

**Discussion of „Framework Principles for dealing with collections from colonial contexts“**

**12. March 2024**

**Minutes of discussion with international experts**

**Participants:**

- International experts
- Representatives of the German Federal Foreign Office
- Representatives of the German Commissioner for Culture and the Media
- As Representatives of the Bundesländer in the federal and Bundesländer working group on dealing with collections from colonial contexts representatives of the Ministry of Science, Research and Arts Baden-Württemberg

## 0. Structure of the meeting

- The Framework Principles are introduced and the current process of amending them in order to reflect the developments in the field since 2019 is explained.
- The discussion is based on 5 questions.
- Participants are kindly asked to present any comments on the 2019 Principles.

## 1. Points raised by the Experts with regard to previous experience in working with the Framework Principles (“Do you have any direct experiences in working with the Framework Principles? If so, how were those experiences?”)

- The Framework Principles need to enable restitution processes and need to take note of the contestation between restitution (German: Restitution) and return (German: Rückgabe).
- It is highly problematic that whatever was taken to Germany became an ‘object’ when entering the museum; it was further objectified by being categorized and subjected to the concept of German museum governance.
- Germany needs to engage with its colonial past more critically; it did not experience anti-colonial movements unlike other former colonial powers. As a result, the view taken on the “objects” in question is still mostly based on the German view and perspective of cultural objects, see point above.
- The methodology of German museum governance needs to be shifted towards de-objectifying and de-accessioning cultural goods and ancestral remains as a first important step towards restitution.
- It is highly problematic that ancestral remains have been de-humanized, racialized and “othered” by being objectified.
- The Framework Principles need to take account of the fact that only communities of origin can speak for their ancestors than a third party could.
- The federal structure of Germany is problematic for communities of origin as every state (*Bundesland*) comes up with its own project and approaches the same agencies in countries of origin.
- It needs to be noted that a single agency in a country of origin cannot handle several collaborative projects with different states (*Bundesländer*) at the same time.
- The distinction between cultural goods and ancestral remains made in the Framework Principles is highly problematic. Cultural goods and ancestral remains are often seen as a unit and need to be treated with respect and sensitivity. It has to be taken into account that communities of origin do not see ‘objects’ as art but as entities having spiritual connotations, as subjects having life and being charged with energy.
- It is unsettling that, so far, restitution happens on German terms and on assumptions of German concepts such as the separation of cultural goods and ancestral remains.
- Future restitution processes need to be carried out on the basis of the needs and requirements of communities of origin.
- It has to be noted that the Framework Principles are not widely known.

**2. Amendments, clarifications and additions recommended by the experts (“Which amendments, clarifications and additions would you recommend? Are there any aspects with regard to the return of cultural objects that are so far not reflected in the Framework Principles?”)**

- The two most important principles to be taken into account are the de-objectification of collections and the inauguration of collection items as subjects or ancestral remains.
- Objectifying language needs to be changed, categorizing from a German point of view needs to change.
- The team of experts notes it has full confidence in the German team redrafting the Framework Principles to include what has been said in this meeting.
- It is important that today’s meeting does not constitute an event just to tick a box but that it will contribute to the required change in the philosophy of the Framework Principles towards the methodologies and principles laid out.
- An underlying philosophy as to why Germany advances on this topic and what it wants to achieve should be the basis of the next draft of the Framework Principles.

**3. Which criteria should apply when assessing whether cultural objects are to be returned?**

- Take into account what communities have to say.
- Share information on items and ancestral remains (transparency as a general prerequisite).
- Create a large platform for knowledge exchange.
- Offer restitution processes proactively.
- Establish more cooperation with communities of origin and experts.
- Enter into an intercultural dialogue with communities of origin.
- Engage in state-to-state negotiations as well as with communities of origin.
- Open up diplomatic avenues for communities to register their demands.
- Ensure funding of provenance research and restitution processes.
- Continue provenance research once items and ancestral remains are returned.
- Encourage private stakeholders to act responsibly along the Framework Principles.

**4. Experts’ views on participation processes with countries and societies of origin regarding the potential returns of cultural goods (“Do you have experiences regarding participation processes with countries and societies of origin regarding the assessment of potential returns of cultural goods? If so, do you have recommendations how to best structure such participation?”)**

- The 2019 Framework Principles state on p. 6, § 7: ‘and enabling their return’. It needs to be clarified what this means as in: Is Germany prepared to finance research and return of cultural goods and ancestral remains?
- It is unsettling that so far, communities have been asked to fund provenance research and restitution (travel, accommodation insurance) themselves.
- It has to be clear that restitution is not an event, but a process, with the aim to creating mutual benefit between Germany and the places of origin
- Communities of origin must be placed at the center of restitution processes.

- Despite the special importance of the role the communities of origin have in the process, the accompanying involvement of the respective State is as important. Bilateral state negotiations must accompany the process to ensure the legalities.

**5. Experts' views on which objects should be prioritized for further research ("Can you identify areas (certain objects, objects with certain purpose or meaning, objects from certain regions etc.) that from your perspective should be prioritized for further research?")**

- De-objectify collections and thus decolonize museums in Germany.
- Share information about items and ancestral remains as well as about results of provenance research with communities and countries of origin.
- Communities of origin should be part of the decision-making process regarding provenance research and restitution.
- Decolonize relationships and build new relationships.
- The healing effect that restitutions can have should be considered and made a priority
- African scholars need to participate in provenance research side by side with German scholars travelling to African countries for research.
- Colonial rule damaged Africans and Germans: Africans were denied to learn about themselves. Germans were made to think of themselves as different and superior to Africans. It is desirable to understand the process of restitution as offering a big opportunity to seek remedy from colonial violence.
- Even if the concept of reparation frightens German officials, it is necessary to talk about it and communities should be given the possibility to specify their needs (in all realms) which in turn should be met in the restitution process.
- It needs to be stated that restitution is a part of reparation. Reparation also needs to include apologies; a guarantee that there won't be violence; the will to form strong relationships and to strengthen communities of origin.
- Do not depose a single model on all processes of restitution.
- Summed up in one sentence: The philosophy of the Framework Principles needs to be revised to reflect the state-of-the-art in the field.

**6. Remarks by the German side**

- Redrafting the Framework Principles is bound by what is politically possible.
- The document tries to combine the federal level with the state (*Bundesländer*) level. Germany has a 3-tiered administrative structure: the federal, the state and the municipal levels.
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- The Framework Principles can only be a declaration of intent, but should be as clear and effective as possible.
- State-to-state negotiations are indispensable. It is a difficulty when communities do not agree with their state.
- The German Federal Government predominantly talks with other national governments through bilateral talks and diplomatic channels.
- Communities are welcome to approach museums for projects.
- The Framework Principles are guidelines for the states (*Bundesländer*), the federal government and municipalities to enable museums to returns.
- With respect to returns, museums with their own governance come into the picture as well. This means that four different actors bound by different regulations have to be brought together for return processes on the German side.

- As of the budget 2024 and running for 4 years, funds have been allocated to the Federal Government Commissioner of Culture and the Media to help finance returning cultural goods, the details of which are yet to be laid out.
- Private stakeholders can only be asked to honor the Framework Principles.
- Many collaborative projects of German and African museums already exist.
- A lot has improved since 2019, but much remains to be done.
- The amendment of the Framework Principles will help with improving the return processes.

#### **7. Summary by Ms Rose on required amendments to the Framework Principles**

- Adjust the terms used in Framework Principles, for instance, with respect to the term 'object', the perspective of the communities of origin has to be considered.
- Share information.
- Necessity to conduct more provenance research.
- Build new relationships.
- Restitution not restricted to return but maybe reconciliation.
- Official negotiations regarding returns will only happen on a state-to-state level. Communities will play an important role in these processes.
- Funding needs to be improved.
- Communities need access to the collections and museums.
- The philosophy of the Framework Principles has to be reconsidered and the bigger historical picture has to be taken into account.
- Today's exchange has been taken to heart. It is not merely an event to tick a box.