



**BONN CENTER
FOR DEPENDENCY
AND SLAVERY
STUDIES**



RHEINISCHE
FRIEDRICH-WILHELMS-
UNIVERSITÄT BONN



Rechts- und Staats-
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Rechtswissenschaft

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Hermeneutics of Restitution, Reparation, and Redress: The Case of Cultural Property

International Conference, 9 and 10 April 2026

**Bonn Center for Dependency and Slavery Studies (BCDSS)
IMPULSE – House for Intellectual Innovation and Creativity
Adenauerallee 131, D – 53113 Bonn**

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A. Overall Objective

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A. Overall Objective

The BCDSS investigates profound social dependencies or inequalities such as slavery, serfdom, debt bondage, systemic persecution and other forms of enduring oppression and dependency across epochs, regions and cultures. It is in this context that the project “**Hermeneutics of Restitution, Reparation, and Redress**” was set up in my role as a Principal Investigator of the BCDSS and in cooperation with the Bonn Research Center for Provenance Research, Art and Cultural Property Protection Law (“Forschungsstelle Provenienzforschung, Kunst- und Kulturgutschutzrecht”, “FPK”).

This project focuses on objectives, forms, logics, limits of and experiences with restitution, reparation, and redress as reactions to the damages and suffering from strong asymmetrical dependency relations. Such relations typically include not only violence and oppression, but also and in particular economic exploitations of the party forced into dependency. In their genocidal forms, such exploitations also manifest themselves in a systemic illegitimate taking of assets, including a taking of the cultural property of the persecuted, as cultural objects are both valuable and representations of the persecuted party’s identity that the aggressor seeks to extinguish, exercising its powers within the dependency relation, a phenomenon which Raphael Lemkin referred to as “cultural genocide”. For example, during the Holocaust, the German and European Jews were systematically deprived of their assets, including their cultural property, as an integral part of the attempt to extinguish the Jewish people, identity and culture.

After the end of the Nazi regime, large reparation schemes unfolded over time, first in respect to the restitution of assets and compensation for damages in general. Later in time, post-Holocaust remedies specifically focused on the restitution of Nazi-confiscated art and cultural property, as well as more specific forms of reparations for harm such as slave labour. In recent years, the restitution of cultural property taken in colonial contexts of injustice has become a distinct field of post-colonial remedies, although to date such efforts have not included more general reparation schemes.



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All forms and manifestations of restitution, reparation and redress pose the following questions: What exactly is the hermeneutics of these practices? What is their precise purpose? How should they be set up in light of these hermeneutics and purposes? How should they be translated into guiding principles and rules for rule-makers? How should the procedures for deciding about restitution and other measures of reparation and redress be set up? What are common denominators, and what are the differences between existing schemes of restitution, reparation and redress? How are the categories of restitution, reparation and redress intertwined, in particular in relation to compensation? What are the specific features and take-aways of the very prominent practice of the restitution of cultural property? How can the forms and practices of restitution, reparation and redress contribute to recalibrating existing dependency relationships? How can they add to a transitional justice or, to put it in the terminology of the cluster, to a “post-dependency justice”? On the other hand, are there dialectic dynamics? For example, how and to what extent can restitution, reparation and redress rely on, express, continue and perpetuate existing oppression and dependencies or even create new dependencies? The overall aim of this Project thus is to develop first elements of a general – critical – theory of “post-dependency remedies”.

With this project, the BCDSS turns initially to the – seminal – question of how to react adequately to the damages from dependency relations, in order to repair and overcome them, with a view to a better, post-dependency future, if not reconciliation. The project thus adds a significant new layer to the existing research perspectives of the BCDSS.

All contributions will be published in a special volume within the book series of the BCDSS at DeGruyter. All input should take into account that a second conference on general issues of restitution, reparation, and redress, beyond the case of cultural property, is being envisaged.

Please note that the line-up of speakers in the following programme aims at implementing diversity, instead of hierarchy, in respect to academic seniority, world regions, and topical aspects. The line-up also needs to take care of time shifts in respect to our (few) remote speakers (each absent for pressing reasons) and seeks to avoid more than one remote presentation within a session.

Please be so kind as to pay particular attention to the „PhD session“ on Friday afternoon where some of our highly talented young researchers will present on their projects. They are looking forward to your input, and I am particularly looking forward to this session.

B. Detailed Programme

Thursday, 9 April 2026

09.00 am:	Welcome and Introduction	
	Matthias Weller	(10 min.)
09.30 am:	Mayo Moran	(15 min.)
	Afolasade Adewumi	(15 min.)
	Jihon Kim	(15 min.)
10.15 am:	Discussion	(30 min.)



10.45 – 11.15 am:	Coffee Break	(30 min.)
	Matthias Goldmann	(15 min.)
	Amnon Lehavi (video)	(15 min.)
	Maria Julia Ochoa Jimenez	(15 min.)
12.00 am:	Discussion	(30 min.)
12.30 – 02.00 pm:	Lunch	
02.00 – 2.15 pm:	Interim results	
	Matthias Weller	(05 min.)
02.15 – 03.00 pm:	Patty Gerstenblith (video)	(15 min.)
	Karolina Kuprecht/Rainer Wedde	(15 min.)
	Charlotte Woodhead	(15 min.)
03.00 pm:	Discussion	(30 min.)
03.30 – 04.00 pm:	Coffee Break	(30 min.)
04.00 – 04.45 pm:	Christoph Zuschlag	(15 min.)
	Lucas da Costa Maciel (video)	(15 min.)
	Bianca Herlitz-Ferguson	(15 min.)
04.45 – 05.30 pm:	Closing Discussion of the First Day	(45 min.)
07.00 pm:	Conference Dinner (sponsored by the BCDSS), Living Hotel Kanzler (Conference Hotel), Adenauerallee 148, 53113 Bonn, just across the street of the conference venue	
	City Night Walk Bonn, including River Rhine Banks (optional)	

Friday, 10 April 2026

09.00 am:	Welcome and Interim Results	
	Matthias Weller	(10 min.)
09.30 – 10.15 am:	Ana Filipa Vrdoljak (video)	(15 min.)
	Alexander Herman	(15 min.)



	Tabitha Oost	(15 min.)
10.15 – 10.45 am:	Discussion	(30 min.)
10.45 – 11.15 am:	Coffee Break	(30 min.)
11.15 – 12.00 am:	Antoinette Maget Dominicé	(15 min.)
	Tainá Mendonça de Goffredo	(15 min.)
	Vanessa Thunsmeyer	(15 min.)
12.00 am:	Discussion	(30 min.)
12.30 – 02.00 pm:	Lunch	
02.00 – 02.15 pm:	Interim Results	
	Matthias Weller	(10 min.)
02.15 – 03.00 pm:	Alessandro Chechi	(15 min.)
	Leora Bilsky	(15 min.)
	Zhen Chen	(15 min.)
03.00 – 03.30 pm:	Discussion	(30 min.)
03.30 – 04.00 pm:	Coffee Break	(30 min.)
04.00 – 05.00 pm:	Lara Fischer (PhD Candidate Bonn)	(15 min.)
	Leva Wenzel (PhD Candidate Bonn)	(15 min.)
	Celina Greppler (PhD Candidate Cologne)	(15 min.)
	Dorit Selting (PhD Candidate Bonn)	(15 min.)
05.00 – 06.00 pm:	Closing Discussion / Results / Outlook	(60 min.)
07.00 pm:	Dinner (on each individual's expenses, sorry)	

C. Abstracts (in alphabetical order)

1. Afolasade A. Adewumi (she/her), Reader in the Department of Jurisprudence & International Law, Faculty of Law, University of Ibadan, Ibadan, **Nigeria**.

Her paper „**Hermeneutics of Restitution, Reparation, and Redress: Towards a Theory of Post-Dependency Remedies in Nigeria and Beyond**“ will interrogate the hermeneutics of restitution, reparation, and redress in Nigeria's cultural heritage struggles, situating the debate within the history of colonial cultural genocide, most vividly exemplified by the 1897 Benin Expedition. The key concern is how these concepts can be defined and implemented as meaningful justice, and



what structures can best sustain them. Restitution is framed not merely as the return of looted cultural objects but as the restoration of identity, dignity, and sovereignty. Reparation extends beyond financial compensation to measures that address cultural harm. Symbolic acts such as apologies, acknowledgements, and memorials validate lived experiences, while institutional reforms—policy changes, educational initiatives, and inclusion programs—help address systemic inequities. Redress, meanwhile, requires reform of legal and governance frameworks to prevent future dispossession and ensure accountability. The paper critiques Nigeria’s domestic legal framework, particularly the National Commission for Museums and Monuments Act, for its limitations in addressing restitution claims. It also reinterprets international conventions such as UNESCO 1970 and UNIDROIT 1995 as instruments of justice rather than trade regulation. Nigerian scholarship, notably by Afolasade Adewumi, frames restitution as a jus cogens obligation rooted in cultural rights. African thinkers like Felwine Sarr (and Bénédicte Savoy) advocate unconditional restitution as a decolonial imperative, while Western scholars such as John Henry Merryman and Patty Gerstenblith highlight both opportunities and risks. The paper emphasizes the interdependence of restitution, reparation, and redress, advancing post-dependency remedies grounded in community participation, human rights, and decolonial ethics. Nigeria’s leadership in restitution debates affirms its role as a continental voice for cultural justice and transitional justice.

2. Leora Bilsky (she/her), Full Professor at the Tel Aviv University Faculty of Law, and Director of its Minerva Center for Human Rights, **Israel**.

Her contribution “**Dispossession, reparations and citizenship – Attorney Elias Koussa’s Struggle against the Absentee Property Laws, 1949–1953**” notes that the modern institution of reparations developed in international law after the First World War as part of inter-state peace treaties based on punitive compensation imposed by the victors on the defeated. After World War II, the institution of reparations was transformed from a punitive tool into a tool of rehabilitation and reconstruction of targeted groups and expanded to include claims by citizens against their own country. This paper discusses the possibility of using international law’s tool of reparations in domestic public law settings in order to promote equal citizenship for an ethnic-national minority group. The article focuses on the Palestinian struggle against the Israeli Absentees’ Property legislation between 1948 and 1953. It examines the endeavors of jurist and attorney Elias N. Koussa to expose the legislation as violating the promise of equal citizenship to Palestinians in Israel and to promote an alternative concept of citizenship as autonomy based on the protection of private property through material restitution and compensation. The paper explores how the concept of property reparations could become a critical tool for promoting the equality of an ethnic minority after the war and considers the dilemmas arising from an attempt to combine a struggle for equal citizenship with restitution of property. The dilemmas associated with using reparations as part of a minority group struggle for equality are discussed in literature on ‘transitional justice.’ This field of research and practice has developed since the 1990s regarding societies transitioning from war or authoritarian oppression to democratic rule. The early literature focused on the importance of restoring the rule of law in the process of establishing democratic governance. The emphasis was on imposing individual responsibility for gross human rights violations, alongside creating truth and reconciliation commissions. The material aspect of restitution, compensation and reparations was sidelined, and a distinction was made between the political rights of citizenship and distributive questions. The paper returns to this dilemma of choosing between legalism and materialism in the context of the promise of equal citizenship that the State of Israel gave to the Palestinian minority that remained in its territory after the 1948 war. It explores the criticism of the broad definition of “absentees” in the law that encompassed a large number of internal refugees and displaced persons. Koussa and other Palestinian representatives argued that since these Palestinian “absentees” were actually present in the State, given ID numbers, and allowed to vote and be elected to the Knesset, their



“absentees’ property” should be removed from the guardianship of the Custodian and given back to them as a matter of right. In other words, he presented a civic concept of citizenship that combines property rights with political rights. Thus rejecting the hollow citizenship promoted by the Government via a “security” vision of Palestinian citizenship based on patronage, control, and collaborators..

3. Alessandro Chechi (he/him), Associate Researcher at the ‘Centre de Recherche sur les Relations entre les Risques et le Droit’ (C3RD), Faculty of Law, Catholic University of Lille, **France**.

His paper “**Stealing Beauty: Italy’s Colonial Looting of Cultural Objects and Legal Paths Forward**” (provisional title) examines the question of the repatriation of cultural objects displaced during the colonial era (hereinafter ‘colonial objects’). In recent years, debates over the return of colonial objects to their countries of origin have intensified significantly. However, these discussions have produced markedly different outcomes across former colonial powers. While in some States (eg England and Germany) non-binding reports and guidelines have been adopted, others (eg Belgium and France) have enacted specific legislation addressing repatriation claims. In addition, countries such as the Netherlands and Switzerland have introduced legal frameworks enabling advisory committees to issue recommendations on claimed objects. In contrast, in other former colonial States (eg Italy and Spain), the discussion has developed with less vigor. The paper focuses on the approach of Italian authorities to repatriation claims concerning colonial objects removed from, inter alia, Libya and Ethiopia, and pursues a twofold objective. First, it provides an overview of the historical, political, and legal factors that have shaped the comparatively weak institutional handling of such claims. To this end, it discusses a number of relevant case studies in order to illustrate the magnitude of the issue. Notably, these cases point to the existence of an international legal obligation incumbent upon the Italian State to return looted colonial objects pursuant to the 1947 Peace Treaty. Second, the paper advances proposals for legal and institutional reform aimed at aligning the Italian State with emerging international practice and with the demands for reparation and justice advanced by formerly subjugated nations. In doing so, it seeks to identify solutions that avoid the paternalistic, opportunistic, or neo-colonial undertones that characterize most of the measures adopted by the other former European colonial powers.

4. Zhen Chen (she/her), Dr, MSCA, Postdoctoral Fellow, Edinburgh Centre for International and Global Law, University of Edinburgh, **United Kingdom**.

Her paper “**Human Remains Removed in the Colonial Period: Restitution, Reparation and Redress**” notes that the colonial era witnessed the widespread removal of human remains from origin communities, often through coercive and violent means closely linked to cultural and material dispossession. These practices were part of broader dependency relations in which colonial powers exploited land and labor while plundering cultural property and ancestral remains central to community identity and continuity. Many of these remains ended up in institutions and museums, particularly in the EU, UK, and USA. Preserved Māori heads, for example, were looted from New Zealand and collected as “curiosities” by museums, while African ancestral remains—including mummified bodies, skulls, and other body parts—were taken to Europe as “trophies” or traded as “commodities.” In recent decades, claims for restitution of human remains have gained momentum, underlining the urgent need for legal and ethical frameworks. Yet international law remains fragmented, and domestic systems diverge in how they provide redress. Negotiations are often complicated by questions of ownership, scientific value, and competing national interests. Restitution and reparation may recalibrate power dynamics, advance transitional (“post-dependency”) justice, and contribute to reconciliation. However, if not critically examined, such processes risk reproducing inequalities. Transitional justice compels to ask what it means to “remedy” harm: Is return merely procedural, or should it include ritual



acts, collective storytelling, and new forms of relationship between returning institutions and receiving communities? How can restitution meaningfully disrupt inherited injustices? Through a comparative study, this research will examine to what extent restitution can recalibrate asymmetrical relations without reproducing dependency. How can remedies be substantive, transformative, and responsive to community needs? Are existing legal and ethical protocols—often shaped by postcolonial states and Western institutions—adequate to support pluralistic forms of justice?

■ **5. Lucas da Costa Maciel** (he/him), Postdoctoral Researcher at the Faculty of Archaeology, University of Leiden, the Netherlands, and co-coordinator of the International Repatriation Network within the Association of Critical Heritage Studies. Lucas is a non-Indigenous member of the Kiñelmapu Koyawe Repatriation Commission, based in the Mapuche lands. His work focuses on the relations between repatriation, museum practices, provenance research and Indigenous ontological self-determination and land-claiming.

■ His contribution „**Ending Suffering, Restoring Life Conditions: Relational Ethics of Repatriation**“ examines the restitution and repatriation of so-called colonial collections through the lens of illness and relational ethics. It explores how museum holdings can harm people, landscapes, and beings entangled with them. Drawing on work with the Mapuche Museum of Cañete and the Kiñelmapu Koyawe Repatriation Commission, this communication approaches collections as living beings in constitutive relations rather than inert objects cut off from original contexts and living new museum lives. In Mapuche terms, many so-called objects are *mogen* (forms of life), whose captivity in museums produces and prolongs illness. From this perspective, repatriation is a response to harm that persists and accumulates in bodies and places due to colonial violence. This reflection is framed as a relational ethics of repatriation: responsibilities arise from ongoing relations that push people to reconstruct their lives despite colonialism. Ultimately, restitution is ethical insofar as it heals relations and halts ongoing harm. The contribution advocates for processes that prioritise health over ownership, lifelines over titles. It invites participants to unlearn strategic institutional narcissism and to practice withdrawal where necessary. Repatriation, then, is not simply about shared heritage and reinstating disrupted ownership over objects; it is about ending suffering and restoring the conditions essential for life.

■ **6. Lara Fischer**, PhD Candidate, Alfried Krupp von Bohlen und Halbach Chair for Civil Law, Art and Cultural Property Law, University of Bonn, **Germany**.

■ Her paper „**Hermeneutics of Civil Law: Leading Principles of Restitution and Unjust Enrichment**“ looks into general German civil law to distill from its black letter rules and interpretative case law guiding principles of restitution and unjust enrichment. She will contrast some of her first propositions (the PhD is in the process of being conceptualised) with logics and patterns of restitution and return of cultural property outside the applicable law. Thereby, she will test to what extent the thesis holds true that the applicable civil law is ill-suited for the purposes of restitution of cultural property in a context of reparation of past wrongs and, to turn it positively, what the restitution process could learn from an applicable general civil law.

■ **7. Patty Gerstenblith** (she/her), Distinguished Research Professor Emerita; Director, Center for Art, Museum and Cultural Heritage Law, DePaul University College of Law, **USA**.

Her paper „**Post-Dependency Remedies through the Restitution of Cultural Objects: What Should the Parameters Be?**“ notes that the restitution of cultural objects expropriated during the Holocaust became the initial driving motivation for examining the role of such expropriations in carrying out genocide, followed by establishment of legal and non-legal means of obtai-



ning restitution to the victims and their descendants. This experience has led to closer examination of the expropriations of cultural objects during other periods of violence and genocide, with recent focus shifting to the expropriation of cultural objects by European colonial powers, primarily during the nineteenth and first part of the twentieth centuries. However, such restitution and broader considerations of reparations face more significant obstacles as they tend to fall outside of a strictly legal framework. Even when restitution has been agreed, many questions arise as to the exact parameters by which such restitution is accomplished. In some cases, the returning party (typically a museum in Western Europe or North America) agrees to turn over both title and physical possession of the objects. In other cases, the recipient and the returning party agree to a transfer of title, but the returning party is allowed to retain possession for a period of time. These scenarios necessitate more detailed parameters concerning the treatment and handling of these objects during this period of retention. When physical possession is transferred, these parameters arguably perpetuate a dependency relationship, for example, by imposing conditions that the returning party stipulates before agreeing to physical restitution. When the returning party is allowed to retain possession, parameters should be established that allow the receiving party to benefit. This paper will examine the conditions that have been utilized in the context of restitution—both where physical possession is transferred and where it is retained by the “returning” party. Based on examination of the conditions that have been used in past restitutions, the goal of this study will be to propose guidelines to accompany such agreements so that these conditions do not perpetuate a dependency relationship but rather allow the achievement of post-dependency justice through such restitution.

8. **Celina S. Lubahn Grepler** (she/her), PhD-Candidate, Institute for International Peace and Security Law; elected member of the executive board of the Cologne Center for Advanced Studies in International History and Law, **Germany**.

This contribution “**Military Seizure in the German Colonial Empire and the Making of a Post-colonial Narrative**” examines restitution as recognition and redress for past legal injustices. It thus pursues a rights-based approach that calls for restitution as rectification. This approach will be illustrated using a Bangwa sculpture that was seized from the Duala region during a military attack („*Strafexpedition*“) around 1900. It first observes that German troops („*Schutztruppen*“) in today's Cameroon were indeed explicitly bound by the Military Criminal Code that expressly regulated property offenses and prohibited looting. However, these black-letter legal norms were not enforced in colonial contexts and continued to be ignored in the post-colonial period. Despite Germany's defeat in the First World War, objects taken during colonial campaigns were not returned, as African territories lacked the political standing necessary to press claims for restitution. Again objects were not returned when Cameroon gained independence in 1960/1961 and the newly sovereign states attempted to advance restitution through the United Nations, most notably through the 1973 resolution on the return of cultural property. Today, heightened international attention and several high-profile restitutions have brought the question of return into sharper focus. Yet new dialectical tensions emerge when the rectification of past wrongs shifts away from the historical and legal injustices of colonial acquisition and the behaviour of European States in the post-colonial phase and instead rests on arguments framed primarily in terms of moral considerations or cultural affiliation.

9. **Matthias Goldmann** (he/him), Full Professor for International Law, EBS University, Wiesbaden, **Germany**.

His paper „**Colonial Continuities: Cultural Appropriation and Othering in the Law and Practice of Restitution**“ is based on the hypothesis that both the law and practice surrounding the takings of cultural objects in a colonial context, and the law and practice of their restitution in the



present, stands in close interplay with German and European identities. It defines them to some extent and is defined by the latter. What might appear trivial at first sight, acquires some salience if one looks closely at how these identities interact with the law and practice of cultural takings and restitution. It is argued that remarkable differences exist between takings from, and restitutions to, countries in the Middle East on the one hand, and countries in Africa and East Asia on the other. In case of the former, which were never colonized by Germany, German takings invested much energy into legalizing their takings. In case of the latter, justifications were lukewarm at best. Now, restitution to the latter is forthcoming in some cases, while restitutions of takings from the Middle East are still by and large a non-issue. Drawing on postcolonial concepts of othering, the paper argues that these differences in the law and practice of takings and restitutions derive from processes of German identity formation, which have hardly changed. During colonial times, Germans considered Africans to not belong to the group of civilized peoples; therefore, no legal justification was needed, and cultural takings had the purpose of “othering” African culture, i.e. defining the culture of the recently unified, expansionist German Empire in contradistinction to it. This, in turn, makes restitution today easier since African objects are not considered to stand in a lineage with European culture. The same applies, with some limitations, to East Asian objects. Objects from the Middle East, by contrast, were integrated much more into Germany’s cultural self-understanding in a process of appropriation. This is why claims for the restitution of such objects are met with firm resistance even today as the German public considers them to be part of their own heritage. In this way, the law and practice of colonialism continue into the present.

10. **Bianca Herlitz-Ferguson** (she/her), JD, Yale Law School, New Haven, CT, USA.

Her contribution on “**The California’s Task Force to Study and Develop Reparation Proposals for African Americans**” will provide a high-level overview of the reparations movement, legal efforts, and discourse regarding adequate approaches to redress historical and continued forms of forced dependency caused by the institutions of slavery and colonization in the United States. The discussion centers the experiences of and harms caused to African American descendants of slavery in the United States. In doing so, the discussion highlights the June 2023 groundbreaking study and proposal of California’s Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States, and seeks to synthesize efforts to realize a post-dependency future in the United States since the Report’s publication. In so doing, the discussion seeks to illuminate recent local and federal approaches to post-dependency remedies, as well as population-specific and legal challenges to a post-dependency future. A critical goal is to identify critical thought leaders and American experts to engage for further discussion.

11. **Alexander Herman** (he/him), Director of the Institute of Art and Law, United Kingdom. The Institute of Art and Law focuses on all issues of museum law and ethics worldwide.

His paper “**Justice, Ethics and Historical Wrongs**” will consider the legal and moral reasons behind restitution, repatriation and redress. The general basis is to do justice or to seek to offer fairness for an unjust or unfair act relating to cultural property that took place either recently or in the historical past. Does the length of time between the wrong and the proposed remedy decrease the justification for the remedy? This is a pressing question, as historical events recede in time while claims for restitution and repatriation seem to persist – and in some cases may be increasing. The first challenge will be to better understand the relationship between justice and the passage of time. The examples he will be exploring come from the area of Nazi-era art spoliation and colonial-era looting. The analysis will look to the manner of removal of art or other cultural/religious material from the original victim, comparing the different forms of removal



along a spectrum and ultimately assessing whether there are commonalities or divergences between these two areas. The author considers the stronger moral cases to be those in which the material was taken through violence or the threat of violence (by a police force, an army, etc) – which should provide a compelling basis for redress regardless of historical circumstances. Other forms of removal (such as those relating to asymmetry of bargaining power) will have to be investigated against this standard to determine an appropriate outcome in such cases. In conclusion, the author will attempt to highlight the moral spectrum for making decisions to return on an ethical basis, the potential impact of legal principles and whether the passage of time since the wrong can have a bearing on the moral availability of a remedy.

■ **12. Jihon Kim** (she/her), Dr, Chief of Policy at the Korean National Commission for UNESCO, **Korea**, where she has worked for the last 20 years, taking charge of work concerning international cultural heritage conventions as well as managing various international research and development projects. She has been teaching heritage law and policy at Konkuk University as an Adjunct Professor since 2016 and conducting research on conflicts over heritage issues at Seoul National University as a Research Fellow in the Institute of International Studies and a Fulbright Visiting Scholar at the Harvard University Asia Center.

■ Her paper “**When Law Isn’t Enough: Cultural Property, Historical Justice, and the Power of Civil Society – The Case of Korea and Japan**” intends to examine the complex legal and political issues surrounding the repatriation of cultural property, using the 2012 case of a displaced Buddha statue as a primary example. Originally crafted in the 13th century at Buseoksa Temple in South Korea and subsequently removed to Japan during a period of invasion, the statue’s controversial journey came full circle when it was stolen from a Japanese temple and brought to South Korea. This act initiated a protracted legal battle, with Buseoksa Temple claiming ownership and a Korean court initially siding with them, followed by a Supreme Court reversal in favor of the Japanese temple. This case critically demonstrates the limitations of international legal frameworks, such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, which were invoked but not directly applied. The legal proceedings highlighted a significant impasse: strictly rules-based resolutions, while upholding legal principles, can fail to address the underlying historical injustices and intense national sentiment associated with artifacts displaced during periods of conflict. The public dissatisfaction and delay in the statue’s repatriation following the final court ruling underscore this disconnect between legal ownership and moral or historical claims. In the wake of this legal stalemate, non-state actors emerged as crucial facilitators of a solution. The paper is to highlight the pivotal role of religious communities in Korea and Japan, who successfully initiated dialogue and negotiation outside of formal state diplomacy. Their efforts resulted in an amicable agreement, which included a 100-day public exhibition of the statue in Korea, followed by its peaceful return to Japan and a commitment to donate a replica. This outcome illustrates that community-led, non-legal approaches can provide flexible and sensitive alternatives to resolution. Furthermore, the paper broadens the analysis to include several other cases in which non-state actors from both countries have worked to facilitate the return of cultural properties. These efforts have often bypassed the formal 1965 Agreement Concerning Cultural Property between South Korea and Japan, relying instead on creative solutions such as gifts, donations, and long-term loans. By leveraging their unique positions, these actors have been able to foster mutual respect and reciprocity, even bridging cooperation between North and South Korea in some instances. The case of the Buddha statue and these other examples argue for a greater recognition of non-state actors as vital partners for states in navigating sensitive historical and cultural issues, demonstrating that collaborative, non-legal pathways can be more effective in fostering long-term reconciliation and cooperation.



13. Karolina Kuprecht (she/her), Dr., LL.M., ZHAW School of Management and Law, Institute for Corporate Law, Winterthur, **Switzerland** / **Rainer Wedde** (he/him), Professor, Hochschule RheinMain, Wiesbaden, **Germany**.

Their paper, **“Corporate liability along supply chains: Redress in cases of cultural property rights violation”** notes that the third pillar of the UN Guiding Principles on Business and Human Rights, 2011, requires remedy for business-related human rights violations. According to sec. 25 of these Principles, States shall ensure judicial, administrative, legislative or other appropriate means for redress which may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions. The EU Directive (EU) 2024/1760 on corporate sustainability due diligence (CSDDD), in force since July 2024, transferred the UN Guiding Principles into binding law for EU Member States. Remedies for redress as stipulated by CSDDD include supervisory authorities (article 24), penalties (article 27) and civil liability of companies and the right to full compensation (article 29). This contribution shall investigate the CSDDD legal requirements for redress in cases of cultural property rights violations and thus offers an insight whether there is a (fundamental) human right to restitution.

14. Amnon Lehavi (he/him), Provost, Atara Kaufman Professor of Law, Harry Radzyner Law School, Reichman University, Herzliya, Israel.

His paper **“Restitution for an Era of New Cultural Internationalism”** seeks to construct a future-looking theoretical framework for dealing with cultural objects for which questions of past illegality and/or illegitimacy arise but for which a potential claimant – whether an individual, a community, or a source nation – is unable to pursue formal legal proceedings against the current possessor, and the relevant law enforcement agencies are similarly unable to pursue criminal, administrative, or public law proceedings. In other words, it seeks to identify normative principles for dealing with the issue of “restitution” - broadly defined to include any type of remedy or solution that addresses such a troubled past - that operate outside the realm of hard-law norms and institutions. The analysis is premised on two fundamental considerations. First, it identifies the principles of “soft-law jurisprudence” that emerged in bilateral negotiations and alternative dispute resolution processes in the context of Nazi-looted cultural property, and shows how these principles are not detached from legal or legal-like reasoning. In particular, it focuses on three aspects that seem to prove dominant in what I term “legalistic ethical reasoning,” namely wrongfulness, attribution, and scale of remedies. It suggests that these parameters may be influenced by the specific category of past events or historical violations of the chain of title, for example, by distinguishing between individual and collective victims of dispossession. Second, any normative discussion of restitution should also consider a broader normative framework, one of “new cultural internationalism.” This concept seeks to facilitate collaboration between countries, cultural institutions, and other actors – including those located in both source countries and destination countries – while providing the various stakeholders a “safety net” that fosters better-balanced bargaining power, mutual trust, and prospects for long-term cooperation in designing a legal future for governing past treasures. In turn, such an approach may also view potential claimants, such as source nations demanding the return of artifacts taken from them many decades or centuries ago, as bearing certain duties as global custodians of such cultural artifacts, even if their claim for restitution is based on the object’s local/territorial origin or significance. In other words, a normative design of restitution for an era of new cultural internationalism must consider the rights and duties of all relevant stakeholders. The paper starts by examining the key aspects of the institutional/procedural and normative principles of the restitution committees established in certain European countries to develop and implement “just and fair solutions” to address Holocaust-era wrongful dispossessions, including recent changes in such committees and other mechanisms. It then considers whether “just and fair solutions” can be devised for other contexts and, if so, how legalistic ethical reasoning could



be adapted for such settings. It focuses on the case study of France and its complex approach to the restitution of colonial-era objects to African source countries. Finally, it examines the various remedial mechanisms that are in operation, or that can be developed, to apply such normative principles to broader contexts of addressing past wrongs.

15. Antoinette Maget Dominicé (she/her), Full Professor and Director of the Centre of Art Law at the University of Geneva, **Switzerland**.

Her paper „**Redress and object(s). Media of reparations?**” aims to identify the reparations efforts undertaken, how they have been implemented, and whether they have been visualized by selecting emblematic cases of cultural property restitution over time. These cases range from the displacement of the Ark of the Covenant (Sam. 5:1-6) to that of the talking drum Djidji Ayôkwê (French law 2025-644 of July 16, 2025). The paper will discuss the existence—or lack thereof—of concordant trajectories between the returned object, the transferred object, and their shared histories. This transdisciplinary approach draws from research in law and the humanities, provenance studies, and theology. To this end, the paper relies on case studies that demonstrate a willingness to make reparations and that have various "medias/supports." Aim of this paper is to define the nature of this redress and examine its reception mainly through the analysis of primary legal sources and iconographic material.

16. Tainá Mendonça de Goffredo (she/her), Graduate Researcher, Master’s Program in Law, Federal University of Ouro Preto, **Brazil**.

Her paper “Decolonizing Restitution: Indigenous Cultural Property and the Return of the Tupinambá Cloak” examines the repatriation of Brazilian Indigenous cultural property taken to Europe during the colonial period, focusing on the Tupinambá cloak, a “spiritual authority” within Tupinambá cosmology. Once displaced and incorporated into European museum collections, it exemplifies how colonial asymmetries reshaped the meanings attributed to Indigenous cultural objects. Adopting a decolonial perspective, the presentation explores how restitution debates reveal competing interpretations of cultural property across Indigenous epistemologies, museum practices, and Brazilian cultural heritage law. The case demonstrates that restitution cannot be understood merely as the return of an object, but as a process of symbolic resignification and cultural reconnection, contributing to broader discussions on post-colonial justice and the decolonization of cultural heritage.

17. Mayo Moran (she/her), Full Professor Of Law, Irving & Rosalie Abella Chair in Justice & Equality, University of Toronto, **Canada**.

Her paper „**The Evolution of Restitution and the Emergence of the New Variant**“ is based on the premise that current restitution issues actually involve two quite different variants of the basic principle—the more traditional ‘transactional’ version and the emerging ‘contextual’ one. While discussions of repair of historic wrongs often employ both, the contextual variant has particular salience for wrongs such as the Holocaust and colonialism that are not only old but are also widespread and systemic in nature. This is reflected in the fact that the emerging contextual variant is called into play when the larger context of a transfer is so oppressive that it undermines otherwise ordinary legal ideas such as consent, free transfer, and gift. When the contextual approach applies, the default assumption shifts and the holder of the good must affirmatively prove they received it in a free transfer. The paper will thus explore the emergence of the contextual variant, its roots in US Military Government Law 59, and its newfound significance, especially surrounding issues of cultural belongings and colonial return.



18. María Julia Ochoa Jiménez (she/her), PhD, Facultad de Ciencias Jurídicas y Políticas, Universidad Loyola, Campus Sevilla, **Spain**.

Her paper „**Cultural property taken in colonial contexts of injustice: ‚orphan‘ property**“ focuses on the links between the legality of the acquisition of cultural property and provenance research are currently the focus of the Working Group on Orphan Cultural Property at the International Institute for the Unification of Private Law (UNIDROIT), where the Guidelines on Orphan Cultural Property are discussed. The proposed guidelines are intended to support the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects by recommending owners or potential owners of unprovenanced or incompletely provenanced cultural property i.e., cultural objects that “on religious or secular grounds, are of importance for archaeology, prehistory, history, literature, art or science” on how to conduct due diligence. In this way, that property may become freely transferable. The guidelines advise, for example, on how “to identify whether an object is an important cultural object”, and how “to assess the risk of it falling within a category or type of objects that could be tainted and to carry out due diligence appropriate to this risk level”. A proposal of this kind raises various concerns regarding the restitution of cultural property taken in colonial contexts of injustice. Some of the issues that my contribution will address are as follows: How would such a proposal relate to restitution processes as a means of recognition, restoration, reparation, and compensation? Could this proposal support, facilitate or rather undermine or even impede such processes? What impact would such a proposal have on claims by States or groups of origin? What would be the implications and extent of designating cultural property taken in a colonial context of injustice as “orphan”?

19. Tabitha Oost, Dr, LL.M., M.A., (she/her), Assistant Professor for Constitutional and Administrative Law, Amsterdam Centre for Constitutional Culture & Democratic Governance (ACCu), University of Amsterdam, **The Netherlands**.

In her doctoral research she examined the restitution of Nazi-looted art and the evolving frameworks used to address the enduring legacies of Nazi persecution. By comparing restitution mechanisms in Austria, the Netherlands, and the United Kingdom, she traced a shift from narrowly legalistic responses toward morally informed, victim-centred approach. In this transition, advisory committees have increasingly been called to balance legal certainty with measures, primarily restitution, which in this context also aims to restore dignity, voice, and provide historical recognition to victims and their descendants. Through an analysis of how moral considerations, recognition of loss, and procedural justice are interpreted in decision-making processes, her paper “**A balance in the making: the paradigm shift in restitution of Nazi-looted art and its wider relevance**” sheds light on the normative reasoning that underpins contemporary restitution. It also demonstrates that when restitution bodies lack a clear legal mandate and institutional grounding, they are vulnerable to transparency and legitimacy challenges that can ultimately undermine their ability to redress historical injustice. The paradigm shift she describes offers a valuable conceptual lens for the entire project („Hermeneutics of Restitution, Reparation, and Redress“), a connection she introduced in her dissertation. It demonstrates how legal norms and ethical narratives intersect in confronting historical wrongs, while also identifying pitfalls that can be avoided when addressing the legacies of colonialism. Building on these insights, her postdoctoral research will further advance this line of inquiry, contributing to a more robust theoretical foundation for restitution, reparation and redress in the context of ongoing dependency relations that stem from the colonial past.

20. Dorit Selting (she/her), PhD Candidate, Alfried Krupp von Bohlen und Halbach Chair for Civil Law, Art and Cultural Property Law, University of Bonn, **Germany**.



Her contribution "**'Forced Sales': The demarcation of Coercion and Voluntariness in the context of Nazi-looted art – A Comparative Analysis of European and US Law**" examines the legal tension between the principle of private autonomy and systemic duress. Focusing on transactions that occurred in a context of existential persecution, the paper analyzes how post-dependency legal remedies extend the scope of restitution claims beyond those arising from direct seizures to those based on equally wrongful albeit formally deliberate handovers. At what point does the degree of voluntariness fall below the threshold of legal validity when cultural assets are alienated under conditions of extreme social oppression? By contrasting European specialized legal frameworks (established outside the ordinary jurisdiction) with the US-American approach of civil litigation in federal and state courts, she proposes a novel set of argumentative patterns on both a substantive and a procedural level. They aim to be adequate to the special subject matter of *forced sales* cases while remaining consistent with established doctrinal concepts in general contract law.

21. Vanessa Tunsmeier (she/her), Assistant Professor, Rijksuniversiteit Groningen, **The Netherlands**.

Her paper „**Return of colonial-era heritage and the relative hierarchy of injustice(s)**“ notes that decisions about the return of objects taken during the colonial period raise a myriad of questions and competing interests: Is it possible to trace an object back to a particular location, a cultural context, a community or even an individual from whom it was taken? If descendants exist do they desire the object to be returned? What about the government of the territory once subjugated? Do they desire the object to be returned? What if the two desires conflict? What about members of the diaspora of formerly colonized territories residing abroad, do they have their own claims to the object? In light of such competing interests involved in a return of colonial objects one may ask whether the decision taken, no matter which one, constitutes an injustice to (at least) one of the parties involved, be they State, diaspora, local community or Indigenous People? Not all values and interests involved in decisions on return may be compatible. A decision to return may then at the same time be an example of acting “right, ethical, or just” and “wrong” or “unjust”. This raises complicated questions as to what is “just” in the context of returns and how to decide amongst competing claims for “justice”. The paper will argue that it is crucial to acknowledge these conflicting claims, and to be transparent in the subjectiveness that underlies the ranking of their perceived worth. It asks whether the goal that is pursued by a framework may offer sufficient guidance as to the ranking of conflicting interests in what may be described as a hierarchy of injustice(s).

22. Ana Filipa Vrdoljak (she/her), Professor of Law, UNESCO Chair on International Law and Cultural Heritage, and co-coordinator of the UNESCO-UNITWIN Network on Culture in Emergencies at the University of Technology Sydney, **Australia**. She is author of *International Law, Museums and the Return of Cultural Objects* (CUP, 1e 2006, 2e forthcoming); and editor of *Oxford Handbook of International Cultural Heritage Law* (OUP 2020) with the late F Francioni, *The 1970 UNESCO and 1995 UNIDROIT Conventions: A Commentary* (OUP 2024).

Her paper „**Colonialism, settler states and cultural property as reparation**“ notes that culture and cultural heritage has been central to colonisation, for the coloniser and the colonised. The historical record reflected in museum collections and archives in former metropolitan centres bear witness to colonial policies of forced displacement, assimilation, systematic discrimination, and genocidal policies and practices. Indeed, culture and cultural heritage through disciplines of ethnology, anthropology and by extension, law of the coloniser, was used to justify these acts. It is not surprising then that culture and cultural heritage was a key component of the push for decolonisation, independence and the exercised of self-determination by coloniser peoples. As debates in Europe, its parliaments, museums, archives and collections, today show this call for



the fully, openly and honestly addressing the legacies of colonisation through reparations including of cultural heritage is an incomplete project. This contribution is one step removed from the debates in Europe. It occurs at the periphery of the former metropolitan centres, in their settler states. Indigenous peoples, or First Nations, were excluded from 'classical' decolonization pursued in the 1960s and 70s. Colonisation has not ceased, its practices of extraction, exploitation, and assimilation of people, land and culture, continues today. Decolonization has yet to begin, and steps on that road continued to be strongly resisted. She considers how the role of culture and cultural heritage is used and abused in the colonial relationship of settler states. How it has always been and continues to be a site of resistance, reparation, and resilience for Indigenous peoples? How that interplay of the use of culture and cultural heritage between settler state and Indigenous peoples has informed and continues to inform broader discussion of the use of cultural property for restitution, reparation, and redress, internationally.

23. Leva Wenzel (she/her), PhD Candidate, Alfred Krupp von Bohlen und Halbach Chair for Civil Law, Art and Cultural Property Law, University of Bonn, **Germany**.

Her paper "**Restitutive agency – cultural genocide and the subjectivity of objects**" takes as its starting point the insight that the Nazi annihilation of Jewish life constituted the most radical form of cultural destruction, as human beings and cultural objects were systematically targeted together. Since cultural objects are not merely things but form part of a socio-semantic unity with human beings, their involuntary loss can destroy the symbolic infrastructure of identity and have traumatic effects. Against this background, Raphael Lemkin, the originator of the international legal concept of genocide, went beyond viewing this crime being limited to a merely physical or biological dimension. Rather, his concept of "cultural genocide" captures the close entanglement of humans and objects, which Bruno Latour, among others, described in terms of the "agency" of things. It is precisely this active potential of cultural objects that helps explain why cultural looting left such profound immaterial traces of injustice. This may also be a reason why the Washington Declaration deliberately focused on "Nazi-Confiscated Art" instead of "Holocaust Era Assets". The paper examines contemporary restitution practice for implicit justificatory narratives in which the concept of cultural genocide becomes operative and in which dispossessed objects, through restitutive agency, acquire a new normative meaning.

24. Charlotte Woodhead (she/her), Associate Professor of Art Law; Cultural Heritage Law; Restitution; Repatriation; Cultural Property Law; Personal Property Law at the University of Warwick, **United Kingdom**.

Her paper "**Public benefit accounts in post-dependency remedies**" focuses on the public benefit from which possessor institutions have profited whilst they have had possession of objects taken during colonial times, or as a result of Nazi Era dispossession. The paper explores how far, if at all, the public benefit derived from the display of the object in the museum or its commercialisation in image licensing or reproduction on merchandise might be relevant to the award of post-dependency remedies. In the UK the Spoliation Advisory Panel has made adjustments to the value of ex gratia sums of money to claimants to account for the public benefit. Yet, when objects have been restituted no such allowance has been recommended by the Panel to be paid by museums. Where museums have benefited financially from commercialisation of images of objects that are to be restituted, how far should an account be made of this financial value to the claimants? Furthermore, should museums, as prior possessors, continue to benefit in the future from such commercialisation? Drawing on principles from the law relating to restitutionary responses to unjust enrichment and the account of profits for breach of contract, this paper explores how far accounts for the public benefit might be relevant to post-dependency



remedies. It proceeds to consider whether the continued commercialisation of restituted objects has the potential to risk appropriate dispute resolution and perpetuate dependencies which might otherwise have been brought to an end through restitution.

25. Christoph Zuschlag (he/him), Alfried Krupp von Bohlen und Halbach Professor for Modern and Contemporary Art History (19 to 21 cent.) with an emphasis on provenance research and collection history, University of Bonn.

The starting point for his contribution „**Hermeneutics and Semantics of Restitution**“ is the observation that, in connection with the return of Nazi-looted property, the term “restitution” is generally used as a matter of course, whereas this term is not usually used in connection with returns such as the so-called Benin Bronzes to Nigeria. It is clear that the terminology used is of great importance. The paper seeks to examine the different hermeneutics and semantics of terms used in discourse, such as restitution, repatriation, and return. How can these terms be differentiated in theory and in practical use? What implications do they convey? Provenance research is currently mostly practiced in the context of so-called contexts of injustice and unlawfully seized cultural property, primarily referring to colonialism and the Nazi dictatorship, but also the Soviet occupation zone and the former GDR. Should certain terms be used or avoided depending on the historical context, or should we rather think in terms of case categories?
