

Long Read

Factum Foundation, the Benin bronzes, and the Museum of West African Art



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A protest on the 9th of November against the opening of the new Museum of West African Art in Benin City has led to its indefinite postponement.¹ At this time of rapid developments and amidst the flurry of confusing news articles, I thought it would be valuable to share some reflections on Factum Foundation's prior engagement with the Benin bronzes and what was then known as EMOWAA (the Edo Museum of West African Art). What follows is an updated version of a section of a chapter I have been preparing over the past year with my long-term collaborator in Nigeria, Terry Little of Ahmadu Bello University Zaria, for a forthcoming Routledge volume on repatriation edited by George Abungu, Cressida Fforde, and Webber Nodoro.

Factum Foundation's involvement in Nigeria and the issue of repatriation originally began in 2016 through our work with the Trust for African Rock Art and the University of Calabar on the Bakor

monoliths of Cross River State, generously supported by Jim and Paula Crown and the Carène Foundation. Our aim in that project was to draw national and international attention to the threats to preservation of a lesser-known area of Nigerian heritage.² With the Benin bronzes we encountered the opposite situation, one in which there was already immense global interest as well as numerous organisations with prior involvement. This is an account of how we tried to navigate the political and ethical challenges of the situation in accordance with our principles as an organisation.

The various stakeholders in the Benin bronzes are represented in the Benin Dialogue Group, a forum initiated in 2010 with the stated aim ‘to work together to establish a museum in Benin City that will facilitate a permanent display [for] reuniting Benin works of art dispersed in collections around the world.’³ Domestically, it includes representatives of the Royal Court, the Edo State Government, and the Nigerian federal body responsible for antiquities, the National Commission for Museums and Monuments. Internationally, it includes representatives of the many museums with holdings, with the largest number of objects held in British, German, and American collections. Each country has its own legal environment and varying degrees of commitment to repatriation. Because of the 1963 British Museum Act, national museums in Britain are prevented from deaccessioning objects. This means there is a division between the British Museum which is subject to the Act, and museums such as the Pitt Rivers in Oxford, the Museum of Archaeology and Anthropology in Cambridge, and the Horniman Museum in London which are not.⁴ Consequently, the Horniman was able to repatriate Benin bronzes from its collection in November 2022.⁵ However, there are possible alternatives for returning artefacts available from national museums, as has been demonstrated by the renewable loans of Asante gold regalia looted in the Anglo-Asante wars of the nineteenth century from the British Museum and the Victoria and Albert Museum to the Asante Royal Court (rather than the Ghanaian

government).⁶ In Germany, a country where acknowledgment of the historic crimes of the Nazi regime in the Second World War is central to national identity, there has been greater openness to and enthusiasm for repatriation. In 2020, the Siemens Art Foundation funded the hugely significant website Digital Benin, which made information about Benin artefacts in public collections worldwide available through an Edo perspective. In 2022, Germany announced the unconditional return of its Benin bronzes to Nigeria.⁷ In the US, where comparably to Germany the historic injustice of slavery is a significant part of national identity, there has also been notable commitment to the repatriation of Benin bronzes, with the Smithsonian writing a new ‘Ethical Returns’ policy to enable it in 2022.⁸ The legacy of slavery is also a key concern of the Restitution Study Group, a campaign representing descendants of enslaved people that seeks to stop repatriation to those they perceive as the descendants and beneficiaries of the enslavers (that is, the Oba of Benin and the people of Edo State); however, it recently failed in its attempt to get the US Supreme Court to hear its case to block the Smithsonian repatriation.⁹

In today’s Nigeria, the precolonial Edo kingdom is constitutionally represented by the Oba of Benin, currently Ewuare II, who is a first-class paramount ruler within the traditional tier of government and cannot be dismissed by the civil authority. Ewuare II is a lineal descendant of Ovonramwen N’Ogbaise, the ruling Oba deposed and deported by the British to Calabar in 1897. In the restored monarchy, Oba Akenzua II (Ovonramwen’s grandson) first called for repatriation of the looted palace treasures in 1935.¹⁰ In 2017, Oba Ewuare II announced the plan to build a Benin Royal Museum for returning Benin bronzes. All cultural antiquities are supervised by Nigeria’s above mentioned NCMM, which is directed by a political appointee (from 2020-2023 Professor Abba Isa Tijani, now Olugbile Holloway), and was established in 1979 to replace the prior Nigerian department of antiquities.¹¹ At the federal government level, the All Progressives Congress (APC) has been in power since 2015; although the office of the Oba is politically neutral

in theory, Ewuare II is associated with the party. At the state level, Godwin Obaseki, a former investment banker, was elected governor of Edo State in 2016 on the APC platform. But he won re-election on the 19th of September 2020 as a member of the opposition People’s Democratic Party (PDP) after being expelled on the 16th of June from the APC by Adams Oshiomhole, his immediate predecessor as governor. The misalignment between state and federal governments was restored in 2024, when Monday Okpebholo was elected for APC. It is also of note that Obaseki is a lineal descendant of Agho Obaseki, the Iyase of Benin, the traditional “prime minister” or head of the town chiefs, who was selected by the British as the paramount ruler during the interregnum between 1897 and 1914, when Eweka II was reinstated as Oba. His family are, therefore, perceived as historic rivals to the Oba.

Factum Foundation’s involvement with the Benin bronzes came through the invitation in September 2022 of – as it was then named – EMOWAA, the Edo Museum of West African Art, which originated as an initiative of the Nigerian-British businessman Philip Ihenacho, who is of Igbo heritage, and the governor Obaseki. Together with Obaseki, Ihenacho had already developed the Edo State power plant (of no small significance as a requirement for a modern climate-controlled museum in a country with a temperamental national grid). Shortly after Obaseki’s re-election as governor for the PDP, they announced their plan for a museum to house the Benin bronzes, releasing the first images of the prospective building in November 2020.¹² The involvement of the starchitect David Adjaye, renowned for the design of the National Museum of African American History in Washington DC, brought international visibility to the project. Commenting on his plans in a New York Times article titled ‘A New Museum to bring the Benin Bronzes Home’, Adjaye stated that ‘it has to be for the community first... and an international site second.’¹³ Ihenacho, described in 2021 as the ‘contact person’ for ‘museums around the world... planning to return Benin bronzes’, became a powerful voice advocating for repatriation in a variety

of prominent international media outlets, such as the Art Newspaper.¹⁴ EMOWAA collaborated with the British Museum, the German Archaeological Institute, and Cambridge University on an archaeological excavation at the proposed site, which formerly housed a hospital that was demolished and relocated to make way for the new museum. In a 2020 press release, the excavation was described as constituting ‘essential early phase work for the building of EMOWAA which is being developed to house West African art and artefacts which will comprise the ‘Royal Collection’, the most comprehensive display in the world of Benin bronzes.’¹⁵ It also had success in generating financial support, reportedly more than \$25 million to date, including £3 million that was announced for the initial archaeological phase. A further €6.8 million was contributed by the German government, which as recently as October 2024 stated: ‘In order to support the local infrastructure for the proper storage and appropriate exhibition of the repatriated artefacts, the return of the treasures is to be accompanied by the construction of a new museum pavilion on the grounds of the Museum of West African Art (MOWAA) in Benin City.’¹⁶ An evolving component of the museum’s vision was to bridge cultural heritage and contemporary art and to create a hub for training in archaeology and heritage management for students and professionals across Nigeria and West Africa. In short, on paper it was in many respects a worthy initiative that had impressive success in a short period of time, led by a group of people deeply committed to the future of Nigeria’s heritage. But was it built on legitimate foundations? From early on in Factum Foundation’s involvement, colleagues at NCMM voiced concerns to us about the idea that the Benin bronzes could be repatriated to any non-federal entity (EMOWAA was initially a vehicle of Legacy Restoration Trust, which was registered as a private company, although later transferred to not-for-profit status). When we raised this with the EMOWAA executive team, they answered that some of the external funds raised for the project came with the proviso that their museum would not be run by NCMM, therefore it was impossible. Why, then, if there wasn’t clarity about the viability of EMOWAA as a permanent home for the Benin bronzes were substantial international

funds raised on that premise? Unbeknownst to Factum, 2022 also saw the launch of the Oba's rival bid for funding for The Benin Royal Museum, which received the backing of President Buhari, and the creation of a board of trustees.¹⁷



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Nevertheless, in spite of these growing divisions, in the more specific matter of digitisation NCMM provided permission for access to its collections of Benin artefacts in their museums in Lagos and Benin City and approval from the Royal Court was assumed on the basis of its representation on EMOWAA's board – by the Oba's eldest son no less. Factum Foundation's involvement was envisioned as transferring skills and technologies for 3D scanning, 3D printing, and communicating cultural heritage to the museum's technical team, as well as NCMM staff. With a grant from Ford Foundation to EMOWAA, a training programme in photogrammetry for participants from NCMM and EMOWAA's technical teams was set up to take place at the National Museums in Lagos and Benin City, with a subsequent session planned for translating the digital data recorded into physical objects through 3D printing. One of the ideas discussed was printing directly in wax, which could then be provided to the bronze casters of Igun Street, thereby

combining cutting-edge imaging and outputting technologies with a centuries-old tradition of founding. The first part of the training was held in November 2022. A total of 35 objects were 3D scanned, although some were modern versions made by Igun Street bronze casters. One of the advantages of the scheduling was that the Benin City leg of the training occurred at the same time as the launch of the Digital Benin website, which was an opportunity to meet the team behind it. EMOWAA's original hope was that 3D data recorded by the NCMM/EMOWAA team might eventually be integrated into this existing platform, but this did not transpire.

Early the following year the political situation changed, placing a question mark over the project. On the 28th of March 2023, one of the last acts of Muhammadu Buhari, the outgoing President of Nigeria (APC), was to issue a Presidential Gazette on behalf of the Oba concerning the Benin bronzes. It stated that (8.a) 'ownership of the artefacts... is vested in the Oba' and (8.b) 'custody of the repatriated artefacts, shall, from wherever and whenever they are brought into Nigeria, be handed over to the Oba.'¹⁸ This was instantly seized upon by anti-repatriation voices in the Western media, who argued that it effectively involved repatriating to a private individual with no guarantee of public access ('the personal property of a local king'); never mind that the individual in question was the direct descendant of the originally dispossessed Oba.¹⁹ What was going on? Alongside the political tensions between the APC and PDP outlined above, the international support and funding received by EMOWAA was perceived by the Oba as a diversion from his original plan for a Benin Royal Museum, so he took the drastic step of requesting a legislative statement from the President of his ownership of the bronzes, alongside a request for dismissal of EMOWAA from the Benin Dialogue group.²⁰ Museums in the UK paused the repatriation process and countries such as Germany that had already repatriated artefacts were approached for comment, responding that it was unconditional and up to the Nigerian government to decide what to do with them. But how can the German government, which donated

millions of euros to a non-federal entity to house the bronzes, claim that it has had no influence in their destination? Following the Presidential Gazette, EMOWAA dropped the Edo part from its name, rebranding itself as MOWAA, and refocused its attention towards contemporary art, mounting a Nigeria Pavilion at the Venice Biennale in 2024.

The Presidential Gazette also raises the same issue identified above with regard to LRT/EMOWAA of placing repatriated artefacts into private hands; however, it should primarily be read as the Oba's response to tensions with EMOWAA rather than a statement of the relinquishment of federal responsibility for the bronzes. 8.c. points to the reality of the situation by referring to the involvement of the Federal Government of Nigeria in deciding a 'secure and safe' location for them. The current plan for their display in a Benin Royal Museum and their housing in a recently completed storage facility represents in effect joint custodianship between the Federal Government/NCMM and the Oba. Although according to the Presidential Gazette the bronzes belong de jure to the Oba, public responsibility is de facto guaranteed through NCMM's running the museum. This relationship was formalised on the 12th February 2025, with the signing of an agreement granting 'NCMM permission to manage all aspects pertaining to the Benin antiquities, from repatriation, conservation, storage and exhibition.'²¹ In many ways, this seems like the right balance: international museums justifiably expect to repatriate artefacts on a government to government basis; but political fortunes can change rapidly in Nigeria, whereas there has been an Oba of Benin for centuries – long predating the creation of Nigeria itself.

Where did all this leave Factum? We had carried out the first phase of training with the permission of NCMM and the assumed permission of the Royal Court. But the announcement made it obvious that the Oba did not support EMOWAA, placing our project in a complex ethical quandary. Factum's ability to work with so many institutions worldwide is presumably based in part on the quality of our work, but in more legalistic terms, whereas some organisations claim the

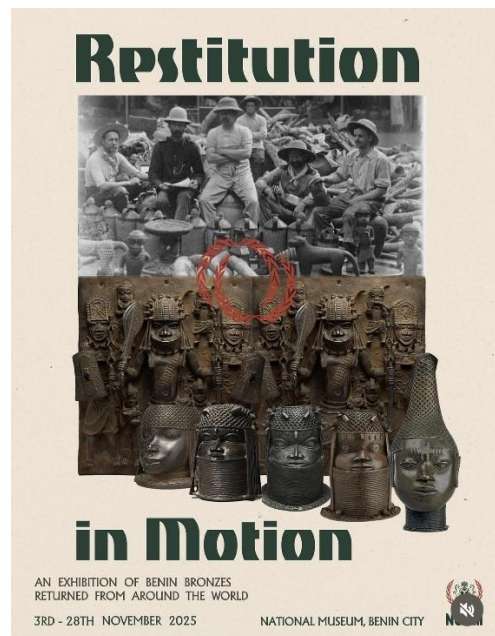
ownership of the data they record, Factum's guiding principle is that all digital data remains the property of the custodian of the original. On account of this, it was essential that new explicit permission from the Oba was received, particularly as the second phase of the training involved teaching the skills required for outputting the digital data as physical facsimiles. However, permission was not sought by EMOWAA, presumably in the awareness that it would not be granted. Factum had also begun to set up 3D-scanning projects with other museums with Benin holdings, which it could no longer do in good conscience. Factum's nightmare was a situation where it was perceived as having wrested control of the Benin bronzes away from their legal owner through its technology. As can be seen by our work on the Igbo Ukwu bronzes, produced by 3D printing in steel, electroplating in bronze, and chemical patination, it is possible to make extremely convincing facsimiles. But who the facsimiles belong to remains of paramount importance.



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Amanda Hellman writes in her essential book on the early history of the Nigerian antiquities service *The Making of Museums in Nigeria* (2023) that 'the story of museums in Nigeria is still being written, especially as EMOWAA emerges as a model for the new museum.'²² Although there is much to applaud about its vision for a museum that 'bridge[s] traditional divides of heritage

and living culture’, and its attempt to draw domestic and Condé Nast Traveller-reading international visitors to the fourth-largest city in Nigeria, there are surely lessons to be learned.²³ ICOM’s definition of the museum in 2022 describes it as a ‘permanent institution in the service of society’ that has the ‘participation of communities’: a reminder that the federal body responsible for antiquities and structures of traditional power cannot just be bypassed for private initiatives, with or without state government backing. NCMM is not a perfect institution and it faces all sorts of challenges, but it is the representative of the Nigerian state responsible for antiquities.²⁴ Unfortunately, neither the Royal Court nor NCMM have a large profile in international media; for example, the storage facility built by NCMM has gone totally unreported, as has the fact that simultaneous to the proposed opening of MOWAA, NCMM also mounted an exhibition of repatriated Benin bronzes at the existing National Museum of Benin City. This vacuum has been amply filled by MOWAA, which provided the glamour apparently necessary to capture international media attention.



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Having arrived at the lamentable point at which protesters stormed the opening of a museum should provoke reflection in the international heritage and funding communities about confirmation bias and the seductive power of architectural renders; I include Factum Foundation in this category, though only up until March 2023 when the situation became clear. Whereas the Oba's projected Royal Museum features a British Museum-style classical portico, Adjaye's design evokes the traditional rammed earth structures of the historic Oba's palace. Which is the "true" Nigerian identity? The answer is surely that it can be both, but it is not for international funders to decide; it is for Nigerians. Unfortunately, support for a project that claimed it was to house repatriated artefacts without establishing the legitimacy of that claim has led to the opposite of repatriation: it provoked the Oba into an action that slowed down the pace, with Nick Merriman, former director of the Horniman Museum, writing: "The lack of clarity over who was the legitimate claimant of the Benin objects enabled Western museums to delay their decisions."²⁵ Although, the pace seemed to be picking up again with the repatriation of Benin bronzes from the Netherlands in June 2025 to the Oba/NCMM, the latest developments will no doubt put a further break on that process.

What happens next? The President of Nigeria, Bola Ahmed Tinubu, has 'directed the immediate formation of a high-level Presidential Committee tasked with developing a comprehensive framework for permanent resolution.'²⁶ MOWAA has released a statement claiming that: 'With regard to recent references to the Benin Royal Museum, we wish to clarify that MOWAA has never claimed nor presented itself as the Benin Royal Museum in order to secure funding. We would suggest that the relevant authorities confirm directly with any and all of our donors that we have never misrepresented our status.'²⁷ This puts the ball in the court of the international funding community, and was the prompt for releasing this text now. Although Factum did not donate to EMOWAA, we did collaborate with it. I can say categorically that

EMOWAA did present itself as the permanent home for the Benin bronzes. The press cited above demonstrates that many of its international supporters engaged with EMOWAA on the same basis. The Oba gave a speech earlier in the week arguing for the repurposing of the MOWAA building for the use on which the funds to build it were procured: to house the Benin bronzes.

‘It was later made known that the finance for the EMOWAA which they were building was actually gotten from foreign donors who were made to believe that the Benin artefacts that would be returned would be housed in the Benin Royal Museum. The structure that is standing there was actually supported by foreign donors and the goodwill of the Oba of Benin to build a Royal Museum, the Benin Royal Museum. The so-called MOWAA is not a state government project, it is a project that is meant to house the Benin bronzes in the museum, known as the Benin Royal Museum... I am therefore in support of my people, who came out a few days ago, to protest against MOWAA opening of any sort... I therefore urge the state government to ensure that the MOWAA structure, which is under probe by the Edo State House of Assembly, is fully investigated and the source of finance and ownership made known... the foreign donors are actually seeing this structure as Benin Royal Museum, and I urge your Excellency to let it be so.’²⁸

As always, culture, money, and power are inextricably intertwined. Factum Foundation hopes for a just resolution that does honour to the extraordinary heritage of the Benin kingdom.

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14th November, 2025

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