

Overview

German restitution policy on colonial contexts: How are the federal, state and local authorities involved?

Thomas Fues

The change of government in Berlin is a good time to take a closer look at the state of German policy on coming to terms with its own colonial history. This overview looks in particular at the concepts, institutions and funding in Germany associated with the restitution of ancestral remains and cultural belongings from the colonial era. In the German federal system, all three levels of government - federal government, federal states and local authorities - are involved.

The "traffic light" government has set certain things in motion, but has also left its successor, the black-red coalition, with construction sites in restitution policy. On the one hand, the division of responsibilities between the Federal Foreign Office (AA) and the Federal Government Commissioner for Culture and the Media (BKM) is not consistent, as the BKM does not play a direct role in the old government's concept, although there is a relevant funding line in its budget. On the other hand, the financial support of the programs for cooperation with governments, communities and descendants from the former colonial territories is insufficient overall – in view of the extensive cultural heritage that was translocated to Germany during the colonial era.

It is now up to the new federal government to decide how seriously it will tackle further work in these areas. The (non-binding) declaration of intent in the [black-red coalition agreement](#) sets the bar high: "We will intensify the reappraisal of colonialism." German civil society is called upon to critically monitor the implementation of this objective. The societies and governments in the successor states of the German colonial territories and the restitution committees set up there also play an important role in this context.

Concept for the division of labour between BKM and AA

Shortly before the end of its term of office, the so-called traffic light government adopted a concept for the division of responsibilities between the AA and BKM for the repatriation of colonially appropriated ancestral remains and cultural belongings. This was done at the request of the Budget Committee in the Bundestag (Germany's Parliament), which received the non-public submission in September 2024. The new political leaders will have to decide to what extent it is still valid after the change of government. However, it is worth taking a closer look at which agreements are in force at the start of the new legislative period.

The old government's position paper establishes the sole responsibility of the AA at federal level for restitution policy. Contrary to previous practice, the BKM is no longer to have any direct involvement. However, as described below, the BKM will continue to be indirectly involved via the Federal-Länder Working Group. The document of the replaced government also stipulates that the AA should undertake an overall foreign policy assessment in restitution cases, in which all relevant factors beyond cultural cooperation are taken into account. Its tasks also include clarifying, in consultation with the government of the country of origin, to whom exactly restitution should be made, for example institutions of the nation state, the communities of origin or descendants.

With regard to responsibility within Germany, the following regulation applies in the traffic light concept: The AA is responsible for foreign policy and foreign cultural policy evaluation. The institutions with "collection items from colonial contexts" or their sponsors, such as state governments, municipalities or foundations, are responsible for assessing the legal and financial aspects.

The traffic light concept from the old legislative period states that ancestral remains should be returned without exception. In the case of cultural property, the respective institutions should check whether there is a reason for return as defined in the key issues paper (see below). A mandatory prerequisite for return is that an official request for return from the country of origin has been sent to the AA by verbal note (written communication from the respective embassy). This also applies to the repatriation *of* ancestral remains.

Unresolved financial situation for cultural belongings

With regard to the financial aspects, the traffic light concept states that the financing of the restitution of cultural property on the German side still needs to be clarified. The course set by the old government for ancestral remains is discussed below. With regard to cultural property, it is astonishing that the which is available for restitution purposes, is not mentioned in the concept. The (unapproved) draft budget for 2025 of the outgoing traffic light government earmarked 2 million euros for this purpose. The high amount of 17.197 million euros for "unused self-management funds" from this budget item (as at 31.12.2023) is striking. This is a kind of "[BKM's budget line "Global South, dealing with colonialism"](#)", piggy bank" that the BKM can also use for the restitution of cultural assets. The specific projects for which the funds from this title have been used to date are not publicly known.

The traffic light concept also makes no mention of the funds included in the [2024 federal budget](#) for the BKM to set up a restitution fund. At the time, the Bundestag had decided that 2.4 million euros would be made available over four years (600,000 per year from 2024) for the restitution of cultural assets. The Bundestag Budget Committee considered entrusting the German Lost Art Foundation (see below) with the implementation. However, the restitution fund has not yet been implemented as an independent institution.

There is a fundamental contradiction in the old government's concept for financing the German restitution policy for cultural belongings. The AA is supposed to be fully responsible for this, but has no money. The BKM has the money, but is not involved. Insiders report that attempts were made in the Budget Committee to transfer the funds earmarked for the restitution fund from the BKM to the AA. However, this could not be pushed through politically.

In the future, the Museum Agency (see below) is to become responsible for the return of cultural assets according to the will of the traffic light government. In the old government's (unapproved) draft budget for 2025, 750,000 euros are earmarked for the title "Promotion of international museum cooperation", from which the agency is primarily financed. There is hardly any scope for additional expenditure. The "unused self-management funds", a kind of "piggy bank" for this area of responsibility, amount to 16.363 million euros (31.12.2023).

It remains to be seen what financial resources the new federal government intends to make available for the restitution of cultural assets from colonial contexts and through which institutional channels this is to take place.

Federal-Länder-AG

The central body for shaping and developing German restitution policy is the "[Federal-Länder Working Group on Colonial Contexts](#)", which was founded in 2018. This body deals with overarching issues relating to the processing of German colonial history that affect all levels of the German federal system. The key players here are the BKM, the culture ministers of the federal states and the municipal umbrella organizations. If questions of foreign cultural policy are addressed, the participation of the Federal Foreign Office is ensured. The Federal Ministry for

Economic Cooperation and Development (BMZ) and the museum associations Deutscher Museumsbund (see below) and ICOM Germany (see below) are also members of the working group. The current chair of the working group is Claudia Rose, Head of Department at the Ministry of Culture of Baden-Württemberg.

The federal-state working group ensures a regular exchange on all types of contact with the countries of origin. The central projects of the working group were the adoption of guidelines for the return of cultural belongings and human remains in March 2019 (key issues paper; see below), the subsequent resolution on the "3-way strategy" in October 2020 (see below) and the establishment of the contact point, which has been active since August 2020 (see below).

The federal-state working group is embedded in the biannual "[Cultural Policy Top Talks](#)" between the federal government, federal states and local authority associations. Opinion-forming and agreements for joint steps on colonial contexts also take place within this framework. The elaborate structures of German restitution governance offer the prerequisite for nationwide action across all federal state levels, if the political will exists. This was demonstrated in exemplary fashion in the case of the Benin Bronzes. In 2022, all affected political institutions and sponsoring organizations of the (British) looted property decided to transfer [ownership of a total of more than 1,200 examples](#) of these cultural assets in 18 German museums to Nigeria.

First key points for dealing with collection items from colonial contexts

The first version of the [key points paper](#) jointly developed by the Federal Government (BKM and AA), 16 federal states and the municipalities - represented by their umbrella organizations Deutscher Städtetag, Deutscher Landkreistag and Deutscher Städte- und Gemeindebund - dates back to 2019. The nationwide cultural policy agreement forms the basis for the future handling of ancestral remains and cultural assets with colonial references. It provides a guiding framework for the post-colonial remembrance work of all state authorities in Germany. The German cities and districts, which are affected by the topic of colonial heritage with their large number of ethnological museums and collections, are thus committed to cooperating with the federal and state governments in coming to terms with German colonial history.

A central statement of the key issues paper is that the parties involved want to create the conditions for "the return of cultural property from colonial contexts whose appropriation was carried out in a way that is no longer legally and/or ethically justifiable today". This circumvents the principle of [intertemporality](#), according to which a legal situation must be assessed on the basis of the laws in force at the time.

The German efforts are to take place "in close cooperation with the countries of origin and the affected communities of origin". Ancestral remains are to be returned as a matter of principle. The key points paper is currently being revised in a comprehensive consultation process, including with museum representatives and civil society initiatives in Germany as well as international experts.

Contact point for collection items from colonial contexts

An important institutional innovation of the Bund-Länder-AG is the [contact point for collection items from colonial contexts](#), which has been active since August 2020 and was established following the adoption of the key issues paper. The administrative and organizational body is the [Cultural Foundation of the Federal States](#). The Contact Point is a joint institution of the federal and state governments, which has so far primarily provided support in finding contacts for questions relating to cultural assets and human remains from colonial contexts. In addition to the Cultural Foundation of the Federal States, the network of the Contact Point includes the BKM-funded German Lost Art

Foundation (see below), the Agency for International Museum Cooperation, which is supported by the Federal Foreign Office (see below), and the municipal umbrella organizations.

The concept of the traffic light government underlines the key role of the Contact Point. All sponsors and institutions as well as state agencies are to submit information on possible restitution or information requests or objects to be restituted to the Contact Point. The Contact Point passes the information on to the AA and the Federal-Länder Working Group.

After the end of the pilot phase (2020-2023) and a positive evaluation, the contact point will be institutionally funded by the culture ministries of the federal states from the 2024 financial year, initially for a further five years until the end of 2028. The BKM and AA will contribute to the funding in the form of project funding in 2024 and 2025.

With regard to contacts with former colonial territories, the position of the old government is contradictory. On the one hand, the AA should in principle be responsible for initiating contacts in the countries of origin, especially when official state delegations are involved. On the other hand, the contact point or the collections and their sponsors should inform the AA about planned visits from the countries of origin and obtain the approval of the office in unspecified circumstances.

Liaison office for ancestral remains

A [study carried out by the Contact Point](#) in 2023 estimates that there are around 17,000 ancestral remains from colonial contexts in Germany, but that almost half of them cannot be traced geographically. Shortly before the end of its term, the traffic light government decided that the AA would transfer responsibility for the repatriation of ancestral remains to the Contact Point for Collections from Colonial Contexts and provide funding for the establishment of a new liaison office by this institution. By 2025, the contact point is to create the institutional framework for dealing with ancestral remains.

To this end, a platform for dialogue with descendants and experts, particularly from the societies of origin, is to be established and international conferences held. The concept to be developed by the Contact Point should define the tasks of the liaison office and describe the requirements of descendants, the modalities of repatriation and models for cost sharing.

The concept should also specify how the new liaison is to be staffed, administratively and financially equipped. On this basis, the AA can take future financial requirements into account in its budget planning. In contrast to the unclear financial situation for the restitution of cultural belongings (see above), the concept of the old government has set the course for the financing of the repatriation of ancestral remains to be carried out via the Contact Point and covered by the AA budget if the respective sponsors cannot (fully) cover the costs.

The first results of the preparatory process for the new liaison office are to be published in fall 2025. By then, it will develop guidelines for institutions in Germany that store ancestral remains (e.g. for re-humanization, research, transparency and repatriation). The tasks for the planned liaison office also include developing options for cases where it is impossible to determine the origin of ancestral remains.

For the initial phase of the liaison office in 2025 and 2026, a non-public submission by the Federal Foreign Office to the Bundestag Budget Committee in August 2024 calculates an annual funding requirement of around 420,000 euros. This includes three staff positions as well as funds of 100,000 euros per year to support delegation trips from the societies of origin for repatriations (including the performance of traditional rituals for re-humanization).

Critically, it should be noted that ancestral remains and cultural belongings are often seen as an indissoluble unit from the perspective of communities of origin. The administrative division in Germany, responsibility for the Contact Point for ancestral remains and (prospectively) the museum agency for cultural property, contradicts this understanding. For pragmatic reasons, it could be that the current German decision-making situation is more in favour of successive steps - first ancestral remains, then cultural belongings. While all German institutions advocate unconditional repatriation when dealing with ancestors, the primacy of case-by-case consideration has so far applied to cultural property. From a German perspective, however, the positioning of the societies of origin should always be decisive.

German Digital Library and the [3-way strategy](#)

Together with the German Digital Library (DDB), the Contact Point is also responsible for the conception and monitoring of the "3-way strategy for the recording and digital publication of collections from colonial contexts in Germany". A decisive hurdle in dealing with collections from colonial contexts in Germany is that there are currently no reliable estimates of the scope and composition of the relevant collections. For this reason, the federal-state working group adopted guidelines for the 3-way strategy in 2020. These are intended to cover the entire range of ancestral remains and cultural items in German institutions, including scientific collections, and thus include ethnological, natural history, medical, historical, art and cultural-historical "objects" as well as written material.

The strategy envisages three equally important paths that begin simultaneously. Path 1 is aimed at the short-term creation of centralized access to collections from colonial contexts that have already been published digitally. This was implemented through the portal "[Collections from Colonial Contexts \(CCC\)](#)" of the German Digital Library. Here, ethnological, natural history, historical, art and cultural-historical items from formal colonial rule and from areas where informal colonial structures prevailed are centrally accessible online for the first time (in German, English and French).

The portal contains collection items from all over the world that have reached German cultural heritage institutions through global transfer and trade. Since the prototype went live in 2021, the German Digital Library has further developed the portal in close cooperation with 25 German cultural and scientific institutions and experts from countries of origin and published it in 2024.

For ethical reasons, no images of or information on ancestral remains are included. Collection items that reflect colonial conditions or that anchor colonialism in public perception - such as in advertising or in works of visual and performing arts - are also not published on the portal.

Path 2, which is geared towards the medium and long term, aims to digitally record and publish previously unpublished collection items from colonial contexts in accordance with uniform standards on a central data platform. Path 3, which is designed for the long term, pursues the ambitious goal of implementing the digital recording and publication of collection items from colonial contexts on the basis of standards developed jointly with countries and societies of origin and the diaspora in Germany.

German Lost Art Foundation

Founded in 2015, the [German Lost Art Foundation](#) (DZK) deals with cultural assets that were once looted from their owners - during the Nazi era, the colonial period or in the Soviet occupation zone and the German Democratic Republic - as well as with the loss of cultural assets in connection with the Second World War. The DZK is involved in the federal-state working group on colonial

contexts.

DZK is institutionally funded by the BKM, which also provides the funds for its project funding. Since [2019, a total of 84 projects with funding of around 11.8 million euros have been](#) approved to research the origin of cultural objects and ancestral remains from former colonial territories. The origin of items and ancestral remains in ethnographic, cultural-historical, archaeological, (urban) historical, natural history, anthropological and anatomical collections is being investigated.

In addition, there is basic and contextual research, which aims to investigate actors, networks and structures, for example. The results of the projects are documented in the [Proveana](#) database. The ten-member DZK funding advisory board "Colonial Contexts" makes approval recommendations for research projects applied for. With Albert Gouaffo (Cameroon) and Kokou Azamede (Togo), it also includes academics from former German colonial territories, albeit only in Africa.

Agency for International Museum Cooperation

As an instrument of foreign cultural policy, the [Agency for International Museum Cooperation](#), which is part of the Federal Foreign Office, pursues the primary goal of marketing and supporting German art exhibitions and museum services in Germany and abroad. Within the framework of museum cooperation, the agency is also meant to be dealing with the restitution of cultural assets, according to the traffic light government, but will not be active in the area of ancestral remains. The museum agency is part of the network to support the Contact Point for collection items from colonial contexts.

In the future - as the old government envisaged - it should provide funding for the restitution of cultural assets if collections and their owners are unable to do so. It remains unclear how the AA budget could be increased for this task. The new federal government must now decide what role the museum agency should play in future and how the necessary funding can be guaranteed.

German Museums Association (DMB)

The [DMB guidelines](#) on dealing with collection items from colonial contexts offer practical assistance for dealing with objects from colonial contexts and for cooperating with communities of origin. It defines three case groups of colonial contexts: Case group 1 corresponds to collection items from formal colonial rule. Case group 2 corresponds to collection items from territories that were not subject to formal colonial rule. Case group 3 contains collection items that served the development of colonial territories or in which colonial conditions are reflected. The DMB is involved in the work of the Bund-Länder-AG on colonial contexts.

German National Committee of the International Council of Museums (ICOM)

The [German National Committee of the International Council of Museums](#) (ICOM) is also involved in the federal-state working group. ICOM is an international network for exchange between museums worldwide. In 2023, ICOM set up an international working group on decolonization, in which the German branch participates. By 2025, 17 members will develop recommendations on how ICOM, as the global voice of museum professionals, can address key issues relating to the decolonization of museums. Such impulses could be important for the decolonization paths of German museums.