International Restitutions

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International Restitutions is a French non-governmental organization (NGO) whose mission is "to protect the movable cultural heritage, both French and foreign, and to intervene with decision-makers by multiple and complementary means by giving resonance to its social purpose as defined in Article 2 of its statutes, at all levels, national, national, before the executives, the parliamentary chambers, the press, the courts and tribunals and the UN mechanisms"

HISTORICAL

International Restitutions was founded in September 2021 by a group of jurists and historians.

Its objectives are:

- to ensure the lawfulness of the composition of the collections of public museums
- -to protect movable cultural heritage so that it remains available to indigenous peoples in the place or country of origin of creation
- to obtain the annulment or the declaration of the non-existence of any incorporation or allocation to the public museum domain, whether French or foreign, of any cultural property looted, acquired or appropriated fraudulently, irregularly or illegitimately in a direct or indirect manner.

GENERAL CONTEXT

A large part of the public collections of European museums includes cultural objects whose provenance originates from outright looting, particularly during periods of war or colonization^{2 3 4 5}

THE QUESTIONABLE POSITION OF THE FRENCH AUTHORITIES

The French Council of State strictly applies the principles of inalienability and immunity from seizure of the assets making up the collections of museums in France provided for in Articles L451-3 and L451-5⁶ of the Heritage Code and Article L3111-17 of the General Code of the Property of Public Persons. These provisions constitute legal obstacles to the restitution to their legitimate beneficiaries of property looted or illegitimately acquired and appearing in the inventory of French museums. In law, the Council of State could very well disregard the provisions of French law by giving precedence to international treaties which, under the terms of Article 55 of the Constitution, have a higher authority. Indeed, the right to property, enshrined in international law, 89 would make it easy to set aside the principles of inalienability and immunity from seizure. The French Council of State, which has a Jacobin tradition¹⁰ ¹¹, stubbornly refuses to do so. French museum curators themselves are very reluctant to return looted property and put forward unconvincing arguments to oppose it, including the fact that such property is safer in French museums and that its conservation would not be guaranteed if it returned to its countries of origin. In addition to these legal obstacles, there are obstacles linked to the practice of their mission by museum curators, who are still today essentially trained in the conservation of collections in the strict sense and who have little or no awareness of the issues involved in provenance research during their studies. This often leads them to consider the object of which they are the custodian only from the moment it has entered the collections, as evidenced by the sparse documentation of most of the objects listed in the



inventories. The few cases of restitution that have taken place over the past twenty years have been made possible by mechanisms aimed at circumventing the rules relating to the French public domain. Two legal avenues were pursued:

- or by promulgating a law creating an exception to the principle of inalienability of French public collections, derogating from the above-mentioned rules applicable to cultural property and the public domain. For example, Law No. 2002-323 of 6 March 2002¹² on the authorization of the return by France of the mortal remains of Saartjie Baartman, known as the "Venus of", ¹³ to South Africa, and Law No. 2010-501 of May 18, 2010¹⁴ on the authorization of the return by France of Maori heads to New Zealand
- or by removing a cultural object from the scope of the laws relating to the French public domain, because this object does not belong to the museum's collection. For example, the works of art stamped "National Museums Recovery" since Decree No. 49-1344 of September 30, 1949¹⁶, which include 60,000 works looted by the Nazi occupier and never returned, have never been added to French public collections, precisely to allow their restitution once the owners or beneficiaries are identified or recognized.

Also, the restitution of Chinese cultural property, carried out in 2015, was possible through the withdrawal, at the request of the French State, of the donation made a few years earlier, by a private collector, to the Guimet Museum¹⁷. From then on, renamed "private property", these objects were able to be returned, directly by the donor, to the Chinese state. In addition, the withdrawal of a cultural asset from the French public domain may be due to an irreparable original defect tainting its acquisition. Objects resulting from illicit trafficking, which entered French public collections after 1997 (France having ratified the 1970 UNESCO Convention on 7 January 1997¹⁸), due to negligence in the control of their provenance at the time of their acquisition, or whose illicit nature has been revealed following the discovery of new facts, may be subject to cancellation of their acquisition (by way of sale, legacy) via legal action initiated by the defrauded French public entity, in accordance with Article 56 of Law No. 2016-925 of 7 July 2016¹⁹. The object is therefore deemed never to have fallen into the French public domain, and the new Article L.124-1²⁰ of the Heritage Code provides that the judge may order its return to its original owner.

During his speech in Ouagadoudou on November 28, 2017, President Emmanuel Macron said "I cannot accept that a large part of the cultural heritage of several African countries is in France. There are historical explanations for this, but there is no valid, lasting and unconditional justification. African heritage must be highlighted in Paris but also in Dakar, Lagos and Cotonou. This will be one of my priorities. I want the conditions to be met within five years for the temporary or permanent restitution of African heritage in Africa." President Emmanuel Macron has commissioned two academics, Felwine Sarr²² and Bénédicte Savoy^{23 24}, to send him "concrete proposals for short, medium and long-term actions". The aim of the report was to assess the history and current state of French public collections of African artworks from illicit or disputed acquisitions, as well as the claims and a plan for subsequent stages of possible restitutions.

The two academics submitted their report on 28 November 2018²⁶ ²⁷ ²⁸ making recommendations for the preparation of restitutions, such as international cultural cooperation, provenance research, and legal frameworks. It concludes with a list of the cultural properties concerned, as well as ways to display them in the near future in African museums. To date, no concrete follow-up has been given to the Sarr-Savoy report. A framework bill allowing the return of works illegally taken from former colonies was due to be debated in the Senate in April 2024. This text was to allow France to derogate from the principle of the inalienability of public collections in order to return to former colonies property that had been the subject of illicit appropriation between 1815 and 1972. However, the examination of this bill has been postponed to a later date by the government following a reserved opinion issued by the Council of State²⁹. Indeed, according to the newspaper Le Monde³⁰, in an opinion adopted on February 29, 2024, the highest French administrative court certainly gives its blank check to the bill, but makes serious reservations. In the eyes of the judges, the grounds for restitution mentioned in the text, namely "the conduct of international relations and cultural cooperation", do not justify a derogation from the provisions of the General Code of State Property, which declares cultural property that has entered public collections inalienable.

ACTIONS CARRIED OUT BY INTERNATIONAL RESTITUTIONS

Cultural property from the looting of the Summer Palace in Beijing in 1860

A Franco-British expeditionary force landed in September 1860 in the Gulf of Petchili and headed for Beijing. He arrived on October 13, 1860 in the Chinese capital, from which the imperial court had fled. He reaches the Summer Palace which is methodically robbed. General Cousin de Montauban, appointed by Napoleon III to lead the French troops, collected the most beautiful looted pieces that were shipped by sea to France with a view to being offered to the Empress Eugénie^{31 32}. The latter gathered the loot in a "Chinese museum" at the Château de Fontainebleau. More than 300 pieces from this looting are still in the museum's inventory of collections, including Chinese cloisonné vases and enamels, a large Tibetan stupa in gilded brass enhanced with turquoise housing a statuette of the Buddha, porcelain, white and green jades, rock crystals, weapons and jewelry³³. On 25 November 1861, Victor Hugo, in exile in Guernsey, was moved by this spoliation by replying to an officer's letter asking his opinion on this expedition. In this letter "To Captain Butler", 34 which was made public fifteen years later, Victor Hugo considered that these fraudulent appropriations were "shameless robberies carried out by bandits". This case was the subject of a first appeal for a declaration of non-existence³⁵ filed by International Restitutions before the French Council of State³⁶. This appeal led to a judgment delivered on November 23, 2022³⁷ ³⁸ ³⁹. The Council of State declared the appeal inadmissible for lack of interest in bringing proceedings because of the statutory purpose of International Restitutions, only the owners of the looted objects being considered by the judge to have a legitimate interest in requesting their restitution⁴⁰. Under these conditions, the NGO has changed its corporate purpose⁴¹ and filed a second appeal. This appeal is currently under investigation⁴².

The appropriation of the Mona Lisa by François 1st as part of the right of windfall in 1519

Independently of the restitution of cultural objects looted from indigenous peoples, International Restitutions, as part of its mission to monitor the lawfulness of the composition of the collections of public museums, has initiated proceedings⁴³ aimed at obtaining a declaration that the decision of illicit spoliation taken by King Francis 1st concerning the portrait of Lisa Gherardini is non-existent. known as "The Mona Lisa" painted by Leonardo da Vinci, currently exhibited in his painting department by the Louvre Museum. According to International Restitutions, in the absence of a letter of naturality, a will, a deed of sale or a donation, the portrait of the Mona Lisa was illegally acquired by Francis I under the right of windfall which was a general law of the kingdom under the ordinance of 21 April 1475⁴⁴ of King Louis XI attributing to the Crown the property of foreigners who died in France. This acquisition, in so far as it continues to produce its effects even today, would be contrary to Articles 1 and 17 of the Declaration of the Rights of Man and of the Citizen of 26 August 1789⁴⁵, Article 17 of the Universal Declaration of Human Rights of 10 December 1948⁴⁶ and Article 1 of the First Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950⁴⁷, which articles enshrine and protect the principles of equality and individual property. Moreover, the Royal Ordinance of 21 April 1475 would infringe on the rights and freedoms guaranteed by the current Constitution of the Fifth Republic and its Preamble⁴⁸, in particular the right to property. The contested decision is therefore based on a basis that is contrary to the law. According to International Restitutions, the illegality of the decision taken by King Francis I is of such gravity in the light of the fundamental principles of equality and property that it constitutes a non-existent act within the meaning of the settled case law of the Council of State (Judgment of the Assembly of 31 May 1957 - application no. 26188) according to which "Administrative acts affected by a particularly serious and flagrant illegality must be regarded as non-existent and are considered null and void". It is specified that a non-existent act is not subject to the statute of limitations and that it may be challenged before the administrative judge without any time limit. Two Italian researchers, Alessandro Vezzosi⁴⁹ and Agnese Sabato, have discovered at least 14 living direct descendants of Leonardo da Vinci. These 14 direct descendants are in fact from the lineages of his brothers and sisters, the artist never having had children. Their investigation, which dates from 2021⁵⁰ ⁵¹, reveals that the 14 descendants are between 1 and 85 years old and live in Tuscany, Leonardo da Vinci's native Italian region. The two researchers conducted DNA analysis, in

addition to dissecting a 690-year-old genealogical line, through church records and land records in the area. No less than 21 generations are involved, from 1331, the year of his grandfather's birth, to today. They include five family branches. Leonardo da Vinci had 22 half-brothers. To reach their results, the researchers tracked the Y chromosome, passed down from father to son, which remained almost unchanged for 25 generations. There are therefore today direct descendants of Leonardo da Vinci, some of whom have not been identified, only 14 of them having been found by the above-mentioned investigation, without their names having been revealed. The thesis put forward by International Restitutions^{52 53} is that the Mona Lisa is likely to belong to these heirs insofar as the initial act of appropriation by François 1er under the guise of the right of windfall is legally nonexistent and could not have produced any effect or created any right for the benefit of the French State. International Restitutions initiated proceedings before the Council of State under the "management of affairs" on behalf of the descendants of Leonardo da Vinci's heirs, invoking Article 1301 of the French Civil Code⁵⁴. In decision no. 491862 of May 14, 2024^{55 56}, the french Council of State declared this request inadmissible and decided that "only the legitimate owners had an interest, if necessary, in bringing legal action to obtain its restitution". The Council of State thus confirms its case law in the case of the sack of the Summer Palace in Beijing (see above). This decision does not close the door to an appeal by Leonardo da Vinci's heirs, who retain the possibility of requesting the return of the Mona Lisa to the French courts. This case law sets out the position of the French administrative judge with regard to the admissibility of applications for the restitution of works of art and lifts the mortgage of the exhaustion of domestic remedies to refer cases to the international judge (complaints procedures to the UN Human Rights Council and special procedures for independent experts in particular). The way is therefore open for International Restitutions, which will be able to submit a series of applications to international bodies for the spoliation of cultural objects of which indigenous peoples are victims, in particular. However, the Council of State considered⁵⁷ that the request was abusive and imposed an administrative fine of €3000 on International Restitutions. The NGO has referred the matter to the European Court of Human Rights for insufficient reasoning⁵⁸. The case is currently being tried.

Media coverage of the case

This case has been highly publicized and has been the subject of numerous publications in both the national 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 and international press 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137

Given the very large number of articles published, only the most significant are referred to as references, excluding those of a redundant nature.

Cultural property from the looting of the Kerch Museum in 1855

The Crimean War¹³⁸ was fought from 1853 to 1856 between the Russian Empire and a coalition of the Ottoman Empire, the French Empire, the United Kingdom and the Kingdom of Sardinia. The siege of Sevastopol, which began in October 1854, was followed by an expedition to Kerch, which was decided on 22 May 1855 and ended on 15 June 1855.

On the afternoon of May 25, 1855, French and English soldiers entered the Kerch Museum and looted it completely¹³⁹. Fourteen crates containing works of art were transported by boat to the Louvre Museum between 21 December 1855 and 1 February 1856. These objects are still in his inventory today, including vases, sarcophagi, pyxis, fibulae, mirrors and statuettes¹⁴⁰. According to International Restitutions, this is a blatant looting contrary to all the rules of international law¹⁴¹ ¹⁴². International Restitutions filed an appeal with the French Council of State on July 18, 2022¹⁴³, requesting that the inclusion in the inventory of the Louvre Museum of all the objects looted from the Kerch Museum and appearing in the collections of the Department of Greek, Etruscan and Roman Antiquities under the inventory reference "devolution of the Crimean Army" be declared non-existent.

International Restitutions also asked the Council of State to order their removal for undue inscription pursuant to Article D451-19 of the French Heritage Code. In decision No. 465857 dated November 23, 2022¹⁴⁴, the Council of State issued a decision similar in all respects to its decision No. 463108¹⁴⁵ issued on November 23, 2022 relating to the sacking of the Summer Palace in Beijing (see above). It considered that International Restitutions'

action was inadmissible for lack of interest in bringing proceedings, since only the owners of the looted objects could request the restitution or removal from the inventory. However, this case is not over. Indeed, International Restitutions has filed a complaint with the United Nations Special Rapporteur on the protection of cultural rights¹⁴⁶, whose mandate was extended by Resolution No. 55/5 adopted by the Human Rights Council on April 3, 2024¹⁴⁷. Within the framework of the special procedures of the Human Rights Council, independent human rights experts are mandated to report on and advise on the human rights situation from the perspective of a particular theme or country. The special procedures system is a central element of the United Nations human rights machinery and covers all rights, be they civil, cultural, economic, political or social. Depending on the follow-up given to this case by the United Nations Special Rapporteur, the United Nations Human Rights Committee may also be seized of a complaint against the French Republic.

Cultural property looted by the archaeological service of the Army of the Orient between 1915 and 1923

The French Army of the Orient (AFO) was a unit of the French Army that fought in World War I between 1915 and 1918¹⁴⁸. During the Dardanelles campaign (April-December 1915), the Eastern Expeditionary Force was confronted with archaeological remains. The AFO, which settled in Greece, near Thessaloniki, was confronted with archaeological remains from October 1915¹⁴⁹. The Archaeological Service of the Army of the Orient (SAAO), set up to supervise these discoveries that occurred in the context of military operations, intervened on 94 different sites and deposits¹⁵⁰. The Greek authorities have, in vain, on multiple occasions drawn the attention of the military command to the question of the protection of these antiquities and their maintenance on Greek territory. It was in this context that the Louvre received 11 boxes of objects sent in two shipments in 1917 and 1919, including a military marker, a capital and column drums, fragments of a funerary bed, black-figure vases, a red-figure krater, two helmets, two skyphoi, Byzantine cups and gold ¹⁵¹jewellery. These objects are currently in the Louvre Museum in the collections of the Department of Greek, Etruscan and Roman Antiquities under the inventory reference "Army of the Orient".

According to International Restitutions¹⁵² ¹⁵³, this looting was carried out in clear violation of both the law of nations and international custom and of the Convention on the Archaeological Excavations of Delphi of 4 February 1887¹⁵⁴, signed and duly ratified by the French Republic and the Hellenic Kingdom. International Restitutions filed an appeal with the French Council of State on 17 October 2022¹⁵⁵ requesting that the inclusion in the Louvre Museum's inventory of all objects originating from the shipments made following the excavations carried out by the archaeological service of the Army of the Orient between 1915 and 1923 be declared non-existent. International Restitutions also asked the Council of State to order their removal from the inventory for undue inscription pursuant to Article D451-19 of the French Heritage Code. For the same reasons as those mentioned above in the case of the sack of the Summer Palace in Beijing and the looting of the Kerch Museum, International Restitutions considered that the chances of passing the admissibility filter of the request were reduced to nothing and decided to withdraw its application before the Council of State. However, International Restitutions has filed a complaint with the United Nations Special Rapporteur on the protection of cultural rights. The case is currently under investigation.

Cultural property resulting from Napoleonic spoliations between 1795 and 1815

Napoleonic spoliations consisted of a series of large-scale thefts of cultural property over a period of twenty years, from 1795 to 1815¹⁵⁶. International Restitutions pursues the objective that the looted objects be removed from the inventory of the Louvre Museum and can subsequently be returned to their rightful owners, in particular the various churches and monasteries that were victims of the spoliations¹⁵⁷. Given the very large number of looted objects, International Restitution identified the major pieces and initially limited its objective to these objects. International Restitution has identified ten major spoliations. These spoliations appear on the website of the collections of the Louvre Museum¹⁵⁸. The spoliations in question are listed as follows:

- "The Virgin and Child in majesty surrounded by six angels" (Maestà) by Cimabue (Cenni di Pepe, dit). Main inventory number: INV 254 - Other inventory number: MR 159 - Originally at the Seminario Vecchio in Pisa. Removed and taken to the Louvre in October 1812. Mode of acquisition: military conquest.

- "Saint Francis of Assisi receiving the stigmata" by Giotto Di Bondone. Main inventory number: INV 309 Other inventory number: MR 253 Originally in the church of San Francesco in Pisa. Taken in October 1812 and taken to the Louvre in 1813. Acquisition method: Napoleonic seizure.
- -"The Presentation in the Temple" by Gentile da Fabriano (Gentile di Niccolò di Giovanni di Massio, dit). Main inventory number: INV 295 Other inventory number: MR 210 Originally at the Academy of Fine Arts in Florence. Removed and taken to the Louvre in 1812. Mode of acquisition: military conquest.
- -"The Wedding at Cana" by Paolo Caliari (Veronese says). Main inventory number: INV 142 Other inventory number: MR 384. Originally in the Benedictine refectory of San Giorgio Maggiore in Venice. Taken in 1797 and transported to the Louvre in 1798. Mode of acquisition: military conquest.
- "The Virgin and Child between St. John the Baptist and St. Mary Magdalene" by Cima da Conegliano (Giovanni Battista Cima, dit). Main inventory number: INV 253 Other inventory number: MR 158. Originally at the Regia Accademia in Parma. Removed and taken to the Louvre in 1812. Mode of acquisition: military conquest.
- -"The Virgin and Child surrounded by eight angels" by Turino Vanni. Main inventory number: INV 711 Other inventory number: MR 535. Originally at the Convent of San Silvestro in Pisa. Taken and taken to the Louvre in 1812 or 1813. Mode of acquisition: military conquest.
- -"The Virgin and Child surrounded by six saints" (usage title "The Virgin of Victory" by Andrea Mantegna. Main inventory number: INV 369 Other inventory number: MR 337. For the chapel of Santa Maria della Vittoria in Mantua. Removed and taken to the Louvre in 1798. Mode of acquisition: military conquest.
- -"The Return of the Prodigal Son" by Leonello Spada. Main inventory number: INV 677 Other inventory number: MR 487. Collection of Duke Alessandro d'Este in Rome, 1625; preserved in the eighteenth century in the Ducal Gallery of Modena; taken by the commissioners of the French Republic and taken to France, 1796 Exhibited at the Musée Central des Arts from 1798; left in the Louvre at the time of the restitutions of 1815; deposited in the museum of the castle of Compiègne in 1896. Currently in the Louvre. Mode of acquisition: military conquest.
- "The Birth of the Virgin" by Annibale Carracci. Main inventory number: INV 190 Other inventory number: MR 113. Commissioned by Cesare d'Este, Duke of Modena, 1605. Not delivered by the painter; Ann. Carracci, Rome, 1609. heirs of Francesco Cantucci, bishop of Loreto; Cantucci Chapel of the Basilica of Santa Casa, Loreto, before 1633; Papal Palace, Treasury Room, Loreto, before 1722; transported to Rome to be copied in mosaic, 1772-1781; taken by the commissioners of the French Republic and taken to France, 1797; exhibited at the Central Museum of Arts from 1801; left in the Louvre at the time of the restitutions of 1815; deposited at the National Museum of the Château de Compiègne from 1896 to 1954. Currently in the Louvre. Mode of acquisition: military conquest.
- "The Visitation with Marie-Jacobie and Marie-Salomé" by Domenico Ghirlandaio ((Domenico di Tommaso Bigordi, dit). Main inventory number: INV 297
- Other inventory number: MR 240. Commissioned by Lorenzo Tornabuoni for his chapel in the church of Cestello (since 1628 Santa Maria Maddalena dei Pazzi) in Florence. Removed and taken to the Louvre in August 1812.

International Restitutions filed an appeal with the French Council of State on 2 November 2022¹⁵⁹, requesting that the inclusion of all ten of the above-mentioned objects in the inventory of the Louvre Museum be declared non-existent and that their removal for undue inscription be ordered pursuant to Article D451-19 of the French Heritage Code. This appeal to the Council of State was mentioned in the report to the President of the Republic written by Jean-Luc Martinez, Ambassador for International Cooperation in the Field of Heritage, Honorary

President and Director of the Louvre Museum¹⁶⁰. For the same reasons as those mentioned above in the case of the sack of the Summer Palace in Beijing and the looting of the Kerch Museum, International Restitutions considered that the chances of passing the admissibility filter of the request were reduced to nothing and decided to withdraw its application before the Council of State. However, International Restitutions has filed a complaint with the United Nations Special Rapporteur on the protection of cultural rights. At this stage, the case is under investigation.

The spoliation of the Zemi of Dominica in 1878

Between June and October 2024, the Musée du Quai Branly in Paris is organizing an exhibition of objects belonging to the Kalinago and Taino peoples, 161 162 163 the first inhabitants of the Caribbean. The object that appears on the exhibition leaflet¹⁶⁴ is called a Zemi. It is the three-point Zemi of Dominica. It is carved from a volcanic stone. Volcanoes, earthquakes, and sulfuric springs had religious significance for the indigenous people¹⁶⁵. In 1878, the Zemi was found by workers in a cave near the village of La Soufriere located in the southern Caribbean of Dominica. They took it to the parish priest who shipped it to France to be found today in the collections of the Quai Branly Museum. The representatives of the Kalinago people have been asking in vain for their Zemi for many years¹⁶⁶. France has offered to make a molded copy of the Zemi and offer it to Dominica. This solution is not acceptable and has been refused, as the Kalinago people wish to recover the original, which alone has religious value in their eyes. According to International Restitutions¹⁶⁷, this spoliation constitutes a clear violation of Article 11 of the Declaration on the Rights of Indigenous Peoples adopted by the United Nations General Assembly on 13 September 2007, 168 169 according to which: "Indigenous peoples have the right to observe and revitalize their cultural traditions and customs. In particular, they have the right to conserve, protect and develop past, present and future manifestations of their culture, such as archaeological and historical sites, handicrafts, designs, rites, techniques, visual and performing arts and literature. States must provide redress through effective mechanisms, which may include restitution, developed in consultation with indigenous peoples, for cultural, intellectual, religious and spiritual property taken from them without their free, prior and informed consent, or in violation of their laws, traditions and customs". Under these conditions, International Restitutions has decided to file a complaint with the United Nations Special Rapporteur on the Rights of Indigenous Peoples, ¹⁷⁰ whose mandate was extended by Resolution No. 51/16¹⁷¹ adopted by the Human Rights Council on October 6, 2022. This complaint is currently being investigated.

The Spoliation of the Matsukata Collection

A Japanese industrialist and important art collector, Kōjirō Matsukata was born on January 17, 1866. The son of a former Prime Minister of Japan, he was trained in Western culture following his studies in the United States, from which he graduated from Yale University. During two extended stays in Europe, in London and Paris between 1916 and 1922, he built up an impressive collection of modern art consisting of several thousand canvases, ranging from Claude Monet to Pablo Picasso, from Paul Gauguin to Gustave Courbet, and including Vincent Van Gogh, Paul Cézanne, Pierre-Auguste Renoir, and Kees Van Dongen, among others.

Endowed with excellent taste, Kōjirō Matsukata acquired "The Bedroom in Arles" in the early 1920s from the famous Parisian dealer Paul Rosenberg, on the advice of Yukiō Yashirō, an art historian whom he had entrusted with the mission of assisting him in building his collection.

Kōjirō Matsukata's project was to create a museum in Japan bringing together works by the greatest Western masters. However, the repatriation of the works to the Land of the Rising Sun ran into Japanese tax legislation, which imposed customs duties of 100%. Faced with this taxation, he decided to store part of his immense collection in London, at the "Pantechnicon" storage facility, and in Paris, where his friend Léonce Bénédite agreed to temporarily store the works in the cellars of the Rodin Museum.

Kōjirō Matsukata would be dogged by misfortune. On October 9, 1939, a violent fire broke out in the London storage facility and almost the entire collection was destroyed by flames.

It was his trusted associate, Kōsaburō Hiōki, who watched over the rest of the works stored in Paris.

In 1940, Hiōki decided to shelter most of the Paris collection from the German threat. He transported the 336 paintings to his companion's property in Abondant in the Eure-et-Loir department. The 58 sculptures, which

were more difficult to transport, remained at the Rodin Museum.But at the end of the war, fate seemed to conspire against the collection when an ordinance of the Provisional Government of the French Republic dated October 5, 1944, placed "enemy property" under sequestration, as Japan was a member of the Rome-Berlin-Tokyo tripartite pact opposed to the Allies. At this stage, it was purely a conservatory measure. The domain administration took charge of the sequestered works and, in September 1945, gave its approval to transfer the approximately twenty-five sealed crates of paintings to the reserves of the Museum of Modern Art. The inventory established on this occasion mentioned several hundred works including oil paintings, watercolors, drawings, books, engravings, and bronzes.After the war, only part of the collection would be returned, with France retaining, under extremely questionable legal conditions, 18 works, including "The Bedroom in Arles" by Vincent Van Gogh.International Restitutions has decided to file a complaint with the United Nations Human Rights Council against France on behalf of the heirs of the Matsukata collection under the doctrine of negotiorum gestio (management of another's affairs) as provided for in Article 1301 of the French Civil Code. This case is currently under review.

INTERNATIONAL DISTRIBUTION

Given the highly technical nature of the procedures undertaken, International Restitutions deemed it necessary to conduct outreach activities to the general public. To this end, a series of publications in novel form, and therefore more accessible, have been released.

These are:

"The Stolen Room" on the spoliation of the Matsukata collection¹⁷² ¹⁷³ ¹⁷⁴ ¹⁷⁵ "The Testament Was a Forgery" on the appropriation of the Mona Lisa ¹⁷⁶ ¹⁷⁷ ¹⁷⁸ ¹⁷⁹ ¹⁸⁰ "Pillage" on the sacking of the Summer Palace in Beijing (currently in publication)

Other books will be published later. These works are accessible on major online platforms (Amazon, Bookelis, Kobo, Fnac, Decitre, Google Play, Overdrive, Barnes & Noble, Booken, Tolino, Apple iBooks, etc.). They are distributed in ebook format and in paperback or print-on-demand hardcover format. They have been translated into several languages, including English, Spanish, Italian, Japanese, German... They are available in more than 10,000 bookstores and retail outlets worldwide through the Bookelis Optima program.

AGENDA 2025-2926

International Restitutions has programmed the following actions for the 2025-2026 campaign:

- Proceedings before the United Nations Special Rapporteur on the Rights of Indigenous Peoples with a view to the restitution to the Kanak people of New Caledonia of the ossuaries in the form of coffins (former sculpted hut frames) currently listed in the inventories of the Pithiviers Museum of Art and History and the Quai Branly Museum in Paris¹⁸¹
- Proceedings before the United Nations Special Rapporteur on the Rights of Indigenous Peoples for the restitution of Kachina dolls from the Hopi tribes from the southern United States (Arizona and New Mexico) currently listed in the inventory of the Musée du Quai Branly in Paris¹⁸²
- Proceedings before the United Nations Special Rapporteur on the Rights of Indigenous Peoples for the restitution to the Rapa Nui people of Easter Island of the moai "Hoa Hakananai'a" currently listed in the inventory of the British Museum in London 183 184

Notes and references

¹Statutes of International Restitutions

https://www.international-restitutions.org/statuts

²Andrew Curry, National Geographic, Publication March 30, 2023, "Restitution of Works Looted During Colonization: The Treasures of Discord" https://www.nationalgeographic.fr/histoire/restitution-doeuvres-pillees-pendant-la-colonisation-les-tresors-de-la-discorde

³France Culture, 31 March 2021, "A World History of Colonial Looting"

 $\underline{https://www.radiofrance.fr/franceculture/podcasts/le-journal-de-l-histoire/une-histoire-mondiale-des-pillages-coloniaux-1609010$

⁴Catherine Morand, Le Temps, June 1, 2022," The restitution of works looted during colonization is not a long quiet river"

https://www.letemps.ch/culture/arts/restitution-oeuvres-pillees-pendant-colonisation-nest-un-long-fleuve-tranquille

⁵Felwine Sarr and Bénédicte Savoy, Report n°2018-26 - Public Life-November 2018, "Report on the restitution of African cultural heritage. Towards a new relational ethic"

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