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RESTITUTION GOVERNANCE – CURRENT STATUS AND THE WAY FORWARD

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Restitution Governance – Current Status and the Way Forward

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Abstract

Ever since the famous speech by French President Emmanuel Macron in Ouagadougou in 2017, the return of artworks looted during the colonial era, as well as of ancestral remains and other types of goods that were extracted without consent, has been discussed more widely and intensely than at any moment before – both in Africa and in Europe. There is both considerable hope and impatience and despair in regard to whether this will in the end lead to substantial returns. The manifold actors, processes and fora involved in this endeavour at times also create confusion, and issues of legitimacy, representation and inclusion abound. This contribution on restitution governance is based on a pilot test of a questionnaire completed by 36 experts. From an analysis of their responses, one may conclude that situations in which claims for restitution, negotiations and returns occur vary considerably. Experts in the field have seen significant progress in the way museum employees and directors as well as some media houses deal with the topic. While the debate on restitution has increased interest in the colonial past in general terms, what is lacking is a concrete translation of this debate into school and civic education.

Keywords: restitution; governance; colonialism; expert survey

Résumé

Depuis le célèbre discours du président français Emmanuel Macron à Ouagadougou en 2017, la restitution des œuvres d'art pillées à l'époque coloniale, ainsi que des restes ancestraux et d'autres types de biens extraits sans consentement, est discutée plus largement et plus intensément qu'à aucun autre moment auparavant - tant en Afrique qu'en Europe. Il y a à la fois beaucoup d'espoir, d'impatience et de désespoir quant à la question de savoir si cette démarche aboutira à des résultats substantiels. La multiplicité des acteurs, des processus et des forums impliqués dans cette entreprise est parfois source de confusion, et les questions de légitimité, de représentation et d'inclusion abondent. Cette contribution sur la gouvernance de la restitution est basée sur un test pilote d'un questionnaire rempli par 36 experts. L'analyse de leurs réponses permet de conclure que les situations dans lesquelles les demandes de restitution, les négociations et les retours ont lieu varient considérablement. Les experts en la matière ont constaté des progrès significatifs dans la manière dont les employés et les directeurs de musées, ainsi que certains organes de presse, abordent le sujet. Si le débat sur la restitution a accru l'intérêt pour le passé colonial en général, il manque une traduction concrète de ce débat dans l'enseignement scolaire et l'éducation civique.

Mots-clés: restitution; gouvernance; colonialisme; enquête d'experts



Acknowledgement

I am indebted to Tim Glawion, Richard Legay, Clara Taxis, Lena Diakit  and Alexander de Jager for considerable assistance. I furthermore want to thank the Freiburg Institute for Advanced Studies (FRIAS) at the University of Freiburg and the University itself: I used some free time offered by a ‘rector’s fellowship’ in recompense for my steering role in the Merian Institute for Advanced Studies in Africa (MIASA) located at the University of Ghana. This paper was inspired by exchanges with my fellow principal investigator Wazi Apoh at MIASA, members of the Advisory Board (special mention goes to Kokou Azamede and Ciraj Rassool), the Interdisciplinary Fellow Group on ‘the 4 Rs in Restitution’ and last but not least to the respondents to the questionnaire.

Introduction

The previous decade saw an acceleration in the debates on restitution or repatriation¹ of not only colonially looted art objects but also ancestral remains. New discussions have also begun on other types of material and immaterial goods that were extracted without consent during the era of European colonialism. Restitution does not take place in a void, however; it involves actors with various means at their disposal, who perceive obstacles and opportunities differently. It is also evident that the actors involved do not have equal power. The application of a governance lens, as in this paper, highlights the importance to look beyond governments and may also offer opportunities for the greater sustainability of debates about a problematic and formative past on local, national, transcontinental/intercultural and even global levels.

What is restitution governance? Drawing on an earlier contribution (Apoh and Mehler 2020), key aspects include

- the representation of group interests and legitimacy in negotiation processes
- the empowerment and participation of communities of origin
- the management of conflicting claims
- memory politics associated with restitution and exhibition policies – both in the (African) countries of origin and the (European) countries where objects are currently held, and
- the ‘multi-level game’ from a local via national, sub-regional and regional to an international/global level.

Some elaboration on such notions is unavoidable, but a more extensive justification has been offered in Apoh and Mehler’s (2020) article and is therefore not repeated here. In sum:

Negotiations often involve two (or more) parties. State and museum representatives almost always have at least a mandate to act. However, this might be different for the originating communities of the objects being requested for repatriation: these are represented by a small number of spokespersons, some of whom may be contested by the communities themselves or factions, clans or families within the communities. Some objects may have been owned by individuals whose descendants may or may not have claims on them. One example is the recent prominent case of the restitution of Nama leader Henrik Witbooi’s Bible and whip to Namibia. In this case it is clear that these were his personal possessions which were taken as booty during a raid by German troops (Apoh and Mehler 2020, p.4; see K b ler 2019a; 2019a).

Knowledge about the existence of such objects and their provenance is a key precondition in restitution cases. One of the major challenges of restitution is raising awareness within and for such communities about the existence of relevant objects and the

¹ Rassool and Gibbon (2024) clearly argue in favour of the term ‘restitution’.



ancestors that were taken from them and to which they may have potential entitlements of return (Apoth and Mehler 2020, p.5).

In the most prominent cases, a royal house will request or reclaim objects. While it is likely that such objects and their colonial acquisition will be well documented in oral accounts, a common source of conflict is the incidence of competing claims to, say, a royal throne by different lineages in a source community where prominent stolen objects could play a role. Furthermore, different communities may have contradicting claims. This presents an uncomfortable situation for those institutions (in Europe) willing to engage in restitution (Apoth and Mehler 2020, p.5).

Calls to include the dark side of a colonial past in the national memory politics of European countries have been pressing in recent years – often resisted by identifiable political actors. African governments also shape their memory politics, frequently using national museums to promote a specific narrative which might be contested. The return of symbolically significant art objects and ancestral remains from underrepresented localities can have direct consequences for memory politics (Apoth and Mehler 2020, p.6).

Finally, the arenas of restitution governance are multiple and situated on different levels. Some overarching policies may be formulated on an international or bilateral level and yet are only applied by museums and university archives down at the local level. Frequently, however, there are pre-existing ties between local actors in Africa and Europe, who may even lead by example when acts of restitution are envisaged. Accordingly, restitution governance is substantially complicated by multi-level negotiations where some actors may be able to choose or switch from one forum to another (Apoth and Mehler 2020, p.7).

As can be seen, the young study of restitution governance relies on several observations and assumptions but is not yet based on solid comparative insight, and highly contradictory statements can be found. It is therefore not surprising that opinions differ given that status, expectations and case specificities diverge.

For this scoping study I sent out a questionnaire² to 90 selected experts in the field, of which 36 responded. While not representative of the population, the response rate was adequate to provide, firstly, a broad spectrum of views of those involved in restitution. We were also able to ascertain, secondly, whether views differ and align among the occupational and residential categories, i.e. their positionalities. Finally, open questions allowed the respondents to improve questions and suggest further areas of inquiry. As a next step, in order to obtain a more representative view, we aim to launch a consolidated questionnaire that will be administered according to standard surveying procedure.

² The questionnaire asks about respondents' background and their field(s) of restitution, and covers questions on the processes, obstacles and opportunities, as well as the outcomes (status) and impacts of restitution. The full questionnaire can be found in the appendix. The questionnaire is comparatively short, and took about 25 minutes to complete. I guaranteed full anonymity for the respondents but had their consent to use the information gathered. Technically, the online survey tool offered by LimeSurvey was used (<https://www.limesurvey.org/de>). The survey questions were originally formulated in English, but were also translated into French in order to expand the scope of respondents. In the end only two respondents entered comments in French (but two respondents each indicated Togolese and Cameroonian citizenship).



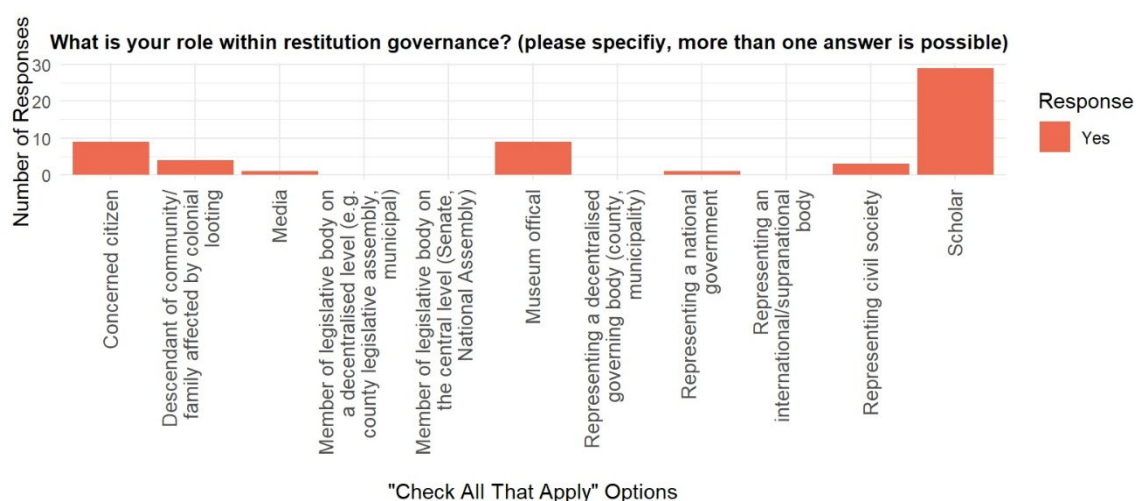
In this working paper, I use a list of quotes by the 36 respondents without further detailing their identity, merely referring to them in line with their reference in the database (R1–36).³

The working paper is organised in the following way: After providing some background information on the respondents (section 2), the two main sections (sections 3 and 4) focus first on obstacles, processes and opportunities and then on the outcome (status) and impact of the debate. The working paper ends with a conclusion, followed by a short bibliography. The questionnaire is included in the annex.

Background of the respondents

The survey was sent to 90 people from diverse backgrounds. These included experts working in (or directing) museums, universities, NGOs and civil society organisations, people working directly for governments on a national, county or municipal level, as well as legislators. The following chart shows the distribution of survey respondents along these lines.

Figure 1 Roles in restitution governance



On the basis of the responses to this question, I was able to gauge the academic perspective and gain broader insight into the perspectives of museums and concerned citizens. The remaining answers, however, can only be seen as individual responses, which are nevertheless useful for adding further viewpoints to the debate. I also focused on persons active in an African context, as the current debate has a very clear and strong Africa bias.

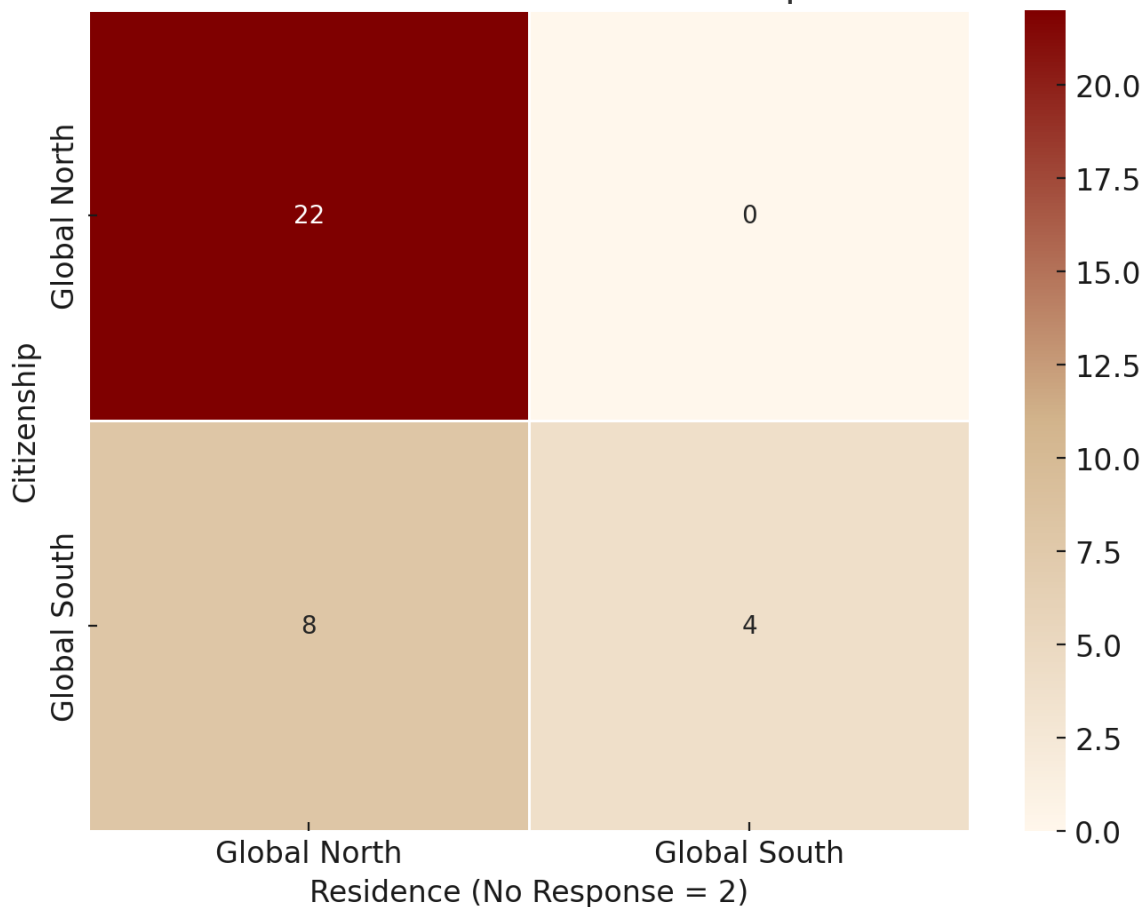
³ I am indebted to Tim Glawion, Richard Legay, Clara Taxis, Lena Diakit  and Alexander de Jager for considerable assistance. I furthermore want to thank the Freiburg Institute for Advanced Studies (FRIAS) at the University of Freiburg and the University itself: I used some free time offered by a ‘rector’s fellowship’ in recompense for my steering role in the Merian Institute for Advanced Studies in Africa (MIASA) located at the University of Ghana. This paper was inspired by exchanges with my fellow principal investigator Wazi Apoh at MIASA, members of the Advisory Board (special mention goes to Kokou Azamede and Ciraj Rassool), the Interdisciplinary Fellow Group on ‘the 4 Rs in Restitution’ and last but not least to the respondents to the questionnaire.



Respondents from Germany and other parts of Europe were mainly accessed – certainly as a result of the use of my personal address book. African colleagues, mainly from former German colonies, including Ghana which incorporates the Western part of Germany’s former colony of Togo, were invited to respond to the questionnaire.

Figure 2 Citizenship and residence

Global North and Global South: Citizenship vs. Residence

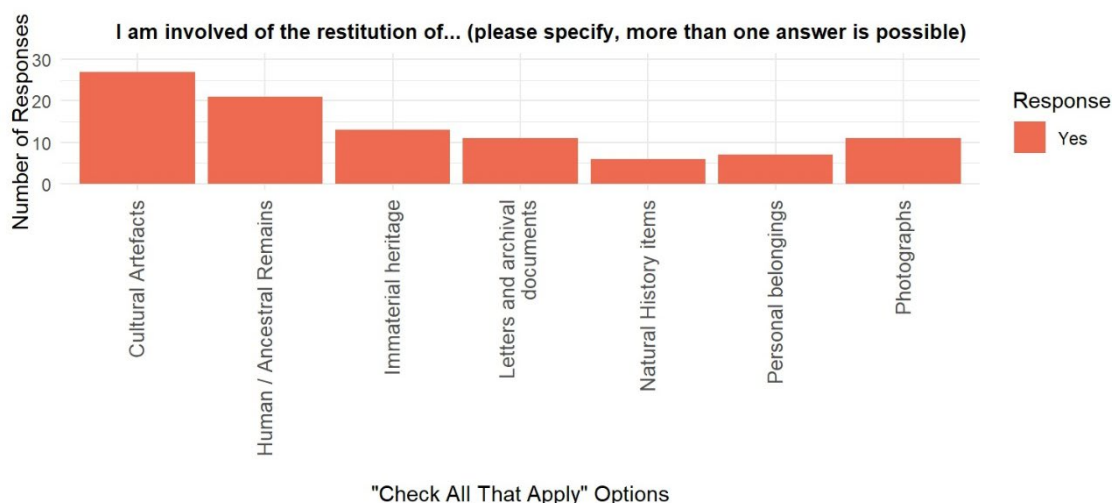


Of the respondents, no one with Global North citizenship (22 individuals) now lives in the Global South; however, of the 12 respondents who indicated Global South citizenship, only eight currently reside in the Global South (4 in Germany, 2 who did not indicate their place of residence). This may distort the picture, though it can be expected that, for example, a Cameroonian citizen living in Germany is still aware of the discussions at home.

I furthermore asked about the field of restitution in which respondents were active, namely Human/Ancestral Remains, Cultural Artefacts, Natural History items, Photographs, Immaterial Heritage, Personal Belongings, Letters and Archival Documents and Other (to be specified). More than one answer was possible.



Figure 3 Field of restitution



Of the arguably three most important categories – cultural artefacts, ancestral remains and natural history items – the last category is not well represented.

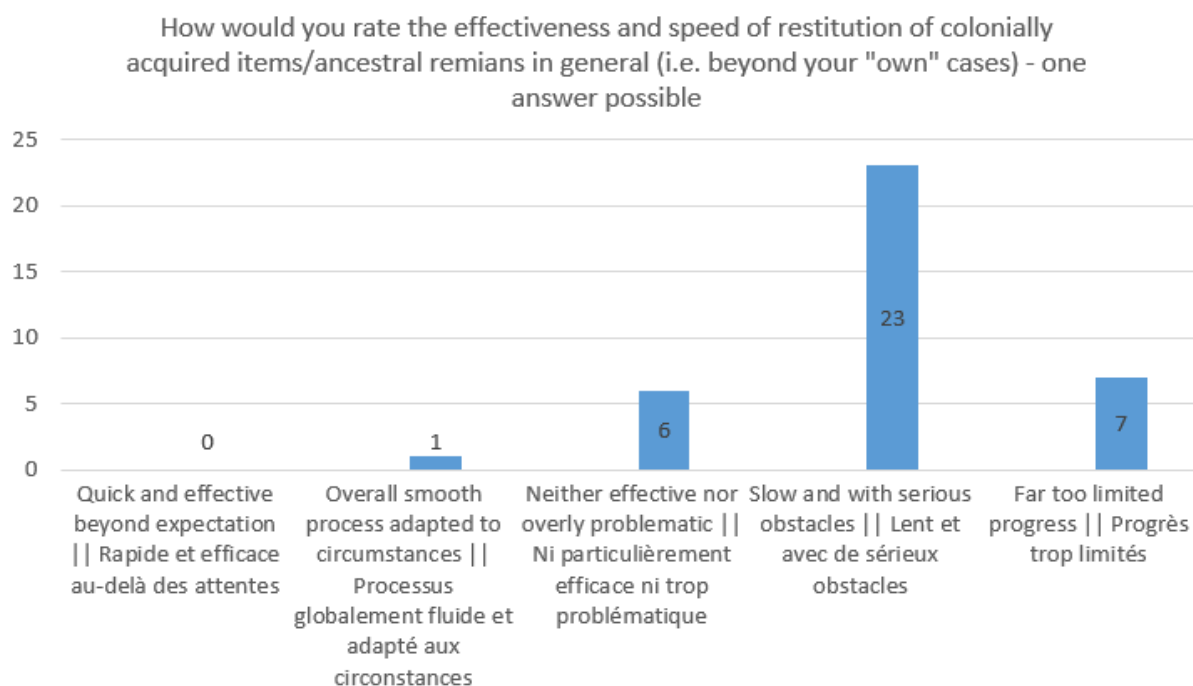
Some respondents were explicit in pointing to differences between such fields, with some claiming that certain types such as ancestral remains and photographs, films and documents receive less attention than famous artefacts. The picture emerging is still not clearcut: while some believed that human remains in European collections garner empathy and thus their repatriation may make more progress, others suggested difficulties in gaining empathy.

Process, obstacles and opportunities

Participants in scholarly debates and consumers of social media readily concur that calls for speeding up restitution abound, although it is recognised that online debates may lack nuance and be polarising. At the same time, and in background talks, certain participants who are active in restitution governance have acknowledged their surprise about an openness they did not expect – and some have also claimed that more time is needed to complete a comprehensive process. Often, a specific process is pinpointed (as particularly advanced or ‘fully blocked’ for instance), so one wonders what the overall situation looks like. One of the substantive parts of the questionnaire was therefore to determine the individual appreciation of the restitution process and, furthermore, to identify obstacles and opportunities. The first question was therefore: ‘How would you rate the effectiveness and speed of restitution of colonially acquired items/ancestral remains in general (i.e. beyond your ‘own’ cases) – one answer possible.’



Figure 4 Effectiveness and speed (in general) [insert here]



It is quite revealing that no single respondent picked the ‘best’ option in responding to this question (‘quick and effective beyond expectation’).

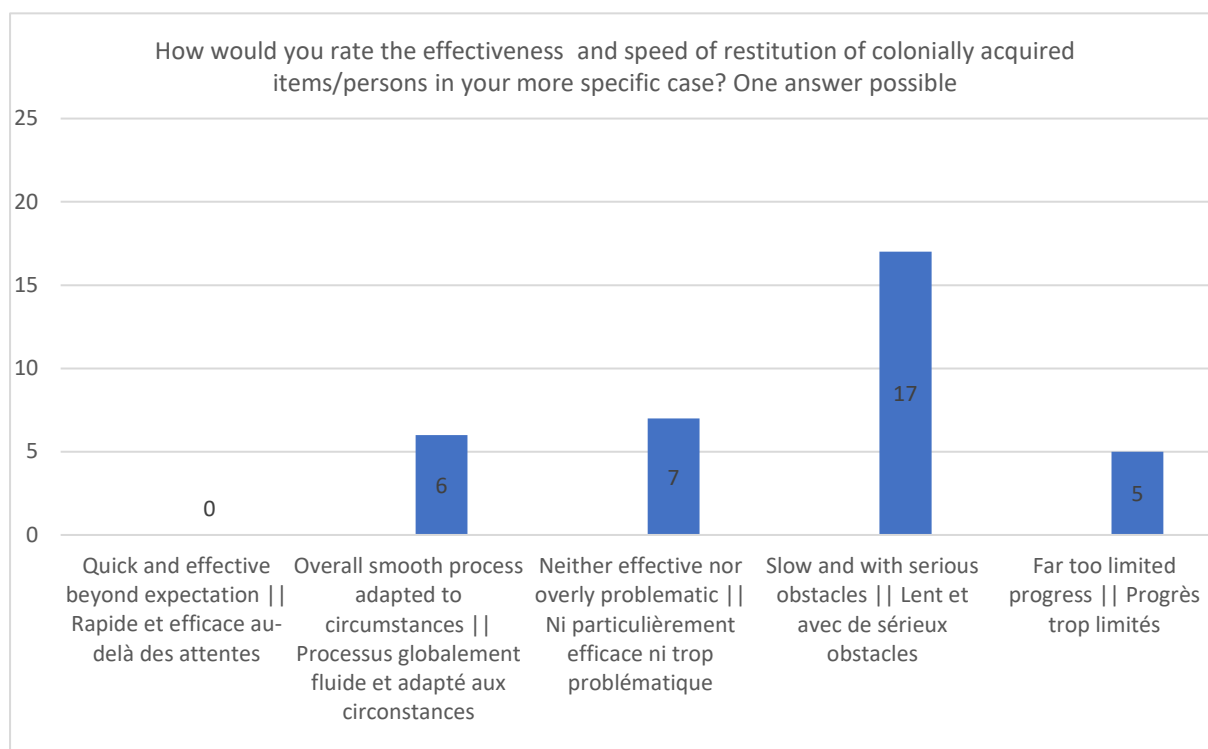
However, quite a few respondents voiced unease in responding to such questions. Some comments question whether one may attain some sort of balance at this time, for example:

Receiving as well as returning nations have very diverse restitution histories... So, it is difficult to provide an overall assessment. In many cases, we are just at the beginning. (R19)

Some respondents criticised the terminology used: ‘Speed’ would not be a value in itself and ‘progress’ (as in the answer option ‘far too little progress’) would be an overly normative term. Above all, ‘progress,’ ‘effectiveness’ and ‘speed’ would be difficult to measure. Although it is important to carefully consider the appropriate terminology – and adjustments will be made to the survey for the larger study – this argument fails to acknowledge how the methodology used in a survey can influence individual impressions which ultimately makes it less objective. While one respondent is right in noting that there could never be a ‘one-size-fits-all’ measurement of restitution because it varies by type and within types, I had anticipated this problem and tried to remedy the over-generalisation somewhat by adding a second, similar question focusing on the specific case that the respondent knows best.



Figure 5 Effectiveness and speed (specific case) [insert here]



Compared with the perceived general situation, the answers pertaining to the specific case of restitution (one they would be fully aware of) are more positive, though do not reverse the entire picture: the response ‘slow and with serious obstacles’ is still the most frequently chosen option. In addition, from the comments obtained, one may deduce a feeling of overall slowness.⁴ However, many respondents did state that things are indeed moving forward.⁵ Those concerned about the slow progress at times made reference to how many items have to be dealt with in total:

If we consider the time span from the first demands of restitution until the very first actual restitutions, and the mere sum of colonial goods still conserved in Western archives, we can only conclude that the process is slow and tedious. This being said, during the last years, we can observe a change of tone in the overall discussion, and serious efforts towards an effective and fair restitution process are being made at all levels. (R31)

Or, with a different emphasis:

⁴ This corresponds to the picture emerging from the German Colonial Restitution Monitor. See <https://dekolonial-erinnern.de/german-colonial-restitution-monitor/> (Status 9 July 2024).

⁵ One stated: ‘More and more academics are given access to museums inventories. Some museums even give access to their storage (R25) – the implication being that not all museums would, as other respondents were pointing out.



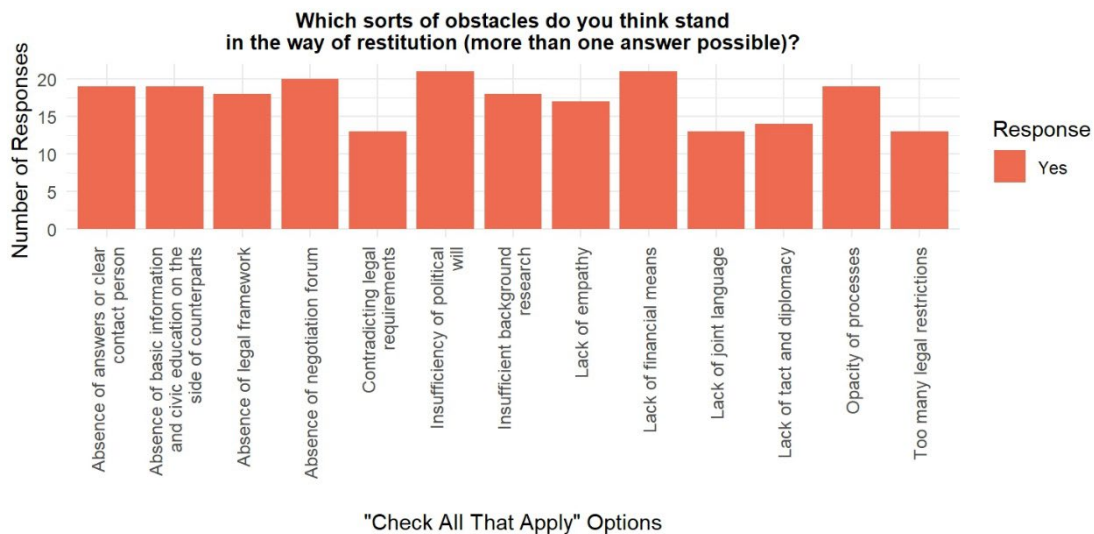
The restitution/reparation conversations have been on for some years now, but the actions have been very slow. The few items returned are insignificant compared to the thousands still held in the north. (R14)

A compelling, but not necessarily shared, reason for the assumed somewhat more effective process in the case of human remains was offered by one respondent:

I consider the repatriation of human remains rather quick and effective, for several reasons: the original 'scientific' reason for collecting is discredited, despite some reservations to do more 'research', these are secondary afterthoughts [...] and on the side of 'communities of origin', this is an emotional issue, making it politically relevant and attractive for political gain from all stakeholders. (R11)

In order to better identify the obstacles to a smooth restitution process (subjectively), a set of intuitive options was presented to the respondents – with the possibility of adding further obstacles ('Other: please specify')

Figure 6 Obstacles to restitution



This result allows for a number of preliminary conclusions to be drawn: all the listed potential obstacles were endorsed by a non-negligible number of respondents, so none of the obstacles can be termed insignificant (and thus excluded). Still, it may not be purely by chance that the very basic obstacles of 'absence of political will' and 'lack of financial means' received more endorsements than the many technical and procedural obstacles listed, as well as more than the blunt attribution of 'lack of empathy' (still identified as an obstacle by 17 out of 36 respondents).

The expansion and the qualification of obstacles in the comment sections pointed to one specific practical issue: the inability to get a visa – a relevant and by now general grievance held by all active in North–South scientific cooperation, particularly in Germany.



The material side of things was also frequently specified, as in this quote:

Potential demands for restitution are thwarted by structural inequalities in funding and lack of access. (R33)

Some respondents insisted that bureaucratic hurdles are important in both Global North and Global South countries.⁶ Among further obstacles it was noted that political leaders – again in both the Global North and the Global South – do not realise how important restitution is – illustrating the category, ‘absence of political will’. Or worse, the relationship between the state government and the communities of origin may be problematic, epitomised by the following quote:

Many obstacles lie on the side of the countries of origin. Furthermore, there are situations where no restitution is wanted. That's not an obstacle, at least I would use another word for it. (R15)

A bit less assertive is a further telling comment:

In my experience, policies and administrative structures in the Global South countries I am familiar with lack coherence and stability, with affected families and/or so-called source communities lacking guidance and support. (R12)

Conversely, governments in the Global North are said to not want to acknowledge wrongdoing for fear of the perceptions it may create and the precedents it may set⁷; many museums do not open their collections to researchers from claiming communities owing to a ‘reluctance to lose artefacts or fear of being painted negatively’.⁸ The result of these fears, noted by three respondents, is that artefacts are often ambiguously ‘loaned’ rather than fully restituted. When it comes to communities of origin, some claim that they simply lack knowledge about the items or how to claim them, or see the process as overly painful, as well as leading to disputes between different communities. Along with concerns about restitution as a priority for communities in the Global South, one respondent questioned whether they would care about restitution, and two questioned whether claimants would be able to adequately conserve the restituted items. The following comment relates to receiving institutions in the Global South:

⁶ For the case of Germany, the ‘uncoordinated and dysfunctional government and administrative structure’ (R21) of its federal system was stressed by one respondent. Another noted: ‘The complex ownership situation in Germany (few central and mostly federal, municipal, semi-autonomous or even private ownership of cultural institutions) is difficult to understand outside the country. Lack of basic information and a disconnect between scholarly research on one side, and communities and their traditional authorities on the other side, lead to a focus on few unrealistic demands.’ (R11). In this respect, the recent productive efforts by a collective of authors around Bénédicte Savoy to come up with a comprehensive view on holdings from Cameroon in German museums within the ‘Atlas der Abwesenheit’ (2023) has to be commended. Important equally is the enabling framework for Namibia reported in Grimme/Förster (2024).

⁷ In Azamede/Mehler (2023), we have argued that it was possible for German actors to move comparatively quickly in the cases of the Benin Bronzes precisely because it did not involve direct colonial guilt.

⁸ One responded noted: ‘We felt that there was a lot of fear on the museum's side to be misrepresented in the media. We tried to be as honest as possible about our intentions, and not to draw simplified pictures (of ‘the good vs the bad guys’), but to present the question of restitution in its complexity.’ (R2)



... the largely under-resourced archives of museums and related institutions [are] another major challenge ... Provenance research in the Global North hardly provides funding for transnational research, crucial in most cases at stake. Research infrastructure in the Global South is often more fragile than in the Global North. All of which affects transparency, stable transnational research networks and the overall process of concluding processes of repatriation on equal footing and in dignified ways ... Despite new funding instruments (in the Global North), these remain very limited and do not account for the labour-intensive tasks of provenance research on a transnational scale. Issues of a post-research phase, including aspects of restorative justice, are hardly pushed for and hardly ... funded. (R33)

Frustration was voiced mainly by respondents from Africa:

There is unclear information from the holding institutions. Each institution holds millions of cultural materials, yet they do not want to release clear and objective data. The holding countries are unwilling to clearly state and indicate how they will retribute and repair the damage. (R16)

In addition:

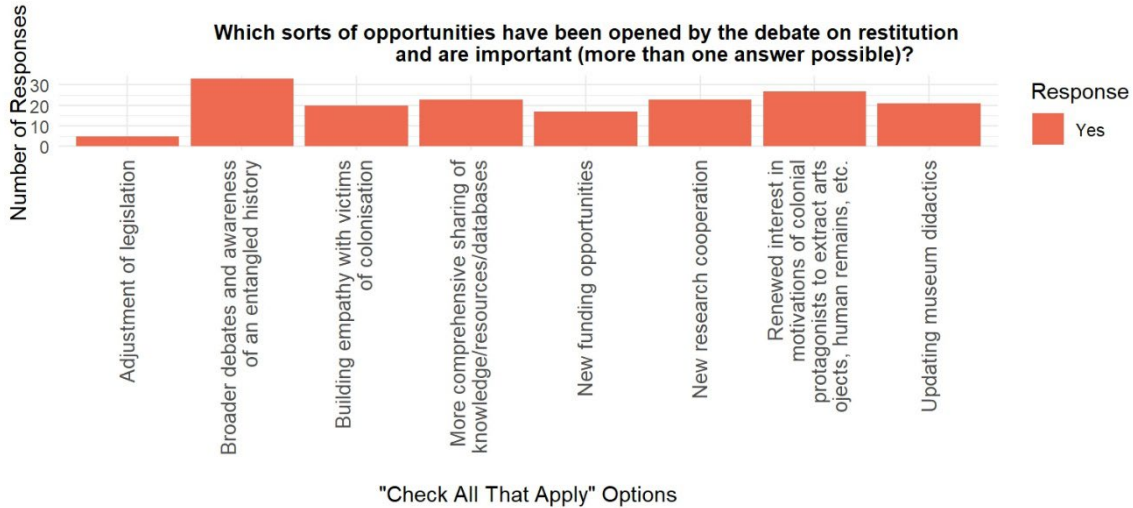
Beaucoup de projets collaboratifs ont été élaborés. Le discours muséal reste défensif en matière de restitution. La peur de lâcher prise se lit dans les actions des pays détenteurs des objets.⁹ (R9)

Similarly, but now focusing on related opportunities, a further question was asked to better identify these. Again, a set of options was presented to obtain the respondents' perspectives.

⁹ Translation: 'Many collaborative projects have been developed. The museum discourse remains defensive in terms of restitution. The fear of letting go can be seen in the actions of the countries holding the objects.'



Figure 7 Opportunities raised by the restitution debate



Respondents indicated that most of the benefits mentioned play a role – with the qualified exception of an opportunity to adjust legislation, which only a minority saw as relevant (this could potentially be explained by the absence of legislators among respondents). Most importantly, opportunities related to a renewed interest in history (the entanglement of histories and colonialists’ motivations for extraction) received the highest scores: debates about restitution are clearly seen as helping to raise awareness about colonial history. Hopes for new funding lines for research cooperation were also strongly expressed as opportunities for a more comprehensive sharing of knowledge, which would appear to be better than ever before.

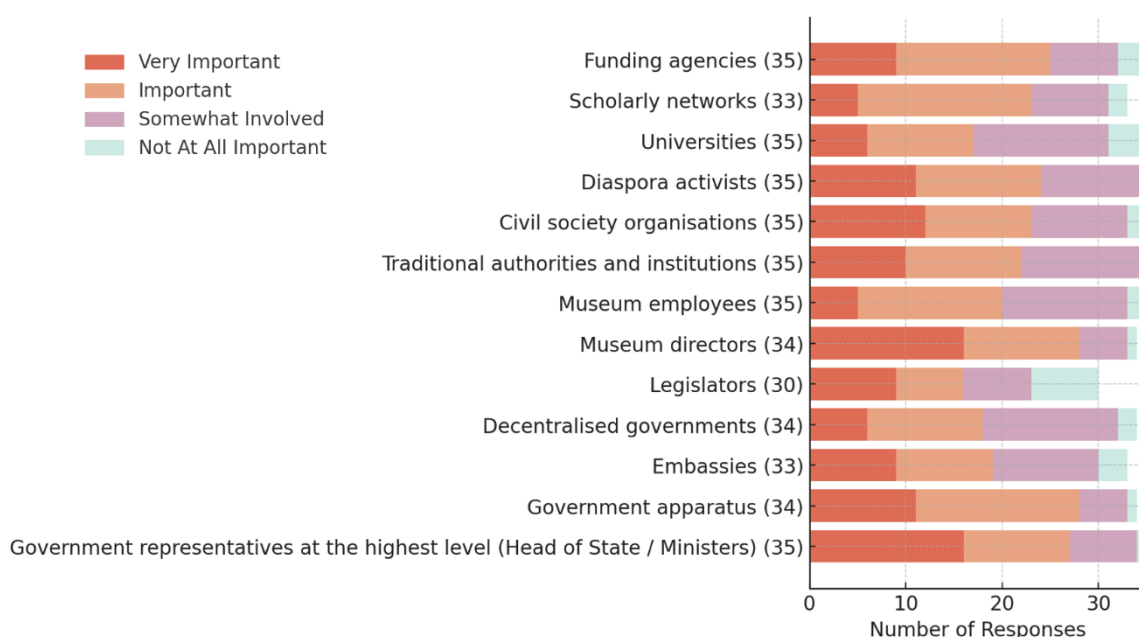
Using the option to provide further opportunities, two respondents saw increasing international cooperation and more opportunities for dialogue as noteworthy. However, these stand in contrast to a number of critical statements, such as:

There is no clear coordination between the country of origin and the holding countries. (R16)

Finally, I was particularly interested to receive an assessment of the relative importance or power of the actors in restitution governance. Respondents were asked to fill in one answer per row only. The following table shows the total responses.



Figure 8 Importance of actors



One can assume that experiences related to national differences played a significant role in responding to this question. The highest scores – obtained by high-level government representatives and museum directors – may be noteworthy, but not unexpected. Combined ‘very important’ and ‘important’ ratings are high (> 20) for not only traditional authorities, civil society organisations and diaspora activists, but also for scholarly networks and funding agencies. This result underlines the supposed complex constellation of actors in restitution governance. The nearly equal distribution of opinions on the importance of legislators should also be noted. Potentially, law-making and political debate are not associated with parliaments everywhere and seven respondents (the highest occurrence) did not regard legislators as having any importance!

Overall, responses to this main part of the questionnaire revealed considerable variation in opinions on the effectiveness of restitution governance with a tendency to emphasise various obstacles to it. A multitude of relevant actors in restitution governance was identified by respondents – again attributing a wide variety of assumed power (‘importance’). This could again point to strongly variable actor constellations from one restitution act to the next.

Outcome (status) and impact

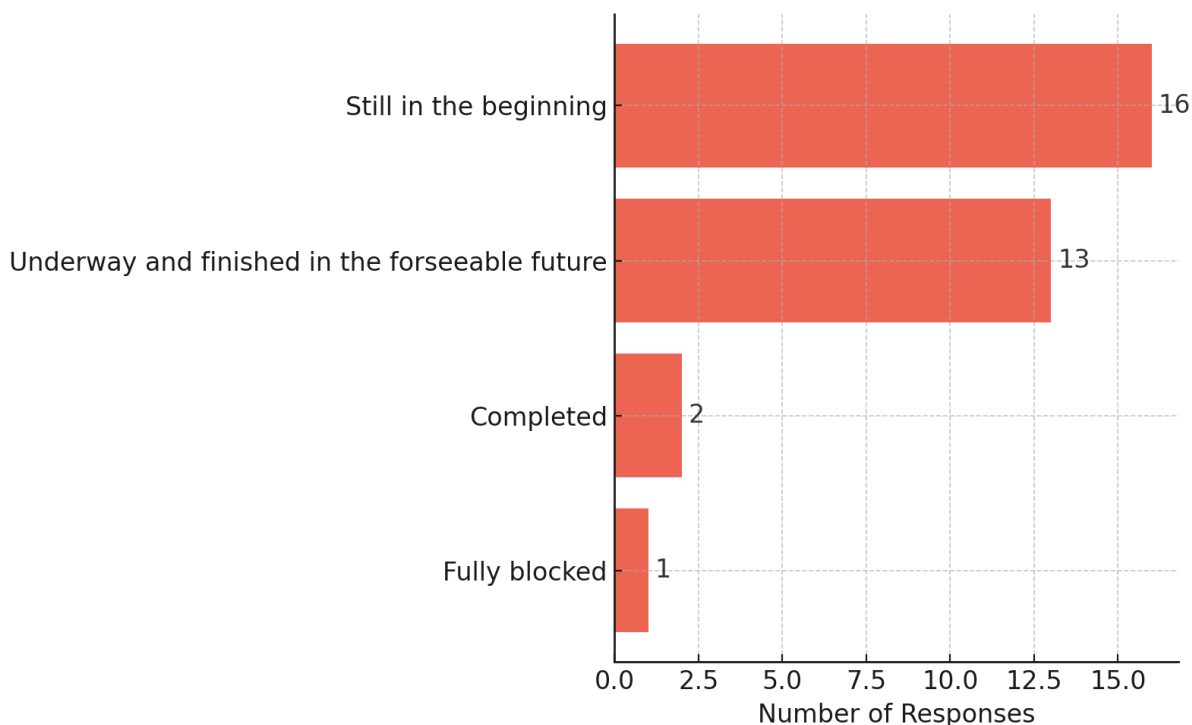
A relatively well-known distinction in assessment studies on a project level is between output, outcome and impact. The immediate output of a negotiation may be easily identifiable, such as the signing of a protocol. However, a more significant outcome can be distinguished, like a community receiving the remains of their esteemed political leader. In addition, the long-term impact can be observed on a broader societal level, where both former coloniser and the formerly colonised can acknowledge their entangled and painful joint history.

The second substantive part of the questionnaire was therefore meant to determine the individual appreciation of the status quo of the restitution processes (arguably this is on



the output and outcome levels) as well as the longer-term impact of the restitution debate. The first question related to the perceived stage currently witnessed.

Figure 9 Stage of restitution in specific best-known case



As Figure 9 indicates, 16 respondents regarded their best-known case as ‘still in the beginning’, 13 stated that it was ‘under way’, while only two saw their case as ‘completed’ and one as ‘fully blocked’. Not all respondents used the comment box, which was unfortunately also the case for the one respondent who faced full blockage. One comment on the ‘still in the beginning’ category is of particular interest though:

Although we have managed to collect a lot of information and get in touch with relevant stakeholders there is still a long way ahead of us. This is due to the long absence of research on collection histories and the great amount of collections at the university and restricted access to documents. (R30)

Administrative difficulties on the receiving side were mentioned by one respondent who had selected ‘under way’ in regard to their case, but it was not yet completed. If these difficulties had not been present the restitution would have been fully accomplished. These comments shed light on further obstacles not mentioned earlier.



This question was complemented by one on the more general worldwide process:

Figure 10 Stage of the restitution process overall and worldwide



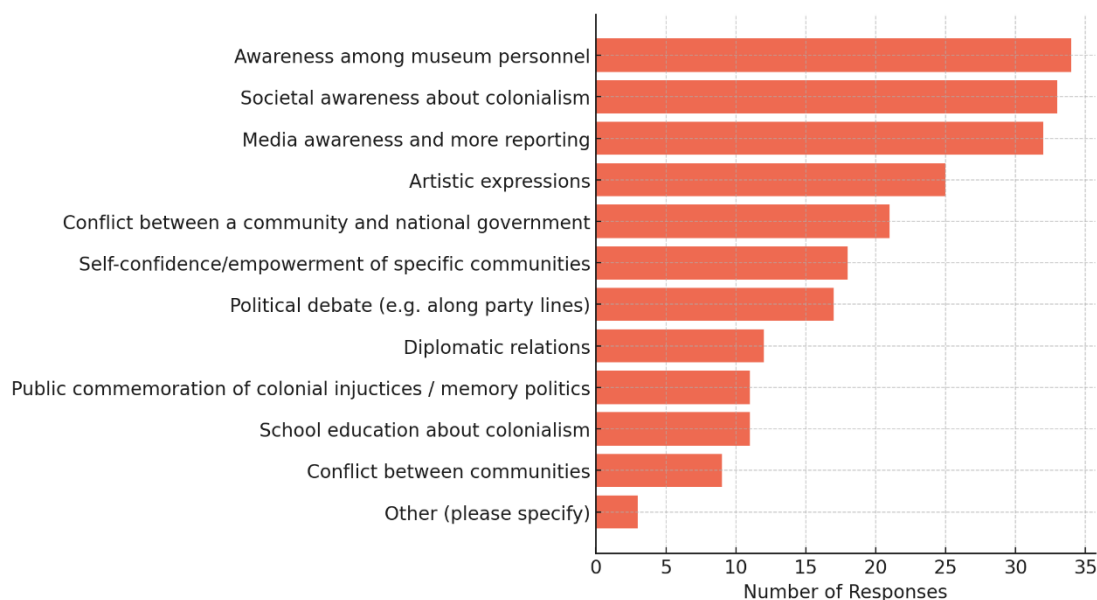
None of the respondents opted for the ‘most optimistic’ option (‘under way and progressing quickly’), but neither was the most terminal option (‘climax reached, no further progress expected’). The most frequent option chosen was ‘varying strongly, little achieved’. Accordingly, one may say that respondents chose ‘realistic’ options although these differed widely. One of the respondents who opted for ‘varying strongly, but a lot has already been achieved’ explained his choice:

In terms of the amount of repatriation needed, little has been achieved. However, I think in the attitude of museum professionals, there has been a sea change that will pave the way forward. (R11)

Arguably, the restitution debate is only the beginning of a much broader and necessary discussion on colonialism. The questionnaire therefore contained a question on direct and indirect repercussions, including societal and media awareness, school education, awareness among museum personnel, public commemoration, empowerment, as well as conflict between communities and diplomatic relations. The next question focuses on the impact of the restitution debate.



Figure 11 Discussions about restitution and effective restitution have had an impact on ... (multiple answers)



Nearly all the respondents had seen awareness effects at the level of museum personnel, the media and the broader society, which is a notable outcome. The conflict dimension was seen as focusing on conflicts between a community and a national government or on the level of political debate rather than expressed as conflict between communities. Roughly one third of the respondents had seen repercussions of the debate for school education or commemoration/memory politics. Given that most respondents are Global North citizens or residents there, this gives a clear indication of where more emphasis can be expected.

Only three ‘other’ effects were noted: ‘Cultural policy and museum foundations in the receiving nations’ and ‘scholarly cooperation’ – both of which may merit further inquiry (or an explicit entry in a refined survey), as well as ‘transnational energy deals’, which may refer to the deal made between France and Benin after the restitution of the so-called ‘26 Trésors Royaux d'Abomey’.

The positive interlinkages between media, research and education were highlighted by one comment:

Through the regular media coverage of research and discussion on provenance research and colonial history, it seems that society is exposed more frequently to these issues than before. There is a greater interest with students for the colonial history and they are eager to learn more about the entanglements. Also disciplines that were not involved in the discussions and debates about German/European colonialism have become increasingly involved which is a very positive outcome. (R30)

However, negative outcomes and their eventual impact were equally mentioned in two comments on the potential increases in conflict – either between communities or between the community and government:



Conflicts have been sparked. Example is the Benin case in Nigeria where there is a conflict between the Benin royal family, Federal Government of Nigeria and the families of craftsmen on who takes ownership of the returned items. Such conflicts are setbacks to the entire process. (R14)

It is clear that the debates between communities most directly involved and their governments will take a great deal of time to resolve and will end up with differing results in different places. (R32)

Further, potentially negative and unintended consequences of a focus on restitution were also listed:

The casualties that occurred before parts of human beings and artefacts were removed are forgotten. People simply think of the objects, so no empathy for the dead and the destruction of towns and villages. (R25)

And at least one voice warned of throwing out the baby with the bathwater:

In the local context, I also see a need that is not easily recognised in the 'West' or 'North': to counteract a cultural essentialism that claims all things African exclusively for Africa, all things Herero exclusively for Ovaherero. In the Southern African context of previous apartheid policies, this leaves an especially bitter taste. And while the claims of some museums to be a showcase for 'world culture' are hollow when they are used to defend clinging to objects requested back, there is of course a need to expand the people's horizon beyond their narrow cultural confines. But this needs to be negotiated, and not taken for granted. (R11)

What stands out to me are the positive statements that reflect a growing societal awareness of colonial atrocities and injustice. Some sound rather upbeat:

These fundamental questions, formerly discussed only in specialised research colloquia have been brought to the light of a broad public debate. (R31)

Or attest to a far-reaching impact:

As someone who has for more than 40 years worked on breaking up the 'colonial amnesia' in Germany, I think the debate on restitution has significantly contributed to bring German colonialism into the public consciousness, and to dispel the idea – where it is remembered at all – that it was benevolent and developmental. (R11)

Others clearly tone down this message a bit:

[My] responses reflect the multi-dimensional nature of the issues, they should not be read as a sign of great public awareness, although there is some, and one may say it is on the increase. Overall, especially in a metropolitan country such as Germany, awareness is not a continuum, but punctures - it rises in the context of events that spark interest in the news. However, on the institutional side, especially in holding institutions, progress has been more sustained, even though very uneven across an array of institutions.(R3)



In formerly colonised countries a substantial increase in awareness is also attested to at times:

I have organised stakeholder meetings on the subject of restitution at regional and community levels and there has been a rise in public understanding of the value of material and non-material expressions that require restitution and the essence and processes of restitution. Community members have been eager to learn about their past through the collections that may be restituted and to use the materials as reference for future imaginaries. (R35)

Finally, we asked respondents an open question about current top priorities in restitution governance. Some respondents provided clear advice in this section as well as in other parts. It is difficult to do justice to everybody, so I tried to cluster the recommendations into five areas:

More of ... everything: The key recommendation mentioned by nearly every respondent was to make more **funding** available (in several ways: research, but also actual return). There was a frequent call to establish '**legal frameworks**'¹⁰/**multilateral frameworks**'¹¹ along with a consistent desire for more **openly accessible inventories**

More agency and more activity on the side of the formerly colonised:

The Global South needs to have a voice and be more intentional about the entire process. The Global North seem to dominate the entire convers[at]ion.' (R14)
'Provenance research is becoming a new research field, but not enough is localised in the regions outside Germany. (R4)

Proof of goodwill on the side of the former coloniser: Some respondents wanted to see the 'restitution on demand' process reversed (which 'leaves the pressure of taking the necessary administrative steps with the communities of the South') and for Northern governments to take independent action to demonstrate their goodwill:

Les pays détenteurs des biens culturels spoliés ne veulent pas faire le premier pas vers la restitution malgré le fait qu'il est établie que les objets détenus sont illégaux. Ils attendent que la communauté ou les États concernés fassent des réclamations. Ce qui dénote d'une mauvaise foi.¹²(R9)

More bottom-up approaches with an emphasis on consensual and collaborative processes – something commented on by many respondents, for example: '*Communities are often left out.*' (R16) [We must] *give authority to the communities and families of origin,*

¹⁰ The legal obstacles to restitution are in fact frequently dealt with. In France the famous legal notion of 'inaliénabilité du patrimoine' is a prominent example, see Negri (2022).

¹¹ Relatively well known, though to my knowledge not fully documented, are the works of the Benin Dialogue Group since 2007, which are essential for the return of the Benin bronzes to Benin City in Nigeria. This is, inter alia, dealt with by Eyifa-Dzidiényo et al. (2023, p.100).

¹² Translation: *The countries holding the looted cultural property do not want to take the first step towards restitution despite the fact that it has been established that the objects held are illegal. They are waiting for the community or the states concerned to make claims. This shows bad faith.*



to define the next steps and needs.’ (R4) ‘Discussing with communities their expectations and wishes. Looking for the resources to fulfil them and making sure that the resources at the other end are available to receive the materials. Making sure reasonable and flexible timetables are set. Watchword is community-driven.’ (R32) ‘The pace must be set by communities in the Global South, and they have different priorities, expectations and time scales.’ (R32)

Cover aspects that have been neglected so far: private and missionary collections have not received enough attention; reparations cannot be separated from the discussion about restitution.

Conclusion

It is clear that the debates between communities most directly involved and their governments will take a great deal of time to resolve and will end up with differing results in different places. (R32)

This quote from a respondent may seem ambiguous, but highlights an important point: the conditions surrounding claims for restitution, negotiations and ultimately returns can vary significantly, and the survey results reflect this diversity. One conclusion from this survey is clear: be aware of the variety of circumstances.

It is important to acknowledge the obvious limitations of this exercise: it only includes three dozen respondents and does not represent all relevant countries and occupations, along with other acknowledged shortcomings. Therefore, this is not a comprehensive overview and the pool of experts is limited. Nonetheless, the findings from this initial exploration provide some insights into areas that warrant further investigation (see below).

It is therefore possible to draw some conclusions from the opinions expressed. These opinions largely reflect a mix of hope and frustration among those directly involved, leading to the question of whether the glass is half full or half empty. What is clear is that the situation is not simply one of being fully resolved or completely unresolved. The circumstances surrounding claims for restitution, negotiations and returns vary considerably. In addition, experts in the field have noted some progress in the way museum staff, directors, and some media houses are addressing this issue. The debate on restitution has also increased interest in the colonial past in general. After analysing the data, further reflections on the governance of restitution can be offered.

I want to emphasise that my main focus is on Germany and its former colonies in Africa. It is important to note that restitution here involves more than government-to-government relationships. This contrasts with France where relationships at the president level appear to be significant (Legay and Mehler 2024). Most negotiations regarding the restitution of items involving Germany are based on long-established relationships, which often create trust, such as those between museum curators. These personal relationships can be important. However, we must acknowledge that restitution governance is essentially a political undertaking (Aguigah 2023, Wazi and Mehler 2020). This involves power asymmetries between communities, institutions, or states, along with issues of representation and the legitimacy of those involved. Therefore, it is doubtful whether such consultations on restitution can take place entirely behind closed doors, especially after a



necessary preparatory phase. More transparency is needed, which may lead to public debate. This debate is long overdue, both in Germany and other former colonising countries, as well as in the former colonies in Africa.

Some of the respondents expressed fears about a possible backlash and the ongoing criticism of everything 'postcolonial' in Germany. Such fears may be justified, but in the analytical perspective of restitution governance, they should simply be acknowledged and analysed. One current major fear among dedicated colleagues is that with the next federal election in Germany and the possibility of a new government, we could be back to square one. This is just one of the challenges we face: in former colonies the situation could also change, leading to a more confrontational approach to restitution than we currently experience.

To achieve 'sustainable restitution governance', the limited gains made so far must be preserved and further gains made possible. Several things can be done to make restitution governance sustainable. While the following viewpoints may not fully align with the priorities identified by the survey respondents (though some seem to share them), they do reflect some general thinking of what constitutes 'sustainable governance' (as promoted by MIASA):

- A) **Grounding** is necessary. We have to acknowledge that both on the levels of elites and the population, we need broad (not full!) consensus both in Germany and in the societies of origin. To achieve this we need to expand the discussion beyond the limited circle of people who are now involved in this discussion to include school education, civic education and the media, which all matter.
- B) **Historical experience matters:** This is about learning from past mistakes and extrapolating to the future: restitution claims are not new, but in the past were too often ignored (Savoy 2021). This leads to the following questions: Where do the current obstacles to more effective restitution lie and are they the same as in the 1970s? Can we still learn from and apply the lessons learnt from the past? Has the relative importance of museums changed?
- C) Acknowledging **global interconnectedness:** At times it would appear that national governments look for 'their' solutions despite the fact that this is now a global discussion. A few survey respondents referred to international organisations such as UNESCO, which may be important in this regard. It is disturbing that a number of regional and subregional organisations were mostly absent from that debate, although some must be on their agenda i.e. all those involving trans-border communities or the regulation of transnational art markets.
- D) When discussing sustainability it is important to consider **reproduction/replicability**. For restitution governance, this means focusing on cost-effective solutions and the way they can be institutionalised through both material and legal means. These issues are tricky and while restitution will not be free, it is essential to avoid too much bureaucracy and new positions on all sides so as to establish cost-effective processes. Best practices will have to be identified and replicated quickly, and professionals (e.g. at embassies, in museums, in parliaments) will have to adopt restitution matters as one of their key responsibilities – if necessary, at the expense of others. A reliable national legal framework to institutionalise restitution is needed.



- E) Finally, **multi-scalarity**: Germany has a three-tier government: at the federal, county and municipal levels, which at times presents a challenge for restitution (as indicated by many respondents). This can, however, be turned into an asset. One should never underestimate the local level – mayors and citizens, museum employees, and civil society representatives in the Global North may be more empathetic with their counterparts in the Global South than those higher up.

We are still in the early processes of restitution, most of which were only initiated a few years ago (essentially after 2017). Consequently, little is yet established.

The research agenda related to restitution governance, at least one that is influenced by a focus on political analysis, includes the following:

- To develop a more comprehensive and representative survey to strengthen and refine the findings of this first exercise. Each former colony included should be represented by more than one expert, as all targeted fields of expertise must be covered. The goal is to have approximately 500 respondents. The survey will include all major former colonial powers in Europe with territories in Africa (not just Germany, but also France, the UK, Portugal and Belgium).
- To conduct a thorough political analysis of individual restitution acts, focusing on documenting those with the aim to respond to the following questions: Who exactly takes key decisions on a) initiating a claim, b) agreement to return, c) surrounding material conditions, d) exact recipient community or institution? What type of conflicts can be identified and how are they managed?
- To conduct a comparative cross-national analysis of restitution governance, including institutional dispositions, and processes and outcome/impact.¹³ There is much to be learnt from country experiences – both from the former colonised and the former colonisers: What formats of exchange exist, how long do negotiations take, who is included and excluded, and the like?
- To conduct a network analysis of selected restitutions to identify the relative centrality of individual key stakeholders and their connections. It is easy to underestimate the role of go-betweens when only looking at the decision-makers. Sometimes assistants to legislators have manifold ties, and active social media users may be able to connect disparate audiences.
- To analyse colonial memory politics related to restitution acts: i.e. identify the various ways these issues are being politically instrumentalised in both in countries of origin and in former colonising countries. While we might expect governments or ruling parties to have a clear strategic view in this regard, opposition movements may also try to gain attention by taking a distinctive position in this complex and sensitive policy field.
- To analyse in detail the consequences of return in single cases after return.¹⁴ It is important to observe the moment of a return and the ceremonial side of things, as well as the medium- to long-term consequences, including storage or exhibition. In addition, local sense-making may have a deeper impact: can we resolve or settle old

¹³ For some African countries information is available, potentially related to their relative transparency or level of democracy. For Ghana see Eyifa-Dzidzienyo et al. (2023), 14-17.

¹⁴ There are a number of contributions on that aspect in a collection offered by *Cahiers d'Etudes Africaines* in 2023. See Cousin et al. (2023). For a comparative analysis of German and French colonial memory politics see Legay/Mehler (2024).



grievances? Or do new conflicts arise within or between communities of origin? Do claims for reparation follow accomplished restitution?

As the call for restitution grows, it is important for the diverse 'community' engaged in restitution to consider the processes and governance of restitution. This paper makes an initial attempt to increase our understanding of restitution governance, albeit with limited scope. It is hoped that this will start building a sense of where restitution governance stands and identify the potential next steps in restitution research and governance.



Bibliography

- Apoh, Wazi and Mehler, Andreas (2020). Mainstreaming the discourse on restitution and repatriation within African history, heritage studies and political science, *Contemporary Journal of African Studies*, 7(1), 1-16.
- Aguigah, Elias (2023). 'Restitution of looted artefacts: a politico-economic issue.' *Review of African Political Economy*, 50 (176), 156-172.
- Autorenkollektiv (coordinated by Savoy, Bénédicte; Meyer, Angela) (2023). *Atlas der Abwesenheit. Kameruns Kulturerbe in Deutschland*, Dietrich Reimer Verlag: Berlin
- Azamede, Kokou a Mehler, Andreas (2023). „Restitution als Chance zum Dialog zwischen 'Zentrum' und 'Peripherie', *SWP Blog Joint Futures* 13, <https://www.swp-berlin.org/publikation/mta-joint-futures-13-restitution-als-change-zum-dialog>
- Böhme, Franziska (2022). 'Normative Expectations and the Colonial Past: Apologies and Art Restitution to Former Colonies in France and Germany'. *Global Studies Quarterly*, 2 (4), 1-12.
- Cousin, Saskia; Doquet, Anne and Galitzine-Loumpet, Alexandra (2023). „La restitution du point de vue du retour. Épistémologies multisituées'. *Cahiers d'études africaines*, (251-252), 431-456.
- Eyifa-Dzidzienyo, Gertrude Aba Mansah; Michels, Stefanie; Azamede, Kokou; Doll, Martin, and Zollmann, Jakob (2023). 'Restitution, Return, Repatriation and Reparation (the 4Rs) in Africa: Reality or Transcultural Aphasia?', *MIASA Working Paper* 2023 (2), Legon.
- Grimme, Gesa and Förster, Larissa (2024). 'Locating Namibian Cultural Heritage in Museums and Universities in German-Speaking Countries: A Finding Aid for Provenance Research', *Working Paper Deutsches Zentrum Kulturgutverluste* 2024 (6), Magdeburg: DZK.
- Kößler, Reinhart (2019a). 'The Bible and the Whip - Entanglements surrounding the restitution of looted heirlooms, *ABI Working Paper* 12, Freiburg i. Br.
- Kößler, Reinhart (2019b). 'Die Bibel und die Peitsche. Verwicklungen um die Rückgabe geraubter Güter.' *Peripherie*, 39 (153): 78-87.
- Legay, Richard and Mehler, Andreas (2024). 'Frankreich und Deutschland im Umgang mit ihrer kolonialen Vergangenheit in Afrika: vergleichende Erinnerungspolitik', in: Ronald Asch/Peter Eich/Elisabeth Piller (eds.), *Imperien, Temporalität, Visualisierungen und postkoloniale Ordnungen*, Freiburg i.Br.: Universität Freiburg, 175-195.
- Negri, Vincent (2023). 'Restituer, partager, réparer: penser la légalité de demain', *Cahiers d'études africaines*, (251-251), 527-541.
- Rassool, Ciraj and Gibbon, Victoria E. (2024). 'Restitution versus repatriation: Terminology and concepts matter', *American Journal of Biological Anthropology*, 184 (1) (2024): e24889.
- Sarr, Felwine and Savoy, Bénédicte (2018). *The Restitution of African Cultural Heritage. Toward a New Relational Ethics*. Paris: French Ministry of Culture.
- Savoy, Bénédicte (2021). *Afrikas Kampf um seine Kunst: Geschichte einer postkolonialen Niederlage*. München: CH Beck.



Appendix: Questionnaire

I. Background on yourself

a) What is your **role within restitution governance?** ... (please specify, more than one answer is possible)

- Representing an international organisation/supranational body
- Representing a national government
- Representing a decentralised governing body (county, municipality)
- Member of legislative body on the central level (Senate, National Assembly)
- Member of legislative body on a decentralised level (e.g. county legislative assembly, municipal council)
- Museum official
- Scholar
- Representing civil society
- Concerned citizen
- Media
- Descendant of community / family affected by colonial looting
- Other (please specify)

....



b) **Representation:** I am acting / speaking **on behalf of** a... (please specify, more than one answer is possible)

- Nation-state
- Community
- Family
- Museum
- None of those – I am more of an observer
- Other (please specify)

....

Do you have an explicit **mandate** in the field of restitution governance?

- Yes / No

I am a citizen of

(please specify)

....

I am residing in

(please specify)

...

Age

....



II. Field of Restitution

I am involved in the restitution of... (please specify, more than one answer is possible)

- Human/Ancestral Remains
- Cultural Artefacts
- Natural History items
- Photographs
- Immaterial heritage
- Personal belongings
- Letters and archival documents
- Other (please specify)

...



III. Process, Obstacles and Opportunities

- a) How would you rate the **effectiveness and speed** of restitution of colonially acquired items/ancestral remains **in general** (i.e. beyond your „own‘ cases) – one answer possible
- Quick and effective beyond expectation
 - Overall smooth process adapted to circumstances
 - Neither effective nor overly problematic
 - Slow and with serious obstacles
 - Far too limited progress

Comment:---

- b) How would you rate **the effectiveness and speed** of restitution of colonially acquired items/persons **in your more specific case?** One answer possible.
- Quick and effective beyond expectation
 - Overall smooth process adapted to circumstances
 - Neither effective nor overly problematic
 - Slow and with serious obstacles
 - Far too limited progress

Comment:---



- c) Which sorts of **obstacles** do you think stand in the way of restitution (more than one answer is possible)
- Absence of legal framework
 - Too many legal restrictions
 - Contradicting legal requirements
 - Opacity of processes (applications etc.)
 - Absence of basic information / civic education on the side of counterparts
 - Absence of negotiation forum
 - Absence of answers/clear contact person
 - Lack of a joint ,language'
 - Lack of empathy
 - Lack of tact and diplomacy
 - Lack of financial means
 - Insufficient background research
 - Insufficiency of political will
 - Diverse and complex ownership situation

Please give a short summary of your experiences (3-10 sentences)



- d) Which sorts of **opportunities** have been opened by the debate on restitution and are important (more than one answer is possible)
- Adjustment of legislation
 - Updating museum didactics
 - Broader debates and awareness of an entangled history
 - Building empathy with victims of colonisation
 - Renewed interest in motivations of colonial protagonists to extract arts objects, human remains etc.
 - More comprehensive sharing of knowledge/resources/databases
 - New funding opportunities
 - New research cooperation
 - Other (please specify)
-

Please give a short summary of your experiences (3-10 sentences)



e) How **important** are the following potential **actors within restitution** governance according to you (one answer per row only)

Actors	Very important	important	Somewhat involved	Not at all important
Government representatives at the highest level (Head of state. ministers)				
Government apparatus				
Embassies				
Decentralised governments				
Legislators				
Museum directors				
Museum employees				
Traditional authorities and institutions				
Civil Society organisations				
Diaspora activists				
Universities				
Scholarly networks				
Funding agencies				



IV. Outcome (Status) and Impact

- a) At what stage is the restitution process you are best familiar with – according to your insights (one answer possible)
- Completed
 - Under way and finished in the foreseeable future (next 3 years)
 - Still in the beginning
 - Fully blocked

Comments

- b) At what stage is the restitution process overall and worldwide (one answer possible)
- Under way and progressing quickly
 - Varying strongly, but a lot has already been achieved
 - Varying strongly, little achieved
 - Still in the beginning, promising start
 - Still in the beginning, basic conditions yet to be built
 - Climax reached, no further progress expected / backlash expected

Comments



- c) Discussions about restitution and effective restitution has had an impact on.. (more than one response possible)

Societal awareness about colonialism

Media awareness and more reporting

School education about colonialism

Awareness among museum personnel

Artistic expressions

Public commemoration of colonial injustices/memory politics

Self-confidence/empowerment of specific communities

Conflict between communities

Political debate (e.g. along party lines)

Conflict between a community and national government

Diplomatic relations

Other (please specify)

...

Comments (3-10 sentences)

- d) Open question: What would you consider the top three current priorities in restitution governance

1
2
3



Biographical Note

Andreas Mehler is director of the Arnold Bergstraesser Institute and Professor of Political Science at Freiburg University since October 2015 after having served as director of the GIGA Institute of African Affairs in Hamburg (2002 - 2015). He is one of the initiators of the Maria Sibylla Merian Institute for Advanced Studies in Africa (MIASA) and has been member of its Executive Council since its start in 2018. Mehler is director of the Africa Centre for Transregional Research (ACT). With various co-editors, he has published the yearly 'Africa Yearbook. Politics, Economy and Society South of the Sahara' at Brill publishers (Leiden; 2005 - ongoing). He has recently (July 2024) co-organised an informal workshop "on human remains in university collections: comparison and entanglements" (at FRIAS) building on the multidisciplinary project "Reciprocal, interdisciplinary and transparent: Provenance research with a restitution perspective in a colonial context on the appropriate handling of a collection of human remains, using the example of the Alexander Ecker Collection" (2021-23; funded by the German Lost Arts Foundation). Mehler is a board member and PI of the DFG-funded Research Training Group 2571 ("Empires") at the University of Freiburg and a co-applicant/PI of the BMBF-funded network project "Postcolonial Hierarchies in Peace and Conflict" (since 2022).