Regulation is the “establishment of an export licence to third countries”, which is valid throughout the territory of the European Community and issued by a competent authority of the State where the property was definitively located, on 1 January 1993. It is necessary both for definitive export and for temporary export and may be refused where the legislation of a State provides for special protection of its historical, cultural or artistic heritage, in accordance with Art. 36 of the Maastricht Treaty. In this case, if the national legal system provides for the issue of a special permit so that cultural goods overcome national borders, in addition to the Community export licence you will also need to submit a certificate of free circulation. The Regulation also provides for the” creation of a Cultural Heritage Committee” with advisory functions, which shall assist the Commission in the application of the Regulation. Subsequent Regulations, EC 2469/96127, 974/2001128 and 806/2003129 modify the original text: specifically, the first one modifies and adds elements in the category of cultural goods listed under heading A of the Annex. The Regulation EC 974/2001 amends heading B of the Annex concerning the values of cultural heritage, and finally, Regulation 806/2003 amends Art. 8 of the previous Regulation 3911/92, allowing the Committee to adopt its own rules of procedure. As a result of these several amendments to the original text, it was decided to repeal Regulation EEC 3911/92 and replace it by Regulation EC 116/09.

1.5.2. Council Directive 93/7 of 15 March 1993 on the refund of cultural objects unlawfully removed from the territory of a Member State, such as amended by Directive 96/100/EC and Directive 2001/38/EC

Directive 93/7/EEC is an intra-Community mechanism governing the relationship between the Member States and concerning the recovery of cultural objects, which have been removed in such an unlawful way from the territory of one of these States⁸⁹. “Are

⁸⁷Francesco Nanetti, Francesca Squillante, *Restituzione di beni culturali illecitamente trasferiti*, Rivista di diritto internazionale, 1997.

⁸⁸Art. 1 of Regulation EEC 3911/92.

⁸⁹Art.1 of Directive 93/7/EC.

subjected to restitution all those goods that have illegally exited after 31 December 1992”, provided that they were “already considered part of the national assets for their particular artistic, archaeological or historical interest”, or are an integral part of a public collection or, again, if they belonged to one of the categories indicated in the Annex. The exit is considered illegal if the property in question crosses the borders of a State in violation of the laws of that State or the rules laid down by Regulation N. 3911/92 or whether it has been lawfully released for a temporary shipment but has not returned within the set timeframe: the refund procedure must be carried out exclusively through the Member States, therefore, are not possible claims brought by private individuals. Since the main purpose of the Directive is the return of the cultural good to its Member State, the holder shall be required to repay even if he or she proves that he or she have acted in good faith. The requesting State is also required to pay a “compensation only if the holder demonstrates that he has acted with due diligence at the time of purchase”. The burden of proof is governed by the law of the State requested, which also sets the amount of indemnification, but the State applicant has the right to claim a refund from those responsible for the illegal exit property from its territory⁹⁰. Finally, the Directive also lays down limitation periods of one year from the date on which the requesting State became aware of the exact location of the cultural property and of its holder. In any case, the restitution action shall “lapse thirty years after the unlawful exit from the territory of a Member State”, and term becomes “sixty-five years if the asset was part of public collections or ecclesiastical ones”. Directive 96/100/EC of the European Parliament and that of the Council of 17 February 1997, amend the Annex to Directive 93/7/EEC and the Regulation EC 2469/96 amended Regulation 3911/92 as well. Similarly, the Directive 2001/38/EC of the European Parliament and that of the Council of 5 June 2001 amends the Directive 93/7/EEC in the field of values to be applied to cultural objects, also as a result of the adoption of the single European currency.

⁹⁰ Art.8 of Directive 93/7/EC.

CHAPTER 2

Cultural heritage and colonial dimension

2.1. Concepts of culture and diversity: a matter of priority

Are some cultures better than others? Or are all cultures and their values essentially the same? In the current use of the term, culture has to do with the study and acquisition of more or less refined knowledge and is often certified by diplomas or degrees: from this point of view, people would therefore be distinguished into cultured and uncultured. From the anthropological point of view, however, all people have culture: from birth in fact, we are immersed in a human environment from which we receive decisive influences for our way of being, where what we are is the result of the meeting of nature and culture. We have a certain height, skin of a certain color, hair dark or blond, etc., but the way we style our hair, whether we let it grow or cut it, or the custom of tattooing our skin, belong to our own culture: by nature for example, we possess the ability to speak, but it is thanks to culture that we learn a particular language. Even the most natural acts have a cultural aspect that is decisive: what we eat, for example, comes from the culture we belong to, that is the reason why in some cultures specific foods are forbidden, either because they are sacred or because they are considered impure. The very first definition of culture in the anthropological sense is the following one, given by Edward B. Tylor's inside his book "*Primitive Culture*"⁹¹ in 1871:

“Culture or civilization, taken in its broadest ethnographic sense, is a whole complex that includes knowledge, beliefs, art, morals, law, customs and any other skills and habits acquired by man as a member of society”

⁹¹ Tylor Edward Burnett, *Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Language, Art and Custom*, Dover Pubns, 2016.

Some of these aspects concern the intellectual, immaterial aspect, and seem to be close to culture understood in the common sense. However, morality and law, for example, are not necessarily written, nor do they have to do with study. A people can have a law based on unwritten rules and a shared morality without having the right and morality as disciplines. Other aspects have to do with the material aspect of existence: each people have its own technology, its own way of building houses, making tools, making clothes, cooking food. In Tylor's definition, culture is a whole, and this means that every aspect of a culture is related to the others: cultures are presented as compact universes of meaning, even if it can often be difficult for those coming from a different culture to orient themselves in them. But why is it so difficult for us to recognize the characteristics, the merits, the richness of a culture different from our one? Because, as the great anthropologist Claude Lévi-Strauss⁹² explains with an illuminating metaphor, “the relationship we have with our culture, the one in which we grew up and which we have assimilated, is similar to the relationship that binds a traveller to the train on which he is sitting: when he meets another train, if it proceeds parallel to his, and more or less at the same speed, he can easily look inside through the window and also recognize some details, like the seats, the faces of the passengers”, etc.; “if he proceeds in the opposite direction and at a different speed, on the other hand, our passenger will not be able to recognize almost anything, if not a few confused and indecipherable images, and this will only irritates that passenger, because it interrupts the placid contemplation of the landscape that forms the backdrop to our reveries”. Our culture, in short, guides our glance in a particular direction, so that we are able to decipher a culture that is different from ours the more similar it is to ours, the less the more it is different from it. To an observer whose civilization has educated to follow totally different values, another civilization dedicated to developing its own values seems to have none at all: he has the impression that something happens only in his home, the privilege of a story in which events follow one another. In all other cases, history seems not to exist, but this is an illusion comparable to that, which afflicts the old in their own society, and indeed also the opponents of a new regime. The richness of a culture, or the progress of one of its phases, does not exist as an intrinsic property: it is a function of the situation in which the observer finds himself towards him, of the number and variety of interests that he invests

⁹² Claude Lévi-Strauss, *Razza e storia e altri studi di antropologia* 1967, Einaudi, 1967.

in it⁹³. Now, every member of a culture is closely in solidarity with it, as much as that ideal traveller is in solidarity with his train. From birth, individuals and the things that surround us build in each of us an apparatus of complex references that constitutes a system: behaviours, motivations, implicit judgments that later education will confirm through the reflective vision that it proposes to us of historical becoming. We move, literally dragging this frame of reference with us, and the cultural ensembles that have been constituted outside of it are only perceptible through the deformations that this gives them: it can even make us unable to see them. As stated by the laws of the Universal Declaration of Human and Citizen Rights⁹⁴, men are all equal, that is, they all have the same rights, the right to life, health, respect, freedom to fulfil themselves according to their desires, the right to express their opinions, to choose their religion: to be equal therefore means to have the same rights. However, it does not mean to look alike, to think, to talk, to dress, to behave in the same way, which would be rather sad: diversity is one of the fundamental values of our century, it is color, culture, wealth, exchange, growth, and it is part of the history of every man. "Different" can be considered the foreigner, who differs from us by the color of the skin, the spoken language, uses and customs, "different" can be the one who has a mentality unlike ours, visibly different tastes in the way of dressing and in the way of doing things in everyday life; "different" can also be considered the person who differs radically through his own income, the so-called division into social classes. If we think about it, we're all different, seven billion people in this world, and out of these seven billion people, there's not one like it: each of us has our own language, our own customs and our own skin color, and probably there is no more beautiful thing in the world than trying to share that since what unites us is precisely the fact that we are all different from each other and the fact we are part of one big family, the human beings one. But why does diversity then appear to be a threat, a kind of barrier that stands between people? Why does everything we consider "different" inspire fear? And so, how can we determine who is normal and who is different? It depends on the point of view: the whole history of life on Earth teaches us that "diversity" is a positive factor. The richness of life, in fact, is due to its diversity: diversity of enzymes, cells, plants, organisms, animals. Even for the history of ideas it was like that: the diversity of cultures,

⁹³ Claude Levi-Strauss, *Razza e storia e altri studi di antropologia 1967*, Einaudi, 1967.

⁹⁴ United Nations Official Website: [Universal Declaration of Human Rights | United Nations](#)

philosophies, models, strategies, and inventions has allowed the birth and development of various civilizations. In this field, we should not forget that the Roman Empire, which dominated the Mediterranean for 500 years and much of continental Europe, owed its strength to diversity, being able to occupy distant countries and ensure that their inhabitants served as soldiers to defend the borders. With regard to the concept of culture, it is fundamental to distinguish two fundamental features that characterize it, deriving from the historical development that it has had in the West: the first concerns the classical and therefore humanistic definition model, with regard to exclusively intellectual and moral formation to be carried out in common and not in a way and in an individual sense. The second meaning, considers culture according to the model defined as "modern", consisting of enlightenment and cultural anthropology as defined by Taylor (1871) in the above-mentioned work: the variants of the term have however mainly produced, until the decline of colonialism, forms of "monoculturism", and therefore perspectives based on the superiority of one culture over the others.⁹⁵ The ways in which this presumption has established itself have, as we have seen, been manifold, just as they persist today: movements against it, have clearly developed through forms of pluralism based not only on the recognition of other cultures, on their own tolerance, albeit presenting the limitations related to the emphasis of the value of culture and the circumscription of tolerance to the private sphere. A second crisis of the "monoculturalist" model is the elaboration of a multicultural perspective, which expands the previous approach also aiming at the enhancement and in particular the preservation of these differences. However, even the latter movement presents limits, deriving from the consideration of different cultures as uniform data and not as products of interaction, simply recognizing a plurality of monocultures. The main critical development has thus been through the formulations of a transcultural and intercultural perspective, based on the awareness that cultural identities are always derived from the interactions between different cultures: both, therefore, are interested not only to study, also to promote experiences of interaction. The intercultural approach is promoted as a dialogue, which is not a simple comparison between opinions already defined and consolidated, but as a meeting between two or more interlocutors willing to question their assumptions and why not, even themselves. In order for this effective intercultural dynamic to become a reality, it is

⁹⁵ Giangiorgio Pasqualotto, *Per una filosofia interculturale*, Mimesis Edizioni, Pensieri d'Oriente, 2008.

necessary to keep the differences between the different cultures firm, and perhaps to produce new ones, while at the same time providing training so that these differences do not become obstacles.⁹⁶ An intercultural vision cannot therefore be in the form of a multicultural perspective that limits itself to recording the existence of a multiplicity of cultures, without considering the possibility and the importance of exchanges, crossings, encounters and contamination between ideas and experiences. The gaze of multiculturalism recognizes cultures as living organisms, devoted to expressing and maintaining a well-defined identity profile. This view, replicates on the level of society that luxuriance of biodiversity that progress, on the one hand celebrates through scientific observation, but in other ways threatens: the multiculturalist approach therefore attempts to overturn what is ideologically the Eurocentric limit implicit in its perspective; maintaining a conception of culture substantially traced back to the idea of heritage of values and the representation of identity guaranteed by it.⁹⁷ This therefore wants to break the hierarchical order that comes from this vision, with the aim of giving equal dignity to the various traditions, with all the good will to understand them, according to their principles: This is the sense that allows the survival and the safeguard of characteristics against the threats of the western face that has trampled them in their places of origin, to condemn them to assimilation.⁹⁸ Diversity should be considered an irreplaceable resource: bringing different experiences on the table, different formations help to change the perception of ideas for the better. Each of us has our own way of seeing things, which is influenced by lifestyle, by the family environment, by the cultural environment in which we grew. When two different visions of the world come into play, it turns out that the ways of thinking are often restrictive and that an open mind leads to concrete solutions. Think of the greatest project made by men: space travel on the Moon, made possible only thanks to the competition of minds from different countries. That's why diversity should not be seen as a problem, but as an opportunity, we must therefore open up, accommodate diversity, welcome it as a yardstick of judgment and a way of thinking. We need to understand that the beauty lies exactly in the possibility to enjoy people totally

⁹⁶ Giangiorgio Pasqualotto, *Per una filosofia interculturale*, Mimesis Edizioni, Pensieri d'Oriente, 2008.

⁹⁷ Corrado Viafora, Francesca Marin, *Morire altrove: la buona morte in un contesto interculturale, La radicale differenza tra "multicultura" e "intercultura"* di Adone Brandalise, FrancoAngeli, 2014.

⁹⁸ Bernard Semmel, Sir Halford Mackinder: Theorist of Imperialism, *Canadian Journal of Economics and Political Science*, 1958.

different from us in order to learn many new things and expand our and their knowledge in a reciprocal way. Is diversity therefore a value to be defended and celebrated, or do we live instead in a period in which we tend to approach and homologate? What are the battles necessary for every form of diversity to be respected? ⁹⁹Is there a parallel border that must never be crossed so that diversity is not distorted, risking losing the basic characteristics of identity? Who decides, for example, what is different? Why has diversity been repeatedly and ignobly used as a form of segregation? Is it possible, on the other hand, to equate any characteristic element? Or instead, are there situations, actions, attitudes, or behaviours that nature (or for those who have faith, God) provides that they remain different, without any possibility of homologation? The global communication structures of today's world are centre-periphery structures with a strongly asymmetrical character, in which the West influences the cultures of other parts of the world. Asymmetry also concerns the large-scale organized production of knowledge, ¹⁰⁰which still remains a feature of the centre rather than of the periphery: in this sense, are the Western systems of meaning those that have been incorporated into the cultural inventories of Third World societies since the beginning of colonization. The confrontation between cultures implicated by immigrant phenomena, takes place between a dominant culture, Western in the cases considered here, and the cultures of immigrant groups; with respect to the dominant culture the latter will become, once established the groups, the minority cultures and then, sometimes, the subcultures. This assertion underlies a view of culture as an organization of diversity, at least as it is assumed that the broader culture of which a subculture is part, is not entirely homogeneous. Of this process, the most interesting aspect is that of contamination, a metaphor that wants to recall the processes in which meanings and meaningful forms are formed and socially organized between the centre and the periphery. With regard to the possible asymmetries in the flow of meaning that takes place in contemporary complex societies, should be noted the possibility that there is only a partial sharing of meaning: when individuals encounter each other, may have more or less the same meanings for the context or different meanings. If there is almost total symmetry, the flow of meaning is safer and

⁹⁹ Giulia Romano, *Il valore della diversità come opportunità di crescita*, Geostorie, 2019.

¹⁰⁰ Ulf Hannerz, *La complessità culturale*, Il Mulino, 1998.

easier and if much have been already shared, contextualization can be largely tacit.¹⁰¹ If, on the contrary, as happens for example for immigrants in a western country, there is an obvious asymmetry in alignment with the dominant culture, an effort is required to "put oneself in the perspective of the other" if one wants to give life to a flow of ordered meanings, and there is a greater risk of misunderstanding. In other words, it is necessary to fill a basic asymmetry, because concepts shared in the dominant culture can be understood in other ways and in these cases, there is a shift in meaning that can give rise to conflictual phenomena. If things appear differently depending on where they are observed - one of the recurring themes in today's cultural sociology - when an individual draws from existing meanings, the forms of these can be made to vary and change. Meanings are used as tools and there is a significant intentionality factor in the way they are used: perspectives, or roles, organize the interpretation an individual gives to meaning. Each individual has roles of different types, and they can be connected in some way: sex, age, and ethnicity are generally the basis of these roles. The interaction of perspectives (or roles) produces cultures, and in particular - in our case - subcultures. The term, widely used in anthropology and sociology, spread in the 60s-70s also in everyday language; it should be understood, however, in the sense of a segment of a wider culture, as a plan of cultural sharing, rather than as a subordinate or rebellious cultural entity. Not necessarily, however, an individual is totally encapsulated in a single segment, sub-culturally connoted, of the social structure. He may be involved in a subculture through a role, or through a combination of some of his own roles, and in other subcultures through other roles in his own repertoires. The strongest and most inclusive subcultures are those that can tap into and integrate wider segments of the repertoire of roles; some subcultures remain weak because they are based on shared involvement only in a limited field of activity. This is an aspect of a general problem, that of the involvement of subcultures in a wider whole. It's clear, however, that subcultural boundaries are often more confused than net, except in cases where cultural forms are understood as emblems of social

¹⁰¹ The phenomenon is called *indexicality*: the gestures, cues, words, and other information sent and received by interacting parties have meaning in a particular context. Without some knowledge of the context the biographies of the interacting parties, their avowed purpose, their past interactive experiences and so forth-it would easily be possible to misinterpret the symbolic communication among interacting individuals. This fact of interactive life is denoted by the concept of indexicality. To say that an expression is indexical is to emphasize that the meaning of that expression is tied to a particular context. ([The Indexicality of Meaning, Ethnomethodology, Sociology Guide](#))

distinction, identity signals, when the specificities of a category or belonging to a group should not be confused. The diversity within a complex culture, like a mosaic, results in clusters of meaning with different levels of generality, often enclosed in each other: subcultures, sub-subcultures. An ethnic subculture can be divided according to class, and then again according to age and gender, since each aspect causes a further differentiation of perspectives among the participants in the cultural process.¹⁰² You can look for ways to overcome cultural gaps, ways to make the different lines of thought understandable and acceptable in terms of each other or those of some cultural community plan. Ethnic groups, classes and other social entities exhibit mutual cultural differences, which exacerbates social distinctions and hinders interaction, but at the same time strengthens internal cohesion within the group. If we see others playing a different game, with different rules, social boundaries become stronger and stereotypes increase; when individuals or groups are labelled as deviants, they are isolated from the rest of society, so that they are increasingly sub-culturally encapsulated. In today's complex societies, much of cultural sharing depends on the diffusion of meanings from a centre, and such sharing is today greater than it was in the period when the division of labour, ethnic diversity and other subcultural sharing factors were already stable components of the social structure, while educational institutions and media technology were still underdeveloped.¹⁰³ There are two usual ways of describing contemporary cultures: one centrifuge that emphasizes the fragmentation and isolation of subcultures, the other centripetal which describes homogenization and massification caused by the cultural apparatus; the two points of view should probably be considered together, rather than as separate and contrasting poles. The institutions of the cultural apparatus are connected, in their productions, to particular perspectives,¹⁰⁴ but also the subcultures are clusters of perspectives. The cultural apparatus can make different subcultures¹⁰⁵ known through images of each other, mediating between the subcultures; however, this may mean keeping them separate through stereotyping, as well as approaching them with gestures of benevolent interpretation. In the field of education, a unitary educational apparatus can

¹⁰² Ulf Hannerz, *La complessità culturale*, Il Mulino, 1998.

¹⁰³ Ernest Gellner, *Nations and nationalism*, Cornell University Press, 1983.

¹⁰⁴ Zulma Palermo, *Perspectiva intercultural y opción decolonial*, Revista Latino-americana de Ciencias Sociales y Humanidades, 2011.

¹⁰⁵ Ulf Hannerz, *La complessità culturale*, Il Mulino, 1998.

be for some groups a source of external meaning: if a generalized educational system is one of the factors of cultural homogenization within a society, it is necessary to consider the impact of its messages on non-dominant cultures, to which they may appear to be extraneous, and to contribute to increasing their inconsistency with the dominant culture. A culture of a certain segment of society - class, ethnic or otherwise - can bear the mark of an external cultural apparatus, which is outside the direct control of the members of that group. On the other hand, however, it can intervene in encouraging and increasing the internal coherence of the subculture (coherence and cultural cohesion of the group). Sometimes the distributions of significant attributes are based on ascriptive principles, so that an individual finds himself linked from birth to the cultural emblems of his own social unit. Ethnicity, for example, directs the social organization by making sure that the members of the group demonstrate, through their appearance and their conduct, a certain mutual availability and a certain distance towards the outsiders. Returning to the general discourse on cultures, an important observation concerns their flow and transformation in time: some scholars have highlighted how a society can maintain a greater ability to survive if its cultures bring with them a stock of different models, some of which apparently not functional, but one of which could be adaptive in drastically changed conditions. Diversity in an evolved civilization serves not only to account for differences between individuals, but also to provide the flexibility and "*pre-adaptation*" necessary for unforeseeable changes.¹⁰⁶ Therefore, a certain cultural inconsistency, combined with a certain coherence, contributes to adaptation and adaptability both in the short and long term. In this sense, a society structured on a sufficiently diverse culture is capable of integrating new subcultures when they appear, but similarly the contributions of groups from heterogeneous cultures can, in the longer term, if integrated into the host society, produce new segments and interpretations of the dominant culture capable of making it more flexible and multiple and thus contributing to its future survival. It is not uncommon when it is possible to see that entire people, for often long periods of their history, tend to refer unilaterally to themselves all the reality, to consider themselves at the centre of history, to believe their own values, (religious, ethical, aesthetic, etc.) are the only righteous; they tend in substance to consider themselves superior to the others¹⁰⁷. This

¹⁰⁶ Gregory Bateson, *Verso un'ecologia della mente*, Adelphi, 1972.

¹⁰⁷ Graham Black., *Transforming Museums in the Twenty-first Century*, Routledge, 2011.

attitude is called ethnocentrism: it finds, for example, eloquent testimonies in myths, ethnic denominations and geographical names. In fact, if we study the anthropogonic myths (of man's creation) of "primitive" peoples, we note that the god who created them has assigned them a place of pre-eminence on earth. Thus, for example, the Masai believe that the god from whom they descend and from whom they have learned the ability to raise cattle has made them masters of all cattle, donkeys, sheep, goats of the world; therefore, when they take a head of cattle to the neighbour, they do not think at all of stealing, but rather of exercising their right. The uncritical presumption of one's own superiority implies a disesteem of others, explicit or not: if one defines oneself as a man, it is understood that all others are not such. Nor are the people we consider to be very advanced in the field of critical reflection, such as Greece, extraneous to this attitude: the Greeks, in fact, called the other barbarian peoples, onomatopoeic word that means "stutterers", and not speaking Greek was, for a Greek, to not know how to speak at all. Similarly the geographical denominations bear the same imprint: terms like *Esperia* (which means "land of the evening", West), name with which the Greeks designated Italy, or others used by us as the Middle East, Far East, have a sense only if they assume their position as central; if the point of view changes, designations no longer respond to reality as it was previously seen; the terms could even be reversed, and the proof is given by the fact that a Japanese would never agree to call his country the Far East.¹⁰⁸ A similar way of relating to others is the first and most spontaneous form of ethnocentrism: this attitude is so widespread among human groups that scholars of disciplines such as anthropology or sociology consider it biologically founded, that is, they think it is functional to survival. The defence against the different, which can also be an enemy, serves to keep intact the cultural identity of the group preserving it from external threats. Here, however, a question arises: if what comes to us from nature does not appear to us usually condemnable, then why is ethnocentrism a problem? Well, it is a problem for the reason that from this spontaneous attitude, not negative in itself, we can develop a phenomenon that we consider very negative because of the results it has produced in history: racism. When xenophobia (etymologically: the "fear of the stranger") becomes ideology - that is, the conscious elaboration of theories that establish hierarchies between

¹⁰⁸ Gregory Bateson, *Verso un'ecologia della mente*, Adelphi, 1972.

human groups, the races - and when the enunciation of doctrines that preach violence results in concrete acts of persecution against those believed to be inferior, then we are faced with racism. None of the colonists of the 19th century, including a nation such as England, which practiced the most advanced forms of democracy at home, doubted its civilizing mission. In short, the European nations were convinced that they were going to do good, to bring civilization to the peoples who, in fact, were preparing to oppress. The idea of the inferiority of others and of the civilizing mission served objectively as alibis necessary to motivate actions that would otherwise appear repugnant. Of course, it is difficult to distance oneself from the historical process in which one is involved and in which one operates; however, some voice of dissent was already raised at the time of the Conquest: the Dominican Bartolomé de Las Casas in the “A short account of the destruction of the indies”,¹⁰⁹ made a chilling chronicle of the atrocities carried out by the conquerors, and even more in the Enlightenment period, there were clear positions and passionate denunciations against slavery. However, it has taken a long time for Europe to become aware of the damage done to other peoples: it has been a painful, tiring, and slow process, which perhaps in some cases has not yet been fully completed. It is thanks to the birth of so-called human sciences, such as ethnology, anthropology, and sociology, that the West elaborates a different concept of culture and primitiveness. If culture is what a human group has been able to develop in the course of its history, it is clear that every people is provided with culture and it is equally clear that, by far, there are no higher and inferior cultures and, consequently, the primitive is not an inferior being, but a different and fundamental one. It is thus that cultural relativism is reached, a conception that is the exact opposite of ethnocentrism: while that affirmed a hierarchy of civilization and values, this declares the equal dignity of all cultures. The values thus become relative to the group that adopts them, do not apply to everyone and in an absolute way, assuming that no one can impose their own and trample on others. On the contrary, for the anthropologist the loss of diversity would be an impoverishment of humanity as a whole: as we have previously said. Cultures represent different answers to the same problems and their variety indicates the richness of possibilities that there is in man. Cultural relativism is undoubtedly an important awareness that has produced beneficial effects: a

¹⁰⁹ Bartolomé de las Casas, *A short account of the destruction of the indies*, National Humanities Center, 2006.

spirit of tolerance towards other cultures and interventions of protection against cultures threatened by extinction. However, even this fundamental acquisition brings with it not indifferent problems, in the sense that, for example, the previous attitude of superiority of some have replaced an attitude of self-flagellation, explainable perhaps with the sense of guilt: the others are superior, the more primitive the better. This is the myth of the good savage, a temptation that has been prevalent in European culture since the 18th century. In such attitudes there would be nothing objectionable- precisely if one adopts an optical of tolerance- if we do not see in these impossible escapes in the past the danger of the loss of those who for Westerners are values that structure our cultural identity, and among these values we include science, with its techniques, and democracy with its spirit of tolerance and openness to others: if these values are not recognized and defended as such, we risk losing them. As the anthropologist Vittorio Lanternari wrote, "it is not by going out of one's own history that one builds something valid for oneself individually and for the society to which one belongs: but only by staying in it well implanted". All of this must be strongly affirmed, regardless of the cultural debts that Europe has also incurred towards other civilisations. And what really matters is not whether there are inferior or superior cultures: what cannot be neglected in any way is to understand, establish and defend the idea by virtue of which no one can claim the right to impose his own culture on others. And things go further, since relativism also poses problems from the perspective of "other" cultures: all on the same level in an aseptic way can become strangers to us. Before, Europe had violently interfered, but after the confrontation there was a sort of indifference: under the apparent respect it can hide disinterest, and under the protection, the ghettoization. In some Third World countries, there are rituals such as sati, infibulation, and stoning, of which women are often victims. These are facts which, from time to time, place before the eyes of world public opinion striking cases and which, with all the respect that characterizes the ethics of tolerance of the man who has made cultural relativism his own, they can't leave anyone alone. With regard to these issues, it must be said that there have been extensive and insistent debates in the Western press and to some it seemed that the respect for the "other" cultures, taught by relativism, hid indifference: if they want to stone the adulteress, if they want to burn the Hindu widow on a pyre, do

it as well, if they do it at home¹¹⁰. Now, however, we are at a turning point: Europe, which is experiencing a massive wave of immigration from Third World countries, cannot feel immune to these problems and can no longer lull itself in its indifference. The idea that a multi-ethnic and multiracial society is a value, according to what anthropologists think today, is not affirmed by all and not infrequently, the usual defence mechanisms are set in motion: the rejection of the different and intolerance. This is how new forms of racism are ignited and sometimes even old ones such as anti-Semitism are rekindled. Even at the level of theoretical elaboration, in this legal case, there are considerable difficulties: those people who come to us in search of work are carriers of lifestyles, beliefs and habits that are sometimes radically different from our one, we may think for example about the Islamic culture, often characterized by forms of religious fundamentalism that Europe, generally speaking, has been left behind for at least two centuries. In addition, more concretely, certain rites and customs, such as sati and polygamy, which practiced elsewhere could pose problems of conscience, when practiced in our own home also pose legal ones. In the face of these and other problems, cultural relativism, in its most simplified form, sometimes does not seem to provide adequate answers. For this reason, Ernesto De Martino,¹¹¹ the most famous Italian anthropologist, has elaborated a new concept of ethnocentrism: the critical ethnocentrism, highlighting the fact that when you look at and judge another culture, you cannot look at it and not judge it if not from within a culture, a tradition. The solution, in short, is not tolerance that degenerates into indifference, but rather dialogue, critical interaction: thus, by establishing a scale of unitary values, at least based on the basic principles of coexistence, taking into account new relationships established between different cultures. There is no need to fear confrontation or criticism, since as we judge other cultures, they can criticize ours, in a project of integration in which everyone brings their own culture together with the ability to question themselves. It is certain that the democratic constitutions we have given ourselves, international law, the humanitarian character of the Christian ideals to which we refer, require us to welcome those who ask for our help and, in calling for respect for these rights, believes that we are capable of being consistent with the principles in which

¹¹⁰ Tylor Edward Burnett, *Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Language, Art and Custom*, Dover Pubns, 2016.

¹¹¹ George R. Saunders, *"Critical Ethnocentrism" and the Ethnology of Ernesto De Martino*, Lawrence University, 1993.

we claim to believe. The need to preserve the diversity of cultures in a world threatened by monotony and uniformity has certainly not escaped international institutions, which also understand that it will not be enough, in order to achieve the aim, to pet local traditions and to allow a delay to the times passed. What must be saved is diversity, not the historical content that each epoch has conferred on it and that no one can perpetuate beyond itself. We must therefore “*listen to the growth of wheat*”, encourage the secret potentialities, we must also be ready to consider without surprise, without repugnance and without revolt, how much all these new social forms of expression will offer to us. Tolerance is not a contemplative position, which dispenses indulgences to what was or what is, but is rather a dynamic attitude, which consists in predicting, understanding, and promoting what it wants to be. The diversity of human cultures is behind us, around us and before us: the only requirement we can make to him is that it will be realized in forms, each of which will be a contribution to the greater generosity of the others.¹¹²

2.2. Decolonial thinking: from the roots of the debate to a proposal for a method

The area of debate that can be defined as decolonial thought begins to have a certain international recognition: it was built as an original dialogue on the problem of the relationship between power, modernity, and capitalism, developed within the Latin American debate, but intended to offer a framework for innovative analysis on world history and the processes of globalization. The term decoloniality has now become established in the social sciences: born within a transnational Latin American dialogue as mentioned above, it has been transformed and has taken on different meanings, spreading in several contexts. The term “decolonising” has its own independent history that probably begins from the “Kikuyu” texts of Ngũgĩ we Thiong’O,¹¹³ among the first to have used the term referring to cultural and social processes and not only political ones: it later came to define some analytical macro categories and different forms of political claim. The question of the need to decolonize the scientific and cultural categories

¹¹² Giulia Romano, *Il valore della diversità come opportunità di crescita*, Geostorie, 2019.

¹¹³ Ngũgĩ we Thiong’O, *Decolonising the Mind: The Politics of Language in African Literature*, James Currey, 1986.

therefore goes back to a debate that has a long history and that embraces various geographical contexts, differentiating within itself. Decolonization can also be considered one of the few contributions that Latin American thought has succeeded in getting accepted in the international debate. Although the contrast to colonization is one of the constants of the thought of opposition to modernity, the question of the birth of the category is still debated even among the exponents of decolonial thought: for example, as a premise to the application of a method, Walter Mignolo¹¹⁴ in his “Decolonial Manifesto” presents a genealogy that goes beyond the borders of Abyad Yale (the American continent) and incorporates the experience of social movements as well as that of individual thinkers. In this reconstruction, the decolonial thought was born with the history written by Wamán Poma de Ayala at the beginning of the seventeenth century and continues in various parts of the world in the following centuries. The question of claiming the identity of the subordinate peoples was indeed expressed almost at the same time as the beginning of the processes of colonization and has often re-emerged over the last five hundred years in Latin American culture, especially in the political formation phase of the independent states.¹¹⁵ In recent decades, however, this perspective has taken on new connotations that allow us to question in a more radical way also the founding elements of the construction of the political and epistemological apparatus of the social sciences. Decoloniality has taken on the specific characteristics of an interpretative category that continues to support the need to continue along the path of liberation from colonial oppression, still achieved only partially. Although this perspective includes the transformation of research practices in the social and human sciences, its proposal for change has not yet taken root and is also strongly minority in European experiences of participatory social research.¹¹⁶ This subchapter therefore aims to highlight the strong epistemological-methodological potential that emerge from the original ways in which decolonial thought questions the assumptions, aims and methods of scientific research. Although the notion of decoloniality has a complex history, the term, in its current use, is the result of a reflection that emerges within the great transition experienced by Latin American society since the seventies, in a global context of transition to neoliberalism, as an effect of the transformations brought about by the economic crisis on the forms of

¹¹⁴ Walter D. Mignolo-Catherine E. Walsh, *On Decoloniality*, Durham and London, 2018.

¹¹⁵ Aníbal Quijano, *Colonialidad del Poder, Eurocentrismo y América Latina*, Edgardo Lander, 2000

¹¹⁶ Enrique Dussel, *Historia de la Iglesia en América Latina*, Barcelona: Nova Terra, 1974.

democracy and the functions of the state. In many ways, this story is similar to that which led the subaltern studies to participate in the postcolonial debate.¹¹⁷ Although they emerged in a predominantly academic context, postcolonial studies were initially defined as a set of discursive practices of resistance to colonialism and liberation from colonialist ideologies, in opposition to the permanence of the forms of domination and colonial subjugation.¹¹⁸ In the geopolitical specificities of Latin America, however, a first essential element of difference can be identified. The various dictatorships that have been established here since the seventies, work as a vehicle of expansion and affirmation of the neoliberal mode of domination, dismantling the previous conquests both socio-economic, political, and other obstacles to capitalist accumulation¹¹⁹. In opposition to the reactionary dynamics on the continent, for the first time, indigenous demands, Latin American Marxism, new forms of political organization of independent communities and criticism of patriarchal hierarchies, are openly found together.¹²⁰ Decoloniality comes from their confluence in a single area of thought, which becomes explicit only in the nineties of the twentieth century, when it becomes possible to build again paths of free political and cultural expression. In this context, the proposal put forward by the decolonial debate is also aimed at representing the specificity of the Latin American peoples in the path of liberation, especially because the historical problem of indigenous communities remains that of defending the denied cultural heritage¹²¹. The first formal expression of the category is attributed to Anibal Quijano who uses the expression to define the “colonialidad of the poder”,¹²² aiming to call the gap between colonization as a military, political and cultural process limited in time and space, and colonialidad as a material form of power. If colonialism is the practice of conquest, subjugation, and exploitation, coloniality has proved to be more lasting and profound as a system of power, and this in particular because it is based on the justification of the role of the colonizers

¹¹⁷ Miguel Mellino, *La critica postcoloniale. Decolonizzazione, capitalismo e cosmopolitismo nei postcolonial studies*, Roma: Meltemi, 2005.

¹¹⁸ Ian Adam, Helen Tiffin, *Past the last Post: Theorizing Post-Colonialism and Post-Modernism*, Calgary: University of Calgary Press, 1990.

¹¹⁹ Pablo Sandoval, *Repensando la subalternidad. Miradas críticas desde/sobre America Latina*, Lima: Instituto de Estudios Peruanos, 2010.

¹²⁰ Gennaro Ascione, *Unthinking Modernity: Historical-Sociological, Epistemological and Logical Pathways*, *Journal of Historical Sociology*, 2014.

¹²¹ Sandro Mezzadra, *La condizione postcoloniale. Storia e politica nel presente globale*, Ombre Corte, 2008.

¹²² Anibal Quijano, *Colonialidad del Poder, Eurocentrismo y América Latina*, Edgardo Lander, 2000.

as rational organizers of the world and bearers of a higher order. In its first formulation in "Colonialidad y Modernidad/Racionalidad" the category is used by Quijano to radically rethink the history of modernity as a process of progressive globalization that begins with the colonization of the American continent. The focus is that colonial expansion is accompanied by the construction of a world hierarchy previously non-existent, so the category of race, invented specifically, was indispensable. The global structures of power that emerge from the process of colonization of the American continent, maintain the historical internal hierarchies, adding new ones, in which non-Europeans are always placed in the lower strata, according to a series of new categories: East-West, primitive-civilized, magical/mythical-scientific, irrational-rational, traditional-modern. Within this construction, the category of race and the principle of rationality naturalize and legitimize the hierarchies between European and non-European thought. Thus, also in its Enlightenment reformulation, the idea of rationality has maintained its role as a category aimed at building social hierarchies. ¹²³By attributing a different race to the colonized peoples, it becomes possible to clearly exclude everything that does not correspond to European thought, defining it as not rational and close to the state of nature. It is therefore defined as a process of division excluding the white man-subject from other subjects (indigenous, women). Western scientific knowledge is fully involved in this process, which is determined as the main vehicle for building the image of the world, combining modernity and rationality, and therefore acting as a litmus test of the correctness of colonial vision. Based on this assumption, many reflections have been conducted on the role of research in perpetuating the reproduction of social hierarchies and forms of racial exclusion. ¹²⁴ However, this was done mainly with the legitimization by the scientific community of the discourse on decoloniality, through the adoption by the major US research centres and European academies of theories and practices related to the decolonization of thought. However, one of the specificities of the decolonial proposal regarding the practices of knowledge and research was their explicit placement within a broader political path of material transformation. Made clear the permanence of the colonial structure of power, it is in fact necessary to think of the search for alternatives around which it is possible to build a new decolonized society as the result of a path of

¹²³ Enrique Leff, *Political Ecology: a Latin American Perspective*, Desenvolvimento e Meio Ambiente, 2015.

¹²⁴ Walter D. Mignolo-Catherine E. Walsh, *On Decoloniality*, Durham and London, 2018

liberation. For this reason, within the philosophical-practical proposal of decoloniality, questions related to the political protagonism of the Indigenist organizations of the nineties converge, to the radicalization of the anti-extractivist social conflicts and to the new geopolitical frameworks.¹²⁵ It is also necessary to consider the effort, common to many areas of Latin American intellectual reflection, to build a dialogue with the experiences of community practice.¹²⁶ This is because as new forms of organisation emerge, new problems of interpretation also arise in the social sciences: in this sense, the experience of Zapatismo in Mexico has determined a fundamental passage both for the planetary diffusion of the questions raised and for the continental interest aroused by that experience. The formation of the debate is therefore explicitly inserted in Latin American political history, it is proposed as a project located from a material, temporal, and cultural point of view. To understand the methodological proposal of decoloniality, however, it is equally important to consider its theoretical roots. Although the sociological formation of Quijano remains fundamental, nevertheless his reflection on coloniality also evolves in the light of the transformations of the main currents of thought that pass through it: Latin American Marxism, Antillean socialism and the elaboration of indigenous cosmovision's. The reworking of these strands is the node from which Quijano confronts European critical thinking, in particular with the reflection on the domination and criticism of the Frankfurt School of Enlightenment rationality. This elaboration probably reinforces the need to propose a different solution to the questions on the nature of power, which become inseparable both from a reflection on knowledge and from the critique of the political economy (and ecology) of the new global space.¹²⁷ On the one hand, in comparison with the reflection of Enrique Dussel¹²⁸ on the paradox of domination/liberation and the parallel path of liberation theology, Quijano comes to formulate the inseparability of the forms of knowledge from the presuppositions of power that embody: how to imagine that a knowledge aimed at world domination can be the foundation of a path of liberation? On the other hand, this reflection cannot evade comparison with Marxist thought. The first

¹²⁵ Enrique Leff, *Political Ecology: a Latin American Perspective*, Desenvolvimento e Meio Ambiente, 2015.

¹²⁶ Raul Zibechi, *Autonomías y emancipaciones. América Latina en movimiento*, UNMSM: Programa Democracia y Transformación Global, 2007.

¹²⁷ Eduardo Restrepo, *Teorías contemporáneas de la etnicidad: Stuart Hall y Michel Foucault*, Editorial Universidad del Cauca, 2004.

¹²⁸ Enrique Dussel, *Historia de la Iglesia en America Latina*, Barcelona: Nova Terra, 1974.

phase of Quijano's production concerns the question of the historical-structural dependence on Latin America, in essays on economic sociology with a strong Marxist imprint. In the phase after the eighties, the author problematizes the structuralist structure, passing to the analysis of "colonialidad/decolonialidad del poder", characterized by greater attention to the sphere of intersubjectivity. Quijano argues that coloniality consists of a new universe of intersubjective relations of domination that remains subject to a model of Eurocentric hegemony. The definition is lapidary and very original: this specific universe is what will later be called "modernity"¹²⁹. However, the overcoming of Marxist structuralism does not imply the abandonment of the categories of anti-capitalist criticism, indeed, as evidenced by the importance of the thought of José Carlos Mariátegui at this stage, which is also common to much of the debate. Quijano in fact analyses the way in which these intersubjective relations, the experiences of colonialism and coloniality merge with the needs of capitalism: for example, the racial hierarchies produced by coloniality are considered strictly functional to the need for the creation of a low-cost workforce as they naturalize the forms adopted to achieve labour control.¹³⁰ The modalities of the conversion of the American peoples into a capitalist workforce are at the heart of the reflections of many texts and also bring out the close relationship between the path of the Peruvian sociologist and the debate animated since the sixties by authors as Samir Amin and André Gunder Frank for studies on capitalism in Latin America. Thus, through the redefinition of work, decoloniality becomes the bearer of a strong anti-capitalist criticism. In addition to these reflections, there is certainly the reception of the studies of Boaventura de Sousa Santos¹³¹ and the dissemination of the texts by Walter Mignolo. The first focuses on the destruction of the ways of understanding reality, in particular the alternative forms of knowledge to the European one imposed during the colonial experience: the epistemic work carried out during colonization now involves an effort to reconstruct alternative practices for the construction of knowledge. Finally, Walter Mignolo introduces a further passage that precisely concerns the permanence of colonial models and language and that defines the coloniality of being: the coloniality of being refers to the deepest level of the experience lived with colonization and its impact

¹²⁹ María Noel Míguez Passada, *Discourses Analysis by a Decolonial Perspective*, 2019.

¹³⁰ Aníbal Quijano, *Colonialidad del Poder, Eurocentrismo y América Latina*, Edgardo Lander, 2000

¹³¹ Boaventura de Sousa Santos, *Epistemologies of the South: Justice against Epistemicide*, Routledge, 2016.

on language, and Mignolo clarifies that knowledge and consciousness cannot be separated from language because it represents the place where they are enrolled.¹³² Languages are not things that humans possess, but something that defines them, and the coloniality of power and knowledge therefore necessarily generate the coloniality of being.¹³³ The decolonial methodology is defined as an option, a possibility of action within a process of unhinged colonial practices. In the search for a decolonized epistemology, decolonial thought seems in fact to suggest possibilities, opening alternative paths, rather than precise directions in antithesis between them¹³⁴. The question that arises from European scholars, therefore, concerns the possibility of using in different contexts the methods applied by decolonial thought to the study of indigenous communities. The experiences so far have been mainly linked to the presence of subjects belonging to cultures that have undergone colonization processes defined in classical terms as an expansion of European empires. The novelty represented by the decolonial debate, concerns not only the removal of racial categories or the redefinition of the relationship with power, the theme is not new; European geographical thinking has addressed, for example, the questions of imperialism and race in a long season of reflections that opened to the middle of the last century, partly as a reaction to the support for racial policies that had characterized many studies in previous years.¹³⁵ The novelty of the epistemological approach concerns, among other things, the possibility of reviewing the social construction of reality: in the decolonial vision, even the territory is produced by shared practices and should be analysed as such, as well as a result of the functions of power, which means that those practices must be the subject of study. What the study of decolonial thought suggests to us is that pluralist social practices that build territories are also excluded and, in this perspective, it is essential to consider the possibility that territories have their own genealogy consisting of a series of forms of appropriation, that territorial configurations are also the result of a long sequence of appropriation and claims of power, but that they

¹³² Boaventura de Sousa Santos, *Epistemologies of the South: Justice against Epistemicide*, Routledge, 2016.

¹³³ Zulma Palermo, *Perspectiva intercultural y opción decolonial*, Revista Latino-americana de Ciencias Sociales y Humanidades 1, 2011.

¹³⁴ Boaventura de Sousa Santos, *Beyond Abyssal Thinking: From Global Lines to Ecologies of Knowledges*, Research Foundation of State University of New York, 2007.

¹³⁵ Bernard Semmel, *Sir Halford Mackinder: Theorist of Imperialism*, Canadian Journal of Economics and Political Science, 1958.

are also the result of shared opposition practices. Several cases of experimentation of non-colonial methods have also given rise to a debate on the concrete ways of decolonization of research that is producing a change within the academies¹³⁶. A part of the reflections within the geographical debate has found itself having to redefine long-term questions posed by critical thinking that have conditioned several seasons of theoretical confrontation. Studies of historical geography have paid some attention to the problem, probably also because, since their origin, they have been faced with the questions related to the differences in the attribution of meanings and in the social construction of the territories.¹³⁷ But the problem still arises, in the extended terms that also involve the question of the very construction of critical knowledge: in this context, decolonial thinking helps to propose some major questions of method such as the overcoming of analytical frameworks that reproduce state contexts, the collective construction of territories, the positioning of the observing subject, the recognition of internal biosphere relations. This issue is also important for the effectiveness of the social analysis, if we follow the idea that the model of colonial power has become prevalent worldwide and that now in the countries that have been colonized, the social space is managed according to the same scheme¹³⁸. The need to adopt different methods of analysis becomes evident: yet, although it is not possible to identify spaces that have not participated in the historical experience of colonialism, decolonial methodologies do not yet have a strong role. The question of the subject also remains central in the construction of a descriptive framework and in the attribution of meanings, concerning the way in which it acts in the contexts of scientific classification and is repeated in the various hierarchies. An essential point in the change of method precisely concerns the decentralization of the subject both for how it was built in the post-structuralist and deconstructionist debate and for its decolonial declension. Taking up the question asked by Quijano, it is clear that the attempts to get out of that universe of intrasubject relations of domination that defines coloniality are still

¹³⁶ Vásquez-Fernández, Andrea M., Reem Hajjar, María I. Shuñaqui Sangama, Raúl Sebastián Lizardo, e Miriam Pérez Pinedo, *Co-creating and Decolonizing a Methodology Using Indigenist Approaches: Alliance with the Asheninka and Yine-Yami Peoples of the Peruvian Amazon*, ACME: An International Journal for Critical Geographies, 2018.

¹³⁷ Federico Ferretti, *History and philosophy of geography: Decolonising the discipline, diversifying archives and historicising radicalism*, Progress in Human Geography, 2019
<https://journals.sagepub.com/doi/full/10.1177/0309132519893442>

¹³⁸ Ramón Grosfoguel, *The Implications of Subaltern Epistemologies for Global Capitalism: Transmodernity, Border Thinking and Global Coloniality*, Routledge, 2005.

under construction, where part of the decentralisation operation of the entity poses the same difficulties of the decentralisation of Europe, requiring the recognition of other geographies. If it is a question of modifying epistemologies, we cannot limit ourselves to the inclusion of the possibility of the existence of the other, just as we cannot fail to consider the centrality of the question of birth and the essence of geography, as a science that also draws from its methods an ontological status. The Coloniality/Modernity group has come to the definition of three specific modes of decoloniality of power, knowledge, being. For the birth of a decolonial method of investigation, it is essential to define three corresponding lines of reflection, that is to say, the aim to deduce a method from the debate that has developed in the last twenty years. Moreover, it will be necessary to follow Grosfoguel¹³⁹ when he says that decolonization and liberation cannot concern a single dimension of social life, because they require a deep transformation of the sexual, spiritual, epistemological hierarchies, economic, political, racial and gender. Hence, the need to adopt readings that act on several levels and that do not aim to exhaust the understanding of reality. We are forced to consider social transformation in non-reductionist terms, in open conflict with modern thought, including Marxism and different fields of opposition thought. The path is neither linear nor can be encoded in precise terms, but requires great flexibility in the application of study methods and availability and reread their paths in highly critical terms, also with regard to the origins of the disciplines and the ways in which the model of the Western academy organizes the researching.¹⁴⁰ In other words, it is possible to extend a decolonial method, assuming that those already adopted possess all elements of the colonial models of knowledge production. An essential step remains the overcoming of Eurocentrism, not only from a historical point of view, but also from an epistemological one: decolonised methodology must recognise that the status of science as we know it, is wholly dependent on European historical experience, so the idea of redefining the object of the studies - or better to define what is an object of study - following alternative models, remains a specific objective of the decolonial studies. It is important to identify the permanence of colonial categories in the description of processes or their classification, and then move on to a process of deconstruction of categories in their essence of hierarchies of reading reality. Equally

¹³⁹ Ramon Grosfoguel, *The epistemic decolonial turn*, ResearchGate, 2007.

¹⁴⁰ Ramon Grosfoguel, *Transmodernity, border thinking, and global coloniality: decolonizing political economy and postcolonial studies*, ResearchGate, 2008.

fundamental is a process of overcoming the patriarchal structures of knowledge and discourse in the context of this more general project of transformation, since they represent the deepest and lasting form of classification of reality. Decolonial feminism then sought a link with other cultural and political experiences, for example opening reflections on the relationship between gender oppression and extractivism.¹⁴¹ A specific contribution of this line of studies, which has now expanded outside the Latin American context, certainly concerns political subjectivity. Maria Lugones for example proposes a profound reformulation of the decolonial thought question of gender oppression that opens a field of differentiation with the European and American feminist debate, even with the same experience of black feminism. The hierarchical differentiation between man and woman must be thought, according to the Argentine philosopher, as a product of the process of conquest and colonization, is not thinkable outside the dimension of colonial modernity. The categories of race and gender cannot be separated and must therefore be analysed in the light of their belonging to the colonial specificity. It is not just a matter of paying attention to the production of pluralistic geographies, but of reviewing the relationship between space and gender as an inescapable node for the reformulation of geographical analysis methods. Decolonizing the method cannot, moreover, disregard the questioning of expressions directly attributable to colonial rule and of all those categories such as, for example, property, development, and the State, which are part of capitalist modernity in a more general sense. Overcoming the Eurocentric model also means abandoning the idea that societies develop only within the national state model and that that model is the only institution possible even in the current framework. The national state, as the system-world theory suggests, is one of the historical possibilities, but above all a specific political context, imposed on the rest of the planet in areas where it did not exist before and probably had no reason to exist. Most of the authors call for the acceptance of more articulate formulas, especially in the consideration of models of dialogue and social organization, so, for example, the model of European democracies is seen as the only way to achieve freedom. The great challenge is to imagine an open social political framework in which the broad categories of interpretation are not necessarily dependent on a single institutional form. Overcoming

¹⁴¹ Francesca Casafina, *Modernità, colonialità e genere. Conversazione a più voci dall'America latina*, DEP, 2018.

the approach of state hierarchies and European institutional forms in the planning of surveys is therefore one of the indications that comes from decolonial thought. The construction of research must not regard colonial institutional structures as the only natural expressions of social organization and above all as universally recognized forms. Another passage that decolonial thought suggests is the need to replace the old structuralist paradigms with an articulation of multiple forms and hierarchies of power, where subjectivity and social imagery are not epiphenomena derived from the structure of the world system.¹⁴² The colonial power model is an organizational principle that covers exploitation and domination exercised in multiple dimensions of social existence¹⁴³, from economies to forms of political organization, state institutions, gender relations, knowledge structures and nuclear family¹⁴⁴. For example, ideas of race and racism are not only seen as constructs serving the accumulation of capital on a global scale, but also as building blocks of society. The first methodological proposals on how to implement these passages start from experiences and consider it necessary to redefine the object of the studies through the direct narrative, that is, through the reacquisition of the voice by the indigenous communities. In its evolution, however, decolonial thought has followed several paths to support the implementation of non-colonial research practices. The recovery of memory certainly remains a practice considered fundamental, as well as direct involvement in the various forms of investigation of the subjects that are part of the analysis. The separation between the subjectivity of those who conduct a study and the observed objects is in fact considered a legacy of enlightened rationality. It is probably the most easily replicable experience also because it originally comes from European historiography. There are, of course, major theoretical difficulties, because a further step needed to build a decolonized method of investigation is the ability or possibility of proposing a re-reading of the processes from the interpretation given by the subordinates, especially if there are readings from specific cultures. The dilemma of the Subaltern studies is repeated, even if in a different key, so the search for a direct expression can also be absolutely misleading. In other words, not everything that is

¹⁴² Ramon Grosfoguel, *Transmodernity, border thinking, and global coloniality: decolonizing political economy and postcolonial studies*, ResearchGate, 2008.

¹⁴³ Ramón Grosfoguel, *From Postcolonial Studies to Decolonial Studies: Decolonizing Postcolonial Studies/World-Systems Analysis in the Context of Transmodernity, Border Thinking, and Global Coloniality*, Review Fernand Braudel Center, 2006.

¹⁴⁴ Aníbal Quijano, *Colonialidad del Poder, Eurocentrismo y América Latina*, Edgardo Lander, 2000.

European is false and not everything that is defined as non-European corresponds to an absolute otherness. In this context, the problem of the subjectivity of those who conduct research also seems to recur, of our self-definition and of the ways in which we exercise selections as well as of the possibility that we allow ourselves to define reality in different terms from those codified. Within a cultural context different from that of Latin America, the application of this principle can be useful for the analysis of the patterns of power as well as can bring to light the processes of elimination of the cultures that have characterized the birth of the states or the history of the formation of empires, processes that still often remain even in internal territorial differentiations. The creation of political space by conflict movements, determines the construction of the territory also in the Western model: ¹⁴⁵this means that it is necessary to study the movements and the ways in which they reinvent everyday life and build practices capable of building territories, in all global experiences, not only in postcolonial contexts. Decolonial thinking is strengthening its methodological proposals, expanding the ways in which to apply the decolonization project and seeking a comparison with different areas of the planet. The new radical criticism that it expresses, tends to build a global dialogue that also involves the analysis of political structures and experiences of national liberation. The problem remains, in fact, to overcome the legacy which has continued to determine the society in which the historical heirs of the colonized peoples live together with the historical heirs of the colonizers, in which exasperated forms of defence of power have been reproduced in all its declinations. The criticism was directed at the re-reading of the birth of states and the affirmation of the idea of nationalism as a prospect of remodelling in colonial terms of societies. The state, as the full expression of modernity, is in fact the structure that is built together with the colony: one of the great elements of originality of this Decolonial thought debate is precisely the idea that the origin of the processes of modernity is to be sought in the presence of the colony and not in the birth of the state, in the power of the colony to determine the birth of state forms. Starting from this politically situated base in which it is the structural condition of power that is called into question, decolonial thought has, as we have seen, criticized the philosophical bases of modernity, indicating its origin and deepest nature in a systemic all-encompassing violence. Starting

¹⁴⁵ Sam Halvorsen, *Decolonising territory: Dialogues with Latin American knowledges and grassroots strategies*, Progress in Human Geography, 2019.

from the experience of conflict with the postcolonial form-state, with its imposition of forms of organization and knowledge foreign to indigenous traditions, made it possible to see how the ways of power, knowledge and finally being, that with colonization had been uniquely imposed as higher life forms and socialities, rather embodied another way, located and contingent, to structure the world. The criticism of colonial heritage translates into a more generalized and radical deconstruction of the material, symbolic and practical foundations of most contemporary societies. But it is important to note that decolonial thought is also the expression of the necessary non-closure of this critical project, as well as the fact that it itself is born at a time of deep crisis of modernity, it is not by chance that it is affirmed during the collapse of many of the elements that support the scheme of power. The great crisis of capitalism in the early seventies and the end of the great economic and financial expansion that supported the whole system in the second half of the twentieth century, clearly marked a sharp slowdown in the control capacities of the old systems of power. Those structures were also based on the complex articulation of the forms of social and cultural domination that were the object of analysis of decolonial thought. From that point of departure, a discourse able to call into question some of the main elements of modernity offering some novelties has been developed. Among the categories that are criticized, but also potentially redesigned, it is essential to mention the same idea of modernity, which coincides with a precise idea of progress and above all of overcoming the existing. That idea of overcoming also corresponds to a deeper vision: that of the social emancipation of which European thought had become the bearer. In this context, decolonial thought seems to offer not only a diagnosis of the crisis, but also a possibility of building different paths. Seeing the history of modernity from a decolonial perspective, points out how the emancipation movements that have marked modernity, precisely because of the exclusionary character of the devices that characterized it, have in fact crystallized new forms of domination: the great stages of the ideas of liberation of the last five hundred years have always been accompanied by a substantial hierarchization of the world. Science itself, one of the vehicles of this emancipation, is shown to be such only for some categories (white males), while for others it becomes practice and justification of exclusion (western women and all colonized peoples). In fact, scientific knowledge has been functional to colonial domination systems, it has worked to build rational models of exclusion and it has denied the possibility that there are other ways of

understanding reality. The decolonial methodology, based on knowledge sharing practices and participatory study methods, refers instead to the community knowledge management. Confronting decolonial thought means to recognize the fact that it is also necessary to bring the existence of colonized cultures back to the centre of research practices, in a very difficult process of revising all cultural elements. The specific ways in which decolonial studies have begun to postulate the need to redefine all the problems of the global society in a different perspective, begin to indicate a path that connects aspects considered often distant analysis and socio-political practice of contemporary societies, from the overcoming of patriarchy to the reorganization of work. On the other hand, the proposal to decolonize the world begins to have a certain fortune among the movements that are fighting against the global ecological crisis, in part for the originality of the speech, which allows to imagine scenarios which are totally different from that of today's society, partly because it recalls an idea of relationship with the world and with the biosphere totally different from that produced in capitalist modernity. A possible internal contradiction in this proposal for the application of decolonial methodologies is the risk of putting the defence of identity before the production of new social relations. In tackling this problem, recognition of European critical thinking is also essential. Certainly, the idea of overcoming the political and social experience of the colonial project of the West ¹⁴⁶led the entire debate - from the first elaboration of the *négritude*, the reformulation of the great independence issues in the scenario of the construction of the new democracies of South America. The focus of the discourse remains that according to which colonialism is still alive and has changed form, especially in its most extreme forms of exploitation and appropriation, becoming a system whose extension is planetary: colonialism is, in essence, the form taken by power today in globalized society. However, it is precisely from the historical unavoidability of this path of subjection of the world to a unique and destructive scheme that the drive to root social criticism arises, epistemological, political, and ecological not in the preservation of presumed naturally colonial or decolonial identities, but in a process of liberation from domination and the construction of liberated societies, in which the different subjectivities that oppose this scheme enter the field. This is therefore the starting point for outlining what is the basic assumption, namely that although the colonial period ended years ago, the relationship

¹⁴⁶ Edward W. Said, *Orientalism*, Pantheon Books, 1978.

between Western culture and that of others continues to represent a relationship between higher and lower beings, and coloniality would go beyond what is the colonial era in the strict sense. The relationship between Western culture and others has always been characterized by the relationship between object and subject, thus limiting any kind of connection, communication, exchange of knowledge and ways to reproduce it: it is for this reason that decolonisation is important in order to create new connections based on intercultural communication, giving importance to the benefits of exchanging ideas, cultures, thoughts and experiences, lifestyles, freeing such relationships from the colonial imprint still present today. Coloniality is not the equivalent of colonialism, it does not derive from it is antecedent to modernity, as together they would represent the two sides of the currency: modernity is still characterized by a hierarchical structure of superior and inferior knowledge.

2.3. Cultural oppression colonialism has reproduced in museums: a philosophical, social, and spiritual process

We use to call it "colonial past", but we should also overturn this easy expression claiming that is, for all intents and purposes, actually a present. Anyone who has met in his journey, in a more or less deep way, the history of the modern museum institution, has clashed with a destabilizing revelation: the buildings that since childhood we were educated to recognize as legitimate places of culture, fundamental spaces of production and conservation of knowledge, were built on the same foundations of colonial violence, and conceived as its direct expression. It goes without saying that modern museography, from the first ethnographic museum to contemporary museum institutions, is closely intertwined both at a material level and at an epistemological one, with forms of discrimination and privilege that we have in time interiorized as "normality". Starting from this realization, our traditional idea of museum, and with it the legitimacy of the methodologies employed by this device of knowledge/ power, can only change radically. It is no coincidence that Alpha Konaré, who has been the former president of Mali

between 1992 and 2002 and then president of the ICOM¹⁴⁷ (International Council of Museums), in 1992 identified “the killing of the museum” as the only way to cure the colonial wound. If the idea of museum as we knew it must die, decolonize the museum is a great tool for those who want to start a process of mourning. When we pass, they usually appear to us as dusty rooms, even if they are white and bright or polished when they are older, full of ancient or more recent finds, of known works and anonymous cartographies, of pottery, tapestries and everyday objects that have lost their value of use, perhaps banal but also disturbing to look at them well. Sometimes, there are human finds as if we are dealing with a museum of natural sciences, while we are instead going through a museum dedicated to the peoples subjugated by the colonial enterprise. Those finds respond to our glance - the only act that is granted to us - re-looking at us from behind the glass case that protects them in their induced sleep, excluding us forever any tactile knowledge, any further sensory, and even the sound and the smell.¹⁴⁸ We walk through the rooms of the museum according to predetermined paths, perhaps passively accepting the captions and the information at our disposal as accumulable entities in an imaginary archive that we will rarely consult again. Yet, the experience accumulates in the dust, on the dark velvets on which the individual pieces are laid, under the cones of light that accentuate the forms and that little tells us of their history that is actually still alive, pulsating, and full of violence and oppression. It happens in the ethnographic museums, dedicated to populations no longer so far away, almost extinct, reduced in slavery by the colonizing phenomenon, which is far from being finished. Let's try to understand first of all the meaning of the word ethnographic: it derives from ethnography, which in turn comes from the Greek: *ethnos* (people) + *grapho* (write), so it is literally the “description of the people”. The term has first appeared in 1607, when mentioned to designate collections of reports, and over time it evolved into the method of recording information about different peoples. Doing ethnography therefore means going among those you want to study for a certain period of time and using some research techniques such as observation or interview in order to collect a set of data that make it possible to understand the culture

¹⁴⁷ ICOM Official Website, *Decolonisation and Restitution: Moving Towards a More Holistic Perspective and Relational Approach*: <https://icom.museum/en/news/panel-decolonisation-and-restitution-moving-towards-a-more-holistic-perspective-and-relational-approach/>

¹⁴⁸ Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

in question. Rites, rituals, ceremonies, norms, values, beliefs, behaviours, artifacts, are the main phenomena of interest in the work of the ethnographer. In summary, ethnographic museums are those places that have the task of collecting, preserving and enhancing the anthropological evidence of the territory it represents, thus creating a truly precious centre of culture and research. It is necessary to operate a re-mediation that dismantles the still colonialist construction of the ethnographic or anthropological museum, where the exposed objects undergo a process of exhibition that is the construction of the object represented through the act of putting it on display. Coining this term is possible to highlight the phenomenon for which the object corresponds to the very act of its exposure, that means that on it is operated a cut, a definition, a representation that is an artifact and stereotyped construction according to the dictates of the colonizing perspective. Based on this dynamic exhibition, the ethnographic museum, an institution born in Europe in the period of the greatest colonial expansion when nations build their own identity hegemonic over others exploiting, distorting the imaginations of the submissive peoples for their own purposes, putting in place a way of seeing, and more generally of perceiving, organizes the space of fruition, normalizes and controls the bodies that cross it and not only those anonymous and devitalized belonging to the collections on display. If it is true that the museum is in some way a mirror of the existing, it is necessary to work in order that the similarity related to the dark times evolves to the present and consider the ethnographic museum collection as a field to be cured because intoxicated by the colonial narrative, making it open as a complex and busy discursive space, a laboratory of counter-narratives that dispel the myth of a Eurocentric belief: otherwise, we will face with a distorting mirror.¹⁴⁹ It is therefore necessary to carry out a series of interventions that dismantle this artificial construction, which transform these anoxic spaces into porous, open and interactive rooms. It is necessary to consider not only the curators, but also the performances, the artistic, political, and cultural operations coming from different experiences that are working for a renewed and critical research in the field. The action of showing is thus analysed anthropologically through the narration of one's own experience, intertwined in transdisciplinary activities, which, by mixing with each other, create constellations which are useful to orient ourselves in the museum

¹⁴⁹ Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

paths. It should be kept in mind that the museum exhibition is also based on a kind of invisibility: there are many artifacts and artifacts stored in warehouses accessible only to insiders, sometimes lacking in historical traceability and much more often the result of misappropriations. It therefore generates a perceptive invisibility that through these choices - questionable, obligated, forced or otherwise useful to reactionary propaganda - makes disappear the most genuine nature of the object exposed to glances, sweetening its authenticity as a sacred object or a ritual instrument or a humble tool, because it is fittingly added to it an exoticizing fascination, a sort of "good" memory of old times, when to feel belonging to a "nation", the racist myth of a supposed Western, Northern European, white, imperialist, capitalist, and, in fact, horribly slavish and genocidal superiority was propagated.¹⁵⁰ This narration did not die in the post-colonial period that concerns us, but it survives in the commonplace, in the lexicon, in the delirious sovereignties chanting to obscurantist nationalisms that sadly still cross the entire West today starting from the anti-migratory. We find ourselves facing the aftermath of the colonial hecatomb because a real end is still beyond come. It is not a closed chapter, since we live within a state of widespread colonialism, and it is not just a matter of returning what has been stolen over time to the source communities or of settling for restyling operations of the museum institution by changing its name: it is a matter of turning one's glance upside down to find in those traces under the glass something beyond the ethnographic glance engraved in the museographic tradition that created a certain idea of the colonized countries. Therefore, it is necessary to exercise that questioning glance that highlights those deliberately obscure passages, that engages a constant practice of reflection, open to comparison between different objects and subjects, so that the knowledge of ethnographic and colonial heritage beyond museums, beyond collections, beyond the spectrality of the archive is spread over ten years: a place that is to be considered heterotopic, a place of accumulation that claims to be out of time, abstract and unassailable, established once and for all.¹⁵¹ The question of the museum could be translated into all the other institutional and power cultural structures that surround us: basically, the problem lies in

¹⁵⁰ Catlin-Legutko, *We Must Decolonize Our Museums*, TEDxTalks, 2016:

<https://www.youtube.com/watch?v=jyZAgG8--Xg>

¹⁵¹ Iain Chambers, Alessandra De Angelis, Celeste Ianniciello, Mariangela Orabona, *The Postcolonial Museum: The Arts of Memory and the Pressures of History*, Routledge, 2014.

the fact that the division between theory and practice is rather clear.¹⁵² The first point to decolonize is the one for which should be produced real practices, not only theories: what is the exhibition? The museum in a performative way, and therefore applying a sort of theory, creates structures of representation that make us behave regarding a museum, a structure, or any other form compromised by colonialism, with a sort of objectivity, taking things as if they are. Within the universal exposures, there are essentially two bodies: those of pleasure, (there is a form of eroticization of colonization in exposures) but also those appearing as an object to be consumed. If we look at all the magazines that do contemporary reportage, within the representation that is made there are exactly these two bodies, so the eroticization of objects that become objects of desire and then the obsessive consumption of this body condition as an object. It is an eternal dichotomy, civilization, and savagery, reproduced in the instruments of the contemporary world. We need to consider how the expositions served for example to build in the lower white classes of the proletariat of the time a feeling of superiority, where those people saw in such expositions the possibility of feeling in a better position of the world than those who are exposed as subject to conditions of inferiority. The exhibition is therefore the complex of practices that arbitrarily construct the identity of an object or subject through the act of putting it on display. This practice is a fundamental part of the historical process through which the museum, with its claim to a universal point of view, has made visible the artifacts of other cultures, while simultaneously building the invisibilization of the subjects to which they were taken, the function with which they were created by the community of origin and the colonial violence that led them into the windows. The exhibition is, in some way, the visible facade of the “colonial hauntology”, as defined by Vincent Meessen, that enormous collection of voices that have been repressed by the falsely objective narrative of the museum, and haunt his chambers through their absence or spooky presence.¹⁵³ The museum should become the place of “ethnography of ethnography”, in order to study how the museum created itself and even more how he built himself to say something. How should we balance the score? Maybe we should start from ourselves first, asking to us if we are proud to be heirs of a colonial culture, so discussing our internal structures, not how we relate to, how that museum represents us

¹⁵² Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

¹⁵³ Tony Bennett, *Past beyond memory: Evolution, museums, colonialism*, Routledge, 2004.

or not, how it puts us in crisis or not... The ethnographic museum tells everything about the work in the field, from the colonial period onwards, so why not do a work in the field, the same museum then? Museums are a crucial place if we talk about questioning our identity, at the individual and collective level, when the nationalistic narrative on the one hand leads to new nationalisms, and on the other expresses a powerful transnational discourse.¹⁵⁴ Museums are crucial because they are one of the places that our identity has built, with the vocation of filling with content the imagined identity that is the nation, and it does it through the relationship between space, objects and bodies of people. Ethnographic museums are relevant here, bringing also the notion of seeing our identity as opposed to other peoples and cultures: it is a question of being able to define, enunciate and tell a narrative on the objects shown but on the same to the people we are speaking to, building the identity of the public. Museum today is therefore a place of power both in the negative sense of device and potential¹⁵⁵: there are several western museums that, in addition to having worked on the creation of specific national identity, has also imprisoned certain works, reread, eaten by the dominant, and it is necessary to release them, completely changing the imagination of those who work in museums, questioning the main assumptions such as conservation. Is conservation a priority? Conservation involves some mode of exposure, light, and several implications. It is not a physical incarnation only, but also a conceptual one, as if the objects had been immobilized and weakened compared to what in the objects is vitality, as artifacts of the daily life of people, considering how our objects usually talk about us much better than anything else. It seems like in museums the reflection is blocked: part of ethnographic museums is the result of exhibitions, as if we had felt the need to freeze them inside the museum representation to represent cultures, considering culture not as project but as an object.¹⁵⁶ Releasing the objects in question, would release our epistemologies, removing the idea that the museum is a place that contains different temporalities, and that, however, where the institution itself wants to escape time and make itself eternal: this dimension must be reversed for example by stopping to focus on permanent exposures, and working more on a reduced

¹⁵⁴ James Cuno, *Who owns antiquity? Museums and the battle over our ancient heritage*, 2008.

¹⁵⁵ Susanna Pettersson, Monika Hagedorn-Saupe, Teijamari Jyrkkiö, Astrid Weij, *Encouraging collections mobility - a way forward for museums in Europe*, ICOM: https://uk.icom.museum/wp-content/uploads/2015/03/Encouraging_Collections_Mobility_A4.pdf

¹⁵⁶ Robert Aldrich, *Colonial museums in a postcolonial Europe, in African and Black Diaspora*, *An International Journal*, 2009.

temporality, that is the same as life, for example by taking advantage of more temporary exhibitions. In practice decolonizing would also mean relating to the heirs of the Indigenous peoples we are representing: how can an indigenous society, for example, be represented in a non-colonial way? It is a complex issue, of course, and perhaps the creation of a potential museum should be avoided. Perhaps we should think of an institution of another kind, which changes the premise: the museum is born in a historical period of which it is an expression, linked to a concept of possession of the object that if of other cultures is extremely problematic. We have to think on two levels, on what we have gained and to imagine a different way of relation between cultures, like what kind of institution or no-institution we should take into consideration: it is needed to carry out a shared operation on the patrimony, asking who it really belongs to, like many countries in Europe are questioning themselves (an ethical question, a policy that we cannot postpone) giving rise to a transnational dialogue, which unlike many people may think, is not born in Europe from the speech of President Macron in 2017, but several years before. We now return to focus on the concept of mirror as a metaphor, starting from a reflection on the basis of which the museum is not a device that shows, but reflects¹⁵⁷. It is essential in this sense to go beyond the mirror, to transgress coloniality, to go beyond certain logics that we still live today despite the colonial period is over: there is an enormous difficulty in this regard to metabolize change, in an environment in which cultural policies are based on less research and more market logic. The archive creates an illusion of reality, different from a representation and from showing: it creates a kind of spell, so who is mirrored in the museum feels to belong to a community but only if you see in what it shows you and this creates powerful forms of exclusions. First, we need to recognize the museum on a mirror, and then try to enter it being able to see specifically what it contains and how the dramatic museum was built, and then finally be able to get out of it. The museographic flattening on the object, the tool, the machinery (and on the peasant or handicraft work) has helped to erase from the narratives what would instead be the characteristic feature of peasant life¹⁵⁸: class violence, turned by the bosses against the labourers; the legitimate class hatred of the labourers against the agrarian, violent and

¹⁵⁷ Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

¹⁵⁸ The Skinny, *Why museums need to decolonise their collections*, 22 January, 2019:

<https://www.theskinny.co.uk/sexuality/deviance/why-museums-need-to-decolonise-their-collections>

overpowering bosses. We should have a more radical imagination, because perhaps the museum is no longer enough, it is no longer the best place to question our identity: contemporary artists in the museum spaces try to make up for it by transgressing the colonial language and not only the textual and narrative, but the one that builds the space, the curatorial one in the broad sense, on what is the matrix and so the museum archive. We must commit ourselves with responsibility and radical imagination, capacity to build aspirations, working on the imaginative field, questioning ourselves on what our identity is, and what we want the future to be: it is a work that overturns the archival logic in a very disturbing way. It would be necessary to develop installations that show the load of violence, pain and suffering suffered by entire generations of subordinates, effectively making the museum in question a “possible laboratory of counter-narratives” and not simply the display of mute and actually deprived objects, in our eyes, of any meaning. This is true for the colonial past of the West- a past for decades submerged by public discourse, in many cases erased by dominant narratives and reduced to a marginal element - but also for the story of peasant life, life of subordinates, but today recounted in most of the collections without emphasizing this determining tension. The institutional archives represent, in this sense, a territory still partly to be explored: the documents that express power transmit us several stories of rebellions, of violent riots, of miserable and oppressed existences that could become, even in our latitudes, the starting point of conflicting artistic practices, which deform the dominant narrative and propose a radically divergent look.

¹⁵⁹A deep sounding in the archives can, to tell the truth, show with impressive clarity the reverse of “official history”, give us materials and essential documents to understand and also act politically in decolonial key: probably even more that "to overthrow the archive", it would be useful to explore, in depth, the archives to radically overturn the discourse and collectively define new narrative or artistic practices. The invisibilisation of subordinates is in fact an expression of a deeply internalized Eurocentric and colonial perspective. Museums thus become spaces in which Europe is starting to organise its own representation of self and diversity through the spectacular staging of modernity itself, allow themselves to contemplate their own national and colonial identity, recognizing

¹⁵⁹ Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

itself as the "*engine of progress*" of all humanity.¹⁶⁰ Among these spaces, the museum institutionalizes a way of seeing, and more generally of perceiving, organizes the space of fruition, normalizes, and controls the bodies that cross it, and builds its object (*as well as its audience*) precisely through the activity of showing. The decolonization of the museum should be considered as a museographic practice but also as a self-practice, decolonize ourselves to get out of the Eurocentric dimension historically inherent to the museum device, putting in crisis the canonical mechanisms of display present in the exhibition space. Bodies and objects have always been at the centre of the colonial project, often sharing the same status: racialized and sexualized bodies to discipline and exploit, raw materials, artifacts and works of art", the subversion/disruption of such practices also passes through a rethinking of the role of bodies in space. To "decolonize"¹⁶¹ the museum is not enough to give voice to the marginals and the excluded by making a reversal of the narrative: if the submergence of certain existences is an aspect still present in the museum spaces, it is equally necessary to act on the "potential of scandal" of such existences and objects excluded from curatorial practices and, more generally, from public discourse. The "post" of post-colonial does not mean a temporal category, that is, the historical period following the domination over the colonies, but rather a posthumous colonialism, which survives its own death, to underline how it has left a political and cultural structure systemically present in our gaze on the world: a "past that does not pass". "Decolonize" is used as a verb, that is as an active process and always in the process of recognition and questioning of our automatisms, the epistemologies on which they are based and the institutions that perpetuate them. The museum, the main object of analysis here, is clearly only one of these institutions, which should be invested by a contemporary, vast and global decolonization process.¹⁶² This process calls us personally into question: decolonialization means responding to a direct interpellation, and accepting to "learn the discomfort", means accepting the responsibility of being involved today in this transformation, even with the knowledge that today is still too late, so that the burden on future generations can at least become lighter. Decolonizing the museum does not in fact mean simply proposing a movement of reverse visibilization,

¹⁶⁰ Giulia Grechi, *Decolonizzare il museo. Mostrazioni, pratiche artistiche, sguardi incarnati*, Mimesis, 2021.

¹⁶¹ Sean P. Connaughton, Ian Mcniven, *Cultural Heritage Management and the Colonial Culture*, 2019.

¹⁶² Robert Pickard, *Policy and Law in Heritage Conservation*, Taylor & Francis, 2016.

designed to bring out the points of view that have been violently omitted from history, but imagine strategies to maintain the “potential for scandal” previously mentioned.¹⁶³

¹⁶³ UNESCO Official Website, *Reimagining museums for the future*, 2020:
<https://en.unesco.org/courier/2020-3/reimagining-museums-future>

CHAPTER 3

Return the works of the past to rebuild the future

3.1. The controversial character of the restitution of colonial art works: “*pros and cons*”

As we have previously underlined several times above, the relationship between museum heritage and the colonial period is tighter than one might think, considering that within European museums entire collections are literally spoils of war. The heritage of a museum, as discussed in the first chapter, is normally considered as inalienable, where the works of its collections, the treasures exhibited in its halls, the goods laboriously collected in time, represent its beating heart and which it cannot deprive itself of in any way.¹⁶⁴ In November 2017, President Emmanuel Macron, not without a certain courage, announced the commitment of France to return, in the next five years, the stolen goods to the African colonies: “The African heritage can no longer remain hostage museums of Europe”.¹⁶⁵ Since that declaration, the issue of restitutions has been firmly on the agenda of many European governments, representing an issue that involves a very large number of actors. An emergency especially for Africa, whose treasures for the most part (about 90%) are located outside the continent.¹⁶⁶ However, is it really possible to decolonize museums? Is it really possible to return the cultural assets stolen during the colonialism now exhibited in the museums of Europe?¹⁶⁷ For some it is a “clear violation of the right of inalienability of the museum heritage”, for others it is an “act of justice due, something

¹⁶⁴ Ana Filipa Vrdoljak, *International Law, Museums and the Return of Cultural Objects*, Cambridge, 2006.

¹⁶⁵ Sönje Storm, *Colonial art restitution: “The desire is not to wipe museums clean”*, January 23, 2019: <https://www.dw.com/en/colonial-art-restitution-the-desire-is-not-to-wipe-museums-clean/a-47194605>

¹⁶⁶ Clara Cassan, *The Sarr-Savoy Report and Restituting Colonial Artifacts*, Center for art law, January 31, 2019: <https://itsartlaw.org/2019/01/31/sarr-savoy-report/>

¹⁶⁷ Christa Roodt, *Restitution of art and cultural objects and its limits*, The Comparative and International Law Journal of Southern Africa, 2013.

totally wrong that must be repaired at any cost”. The theme is back quite topical with the protests of the “Black Lives Matter” movement in the United States due to the death of African American man, but the answer is not so simple. This have been largely discussed the General Conference of the International Council of Museums (ICOM) in Kyoto¹⁶⁸, during which representatives of museums around the world agreed on one point: enhance communities and promote a proactive approach to contemporary colonialism, a periphrasis that can mean much and nothing, where everything remains to the availability of museums on the Continent. The return, in fact, not only implies the repatriation of some works of art in the countries of origin, but also the “strengthening of the communities to which the goods are returned”: as reported by the vice-president of the Kolkata Centre for Creativity in “The art newspaper”, the recovered artifacts could “Revive art forms, cultural production and entrepreneurial spirit in the previously colonized countries”. Yet, restoring an important part of the works could be the way to reconcile with the past of conquerors while at the same time admit that there are still forms of colonialism in the art/cultural world. According to Tonya Nelson¹⁶⁹, the English president of Icom, museums tend to present a one-dimensional view of history that does not lend credence to the work of some communities, when instead they should present themselves as “platforms for remodelling stories in order to include also those considered “*minor*” within the narrative”. The regulatory framework to which States requesting the repatriation of works refer, is based on certain treaties signed at the end of the Second World War, including the 1954 Hague Convention for the Protection of Cultural Property¹⁷⁰, which is widely mentioned in the first chapter, which provides for the protection of artistic heritage in the event of armed conflict and territorial occupation, inviting signatories to prohibit the looting of the works by the occupiers. There are, at least, three main problems related to the return of looted treasures during colonialism. First, “who determines how much material should be returned?” Second, “how far back in time?” Not all African states today correspond to the kingdoms or former colonies of

¹⁶⁸ ICOM Kyoto 2019 – General Conference: <https://www.icom-italia.org/icom-kyoto-2019-general-conference/>

¹⁶⁹ Tonya Nelson, *Restitution: Moving Towards a More Holistic Perspective and Relational Approach*, ICOM official Website, August 7, 2019: <https://icom.museum/en/news/decolonisation-and-restitution-moving-towards-a-more-holistic-perspective-and-relational-approach/>

¹⁷⁰ Federico Lenzerini, *The UNESCO Declaration Concerning The Intentional Destruction Of Cultural Heritage: One Step Forward And Two Steps Back*, The Italian Yearbook of International Law Online, 2003.

centuries ago. Thirdly, “who guarantees that the museums of the former colonies can have the funds to protect them properly?” Not to mention the other strand that would open, that of cultural assets stolen or confiscated ones among European states. This is not the case with Leonardo Da Vinci’s La Gioconda, which was sold by the Italian painter to Francesco I, King of France for four thousand gold ducats; the same cannot be said of the Parthenon Marbles in Athens on display at the British Museum in London confiscated and transported overseas by Lord Elgin, and for which, for decades, the Greek Government has been demanding its return. Last November something moved for the first time in a long time: French Prime Minister Édouard Philippe approved the loan for five years to Senegal of the sword of El Hadj Omar Tall which had been plundered during the colonial era, assuring that the definitive restitution will take place once the respective French regulations are changed. The Jesus College of Cambridge University announced in November 2019 that it will return a bronze statue, known as Okukor, to Nigeria, which had been looted in 1897 in the then Kingdom of Benin, territory that was part of the British Empire. The Grassimuseum in Leipzig, Germany, has already returned to the Australian government ancient remains and cultural objects belonging to the indigenous population of Western Australia. The Dutch Nationaal Museum Van Wereldculturen (NMVW) did not even wait for the request of repatriation of the assets, and the museum will return the stolen objects from the Netherlands to the countries of origin. NMVW director Stijn Schoonderwoerd told¹⁷¹: “We know that part of our collection was acquired in the colonial period, a period of great differences in power and injustice”. Even Italy has been involved in processes of restitution of works of art, and the “Treaty of Benghazi” of 2008 with which ended the dispute with the former colony of Libya is an example: on this occasion, in fact, Italy agreed to set up a Mixed Committee for the identification of the archaeological assets present in the Italian territory because they were confiscated during the colonial domination. Apart from the progress that may have been made over the years regarding the return of works of art to the former colonial countries and their legitimate owners, the subject remains to be considered as extremely complex in terms of concrete actions aimed at this objective: It is here that the debate is particularly taking place between those who are in favour of this restitution and those who are against it.

¹⁷¹ The Dutch Nationaal Museum Van Wereldculturen official website: *Return of Cultural Objects: Principles and Process*: <https://www.volkenkunde.nl/en/about-tropenmuseum/return-cultural-objects-principles-and-process>

Therefore, will be explored the opinions of those who have expressed themselves in this regard, considering the social, moral, and practical arguments used by those who are for and against the restitution of art works to the former colonial countries, analysing benefits and risks using examples from around the world. Bearing in mind first of all what is the “moral sphere”, those in favour of restitution¹⁷² consider the action aimed in this sense morally correct: this because “the works belong to their countries of origin”, which are of course not the ones in which they are exposed, and “returning them represents morally the right thing to do underlining what is the connection with the place where they were produced and in particular the fact that they represent a cultural part of the history of that specific area”. This connection should therefore be honoured by “repatriating the goods to the place where they were originally produced”. In this regard, there are those who on the other hand would not consider morally correct to proceed in this direction, since considering this action as “the right thing to do should not be taken as a complete answer”: there are those who would not take for granted what mentioned above, primarily questioning the “ability of a country to which the goods would be returned to preserve them”, and thus emphasizing how they are on the contrary “widely housed in Western museums”. Furthermore, if a good or more goods were returned to the country of origin, there is no doubt that “the request from any other country to review its works in the territory to which they belong would start, which would be represent rather a kind of unrealistic situation”. A second argument is that goods displayed in their countries of origin “can contribute to enriching the museum and cultural heritage itself”: those who support this opinion, do it considering how it is possible to really “admire and appreciate the works only if present within their real historical and cultural context”. One might think about the Elgin Marbles, currently housed in the British Museum, which, however, “if admired in the context of the Parthenon of the Acropolis of Athens of which they should be part, would have a completely different relevance”: the one they actually deserve, unlike what happens inside the London Museum, in which on contrary appear “disconnected and purely expropriated from their real meaning” due to the loss of their geographical, historical and cultural context. On the other hand, there are still those who express their disappointment in relation to the main assumption previously expressed,

¹⁷² Tristram Hunt, *Should museums return their colonial artefacts?*, The Guardian Labs, June 29, 2019: <https://www.theguardian.com/culture/2019/jun/29/should-museums-return-their-colonial-artefacts>

considering that “in many cases the place where these works were created has changed far and dramatically compared to the past”: for example, it seems ridiculous to think that a wreck of Roman Britain could be considered more in a context like that of contemporary London, where more or less all traces of Roman civilization have been erased. With regard to the example of the wrecks belonging to the acropolis of Athens, those who oppose to the return, assume that the cultural site has not been properly preserved, adding that the context of the current Orthodox Greece would express probably little appreciation for such an ancient pagan wreck. Another point concerns some statues that the British Museum would have returned to Benin, but which would be admired in any way: the question therefore concerns the sense of returning a work to its country of origin, if its inhabitants and the entire world population have not the opportunity to admire it. The other assumption is that, as has already been said, cultural goods are an integral part of the history of the country in which they are created: there are, therefore, those who point out that in many cases people from the countries where the work is produced are unable to travel to the Western Museum where they have the possibility to admire it: as part of history and national identity, it would be the least we could do to give these people the opportunity to see them. Once again there are those who object, emphasizing that museums are used to make loans in the field of art works, therefore assuming that the fact the works are exhibited in collections of Western museums does not completely exclude that the country in which they were created can have access. Another basic assumption is that such works have been illegally obtained: as has been repeatedly stated, the works have very often been stolen or obtained in rather dubious circumstances, taking as an example the case of the Ethiopian obelisk, which Mussolini appropriated as a spoil of war (in which case the injustice of the act itself was recognized and years later, precisely in 2005, and the obelisk¹⁷³ was returned to the legitimate owners). Once again, the voice of those who oppose to the return of art works to the original countries is being heard, stressing that the UNESCO regulations concern the repatriation of works unjustly removed from the country of origin after 1970¹⁷⁴. This would automatically exclude the illegality of similar actions carried out in previous years, where precious objects have been taken as spoils of war and in several cases taking into account the unsafe conditions

¹⁷³ UNESCO official website, *Aksum obelisk returns to Ethiopia: UNESCO to handle its reintegration into the World Heritage site*, March 17, 2005: <https://whc.unesco.org/en/news/116>

¹⁷⁴ UNESCO official website, *The 1970 Convention*: <https://en.unesco.org/fightrafficking/1970>

of the country of origin in which they would not be properly stored: why, then, should countries which have actively devoted themselves to the preservation of such works return them to contexts where would not be given the equal and right consideration? A further point is that for which such works would be an excellent resource in the field of tourism, which would consist of important revenues for several countries that would thus be deprived of the possibility of economic development through tourism.¹⁷⁵ Those who do not agree with what has been said, however, argue that several countries which may have lost art works in such circumstances, are equally in possession of cultural heritage which equally attracts tourists from all over the world, citing Greek case studies, just thinking about the beautiful beaches, the mild climate all year round, breath-taking landscapes, together with the fact that there are real places and sites of interest such as the sanctuaries of Delphi and Olimpia that despite not being full of art works continue to attract large numbers of tourists. Another assumption is then the one for which the art works would remember the oppression suffered in the past, which would not be really completed if such works persist to be still in the hands of the oppressors: many of these represent real souvenirs of imperialism, a way of imposing its superiority on every front and why not, even on the cultural one. On the contrary, there are those who are completely detached from this position, assuming that there is no “political agenda” on which museums are based, which would act as mere pre-preservers of historical and cultural heritage: the interest could therefore be economic or, as has been stated several times, linked to the maintenance of accessibility and security of these goods. Moreover, no country should want to remember its own oppression,¹⁷⁶ but rather remove that dark moment from its mind and instead remember its triumphant battles. There are still those who stress that, now more than ever, we have resources that can enable us to proceed concretely with the return of goods to the original countries, since in the past it was a rather an utopian action basically taking into account even only the difficulties in terms of means of transport, where on the other hand nowadays is possible to transport everything quickly and easily, especially in safety, exactly through the progress made in

¹⁷⁵ Tristram Hunt, *Should museums return their colonial artefacts?*, The Guardian Labs, June 29, 2019: <https://www.theguardian.com/culture/2019/jun/29/should-museums-return-their-colonial-artefacts>

¹⁷⁶ Nicholas Thomas, *Should colonial art be returned home?*, Financial Times, December 7, 2018): <https://www.ft.com/content/6c61c6e6-f7ed-11e8-af46-2022a0b02a6c>

this regard, preserving property and preventing it from being damaged.¹⁷⁷ Once again, those who on the contrary do not consider the technological innovations of transports sufficient to make restitution so simple, have something to say: firstly, considering undoubtedly superficial the assumption into question, but also because it would send it further to the main point, that nothing excludes that returning the art works to the country of origin would be safe, considering rather that its repatriation could be subjected to sabotage becoming an ideal targets for terrorists, for example. In addition, the country of origin may not have the space and resources to create a safe and comfortable place for the returned works, while in terms of economic and environmental impact, the continuous transfer of works would not be such a practical idea. Some works would have also assumed over time a meaning that would go beyond those that are exclusively their origins, acquiring a connection that on the contrary would take place with the country in which they have been hosted for years:¹⁷⁸ in this field can be taken as an example that of the Egyptian obelisk located in St Peter's Square in Rome, which is no longer merely an Egyptian work, but a true symbol of the Roman rule in the ancient world and of the Christianity that succeeded it. Once again, with regard to the accessibility of works, there are those who do not agree with the exclusive monopoly of works¹⁷⁹ by the original past, considering them part of the wider collective history of all, that would require openness to all those who are interested in knowing what such works can tell everyone: this assumption represents the reason why they should be able to remain preserved within spaces where they can be admired by the largest number of people, taking into account how many western museums give several opportunities to admire such exhibitions with naughty or without any cost.¹⁸⁰ On the other hand, there are those who disagree with this and on the contrary firmly assume that appreciating these works within the context from which they originate has a completely different value, underlining that international visitor who have the opportunity to visit museums in Paris or London, certainly have the means to travel to the countries of these works. So on one side there are those who are

¹⁷⁷ DebateWise, *Historical Artefacts Should Be Repatriated to Their Country of Origin*:

<https://debatewise.org/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/>

¹⁷⁸ DebateWise, *Historical Artefacts Should Be Repatriated to Their Country of Origin*:

<https://debatewise.org/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/>

¹⁷⁹ Catlin-Legutko, *We Must Decolonize Our Museums*, TEDxTalks, 2016:

<https://www.youtube.com/watch?v=jyZAgG8--Xg>

¹⁸⁰ Nicholas Thomas, *Should colonial art be returned home?*, Financial Times, December 7, 2018:

<https://www.ft.com/content/6c61c6e6-f7ed-11e8-af46-2022a0b02a6c>

completely in favour with the return of art works and other types of cultural goods to the countries from which they have been created, and those who are firmly opposed: there are several arguments both the points of view, and of course more than the ones considered above: most certainly, the recurring one use to concern about the possibility that such cultural works, once came back to the countries of origin, could be further stolen¹⁸¹. There are many people who express their disappointment regarding the repatriation because of the lack of security that would characterize the vast majority of the countries in question, where goods rich in cultural, historical, religious, artistic value, would risk being lost forever or being destroyed: on the contrary, it is well known that the Western museum heritage is extremely well known for the care and security in which cultural goods are exhibited from all over the world, to whom they would be so devoted the admiration they deserve. That of the restitution represents therefore a complex theme,¹⁸² that cannot be liquidated with easy and simplistic solutions, within which, as we have seen before, many factors come into play and consequently seems pretty difficult to find an answer and a rule valid for each individual case: for this reason we are facing with a visible difficulty in developing concrete actions that are aimed exclusively at restitution, and in the meanwhile would be more appropriate to implement strategies and challenges aimed at reducing and progressively eradicating totally the differences that it is still easy to perceive between Western works and those belonging to former colonial countries.¹⁸³

3.2. Study cases

In a time when museums are reconsidering roles and practices, it is also useful to reflect on the ways in which they question their colonial past, the relationship with the objects on display, the methods of their acquisition and those of their presentation within the exhibition. The museums, in recent years, are reconsidering and renewing their code of

¹⁸¹ Camilla Pagani, *Museums and Colonialism: Forging a New Educational Mission*, *Reset Dialogs*, 2020: <https://www.resetdoc.org/story/museums-and-colonialism-forging-a-new-educational-mission/>

¹⁸² Claudia Pagani, *Decolonising national museums of ethnography in Europe: Exposing and reshaping colonial heritage*, ResearchGate, 2012.

¹⁸³ DebateWise, *Historical Artefacts Should Be Repatriated to Their Country of Origin*: <https://debatewise.org/204-historical-artefacts-should-be-repatriated-to-their-country-of-origin/>

ethics and their definition in order to respond to the new challenges posed by recent times like the following ones: sustainability, cultural decolonization, innovation, respect for diversity and the relationship with communities as well. To these challenges, can be also added the one represented by the still recent pandemic wave, which forced museums to develop forms of remote management and to reappear online, with more or less positive results, not to lose contact with visitors during the closed and quota opening periods. A reflection of great interest concerns the way museums have begun to question themselves and confront themselves with their colonial past, with the objects on display, with the methods of their acquisition and with those of their presentation within the exhibition. A fundamental tool in this regard is the “ICOM Code of Ethics for Museums”, a professional code of ethics that establishes values and principles for museums and their staff. The code consists of eight principles listed below, divided into several articles on practices to be applied in museums:¹⁸⁴

- “Museums ensure the preservation, interpretation and enhancement of the natural and cultural heritage of humanity”,
- “Museums preserve their collections for the benefit of society and its development”,
- “Museums hold primary testimonies to create and develop knowledge”,
- “Museums contribute to the enhancement, knowledge and management of the natural and cultural heritage”,
- “Resources in museums provide opportunities for other institutions and public services”,
- “Museums operate in close collaboration with the communities from which the collections originate and with the relevant communities”,
- “The museums operate legally”,
- “Museums operate in a professional way”.

¹⁸⁴Elena Franchi, *Musei, etica, colonialismo e repatriation #2*, La Ricerca, 2021:
<https://laricerca.loescher.it/musei-etica-colonialismo-e-repatriation-2/>

Some articles explicitly address the question of the origin of the exhibits, stating that museums, before acquiring an object offered for sale or as a gift, on loan or in exchange, “must ascertain by all possible means that its origin is lawful”. This attention also concerns objects acquired in the past, even more since requests for the return of cultural goods arrived in a museum following colonial conquests and sacred objects and human remains claimed by the communities of origin are increasingly frequent. Many important Western museums, in fact, have enriched their collections thanks to imperialist and colonialist policies.

3.2.1. The British Museum

One of the best-known examples of claiming artwork comes from Greece, with the request for the return of the Parthenon Marbles exhibited at the British Museum in London, where they arrived in the company of the British diplomat Lord Elgin in the early 19th century¹⁸⁵. Lord Byron himself, had strongly opposed the removal of the works, denouncing Elgin’s action in *The Curse of Minerva* and Childe’s *Harold’s Pilgrimage*. Since the birth of the modern Greek State, the country has repeatedly asked for the return of the marbles, always denied by the British Museum as now considered “universal heritage”. The battle for the restitution of the works into question was strongly supported by the Greek actress and politician Melina Mercouri, also in her capacity as Minister of Culture in the eighties of the twentieth century. During a meeting organized by the Oxford Union in 1986, he said: “You must understand what the Parthenon Marbles represent for us. They are our pride. They are our sacrifices. They are our most noble symbol of perfection. They are a tribute to the democratic spirit. They are our aspirations and our name”. Precisely in relation to the pressing demands of Greece, supported by a large part of British and international public opinion, in 2002 nineteen important European and North American museums (including the Louvre, the Hermitage, the Prado, the Rijksmuseum in Amsterdam, the museums in Berlin, the Metropolitan Museum in New York, the Museum of Fine Arts in Boston, the Paul Getty Museum in Los Angeles and, for Italy, the Orifce delle Pietre Dure in Florence) have issued the Declaration on the

¹⁸⁵ William St. Clair, *Lord Elgin and the sinking of his marbles*, Oxford Scholarship Online, 2021.

Importance and Value of Universal Museums, to oppose the repatriation of objects and collections to countries of origin. The Declaration began by condemning the illicit trade in cultural goods, but at the same time stressing that the system of values of the historical moment in which objects and works were acquired was completely different from the contemporary one, and remembering that the presence of those works in museums had allowed the whole world to know the greatness of the civilizations that had created them. For the signatories, the return of the marbles could also represent a dangerous precedent for other museums, which claimed their role in promoting knowledge and reinterpretation of the exhibits, now become part of the cultural heritage of the nation that housed them. Among the various initiatives for the return of the marbles to Greece we can mention the International Association for the Reunification of the Parthenon Sculptures, born in 2005 from the meeting between twelve international associations, and the online campaign Bring them back which aims to collect 1,000,001 signatures to expose the issue to the European Parliament. In May 2020, Greece filed a new request for the return of the marbles, supported by the International Association for the Reunification of the Parthenon Sculptures and the Greek Minister of Culture, the archaeologist Lina Mendoni. As Lina Mendoni mentioned in that occasion, the Acropolis Museum was created to house all the archaeological finds of the area. Britain's position has not changed, however, and Boris Johnson said that "the country does not intend to return the marbles to Greece, as they were legally acquired by the British Museum under the laws of the time". For its part, the British, emphasizing its role as a world museum, exposes its reasons directly on its website. Anyway, an important decision recently taken by the British Museum is the one related to the repatriation of the Benin Bronzes to Nigeria, taken from Africa in 1897 by the troops of Queen Victoria. The Benin Bronzes are part of a 700-piece collection of Nigerian art, and they will be finally brought back to Africa and housed in a new museum based on a long-term loan, since a concrete full restitution would require an act of the British Parliament. The British-Nigerian historian David Olusoga defined the ancient removal of bronzes from the kingdom of Benin (now part of Nigeria) as "a very clear case of appropriation and theft", during which about 4.000 art objects were taken from Benin by a British expeditionary force after the African kingdom rebelled in London. These artifacts are now dispersed between various museums in Europe and the United States, but the British Museum's decision threatens to upset a whole series of claims. The most

famous dispute, however, involves the Parthenon Marbles mentioned above, for which Greece continues to ask in vain for their restitution. Thus India, Pakistan, Iran and Afghanistan claim the “Koh-i-Noor”, the largest diamond in the world, which became part of the British Crown Jewels after the conquest of the Punjab, also in the '800. In addition, Egypt would like to get back the Rosetta Stone, the one that made it possible to decipher the hieroglyphic writing: found in the Nile delta by the Napoleonic troops, it was given to Great Britain on the basis of the Treaty of Alexandria of 1801 and is now exhibited at the British Museum. All demands that have clearly received new impetus from the French report presented by President Macron, for which it was established that the objects of art arrived in France between the late nineteenth and 1960, are to be considered potentially the fruit of raids because Africans were powerless to resist the colonial forces. The report constitutes also the first official list of African art present in France: it is 90 thousand artifacts, 70 thousand of which are kept in the Parisian Museum named after Jacques Chirac, and of these 46 thousand arrived during the “incriminated” period. However, not everyone agrees with this line of conduct: “Macron’s blaming approach is reductive - said the director of the Victoria and Albert Museum in London, Tristram Hunt - we must take into account the history of each object”. In addition, a representative for the British Museum commented to the Times “the public benefits greatly from having museums like ours that house objects from around the world under one roof and make collections accessible to a wider audience”. A position adopted by the same London newspaper, which in an editorial argued that “museums must resist those requests” because the works kept in the European collections “can be better protected and be seen by millions of people”.

3.2.2. The Royal Museum for Central Africa

Another particularly significant case of colonial museums is the Royal Museum for Central Africa, formerly known as the Royal Museum of the Belgian Congo, in Tervuren, Belgium. The Berlin Conference of 1884-1885, also known as the “West African Conference or the Congo Conference”, recognized the Congo Free State under the personal control of King Leopold II of Belgium. The violent administration of the country by the king led to an international scandal and then the passage of the Congo under the

Belgium government and did not achieve independence until 1960. The origin of the museum dates back to the Brussels International Exhibition of 1897, on the occasion of which the colonial section was built in Tervuren and was connected to the capital by a tramway line and through the construction of a large street. The section included stuffed animals, geological samples, traditional Congolese objects, and the main products of the country such as coffee, cocoa, and tobacco, as well as artistic objects created in Belgium for the occasion. In the park was made a copy of African villages that "exhibited" during the day of the true Congolese, some of whom died during their stay in the village. The temporary exhibition proposed by the museum, was called "Human Zoo"¹⁸⁶: Leopold II's idea, was to use the museum as a propaganda tool for his colonial project, attracting funding and convincing public opinion. When the site of the museum, which also included a scientific institute, became too small, Leopold II commissioned a larger one that included an international school, a congress centre, a Chinese section, a sports centre and a station. The new museum would be inaugurated by his successor, King Albert I, in 1910. The museum has changed many names throughout its history, becoming, in 1952, the Royal Museum of the Belgian Congo and, in the sixties, the Royal Museum for Central Africa. In 2013 the museum was closed for restoration and renovation work; reopened in 2018, it is now known as the Africa Museum. In these five years, the entire exhibition has been redesigned to decolonise the narration of the exhibits and present the Congo and Africa from a different point of view from the colonial one. In the previous installation, for example, a wall of the museum presented the names of the Belgians who had died in the country, but no mention was dedicated to the Congolese. The purpose of the reorganization of the museum was therefore to abandon its exclusively colonial story and highlight the Congolese point of view of history, giving a broad space to the contemporary image of Africa celebrating art, music, and customs. As director Guido Gryseels stated, "We will obviously retain the museum for Belgian colonial history, but we want to reflect a new vision of Africa (...), we would like to be a window on to contemporary Africa, on the Africa of today".¹⁸⁷ Despite the changes and the new setting, the reopening of the museum was however accompanied by heavy criticism. The inauguration was opposed by demonstrations by activists protesting against the display

¹⁸⁶ Elena Franchi, *Musei, etica, colonialismo e repatriation #2*, La Ricerca, 2021: <https://laricerca.loescher.it/musei-etica-colonialismo-e-repatriation-2/>

¹⁸⁷ Suzanne Lynch, *The plunder years: culture and the Colony*, The Irish Times, 2014.

of objects looted during the colonial period and demanding a memorial for the seven Congolese who died in Belgium in 1897 because of their public exposure. The choice is that of focusing on contemporary African art, involving artists charged with reinterpreting the objects and providing a different interpretation, has also been the subject of criticism and debate. Many ethnographic and colonial museums have offered residencies and organized workshops with African artists, but even these initiatives have been seen as a form of paternalism by European countries. As the museum itself admits on its website, many visitors have stated that they have failed to grasp a message of cultural decolonization in the hall of the grand rotunda, where the work of Aimé Mpané “New breath” is exhibited, and activists of the Human Rights Council strongly called for the museum to clearly present the violence perpetrated during the colonial period. Aimé Mpane was commissioned a second work, “Skull of Chief Lusinga”, which refers to the expedition of the Belgian officer Emile Storms to the village of Lusinga in 1884, during which the head of the village was cut off and brought to Belgium. In this way, the two works by Aimé Mpane represent the two aspects that the museum wants to present: the violence of the past and the promise of the future. Aimé Mpane has also involved the Belgian artist Jean-Pierre Müller in the “RE/STORE” project¹⁸⁸, in order to recontextualize the statues already present in the grand rotunda through the use of sixteen semi-transparent veils, on which are printed contemporary images, placed in front of the sculptures, to provide a new reading of the institute’s heavy cultural heritage. On 11 June 2020, the museum also issued a statement in support of the #BlackLivesMatter movement, acknowledging the colonial propaganda setting for which it was established and dissociating from it, condemning colonialism and racism.¹⁸⁹ The statement did not, however, spare him the accusation of hypocrisy by some activists of the movement, forcing the museum to make further excuses on the site. The museum also emphasized that the sculptural group with the bust of Leopold II placed in the park did not fall within their jurisdiction, but in that of the park, committing to contextualize the controversial works, evidence of a violent colonial period, and encourage local authorities to open up

¹⁸⁸ Africa Museum official Website:

https://www.africamuseum.be/de/discover/history_renovation#:~:text=This%20work

¹⁸⁹ Fausto Fiorin, *Perché dobbiamo decolonizzare i musei*, Artribune, 2020:

<https://www.artribune.com/arti-visive/2020/04/decolonizzare-musei/>

to debate with the communities involved. As for the origin of the exhibits, the reopening of the museum coincided with the statement by Joseph Kabila, President of the Democratic Republic of Congo, to the Belgian newspaper “Le Soir”, in which he announced his intention to submit an official request for restitution of the goods by the museum. An example of a request concerns the wooden statue that Alexandre Delcommune, explorer and trader of rubber and ivory, had stolen from the head of Boma, Ne Kuko, which was the subject of three claims: one by the same Ne Kuko in 1878, one by Mobutu in 1973 and the third by a descendant of the Congolese leader shortly before the reopening of the museum.¹⁹⁰ A section of the museum’s website is dedicated to the provenance of the objects, in reference to the activity of provenance research that many museums have undertaken to verify the lawful origin of the goods in their collections. With regard to the issue of refunds to countries of origin, the museum’s site informs that between 1976 and 1982 114 ethnographic finds were returned to the Institut des Musées Nationaux de l’Zaïre (name assumed by the Democratic Republic of the Congo from 1971 to 1997) in Kinshasa and about 600 objects at the National Museum of Rwanda in Butare. There have recently been no formal requests for the return of objects, but the museum declares itself available for comparison and is digitizing archival documents, photographs and films to deliver them to the countries concerned. It is not at all easy, for a colonial museum, born in a specific historical context and with a very precise purpose, to rethink and enhance their collections proposing them in a completely different perspective, not offensive, not racist, in accordance with contemporary sensitivity and respect for human rights. The simple censorship of works cannot be a solution: you cannot erase, forget, or destroy history. The path taken to contextualize objects, contrasting the view of the colonialists with that of oppressed communities, may prove to be the most correct one.

3.3. Activism

At this point should be appropriate to dedicate attention to the considerable episodes characterizing the activism deriving from the illicit appropriation of cultural goods during

¹⁹⁰ Beatrice Falcucci, *Musei per raccontare il colonialismo*, dinamopress.it, 2021.

our colonial past. In this field, the most well-known figure is that of Emery Mwazulu Diyabanza, an African activist, member and coordinator of the Pan-African Collective named “Unitè, Dignitè, Courage”, i.e. UDC, from 2014. He is deeply politically engaged in the promotion of the European Museums decolonization, with the final goal oriented to the total remotion of cultural goods, artworks and other spoils of war from the European collection and the progressive restitution of these ones to their legitimate owners. What should be underlined, is that the scope of his actions is not only that oriented toward the sensibilization of the public regarding the field of museum decolonization and restitutions, while in particular that of concretely start the restitution campaigns previously advanced by France regarding Benin and Senegal. Two years ago, in 2020, Emery Mwazulu Diyabanza performed real actions of remotion and restitutions, while quietly entering inside the bigger European museums hiding his face and while being filmed by his colleagues, with the aim of recover the cultural goods he perceives to pertains his own cultural, i.e. the African one. Right after he made these actions, he uses to share normally the taped videos on his social networks, making everyone aware of his principal scope based on the right re-appropriation of African art. Hence, every theft happens quite normally and without being afraid of the potential consequences, basically because he does not conceive his campaigns as thefts, underling how the colonizers have been, before then everyone else, the rubber: they stole, kill, robbed, raped entire population because of their consideration of them as inferior people, transporting in European countries cultural goods in order to expose them inside their own ethnographic museums. During one of his videos, Diyabanza declares that “Behind this political and symbolic act (the reappropriation of objects) there is the struggle for the liberation of our African motherland from all forms of influence and domination, but also the struggle for the recovery of our cultural and spiritual heritage”; “When you fight a liberation struggle, your person no longer matters. It is the collective interest that comes first, not that of the individual”. His own is also a battle against racism and colonialism, he reflects and goes deep into their born and development, hoping that everyone would make every effort to face the causes, where one these ones is exactly the “destruction of their cultural and identity base”. Emery Diyabanza decided to act in precise moment in which he realizes he should have paid with his own money to admire what actually has been taken with strength from his country: therefore, he does not define himself a rubber, also comparing

himself to Nelson Mandela to certain extent, since “He was defined as a terrorist too, and some years later won the Nobel Peace Prize”. The most known episode related to his activism, is that involving the Quay Brainly Museum of Paris, the emblematic ethnographic museum of the French capital, in which during June 2020 Diyabanza took a funeral pole coming from Ciad, taping a video of 30 minutes while removing the pole from its stand and bringing it outside the museum collection saying loudly, he was there to “Bring art-works home”. The state answer did not wait, and the Paris Court decided to punish him with a fine of thousand euros, which led the activist to press charges against the French State, claiming for the “restitution now and without terms of their heritage”. Another target of Diyabanza was that of the Musee d’Art Africains, Ocèaniens, Amèrindiens of Marseille, where the action happened one month later the one mentioned above. In this case, the man accompanied by the other members of the UDC, is taped while walking around the museum’s collections, expressively point out his disappointment seeing how the majority of cultural goods were closed inside glass boxes: this time to fall into his sights was a saber from the Papua-New Guinea, and he tried to remove it from the museal property. Two months later, the man still continues with his activism, this time in Netherlands, and precisely in the Berg en Dal African Museum: in this case, he tried to remove a Congolese sculpture, and being immediately arrested by the police. Right after his release, happened more or less eight hours later, the museum gave a declaration stating they perfectly recognize and understand the activists’ motivations, while disapproving the way they choose to advance their ideas on the other hand: furthermore, the museal entities added that they would have implemented considerable research works in the field of cultural goods and artworks in the following years. What the activists pointed out is that European government seem to be oriented toward the appropriation of African people cultural goods while delating their identities in order to make them still under a colonial process, to make them “conform” to our Western culture. The activist’s process following the action involving this Netherland Museum was held in January 2021, providing for a probation of two years for Diyabanza and for the prohibition of access to the Afrika museums for a three-year period for all the other members of the collective. One more episode is the one involving the famous Louvre Museum, once again in the French capital, happened in October 2020 while the activist movement tried to bring a sculpture coming from Flores Island in Indonesia: the

taped video perfectly shows Dyabanza trying to remove the sculpture from its place and motivating as always, his action. Once again of course the museal entities intervened quickly to ensure the good being safe, and the man was arrested and released three days later. Also, the judge considered the process “really difficult”, but the final decision was related to a fine of five thousand euros and the prohibition to enter in any museums (lately removed). The man has been interviewed several times always emphasizing the positive side and objectives of his behaviours, but clearly its operations do not find the same comprehension among the people involved in the restitution and museal decolonization field: on one side there are people supporting its activism, considering it important and interesting because it “change the issue of the decision legitimacy related to the use of these museal cultural goods, and point toward the entry price which basically pose a kind of access barrier” as stated by Lott Arndt. On the other side, Marie-Cécile Zinsou, the president of the homonymous Foundation located in Benin, states that this kind of “Active diplomacy” driven by Emery Dyabanza “risks to ruin everything in the moment in which the dialogue between cultures will concretely open”. What can be finally assessed, is that, despite sanctions and figures approving or disapproving the activism illustrated above, the activism driven by Dyabanza has proved to be able to involve a broad public and to make it closer to the importance of museal decolonization.

3.4. The art to save: implementing strategies and identifying challenges in order to think different about the world around us

The museums decolonisation represents now more than ever something crucial for the cultural entities involved, who have issued statements of solidarity and pledges to do their better to decolonise and diversify their collection. It could be useful to conclude the last chapter of this paper highlighting some of the most recent strategies implemented with the aim of pursuing the ultimate goal of cultural decolonization and within the museum spaces. Particularly recent and relevant is the plan developed in Canada, specifically in the city of Ottawa, concerning the creation of a real "decolonization department" within the National Gallery, with the aim of giving impetus to the creation of a museum oriented towards inclusion and open to diversity, giving indigenous artists the voice they deserve.

"Department of Indigenous Ways"¹⁹¹ is the specific name attributed to this project, where the creation of this concrete department is accompanied by the institutions of two positions that will deal with the matter, together to implement the strategic plan calling for the progressive transformation previously proposed. The aim and commitment will therefore be the “re-examination and reimagining the collections present in the museum, to reflect on the diversity strongly supporting the self-determination of indigenous peoples”, all this accompanied by the involvement of the same through activities carried out at local, national and international level: thus the importance is given to the transformation and above all to the necessity that this happens, in order to guarantee justice, equity, inclusion and accessibility; building networks of supervised solidarity and nurturing the movement for the rebirth and decolonization of indigenous lands through a new museum orientation.¹⁹² The curator Steven Loft says that “for Indigenous peoples and others who have not seen themselves in the narratives of this land, it’s time for their stories to be forefront in our shared journey of decolonization and society building. First Nations, Métis and Inuit perspectives, worldviews, and relationship to this land we now know as Canada are fundamental in understanding ourselves, our history, and our possible futures. Art shows us the promise of sharing and understanding (...) it reveals us, to ourselves and to each other, if we let it.” In relation to the previously mentioned case study of the British Museum, despite the fact that the museum’s statutes actually prohibit the return of any work in its collections, seems to have overcome this last obstacle with regard to the famous sculptures from Nigeria: the famous bronze panels, taken at the time from the legendary royal palace of Benin City that was destroyed during the military conquest by the British army, they’ll come home. The exhibition will cover the Edo Museum of West Africa art, still under construction according to the project of the British architect, of Ghanaian origin, Sir David Adjaye: the project in question will include archaeological excavations that will recover the ancient walls of the city, and in addition to the works from London will also include those collected in other museums with which

¹⁹¹ Finestre sull’arte, *Ottawa, la National Gallery of Canada crea un dipartimento per la decolonizzazione*, Redazione, 2022: <https://www.finestresullarte.info/musei/ottawa-national-gallery-of-canada-crea-dipartimento-decolonizzazione>

¹⁹² National Gallery of Canada, *The National Gallery Of Canada Creates A New Department Of Indigenous Ways And Decolonization And Welcomes Two New Senior Executives*, 2022: <https://www.gallery.ca/professionals/media/press-releases/the-national-gallery-of-canada-creates-a-new-department-of>

the British, involved in the project, has already established relationships of collaboration. The goal is to rebuild a memory and the different traditions of the peoples, starting from a refoundation that begins from the very concept of museum, not inspired by Western models: in this case, in fact, the EMOWAA will not be reserved exclusively for the elite, but it will be representative of a catalyst space of rituals and daily activities open to the whole community.¹⁹³ A further recent action aimed at decolonising the artistic and cultural heritage was put forward last February by the Committee on the decolonisation of public space in Brussels: it is based on the creation of a general program devoted to the examination of all the colonial "places of memory" and then proceed to their transformation.¹⁹⁴ The first step will be based on the setting up of a post-colonial documentation centre, which will later be developed in a museum: this first initiative is accompanied by the removal or fusion of the statue of Leopold II in Troonplein, together with the relocation of all the symbols of the colonial past. The members of the group who will proceed according to the recommendations set out in the official document, will mainly manage the colonial heritage in the best way through commemoration days, conferences, debates, and concrete awareness actions: It is also required the construction of a kind of storage warehouse, unique for the region, in which to enclose the colonial statues discarded along with other objects and sculptures removed from public space. For what concerns the statue of Leopold II previously mentioned, the idea that seems to have been most appreciated is that which provides for the transformation of the same in a real memorial for the victims of colonization. Taking into consideration the Italian field, in the intimate and welcoming spaces of the Goethe Institut Capitoline, in Rome, took place until February the exhibition "Unarchivable", curated by anthropologist Giulia Grechi and contemporary art historian Viviana Gravano, who have been working together for many years on the very delicate question of "how far colonial processes are from being exhausted". Giulia Grechi assumes "there is a coloniality, a trace left by a long transnational process, colonialism, which has taken various forms throughout history and continues to crowd our daily lives in many different ways and spaces, from the most

¹⁹³ Daniela De Dominicis, *Opere d'arte restituite: I musei europei aprono alla decolonizzazione*, Rivista trimestrale di arte contemporanea, 2021: <https://www.unclosed.eu/images/ID336/ID336.pdf>

¹⁹⁴ 31MAG, A Glocal View from Outsiders, Bruxelles, il comitato sul passato coloniale belga: via la statua di Leopoldo II, 2022: <https://www.31mag.nl/bruxelles-il-comitato-sul-passato-coloniale-belga-via-la-statua-di-leopoldo-ii/>

intimate ones of our homes and our memories to the public ones”. The exhibition, realized with the collaboration of Routes Agency, Museo delle Civiltà di Roma and Archivio Memorie Migranti, is part of the Transcultural Attentiveness project that will continue with a series of podcasts and the scheduling of meetings with schools. In fact, as pointed out in his introduction by the director of the Joachim Bernauer Institute, Germany and Italy are united, in history, by having been lagging nations on the times of colonialism, a delay that expands, in the present, also to reflection and consequently in the school curricula. Giulia Grechi has above all explained the title, fruit of the reflection that our entire city, our entire existence is a “living archive” of how unfortunately this coloniality continues to crowd our lives and it is very difficult to recognize it because it continues to build the rules of the game of common living and the dynamics of work and social. The historian of contemporary art then explained the choice to put in dialogue the artistic languages of the present and the season, fortunately now at dusk, of the colonial museums: we use to think that the only museums that ask us questions are those of anthropology, but in reality, art museums ask us about colonialism in an equally violent way. From the nineteenth century onwards, in Europe public museums were built with the same modernist vision of colonial culture: “the culture of cultural superiority and not only, of progress as a founding value”. The traces and legacies of colonialism continue to haunt our daily lives as absent-present ghosts, not only in museums, in architecture or in the odonomastic, but also in our homes, in our way of speaking, in our deepest affections, and the most powerful aspect of this process is its apparent transparency, it’s almost invisibility, linked to the perception of a habit that is the background to our daily life.¹⁹⁵ Once again in the Canadian field, must be mentioned the last programme initiative of three years launched the year past, related to the progressive decolonization of the Toronto History Museums: this broad and ambitious strategic plan, calls for a number of sessions and performances aiming at reinforce the dialogue among cultures toward the re-establishment of the Indigenous Nationhood. This strategic plan follows 6 main goals and objectives, like the revitalization of all visitors experience in order to ensure an equal access to services and a sustainable financial future, accompanied by the sharing of relevant stories taking into account numerous different perspectives to support an

¹⁹⁵ Goethe Institutes, *L'inarchiviabile, radici coloniali, strade decoloniali, Transcultural Attentiveness Project*, 2021-22: https://www.goethe.de/resources/files/pdf238/catalogo_l-inarchiviabile-v1.pdf

equitable society; another important goal, is that of creating several community spaces which are really inclusive to everyone, making all the efforts required in order to engage different audiences considering how the legacies use to privilege the western experience and the Euro-centric narratives of exploitation and colonization.¹⁹⁶ What several museal entities is going to focus on, more than a concrete restitution of sculptures, artworks and cultural objects, is the involvement of people directly coming from the place in which those objects were taken in the museal narratives: the museums field have always been largely depending on western entities directives, proving there is still a sort of supremacy of our cultures over the ones object of the museums guides speeches. People choosing the option of a guide while visiting museums like the Quay Brainly one, full of artworks coming from Africa and Asia, will appreciate most the narratives related to them if learning and listening to their stories directly from people coming from the same place in which they should be still located.¹⁹⁷ Hence, the importance of a personal dialogue, experiences, cultures, and knowledge will emphasize the admiration of these works, modifying the kind of passive approach normally used while passing through museal collections full of stories that, probably, have not been explained properly and completely. In this field, need to be mentioned the good practice related to the Crocker Art Museum of California, which perceives the goal of break down the white supremacies and legacies of colonial period through the renewal of its collections toward a space based on equity, both internally and externally: very important results have been reached in terms of public, right after the involvement of native people as guides of museum's artworks, driven by managerial entities who are responsible of exercise diversity and inclusion training on people working inside the museum. Many other museums are experiencing this new approach, also improving new tools like temporary exhibitions or interactive ones where possible, able to deeply spread the awareness that this openness is now required and should be shared by everyone to gradually reduce, until the concrete elimination, the barriers existing still nowadays between the western cultures and the other ones. All the plans mentioned above, highlight a change of sensitivity and points of view that makes it difficult today to live with the awareness of the injustices committed

¹⁹⁶ Toronto History Museums, *Toronto History Museums Strategic Plan*: <https://www.toronto.ca/wp-content/uploads/2021/09/8fa8-11X8.5-2021-WorkplanAugust-18.pdf>

¹⁹⁷ Daniela De Dominicis, *Opere d'arte restituite: I musei europei aprono alla decolonizzazione*, Rivista trimestrale di arte contemporanea, 2021.

and, in perspective, could determine the redefinition of the museum geography of the European continent. The museums decolonisation is necessary in order to decolonise attitudes, perceptions, thoughts and stories, changing the way in which we largely use to approach ourselves to the others, to the art, to our lives and to our future. In the museal contest, is required a kind richer perspective, giving to the objects involved a new life, a richer and dialogic one, working in consultation through the multiple voices able to give a proper narrative. The agents that are necessarily be involved in the concrete implementation and progressive realization of this broad and ambitious process are first of all curators, who must be creative, brave and confident, followed by the massive agent of change represented by the whole public who need to be completely aware of the need to pursue the decolonisation goal; artists are important agents as well, being probably able to address this change in a manner that perhaps curators can't do. The solidarity and collaboration should be in any case both followed and driven by educators as well, hence by people working in education teams as a frontline staff or in managerial positions, since they are perfectly able to adapt themselves in a situation where a change of perspectives and approaches is required to suit an audience and to respond to deriving demands. Solidarity and collaboration are therefore required by several agents, including academics and researchers who have been progressively aware about the considerable opportunity to implement a lot of research project in this field, and many of them are already going on with very brilliant and insightful work. One of the arguments used by those who defend the status quo of their collections is the fear that countries to which the cultural goods may be returned are not able to guarantee the protection and enjoyment of the works that will be gradually returned. One of the coordinators of the Italian African Muciv section, Rosa Anna di Lello (2021), says that "For some years now we have this great responsibility, which is also a great challenge: we are here to participate in an extensive project of highlighting, valorization, research, reading, dialogue, study that we are trying to do on these collections, also hosting and opening our stores to the looks of artists"¹⁹⁸.

¹⁹⁸ Goethe Institutes, *L'inarchiviabile, radici coloniali, strade decoloniali, Transcultural Attentiveness Project*, 2021-22: https://www.goethe.de/resources/files/pdf238/catalogo_l-inarchiviabile-v1.pdf

CONCLUSION

In conclusion, it can be stated that is pretty clear how the tematic of restitution of cultural goods to their original owners is widely discussed in our current political debate: the main problem is that, in this specific field like in many other ones, facts do not properly follow our words. For sure, the first obstacle is given by the strong division of public opinion regarding the issue raised through this elaborate, represented by the different and contraposed position: hence, on one said we have those in favour, recognizing and admitting the injustices committed by the Western countries toward the past colonial ones within their territories, identities, cultures and goods, while on the other those who conceive the Western museum institutions in which the goods are currently located the only place able to ensure the best conservation and space they deserve, taking care of their stories and granting a proper narrative of them. What should be also underlined, is how the museum institution is normally characterized by a kind of slowness in facing the theme of change: hence, the artwork repatriation in the immediate represents a kind of utopian idea. We have previously talked about the Parthenon goods conserved inside the British Museum considered as a study case: despite the problem had been also taken into consideration by the UNESCO, which defined this a real stealing and therefore confirming the sculptures into question should rightfully return to Athens, the British as many other museums did not wait to take a position against this assessment. Therefore, they started to appeal to principles like the “Declaration on the importance and value of universal museums”, basically with the aim of creating a common front in order to face the repatriation requests advanced. Clearly, the museums institutions involved are completely aware and disappointed by the injustices committed in the past, but they still emphasize the fact that many artworks are located inside their museal collections for such a long time they have become an integrate part of them: also considering the importance that museums have achieved through their protection and enhancement, ensuring the use to the international public. Museums are considered agents of cultural development and restricting their field of action with the restitution could represent a damage: the museum has become over time their context, and is to be considered heritage of the host institutions and so as national one, and thus not admitting the repatriation. Right after his speech

helded at the Burkina Faso University in 2017, President Macron had to be considered the first one questioning the concept of inalienability, and the Savoy-Sarr report lately drawn up underlined the necessity to implement such process of restitution as a part of educational empowerment to reinstall the relationships through new implications, with all the populations being subjected to the colonial dominion in our past, *and recent*, times. Anyway, the different took of positions of those in favour and those opposed to the repatriation, as well as the slowness which will characterize the concrete restitution, will probably represent everlasting obstacles, thus requiring our society to recognize different solution, through looking at the museal institutions with another perspective: the decolonial one. The museum has certainly always played a fundamental role, but it is appropriate to ask us more questions about its fate: many countries have already started to behave in this sense, reckoning with the past through a self-critical reflection on what the national heritage represents in the concrete sense. The question of restitutions represents an unprecedented opportunity to radically rethink the public and institutional political role in the contemporary world, revealing the colonial roots of a universalist thought that has founded its roots on museums: but this should not be just about restitution, since what would probably really matter is the capability to rethink about the way we use to approach and understand our museums in contemporaneity. Living in a post-colonial society, as many people use to think, does not automatically guarantee the end of the dominion. This have been widely demonstrated through the deepening of our contemporary cultural field over this elaborate, in which has been stated several times how dynamics imposing the superiority of a culture over the other ones are still largely present and displayed. We cannot erase the past, and colonialism cannot be abolished as a consequence, but at least we could stop profiting from this legacy and weaken the colonial logics that are still present in the contemporary context. We should say goodbye to the simplified concept of return as a mere transfer of an artifact, from a carefully labelled museum drawer, to the place from which it "originally" comes: the fact that there is no clear allocation of objects and places does not only mean that the return involves a more complex process, but also that it opens up a wide range of strategies and solutions that can be reached through negotiation and even more, dialogue. The museum's decolonization into question, makes sense if it is placed in a wider dimension, that of the recognition of the colonial traces that still produce and reproduce colonial dominion in

our public spaces, as well as private ones: it's a matter of "what happens in relations with other people". It is a process of individual awareness, first of all, to decolonize one's own imagination, which being consequently also collective makes the process become a work and an objective, as it should, of the whole community. The first step to operate a decolonization is probably represented by the recognition of the way in which coloniality acts within these spaces, for example taking into consideration their design and architecture, as well as their structural composition, considering how working roles are distributed according to a more or less clear line of color given by command positions, in which there tend to be people with a more homogeneous backgrounds, while in the "lower" workplaces we use to find people with complex and different ones. What should be also recognized is how the narrative is displayed to define the artists and their works, and the general audience as well: from the captions to the information panels in fact, there is a narrative work that is much contested precisely because it does not correspond to an intersectional sensitivity. Cultural heritage must be intended as a political concept, and not simply the set of objects, hence the use that takes place in the contemporary world, determined by the needs of our present, even if it concerns the past: a past that we use to considered concluded, despite being actually extremely present. We use to think about colonialism or the heritage of colonial history as something that does not concern us anymore, while it still represents something burning topical for which it is worth talking about once at all. Also, the UNESCO, traditionally considered as an entity above the parties, however, evidently embodies an institution always thought and created by the Western world, especially in the immediate post-war period, and focused on exclusively Western concepts and values self-proclaimed universal and so the best, and in some ways the only possible ones. In the UNESCO field, is clearly relevant the emblematic "World Heritage List", which represents another example of clear imbalance given by the prevalence of Western heritage placements, and to which have been made some arrangements in order to redress the balance after the protests advanced through the years. The museum represents a public place, which could therefore lead to questions about who the citizens are, consequently allowing the necessary and urgent debate over the issue of accessibility: this term does not have to be considered only in a physical sense, thus obviously guaranteed even to people with difficulties, but also and mainly in a cognitive one, by giving the possibility to feel welcomed inside rather than objectified. It might be

appropriate to ask ourselves a series of crucial questions, for example, what kind of museum we want today, how is defined the heritage in our culture: is conservation really the main purpose? Is it fundamental that the museum arrange a collection? Many museums have already given successfully answers, deciding to implement more temporary exhibition rather than permanent ones and therefore without exposing a collection, or even without objects. Another possible trajectory to stimulate decolonial paths, could be the work with contemporary artists outside the museum, allowing a research project or the production of works, training paths, artistic practices, starting with spaces with contemporary artists, specific communities, or the public in general sense: thus, opening the museum in order to make it not only available to change and more accessible, but also ridden from external and different points of view. We must not forget how the museum itself is the final decision maker on its collection and, as such, determine the degree of inclusion and authority to be ceded. This reminds us how the most evident legacy of colonialism concerns the profound imbalance that today governs the relationship between colonizers and colonized: this makes the Western Museum a substantially political place, reflecting the conflicts of modern society. This is even more evident in the case of museums, such as the Quai Branly, which choose the path of art and pure aesthetic contemplation to remove politics from their collections: It is, however, so that it emerges that the very concept of art is a construct affected by political dynamics, which orient the choices of the museum about what it shows and tells, but above all about what it does not show and does not tell. We should always keep in mind that also the very concept of museum is Western, being a cultural institution also at the service of colonization, and therefore born in a very different context from that of the colonized countries. Now, the concept of the museum that takes hold should be completely different: no longer a deposit of valuable materials or historical value, but an arena of discussion, open to the contribution of local communities, and something different that is neither better nor worse, but must be accepted and improved. For all parties involved, like the agents mentioned in the third chapter, it is a matter of working for a new form and orientation of the museum, that is more permeable to external interest groups and, as a more open and easily accessible structure, takes on broader social functions. In this context, we are not only talking about reorganizing and revising many things, but also and rather to point to a type of museum completely renewed in its structures, functions

and contents: it would then, for example, be able to propose new forms of work at the level of equality which is so often discussed, with partner institutions in the former colonial countries, always requiring close cooperation, exchange and transfer of knowledge in both directions. There is still much to be done, and what is certain is that museums have begun and will continue to work for decades to regulate the management of their collections and the best form of “decolonization”: this regardless the requests of restitution moved by the countries of origin. It has been already stressed on several occasions that it is not so much a question of returning finds and determining their proper place of preservation, but rather of acknowledging the fact that countries, regions, and communities of origin have a right to assert themselves, or even to play a decisive role, with regard to the future of the finds into question, their methods of preservation and the most suitable place. For issues like these ones in terms of recognition and property rights, ownership, and availability, it is not enough to talk about co-ownership, facilitated movement of objects or "shared cultural heritage", but participatory and joint assumption of responsibility rather than separate as the right approach to be implemented. It is therefore appropriate to specify once again how the challenge of decolonisation does not end with the transfer of ownership of cultural goods but pushes the need to actively confront the cumbersome legacy of a chapter of history, too often confined in an embarrassed silence that has stifled the voice of the oppressed. It's time to look through a new lens, capable of opening our minds to a new perspective, encouraging a dialogue of knowledge that is aimed at definitively eliminating the persistent differences between Western culture and others, sharing ideas, cultures, lifestyles while always maintaining the integrity and identity of each of these: it's now time to listen to all the voices being silenced in colonial times and as well as in the following ones, with the possibility to implement this kind of approach on the fertile ground given by the cultural spaces, firstly recognizing the objects, the stories, the cultures which for a long time have been darkened and made invisible by our, often unconscious, sense of superiority.

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