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Germany Sets Guidelines for Repatriating Colonial-Era Artifacts

The Humboldt Forum in Berlin, which is set to open this fall, is at the center of Germany's debate about the restitution of colonial-era artifacts.

By Christopher F. Schuetze
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BERLIN — The cultural authorities in Germany have agreed on a set of guidelines for the return of artifacts taken from the country's former colonies.

In signing the eight-page agreement on Wednesday, Germany's 16 state cultural ministries, the foreign office, and associations representing cities and municipalities agreed to work with museums to make sure that wrongfully obtained artifacts are given back to their rightful owners.

Museums with ethnological collections should produce inventories of those objects and make them publicly available to facilitate any claims, the guidelines say.

Germany's public museums are mostly funded by and answerable to German states rather than the federal government. The agreement puts museums — and claimants

seeking the return of objects from collections — on the same footing across the country.

“All people should have the opportunity to meet their rich material cultural heritage in their countries and communities of origin, to interact with it and pass it on to future generations,” the agreement said.

Former colonial powers in Europe are slowly coming to a view that they have no legal or moral right to own many objects displayed in the Continent’s archaeological or ethnological museums.

President Emmanuel Macron of France, which was one of the major colonial powers of the 19th and 20th centuries, recently commissioned a report that noted that 90 percent to 95 percent of Africa’s cultural heritage is currently held by museums outside the continent. The report recommended steps for returning artifacts that were taken to France without the consent of their countries of origin.

Last week, the National Museum of World Cultures in the Netherlands presented new rules for reclaiming artifacts looted under Dutch colonial rule, and promised that it would investigate its own collection, rather than waiting for claims.

But many critics say that German museums still have much work to do.

Hannes Hartung, a lawyer specializing in art and artifacts who is also a lecturer at the University of Munich, said that the newly signed agreement was “soft law.” The pact is not legally binding and does not create any reliable legal framework, he added.

“These basic points will not make any legal claims in Germany easier,” he said in an interview.

A major hurdle for legal claims is the question of who can represent groups of peoples, tribes or families who owned the artifacts more than a century ago.

But Klaus Lederer, the Berlin senator responsible for culture, wrote in an email exchange that the agreement was an important first step in a “process of discussion,” which German states need to follow up. “It was important to me that colonial injustice is clearly named as such,” he said.

In agreeing to a common set of principles, the authorities also vowed to distinguish between art looted during the Nazi era — on which the country has made some progress since signing the Washington Principles two decades ago — and artifacts taken during colonial times — which until recently were mostly ignored.

Last year, Berlin’s state museums returned nine artifacts to indigenous groups in Alaska. The artifacts, which came from a burial site, were not taken from a German colony, but the return of the items signaled a shift in how museums were dealing with objects that were collected by European explorers at a time when it was common to take foreign artifacts without regard for their ownership.

The Humboldt Forum, a state-funded museum that is set to open this fall with large archaeological and ethnological collections, is at the center of the debate about restitution in Germany. It has drawn protests from activists who say the museum has not done enough to research the provenance of objects in its collection.

Berner Wolter, a spokesman for the museum, said the new guidelines would “change very little for us.”

“The Humboldt Forum has already followed these principles in its plans in recent years,” he said, adding that the agreement “represents a renewed call to to pursue this topic even more intensively.”