

Colonial and Post-colonial Continuities in Culture Heritage Protection: Narratives and Counter-narratives

1 Introduction

We might ask ourselves if the time has not come to ‘liberate’ international law (*Mohammed Bedjaoui*, 1979)¹

The twentieth century witnessed a novel turn to cultural heritage protection. It recognized not only the material value of objects,² but also their social and inter-generational importance. Post-Second World War instruments have extended the protection of cultural property in armed conflict. Human rights frameworks have offered new visions on the link between communities and objects and claims for access and return. However, the dual face of law as an instrument of complicity and frame of resistance³ endured. International legal instruments simultaneously acknowledged and challenged the traces of colonial injustice.

The acquisition and removal of objects from former colonies to the metropole or market countries⁴ triggered an urge for conservation and market protection. More and more objects were recognized as works of art throughout the twentieth century, based on their aesthetics, craftsmanship or artistic language. Their exchange and trade contributed to commodification and changing reference systems. The qualification as ‘art’ brought objects closer within market schemes and ownership-based property categories, i.e. tangible property that is materially owned and carries a monetary value.⁵ The market value of objects increased. Objects, such as the

¹ Mohammed Bedjaoui, *Towards a New International Economic Order* (Paris: UNESCO, 1979) 109–110.

² Stefan Groth, Regina E. Bendix, and Achim Spiller (eds.), *Kultur als Eigentum: Instrumente, Querschnitte und Fallstudie* (Göttingen: Göttingen University Press, 2015).

³ See Chapter 6. See also Carsten Stahn, ‘Reckoning with Colonial Injustice: International Law as Culpit and as Remedy?’ (2020) 33 *IJIL* 823–835.

⁴ On one-dimensional flow, see Lyndel V. Prott, ‘The International Movement of Cultural Objects’ (2005) 12 *International Journal of Cultural Property* 225–248, 228.

⁵ Charity Gates, ‘Who Owns African Art? Envisioning a Legal Framework for the Restitution of African Cultural Heritage’ (2020) 3 *International Comparative, Policy & Ethics Law Review* 1131–1162, 1156.

Post Colonial Novel Narratives Of Coloni

Dr Ann Marie Fallon



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