

**Discussion of “Framework Principles”
17 January 2024
Minutes of 1st discussion with representatives from museums**

Participants:

- Representatives from various German museums,
- Representatives from the Federal Foreign Office,
- Representatives from the Federal Government Commissioner for Culture and the Media,
- Representatives from the Ministry of Science, Research and the Arts for Baden-Württemberg and the Ministry of Culture for the City of Hamburg on behalf of the federal-Länder working group for “dealing with collections from colonial contexts”
- Representatives from the German Contact Point for Collections from Colonial Contexts

List of questions sent

1. What is your practical experience of implementing the requirements from the Framework Principles? In your opinion, have the requirements from the Framework Principles proved to be useful?
2. What changes, clarifications and additions would be useful in your view? Are there any important aspects relating to returns that have not yet been taken into account in the Framework Principles?
3. The key criterion for the return of cultural property that was removed from the country of origin during the formal colonial period or at a time when informal colonial structures still existed is - according to the Framework Principles - that the “appropriation took place in a way that is no longer legally and/or ethically acceptable today”. What do you think of this criterion? Are there other criteria that should be taken into account when deciding whether cultural property should be returned?
4. Insofar as any return presupposes that the cultural property was appropriated in a manner that is no longer legally and/or ethically acceptable today: What evidence requirements appear necessary and reasonable?
5. What do German museums need to consider when conducting provenance research in relation to cultural property from a colonial context? Does it make sense (and if so, in which cases) to involve representatives from the society of origin? What form is suitable for this? Where do you see particular challenges for provenance research and what do you suggest?
6. Are there areas (such as categories of objects, specific regions, etc.) that should be prioritised for research in terms of content or time? Should cultural property with special religious, historical or ritual significance be subject to requirements other than those listed under 3?
7. What is your position on the call for a country-wide advisory committee in Germany to make recommendations, in the event of differences between museums and societies of origin, regarding the return of cultural property from colonial contexts?

In an intense debate, the experts from the museum sector cited the following aspects in particular (in keywords):

- The Framework Principles have basically proved to be useful.
- Make it clearer whom the “Framework Principles” apply to.
- Make the German federal system transparent.
- From now on, add the special significance of cultural property for societies of origin as a criterion for return.
- Open and flexible criteria for returns (case-by-case decisions) are important.
- No reversal of the burden of proof.
- Remove the word “today” from the section of text that states “in an unethical manner today”, continue to use the word “ethically” to expand the scope for action.
- Both the concept and the time frame need to be expanded (keyword coloniality instead of colonial era).
- Do not prioritise or stipulate requirements.
- Difficult question of how to deal with criticism from members of civil society regarding the principle of returns via the state.

- Further cooperation is important: a) provenance and collection research b) cultural/educational c) in fields outside the cultural sector as desired by societies of origin.
- A fixed ethics advisory board does not appear to make sense or is not desired, rather an international network of experts with a flexible structure, with members from societies of origin, academia, ethicists etc. and a rotating group of participants from different backgrounds, see NL “critical friends”.
- There are major funding problems at museums that need to be solved for a) provenance research b) delegation visits c) international cooperation involving cultural/other sectors d) capacity building e) transport costs.
- There is also a lack of supportive structures.
- Private collections should also be addressed//who can accept human remains from private collections?
- Draw on the expertise of the diaspora/civil society, clarify what role the diaspora might play.
- Transparency: consistent implementation of the 3-road strategy (on the documentation and digital publication of collections from colonial contexts held in Germany) is important.
- Provide for shared stewardship and shared curating for different return options (transfer of ownership/physical return/temporary loans/cost issues).
- Think about intangible cultural heritage.
- Think about digital returns and archive materials and thereby adopt a broader view of objects.
- General view that tasks are complex, lengthy and intergenerational.
- Issues are international, cannot be solved nationally and require a view to be taken at a European and international level.