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FACULTÉ DE DROIT
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Caroline Renold, Anne Laure Bandle, Alessandro Chechi

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Case Great Zimbabwe Bird – Zimbabwe and Prussia Cultural Heritage Foundation, Germany

Zimbabwe – Prussia Cultural Heritage Foundation – Germany/Allemagne – Indigenous object/objet autochtone – Colonialism/colonialisme – Negotiation/négociation – Diplomatic channel/voie diplomatique – Ad hoc facilitator/facilitateur ad hoc – Illicit excavation/fouille illicite – Ownership/propriété – Loan/prêt

The lower half of a stone bird discovered in Zimbabwe under dubious circumstances was bought by the Museum für Völkerkunde in Berlin around 1907. During the Second World War, the stone was removed by the Russian Army. After the fall of the Soviet Union, it was returned to the Museum für Völkerkunde in Berlin. In 2000, the Prussian Cultural Heritage Foundation – which managed the collection of this museum – under the pressure of the German federal government finally returned the fragment of the stone bird to Zimbabwe under the terms of a permanent loan.

I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources

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art-adr@unige.ch - <http://unige.ch/art-adr>

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I. Chronology

Colonialism

- **1871:** Carl Maunch, a German geologist and explorer, was the first European to visit and write about **Great Zimbabwe**, a twelfth- to sixteenth-century metropolis, which gave its name to the country of Zimbabwe, and which is inscribed on the UNESCO World Heritage List¹. Great Zimbabwe was also a place of worship for the local population.² This monument was embellished by **stone birds**. These birds “were sacred representations constituting an integral part of the spiritual image of the capital. [...] [T]he stone birds continued to represent the spirit and essence of Great Zimbabwe long after its abandonment.”³ There are eight known soapstone birds,⁴ four of which were placed in the *sanctum sanctorum*.⁵ However, Carl Maunch did not mention the stone birds in his writings.⁶
- **1889:** Willie Posselt, a South African hunter and trader, looted the best specimen of the four stones. Despite protest from the local Shona people for whom they were sacred, he resorted to bribery to take one statue away, separating it from its base, and stored the others in a safe place.⁷
- **1891:** Four and a half stone birds (probably those put aside by Willie Posselt) were found by Theodore Bent, the antiquarian commissioned by the British South Africa Company to excavate Great Zimbabwe, and deposited in the South African Museum in Cape Town. They were returned to Zimbabwe at independence in 1981.⁸
- Cecil Rhodes – the founding father of Rhodesia – took a keen interest in the birds, and most of them passed through his hands. There are suspicions that the lower part of this particular bird also went through his home.⁹ **It is not clear when and how the bottom half of this statue left Great Zimbabwe** – whether with Maunch, Posselt, Bent or another European traveller.
- **1902: The top half of the statue was found on the site by Richard Hall**, a British archeologist, and it was handed down to the local authorities.
- **Around 1907: The lower half of the bird was probably¹⁰ sold for 500 Reichsmark to Karl Axenfeld**, of a Missionary Museum in Berlin,¹¹ **and then sold to the Museum für**

1 The site is inscribed with the name of Great Zimbabwe National Monument, see <http://whc.unesco.org/en/list/364>.

2 Munjeri, Dawson “The Reunification of a National Symbol,” *Museum International* 61 No. 1-2 (2009), 13.

3 Matenga, Edward, *The Soapstone Birds of Great Zimbabwe: Symbols of a Nation* (Harare: African Publishing Group, 2009), 19, quoted in Munjeri, “The Reunification of a National Symbol,” 15.

4 Dewey, William J, “Repatriation of a Great Zimbabwe Bird,” presentation to the Society of Africanist Archaeologists (SAFA), 2006.

5 Munjeri, “The Reunification of a National Symbol,” 16.

6 Dewey, “Repatriation of a Great Zimbabwe Bird,” 9.

7 Ibid, 10.

8 Ibid, 16.

9 Munjeri, “The Reunification of a National Symbol,” 16. Dewey, “Repatriation of a Great Zimbabwe Bird.”

10 Dewey, “Repatriation of a Great Zimbabwe Bird,” 28, expressed doubts as to whether it really was Karl Axenfeld who sold it.

11 Munjeri, “The Reunification of a National Symbol,” 16.

Völkerkunde in Berlin¹² (now known as the Staatliche Museen zu Berlin, Ethnologisches Museum).

- **During the Second World War: The Russian Army captured the lower portion of the stone bird**, among many other objects, as spoils of war **and deposited it in the Leningrad Museum of Ethnography and Anthropology**.¹³
- **1970s: The Soviet Union and East Germany** reached an **agreement** that the collections should be ‘repatriated’ to the ‘good Germany’, **the lower bird was handed over to the Museum für Völkerkunde in Leipzig** in utmost secrecy in **1978**.¹⁴
- **1990-1992: After the fall of the Soviet Union** the Berlin Museum learnt that its collection had not been destroyed and **the bird was reintegrated to its collection**.¹⁵
- **1997-1998: An exposition** entitled “Legacies of Stone: Zimbabwe Past and Present” held at the Royal Museum for Central Africa in Tervuren (Belgium) was an opportunity to **reunite both parts of the stone bird**.¹⁶ Although Zimbabwe was reluctant to lend its stone birds, it agreed once the Berlin Museum promised to lend the newly discovered lower half.
- **1999: The Prussian Cultural Heritage Foundation** (*Stiftung Preussischer Kulturbesitz*) – which managed the collection of multiple museums in Germany, including all museums in Berlin – was convinced by the German federal government to **restore to Zimbabwe the lower fragment of the bird**.
- **1 February 2000: The Prussian Cultural Heritage Foundation agreed to return** the lower part of the bird to the National Museums and Monuments of Zimbabwe under the terms of a permanent loan. Ownership remained with the Prussian Cultural Heritage Foundation.
- **May 2003: The restitution was made public in Zimbabwe**. The delay was caused by internal disagreement as to whether the terms of a ‘permanent loan’ were acceptable.
- **6 May 2004: The recomposed statue was brought to the Museum at Great Zimbabwe**.

II. Dispute Resolution Process

Negotiation – Diplomatic channel – Ad hoc facilitator (Germany)

- It was following the exposition “Legacies of Stone: Zimbabwe Past and Present” in Belgium that Zimbabwe, through its president Mugabe and its representation in Germany and Belgium, began to call for the return of the lower portion of the bird statue. The German embassy in Zimbabwe assisted in the restitution process. However, no information on the settlement process has been made public. Dr. Schmidt, the German Ambassador to Zimbabwe, was quoted in the Zimbabwe Herald saying that “following representations from the German federal government, the Prussia Cultural Heritage Foundation in 1999 agreed to restore to

¹² Dewey, “Repatriation of a Great Zimbabwe Bird,” 2.

¹³ Munjeri, “The Reunification of a National Symbol,” 16.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

Zimbabwe the fragment”.¹⁷ On 1 February 2000, the Foundation signed an agreement to this effect with the Zimbabwe Department of National Museums and Monuments.¹⁸

III. Legal Issues

Illicit excavation – Ownership

- The case involved legal issues which were never judicially tested, since the solution was agreed upon through diplomatic channels.
- The legal issue at hand was whether the Prussian Cultural Heritage Foundation had acquired ownership. The excavation was clearly contrary to ethical principles: indeed the statue had been removed by means of bribery from a sacred site without the agreement of the local population. This would probably amount to theft, although it would be very difficult to prove. Nevertheless, it must be conceded that the exportation of cultural objects by European archaeologists was not illegal given that, at the time, no binding prohibitions had existed. Zimbabwe did not have a national framework protecting its cultural patrimony,¹⁹ and the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 is only applicable to events happening after its entry into force.
- The Prussian Cultural Heritage Foundation, or at least the German government, certainly felt that, although Zimbabwe had not legal right to obtain restitution, it had a moral and ethical obligation to ask for return in order to restore the integrity of its cultural heritage, especially given the significant sacred value attributed to the stone birds.

IV. Adopted Solution

Loan

- The Prussia Cultural Heritage Foundation retained ownership of the lower portion of the stone bird while granting Zimbabwe a permanent loan. The lower portion was then reunited to the top portion of the statue, which remained under the ownership of Zimbabwe.

¹⁷ On 16 May 2003, at the time of the public ceremony to give the bird back according to Munjeri, “The Reunification of a National Symbol,” 17.

¹⁸ Dewey, “Repatriation of a Great Zimbabwe Bird,” 30.

¹⁹ See the UNESCO database on national legislation protecting the cultural patrimony under “Zimbabwe”, accessed January 13, 2012, http://portal.unesco.org/culture/fr/ev.php-URL_ID=33814&URL_DO=DO_TOPIC&URL_SECTION=201.html.

V. Comment

- The permanent loan the parties agreed upon was some sort of middle ground position in this dispute. On the one hand, the Prussia Cultural Heritage Foundation was reluctant to any form of restitution and had to be strongly encouraged by the German government. On the other hand, Zimbabwe's request was only half fulfilled. Possession of the Bird as such was indeed a means to repair the loss. However, possession failed to recognise that the bird constituted an embodiment of the Zimbabwe nation and that it could not remain in foreign possession.²⁰

VI. Sources

a. Bibliography

- Dewey, William J. "Repatriation of a Great Zimbabwe Bird." Presentation to the Society of Africanist Archaeologists (SAFA), 2006.
- Munjeri, Dawson. "The reunification of a national symbol." *Museum International* 61 No. 1-2 (2009): 12-21.

b. Legislation

- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of November 14, 1970.

²⁰ Munjeri, "The Reunification of a National Symbol," 18.