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Guidelines for German Museums
**Care of Collections from
Colonial Contexts**

INCLUDING AN INTERNATIONAL PERSPECTIVE

IMPRINT

Guidelines for German Museums
Care of Collections from Colonial Contexts
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CONTENT

FOREWORD TO THE REVISED VERSION –

INTERNATIONAL PERSPECTIVES, ESSENTIAL DISCUSSIONS, POLITICAL DEMANDS

This publication is the second version of these Guidelines, the first version having been published in May 2018. These revised Guidelines take into account the international perspective, which was formulated at a workshop in October 2018. The German Museums Association broke new ground with the first version of the Guidelines on Dealing with Collections from Colonial Contexts in 2018. It had no comparable example to follow. The authors understood this publication as an initial standpoint and the basis for further discussions, and especially with the communities of origin as well.

The Guidelines and leaflets produced by the German Museums Association provide practical assistance to everyone who works in, for and together with the museums. In this vein, these Guidelines were also rooted in the needs, the practical experience and the issues facing German museums. They were compiled with the aim of informing and sensitising those responsible in the museums to the complex topic of colonialism and collections, and to provide practical recommendations for the work they undertake. In addition, given the large number of museum specialisations involved, a common point of view had first to be established, to form the basis for an international dialogue.

How to deal with collections from colonial contexts involves far more than simply the interests of German museums. Communities of origin and countries of origin would like to know where parts of their cultural heritage are located. They demand a transparent dialogue on how the objects concerned should be cared for, a discernible willingness on both sides to critically examine the colonial heritage, and an open-minded attitude towards the return of objects. Participation and sovereignty of interpretation on an equal footing are further fundamental aspects in the discussions.

The German Museums Association considered it very important that the Guidelines were made available for public discussion and that feedback was actively sought. In addition to the public reviews which were received, twelve experts from eleven communities of origin accepted the invitation issued by the German Museums Association and held intensive discussions with the working group on the content of the Guidelines. The results which emanated from these discussions have now

been incorporated into these revised Guidelines. The inclusion of the perspectives of experts from outside Europe to a greater extent represents an important expansion which supports the work being done to sensitise people more to the need to deal responsibly with the collections from colonial contexts held in the museums, and enhances awareness for joint action.

The German Museums Association considers it essential that the colonial past of museums and their collections be reappraised. Most museums are aware of their responsibility and willing to undertake an intensive critical analysis of the topic of colonialism. To be able to do this, they request funding for professional provenance research, for the comprehensive digitisation of the holdings, and to carry out collaborative projects with communities of origin. According to the ICOM standards, collections from colonial contexts must be protected and preserved by the bodies which oversee the museums. Irrespective of this, justified requests for the return of objects must be processed without delay. Human remains have special priority here.

To be able to do this, the museums have to rely on the extensive support of the bodies which oversee the museums. The key issues paper presented by the Bund-Länder-Kommission in March 2019 is an important and welcome step against this backdrop. On the basis of the measures demanded therein as well, we call on the political decision-makers and the bodies which oversee the museums to play their part by facilitating the fulfilment of the following tasks:

Provenance research

- (Provenance) research on their own collections is a core task of museums and one which has frequently been neglected over the past decades. Scientific staff and the resources needed for sustainable work on the collections have often been lost because of structural budget cuts. In addition to sufficient funding for the Deutsches Zentrum Kulturgutverluste (German Lost Art Foundation), the financial and staffing resources of the museums have therefore to be improved permanently and significantly. This is the only way to ensure that the necessary provenance research can be undertaken in the long term.

Transparency
- The digitisation and online access to the collection holdings lay the foundations for greater transparency. The technical as well as the staffing resources require an appropriate amount of funding.
- It should be possible to access existing data at one central point. To this end, options for a joint online platform have to be developed.

Collaboration
- Museums require financial support to carry out collaborative projects with communities of origin relating to research and exhibitions.
- A central point of contact for questions regarding holdings in colonial collections, collaboration possibilities, and questions arising from requests for objects to be returned would provide crucial support for German museums as well as communities of origin. Such a point of contact should be established.

Insofar as they do not yet exist, legal foundations on how to deal with the return of objects must be established.

Political representatives and museums together can hereby do justice to their social responsibility in respect of this issue. In addition, a sustainable basis can thus be created for the intercultural exchange with communities and countries of origin. The objective has to be a permanent dialogue. Short-term activities cannot replace this long-term perspective.

The many discussions which took place to further improve these Guidelines again showed: only those who are prepared to change their perspectives and take note of nuances will become more familiar with the actual dimensions and issues relating to the colonial past of the museums. There is still a need for a process of discussion which involves the whole of society. These revised Guidelines do not represent the conclusion of the discussions, however, they are instead intended to promote further critical debate.

At this point, I would like to express my grateful thanks – on behalf of the German Museums Association and the working group, too – to the international workshop participants and reviewers as well as the colleagues working in this field, for their constructive criticism and the intensive discussions.

The revision of the Guidelines was supported by the German Federal Government Commissioner for Culture and the Media. My special thanks also go to her.

Prof. Eckart Köhne
President of the German Museums Association

INTRODUCTION

AN INTERDISCIPLINARY GUIDE TO ACTIVE ENGAGEMENT WITH COLLECTIONS FROM COLONIAL CONTEXTS

Colonialism has shaped the modern world, defining today's structures and perspectives, and is therefore not a footnote of history. These Guidelines are the result of the realisation that objects from colonial contexts not only have their own history, but also have to be seen in a wider historical context. They bear witness to a value system in which, on the basis of an assumed superiority, colonial rulers placed themselves above other states and their populations or parts of the population, exploiting and oppressing them. The German Museums Association believes that the discussion about the colonial past of museums and their collections is essential.

These Guidelines have two main objectives: to sensitise and inform the institutions concerned and their staff, and also to provide assistance with the practical aspects. They are primarily intended for museums and (university) collections in Germany.

As far as the colonial era is concerned, representatives of the communities of origin would like to discuss their issues with the museums on an equal footing. They would like to know which of their items of cultural heritage are where, and what information about them is available in the museum archives. It is by no means always simply a matter of returning these objects, but mostly about participation, involvement, negotiation processes, the prerogative to interpret the past, and knowledge transfer. This provides a tremendous opportunity to learn more about the objects and their contexts, and to shape the future of both the German and the international museum landscape together.

The ethnological museums are seen by many as the embodiment of colonial exploitation. But many other museums also have their roots in the colonial era. A large number of museum collections in Germany and other European countries were built up between the 17th and early 20th centuries – a period marked by European expansion. Thus, almost all types of museum have material from colonial contexts and a lot of different types of object must be considered.

Objects that can be assigned a colonial context come from all over the world. Objects in German museums do not only come from the former German colonies. In addition, there are objects that served the advancement of colonialism, such as technical equipment for transportation as well as weapons and uniforms. Moreover, there are objects which reflect colonial situations or which positively anchored colonialism

in the public's perception. Advertising should be mentioned here as well as works of visual and performing arts. The museums also have to realise that colonial situations rarely ended with formal decolonisation and can have a lasting effect to the present day. These Guidelines therefore aim to raise awareness that a colonial context can even be assigned to objects made or acquired after decolonisation or to objects from those countries that were themselves never subjected to formal colonial rule.

Even assigning an object to a colonial context may sometimes not be easy. Furthermore, establishing that there is a colonial context does not mean that the provenance should be categorised as problematic or that consideration should always be given to returning the object. Rather it is an indication that sensitivity and scrutiny are needed. The Guidelines are intended to facilitate the recognition of objects from colonial contexts and themaking of decisions about how to deal with them responsibly. The museums thus strengthen their awareness of history and problems relating to colonial and post-colonial contexts in their work. The actual recommendations for action are preceded by general comments that serve to improve understanding and raise awareness.

The chapter "Addressees and Terminology" therefore explains concepts that are mentioned throughout the subsequent chapters. This is to ensure a basic understanding. The chapter "Practical Help: Cases of Colonial Contexts as Defined by the Guidelines" presents the different cases of colonial contexts which were defined to facilitate an initial categorisation for the purpose of these Guidelines. The specialist contributions in the chapter "Background Information" provide in-depth explanations of European colonialism, how different types of museum acquired their collections, the general principles of provenance research, the legal aspects and the different understandings of ownership and law. In addition, two contributions by external experts from the communities of origin explain the significance of sensitive objects for such communities and illustrate methods of decolonisation in collection and exhibition management.

A set of questions on how to care for the objects is presented in the chapter "Practical Help: Recommendations for the Care of Collections from Colonial Contexts", along with the four main tasks of a museum – collecting, preserving, researching and exhibiting. The discussions held on the return of objects have led us to present preliminary considerations and to answer questions relating to this complex of issues. At this point, attention is drawn to the fact that general statements about when it is necessary to return objects are not possible due to the heterogeneity of the cases. An overview of formal colonial rule at the end of the Guidelines illustrates the global

dimension of the "colonialism" phenomenon. The German Museums Association is repeatedly confronted with the question as to why it is not able to participate fully in political decision-making and why it does not have the authority to issue binding directives to German museums. An explanation of the tasks of the German Museums Association and a brief introduction to the federal system in Germany can be found in the Appendix.

This publication has been prepared by a multidisciplinary working group, consisting of ethnologists, archaeologists, natural scientists, art historians, historians, lawyers and external experts. In the future, the members of the working group will be available as contact persons for further specialist questions and will be able to advise on conflicts but will not make any decisions or act as an ethics committee. Names and contact information can be found at the end of these Guidelines. In the case of difficult negotiations on the return of objects, museums can moreover contact the International Museums Council ICOM or its Ethics Committee or make use of the ICOM-WIPO Art and Cultural Heritage Mediation Service.

These Guidelines are intended to increase awareness and provide practical guidance for the work museums undertake with objects from colonial contexts and also in respect of demands for the return of these objects. Each museum and collection should take these Guidelines as the basis on which to formulate its own stance and guidelines for dealing with such objects. In addition, the museums are called upon – irrespective of whether they have objects from colonial contexts in their collections – to actively deal with the issue of colonialism in their exhibition and education work and to seek a dialogue with the communities of origin.

ADDRESSEES AND TERMINOLOGY

FOR WHOM ARE THESE GUIDELINES INTENDED?

These Guidelines explicitly address all German museums and (university) collections as well as the bodies which oversee them. They include ethnological, natural history, historical (including local and military history), art and cultural history, archaeological and anthropological museums and collections as well as art, technology and folklore museums. In the following text, for the sake of simplicity, the term "museum" is used throughout.

Almost all types of museum have items from colonial contexts. For example, the natural history museums largely created their non-European collections before 1960, many archaeological objects came from countries that once belonged to the Ottoman Empire, while collections in technical museums include the equipment with which colonial regions were opened up, such as locomotives or telecommunications equipment. In addition, there are objects such as advertising posters or advertising figures for so-called colonial goods.

It follows that different groups of objects must be considered. Hence it is not – as often assumed – only the ethnological collections that bear a responsibility. These collections in particular (but not exclusively) contain not only objects which can be considered to be historically sensitive, but also those which could be culturally sensitive, which makes the issue even more complex (cf. next section).

It is by no means the case that the issue of objects from colonial contexts affects only the interests of German museums and the bodies that oversee them. Communities of origin/countries of origin from whence the objects originate, in particular, are very interested in finding out where parts of their cultural heritage are located. This offers opportunities for participation and knowledge transfer, and also the return of objects.

The issue of colonialism and the responsibility of museums are also being discussed in the public domain, on the political level and in post-colonial initiatives in Germany.

The Guidelines have been translated so that interest groups outside the German museums are afforded a first opportunity to learn about the colonial heritage of the museums. Moreover, they provide an insight into the work of the museums, pose questions which the museums have to address, and illustrate the competing stipulations and procedures, and the legal and the ethical principles which museums (must) consider in their actions. They will not be able to provide an answer to every question, however.

WHAT DO THE GUIDELINES CLASS AS HISTORICALLY AND CULTURALLY SENSITIVE OBJECTS?

Collections can consist of very diverse groups of objects: human remains and associated grave goods, religious and ceremonial objects, regalia, ritual objects, and also works of art, propaganda, promotional articles, everyday articles or models created especially for museums. The responsible parties in the museums should be aware that most objects were not created or produced as 'museum exhibits'. They are witnesses of different cultures, with their own meanings anchored in the communities of origin. In these communities of origin, specific types of objects can have a very close association with their forebears or be seen as their equal, and have great social and religious significance [1] (cf. from p. 63).

The circumstances under which objects were/are collected, acquired or produced can mean that they have to be treated with particular sensitivity. In such cases, the Guidelines use the term historically sensitive objects.

Historically sensitive objects can be deemed to be items from collections of all types of objects which have been collected, acquired or created in colonial times, the National Socialist era, states of civil war, or systems of apartheid [2], for example. Objects from colonial contexts are therefore historically sensitive objects, whose history and character have to be actively assessed by museums. Their acquisition often involved the use of force and/or highly dependent relationships. In addition, these objects may reflect discrimination and colonial or racist ideologies.

The Guidelines use the term culturally sensitive objects for human remains and associated grave goods, religious and ceremonial objects, and also regalia. They usually have a special significance, which is why caring for them is subject to justified restrictions on access in the community of origin. For example, some objects (e. g. bullroarers of Australian aborigines, certain statues of Hindu gods) may not be viewed or touched by women, uninitiated or low-ranking persons, or members of certain social groups. The objects are considered taboo for these groups, especially controversial or even potentially dangerous. According to some communities of origin, such as those in Oceania, all objects that, for example, are connected to religion, ancestors or imperial insignia, contain Mana [3], which can be potentially dangerous

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1   e. g. *At.óow* of the Tlingit (Southeast Alaska)
2   Apartheid: internationally defined crime against humanity.
3   a highly effective force

and require rituals prior to handling them. For some societies, images of the dead are also a sensitive matter, something which may be relevant for access to historical film and photographic collections. Objects used in daily life could/can also become culturally sensitive objects, for example when they were/are incorporated into religious or ceremonial activities.

Photographs, drawings [4], impressions, anthropometric data, film and sound recordings [5] of members of the communities of origin may therefore also be regarded as culturally sensitive objects for ethical reasons. Such forms of documentation were, and in some cases still are, totally incompatible with the world view and value system of some communities of origin. In the colonial context, some of these forms of documentation were created by exerting pressure or the use of force. The subjects also had to endure degrading practices sometimes, such as exposing the head or body.

Owing to the way in which many European museums acquired their collections (cf. also background information from p. 36 onwards), a very large overlap of historically and culturally sensitive objects from colonial contexts can be found in the institutions. Museums should be aware that the special significance of culturally sensitive objects is, as a rule, not based on the colonial context, but primarily on the object itself and thus on its significance for the community of origin. The sovereignty of interpretation lies with the community of origin concerned.

At this point we would like to draw attention to the fact that communities of origin may view classification systems for objects far removed from their cultural significance (particularly for culturally sensitive objects, cf. p. 17) as degrading or disrespectful.

Culturally sensitive objects make up only part of the collections, however. Most collections rather consist of everyday objects (some of them without signs of use or not/ no longer functional), supplemented by obvious souvenirs and models of all kinds. Detailed information on human remains in museums can be found in the "Recommendations for the Care of Human Remains in Museums and Collections" (DMB 2013).

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4 During the Hamburg South Sea Expedition, for example, Elisabeth Krämer-Bannow drew tattoo designs of Micronesian women. The publication of these images is considered an affront and breach of trust by today's Micronesian women (personal statement by Susanne Kühling).

5 Some Australian cinema and television films, but also public libraries and archives indicate per disclaimer in the opening credits or on their websites and in their brochures that the film or the collections and archives contain images and sound recordings of now deceased persons, as Torres Strait Islanders, and certain Australian Aboriginal groups, regard the mention of the deceased as offensive or even prohibited (e. g. State Library of Queensland: Protocols for Aboriginal and Torres Strait Islander Collections).

WHAT IS UNDERSTOOD BY COMMUNITY OF ORIGIN?

The term community of origin is understood to be the community in which an object was created or originally used (i.e. the community to which creators and users of the object felt they belonged) and/or which views the object as part of its cultural heritage. The term "community of origin" is therefore not synonymous with "country or nation of origin", since communities of origin are often sub-national groups, such as ethnic minorities or indigenous communities whose members consider themselves to be the descendants of the creators of the object. "Ethnicities" recorded in museum holdings occasionally reflect European categorisations here, which do not necessarily correspond to the historical and present-day societal reality in the countries of origin, which is why ethnic labels and indeed all historical sources have to be treated with caution and sources subjected to a critical analysis.

The communities of origin may have transferred the authority to represent their interests in whole or in part to national, political bodies into which they are now integrated; this is frequently not the case, however. The communities of origin must therefore not be seen as identical to the higher national authorities which represent them and can sometimes be in a state of conflict with them. Different perspectives on value systems, sovereignty of interpretation and authorities among several communities within a community of origin can likewise harbour the potential for conflict.

WHAT IS THE GEOGRAPHIC SCOPE AND THE TIME FRAME OF THESE GUIDELINES?

Colonial contexts existed in different regions and countries (cf. also Colonialism from p. 20, Cases from p. 25). The Guidelines therefore do not make geographic limitations.

They take European expansion as the basis for their time frame. It should be borne in mind, however, that any time frame for momentous developments is always arbitrary. The year 1415 is an obvious choice for the start of European expansion, for example, when Portuguese troops conquered a city outside Europe – Ceuta in North Africa – for the first time since antiquity. Another important date is 1492, when Christopher Columbus landed on islands off the Atlantic coast of what later came to be called America and thus ushered in the exploitation, colonisation and settlement by Europeans (cf. background information from p. 36).

The Guidelines define colonial contexts not only as periods with formal colonial rule (cf. pp. 23 ff. and pp. 25 ff.). Since this results in a multitude of geographic possibilities and time frames for colonial contexts, it makes no sense to name specific years here.

WHAT IS MEANT BY "COLONIAL CONTEXTS"?

To answer this question, let us begin by explaining three basic concepts:

A Colonialism

Basically, colonialism is a relationship marked by domination, in which the colonised are limited in their self-determination, are subject to heteronomy and forced to adapt to the needs and interests of the colonisers, especially as far as politics and economic aspects are concerned. What most colonisers had in common was an unwillingness to accept or even accommodate societies they subjugated, either culturally or politically, or to adapt to local circumstances [6].

Colonialism was not a uniform process, but varied with regard to when it occurred, where it occurred, and who was the colonising power. It had global significance.

Colonisation often began with exploration, the establishment of trade links, or missionary work. Settlement or formal subordination to the colonial power might follow, as might informal penetration. In more than a few cases, colonisation culminated in violent conquest and the subjugation of the regions in question.

Colonisation manifested itself in a great variety of ways. The three main forms of colonies were "trade and military enclaves", "exploitation colonies" and "settlement colonies" (see also background information on European colonialism pp. 36 ff) [7].

The characteristics of colonialism and the transitions between the various forms were geographically and temporally very different and often fluid, as were the transitions from formal colonial rule with claims to territorial ownership to an informal

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6   according to Osterhammel and Jansen 2017
7   Since the beginning of the 20th century, the term "Non-Self-Governing Territories" has been used as a synonym for colonies/protectorates in international law (cf. also UN https://www.un.org/en/decolonization/nonselfgov.shtml)

dominion without direct territorial claims (cf. imperialism [8]). Existing politico-social structures were frequently ignored in the course of colonial conquests.

Even after the end of formal colonial rule, colonial structures had lasting effects. Firstly, they continued to have a regional impact because the elites in many states that had become independent resorted to a form of politics that differed little [9] from that of the colonial period, and in particular often practised a nationalist policy that continued to marginalise certain ethnic groups [10]. Secondly, there was a supraregional impact because economic and cultural exploitation structures continued to exist. For example, independence from Spain did not change or even improve the situation of indigenous peoples in Latin America. Many North American Native Americans, on the other hand, did not come under American dominance until decades after US independence. There are comparable examples for all continents. Most of those affected are minorities who define themselves as an ethnic group [11] or are defined by others as such.

The term "colonial" refers to the actual exercise of rule, as well as to the ideologies, discourses (also racial discourses), knowledge systems, aesthetics and perspectives which preceded formal or actual rule and which supported and safeguarded it for colonisation and can have an impact beyond it. They not only have an effect in colonial territories but also worldwide and are interrelated (see also "Postcolonialism" below).

Colonial ideologies, even in states without a formal colonial history, have led to structures in which parts of the population were or are exposed to domestic power imbalances. The westward expansion of the United States, which resulted in conflicts with indigenous Americans, is one example of this. At the time of this expansion, the British colony on North American soil had gained its independence. The newly acquired areas were successively integrated into its own territory and not managed as colonies. Nevertheless, the seizure of its land brought the indigenous population into a colonial situation. Colonial ideologies are also reflected in objects and portrayals of European origin.

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8   Imperialism describes the policy of states to extend their power far beyond their own borders. This can take the form of quite specifically exerting a political, economic or cultural influence on other countries or by other means and making them dependent (German Federal Agency for Civic Education).

9   cf. Conrad 2012

10 The various marginalised groups, in their entirety, may constitute the numerical majority of the population in some countries.

11 Ethnicity: a category of individuals who, based on the ideology of a common descent and culture, is set apart from other categories of people by social processes of exclusion and/or incorporation. Ethnic belonging and ethnic boundaries are marked and signalled by certain (almost random) cultural traits and patterns: often territorial references, religion or socio-political organisation. (cf. Thode-Arora 1999).

B Postcolonialism

Firstly, post-colonial refers to the situation and period after the formal end of colonialism, and secondly, it also means a theoretical framework and a programmatic demand. Post-colonial perspectives rely on a critical and differentiated examination of role models and power structures that have their origins in colonialism. They are based on the assumption that mental structures and knowledge storage are important to the imposition of colonialism and also see this as one of the long-term effects. Post-colonial approaches reinforce the general awareness that colonialism took very different forms, having a lasting effect on both the colonised and the colonisers. The dialogue incorporates the experiences of both sides on an equal footing. The goal is to overcome the Eurocentric way of thinking [12] and highlight the reciprocity in the historical developments.

The article "Decolonising Collections and Exhibition Management" (see pp. 70 – 89) presents examples given by experts from communities of origin.

C Racism

The European Commission Against Racism and Intolerance (ECRI) defines racism [13] as "the belief that a ground such as race, colour, language, religion, nationality, or national or ethnic origin justifies contempt for a person or a group of persons or the notion of the superiority of a person or a group of persons". This includes the attribution of cultural and psychological characteristics due to certain outward features such as skin colour.

Colonialism and racism intersect and overlap. Modern colonialism (from about the 15th century) was increasingly influenced by the self-perception of cultural superiority (theological, technological, biological) of the members of the colonial powers. The idea that people outside Europe had different mental and physical attributes and were thus not capable of high (cultural) achievements and, consequently, were not equal to other (European) cultures was anchored in the colonial mind-set. As a result, European colonial powers, for their part, believed it was their mission to civilise and lead the "savages" and "barbarians" in other parts of the world [14]. In practice, however, this thinking was used to justify heteronomy and exploitation.

12 Assessment of non-European cultures from the perspective of European values and norms (Said, 1978).
13 Since all people belong to the same species, ECRI rejects theories that are based on the existence of different "races". However, ECRI uses this term to ensure that people commonly and incorrectly referred to as members of a "different race" are not excluded from the protection of legislation (ECRI 2003).
14 cf. to Osterhammel and Jansen 2017

Many colonial powers developed a multi-faceted racial supremacy mind-set, culminating in the racial teachings of the 19th and 20th centuries [15].

Further explanations can be found in the background information "European Colonialism: Political, Economic and Cultural Aspects of Early Globalisation" from p. 36.

Definition of the term "colonial context"

The term "colonial context" describes much more than "only" formal colonial rule, such as German or British, French or Dutch colonial rule. Colonial contexts did not end in 1918/19 when the German Empire lost its colonies. Nor did they end in the 1960s with the decolonisation of large parts of Africa. Furthermore, they did not begin in 1884, but all the way back in the 15th century, when the Europeans explored the world and, for example, Spanish colonial rule in America began. It had not even started in other parts of the world when it ended there in the early 19th century. On the basis of the preceding explanatory notes, these Guidelines draw the following conclusion regarding the definition of the term "colonial context":

Colonial context as the term is used in these Guidelines is initially regarded as circumstances and processes that have their roots either in formal colonial rule or in colonial structures outside formal colonial rule. At such times, structures of great political power imbalance may have arisen both between and within states or other political entities. This created networks and practices that also supported the collection and procurement practices of European museums (cf. pp. 47 ff).

Colonial contexts, however, also led to the emergence of objects and depictions which reflected colonial thinking. Common to colonial contexts is an ideology of cultural superiority to colonised or ethnic minority populations [16] (cf. "Colonialism" and "Racism", p. 20 et seq.) and the right to oppress and exploit. This also raises doubts about the legality of its use to justify acquiring collections. In some public debates, acquisition of any object in the colonial context is considered wrong per se. This is justified by the assumption that there was such a power gap between the ruled and the rulers under colonial rule or in colonial structures that the legality of the acquisition of any objects is absolutely inconceivable. These Guidelines are based on the conviction that the full range of historical and local acquisition and negotiation processes must be included. Awareness of the entire spectrum should be raised.

15 also cf. Geulen 2016
16 The various indigenous groups as a whole can also constitute the numerical majority of the population of a country.

PRACTICAL GUIDANCE: CASES OF COLONIAL CONTEXTS AS DEFINED BY THE GUIDELINES

Three cases of colonial contexts are defined for these Guidelines. These cases are intended to sensitise those who use the Guidelines to the complex causes and interrelationships of colonial contexts. They do not represent a hierarchical order or object category, but serve only as a heuristic aid for provenance research.

If an object can be classified into one of the cases mentioned below, a colonial context as defined by these Guidelines can definitely be assumed.

CASE 1:
Objects from formal colonial rule contexts

An overview of formal colonial rule can be found in the Annex starting on p. 157. In order to assess whether an object belongs to this case, it is also advisable to take into consideration the development of colonial rule in any given case.

1a: The object is from an area that was under formal colonial rule at the time of collection [17] or manufacture, acquisition or export of the object.

Example 1: Objects from Namibia and the Kingdom of Benin

Most objects from present-day Namibia kept in German museums and collections were collected or acquired by European missionaries, settlers, colonial officials, or military personnel during the colonial occupation and administration of "German South West Africa" (1884–1919). Objects that were collected between 1904 and 1908 in central and southern Namibia were acquired or appropriated during the genocidal colonial war of the German Empire against the Herero and Nama peoples. It is thus possible that such objects came from victims of this genocide.

Objects appropriated while a region was being conquered or as a result of its conquest should be considered historically sensitive. An example of such objects are works of art from the Edo Kingdom of Benin (in present-day Nigeria) that were appropriated in 1897 during a British "punitive expedition" and which today are in many European and North American museum collections.

Example 2: Syrian glass

Ancient glassware from Syria was excavated at the beginning of the 20th century during the construction of the Baghdad Railway, which was to pass through the

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17 Here, collection means the process of collecting objects from where they originated, e. g. natural history objects as part of field research.

Ottoman Empire from the Konya region in what is now Turkey to Baghdad. Various German companies were involved in the construction of this railway line on behalf of the Ottoman Empire. Under their direction, there were also large numbers of Armenian forced labourers, who sifted through the rubble for valuable objects. The antique glassware came to Germany through middlemen.

Example 3: Samoan objects

The western part of the Samoan Islands in the Pacific became a German colony in 1899. Colonial officials and settlers often bought objects such as kava bowls, fly-whisks or bark cloth as souvenirs. The great demand for some of these artefacts meant they were also made especially for sale as souvenirs. However, the pieces actually used were significant objects of Samoan culture and society: flywhisks, in addition to their obvious function, are the insignia of an orator chief. Kava, the drink from the root of the pepper bush, is ceremonially prepared and served in kava bowls at official gatherings. The order in which the drink is served reflects a complex balancing of hierarchies. Germans often received these objects as a gift or in exchange. In Samoa, important and long-lasting social relationships are established and confirmed through spontaneous but in the long-term reciprocity-oriented gift-giving, and above all through a ritualised exchange of articles of value.

Example 4: Natural history objects from Australia and New Guinea

Collectors commissioned by the Godeffroy Museum in Hamburg, such as Amalie Dietrich between 1862 and 1872, amassed significant botanical and zoological collections in British colonial territory along the east coast of Australia. Also, in Kaiser Wilhelm's Land, a "protectorate" created by the German New Guinea Company in the northern half of New Guinea in 1885, natural history (often together with ethnological) objects were collected until the early 20th century. Local helpers were deployed and colonial networks were used.

Example 5: Colonial goods and raw materials as well as products manufactured from them

Colonial goods included first and foremost overseas semi-luxury and standard foodstuffs (e. g. cocoa, coffee, tea, sugar, tobacco, rice, spices). Other commodities of commercial interest from former colonised areas included gold, ivory, coconut, bird feathers, hunting and forest products, rubber. In the colonial trade, the local population was often used as labour for the cultivation, harvesting, extraction and often also for the production or transport of the merchandise.

1b: The object was used in an area under formal colonial rule. This use was related to colonial rule, colonial commerce or colonial life.

Examples: Weapons, uniforms, flags, decorations and other military items, vehicles, ships (and parts thereof) as well as other infrastructure elements (rails, wharves etc.), files and documents, production and agricultural equipment, European emblems, signs (signposts etc.), instruments and anthropometric photographs from the field of medicine and "racial doctrine", transport containers (barrels etc.), architecture (fragments), colonial coins, memorabilia of all kinds.

CASE 2:
Objects from regions which were not subject to formal colonial rule

The object comes from an area that was not under formal colonial rule at the time of collection [18], manufacture, purchase or export of the object, but in which there were informal colonial structures or which was under the informal influence of colonial powers (cf. p. 36).

Example 1: Textiles from Guatemala
Guatemala became independent as early as 1821, but the indigenous population continued to live in a colonial situation in which their rights of co-determination were largely denied by the political elite. In the early 1980s, there was a civil war in Guatemala, during which the Mayas in particular suffered. There were massacres and mass refugee movements. Owing to economic hardship, the refugees sold their traditional costumes/parts of their costumes and pre-Spanish ceramics plundered from archaeological sites to Europeans working in the country (e.g. teachers at German schools). Also, the women began to weave belts for sale. These purchases have been offered by the returnees to German museums since the 1990s, and, in the case of textiles, collected by them (the pre-Hispanic ceramics fall under the UNESCO Convention of 1970, or since 2016 under the Act on the Protection of Cultural Property).

Example 2: Chinese objects
In the 17th century, Chinese porcelain was increasingly imported to Europe by the East India Trade Company. This led to the development of export porcelain. The porcelain was made to meet the requirements of European culinary habits,

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18 Here, collection means the process of collecting objects from where they originated, e.g. natural history objects as part of field research.

and European ideas were also reflected in the decoration (e. g. Chinese porcelain in underglaze blue with Dutch tulips or genre scenes). The trade in Chinese porcelain and the influence of European taste suggest there was a flourishing Chinese porcelain business. China was not a colony at this time.

In the 19th century, among other things due to the Opium Wars (1839–1842 and 1856–1860), China was initially under informal colonial rule and, since its defeat in the Sino-Japanese War in 1895, also partly under Japanese formal colonial rule. The Jiaozhou region (with Tsingtao as the capital) was under formal German colonial rule from 1898. Even informal control resulted in key aspects of politics in the Middle Kingdom being determined by foreign powers. At that time, more and more Chinese porcelain reached Germany. However, it was mostly everyday utensils, burial objects, antiques and imperial porcelain rather than export porcelain. At the beginning of the 20th century, China was faced with economic collapse due to the Boxer Indemnity after the Boxer Rebellion quashed by the Eight-Nation Alliance (German Empire, France, Britain, Italy, Japan, Austria-Hungary, the United States, Russia), and this resulted in unimaginable quantities of Asian art from private homes and palaces coming on to the market. Entire areas of Chinese cities were engaged in the art trade. China became a destination for art agents and art dealers, including German soldiers. The peak in Far Eastern trade was in the period after the German colonial era, in the 1920s and 1930s. All this was also reflected in museum collections.

Example 3: Pre-Spanish objects from Latin America
In the late 19th and early 20th centuries, many archaeological finds from former Spanish colonies in Latin America found their way into European museums. This often happened with the knowledge or involvement of local governments. The objects came from both excavations and looting. An appreciation of the pre-colonial heritage in the countries themselves began only in the course of the 20th century and resulted in export bans. Accepting such objects was internationally prohibited for the first time by UNESCO in 1970. After this, however, exports considered to be illegal continued to find their way into European museums. Since 2016, this is prohibited by the Act on the Protection of Cultural Property.

Example 4: Religious objects from America and Oceania
Owing to Christian evangelisation, people gave religious objects from their old faiths to Europeans, in some cases because they still feared their power despite their conversion to the Christian faith. This occurred, among other places, on the northwest coast of America, where in addition to the activities of missionaries,

diseases were introduced that the shamans could not heal. What is more, the persecution of shamans by the Canadian Government led to the decline of shamanism and subsequently the giving away of shamanic objects.

Similar examples are also known from Polynesia and Micronesia: after indigenous peoples were converted to Christianity, figures depicting an ancestor or a god, for example from Tahiti, the Cook Islands, Easter Island (Rapa Nui) or from Nukuoro, were sold in large numbers to Europeans, or even burned. Due to their Mana [19], however, they were also integrated into church buildings or placed in secret hiding places. For example, during his research on Easter Island in the 1950s – decades after the missionary work had ended – Thor Heyerdahl was offered such religious objects which had been kept in hidden caves.

Example 5: Natural history objects from Oceania

Collectors commissioned by the Godeffroy Museum in Hamburg, as well as captains in the service of the Godeffroy trading house, brought not only ethnographic objects but also botanical and zoological items from Australia and New Guinea to Germany. The Godeffroy trading house also established trading bases in Oceania, for example in Fiji, Samoa, Palau, the Caroline, Marshall and Marquesas Islands. These areas were only granted "protectorate status", and only in part, by various colonial powers at a later date.

CASE 3:
Objects that reflect colonialism

The object reflects colonial thinking or conveys stereotypes based on colonial racism.

In the most serious cases, these objects are intended for openly propagandistic purposes, such as the promotion, legitimisation or even glorification of colonial systems of rule, as well as their actions and actors. In ways which were often more subtle, defamatory racist ways of thinking or portrayals of colonial contexts found their way into product advertising or commercial art advertising, especially in relation to colonial goods or the travel industry. Also, in works of the visual and performing arts, there are references to colonial contexts or intellectual discourses of them.

Objects that reflect colonialism can be roughly divided into three groups, which can also overlap. For example, images from the 19th century (or from before or after)

19 a highly effective force

have often been shaped by colonial ways of thinking, racism and stereotypes, and thus are also objects of propaganda:

- Colonial propaganda
- Advertising products
- Works of the visual and performing arts

Example 1: Colonial and revisionist propaganda

Postcards played a significant role in the propaganda for the German colonial system, showing the "new masters" and/or their "new subjects" with photographs or (caricatured) drawings, with the intention of demonstrating the perceived cultural superiority of the German colonisers. After the First World War and the surrender of the German colonies enforced by the Treaty of Versailles, former actors such as Paul von Lettow-Vorbeck in particular propagated the return of the former colonies to Germany and idealised the colonial past in an abundance of writings as well as in memorial meetings. The Nazi Party incorporated this cause into its state propaganda and combined it with its own iconography and goals in posters and other types of propaganda.

Example 2: Advertising posters for ethnic shows

Ethnic shows involved putting people from foreign cultures on display; these people were recruited for a period of several months or years in order to demonstrate activities that were perceived in Europe as "typical" of their culture to paying audiences. From the beginning of the 19th century and in increasing numbers from the 1870s, this genre of entertainment spread throughout the entire Western world (e. g. Europe, the United States, Australia, New Zealand) and even to Japan. Since long-distance travel was uncommon and books, newspapers and magazines showed only a limited number of illustrations, if any at all, the physical presence of (mostly) non-European people was fascinating for the spectators. Unlike Britain and France, there were only a few ethnic shows in Germany with individuals recruited from its own colonial territories. Colonial exhibitions with ethnic shows were also much rarer in Germany. Usually, ethnic shows were commercial enterprises and, despite paying lip service to educating people about issues of colonialism, focused primarily on entertainment and the public's taste, although some promoters sought a high level of ethnographic authenticity, based on academic perceptions of their time. Ethnic shows usually went on tour and reached an audience of millions. They are therefore closely linked to the formation or perpetuation of stereotypes about people from foreign cultures. Not all ethnic shows had a clear imbalance of power: in some cases, non-European participants took the recruitment into their own hands, organised what should

(and should not) be shown to visitors, or became impresarios who toured with their own ethnic shows.

Advertising posters for ethnic shows reflect all these facets: in addition to sensation-aldepictions of non-European people in action and caricatures of them, the Carl Hagenbeck company, for example, used ethnographic-like village scenes, a head and shoulder portrait of a Sioux man, or an original Ethiopian painting as poster motifs.

Example 3: Works of the visual and performing arts

From the 16th century onwards, representations of distant exotic territories and cultures played an increasingly prominent role in the range of motifs used in the visual arts in Europe. European artists helped present figurative portrayals of the "New World", Africa and other overseas territories. Their works served the interest of the local audience in "foreign culture". The artists' views were often strongly influenced by the colonial perspectives of the European "explorers", colonists or merchants in whose milieu the artists moved. Sometimes they even travelled abroad. Their work was often the starting point for the emergence of widespread stereotypical iconographies such as "the savage" or "the Indian", which were found, for example, in many baroque allegories relating to non-European parts of the world. Later, Orientalism[20] and Exoticism[21], and from the 19th century onwards the growing importation of objects from the colonies to Europe, fostered the spread of motifs with a colonial background in the fine arts. It also inspired dance and theatre, as well as scenery and costume design.

Case 3 also includes works of performing arts (including theatre, dance, film), literature (including books, leaflets) and music.

CONCLUSION

Assigning an object/a collection to case 1 or case 2 does not indicate whether the provenance should be classified as problematic, or even that consideration should be given to returning the object. Rather, it is merely an indication that heightened

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20 Eurocentric view of the societies of the Middle East or the Arab world, which is expressed in a feeling of superiority towards the Orient (cf. Said 2009).
21 Eurocentric view which sees foreign cultures in quite a positive light and attaches a special fascination to them. All things foreign are endowed exclusively with features which appear unusual and manifest themselves as projections of western wishful fantasies. This perspective is reflected to a very small extent through to not at all (cf. ikud-seminare.de).

awareness and a more precise examination are required. It is clear that in museums with predominantly non-European collections, large parts of the collection can fall into case 1 and case 2. While assignment to case 1 is largely based on the origin and date of the object, assignment to case 2 is only possible through further investigation into the particular situation in the country of origin at the given time. Assignment to case 3 usually requires an assessment of the purpose, intent and impact of the object.

PRIORITISATION WHEN EXAMINING COLLECTIONS

A museum with large collections of heterogeneous origins may face the question of prioritisation when it comes to examining its collection. It is not possible to give a generally valid piece of advice regarding the best procedure to adopt when examining colonial contexts. Each museum must decide on the stance it is to take here and work out its own strategy. Interests, expectations and guidelines of the countries of origin and/or communities of origin should be complied with – if known.

In this respect, the Guidelines can only make suggestions for possible starting points for a museum to set its priorities. The suggestions do not create a hierarchy. All those concerned should be aware that points of view on prioritisation can differ:

- Objects from a violent colonial context[22]
- Significant/exhibited objects
- Objects from former German colonies (overview of formal colonial rule from p. 157)
- Objects of a type known to be problematic (i. e. culturally sensitive objects, explanation cf. p. 17)
- Types of object for which demands for their return have already been made in Germany or in other countries (possibly also in the countries of origin) or which have a special significance for other reasons
- Objects related to local actors and local history at the museum's location
- Objects in respect of which contacts have already been established with experts and communities in the countries of origin.

Moreover, priority must be given to clarifying the provenance of human remains (cf. "Recommendations for the Care of Human Remains in Museums and Collections", DMB 2013).

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22 Violence in the colonial context can be considered to be armed conflicts between the colonised and the colonisers, genocide, internment in camps, severe oppression of (parts of the) indigenous population through to enslavement or punitive campaigns, for example. Objects could have been acquired, produced or taken out of the country during the course of such contexts of violence or by utilising structures resulting therefrom.

BACKGROUND INFORMATION

EUROPEAN COLONIALISM: POLITICAL, ECONOMIC AND CULTURAL ASPECTS OF EARLY GLOBALISATION
Jürgen Zimmerer

General: Colonialism and globalisation

European colonialism, striking out across many parts of the globe and their gradual submission to European emissaries, as well as the overcoming of that subjugation, was the hallmark of the second half of the last millennium. This process spans more than 600 years, the entire world, and has left its mark on all areas of culture, science, business and politics. Its impact is visible in globalisation to this very day, even if it has changed direction to some extent. Where for centuries Europe, then the Global North in general, became the centre of commerce and domination and was one of its greatest beneficiaries, the former colonies have now emancipated themselves and are challenging the former colonial powers. They are pushing aside Europe and, increasingly, the Global North as a whole. All this is taking place in the context of globalisation, European colonialism being its history [23].

The start and end dates of major developments are always arbitrary. 1415, the year in which Portuguese troops conquered a non-European city for the first time since antiquity, the North African city of Ceuta, could be regarded as the start of European expansion. One of the conquerors' goals was to engage with force in the lucrative gold and slave trade through the West African Sahara. Another important date is 1492, when Christopher Columbus landed on islands off the Atlantic coast of what was later named America, thereby ushering in exploitation, colonisation and settlement by Europeans. Northern Europeans had already reached North America but, as far as we know, knowledge of this did not penetrate into the European nor into the African, Asian or American consciousness. Another important symbolic date is 6 September 1522. On this day, the remainder of the Spanish fleet of Ferdinand Magellan (Fernão de Magalhães) reached Seville, from whence it had sailed three years earlier. The earth was thus circumnavigated, proving that it was indeed round, a globe. While this did not mean that people in all parts of the world had become aware of each other, or that their actions were directly influenced, it can be said that over the next few centuries, more and more regions came under ever greater European influence, with the globe becoming a connected communication and imagination space.

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23 Forms of colonialism that did not originate in modern Europe are not considered below. This text is based in part on earlier texts by the author, especially: Zimmerer 2012, pp. 10–16; Zimmerer 2013, pp. 9–38.

What is colonialism?

It is not easy to describe what colonialism actually is, even though there have been numerous attempts to define it that differ according to the geographic or political position and agenda of those defining it and the epoch in which they undertook those definitions. This is not surprising, since it subsumes phenomena that date back up to six hundred years, evolved and changed during that period and affected the interaction of people from very different societies and "cultures".

As Jürgen Osterhammel says:

"Colonialism is a relationship of domination between collectives in which the fundamental decisions about the way of life of the colonised are made and imposed by a culturally different minority of colonial rulers, who have little desire to adapt, and whose decisions and actions give priority to external interests. In modern times, this is usually accompanied by ideological justification doctrines based on the colonial rulers´ conviction of their own cultural superiority" [24].

Common to all "colonial situations" is the dichotomy between colonisers and the colonised, often between Europeans and non-Europeans. From the beginning, the contrast in terms of geography and techniques of domination was accompanied by ideology and philosophical underpinnings. Initially, it was the binary opposition between Christians and "pagans" that justified land-grabbing and exploitation, and later biological-racist arguments.

Other central concepts are the alignment with external interests, mostly those of the colonial motherland in Europe, and the (assumed) cultural otherness. This foreign rule requires a legitimising basis, it requires discursive and ideological justifications. These can precede the phase of formal colonialism or outlast it. In addition, they are often not bound to a particular nation, that is to say, they are common to all European colonial powers. Moreover, colonialism exists as a mental map and as a mental disposition, independent of formal colonial rule.

Knowledge and the production of knowledge are therefore a central component and prerequisite of colonial rule, which in turn assigns colonial collectors and collections an important place in the colonial sphere. Colonialism is not only a social practice (domination), but also a discourse – a discourse on (supposed) differences with the goal of mutual demarcation. "Colonial discourse is thus a system of statements that

24 Osterhammel 2006, p. 21

can be made about the colonies and colonial peoples, about colonising powers and about the relationship between these two. It is this system of knowledge and beliefs about the world within which acts of colonisation take place" [25].

These discourses determine the relationship between those who see themselves as colonisers and those who are considered colonised, although terms such as colonisers and the colonised contain problematic homogenisations. The colonial discourse can also exist detached from any concrete formal colonial rule, as a communicative understanding of an unequal world based on essential differences.

Designations such as "savages", "barbarians" or "primitives" have considerable credibility with the discourse-makers and often gain a life of their own. "Most importantly, these representations of the 'Other' can create not only knowledge, but also the very reality they appear to describe. In time, such knowledge and reality produce a tradition" [26]. And this tradition also extends far beyond the formal end of the colonial era.

Attempt at a typology

In view of the far-reaching importance of discursive practice, which transcends states and colonial empires, the colonial typology is secondary, especially as the transitions are fluid and numerous hybrids exist. If one wants to try anyway, the tripartite division into trade and military enclaves, settlement and exploitation colonies seems to make the most sense [27].

Trade and military enclaves served mainly strategic purposes, that is, as a base for the economic, political or military penetration of remote regions. In the course of widespread power projection, they also helped to informally control other countries and areas, that is to say, without the establishment of formal rule. Classic examples would be Cape Town in the 17th century (as a central port on the maritime route to India) or Hong Kong and Singapore up until the 20th century.

Exploitation colonies are the type that most strongly influenced the general idea of colonies. British or Dutch India (Indonesia) are well-known examples, as are large parts of Africa. Created for the economic exploitation of resources, for tax revenue or as a market for their own goods, the exploitation colonies were mostly managed by

25 Ashcroft, Griffiths, Tiffin 2007, p. 35
26 Said 2009, pp. 114 f.
27 With different degrees of differentiation, this tripartite division is found among most historians, as a glance at the three most important recent German-language general accounts of colonialism reveals: Eckert 2006; Reinhard 2008; Osterhammel 2006. For detailed reading: Reinhard 2016.

a very small number of European civil servants and military personnel. The British Indian Civil Service, which controlled large parts of the subcontinent with only a few thousand officials, is legendary. At the end of their service, many of these officials returned to their homeland or were transferred to another colony, which meant that they did not identify closely with the colony. This usually made decolonisation easier. The local elite was usually barely involved in government, though it could be involved in day-to-day administration to varying degrees. Thus, indirect rule, in which indigenous elites governed their own subjects at the behest and under pressure from the new masters in a colonial sense – European "advisers" indicated to the traditional rulers how certain decisions were to be made – was a tried and tested means of reducing administrative costs and diverting responsibility. In addition to direct economic gain through access to cheap raw materials or to a market for over-priced and/or unnecessary European products, revenue for the colonial state could be generated in particular through taxation.

The establishment of a tax system was therefore usually flanked by the introduction of a monetary economy. As the local population had to work and operate under the colonial elite, it was often necessary to establish a rudimentary education system, which above all also served to enforce the colonial language as a business and administrative language, in order to increase efficiency. Mostly unintentionally, in the sense of the "dialectic of colonialism" [28], this led to the emergence of an anti-colonial elite that pushed for independence, as evidenced by the examples of Mahatma Gandhi, Jawaharlal Nehru, Amílcar Cabral or Aimé Césaire. The colonies were protected by the colonial powers by establishing boundaries. Local voices or sensitivities hardly played a role in the demarcation of these borders. Many of the post-colonial minority problems, wars and secessions were rooted in the fact that indigenous groups were torn apart by colonial borders or herded together in completely alien and partially hostile newly created states.

Settlement colonies, on the other hand, were characterised by the mass influx of European immigrants, who were not only in charge of the administration, the military and the economy, but also appropriated and managed the land themselves, often using and exploiting indigenous labour or imported slaves. The Spanish colonies of South and Central America are examples of this. However, the most notable examples were the United States, Canada, Australia and New Zealand, where there was de facto widespread "displacement of the pre-colonial population". The direct competition between the new European settlers and their descendants and the local

28 Reinhard 1992, pp. 5–25

population led to extreme violence in some cases, and in its wake, to the extensive displacement of the latter. This resulted in the dramatic impoverishment and social disintegration of indigenous communities. The colonial state and its settlers even carried out "ethnic cleansing" and genocide. Owing to their European majority population, settlement colonies were granted a high level of independence relatively early on, or fought for such, as in the United States in 1776 or most Latin American countries in the first half of the 19th century. Nevertheless, colonial structures continued to function for a long time both internally and externally. Where European colonisation did not lead to a "white" majority, or even widespread displacement of the indigenous population, as in South Africa, Zimbabwe, Kenya, Angola, Mozambique or Algeria, decolonisation was particularly fiercely fought for after the Second World War.

Whether they were established due to economic interests, an attempt to win military advantages or a mission to spread civilisation, all of these colonies had one thing common from the point of view of the colonised: the involuntary, enforced character of European rule. Usually, the colonised population did not accept foreign rule. Moreover, colonialism was a system of extreme, more or less institutionalised inequality, even if the degree of its imposition differed.

Certainly, nowhere could colonial rule be established overnight, and in many cases the cooperation of local authorities was necessary. This meant that the colonised had an agency. There was also resistance, both violent and indirect, which could be described as passive opposition. European colonial rule was not absolute, not total rule, but it often strove for this in the settlement colonies, for example in places where the local population was partly driven out or even annihilated. In the end, the distance from the colonial centres of power often quite literally determined how much individual people were affected by European rule, and of course the nature of the colony. In the settlement colonies, the displacement of the local population took place earlier and more rigidly than in exploitation colonies. In Africa, for example, colonial influence – with the exception of North Africa and South Africa – was limited mainly to the coastal regions up until the last quarter of the 19th century. It was only after the Berlin Congo Conference (1884/85) that an encroachment into the interior took place, since the Congress had defined effective administration as a prerequisite for the registration of claims to power.

In addition to the different forms of formal rule, however, there were also informal types of influence. The ability to project military power – based on a system of global bases (cf. "military enclaves") – enabled foreign states to be controlled without the formal establishment of a colonial state. A prime example of this is provided by China,

which in the 19th century tried in vain to escape the ever-growing influence of the colonial powers, above all Britain. When Beijing attempted to prevent the import of opium from British India for public health reasons around 1839, the Royal Navy forced the lifting of the prohibition in the First Opium War by force of arms. It also ceded Hong Kong, which henceforth played a central role in the British penetration of the "Middle Kingdom" and remained in British possession until 1997. The Ottoman Empire, which remained formally intact until 1918 but was de facto under the multi-faceted influence of all the European imperial powers, could also be mentioned here.

The caveat applies here too that the forms and methods differed from colonial power to colonial power, from colonised region to colonised region and even within larger regions, largely depending on the form of rule and economic practices, which likewise underwent enormous development. Regardless of its actual exercise, the threat of colonial power – or even the presumed threat – had an impact on the assertion of European claims, both individually and collectively.

The first German colonial empire [29]

Germans, or those who would be considered Germans today, were involved in European expansion from the outset. They sailed with Portuguese and Spaniards to India and America, as did Ulrich Schmidl and Hans von Staden: others attempted to found colonies themselves, as did the Welsers in Venezuela or the Great Elector with his Gross Friedrichsburg colony on the West African coast. He was as involved in the slave trade as the founder of today's Hamburg district of Wandsbek, Heinrich Carl von Schimmelmann. Countless people settled in the "New World", went to Africa or Asia as missionaries, or took part in the scientific opening of the world as "armchair explorers", from their desks or studies. Colonialism was a pan-European phenomenon, and as such always included Germans.

Germany did not make its entrance onto the world stage as a formal colonial power until very late, apart from the short interlude of the Brandenburgers in West Africa. Not until 1871 was there a German Empire which could actually play the role of a colonial power. The founding of the empire also gave a decisive boost to the colonial movement, which campaigned for the formal acquisition of colonies for economic, political and social Darwinist motives. Its representatives not only hoped for a safety valve for the supposed impending overpopulation and a market for industrial over-production, but also for a visible symbol of the desired role as a world power. A certain inferiority complex with regard to Britain played a role, as did the fear of cri-

29 Recently, three modern overall presentations have been published: van Laak 2005; Speitkamp 2005; Conrad 2008

ses and (social) upheavals in the Empire. Colonies appeared to offer an ideal world without the dark side of industrialisation with the growth of the working class and its demands for political participation.

Colonial ownership appeared to be a necessity and a duty to future generations, if only on the basis of the social Darwinist interpretation of the rivalry among the developing imperialist industrialised countries. They wanted to make sure that they were among the winners in this rivalry, in which only the strongest would survive. While the middle classes within European nations were largely convinced that they were a superior class, they felt even more so compared to non-European cultures. Their own superior position led them to believe that they were called upon to "civilise" the supposedly backward and primitive inhabitants of the non-European world and thus had a positive justification for any colonial endeavour. Simultaneously, Germany's superior power, as demonstrated by the successful but brutal conquest of the colonies, as well as the accompanying cultural programme in museums and art, reaffirmed the colonial project.

Since the government of Otto von Bismarck was initially sceptical about the colonial acquisition (the Chancellor regarded colonial engagement as a source of conflict with other colonial powers), the colonial empire was based on the outdated model of the "chartered company", that is, as a private enterprise guaranteed by the state. In rapid succession, "colonial pioneers" acquired territories in West, East and South Africa in 1884 and 1885, which were soon placed under the official protection of the German Empire. Cameroon, Togo, German South West Africa (Namibia) and German East Africa (Tanzania) were created. In addition, there were some islands in the Pacific (German Samoa and German New Guinea) and in 1897 Chinese Jiaozhou, part of the aforementioned informal penetration of China, where Germany now demanded its share. Since these private colonisation companies all failed within a short time, the state had to take their place. The German Empire thus became a colonial power.

It is impossible to summarise the colonial experience of such disparate colonies. Even the administration was different. While Jiaozhou was administered by the navy, the other colonies were administered by the colonial department at the Foreign Office, and later by the Imperial Colonial Office. While Togo, Cameroon and East Africa, as well as the Pacific possessions, were exploitation colonies, South West Africa was planned and built as a settlement colony. Even though the dreamed-of settlement numbers could not be realised, Namibia has a small German-speaking minority to this day.

Generally, it can be said that the hopes associated with colonial acquisitions were not fulfilled. Apart from the "model colony" Togo, all the colonies were financially subsidised, which was partly a result of the enormous cost of conquest, pacification and administration. This was due not least to the vehemence of the resistance against the German colonisers in almost all territories and the brutality with which the colonial power put this down. In turn, the problems in the colonies undermined the hoped-for prestige.

The fierce resistance and the at times catastrophic consequences for the original population were also due to Germany's late start: Germans believed they had to make up for the past and to run colonies in a particularly efficient way. These were to be model colonies, not only for economic reasons, but also to show the other colonial powers how to do things right. There was little time for a gradual adaptation of the living and economic conditions, especially those of Germany's African subjects, or for an adjustment of colonial practices in the light of experience.

In German South West Africa, the colonial utopia even included the establishment of a genuine society of racial privilege [30]. Germans were supposed to form the upper class, while Africans were to be transformed into a homogeneous black working class. Rudimentary education was intended, first and foremost, to increase their productivity. Any "mixing" of the "races" was to be prohibited. Existing marriages between Germans and Africans were retroactively annulled in 1907, all sexual relations stigmatised and the term "native" finally biologically defined. "Natives" were:

"all the blood relatives of a primitive people, including the descendants of native women fathered by white men, even if there have been several generations of mixed race. As long as ancestry from a member of a primitive people can still be proven, the descendant is a native" [31].

Thus, the principle of biological origin had pushed aside any idea of "civilising" the "native" population that would have required Africans to be "educated" as "Europeans".

The two longest and most costly colonial wars were conducted at the beginning of the 20th century in the two largest colonies of South West and East Africa (now Namibia and Tanzania). In the latter case, there was a war of extermination insti-

30 see for this concept and for the consequences of this ruling utopia: Zimmerer 2004
31 Verdict of the District Court of Windhoek, 26.9.2007. National Archives of Namibia, Windhoek, GWI 530 [R 1/07], gazette 23a–26a

gated by the German side, with an estimated 250,000 African victims, both through fighting and through the supply shortages [32] triggered by military actions. In the former case, the war even led to the first genocide of the 20th century. It has been estimated that up to 80 percent of the Herero and 50 percent of the Nama were killed [33]. A significantly higher number of German soldiers were used in South West Africa (an estimated 19,000, of whom about 1,500 lost their lives), while in East Africa the war was waged on the German side mainly by African mercenary units, the Askari. Apart from the different perception of German South West Africa as a German settlement colony, it appears mainly to be the number of German victims and the number of German soldiers affected which has assigned the war in southern Africa a prominent position in the German collective memory [34].

Contrary to widespread views, German violent excesses not only occurred in these two wars. A campaign of extermination in German East Africa had already taken place around 1897 against the Wahehe [35]. Even in the supposedly peaceful South Seas, the German colonial authorities responded to every form of resistance with unconditional severity, such as the suppression of the "insurrection" on Ponape (1910/11) [36]. The conduct of the German Expeditionary Force in suppressing the "Boxer Rebellion" in China, which was encouraged to exercise brutality by Kaiser Wilhelm's "Hun speech", no longer appears to be a one-off lapse in this context:

"If you come before the enemy, then they will be defeated! Pardon will not be given! Take no prisoners! Kill whoever falls into your hands! Just as a thousand years ago the Huns made a name for themselves under their King Etzel, which still makes them appear powerful in traditions and fairy tales, may the German name in China be confirmed for a thousand years by you in such a way that the Chinese never dares to look at a German with suspicion!" [37]

The inhumane actions of Paul von Lettow-Vorbeck in the "defence" of East Africa during the First World War also belong in this context. Against the orders of his civilian superior and without any strategic relevance or chance of victory, he waged

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32 Becker and Beez 2005; Giblin and Monson 2010
33 Zimmerer and Zeller 2016
34 see Zimmerer 2013 for the place of the colonial in the German collective memory
35 see also Baer and Schröter 2001
36 see also Krug 2005; Morlang 2010
37 Quote from Thoralf Klein, Die Hunnenrede (1900), in Zimmerer 2013, pp. 164–176; in general terms to the colonial wars: Kuss 2010

a four-year war of attrition, in the wake of which 700,000 people, most of them civilians, died in East Africa alone.

There, as in the other German colonies, the First World War marked the end of the first German colonial empire. In the Treaty of Versailles, Germany was deprived of all colonies because of "proven inability to colonise" and they were handed over as mandates to the newly formed League of Nations for trusteeship.

However, this was not the end of the age of German colonialism. Not least out of outrage over the "colonial guilt lie", the colonial movement continued to gain in popularity, as shown by the number of memoirs, colonial novels, lectures, etc. Many joined the National Socialists upon their coming to power in the hope of recovering the colonies. However, this was of secondary importance to the new regime. Rather, the geographical focus of the German colonial empire moved from the south to the east, symbolised by the slogan "Volk ohne Raum" (people without space). Originally the title of a novel set in southern Africa, it became the slogan for the Malthusian and Social Darwinian fears of the Germans before and during the Third Reich. The sought-after space was eventually found in eastern Europe, and with the invasion of the Soviet Union began the even shorter-lived "second German colonial empire" [38]. Nevertheless, German colonial enthusiasm, as it was mainly reflected in literature, art and science, reached its peak in the years before the Second World War.

Colonialism was both practice and discourse. Both are reflected in colonial collections: on the one hand, they can be seen in the forms of acquisition that were possible in the context of formal colonial rule, or against the background of the colonial situation that was establishing itself. On the other hand, they are mirrored in the purpose of collecting and exhibiting, which stemmed from a curiosity about foreign regions and an enthusiasm for colonialism, but, at the same time, could also strengthen the colonial mentality. Especially in its epistemic structures, in its discursive expressions, colonialism has an effect far beyond its formal end, in some ways even to the present day.

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COLLECTION HISTORY: THE DIFFERENT TYPES OF MUSEUMS AND THEIR "(POST-) COLONIAL HERITAGE"

General

European expansion promoted the expansion of trade links to the Far East and fostered intellectual change.

The authority of antiquity and that of a Christian world order were challenged in equal measure by empirical research. The more exotic the goods and objects that came to Europe, the greater was the need to collect them and gain knowledge from comparative studies. The consumption of exotic luxury goods, which grew steadily in the 16th century, played a large role in the emergence of cabinets of art and curiosities. They were structured in line with a classification system based on different intellectual disciplines. The essential categories were natural objects, the creations of God, and the artificial creations of the human hand. Curiosities and exotica were also popular exhibits in the cabinets. In the course of this development, a lively trade arose in these types of objects, and many merchants in the trading metropolises became collectors themselves with their collections subsequently also finding their way into the museums.

From the 18th century onwards, collecting took on a new form: the gains in knowledge and scientific advances led to a dwindling interest in curiosities. The cabinets of curiosities were replaced by special collections which evolved into art galleries, collections of antiquities, numismatic collections or natural history collections. The history of the various types of museum has, as a rule, been linked to the development of specialist disciplines. They were not rigorously separated at first, though. For example, ethnologists also collected natural history objects, while naturalists collected ethnographic items.

Classification and categorisation have played an important role since the Enlightenment. These were only possible if there was sufficient comparative material. But not until the 19th century did colonial expansion create a veritable "collecting mania", which resulted in a large number of (non-) European objects, specimens and human remains being incorporated into museums. Colonial networks and infrastructure contributed to the procurement of objects, as did missionaries and military operations. For instance, local workers were employed, while new modes of transporting all kinds of collection items and of accessing excavation sites were created. In addi-

tion, missionaries brought many ritual objects onto the market and into museum collections, while "punitive expeditions" and expropriations caused a considerable growth in the collections of European museums.

In addition, travel reports, souvenirs and trophies as well as weapons, uniforms, means of transport and the like were added to the collections. The import of food and beverages (e. g. cocoa, sugar) as well as the artistic exploration of foreign countries and cultures left their traces in museums.

In the following text, the significance of colonial expansion in the history of collecting in seven types of museum is briefly outlined. The range of the various disciplines highlights the common roots as well as the heterogeneity of museum holdings as a result of colonialism.

Ethnographic collections
Larissa Förster

The oldest holdings in ethnographic collections are often objects and collections in royal cabinets of art and curiosities. In addition to this, larger ethnographic departments at existing museums or specialist societies as well as independent ethnological museums emerged, especially in the 19th century and the early 20th century. The ethnological museum in Munich, for example, was founded in 1862, followed by Leipzig in 1869, Berlin in 1873, Hamburg in 1879, Cologne in 1901 and Frankfurt in 1904. By 1919, numerous German cities had established ethnological museums and erected appropriate buildings, thus allowing the middle classes to demonstrate their cosmopolitan outlook. The resulting collections and museums were focal points not only of ethnological practice, but also of ethnological theory. Although ethnography was also established at universities in the 19th century (partly also with its own collections), it was often part of disciplines such as geography, anthropology, prehistory and early history, etc. In many places, it was not until the 1920s and 1930s that separate Chairs of Ethnology were established at universities. The discipline, which had long been the domain of museums, thus began to separate from them.

The emergence of ethnographic collections – and thus the development of ethnology (today also: social and cultural anthropology) as a science – is closely linked to European colonial expansion, both in the German-speaking world and beyond. Colonial expansion enabled, encouraged and "required" people to travel around the world and especially to collect objects on a grand scale. While categorisation and classification have played an important role in the sciences since the Enlightenment,

it was not until the 19th century that a kind of "collecting mania" arose in relation to (non-) European objects, specimens and human remains. The collection of extensive holdings was due not least to the search for (historical) lines of development and an orientation towards empirical, quantitative and comparative methods. For theoretical approaches such as evolutionism, diffusionism and Kulturkreislehre, in particular, which dominated ethnology at the time, collecting, describing and analysing large volumes of data and objects seemed absolutely essential. In particular, salvage anthropology tried to forestall the purported "extinction" of colonised societies and to "secure" material cultural heritage for research and museums.

Many resulting forms of collection, purchase, trade and exchange (sometimes under pressure, coercion or threat of violence), but also of theft and robbery were only possible through colonial development and expansion. Researchers and collectors made use of colonial infrastructure and networks and, in return, provided knowledge for colonial development through their publications. Museums initiated expeditions into the colonies, encouraged colonial actors (soldiers, administrators, traders, settlers and missionaries) to collect – through written instructions, for example – and acquired objects from wars and colonial "punitive" expeditions, either from their own participants or through trade. In addition, they popularised images of "foreign cultures" and the resulting stereotypes in their exhibitions and events – in the same way as the "world exhibitions" and "ethnological expositions". Not infrequently, ethnological and anthropological theories of "levels of civilisation" and "races" underpinned colonial and racist ideologies, even though ethnology encompassed anti-colonial and anti-racist currents at the same time. Therefore, ethnological museums were part of the colonial infrastructure and networks as well as places where colonial knowledge was produced and presented.

The ties between museum ethnology and colonial politics were sometimes close: for example, a Bundesrat decision of 1891 stated that all objects acquired with state funds or by officials and soldiers of the German Empire should go to the Berlin Ethnological Museum. Later, individual ethnologists also supported the colonial revisionist movement of the 1930s and 1940s. Ethnologists, like other academics, played an ambivalent role in the colonial project, even though they invoked humanistic and enlightened ideals and sometimes bemoaned or even sharply criticised colonisation and colonial violence.

Today, up to half of the collections in some museums date back to the period before 1919, including substantial holdings from formerly German (as well as British, French and other) colonial territories. The collections, often acquired as described above

in a short space of time, could seldom be inventoried or studied quickly enough or with the required thoroughness. This is one of the reasons for the insufficiently documented provenance of many objects by today's standards.

The study of the colonial contexts in which a part of their collections originated (also beyond the colonial activities of the German Empire) is a central challenge for ethnographic collections and museums today. Ethnological museums can only become places where post-colonial knowledge is produced if they adopt an appropriate stance in the relevant discourses within society, step up the historical research into collections and knowledge production that has been done in this field (for instance in the context of theoretical debates on post-colonialism and transnational entangled history), and in particular if they focus on collaborative forms of research, preservation, exhibition and communication.

Natural history collections
Matthias Glaubrecht

In contrast to the cabinet of curiosities, for example, natural history collections partly stem from the possessions of citizens or scholars, who became increasingly independent of secular rulers and church leaders during the Enlightenment. Typically, these possessions were displayed as cabinet collections (this arrangement even having an impact on monographic works, such as the famous "Conchylia Cabinet" of the Shell Atlas authored by Rumphius and illustrated by Sibylle Merian).

The first natural history collections were established in close collaboration with scholarly societies and natural history associations (such as the Association of the Friends of Natural History, founded in Berlin in 1774, or the Natural Science Association, founded in Hamburg in 1842). Occasionally, having one's own collection was the admission ticket for membership of such associations and societies.

Other natural history collections (later mostly belonging to universities) were established as teaching collections. For instance, in Berlin the zootomic-anatomical collection went to the Museum of Natural History of the newly founded university after 1819. In Hamburg, the collection at the Johanneum grammar school became part of the Natural History Museum.

The content of individual collections often depended on the interests of the respective owners. For example, some were specifically and exclusively created as collections of shells (i. e. mussels and snails), others as collections of rocks and minerals.

In the meantime, not only pieces of the (for example taxonomic) classification in use at that time, but also occasionally items from other systematic groups were found there. Herbaria, whose origins date back to the herbal collections of pharmacists, also played a special role.

The natural history museums founded from the end of the 18th century in Europe's capitals, for example in Paris, London, Vienna and Berlin (i. e. in those countries which had become colonial powers), became the principal "clients" of such private collections. They were later supplemented by collections specifically commissioned or directed by these museums.

Increasingly, the motivation for such collections – with the Enlightenment in the second half of the 18th century and the "Humboldtian Science" operating in the first half of the 19th century – was the foundation and documentation of a world view based on natural history and the development of the respective disciplines. At the same time, the natural sources from non-European regions, and thus also those from a colonial context, increasingly came into focus. Natural history collections are no different from other disciplines in terms of how objects were collected during the colonial period and the circumstances under which this took place.

Antiquities and archaeological collections
Katarina Horst

With the onset of humanism and the Renaissance, archaeological excavations and the collection of ancient objects began in Italy in the 14th century. When the Roman city of Pompeii was discovered in the 18th century, an enthusiasm for antiquity also reached Germany, which was enhanced by the publication in 1764 of "History of the Art of Antiquity" by Johann Joachim Winckelmann.

The era of public antiquities collections began at the end of the 18th century. The British Museum was opened in 1759, followed by the Louvre Museum, which was established in the wake of the revolution in 1793 in parts of the city palace. In Berlin, it was decided to build a new museum (known today as the Altes Museum), that would only house antiquities. These had previously been spread in and around Berlin in the various buildings belonging to the King. In Munich, the new "Forum" of antiquity was built on Königsplatz, with the Glyptothek and the State Collections of Antiquities opposite. Greek originals came into the collection in 1813 with the famous pediment figures of the Aphaia temple on Aegina, at a time when Greece was still part of the Ottoman Empire.

Until the mid-19th century the "collection concept" of the archaeological museums focused on classical antiquity with objects from the Mediterranean region. Objects from "marginal cultures" or "marginal eras" came into the collections more by chance. Archaeologists and local artists were charged with procuring archaeological evidence. The numerous donations from archaeologists' collections were another source of new acquisitions.

In Germany, state-organised excavations began only after the founding of the Empire in 1871. Institutions were created to carry out excavations and obtain antiques for German museums. Owing to the close political relations with the Ottoman Empire, interest shifted to ancient Near Eastern cultures. The first excavations began in 1878 in Pergamon, followed by expeditions to Assyria and Mesopotamia. As patron of the acquisition of antiques, Kaiser Wilhelm II founded the German consulate in Baghdad in 1887. The excavation sites were secured by the German Orient Society, which was founded in 1889 as an excavation company. The excavations took place in areas that belonged to the Ottoman Empire, which was regarded by the people living there as a dictatorship.

In its period of decline, the Ottoman Empire sought allies in the fight against the Russian Tsarist Empire. By 1882, it had found such an ally in the German Empire. The construction of the Baghdad Railway (1892–1898), which ran from Constantinople to Baghdad via Ankara and Konya and was financed by Deutsche Bank, was of great help to German expeditions in Turkey, the Levant and Iraq. A law of 1902 granted Deutsche Bank the right to mine "natural resources" in a 20-kilometre zone on either side of the track. Thus, major architectural objects were removed, for example from Tell Halaf in northern Syria.

After the First World War, the Conference of San Remo in 1920 redefined the spheres of influence in the Middle East: with the collapse of the Ottoman Empire, France took over the League of Nations mandate for Syria and Lebanon, which amounted to colonial rule and continued until independence in 1946 (Lebanon 1943). France received southern central Anatolia from the heartland of Turkey. Britain had a mandate to administer the territory of present day Iraq until 1958 when the country gained independence. Palestine and Jordan also became British territories (until 1946).

The island of Cyprus was part of the Ottoman Empire from 1571–1878. There was German interest in antiquities there from 1878 onwards, when the island came under British control. While Cyprus was a British Crown colony (1925–1960), large quantities of ancient objects were excavated and found their way into North Amer-

ican and European museums. Even in the newly founded republic, controls on the export of antiquities were not always possible because of the civil war. Since 1974, when the Turkish occupation of the northern part of the island began, many ancient and, above all, Byzantine Cypriot objects have come onto the market.

As a result of the race among the great powers for control of Africa, the territories of the former ancient world of North Africa came under colonial rule – especially Algeria, which came under French rule after the invasion of 1840. The colonial powers France (Maghreb), Italy (Libya) and Britain (Egypt) divided the fertile areas (the coastal regions and areas along the Nile) among themselves, with Spain gaining (and indeed still retaining) a small area in Morocco.

Thus, the acquisition of individual antique objects is in most cases closely related to the respective political powers. In all these countries, collections of antiquities were in the hands of representatives of the European and North American diplomatic corps. Their position made it possible to build up collections of antiquities, which earned them social prestige and personal profit through the resale of the collected objects.

Collections of applied and East Asian art
Silke Reuther

The cabinet of curiosities became an important part of royal representation in Europe in the 16th century. It had its origins as an early modern form of collection in the Renaissance and was the foundation for the subsequent museum art collections of the 19th century, in particular the museums of applied art. The exhibited objects were intended to show off wealth and to help acquire knowledge. Like the collections of scholars, the cabinet of curiosities was based on an all-inclusive concept of collection and provides an image of the world on a small scale or of one particular field.

The emergence of art collections required the circulation of exotic materials and luxuries. The basic catalyst of this development was international maritime trade. The "discovery" of America in 1492 ushered in the commercial and colonial expansion of European maritime powers, which came under Spanish and Portuguese domination in the 15th century and was largely dominated by the Netherlands and its trading companies from the 17th century.

The Dutch East India Company (VOC), which emerged from a merger of merchant companies in 1602, was the most important supplier of Chinese porcelain and Asian products to Europe. Porcelain, which had previously been found primarily in

court collections, became the status symbol of the upper bourgeoisie far beyond the Netherlands. This led to the development of export porcelain. This dinnerware was designed to meet the requirements of European eating habits. The result was China porcelain in underglaze blue with Dutch tulips or typical scenes. Porcelain jugs with metal lids, which resembled a type of Persian jug in purely formal terms, were also in demand. The porcelain jugs were made in China, while the metalwork was done in India. The trade in Chinese porcelain and the influence of European taste point to a flourishing business with Chinese porcelain in the "Golden Age" of the Netherlands, in which Chinese porcelain manufacturers were directly involved.

As this trend evolved, the end of the 19th and beginning of the 20th century saw many merchants working in the trading centres and private European citizens who were living there, become collectors. On their return, their collections were often sold on the European art market at auctions or used to establish a special museum, as happened in Cologne (Museum für Ostasiatische Kunst), or integrated into existing collections, as happened in Hamburg and Berlin (Museum für Asiatische Kunst). In Germany, trade and financial centres such as Augsburg and Nuremberg were involved in this development in addition to the port cities. Luxury goods and art objects were also made and exported here. Business relations were important because the transfer of goods was connected with the transfer of cultural goods. The close link between world trade and the art trade shifted within Europe over the centuries but remained relevant as an important engine. As a result, the collections from which the arts and crafts museums emerged can have a direct colonial context, because the countries of origin of the exhibits were subjected to a formal colonial system or were still feeling the impact of colonial structures.

The court collections supplied the exhibits for the specialist museums, as was the case in Dresden, Munich or Berlin for example. In the second half of the 19th century, mercantile cities such as Hamburg, Leipzig or Frankfurt am Main began to set up arts and crafts museums at the instigation of local arts and crafts associations. The holdings of these museums were largely supplied by donations and legacies from private collections and were expanded by their founding directors through acquisitions in the international art trade or, for instance, at the world exhibitions in Paris and Vienna. These museums also focused on non-European cultures. The preferred objects included those from East Asia, mainly from China and Japan, as well as art and cultural objects from Islamic countries.

Important persons who were active in the German market for Asian art were Otto Kümmel, first director of the museum in Berlin, Ernst Grosse, also a private collector,

who was involved in various museum activities involving Asian art, and Leopold Reidemeister, who later became director in Berlin. They not only traded in Asian art, they also worked on auction catalogues, acted as consultants for many collectors and assisted with purchases and sales. These persons therefore had a great deal of influence on the different museum collections.

Individual museums – for example, the Museum für Kunst und Gewerbe Hamburg and the Grassi Museum in Leipzig – included the antiquities in their collections. Training institutions for prospective artisans and craftsmen were affiliated to many arts and crafts museums, for example in Vienna (MAK) and Hamburg (MKG). This had a great impact on the collections, which consisted of the greatest possible range of arts and crafts products from all eras and corners of the world, including the African continent.

History and cultural-history collections
Hans-Jörg Czech

In Europe, the preservation and presentation of objects of historical or cultural importance can be traced back to ancient times. Today's museums owe many of their oldest objects to the fact that in the Middle Ages, relics and secular objects were preserved for subsequent generations. Originally, these were often kept as personal testimonies or material evidence of legal acts or claims to power in modern royal or municipal collections. However, they were subsequently increasingly regarded as testimonies to history and other objects such as weapons, armour, coins, sculptures or ceremonial objects were added. As early as the 16th century, Ambras Castle in Tyrol was an outstanding example of how to create collections and galleries explicitly for depicting history, frequently in close collaboration with cabinets of arts and curiosities.

Trophies, travelogues and memorabilia of all kinds relating to non-European colonial and long-distance trading territories came into local collections from the end of the 15th century with the extension of the European sphere of influence to newly discovered continents, Africa and other overseas territories. However, the triangular trade and its actors, the use of imported food and beverages (i. e. cocoa, sugar) as well as the artistic interest in foreign countries and cultures also left material traces in aristocratic, municipal or early private collections (for example, maps and prints, tableware) in the centuries that followed. Collecting was systematised under French influence during the Enlightenment, and clearer demarcations between different categories began to prevail. Regional historical holdings gained in shape as part of

wide-ranging sovereign art and cultural collections. At the same time, in the course of the 18th century, the first German royal collections, including their history sections, opened to the public, as in the case of the Friedricianum in Kassel.

From the beginning of the 19th century, a changed historical awareness within society led to the founding of bourgeois historical and antiquarian societies in German-speaking countries whose collecting activities were generally aimed at preserving material relics of their own regional past, craftsmanship, and political or economic importance. Up until the early 20th century, many of these collections of middle class origin emerged to become important foundations for the municipal, state and national museums established in the second half of the century, mostly borne by patriotic sentiments. The fact that the collections of these new history museums were anchored in wider sections of society makes it likely that in many places, personal memorabilia, documents and later photos, which directly document the work of traders, settlers, soldiers, missionaries or researchers in colonial contexts, found their way into museums via private donations and bequests from companies.

When such objects were exhibited in museums, the focus was often on the presentation of the biographies of personalities of importance to local history, regional economic relations or the rise of outstanding family or commercial dynasties – without any in-depth explanation of the colonial background. In many cases, the view of history thus conveyed was accompanied by a distortion or trivialisation, or at the very least a sketchy depiction, of the colonial realities of the time.

The development of advertising for products, brands and services in Germany also began around the middle of the 19th century and is reflected in the emergence of museum poster and advertising material collections, which mostly exist to the present day. Extending to colonial goods, tobacco and travel advertising, objects with visual links to pictorial worlds and stereotypes with a colonial background are almost inevitable.

Over the years, specialised museums and special collections emerged in other cultural and historical areas, for example those focusing on business, shipping, toy or military history. Depending on the genesis and composition of the collection items, the presence of objects with a direct or indirect colonial connection cannot be ruled out here either.

Even nowadays, objects with a link to colonial or post-colonial contexts and their adequate presentation are often a topic of relevance even in more recently founded state history museums in Germany.

Collections of technical museums
Veit Didczuneit

The establishment and expansion of German colonial rule in Africa, Asia and the South Seas and its protection would not have been possible for Germany without the use of various modern technologies. A modern transport infrastructure and communication technology were of particular significance, as was a superior weapon armoury. Surveying instruments, installations for water extraction, purification and distribution, energy supply stations, modern techniques in mining, agriculture and forestry, modern means of construction, brewing and refrigeration, and finally a medical infrastructure were all of great importance for the control and economic exploitation of Germany's overseas empire.

Against the background of these wide-ranging and important aspects of colonial rule, it is likely that many technical museums own objects related to the colonial past. These may have been integrated into their collections during the German colonial period from 1884 to 1919 as part of the institution's special interest in colonial matters. The German colonial revisionist movement between 1919 and 1945 also promoted the collection of technical artefacts as evidence of the so-called "German civilising mission" that had taken place in its colonies until 1918 and thus protect Germany against accusations of having been a barbaric coloniser. While the GDR used colonial artefacts as a propaganda tool to denounce West German capitalism and imperialism in particular, the museums of the Federal Republic emphasised the efficiency and superiority of the German technology used in the colonies. German technology museums are only just beginning to address their colonial heritage, both with regard to the history of their objects as well as to the museums' past practices of collecting and exhibiting.

Objects with a colonial provenance or from a colonial context could also be found in the estates of researchers, engineers and officials involved in or interested in the development, construction and use of this technology in the colonies. It is also possible that these holdings contain ethnological objects which originated as "tourist souvenirs". The Imperial Post Museum, for example, acquired African news drums, spears, axes and knives as well as animal horns in order to display them as "exhibits of savages" in its colonial department in the context of German colonial post

institutions. In addition to a large number of stamps, postcards and picture post-cards, letters and photographs, the collections of the Museum Foundation Post and Telecommunication nowadays also document the colonial activities of the Imperial Post Office until 1918 with dozens of three-dimensional objects stemming from the postal, telegraphy, telephone and radio services.

Reflections of colonialism in art museums
Christoph Grunenberg

The incorporation of political and theoretical paradigm shifts in the practice of institutions is often characterised by scepticism, resistance and delay. Post-colonial theory seems to have entered the exhibitions, collections and presentation practices of art museums – i. e. museums that concern themselves primarily with paintings, sculpture, works on paper, media art and installations – primarily through the medium of exhibitions, especially of contemporary art. We can thus talk of an "ethnographic turn". In contrast, the question as to what traces the colonial era has left in museum collections, why and how museums should deal with the colonial heritage and how to exhibit colonial history has long been neglected by leading art museums, including international ones.

The heyday of many German museums lies between the founding of the German Empire and the Weimar Republic, parallel to massive territorial, colonial and economic expansion. The first two decades of the 20th century in particular wit-nessed the establishment and construction of numerous museums, the expansion of collections and the professionalisation of art history and museum work. Rapid industrialisation, the growth of global trade relations and the exploitation of the col-onies created the basis of the wealth which enabled patronage and the purchase and donation of works of art. This is precisely the reason that it is worthwhile examining the complex links between colonial history, bourgeois patronage and the history of art, collecting and taste from the 19th to the early 20th century. The traces are there in the collections and the institutional history, though often hidden and only visible at a second glance.

It is important to remember that it was the intercontinental trade routes that allowed direct contact with non-European cultures and the trade in art and artefacts. Unlike the situation with ethnographic or natural history collections, however, objects from non-European cultures were usually not exhibited in art museums. In art museums, the fascination and contact with unknown cultures, as celebrated in the numerous world, trade, art and industrial exhibitions, primarily took the form of exotic depic-

tions of distant cultures and people. For example, global networks are also mirrored in the depiction of exotic products that indicate the local and regional importance of certain commodities or industries as well as travel and trade links.

It was not until the reception of non-European cultures and their inspiration of modern art that they were occasionally seen in art museums, primarily through the medium of exhibitions. An early example is the juxtaposition of Japanese woodcuts with the Post-Impressionist paintings and prints they influenced. The inspiration that Cubist and Expressionist artists found in African sculpture, Asian objects, South Sea art or pre-Hispanic artefacts was also explored in exhibitions and, occasionally, items were acquired for collections. In particular, the preferences of individual private collectors, such as Karl Ernst Osthaus, went beyond a strict hierarchical separation according to geographic, chronological and taxonomic categories as practised in most public institutions.

The objective of a critical reflection of one's own institutional history must not only be to question the interaction of economic and cultural life at the time of European colonialism, but also to analyse how colonial images stubbornly persist in art and everyday life. In works of high modernist art in particular, the approach to and presentation of "the Other" can be examined in an exemplary manner, usually revealing a mixture of artistic admiration and the projection of escapist utopias and exotic fantasies. The inclusion of critical positions of contemporary art is instructive as it adds an aesthetic dimension to a historical examination.

Against the background of the present-day effects of globalisation and migration, a reflection on the historical legacy of colonial trade, industry and emigration should also provide an explicit impetus to ask new questions about cultural difference and identity. A critical examination can not only generate surprising historical insights, heighten awareness and change attitudes among the public, academia and museums, but also open institutions to new audience groups. The intensive involvement of – in terms of concept and content – as well as the cooperation with various ethnic communities, post-colonial activists, political parties, responsible public administrations and university partners is essential in order to allow new perspectives and to lend any examination authenticity and credibility.

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THE SIGNIFICANCE OF THE ART AND AT.ÓOW OF THE TLINGIT OF SOUTHEAST ALASKA
Rosita Kaaháni Worl

The art of the Tlingit, along with that of the Haida and Tsimshian of Southeast Alaska, has received international acclaim and was aggressively collected by visitors who came to our country beginning in the late 1700s and early 1800s. These visitors saw that art adorned everything from monumental structures and ceremonial regalia to basic utilitarian objects. It is a distinctive art form that evolved over thousands of years in the rich rain forests of the Pacific Northwest of North America and within the ancient and complex indigenous societies. The simplicity of the components, which are combined according to established rules to comprise an aesthetic system known as formline design – belie the complexity and sophistication that was achieved in this two-dimensional Northwest Coast art tradition. Douglas Cole (1985) documents the rush of collectors to the Northwest Coast seeking the exquisite art objects, many of which are now held in museum collections throughout the world. So, enthralled about the art and with little regard for the beliefs of the indigenous populations, collectors had no qualms about removing sacred objects from burial sites.

While the Southeast Alaska Indians appreciate the artistic and aesthetic qualities of these art pieces so eagerly sought after by art and museum collectors, they, like many other indigenous societies, had no word for art. Instead, the greater value to them lay in their sacred and social significance. These cultural objects, or art in the Western sense, had their beginning in ancient encounters between humans and supernatural entities usually in the form of an animal like a bird or fish. The right to depict the visual representation of the encounter was purchased with the life of an ancestor, more often the ancestor who was involved in the encounter. The purchase also bestowed on the clan of the individual who sacrificed his/her life an ownership claim and an exclusive relationship with the supernatural entity involved in the event.

When a clan intends to create a visual representation of the supernatural entity involved in the encounter on a physical object, it commissions a clan from the opposite moiety whose membership includes an artisan to create the piece [39]. Upon completion of the artisan's work, the object with its design is ritually presented at a ceremony in which both Eagle and Raven clan members of the Tlingit moiety system are present. During this ceremony, the newly created cultural object is ritually presented, imbuing it with the spirits of the supernatural entity and the ancestor involved in the event, and moving it from the metaphysical to the natural world. The ritual presentation is followed by the distribution of gifts and cash by the host clan together with a response and acknowledgement by the guest clan or clans of the opposite moiety. The object with its crest design and associated spirits is transformed into an *at.óow*, which Dauenhauer and Dauenhauer [40] have translated as "an owned or a purchased thing."

This ceremony is also a legal transaction in which title to the *at.óow* is validated as the property of the host clan. The presence of the guest clan from the opposite moiety legalises the host clan's ownership of the *at.óow* in the same way that a deed of title is recorded in Western legal systems. This same ritual and this same legal process are repeated generation after generation. The sacred significance of the *at.óow* is reaffirmed and the clan ownership is re-validated within each succeeding ceremony as the trusteeship transfers from uncle to maternal nephew.

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39 The Tlingit society is divided between Eagle and Raven moieties, which are then subdivided into clans. Tlingit custom requires an Eagle clan to commission a Raven clan, which is identified as an "opposite" to create the object and vice versa.
40 Dauenhauer and Dauenhauer 1990, p. 14

The *at.óow* is multidimensional in that it represents both supernatural and natural phenomena. It includes the crest art design symbolising the supernatural entity and the physical object on which it is represented. It includes the spirits of both the human and the supernatural entity involved in the encounter. It also includes the land and natural features that played a role in the legendary event as well as the site at which the event occurred. The intellectual property rights associated with the *at.óow* include the crest art design, the names of the individuals and the spirit who played a role in the acquisition of the crest, and the stories and songs recounting the legendary event.

At.óow or ceremonial objects and regalia are perhaps the greatest prized possessions of the Tlingit of Southeast Alaska. They are central to their social and religious life. They are the spiritual threads that unite the living with their ancestors and provide the bonds with future generations. They record the deeds of ancestors and represent titles to sacred sites and land. In the past, alienation of *at.óow* was impossible except in the settlement of legal disputes.

At.óow continue to play a significant role in the ceremonial life of the Tlingit. Regalia and ceremonial objects are brought out during the round of memorial ceremonies that begin with the death of a clansperson and culminate in a larger ceremony, often referred to as the *ku.éex'* [41] a year or so after the death. They are also used in major secular events. The Tlingit continue to believe that the spirits of their ancestors are embodied in their *at.óowu* [42], which is the primary reason why the Tlingit have sought the return of their sacred objects from American museums under the Native American Graves Protection and Repatriation Act of 1990.

The Tlingit continue to identify themselves as a member of the Eagle or Raven moiety and with their clans in their everyday life. Children are taught from their very early years whether they are Eagle or Raven and their clan membership. They are taught about crests they own and are entitled to wear. Today, the Tlingit will often wear jewellery or modern-day clothing depicting their moiety affiliation and their crest designs. A Tlingit raised in his or her homeland can immediately tell whether someone they meet is an Eagle or a Raven and their clan membership through the designs on their jewellery or clothing. If an individual sees another wearing the same crest, they assume that they are clan-related and will recognise them as kin-related.

41 Often referred to as a "potlatch" in the anthropological literature.
42 *At.óow* refers to the sacred clan objects and regalia. *At.óowu* is the possessive form.

Shamans

Tlingit shamanism as it was once practised no longer exists. Despite the absence of practising shamans, the basic ideological principles underlying the traditional shamanic complex persist into the present-day period. Some forms of the ancient rituals and shamanic practices have been transformed and incorporated into modern-day ceremonies and activities.

The *íxt'* [shaman] served as the primary ritual practitioner within the shamanic complex. They possessed the power to communicate directly with supernatural entities. Shamans, who could be of either gender, acquired their powers directly from their contact with supernatural beings. Each clan had its own shaman whose responsibility was to cure illnesses and to care for the general welfare of their clansmen. Great shamans are said to have had up to eight spirits. The shaman essentially served as the medium for spirits. During shamanic rituals, they summoned their spirits to assist them and they transformed into the spirits. The shaman was able to travel both in physical and spiritual form to seemingly inaccessible sites and even under water. They also battled with other shamans and their spirits as rivals. The shaman served as the intermediary between the natural and supernatural world.

Shamanic objects

The Tlingit continue to believe that all of nature is endowed with spirits. Humans and living creatures possess spirits, as do natural phenomena such as mountains, glaciers, the sun, moon, and the northern lights. Spirits reside in and are depicted on shamanic objects, and today, even in the absence of shamans, they are considered to be articles of great power. Shamanistic objects had powers of their own and could move of their own volition.

Shamanic articles such as the rattle, drums, tapping sticks, and the rattling of the accessories on the clothing, headdress, and jewellery worn by the shaman made the necessary percussion sounds to summon spirits. Shamanistic objects served to connect shamans to the spirit world. The designs on the shaman's clothing, masks and other shamanic objects represented various spirits. Some objects, such as the rattle, were placed upon their patients in order to cure them. In other periods during the ceremony, a prophetic bone was used to see the future. Warriors' clothing and weapons were used by the shaman to fight evil spirits.

The shaman as a religious practitioner succumbed to the missionary zeal of the Russians and the Americans who settled among the Tlingit beginning in the 1800s. Government officials and the military imposed cruel, repressive practices to eradicate

shamanism. Shamans were subjected to punishments and even imprisoned for prac-
tising their ancient traditions[43]. These acts of repression, together with the inability
of the shaman to cure the new diseases and epidemics brought by the Europeans and
Americans that swept through the Southeast Alaska villages killing thousands of Tlin-
gits, contributed to the ultimate demise of shamanism, which persisted until the 1950s.

Shamanic objects were collected as aggressively as were other forms of Tlingit *at.óow*
or art. Today, all remaining shamanic objects are held in museums or private collec-
tions. To the general museum visitor, they may be viewed as curios, but to the Tlingit,
shamanic objects remain powerful. The Tlingit continue to believe that shamanic
objects can cause great harm to individuals who are not members of the shaman's clan
which owned the shamanic objects. The Sealaska Heritage Institute Council of Tradi-
tional Scholars reversed their initial position in opposing the exhibition of shamanic
objects in museums. In 2008, the Council adopted a resolution outlining the protocols
for the ceremonial care and exhibition of shamanic objects in the hopes of educating
the public about shamanism and shamanic objects and safeguarding the Tlingit viewer.

Art

As a means of economic survival, the Tlingit turned to producing art objects for sale
in the public market in the 1880s. The major customers were members of the society
responsible for suppressing the use of sacred objects that they sought as works of
art. The Natives make a distinction between objects produced for their own use and
those made for the Western consumer. Artists are able to sell art work with generic
forms of Northwest coast art but are prohibited from designing and selling art with
clan crest designs depicting the supernatural encounters.

The arts and craft market – separate from the ceremonial context – has become an
established aspect of contemporary Tlingit society. Today the Sealaska Heritage
Institute, a tribal organisation whose mission is to perpetuate and enhance the indig-
enous cultures of Southeast Alaska, has identified more than 300 individuals who
produce and sell arts to the general public. Additionally, some of the artists continue
to be commissioned by Tlingits to make ceremonial objects and regalia for use in the
traditional ceremonies. Today, this ancient Northwest Coast formline art continues
to evolve through the work of contemporary Northwest Coast artists. The Sealaska
Heritage Institute is urging the United States Congress to designate Northwest Coast
arts as a national treasure.

43 A clan grandfather of the author was imprisoned. Her son now carries his name, Sx'andu.oo.

The recognition of artists is a new phenomenon, but appreciation of aesthetics is not. As noted above, the commissioning of new works is between clans. However, should a clan wish to retain someone who is known for their artwork but is not of the right moiety, a ceremony is held in which a proxy artist of the right moiety is designated and identified as the artist in name. Artists are never recognised or named when their created pieces are ceremonially presented or used.

The recognition of artists arose with the Western market. Every two years since 1982, the Sealaska Heritage Institute sponsors an event in which the Indians of Southeast Alaska gather to celebrate their culture and to sell their art products. Two thousand dancers and an equal number of observers assemble in Juneau for three days of singing, dancing and story-telling. They come dressed in their ceremonial regalia. The theme of Celebration 2002 was "Haa *At.óow*: Our Treasures" referring to the clan-owned sacred objects. Coinciding with the 2002 Celebration and the Native Arts Market was the first Sealaska Juried Art Show and Competition with the internationally acclaimed Haida artist, Robert Davidson, serving as the lead juror. The Juried Art Show was entitled "*At.óow* and Art," to emphasise the distinction they make between these two practices.

The Sealaska Heritage Institute is sponsoring its first exhibit featuring the works of a Tlingit master artist, Nathan Jackson, who has been producing art for sale for more than 40 years. With the exception of two ceremonial hats and Nathan's personal regalia and cultural objects, the other items in the exhibition were made for sale to both Tlingit and non-Tlingit individuals and organisations. One of the ceremonial hats on exhibition is one that Nathan made for his clan, the Raven Lukaax.ádi, which became his clan's *at.óowu* through its ritual presentation at a ceremony. To ensure that social and spiritual balance would be maintained, an Eagle ceremonial hat was also required to be exhibited along with the Raven ceremonial hat in accordance with Tlingit custom.

David Katzeek, who is the clan leader of the Shangukeidí and whose grandparents are Lukaax.ádi, was invited to exhibit his Eagle clan hat to balance the Lukaax.ádi *at.óowu*. David, whose Tlingit name is Kingeestí, spoke at length about the works of Nathan Jackson. Through his words, which were initially recorded in the Tlingit language and then translated into English, we can see that the Tlingit have come to accept that artists create works of art for sale. However, they also continue to believe that their art made for the market is inspired by social and spiritual meanings. The following are highlights abstracted from Kingeestí's commentary:

… the work of this grandfather of mine,
Nathan Jackson.
The way he composes things,
The way his work shines with a brilliance,
It is just as if
the ancestors
have been present in his mind.

Kingeestí asserts that Nathan's art is inspired by his ancestors and draws from their knowledge and wisdom, which he says are all embodied within Nathan. He says that the ancestors speak to us through his art and that we can gain strength from the objects and the ancestors. His art, which is imbued with spirits, symbolises our relationship to our homeland and the creatures of the land and seas. He invites visitors to see the objects through the eyes of a Tlingit:

the brilliance of his work.
It is not only him, only his work, here.
His ancestors,
You can see the results of their efforts.
Indeed that is a true form of strength.
Because the ancestors are within him,
because the ancestors are within him,
that is why his work
is so strong
and so beautiful.

Kingeestí concludes by giving thanks to Nathan and to his clan, the Lukaax.ádi.

It is the hope of the Tlingit that Westerners can gain an appreciation and understanding of Tlingit art and that they are no longer viewed as curios or as forms of primitive art.

Rosita Kaaháni Worl, Ph.D.Dr. Worl is Tlingit of the Eagle moiety, Shangukeidí Clan, House Lowered from the Sun in Klukwan and Jilkaat Kwáan and a Child of the Lukaax.ádi Clan. She serves as president of the Sealaska Heritage Institute.

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DECOLONISING COLLECTIONS AND EXHIBITION MANAGEMENT

This collection of essays from New Zealand, Namibia, Australia and Samoa discusses the key issues relating to decolonising museum collections and exhibition management in the 21st century. The authors contend this practice requires action, collaboration and dialogue between communities of origin, institutions and overseas partnerships. The role of the state is vital to enable the negotiation of museum practices and the development of culturally appropriate protocols. The museum as a colonial construct represents the shifting role of institutional practices that now centre on careful representation and articulation of objects, contested narratives and recognition of community voices. The decolonising space requires the reorientation of storytelling to be articulated by, and in collaboration with, communities associated with museum collections. The role of indigenous governing bodies is to guide institutional discussions to facilitate the creation of transparent aims and outcomes, and new ways of producing and sharing knowledge. The diverse governance structures across the four contexts also require parameters of focus and frameworks which take into account indigenous cultural references, community advocacy, capacity building, information sharing, ownership rights and context. The German Museums Association is to be commended for moving discussions in this direction, and these case studies aim to further enhance dialogue towards collaborative discourses that will help shape national and international debates.

Decolonising Collections and Exhibition Management in 21st Century Samoa
Safua Akeli Amaama

Introduction

In January 2019, Samoa's Ministry of Education, Sports and Culture (MESC) first launched the National Culture Framework (2018 – 2028) which incorporates the following policies; the National Heritage Policy 2018 – 28, the National Cultural Industries Policy 2018 – 28 and the National Culture in Education Policy 2018 – 28. Each of these policies outlines the scope and objectives of the government to support the 2030 Agenda for Sustainable Development which 'acknowledges culture as an integral part of the international development agenda for sustainable development'. Cultural heritage is broadly defined as 'a social and cultural practice' which is 'enacted by communities and individuals, in which histories are selected or rejected' [44]. Thus, historical knowledge has powerful dimensions in how this is acknowledged, interpreted and articulated. Similarly, for Samoa, cultural spaces have multiple trajectories depending on the relationships, location and structures. Recently, in 2013, the Samoa Law Reform Commission report suggests 'Heritage' should be defined as 'places, objects and practices of cultural significance or other special value to the present community and future generations' [45]. This essay briefly outlines the concept of decolonising collections and exhibition management in the context of 21st century Samoa, and its broader implications.

Cultural landscape of Samoa

At the outset, for Samoa, the process of decolonising collections and exhibition management acknowledges the international dispersal of collections and objects outside of Samoa's shores. Since the late 18th century, objects have travelled as part of human activity and the colonial project [46]. Thus, for Samoa's colonial period in particular, major collections are found in overseas public institutions and private collections. Therefore, the seminal work by Maori indigenous scholar Linda Tuhiwai Smith titled Decolonizing Methodologies (1999) features prominently in the decolonising space, as it relates to how research is conceptualised in terms of culturally appropriate ways, and the importance of collaboration with communities. By using this as a departure point, this essay briefly outlines the cultural landscape of Samoa and the opportunities to explore partnerships.

44 Rodenberg and Wagenaar 2018
45 SLRC 2013
46 Thomas 1991

During New Zealand's early colonial period, a Samoa Research Society was established in 1923 to institutionalise knowledge about Samoan traditions and customs for preservation purposes [47]. However, it was not until the late 1960s, with the opening of the Nelson Memorial Public Library – in memory of Ta'isi Olaf Frederick Nelson (1833–1944) who was a 'Samoan leader, businessman and patriot' – that more extensive library services were provided [48]. A National Archives and Records Authority (NARA) was established in 2013, and is undertaking an extensive project to digitise government records. Currently, Samoa has three museum institutions, each with its own governance structure; firstly, the government Museum of Samoa, which was established in 1999, and comes under the Culture Division of MESC. It holds a collection of about 350 objects – carved objects, woven textiles and handicrafts, photographs, colonial souvenirs, and gifts from various Pacific Islands [49]. The building is a heritage site, since it was constructed during the early German period for a local school. Secondly, the Robert Louis Stevenson Museum was established in 1991 in memory of the Scottish writer, and is managed by the Robert Louis Stevenson Museum/Preservation Foundation with oversight by the government. The museum attracts a number of visitors, both local and international, who visit the restored and modified home which Stevenson built in the 1890s. The Museum of the Congregational Christian Church was constructed in 2011, at a cost of 5.7 million dollars, and is closely linked to the Leulumoega Fou Fine Arts School, displaying many of the art works produced by students. Although a 'cultural village' under Samoa's Tourism Authority exists, the government, with funding from China, is building Samoa's Arts and Cultural Centre which is due to open in 2020. At the ground-breaking ceremony, Samoa's Prime Minister, the Honourable Tuilaepa Malielegaoi, highlighted that the new cultural centre 'will house the national treasures of our culture and heritage, a venue for performing arts and orchestra, an art shop, exhibition space and a restaurant'. These focal points of museum and cultural institutions are emerging spaces, with insufficient and unequal funding and support services when you compare the different institutions, and which rely heavily on collaborative opportunities.

Collaborative partnerships

Museums as 'contact zones' are extended to acknowledge new spaces which provide a platform for contact [50], and in the case of Samoa, these are primarily transnational in nature. As the broad umbrella organisation of museums in the region, the Pacific

47 Akeli 2017
48 Turner 1965
49 Museum report 2014
50 see Boast 2011

Island Museum Association (PIMA) has developed a Code of Ethics for Pacific Islands Museums and Cultural Centres to provide guiding principles for professional museum workers [51]. Institutions such as museums, libraries and galleries need to work together in order to shed light on the collections housed in the institutions and make these available to source communities [52]. Hence, partnerships and co-curating encourages reciprocity and collaborative activities between various groups and institutions [53]. Therefore, co-developing community protocols for working with collections is an important step towards understanding collection histories and responsibilities. However, Samoa is yet to develop community protocols, although existing regional examples will help guide these discussions. Cross-cultural partnerships involve community consultations, stakeholder meetings and the development of information about collections and associated items for potential exhibition display and audience engagement.

The return of objects to source communities is a deeply complex issue and has implications for countries with resource constraints such as Samoa. However, the digitisation of objects as a method of repatriation bodes well for the future, particularly since digital partnerships between institutions provide dialogue opportunities which can benefit different groups [54]. Engaging or re-engaging indigenous peoples with their artefacts and objects is a development which has emerged in multiple settler contexts such as Australia, the United States of America, and New Zealand. In the Pacific, this process has been a contested space [55]. While museums and cultural centres were established in the region during the post-colonial era, many institutions face financial, security and infrastructure constraints.

Since 2006, the Centre for Samoan Studies (CSS) at the National University of Samoa (NUS) has offered the Archaeology and Cultural Heritage Programme, with a postgraduate course on Cultural Heritage Management offered under the Development Studies Programme. This programme supplements the broader work of the centre, particularly through the NUS-Creative New Zealand Artist in Residency Programme. With the centre's exhibition space, the CSS has provided a platform for local and international exhibitions. This work complements the government museum collections, since it has an active audience engagement programme online and on the exhibition floor [56].

51 see PIMA 2006
52 see Fox 2014
53 see Harker 2015
54 see Crouch 2010
55 see Stanley 2007
56 Museum report 2014

In the last decade, the care of museum collections has undergone changes in respect of how communities and institutions manage and view collections. Scholars suggest reframing collections involves 'confronting the dark sides of colonial history' [57]. Hence, the role of the museum and cultural centres in providing a community participatory function is now a key part of institutional and scholarly discourse, particularly since community engagement plays a vital role in the work of museum professionals and institutions [58]. This is important for Samoa since historical collections are held overseas.

Conclusion

In briefly exploring Samoa's cultural landscape, it has been shown that the key pathway to decolonising collections and exhibition management is through collaboration and partnerships. Information sharing of inventories and databases are vital towards understanding the collections and complicated histories. For Samoa, these are important opportunities to help support the work of ministries and universities, in order to better inform the public about aspects relating to Samoa's global history and culture. Moreover, staff and student exchanges provide a platform for sharing decolonising information and contributing to more in-depth conversations about the circulation of objects and their associated stories.

Challenging the Colonial Construct of Museums: A Collaborative Approach
Zoe Rimmer

While the issues discussed in this article relate to First Nation communities and their experiences with museums and similar colonial institutions around Australia, the specific examples given are from my country, Lutruwita (Tasmania); and my community, the Tasmanian Aboriginal context.

For approximately 500 Aboriginal nations living in Australia prior to British arrival, life was imbedded in ancestral lore that had governed sophisticated societies and systems of environmental management since creation – in archaeological terms for at least 65,000 years. Australia is still coming to terms with the nation's relatively recent history of invasion, frontier violence and colonisation. Museums are undeniably part of that history, both as benefactors of objects from the colonial frontier and dispossession and as the international dealers in ancestral remains and cultural material. The ongoing curation of Australia's First Nations people and culture was also heavily informed by ideologies of "primivity" and "extinction", both narratives

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57 see Arainikasih and Hafnidar 2018, p. 106
58 see Fu et al. 2017

that are used to justify colonisation [59]. Museums all over the world that hold material culture from this continent therefore share a colonial archive and are often considered to be sites of conflict and trauma for Aboriginal people.

Weighed down by years of false narratives, museums in Australia have, over the past few decades, begun to redress past wrongs and slowly build better relationships with Aboriginal communities. Protocols have been developed to guide museums in culturally appropriate collection development, care, research, curation and display [60]. All state museums actively engage in Indigenous Repatriation Programmes for the unconditional return of ancestral remains and secret sacred objects. As museums in Australia have become more inclusive, curatorial practices are shifting from mere consultation to one of engagement and collaboration. It is generally recognised that, regardless of the collecting context and current legal custodianship, First Nations cultural material is inextricably linked to community, country (land) and culture, and that for many communities surviving the eras of invasion, colonisation and assimilation, access to cultural items and archives can help rebuild cultural foundations [61].

The Tasmanian Museum and Art Gallery (TMAG) is one of the oldest museums in Australia. Its founding collections were established by the Royal Society of Tasmania (the first Royal Society formed outside of the United Kingdom) and have arguably undergone one of the most significant transformations. The frontier violence in Tasmania and attempted genocide of Tasmanian Aboriginal people is akin to TMAG's horrific history in its treatment of Tasmanian Aboriginal people and culture. From 1904 until 1947, TMAG displayed Aboriginal woman Trukanini's skeletal remains alongside cultural objects, in a cabinet of curiosity; memorialising a supposedly extinct culture and labelling her the last of her race – an unfounded legacy that continues to haunt her and traumatise Tasmanian Aboriginal people. From 1931 until 2005, a naïve diorama of a solitary Aboriginal family camped on an isolated beach formed the predominant representation of the Tasmanian Aboriginal experience. Rather than an authentic depiction, the diorama confined Aboriginal people to prehistory, and perpetuated enduring myths of the "wandering savage" [62].

In response to Aboriginal political activism, repatriation claims and the assertion of Aboriginal sovereign rights, the past two decades of curatorial work at TMAG have

59 Poll 2018
60 see Museums Australia 2005 & 2000; GERAIS 2012
61 Griffin and Paroissien 2011
62 Lehman 2018

been focused on increasing Aboriginal connection to, and voice within, the collections and exhibitions. In effect, decolonising the collection through Aboriginal-led curatorship, research and projects that assist in the maintenance and revitalisation of cultural practices. In 2008, TMAG's landmark exhibition 'ningina tunapri: To Give Knowledge and Understanding', the institution's first gallery to be developed by Aboriginal curators in collaboration with the Aboriginal community, centred on continuity and survival. It disputed 160 years of TMAG's interpretation of the Tasmanian Aboriginal community by privileging Aboriginal knowledge, voice and perspective. The heart of the exhibition was a large tuylini (bark canoe), the first constructed in 175 years through a cultural revival project that utilised the museum's collection of 19th century models and archival records. The tuylini is emblematic of the broader reclamation of the gallery that empowers the Aboriginal community, linking the past with the present and actively counteracting stereotypes. The use of Aboriginal language within exhibition didactics and a narrative in the first person was, at the time, a unique approach.

By 2013, TMAG had the confidence to develop a second, harder hitting permanent gallery. 'Our Land: parrawa parrawa! Go Away!' examines the frontier conflict of the Black War 1824–1832 from both an Aboriginal and non-Aboriginal perspective for the first time in a public space. The very building that the exhibition occupies, the 1820s Bond Store, was once the engine room of the British empire in Tasmania; where military campaigns against the Aboriginal population such as 'the Black line'[63] were devised and launched. Integral to the exhibition experience is contemporary art by Tasmanian Aboriginal artist Julie Gough, whose work The Consequence of Chance (2011) critically examines the colonial propaganda of the 1829 Proclamation Boards[64]. Incorporating contemporary artwork intrinsically reflects an ongoing and adaptable culture as well as recognising the importance of Aboriginal people interrogating historical collections and archives to interpret the shared colonial history, just as it is important that we Aboriginal people interpret our own cultural heritage objects.

Positive relationships, and genuine engagement between TMAG and the Aboriginal community, have also fostered community driven cultural revitalisation projects which culminated in acclaimed touring exhibitions; 'tayenebe: Tasmanian Aboriginal women's fibre work' (2008–2009)[65] and 'kanalaritja: An Unbroken String'

63 A north-south chain of soldiers, settlers and prisoners for the violent eviction of Aborigines in Tasmania.
64 Gough 2016
65 Gough 2008

(2016 – 2020) [66]. Both exhibitions document the journey of Aboriginal (re)connection to cultural material held in the museum and the maintenance and revival of important cultural practices assisted by access to collections and archives. The exhibitions focus on the process of creation and on the communal value of the objects. The objects were not segregated by age but displayed together to reflect familial or cultural affiliation as opposed to a lineal timeline that imposes notions of traditional versus contemporary. Dr Julie Gough, curator of tayenebe, explains that 'by orientating [the baskets] in relation to cultural resurgence, the very meaning (and presentation) of these historical objects shifted from the solemn remains of a lost culture to inspirational evidence of contemporary practice. The baskets being emblematic of [our] Ancestors' willpower and defiance in the face of massive cultural disruption and dislocation' [67].

The most recent of the exhibitions, kanalaritja, further challenges traditional museum practice, by transforming standardised museum labels, moving from describing necklaces of "unknown" or "unprovenanced" makers to necklaces "made by our Ancestors". Exhibition content was developed from oral histories and presented in the first person as opposed to an authoritative and removed curatorial tone. The process of asking Aboriginal people what story they wanted to tell through the display of their cultural collections shifted the emphasis from the collector, academic, historical or curio value to one of honouring the maker (known or unknown) and the broader community and culture to which the object belongs. The physical design and presence of the exhibitions were considered as important as the content and envisioned through a cultural lens. Considering the display methods as part of the story telling helped place the objects as more than ethnographic artefacts or art, and as "ancestral cultural treasures".

Generally, museums continue to be a construct of colonialism and symbol of imperial power. However, TMAG's current practice is informed by the Aboriginal community through its Tasmanian Aboriginal Advisory Council and Aboriginal curators. Rather than memorialising, we are honouring the Aboriginal community, which has endured, survived and proudly asserts a continuing presence and diversity. The approaches outlined above ensure that TMAG's collections and exhibitions today reflect Aboriginal priorities, values, worldviews and diversity; and accurately reflect our stories. Key guiding principles of these decolonising practices includes: respect; self-determination; community engagement and consent; cultural integrity and authenticity; benefit shar-

66 Rimmer, Tew and Klienert 2016
67 see Berk 2015

ing; supporting continuing cultures; and the recognition and protection of intellectual property rights [68].

Dealing with the legacy of collections and practices inherited from an era of mass, often violent, imperial expansion is complex and perhaps even more so in institutions whose First Nations collections are out of their home context. Decolonising methods utilised in collection management and exhibition development are therefore multifaceted and often require resourceful and creative responses. Regardless of the context of the institution, projects and exhibitions developed from a foundation that respects and champions First Nations' rights to self-determination present more balanced, powerful and engaging experiences. The key to changing the disconnect between colonial context collections, their original owners and the institution, is investing time and resources in building genuine partnerships through a collaborative approach to every aspect of museum business.

Curating with Communities: A Collaborative Partnership Between the Museums Association of Namibia and Namibia San Council
Nehoa Hilma Kautondokwa

The Namibian heritage sector is diverse, ranging from museums, art galleries, cultural villages, and archives as well as other institutions tasked with safeguarding Namibia's heritage. The heritage institutions have diverse forms of governance as they are owned by private companies, municipalities, the state or individuals. The majority of these institutions are members of the Museums Association of Namibia (MAN), an umbrella body responsible for regional museum development in Namibia. MAN "… strives to ensure that museums in Namibia become educational resources, centers of creativity, dialogue and forums that serve as cultural contact zones and windows on the wider world, … and provide access to knowledge, focusing on Namibia's unique tangible and intangible cultural and natural heritage", MAN argues that this is "… best achieved by involving the communities that they serve …" One of the strategies that MAN has recently embarked upon as a collaborative project is based on 'Photo-elitation, visual repatriation, virtual repatriation' [69]. This

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68 see Australia Council for the Arts 2019
69 Although the Africa Accessioned Project is not a campaign for repatriation of collections held outside Namibia, it is still believed that there are collections and objects that are of spiritual and historical importance to Namibian communities. The processes of "return could be used to develop new relationships between the museums that return objects and the museums and communities that receive them" (Akawa-Shikufa 2019). Any community and/or museum that wishes to open a dialogue about the restitution of cultural artefacts should contact the National Museum of Namibia as the institution that is responsible for the physical return of objects.

is considered a best practice in cases where the artefacts in collections are familiar to some Namibians, but are no longer produced, or in use. Such collections are of great cultural value and an important educational resource that can be used to fill in the knowledge gaps between the older and younger generations [70]. However, when such projects are implemented it is important to read the collection against the colonial grain in three ways: by critically reviewing the classification of the `origin' communities, the classification of objects, and the process of provenance research and exhibition development. Collaborative projects need to be based on principles of equal partnerships and dialogue in the processes of knowledge production. Participants must also fully appreciate hurdles to effective collaboration, not only as challenges, but as lessons that can be used to help improve future projects.

'Knowing the San' is a current project facilitated by the MAN as a component in the 'Museum Development as a Tool for Cultural Rights in Namibia,' sponsored by the Delegation of the European Union to Namibia. The project is intended to demonstrate that Namibian museums can play an important role in promoting cultural rights. The project involves the development of a mobile exhibition and catalogue reflecting the history and culture of Namibia's San communities, based on Dr Louis Fourie's collection currently held at MuseumAfrica, in South Africa. The collection, which is the largest museum collection documenting different Namibian San communities, comprises 3,367 individual artefacts and 388 photographs.

The mobile exhibition and catalogue have been developed at the request of the //Ana-Djeh San Trust youth leaders. The Trust approached the MAN and expressed concerns that many of their peers no longer wanted to be identified as San. It was further argued that, since most exhibitions and publications about San communities depict San heritage as static, the combination of material culture from various eras, angles and cultures should be carefully designed to show how San communities are part of the historical development and how changes impacted on their lives and culture. The Trust therefore requested an exhibition that should be curated in manners that encourage and reflect the creativity and achievements of the different San communities.

The lengthy processes of research, knowledge-sharing and negotiations led to an agreement that the exhibition should be based on the Fourie collection, which is to be photographed and visually repatriated to Namibia. It was also agreed that more

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70 To date, MAN has facilitated two successful projects, with collections based in Finland as presented by Silvester (2018), see also Silvester, Jeremy. "The Africa Accessioned Network." Museum Cooperation between Africa and Europe: A New Field for Museum Studies 33 (2018): 111, pp. 55–68.

photographs were to be obtained from the National Archives of Namibia, as well as capturing contemporary photographs, all for possible use in the exhibition and catalogue. It was agreed that a section of the catalogue would also highlight some of the ways in which San communities have been involved in significant events in Namibian history and not `outside' of history. Photographs were selected as the medium of engagement, as it is believed that they would prompt the re-learning of forgotten knowledge and skills, provide opportunities for the transmission of cultural knowledge across generations, and thus enable the youth to work with older generations to compile fragmented historical narratives, and material evidence of cultural identity, historical struggles and triumphs[71]. Therefore, the project was set up to provide communities with the freedom to propose exhibition themes and guide the narrative, providing a unique opportunity for "facilitating genuine partnerships and collaboration beyond superficial consultation, that in most cases amounts to passive collusion"[72].

Although Fourie recorded extensive field-work notes, they mainly consist of labels (in English) for the objects and, often misspelled, names for the communities and the places where the objects were acquired. Some of the records were published in 'Natives of the South West African Tribes' (1928), and the collection is infused with the legacy of colonial agendas that promoted 'imperial spectacles'[73]. For example, part of the collection was used to create displays, in 1924, for the British Empire Exhibition in London. Ann Wanless has argued that the collection reveals more about Fourie's interests than it provides an accurate representation of the communities that it is intended to represent[74]. A team from the Namibian San Council and MAN travelled to South Africa, to initially access the collection, and select key objects to be showcased in the exhibition and catalogue. The object selection process was headed by the San Council Members[75], who identified objects beyond the parameters of museum and collector-produced captions. The captions in most cases showed the name of objects and the (often misspelled) name of the community they had been collected from. At MuseumAfrica, the team further engaged in dialogue with the museum curators about misinformation and about storage and display protocols. For instance, there were some religious objects that were on display to the public, which culturally should only be seen and touched by a selected few. There are also

71 Brown and Peers 2013
72 James Clifford 1997, in Golding and Walklate 2013, pp. 190–192
73 see Wintle 2013, p. 190
74 see Wanless 2008
75 While it is ideal to engage traditional authorities of the source communities, San communities are spread across Namibia, and the Namibian San Council and Office of the Prime Minister, Marginalised Communities Directorate are the largest national institutions that represent and coordinate San communities in Namibia.

objects in storage which belonged to women and some to men, which should not be kept in the same space. The MuseumAfrica team appreciated the advice and vowed to make the necessary changes to incorporate new storage and display protocols.

The objects selected were photographed by MuseumAfrica's professional photographer and the high-quality photographs were sent to Namibia. Two workshops brought together members of the Namibian San Council, who are representatives of different San communities. It was during the first workshop that the exhibition title, themes, narrative, launch and circulation were discussed and finalised. The second workshop further contextualised objects, selected images from the draft catalogue for display in the mobile exhibition and reviewed the draft section that contained insights into San histories. The focus of the selection of artefacts was on bringing out the social and cultural significance and value of the objects to the communities. The discussions also focused on how best to use the photographs in the exhibition and catalogue, to forge a positive and unique San identity. Finally, an analysis of historical photographs in the collection evoked and moderated new debates on how best to use them. While they are important historical and cultural evidence, the context under which they were taken, as many depict the San communities in a racist way as `specimens', created a debate about how best to reflect violent representations, without reproducing the abuse. Both objects and historical photographs provoked conversations about the objects, which turned into a dialogue between, and amongst, project stakeholders. The exhibition and the catalogue will both be bilingual, in English and Ju/' Hoansi, and thus will also be tools that can be used for mother tongue transmission.

We believe that the project is a model of collaboration between source communities and museums. The project was initiated by community members and is driven mainly by their community consultations to create new knowledge. Symbolic gestures such as waving their copyright fees demonstrated the museum's commitment to making collections available to source communities. The exhibition and catalogue narrative will reflect the different communities' social needs and cultural values. Diverse stakeholders are brought together, but each respects the others' expertise, perspectives and experiences, and this leads to mutual capacity building. The exhibition development process is therefore seen as a product in itself. However, cross-border and cross-cultural collaborations and project management can be delayed by bureaucratic governance structures and policies, which can make the attainment of working agreements difficult. Such barriers can be removed easily if there is transparent communication at all times.

In conclusion, the project is based on several principles. The projects allow the creation of educational exhibitions, 'neither about nor for, but rather by' the San communities and enable a holistic "access to a museum experience"[76], both as curators and audiences. The project acknowledges that communities, as defined by Watson (2007), are neither simple nor uncontested[77]. Different changes in demographics, ethnic composition, and religious and cultural value systems are generated by different forces over time. Some communities have changed or disappeared (rather than changing their self-identification) since the period when the objects were collected. However, by acknowledging such realities right from the beginning and through the adoption and adaption of flexible curatorial modes, it has been possible to transform the exhibition and catalogue "to become spaces where diverse intellectual, professional and cultural communities engaged to yield new ways of thinking"[78]. At one level, objects and collections are evidence of the creativity, resilience, diversity and religious beliefs of communities. Yet, at another level, objects and collections can also be seen as evidence of violence, plunder, or trade relations between Europe and Africa. The engagement with a historical collection provided the opportunity for Namibia's San communities to interpret their past through the images of material culture and to produce their own reflections on their history and identify.

Decolonising Collection and Exhibition Management – Enhancing Partnerships in the Care of Museum Collections
Fulimalo Pereira

The following suggestions and aspirations offered are based on the work of Auckland Museum's Pacific Collection Access Project (PCAP)[79]. PCAP was envisioned by Pacific curatorial and collection management teams as a practical application of the Museum's document Teu Le Va: The Pacific Dimension at Auckland War Memorial Museum[80]. The project is part of the 20-year Future Museum Plan that envisioned a collaborative, open and meaningful connection between museums, the collections they hold in trust and stakeholders, of which source communities are a core part.

76 see Akawa-Shikufa 2018
77 see Watson 2007, p. 3
78 see Golding and Walklate 2013, p. 2
79 http://www.aucklandmuseum.com/discover/research/research-projects/pacific-collection-access-project/about-the-project-(1)
80 http://www.aucklandmuseum.com/getmedia/1f0cb555-8206-4cb3-adce-3e8cd838f026/auckland-museum-teu-le-va-the-pacific-dimension-2016

An underlying principle of PCAP was a commitment to capacity and capability building. Opportunities were made available to further develop our talented practitioners in the Pacific Island galleries, libraries, archives, and museum (GLAM) sector. Therefore, for example, alongside a relevant university degree there was a requirement to speak or understand a Pacific Island language; furthermore, as well as database and cataloguing experience, value was placed on experience of having worked within Pacific communities and so forth.

I am grateful to senior management and the Auckland Museum Trust Board for having the wisdom and foresight to facilitate and support this important project. PCAP's processes evolved over time, external partnerships were forged or strengthened, and opportunities for tertiary study, community tours and temporary community-led displays have been highlights of the project. These kinds of endeavours can sometimes be difficult, but the rewards exceed the expectations to such a great extent, the impact within source communities is so profound, and the implications for a collaborative, meaningful and nuanced future make it all worthwhile [81, 82].

Collection management base framework

- Mentorship and training opportunities should be made available by the 'guardian' institutions in Germany
- Establishment of a Working Group or Consultative Committee within the descendant community for ongoing dialogue and communication throughout the projects
- Establishment of Processes and Procedures must be in equal partnership with descendant communities
- Processes must include participation by members of descendant communities
- Easy to read and well indexed 'How To' manuals should be produced for ease of workflow
- Set of outcomes and time frames agreed to at outset

81 http://www.aucklandmuseum.com/discover/research/research-projects/pacific-collection-access-project/co-curated-display-space/artist-rowena-rooney
82 http://www.aucklandmuseum.com/discover/stories/pacific/fijian-treasures-that-are-treasured-%E2%80%93-our-shareds

Collection management

Opportunities must be made available to graduates in relevant degrees or current museum staff from descendant communities to have a voice in how their material is stored, cared for and accessed.

- Internships for descendant community members for upskilling or training in collection management
- Mentoring of current museum or arts sector workers by German museum professionals
- Establishment of roles within German institutions for indigenous people
- Traineeships

Ideally, source community members should be invited to work within the German institutions that hold their treasures until such time as the treasures are returned if this comes to pass. Training in best practice museum methodology, which should be flexible enough to integrate or accommodate cultural beliefs and worldviews regarding the treasures:

- Research (the museum's archives and paper-based holdings, provenance files, manuscripts, original donor information, published historical accounts etc.)
- Cataloguing (introduction to databases on which information is held, adding data into appropriate fields etc.)
- Assessment (conservation assessment, condition report etc.)
- Photography (e. g. for the Pacific Collections Access Project at Auckland Museum there are separate imaging standards that sit alongside; how detailed should they be framed and who is the audience/viewer play a large part in this – indigenous crafts-people, weavers and carvers are our primary audience for the detailed images)
- A cultural permissions process should be encouraged to give mandated authority for the use and reproduction of ancestor images to descendant communities [83]
- Packing
- Storage (orientation, proximities, rationale)
- Access (ease/restrictions; encourage access by descendant communities etc.)

The voice of the descendant groups must be prioritised, and indigenous cultural frameworks must take precedence in the care of their collections. This may mean the construction and fitting out of new storage spaces, the identification and fitting out of visitation rooms or space to enable ceremonies and rituals to be carried out by communities. Following descendant group advice:

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83 http://www.aucklandmuseum.com/discover/library/image-ordering-service

- Separation if necessary of treasure types (ritual, men's secret society material and women's goods etc.)
- Spatial orientation of stored material, relational storage of cultural material according to cultural beliefs. For example, in New Zealand it is inappropriate for carvings of ancestors to be stored on their heads, as often happened as the most stable section of a carving is the head; open dialogue meant that a culturally acceptable and conservation-friendly orientation was agreed on
- Proximity to other items or rooms deemed culturally appropriate (e.g. in New Zealand access to water near or within visitation rooms is imperative for cleansing rites)

Other considerations

The ability to indigenise any database used is a key opportunity. Databases should be fit for purpose, appropriate menu windows for cultural knowledge and information should be included, and access and engagement should be a priority.

Loans process should encourage requests, this is another way of improving access by communities to their treasures.

- Indigenous languages prioritised to improve ease of access by community groups
- Perhaps joint 'ownerships' can be agreed to ensure physical, environmental and scholarly care is maintained by 'lending' institution
- Conservation work is to be negotiable

Exhibition management of colonised collections

Exhibiting indigenous material today is a fraught undertaking, even if you are of the culture from whence the treasures come. Current discourse centres on the fact that museums have never been neutral spaces, that the neutrality museums insist on is itself a political and social statement. In this vein, let us step into a new world of inclusion, collaboration and partnership.

An exhibition team can be a fairly large team but all too often the exhibiting of indigenous treasure has occurred without the indigenous voice or indigenous people. This must change moving forward.

- Opportunities must be made available for indigenous curators or community groups to curate their own shows with their treasures. There must be full partnership in relation to the content framework, the interpretation and any potential public programmes. These invitations will be opportunities to establish and build ongoing relationships between the institutions and indigenous communities. They will need the support and encouragement of the hosting institution, so do not absent yourself or the expertise your institution has to offer. This is a form of restitution – the upskilling, training and mentoring of indigenous communities.

- The indigenous voice and perspectives will come through these curatorial experiences, and so too should indigenous language use. Bilingual or multilingual labels broaden the potential access and interest, particularly if there is a catalogue or an online presence.
- Attempts should be made to include indigenous gallery designers, graphic designers, label editors or set builders in exhibition teams. They will bring cultural knowledge and enhanced experiences of indigenous places, colours, sounds and so forth that are invaluable for conceiving a spatial experience. These are more opportunities to upskill, train or give further experience to members of descendant communities.
- Indigenous knowledge is given precedence.
- Gallery layouts and design, if not by indigenous designers, should include an indigenous world view, recommended colour palette, lighting etc.
- Production of exhibition catalogues and online exhibitions will broaden the reach of these exhibitions and allow those for whom museums are intimidating and foreign places, those in the home countries, and/or otherwise unable, to visit the exhibition

The above are small changes that will have an immense impact for indigenous communities today and into the future. We have seen pride boosted, identities renegotiated and an excitement among the local descendant communities here in New Zealand through our endeavours to decolonise museum practice here.

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PROVENANCE RESEARCH – RESEARCH SOURCES, METHODS, POSSIBILITIES

Jonathan Fine & Hilke Thode-Arora

Provenance research investigates the circumstances of an object's possession and ownership from its creation to the present. Researching provenance is a basic obligation of museums – regardless of whether or not objects are subject to requests for restitution or repatriation – and it must be carried out with "due diligence" [84].

Researching the provenance of objects from colonial contexts (in the narrower sense, objects from cases 1 and 2, cf. p. 25 et seq.) often does not differ fundamentally from researching those from other contexts. To understand the possession and ownership circumstances of an object, it is often necessary to understand the circumstances under which the object was sold, acquired or appropriated, and not merely to know the chain of owners and possessors. In order to grasp this context, it is often necessary to draw on and interpret a wide range of written and oral sources from Europe and from other regions, as well as to examine the object and its materials. The object itself is thus often a source that can help illuminate the context of its provenance. Nonetheless, existing sources relating to each step of the chain of ownership are often not adequate to give a complete picture of the facts. Well-founded contextualisation and interpretation play an important role in provenance research. The investigation of how an object has changed hands can always be advanced by new sources, information and interpretations. Therefore, provenance research should not be regarded as a process that can "clarify" the history of an object, but rather as a research process that often leads to provisional conclusions regarding an object's history.

84 ICOM Code of Ethics for Museums, Section 2.3, 2010

It is important to bear in mind the following issues when researching the provenance of objects from colonial contexts:

- colonial contexts were often, but not always, characterised by violence;
- knowledge and the expertise of people from countries of origin or communities of origin from which the objects originate should be considered important sources, especially with regard to aspects of the history of the objects before they were acquired.

A number of things can serve as the impetus to investigate the provenance of objects from colonial contexts: systematic cataloguing and making an inventory of the museum's collections; preparation of exhibitions; inquiries regarding objects from scholars or other interested parties; as part of a larger research project; possible acquisition of a new object [85] or in response to a request that the object be restituted or repatriated. Regardless of where the impetus for the provenance research originates, the same questions must be posed and investigated in detail: Where does the object come from? Who had possession of it and to whom did it belong? When and under what circumstances did it change its owner or keeper?

This section of the Guidelines is intended to serve as an introduction to investigating the provenance of objects from colonial contexts. It considers four main topics: (1) the sources for research and how to interpret them critically; (2) dealing with incomplete or unclear provenances; (3) incorporating the knowledge and expertise of people from the object's countries of origin/communities of origin; and (4) effectively communicating information about the provenance of objects to museum visitors and the interested public through museum exhibitions, the educational work of the museum, as well as through academic and other publications.

Sources: The different kinds of sources and how to interpret them critically
A. Different kinds of sources

A variety of sources are relevant to investigating the provenance of objects from colonial contexts. Primary written sources that relate to the change of possessors and owners and shed light on the context of the respective acquisition are unquestionably important. As with any historical research, other sources such as wills, historical newspaper articles, photographs, letters, diaries, books (such as memoirs), and other publications may be relevant as well. Secondary sources, such as academic articles, books and contemporary newspaper articles should also be consulted.

85 ICOM Code of Ethics for Museums, Section 2.3, 2010

In museums, information about changes in ownership or possession is often found in acquisition records and other kinds of museum documentation. The museum's own files often document the last link in chains of ownership and possession; often they also point to other relevant sources in external archives or libraries or collections.

Written documents and records are not the only relevant sources for provenance research. Oral information (oral history and auricular tradition) can have been preserved in families, villages, associations and other institutions, and handed down from generation to generation. Such oral information is a living source – in Europe and in other parts of the world.

The object itself can also be a source of information about its history, which can be unlocked through different kinds of investigation into its materials, form, and material context. Such investigations can reveal information about the object's age, what it is made of, its archaeological context, its use (or lack thereof) in ritual or other contexts, or the historical and geographical environment where it was found. For instance, the fact that an object carved from old wood was collected in an abandoned forest or in a war-torn village can provide important clues about its age and about the possible circumstances under which it changed hands or owners.

The sources that are relevant for provenance research are often not only in Europe. Information about the history of an object can sometimes be found only where it was made, collected, or exported. This holds for both written and oral sources, information about the materiality of the object, and about its physical environment. Such information is an important basis for reconstructing, contextualising, and understanding the origins of an object and the circumstances under which it came to Europe.

B. Critical interpretation of sources

As in any research, the critical evaluation of sources is an important step in investigating the provenance of objects from colonial contexts. Since the attitudes of many European actors in colonial contexts were characterised by racism and a sense of superiority as well as by a sense of the legitimacy of their actions, contemporary sources must be interpreted taking account of these biases. It is often necessary to read between the lines and to be aware that colonial contexts were frequently (but not always) characterised by violence. Military force was often used to conquer regions, and further acts of violence (such as "punitive expeditions") maintained the ´colonisers´ rule. Resistance to colonial rule was often crushed. Colonial violence did not always involve force of arms. "Softer" forms of violence and exploitation were common. Since Europeans often took such racist and violent contexts for granted,

they are not always described in detail in the written sources. It is necessary to interpret the sources critically and to read them "against the grain". Consulting additional sources in order to contextualise, verify and question the facts presented is recommended, as with any historical investigation with primary sources.

Of course, even in the period when contact was first made, some objects were made or commissioned especially for Europeans because the different communities of origin with which they came into contact often quickly became aware of Europeans' desire to collect objects. Europeans did not always recognise this adaptation to their demands, and they often believed these to be "authentic" objects used in daily life or in rituals by the persons who made them. Careful examination – especially of the objects themselves – reveals that some of them were early souvenirs, non-functional, unused, or models of tools and implements. Moreover, even under conditions of colonial structural inequality, objects could be transferred among persons under circumstances in which the exchange occurred on fair or equal terms and/or was embedded in an indigenous system of exchange and reciprocal gifts.

When conducting provenance research, one must also be aware of whether the historical representations of the persons involved in an object's history are compatible with today's perspectives. In many situations, the circumstances of an acquisition could be interpreted differently today than they were by the actors involved. Thus, the way acquisitions were described at the time, especially by Europeans, may not reflect today's perspective. Moreover, new interpretations may emerge from knowledge gleaned from new research that can also draw on information from the objects' communities of origin. It is therefore crucial to critically review sources relating to colonial events and contexts. In provenance research, we therefore also have to ask the question whether the historical accounts of the different actors/players correspond to today's assessments.

Dealing with incomplete or unclear provenances

It is often not possible to find documentation for every link in the chain of an object's provenance, especially for objects from colonial contexts. Often, not all provenance steps were documented[86]. Frequently this is because different motivations and different academic or scientific methodologies lay behind the assembly of collections in the colonial era. In addition, relevant records were sometimes not archived, were lost, or were destroyed over time. It is therefore important to be aware that in many cases it will be impossible to obtain a complete picture of an object's history. Nonethe-

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86 Basic Position of the Prussian Cultural Heritage Foundation for the Handling of its Non-European Collections and the Study of Provenance 2015, p. 1.

less, museums should seek to publicise even limited insights that they gain through provenance research, even if this does not give a complete picture of the provenance. Future research by others, perhaps with new sources, may be able to build on earlier, incomplete work, thus advancing the state of knowledge more generally.

Including the knowledge and expertise of people from countries of origin and communities of origin from which the objects come in provenance research

Information about the history and acquisition of objects in colonial contexts may be found not only in Europe, but also in the objects' countries, societies and communities of origin. It can be (sometimes) methodologically challenging to access and interpret such sources [87]. But nevertheless, such sources may be highly relevant and it may be crucial to include these in provenance research wherever possible. In addition to facts and histories that cannot be known from sources in Europe, they can also reveal new perspectives and interpretations. This knowledge and the resulting contacts can help to better understand the objects' history as well as to help develop just and practicable solutions for possible acquisitions or requests for restitution or repatriation.

Local scholars or partner institutions, such as museums, government agencies or universities can often assist in finding contacts in local communities. If there are no contacts with such partner institutions in other countries, specialised ethnological museums, other kinds of museums in Europe, or public authorities in Germany can often help establish them. But in many cases such assistance may not be enough.

Research in other countries can also pose ethical and legal issues. Researchers must abide by applicable local ethical guidelines and laws, and some investigations must be approved in advance by the national authorities in the countries concerned. Before investigations are undertaken on site, for instance, the German museum concerned should find out about the governing ethical standards and the legal steps to obtain a research permit, if necessary [88]. Often relevant laws, standards or guidelines can be found on the Internet.

Including the views of people from the objects' countries of origin or communities of origin collaboratively in provenance research usually requires (specialist) ethnological expertise: national institutions may not always be the most suitable contacts when it comes to questions regarding objects from colonial contexts. Nor is every representa-

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87 Complex local social conditions may require complex sensitive methods of locating and raising using sources.
88 For example, there are ethics committees at New Zealand universities, to which university research projects must be submitted for consideration.

tive of a society or ethnic group able to speak in a well-founded way about every object – it is important to find persons who possess knowledge of the objects in question. Depending on the individual case, these can be individuals, families, descendants, clan spokespersons, village representatives, religious practitioners or others. It is not always possible to communicate directly with them in a European language. Those with authority to speak are often not highly visible or able to communicate effectively through European media. One should be mindful that there may be several competing interpretations of and claims to the same objects in European museums in the countries and communities from which the objects come. When there are competing demands and prerogatives of interpretation, culturally influenced forms of communication and negotiation must be taken into account. For instance, sometimes seniors or elders will not be contradicted by members of their own society; instead of confronting them openly, more subtle ways of negotiation are sought.

The results of provenance research in collaboration with representatives of the communities of origin from which the objects come is an open-ended process. Investigating the provenance of objects should be independent of requests for repatriation or return, and should not be seen as an inevitable step toward deaccessioning the objects in question in order to return them[89].

Communication of provenance research

Communicating the results of provenance investigations through disclosure and transparency are central dimensions of provenance research. There are different and complementary ways to make the knowledge gained accessible to the public. Each museum should decide how to focus its communication effectively. For instance, different goals for communicating information about provenance can be to provide information on individual objects or lots; to cover the history of the collection; to shed light on the historical context of colonialism; to establish closer links with local groups from countries and regions of origin, or to present provenance research as one of the museum's tasks. One should not underestimate the fact that the non-academic public often does not know what provenance means and how provenance research is conducted – there is also a need for communication here.

Traditional approaches to conveying the results of provenance research include information in object and exhibition texts, audio guides, thematic tours, as well as workshops, publications and entries in online and printed catalogues on museum collections and exhibitions. Provenance information can also be an integral part of

89 cf. section "Legal Aspects" in this volume, pp. 95–108.

museum exhibitions and installations. Some museums have devoted entire exhibition areas to the subject. In addition, the museums' own positions on provenance and provenance research can be posted on museum websites and included in mission statements. Newer ways of communicating provenance research are online portals and interventions in museum exhibitions themselves. Regardless of the form and focus of the communication, collaboration with staff from the museums' public relations and publicity departments is important so that they are able to respond to questions from visitors and interested parties.

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COLLECTIONS FROM COLONIAL CONTEXTS: LEGAL ASPECTS
Carola Thielecke & Michael Geißdorf

The discussion about collection items from colonial contexts often concerns itself with the "legality" of acquisitions made during the colonial period. The term "legality" is used in a very broad, moral-ethical sense here and this can lead to the misunderstanding that the issues here are also legal issues in the strict sense. This essay is intended to provide a very brief insight into the relevant legal background. Three aspects are considered. We first consider how the law developed during the colonial period from a legal history perspective. The second part then discusses the issue of whether there are nowadays any legally enforceable claims for the return of cultural objects which were acquired in colonial contexts, i. e. whether museums can be successfully sued for the return of such items. The question as to whether museums may return items even when they cannot be legally obliged to do so must be clearly separated from this. This question shall be addressed in more detail in the third part.

Legal developments during the colonial period

A complete presentation of the legal developments during the colonial period would go far beyond the scope of this publication. In the following we therefore consider by way of example which legal developments occurred in the German colonies. Primary consideration shall be given to the legal provisions on ownership. It goes without saying that German museum collections contain numerous objects which were acquired not in the German colonies, but in regions which were governed by other colonial powers. Here as well, the desire to provide a complete overview would be far too great an undertaking. Also by way of example, a brief outline of the development in the British colonies shall be given. In contrast to German law, which is continental European in character, the law there followed the principles of so-called Common Law. We therefore thought it would be interesting to illustrate a few significant differences in the development.

To begin with, we would like to make clear that what were later to become colonial regions were not areas devoid of any law whatsoever before the Europeans arrived. Of course, the societies which the conquerors encountered when they first arrived had rules about communal life and the power of disposal over objects and judicial authority, even when these often did not correspond to the European ideas of law. Not much is known about the detailed form of these legal systems and hardly any research has been undertaken [90]. As the observations of the colonial authorities [91] on local law showed, however, the relevant concepts of ownership, possession and power of disposal were often comparable only to a limited extent or not at all with the European legal systems. The colonial rulers incorporated these legal systems into the law they created to different extents.

It has been pointed out by scholars that the establishment of colonial law was not primarily about law and justice, but about the stabilisation of colonial rule. It had been recognised that efficient government is conditional upon consistency in the exercise of power. The aim was to replace state arbitrariness with a bureaucratic administration and to create structures through which domination could be exercised.

After the end of colonial rule, the newly founded states did not return to the pre-colonial legal systems. Rather, the law and the ownership situation in these states today are based on the law established by the colonial powers in question. Critical lawyers point out that current international law in particular, but also the law of most former colonies, has its roots in European, Christian legal systems, with barely

90 cf. Förster 2018
91 cf. Harald Sippel 1997

a trace of other legal traditions. It has also been posited that international law as we know it today could not have developed without colonialism. Therefore, colonial and imperial structures are inherent to international law. As a result, international law not only maintains but also reproduces colonial asymmetries and thus renders it more difficult to enforce reparations, for example. In this context, the neutrality and universality of human rights are also called into question. For example, the guarantee of private property helps maintain ownership that was established in the colonial period and favours the inhabitants of the northern hemisphere[92].

Whilst such observations are certainly relevant in many respects and worthy of consideration, they have yet to lead to any significant change in legislation or in the application of the law. Rather, these are voices which still form a minority in international jurisprudence and are encountered almost exclusively among legal scholars, as opposed to in legal practice.

Development of the legal system in the German colonies

Owing to the relative brevity of German colonial rule, the development of a colonial legal and administrative system for the German colonies did not progress beyond the fundamental elements. In addition, due to foreign policy and security considerations, the German Government had no interest in becoming an overseas colonial power until 1884. This was due to its relatively weak naval forces and the associated fear that Germany would be drawn into an unwinnable conflict with the established colonial powers such as Britain.

Since Germany did not become an overseas colonial power until 1884, the German government initially preferred to leave overseas trade and land acquisitions to private commercial and colonial companies. These usually concluded extremely one-sided "contracts" regulating land ownership and other rights with local rulers. This view later changed, a change demonstrated, for example, by the issuance of so-called letters of protection to companies and by the division of Africa agreed upon by the European colonial powers in the Congo Act of 26 February 1885. As a result, the colonial actors on their part perceived a need for state regulations in the newly developing German colonial territories. After the initially unregulated situation, the Protectorate Act (SchGG) for the German colonies was enacted in 1886, in order to define the legal situation in the colonies. These areas were considered to be domestic, not foreign territory. However, the Protectorate Act did not simply bring

92 One specific example worth mentioning here are legal scholars in the (informal) group Third World Approaches to International Law (TWAIL). See among others: Antony Anghie 2005; Makau W. Mutua 2001.

into force the German legal system. Rather, in the colonies, the Kaiser had far-reaching authority to regulate and could often govern without the involvement of the Reichstag/Bundesrat. In this regard, the Protectorate Act represented an enabling act, which incidentally was only abolished when the Act on the Dissolution, Winding Up and Deregistration of Colonial Companies was passed by the Bundestag on 20 August 1975. The right to issue statutory instruments was not exercised by the Kaiser himself, but delegated to (various) subordinate bodies. This led to a very diverse legal situation in the colonies.

In the field of private law, the Kaiser's right to issue statutory instruments was clearly limited. The Protectorate Act stipulated differing legal regulations for locals and non-locals.

For non-locals, especially the Germans in the colonies, Section 3 of the Protectorate Act contained a reference to Section 19 of the Act on Consular Jurisdiction. This, in turn, stipulated the application of the law of the German Reich. Thus, initially, the Preussisches Allgemeines Landrecht and then, as of 1900, the Bürgerliches Gesetzbuch (German Civil Code), still on the statute books today, applied to legal transactions between non-locals (mainly but not exclusively Germans).

According to Section 4 of the Protectorate Act, the reference in Section 3 of the Protectorate Act, and therefore the law of the German Reich, was only applicable to the local population if the Kaiser so decreed. However, such a decree, which would have fully brought into force the Reich law, was never issued. According to the statute, the local population's own law therefore remained in force. This was, however, amended by imperial decrees on various individual issues. Ultimately, colonial officials had great freedom to lay down or formulate their own laws. An order of 1896 by the Governor of German East Africa is indicative of the attitudes of the time: "For the decisions (of the colonial officials for the local population), the valid legal principles among educated peoples, common sense and local customs and traditions prevail. In difficult and especially important cases, the district captain is entitled and obliged to obtain the opinion of a learned judge of his district or province" [93]. For so-called "mixed legal disputes", German law was largely applied, and in cases where local law was also applied alongside German law, it was certainly not allowed to diminish the legal

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93 Excerpt from the statutory instrument, betreffend die Gerichtsbarkeit und die Polizeibefugnisse der Bezirk-shauptleute vom 14. Mai 1891 A. Gerichtsbarkeit gegenüber Farbigen, I. Bürgerliche Rechtsstreitigkeiten. Published under No. 56, pp. 196–198 in Die Landes-Gesetzgebung des Deutsch-Ostafrikanischen Schutzgebiets, Systematische Zusammenstellung des in Deutsch-Ostafrika geltenden Gesetze, Verordnungen usw. Published by Kaiserliches Gouvernement von Deutsch-Ostafrika 2nd edition 1911, Tanga/Dar es Salaam.

rights of non-local persons. This legal situation was by and large known at that time, as proven by a comprehensive publication carried out on the basis of questionnaires evaluated in 1893 on behalf of the "International Association for Comparative Law and Economics" and published in 1903[94]. This enterprise was repeated on a large scale on the initiative of the Reichstag in 1907, this time on a government basis, but it did not prove possible to publish the results until after the end of the German colonial era. Nevertheless, responses from local colonial officials and other interviewees clearly show extensive knowledge of local law, so it can generally be assumed that Europeans were aware when they "illegally" acquired sacred objects from locals, for example, which should not have been for sale[95]. As the "letters of protection" and the private "land purchases" at the beginning of German colonial history have already shown, European legal concepts and their effects were often unknown to the representatives of the population. A concept of ownership in the European sense of an ownership code under civil law often did not exist, rights were mostly embodied collectively and not (permanently) transferable. Even when things seemed to be comparable on the surface, it was clear to even the Europeans that certain legal rights could not be sold or transferred. In the case of sacred objects, the analogous concept of "res sacra"[96] was known in European law. The concept of public property[97] or objects which could not be (privately) appropriated or could not be taken into private custody[98] were known to colonial administrations as well as private "buyers" from the European legal contexts as obstacles to acquisitions. Human remains and funerary items could also not be held as private property and this, with only a few exceptions, is still the European legal view

94 Regarding the development Dr. Erich Schultz-Ewerth and Dr. Leonard Adam, "Das Eingeborenenrecht", published by von Strecker and Schröder, Stuttgart 1929, Volume 1, there Foreword pp. V ff.

95 For example, the property collectively owned by the Oruzo, in this case sacred cattle, sheep, calabashes, ancestral objects and those to look after the sacred fire in "Das Eingeborenenrecht", see above, Vol. 2, p. 235.

96 Cf. the church property guarantee in accordance with Art. 140 GG in conjunction with 138 Para. 2 WRV (Weimar Constitution) e.g. in BVerwG 7th Senate, judgement of 15 Nov. 1990, ref.: 7 C 9/89, subs. BVerfG, ruling of 13 Oct. 1998, ref. 2 BvR 1275/96 on the restitution of the church of St. Salvator in Munich to the Free State of Bavaria, but severely restricted in BVerwG, ruling of 19 May 2009, ref.: 5 B 6.09 on the restitution of altar panels.

97 Differences in current administration of justice, not accepted in the case of the Hamburg (historical) city seal, BGH judgement of 5 October 1989, ref.: IX Z 265/88, accepted in the case of power of administration in respect of public authority files, OVG Mecklenburg-Western Pomerania decision of 27 May 2008, Ref.: 3 M 117/05 "a special relationship under public law superimposed on private ownership legislation, whose strongest form is dedication."

98 Current examples are "special fissile materials" according to Art. 197 EURATOM treaty or in respect of the ban on keeping weapons of war under the Kriegswaffenkontrollgesetz (German War Weapons Control Act) (cf. BVerwG judgement of 16 September 1980, ref.: I C 1.77).

today[99] and can often be found in many legal systems of societies which were formerly colonised, often strengthened by spiritual or religious arguments.

In the field of public law, there was an almost unlimited imperial right to issue statutory instruments in the spheres of state, administrative and military law.

It is quite conceivable that private citizens, for instance explorers or military personnel outside their official capacity, made acquisitions which were not allowed under the law applicable at that time nor under today's law. Thus, even in the colonial period, a theft did not constitute the acquisition of ownership, even if the owner was a local and the thief a non-local. In contrast, it can be assumed that appropriations by public authorities were always covered by the formal colonial law applicable at that time.

Legal development in the British colonies

No legislative acts such as the Protectorate Act were introduced in the British Empire. This was due to the case law system prevalent in the Anglo-American world. Over time, the courts developed views on which law should apply. Differing doctrines developed, in the context of which local law remained applicable to various degrees. First and foremost, a distinction was made on the basis of how the crown had acquired a particular territory.

If the territory had been acquired through "settlement", British law had to be applied in full. The idea behind this was that by settling, settlers had acquired previously uninhabited land so that there could be no pre-existing law. However, this doctrine was also applied to areas with populations considered to be so uncivilised that it was assumed that there could be no legal system there in the true sense. One example of this is Australia, which – in complete disregard of the Aborigines – was regarded as "terra nullius" and thus as an uninhabited area. Even in areas treated according to this doctrine, elements of local law were sometimes declared effective.

If land was acquired by conquest or cession, the existing law initially retained its validity until expressly replaced by British law. Here, too, there are very few instances where local law was replaced in full. Elements of local law remained in force.

In each individual case, the court had to determine which law was applicable based upon these doctrines. Any legal rules in conflict with basic British values were to be

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99 Comp. only to the "thefts of dental gold" in the crematoria (e. g. BGH, ruling of 30 June 2015, ref.: 5 StR 71/15) and punishable under § 168 StGB.

set aside. The fact that British courts applied local law meant that it was reshaped in many different ways, as judges often did not have complete information on local law and thus applied their own perceptions of the law, etc.

Restitution claims for collection items from colonial contexts

As in all academic disciplines, there are different views on many issues in jurisprudence as well, for example on the question of whether the existing law permits claims for the return of cultural objects which were acquired in colonial contexts. The following comments are based on the current practice of the courts and the majority view of jurisprudence.

Claims for return under German law?

At present, the only legal basis for claims would be the general provisions for return under private law, since there is no special legislation for cases of this nature. Attention is drawn at this point to the fact that the key issues paper passed on 13 March 2019 by the German federal government, the federal states and the local authorities is a political statement and not a formal legal regulation, and thus does not provide a legal basis for claims for restitution. According to the general provisions of the German Civil Code, the owner of an object may demand that the person/entity in possession of the object surrender it. In other words, firstly, the person demanding the return of an object must prove that they themself are the owner according to German law and that they acquired ownership of the object correctly and effectively. Secondly, it must be determined that the person/entity currently in possession of the object is not the owner. The judicial enforcement of claims for the return of objects acquired in colonial contexts is therefore likely to encounter a whole series of problems.

One challenge for the legal analysis of the ownership of collection items acquired during the colonial period is simply that some of the objects were acquired 100 years ago or even much longer.

This firstly makes it difficult to clarify the actual circumstances of an acquisition, which are of course essential as the basis for the assessment of the legal situation. The law provides rules of evidence for cases in which the facts can no longer be clarified, so that courts can come to a decision nevertheless. These stipulate who has to prove specific facts in each case and to whose detriment it would be when the facts can no longer be proven. Under these rules, the person making the claim has to prove that they used to be the owner, and hence most legal actions would probably fail at this early stage.

The long time-frame poses particular legal questions as well, however. The issue raised here is whether the acquisition process in question must be judged according to current law or according to the law applicable at the time of the process at issue. Without exception, the courts answer this question in favour of the relevant historical law. This principle of continental European law goes back to Roman law and is referred to as "intertemporal law". According to this principle, new legislation shall only apply to such circumstances as arise after the amendment of an act or the law. Old law still applies for matters that were already completed before the respective changes to the law. The reason is that the law applicable at any one time needs to be reliable. Retroactive application of new regulations would lead to barely manageable shifts in legal rights. Objects often change ownership several times over the course of their history, for example. If the legal basis was removed retrospectively from an earlier change of ownership, the whole subsequent chain would break down and all contracts relating to the object would have to be reversed. Consequently, any acquisition of ownership that had taken effect under old law remains valid as a matter of principle despite any later changes to the law. In analysing the legal situation in line with the earlier law, not only must the old legal text be used, but the legal practice of that time must be observed, even if it is no longer compatible with today's legal views. In this sense, colonial law has to be applied, even if it is no longer compatible with today's views on law and justice.

Of course, the legislator is free to enact legislation that restricts or even revokes existing legal rights prospectively, among other things to correct past mistakes. These laws then also only take effect in the future. One such example is the German Act on the Settlement of Unresolved Property Issues, adopted in 1989, which corrected asset movements in GDR times. However, these shifts were not declared invalid retroactively. Rather, the former owner was reinstated prospectively. The legislator in the Federal Republic of Germany has not (yet) created such a statutory provision in respect of acquisitions in colonial contexts.

If a German court had to decide today on a claim for restitution in respect of a collection object that was acquired in a colonial context, the first step would therefore have to be to determine the legal norms according to which the acquisition of ownership is to be judged. As has been pointed out at 1 above, the legal situation in the German colonial areas tended to be inconsistent. Even determining which law was applicable in each case would probably pose significant difficulties for the courts.

In individual cases – where diary entries of collectors relating to the process of acqui-sition exist, for example – it may be possible to sufficiently clarify the circumstances and also determine on the basis of historical law that ownership had not effectively been acquired. This is conceivable in cases where, for example, circumstances are described in the documents which would also amount to theft under contemporary German law. In such individual cases, there may actually be sufficient legal grounds for restitution claims under current law. These cases are probably very rare, however.

Even in the rare cases in which it may be possible to legally ascertain a right to restitution, this is not always enforceable. Claims resulting from ownership generally fall under the statute of limitations after 30 years according to the German Civil Code (BGB). This means that all claims which are based on shifts in ownership during the colonial period now fall under the statute of limitations according to German law. However, the limitation is a so-called plea, which means that the defendant can decide whether they want to invoke the statute of limitations. If the defendant refrains, the statute of limitations is not applied by the court and the ruling will be in favour of the claimant.

On the other hand, however, the very example of acquisition in a colonial context highlights the purpose of the statute of limitations: it is not merely intended to establish a degree of legal certainty or "legal peace". Rather, the courts should not have to deal with lawsuits in which the facts are very difficult to determine and the applicable law can be determined only with great difficulty, which means that there is a considerable danger that an incorrect decision will be made.

Return claims under international law?

Recently, there have been various attempts to achieve redress for colonial injustice through international law. First of all, there was the complaint brought before the International Court of Justice by the Republic of Nauru against Australia in 1989 con-cerning the mining of phosphate-bearing rocks during the period of the trustee man-date and the resulting environmental damage. Furthermore, 14 Caribbean countries have joined together in the CARICOM association and have announced their intention to take various European countries to the International Court of Justice. The focus here is the injustice caused by the slave trade. Finally, in January 2017, representatives of the Herero and Nama in the United States sued the Federal Republic of Germany. Within the framework of the Alien Torts Claim Act (ATCA), this concerns claims which may arise from the genocide against the Herero and Nama. In none of these cases

has there hitherto been a court hearing or even a ruling. To date, there have been no legal proceedings on the basis of international norms on the return of assets taken from colonies to Europe. Against this background, the question arises as to whether there could be a claim for the return of cultural property under international law. As in German law, the intertemporal principle is applied in international law. There is widespread agreement upon this. This means that facts must also be assessed in international law under the law that was valid at the time they occurred, not under the law in force at the time of the decision.

This principle was called into question during the preparation of the United Nations' 2001 World Conference against Racism. Efforts were made there to achieve the retro-active effect of certain international rules of law. The focus was on slavery and colonialism in particular. The conference was prepared by four regional conferences. The possibility of retroactivity was discussed at both the African and the Asian regional conferences. Ultimately, however, this position did not prevail.

In order to achieve the return of cultural property through international law, either the acquisition would have to have been prohibited under international law at the time of acquisition, or there would have to have been a subsequent rule of international law providing for the return of artefacts acquired during formal colonial rule.

It is unanimously agreed that there are no rules under international law which prohibited the acquisition of cultural goods during colonial rule. There are now a number of agreements under international law which deal – either exclusively or in part – with the protection of cultural property. These include the Hague Convention on Land Warfare of 1907 and the Hague Convention of 1954, the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, and the Unidroit Convention of 1995. In view of the dates of their entry into force, these instruments of international law can be of no relevance to the colonial period. What is more, some contain provisions expressly limiting their validity to the time after their entry into force. It should be noted that in the negotiations on the UNESCO Agreement there was also an effort by some states to make the Convention's validity retroactive, but this was ultimately not successful.

Owing to its wording, the 2007 UN Declaration on Indigenous Rights appears most pertinent. Articles 11 and 12 contain statements regarding the cultural rights of indigenous peoples. Among other things, restitution is mentioned. For example, Article 12 (2) states that the states shall seek to enable the access to and/or repatriation of ceremonial objects and human remains in their possession through fair,

transparent and effective mechanisms. Article 11 (2) contains a similar statement in relation to "cultural, intellectual, religious and spiritual property". Unusually, there is no time limit here on the object removals that are covered. However, the declaration – like all other UN declarations – is not legally binding. Although it has occasionally been argued that by now the declaration has the status of customary international law and has therefore become binding, this is likely to be a minority opinion. Certainly, the declaration cannot directly serve as a basis for claims for return, as it only asserts that the states have to develop restitution mechanisms and does not prescribe the return of cultural property. Difficulties regarding its application to colonial contexts are also due to the fact that the term "indigenous people" is not synonymous with local populations. Nevertheless, there is a partial congruence, so that an application would be conceivable for a certain group of people even in a colonial context.

The declaration addresses "the states". This raises the question of whether only the states in which indigenous groups live today are meant or whether it is only about the relationship between the respective "home country" and the indigenous group. The wording here definitely suggests, for example, that the former colonial powers could also be included.

Finally, it would be conceivable to derive a claim for the return of objects that were stolen in the context of a genocide as an annex from the prohibition of genocide. Even here, however, the problem of the intertemporal principle arises. The fact that a ban on genocide under international law has existed since the 18th century has occasionally been posited in legal research publications. However, it is generally assumed that it did not become a rule of customary international law with binding effect until the early 20th century.

Conclusion

The current legal system – this applies to both German and international law – does not provide suitable instruments for deciding ownership issues surrounding acquisitions from colonial contexts. Of course, it would be conceivable to create such legal instruments at both levels. However, it is very questionable whether the political will to enact such instruments exists.

Are museums allowed to return objects from colonial contexts, even when no legal right to restitution exists?

Even though in most cases no legally enforceable rights to the return of items from collections from colonial contexts exist, there is meanwhile a broad political

consensus that such returns can be appropriate on ethical grounds. There has so far been considerable legal uncertainty as to whether the public institutions are legally authorised to make such restitutions. The latter was largely assumed to be the case but the necessary legal certainty was lacking. In the key issues paper of 13 March 2019, the signatories have now announced they will put things right. This document draws attention to the fact that the relevant legal requirements for a possible return of items from collections from colonial contexts depend on which national, federal state or organisational law applies to the institutions in question, especially the budgetary regulations of the national government, the federal states and the local authorities. The key issues paper posits that according to these laws, restitution is permissible. Where legal measures are needed to facilitate the return of collection items from colonial contexts, these shall be taken [100].

It is urgently to be hoped that this announcement is implemented in order to provide the institutions concerned with the necessary certainty.

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LEGAL QUESTIONS FROM THE PERSPECTIVE OF SOCIAL/ CULTURAL ANTHROPOLOGY
Larissa Förster

Legal questions naturally play a special role in the debate about colonial provenances and the restitution of objects from formerly colonised countries [101]: from the point of view of the institutions which are managed under public law, there is a need for a precise determination of when an acquisition context is problematic, when this is or should be litigable, and how and by whom the decision to deaccession and return an object can or must be taken. The lack of legal instruments to put restitutions on a legally sound foundation is therefore increasingly being lamented. On the other hand, a number of proposals for legal amendments, new legislative initiatives or a modified interpretation of existing legislation have been made [102]. The current debate on what to do with collections from colonial contexts is thus mainly about the question of legislation and legal practice nowadays and in those countries where the museums which possess collections of colonial objects are located.

From the viewpoint of social and cultural anthropology, however, a completely different gap in the debate is conspicuous: hardly anyone asks – much less investigates precisely – which legal ideas and which sense of justice prevailed in the communities colonised by the German Empire in 1884, 1904, or 1915, for example. Against the background of which norms and legal systems did African actors, for example, make gifts of, exchange, trade in, or consign everyday or cult objects to Europeans? Against the background of which legal norms and which sense of justice did indigenous people regard things as stolen, extorted, or robbed, and did they ask for them back or give them up for lost? What kind of reciprocity, redress, and punishment did they regard as appropriate, for example for theft, robbery and looting? Up to now, such questions have been raised almost solely about the historical context of colonial land seizure,

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101 This section is an abridged version of the blog article "Whoever's Right. Remarks on the Debate about Provenance and Return from the Perspective of Social and Cultural Anthropology", 2018, online at https://blog.uni-koeln.de/gssc-humboldt/en/whoevers-right/.

102 cf. on this the following very informative contributions: van Beurden; 2017; Kaleck 2018; Sarr and Savoy 2018; Schönberger 2016; Schönberger 2018; Thielecke and Geißdorf in this volume starting at p. 95

where for example, studies have been conducted on "traditional" land law in the 19th century and about taking owners by surprise, coercing them, or defrauding them when buying land. Well known is the "mile swindle" of the Bremen merchant Adolf Lüderitz when he concluded a contract with Nama captain Joseph Fredericks [103]. Of course, local actors in contract negotiations with representatives of the German Empire pursued their own political interests. And they resisted expropriation and expulsion, as shown by the well-known example of the Duala King Rudolf Duala Manga Bell in Cameroon, who wrote petitions to the German Reichstag to defend himself [104]. Although local law was suppressed and colonial law superimposed upon it, local actors even used the rights of appeal available in the colonial state to file a complaint and articulate their own claims.

From the context of the misappropriation of human remains, we know very well that the colonised people repeatedly and sometimes extremely vehemently protested against theft and appropriation [105]. Moreover, demands were made for the return of objects even during the colonial era itself [106]. Furthermore, the decolonised states increasingly made restitutions an issue at the international level in the 1970s – albeit without any real success [107]. The "restitution debate" is therefore not a new one. Hence we should not simply ask what were our own historically developed legal systems and what constitutes international law as established today when we look at the legality at the time the objects were acquired, but also what the legal concepts and practices of the (formerly) colonised communities were, even when they were called something different or are/were communicated differently than in the Global North [108]. African specialists in international law such as Emmanuel Bello, Yolande Diallo and Adamou Ndam Njoya have therefore worked on the question of the norms according to which the property of the adversary was treated in armed conflicts in pre- and early colonial Africa, for example [109].

To examine legal traditions outside our own also means to query some terminological foundations, such as the conventional term of ownership as it developed from the Roman and later European nation-state legal systems and as it forms the basis of our

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103 Whereas Fredericks assumed the *English* mile when surveying the land, Lüderitz assumed the much longer *German* mile.
104 cp. Austen and Derrick 1999
105 Förster et al. 2018; Turnbull 2017; Zimmerman 2001, p. 161
106 e.g. Peraldi 2017
107 Fitschen 2004; Paczensky and Ganslmeyer 1984, p. 17; Sarr and Savoy 2018; Strugalla 2019a
108 Local concepts of law were often enough dismissed in colonial literature as "religion" or "mythology", because they were not codified, among other things.
109 cf. Adamou 1988; Jaguttis, no year

understanding of how to deal with cultural heritage and with institutions to preserve and administer this heritage. It must therefore be assumed that things are/were not everywhere *either* the property of an individual *or* of a collective. Sometimes, a wide variety of claims to co-ownership or different disposal and utilisation rights distributed among different actors are bundled in one object – a constellation that cannot be grasped with a capitalistic concept of ownership [110]. Moreover, things themselves can become legal subjects, as shown by the efforts of Latin American states to grant legally or constitutionally guaranteed rights to nature as well.

Modern law as developed in Europe has displaced other legal systems – even in public international law. The European legal traditions were not always so dominant here, however, and are still not the only possibly way to regulate communal life in communities. To historicise and decolonise our way of looking at legal foundations and legal practices, we should acknowledge that objects were acquired in a situation of legal pluralism [111].

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PRACTICAL GUIDANCE: RECOMMENDATIONS FOR THE CARE OF COLLECTIONS FROM COLONIAL CONTEXTS

The recommendations refer to a museum's four areas of responsibility – collecting, preserving, researching, exhibiting – as well as the topic of returning museum objects. The questions and answers listed here are intended to outline the issues surrounding colonial objects and to help raise awareness. They provide suggestions for differentiated assessments as well as assistance in forming opinions. This text contains recommendations and is not (legally) binding.

In the current debates on colonial history and dealing with objects from colonial contexts, each museum has to find a position tailored to its own needs and formulate it. A transparent presentation of this point of view is recommended. What is important is the willingness to actively engage with the colonial history and how objects from colonial contexts should be cared for. Museums should not shy away from starting with low-level approaches and often with only limited resources at their disposal.

GENERAL RECOMMENDATIONS

The Code of Ethics for Museums prepared by the International Council of Museums (ICOM 2010) is fundamental to the work of museums. The standards recognised for museum work also apply to objects from colonial contexts (cf. pp. 23 ff).

The guideline "Recommendations for the Care of Human Remains in Museums and Collections" published by the German Museums Association in 2013 acts as a supplement to these Guidelines. The recommendations contain more detailed information and address more specific issues relating to the care of human remains. The questions and answers provided therein are also relevant for human remains which have to be assigned to colonial contexts.

The classification into one of the three cases of colonial contexts defined in these Guidelines (cf. pp. 25 ff.) presupposes some knowledge of the origin and age of the object as well as of the historical circumstances in which it was acquired. Names of traders, consignors or of those who had the object in their possession are also helpful. If there are no clues in the museum documentation, only more extensive provenance research (cf. Researching, pp. 117 ff.) can provide insights into whether there are colonial contexts. Provenance research not only looks at the path the object took to get into the collection, but also includes questions about the function, the context of the production and use, as well as the materiality of artefacts and ethnographic objects. It is of key significance for the modern-day work of museums and should be integrated into the routine work and professionalised as much as possible.

Prioritisation can be helpful (cf. p. 33) when it comes to proactively examining large collections of very heterogeneous geographical origins, with the aim of identifying colonial contexts of objects and identifying the acquisition contexts. However, these Guidelines cannot provide a generally valid approach. Each museum is required to develop its own concept and to present this concept transparently.

The recommendations relevant to all three cases of colonial contexts (for explanations of the cases cf. pp. 25 ff.) within the scope of a museum are briefly described below:

Collecting
In general, museums should develop a collection concept as well as a complete inventory accessible to staff with careful documentation of all objects (cf. also Leitfaden Nachhaltiges Sammeln. Ein Leitfaden zum Sammeln und Abgeben von Museumsgut [Sustainable Collecting. Guidelines on Collecting and Deaccession-

ing Museum Property], German Museums Association 2011). Collection concepts should transparently show how objects in a colonial context are dealt with in each museum.

Further sources with suggestions on acquisition policy and acquisition ethics are provided in the Leitfaden zum Erwerb von Museumsgut [Guidelines to the Acquisition of Museum Property] (Lower Saxony Ministry of Science and Culture 2013) or the publication Besitz- und Eigentumsfragen [Possession and Ownership Issues] by the Coordination Centre for Scientific University Collections in Germany (2015).

Preserving

The usual conservation standards apply for the preservation of all objects.

In principle, the documentation of the collection holdings is an essential prerequisite for their proper storage. The Leitfaden für die Dokumentation von Museumsobjekten [Guidelines for the Documentation of Museum Objects] (2011) published by the German Museums Association can be used to document objects. Object documentation comprises the receipt documentation, the inventory and the scientific cataloguing. All documentation should be neutral and sources subjected to an objective and critical evaluation.

An inventory will include all documents and records associated with the object, as well as sources of additional references (e. g. collector biographies, journal entries, itineraries and reports, dealer directories) and a record of any restrictions on access. The museum should develop a systematic survey for this.

All results and findings are documented. The fact that there is no information or there are no comments at any given time should also be documented. Ideally, the collection holdings should be recorded digitally and bilingually in German/English. The digitisation process must also observe the general requirements of the General Data Protection Regulation (GDPR), copyright, the handling of and presentation of sensitive objects, as well as the sovereignty of interpretation of the communities of origin as far as possible. The name of the object should already mention the designations applicable in the communities of origin, where possible. Options for the bilingual documentation of geo-references should also be examined. Even though multilingual documentation initially means more work, it does promote accessibility, transfer of data, and networking with colleagues (worldwide) and communities of origin as a matter of principle. Communities of origin would like to know where objects from their culture are located. The dialogue here can be significantly

promoted when the entry in the database is not only in German. Each museum should work out transparent standards for the digital recording of the objects and the (online) access to them.

What is meant by decolonised collection management?

Curators should be aware that the labelling and categorisation of objects is a characteristic of museums in Western countries. In the communities of origin, this can still be interpreted as an assessment of these communities according to Western knowledge systems (cf. Eurocentric way of thinking) even today. A revision of the classification principles together with experts from communities of origin can pave the way for collaborations and promote mutual understanding (for more information see also article "Decolonising Collection and Exhibition Management", pp. 70–89).

Researching

Academic freedom is a fundamental principle, but should also conform to the principles of academic ethics and demonstrate responsibility towards the communities from which the artefacts originate. Guidelines on access should take this into account, for example. Ideally, research shall be conducted together with experts and representatives of the communities of origin (cf. Provenance Research from p. 89 onwards). With culturally sensitive objects in particular, projects should be discussed in detail in advance and approvals should be obtained from representatives of the communities of origin who are authorised to talk about these artefacts and address any issues arising. The museum should be aware that objects from colonial contexts have to be considered as historically sensitive objects (cf. p. 17). This means on the one hand that the museum has an ethical responsibility for how it deals with the biographies and provenances of the objects, and on the other, that the museum is encouraged to reflect on its own history and the contexts in which acquisitions were made. The museum should also be aware that the research could produce contradictory findings and conflicts. Projects and their possible findings should therefore be discussed in advance with the authorised members of the communities of origin.

Care must be taken that the questions on which the research is based and the research results are always presented without any preconceptions and do not represent a basis for discriminatory interpretations. Provenance research is not a completed process of clarification. It should be considered more as a research process, which often provides only preliminary results due to gaps in the documentation or in the information handed down. Museums are therefore encouraged to share the findings of provenance research with third parties so as to be able to find further important information in other institutions and archives.

However, museums should be aware that the publication of findings on objects from colonial contexts can also become the source of tension between the indigenous parties involved, especially when competing interpretations exist between them. This possibility should be discussed with the parties concerned before the research project begins. Contradictory findings possibly require further examination and an additional process of clarification to resolve these questions.

The question of copyright for the joint findings of the provenance research and in publications with and in the communities of origin and countries of origin has to be taken into account.

In all research projects and their publication, or when curating an exhibition on the project findings, it is of crucial importance to recognise and respect the rights of the indigenous population to self-determination. Museums should take this as a fore-gone conclusion and ask themselves how this can be integrated as a fundamental principle into the practical work of the museum. Any research focus or the designation of cultural material as an "artefact" based on its collector's, academic, historical or curiosity value can be deemed to be a problematic representation in the communities of origin, for example.

Funding possibilities

The German Lost Art Foundation (DZK) funds provenance research on collections from colonial contexts with its own line of funding. Museums wishing to submit an application can obtain advice from the DZK on this matter [112]. Moreover, applications for provenance research can also be submitted to several other funding institutions.

Exhibiting

The museum is responsible for dealing with objects from colonial contexts appropriately and also helps raise awareness. In any event, stereotypes and discrimination should be avoided in all depictions, presentations and publications.

All in all, the museum has little influence on why people come to the museum, the attitude with which the visitors stand in front of the exhibits and how these exhibits affect the observer. Therefore, it cannot be ruled out that objects from colonial contexts will have an emotional impact to a greater or lesser degree and this should be taken into account when designing the exhibition.

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112 https://www.kulturgutverluste.de/Content/03_Forschungsfoerderung/DE/Foerderrichtlinie_Kulturgueter_koloniale_Kontexte.pdf;jsessionid=63C2DB46EEFAF5F396EDA027B5CDFFD0.m7?__blob=publicationFile&v=3

Every museum should decide how to draw attention to the (possibly unaccounted for) provenance of objects from colonial contexts. Possible starting points on the ways in which this can be done are given on page 135. Every museum should be open to forms of communication that allow objects from colonial contexts to be seen from different perspectives, that make it possible to discuss tensions and contradictions, and to seek dialogue with the communities of origin.

The museum should develop a strategy for open access to databases and online publications that conforms to the mission statement and ensure that this strategy is transparent. The museum should critically examine whether a freely accessible representation of objects can be discriminatory, whether copyright and/ or personal rights or data protection legislation is/are violated or whether content could be used in questionable ways, and communicate its position.

Replicas of objects are useful for didactic reasons and as representative objects. They are never a substitute for the original, however.

In the case of exhibition-related loans, the museum, in addition to the general requirements, should examine whether the planned exhibition concept is ethical. The content, context and purpose of the presentation must meet the criteria laid down. The context of the exhibition should not hinder a critical examination of colonialism.

Objects from colonial contexts can be used for academic teaching. The same criteria apply as for exhibiting. The content, context and goal of the course or seminar should not prevent a critical examination of colonialism.

What can decolonised exhibition management look like?

New approaches to exhibition design, which evolve, for example, in collaboration with representatives of communities of origin, diasporic communities or groups in civil society, which address post-colonial issues, promote the inclusion of different perspectives and provide an active opportunity to be involved in the design (information and suggestions are given in the article "Decolonising Collection and Exhibition Management", pp. 70 – 89). The sovereignty of interpretation of the community of origin must be treated with the appropriate respect.

Research findings and publications on objects must also be made available to the communities of origin concerned.

Returning museum objects

The subject of returning is not relevant to all cases of colonial contexts as defined in these Guidelines. Therefore, the recommendations here and some initial considerations are presented from p. 144 in detail.

QUESTIONS AND ANSWERS

The questions and answers relating to the objects are set out separately for each case. Within their respective case, they are assigned to the corresponding task areas of a museum – collecting, preserving, researching and exhibiting – as well as the sphere of returning museum objects.

This catalogue of questions and answers is by no means exhaustive. Each colonial context must be judged differently. What is more, questions and answers other than those presented here can also arise.

The concrete explanations of the cases can be found starting on p. 25.

Case 1: Objects from formal colonial rule contexts, from p. 121
Case 2: Objects from regions which were not subject to formal colonial rule, from p. 137
Case 3: Objects that reflect colonialism, from p. 139

CASE 1:
Objects from formal colonial rule contexts

An overview of formal colonial rule can be found in the Annex from pp. 157 ff.

Case 1a:
The object is from an area that was under formal colonial rule at the time of collection [113], manufacture, purchase or export of the object.

Case 1b:
The object was used in an area under formal colonial rule. Its use was related to colonial rule, colonial commerce or colonial life.

The following questions can usually be applied equally to objects of cases 1a and 1b. The text indicates whether differentiations will be necessary.

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113 Here, collection means the process of collecting objects from where they originated, e.g. natural history objects as part of field research.

Collecting

The following section deals only with questions that may arise when the museum is offered objects from colonial contexts today. For a retrospective review of how objects came to the museum in the past, see the background information on collection history on pp. 47 ff.

General recommendations on collecting can be found on p. 115.

With regard to imminent acquisitions, should a museum ask whether the objects have a connection to formal colonial rule? Does this have a legal effect on the acquisition?

Objects that are acquired today, whether by purchase (on the open market, at auction, etc.) or in the form of donations and bequests, or acquisitions from other public collections, can also be assigned to cases 1a or 1b. The colonial history of the object rarely affects the legal validity of the acquisition. It would only be affected if the original acquisition under formal colonial rule had been ineffective and no subsequent acquisition of ownership has taken place.

Example: An object in a German colony was stolen from the owner in 1901 by a German collector travelling privately. He then "donated" it to a museum and provided extensive information on the acquisition circumstances, which are also documented. The object would then not have been either the property of the collector or the property of the museum. Nor if the object is passed on to another museum will it acquire effective ownership.

Normally, however, the museum will become the owner despite the object's colonial history. The problem of such an acquisition lies in the ethics. Regardless of any connection to the colonial era, it goes without saying that general legal requirements must be adhered to in every purchase. In any case, it should be self-evident that the provenance has to be clarified as far as possible, not only with a view to identifying any connections with colonialism but also, for example, any connections with losses related to persecution during the National Socialist regime.

Should a museum refrain from making an acquisition if the examination of the object's provenance reveals its connections with formal colonial rule?

A generally binding answer to this question is not possible. A differentiated approach is required due to the length of colonial rule and the vast geographic extent of the colonial territories.

With regard to case 1a [114] objects, it should be remembered that a wide range of manufacturing and trade contexts existed. At one end of this spectrum are objects made especially for sale to collectors and traded on markets. At the other end are objects whose acquisition was in breach of the colonial legal concepts and morality of the period [115]. While the working group assumes that the acquisition of the former is generally harmless, it would advise against acquiring the latter. Ultimately, however, as far as possible each museum, after the most comprehensive examination possible and taking into consideration its own collection concept, must decide for itself whether to accept or acquire an object.

With regard to objects in case 1b [116], it is crucial that any connection to formal colonial rule be taken into account in any decision on acquisition. Indeed, the museum should take special care to clarify the provenance as the basis for deciding for or against acceptance. It should be noted that the context in which an object was used rather the one in which it was manufactured may be problematic here.

Museums can collect objects that were collected during formal colonial rule, as well as those that changed hands during formal colonial rule but were collected or created before that time. Do these objects raise different questions?

Yes. For older objects (e. g. archaeological objects, but also weapons produced before colonial rule, etc.), the crucial question is whether there were changes of ownership during formal colonial rule, how they were effected and how they are to be evaluated. In contrast, in the case of objects taken or produced from nature (e. g. natural history objects) during formal colonial rule in the colonial territories, the general circumstances of their collection [117] or production must also always be examined. These can raise additional questions, for example, when the collection or production took place in the context of forced labour/coercion.

Should a museum refrain from making a purchase if the provenance cannot be completely clarified?

In many cases, the provenance is incomplete or impossible to clarify. In these cases, too, the museum must make a decision on an individual basis. Generally speaking, caution should be exercised. Where an acquisition does not fill a gap in the collec-

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114 Case 1a: The object comes from an area that was under formal colonial rule at the time of collection, manufacture, purchase or export of the object.

115 Collectors of that time were well aware of this, but often considered scientific interest to be more important.

116 Case 1b: The object was used in an area that was under formal colonial rule.

117 Here, collection means the process of collecting objects from where they originated, e. g. natural history objects as part of field research.

tion because similar items have already been acquired, the acquisition should not be made. In any event, the decision on acquisition should be documented in detail.

Should objects in Case 1a [118] be acquired in order to withdraw them from the (art) market?

Sometimes demands are made that public cultural institutions should accept objects with no or difficult provenance (as a donation or bequest) or buy them in order to withdraw them from the (art) market [119]. Great caution is advised here. It may already be difficult under budgetary regulations to buy an object when it is already clear at the time of acquisition that it may have to be handed over to a third party. Cultural institutions should therefore not see themselves as a "safe haven", especially as a purchase does not stop the illegal art trade, but merely absolves the collector of any responsibility. The situation may be different if, for example, the acquisition is made at the express request of the country of origin or of persons from the respective ethnic group who have the prerogative of interpretation in relation to an object [120]. The museum can also purchase objects which the vendor has demonstrated were obtained lawfully. Museums should inform communities of origin – if known – when culturally sensitive objects (cf. p. 17) are being offered for sale on the (art) market.

Which national regulations come into play for the collection of objects from formal colonial rule contexts?

It is self-evident that the general legal requirements for the acquisition of such objects must be observed for each purchase. There are as yet no legal regulations, in particular under international law, which have an effect on the acquisition of objects from formal colonial rule contexts.

Can a museum of its own accord transfer objects from formal colonial rule contexts in its own collection to another museum by way of deaccession?

A museum can transfer objects from formal colonial rule to other museums through deaccession of its own accord. The requirements of the Act on the Protection of Cultural Property (KGSG) [121] must be observed. The reasons for the deaccession should be documented and accepted by both sides.

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118 Case 1a: The object is from an area that was under formal colonial rule at the time of collection, manufacture, purchase or export of the object.
119 Museums can be custodians of objects confiscated by customs. There are clear restrictions on storage (cf. Engelhardt 2013).
120 for example, repurchase of Hopi objects by a foundation (https://www.survivalinternational.org/news/9829)
121 http://www.gesetze-im-internet.de/kgsg/index.html

When objects are deaccessioned, care must always be taken that the transfer to another institution does not lead to less transparency with regard to provenance, thus making the public discourse on the objects more difficult. What is more, care must be taken that the documentation on provenance is not separated from the objects in a way that hinders subsequent research.

Preserving
Please first consult the general recommendations on preservation (p. 116).

Which ethical aspects should be taken into consideration to ensure that objects from formal colonial rule are stored in the appropriate manner?
Any ethically relevant aspects stem first of all from the nature of the object itself and its significance for the community of origin. In the case of culturally sensitive objects (cf. p. 17), a check should always be made as to whether the storage of the object/collection is appropriate and respectful. The museum must develop its own position on this and set it out in an appropriate manner. The value systems and sovereignty of interpretation of the community of origin must be taken into account. Museums should contact the communities of origin to whom the objects belong, if possible, so that appropriate information and requests can be exchanged.

The Recommendations for the Care of Human Remains in Museums and Collections (2013) of the German Museums Association offers advice on human remains. Although separate storage does not appear to be always necessary, access restrictions may sometimes make sense for photographs, drawings, impressions, anthropometric data, film and sound recordings of members of indigenous communities of origin (cf. p. 17) which came into existence under formal colonial rule. This may require further research on the views regarding such records within the community of origin.

How should access to holdings be regulated?
In a depository, the usual access authorisations apply. Rules for access to the collections should be developed by the museum and communicated in a transparent manner. Access restrictions usually apply to culturally sensitive objects (cf. p. 17) regardless of any link to the colonial past. If members of communities of origin wish to inspect objects with access restrictions, the museum may be confronted with demands or wishes from guests that do not conform with our customs (e. g. no female employees in the depository). The museum should therefore seek in advance a dialogue on requests and wishes in order to agree on conditions that are acceptable to all parties concerned.

If necessary, the museum should inform guests from the communities of origin of the presence of culturally sensitive objects before visiting the depository.

In general, museums should afford members of communities of origin access to objects/collections as part of their ethical responsibility. An interest in objects from one's own culture, or those closely related to one's own history, is a legitimate interest [122]. Requests should elicit a prompt and respectful response. The museum should always support active discussion and consider requests favourably.

Each museum should examine whether it can implement an open access strategy for its inventory lists or object database – both in respect of a participation in a centralised database as well as an individual solution. A bilingual object designation and, where possible, the use of the designation used in the community of origin promote the accessibility to the holdings for communities of origin as well. Restrictions on access to and depictions of culturally sensitive objects (cf. p. 17) should be observed in the same way as data protection regulations and the rights of the individual.

Is it necessary to note any links to formal colonial rule in a basic inventory? If yes, how?

As far as is possible and as far as is known, whether the object has links to formal colonial rule should be noted in the basic inventory. This information can be useful for further research. The museum should develop a system to work out whether and how objects from formal colonial rule contexts can be flagged.

Are there any specific criteria and particulars that must be taken into consideration in the inventory?

The usual rules apply to an inventory (cf. p. 116).

Information about the link to formal colonial rule should be noted [123]. An indication of possible cultural sensitivity and resulting restrictions on access or exhibition should be part of the inventory for the relevant objects.

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122 cf. UN Resolution 61/295 with the Declaration on the Rights of Indigenous Peoples, 2007
123 These include, among other things, provenance data with factual commentary on the colonial context, references from literature, reports.

What should be taken into account in the digitisation of objects from formal colonial rule contexts?

Beyond the usual standards of digitisation (cf. p. 116), as with the access rules relating to depository, care should be taken to ensure that, for example, images or descriptions and data of culturally sensitive objects are not made freely accessible to all but are subject to access restrictions drawn up by the museum (cf. p. 17, incl. compliance with the current General Data Protection Regulation).

Researching

Please consult the general recommendations on research (cf. p. 117) as well as the background information (p. 89 et seq.).

What should be taken into consideration before beginning research on non-European objects?

The first thing which has to be clarified is whether it is a historically or culturally sensitive object (cf. p. 17). All museums should be aware that restrictions on research on culturally sensitive objects may exist. If small museums are still in doubt, they should first contact other museums which specialise in a specific field for further expertise. These colleagues can help plan the further course of action.

In the case of culturally sensitive objects, it is important to carefully weigh up whether a consultation with partners from the respective community of origin should be sought before or during the research (e. g. in connection with invasive examination methods or publications containing depictions of the object). In some cases, (national) museums in the countries of origin, and possibly embassies of the countries of origin in Germany as well, can provide initial information about cultural protocols or assist in the search for authorised persons (in Oceania this applies especially to New Zealand, Vanuatu and Hawai'i, in the case of the United States the Smithsonian Institution can be contacted). Often, however, representatives authorised by the communities of origin to handle the objects in question must be identified and localised in another way. In a renewed or ongoing colonial situation, cooperation with national institutions or museums in some countries of origin may not be reconcilable with the interests and cultural sensitivities of the communities of origin. It should also be borne in mind that different or even competing interpretations, degrees of expert knowledge or social attitudes ("traditionalists" versus "modernisers") may exist in these communities. Debates at the local level can change as well.

This section is structured as follows:
A) Provenance research
B) Other research projects that do not focus on the provenance of an object

A) Provenance research

Against the background of debates on the legitimate acquisition and possession of collection objects, objects seized illegally or through plunder (Raub- und Beutekunst), the illegal trade in art and antiquities, and ethical standards, museums should regard provenance research as a moral obligation and as a prerequisite for handling their collection objects responsibly. Questions regarding provenance should therefore be included in any scientific or restorative work on collections and objects, and should be covered systematically, particularly in the case of larger-scale research projects.

Provenance research is a way of gaining better knowledge of the history of an object/collection, an institution or discipline, and its involvement with the colonial project. It should therefore be considered separately from claims for restitution and does not inevitably have to result in a return – for even if the unlawful acquisition of one or more objects is detected, there may be grounds for them to remain in the collection, as the application of NAGPRA [124] in the United States has shown. Provenance research should not only be conducted after a claim for restitution has been made. Ideally, the museum should be carrying it out proactively and on an ongoing basis.

Are there differences in provenance research between objects from formal colonial rule contexts and other objects?

Essentially, provenance research on objects from formal colonial rule contexts does not differ from provenance research on objects from other contexts (cf. Provenance Research, p. 89). The circumstances under which an object was collected, sold, acquired or appropriated must be accurately reconstructed in order to establish the situation in respect of possession and ownership against the social and cultural background in question. The knowledge and expertise of people from countries of origin or communities of origin on certain sections of provenance should be regarded not only as an important source, but also as a relevant perspective on the

124 NAGPRA (Native American Graves Protection and Repatriation Act) is a 1990 US federal law for the protection of the graves, bodies and grave goods of indigenous peoples. NAGPRA requires publicly-funded collections to proactively approach Native American communities of which they have human remains, grave goods, and/or ceremonial items, and, if desired by the communities, to initiate a return. NAGPRA has led to numerous returns. However, some communities have decided to leave objects or documents – in some cases under special conditions – in the possession of the respective museums. NAGPRA does not consider everyday objects to be the subject of returns, for example, since they do not fall within the culturally significant groups of objects.

object and as a starting point for transnational cooperation in provenance research. For certain sections of the provenance, such as those prior to acquisition by Europeans, ethnological methods and oral history research may be important. Against the backdrop of the situation with regard to source material, which is often particularly difficult in the case of colonial rule for various reasons, classifications, interpretations and evaluations should be particularly well-substantiated, while any gaps or unanswered questions and speculations should be explicitly named.

Should the museum prioritise the examination of collection holdings with regard to colonialism?

A generally binding answer to this question is not possible. Many museums have a research concept and should work out a concept and a strategy for working through their holdings. Those responsible should be aware that the points of view regarding prioritisation can be different, since different interests may be involved here.

The provenance of human remains must usually be clarified as a matter of priority (cf. "Recommendations for the Care of Human Remains in Museums and Collections", DMB 2013).

Possible further starting points for a prioritisation can be:
- Objects from violent colonial contexts [125]
- Significant/exhibited objects
- Objects from former German colonies (Overview of formal colonial rules see from p. 157)
- Objects from known problematic types of object (e. g. culturally sensitive objects, explanation see p. 17)
- Types of object for which claims have already been articulated in Germany or in other countries (possibly also the countries of origin) or which have special significance for other reasons
- Objects related to local actors and local history at the museum's location
- Objects in respect of which contact has already been established to experts and communities of the countries of origin.

125 Violence in the colonial context can be considered to be armed conflicts between the colonised and the colonisers, genocide, internment in camps, severe oppression of (sections of the) indigenous population through to enslavement or punitive campaigns, for example. Objects could have been taken out of the country, acquired or manufactured during the course of such contexts of violence or by utilising the structures resulting therefrom.

The prioritisation strategy should be tailored to the museum in question and its research programme and be coordinated in particular with any ongoing collaboration projects with the countries of origin.

Requests by countries/communities of origin/individuals from a community of origin should always be dealt with expeditiously. It must be ascertained whether there have already been any contacts, enquiries or requests for return in respect of the object concerned. However, if the collection holdings relating to the request have not yet been processed, this is not a reason for failing to provide information.

Which questions should be answered concerning the provenance research on objects to evaluate links to formal colonial rule?

The answers to the following questions should be part of the research and, as far as possible, underpinned by supporting documents:

- How was the object collected and/or acquired by European actors? Which courses of action are recorded? With what intentions was the object collected/acquired or given away? (cf. p. 90)
- Is it a culturally sensitive object? (Information on this can be found from p. 17)
- By whom, how and in what context was the object made and first used? Are the biographies of artists or users known or can they be established?
- Which local networks can be identified in relation to the object?
- Which trading networks were involved in the transfer of the object to Europe? Are middlemen and traders and their biographies known?
- How was the object eventually acquired by the museum?

It should be borne in mind that the museum's own sources on the acquisition of an object often do not include or even conceal previous acquisitions. Sources found outside the museum are therefore indispensable. At the same time, the credibility of historical, especially colonial, sources must be critically examined.

If the search for information on the acquisition or the production of the object reveals any illegal or ethically questionable circumstances, the aim and use of other research questions (i.e. material analysis, geographical origin) outside of provenance research should be examined more critically.

Which actors and events should be critically questioned regarding the acquisition of objects from formal colonial rule contexts?

The following groups of actors from the side of the former colonial power are relevant to provenance research. Their significance may vary from collection to col-

lection, so the order given does not imply any kind of ranking. The groups are listed alphabetically:

- Colonial officials (who were specifically invited to create collections) and members of the diplomatic corps (those belonging to embassy circles were almost expected to create a collection)
- Colonial trade (this was often – except for the German colonies of course – not with the colonies directly, but via merchants, for example, in the Netherlands or England)
- Merchants trading in ethnographica, art, antiquities and natural history objects (this may overlap with provenance research for the period 1933–1945) and their collaborators (e. g. captains, agents)
- Military personnel in colonial territories (there was repeated looting during punitive expeditions. The plundered objects found their way into the ethnographic trade or were later donated, etc. The military also built up their own (private) collections or sometimes acted as carriers.)
- Missionaries in colonial territories (missionaries often had collections of their own, frequently with religious objects given to them by converts)
- Museum employees
- Researchers (prospectors, surveyors, but also natural scientists and humanities scholars) who in the course of the colonial expansion – often within the framework of (military) expeditions – collected certain objects or in certain regions
- Settlers – especially those who left the colonies again later
- Shipping and trading companies (they acted not only as carriers as the ships' crews also acted as collectors)

Fundamental information on the actors involved and the events should also be exchanged with experts from the countries/communities of origin from which the object originates, where possible. The experts may have access to local archives and sources and also establish contacts to communities (cf. p. 132, Which kinds of cooperation on collections can be considered?, background information "Decolonising Collection and Exhibition Management", pp. 70–89).

What problems can occur in the provenance research of objects from formal colonial rule contexts?

Different cultural, regional, linguistic and historical conditions make the research on these objects very complex. Owing to the varying forms of colonial rule in different regions, their diversity and ambivalence, the concrete circumstances with regard to origin, collection and/or acquisition are difficult to assess in some cases. In addition, incorrect or incomplete evidence or information about the provenance of

objects may have been knowingly or unknowingly documented. Previous provenance research has shown that sometimes the origin and/or the transferor were not disclosed, because the acquisition was illegal, was considered problematic, or the source of the acquisition was not to be used by others. False provenance information was also used to enhance the origin or identity of the objects and thus increase their commercial value.

Another reason for gaps in the documentation is the (subsequent) dividing up of collections with the same origin. They were often split between different museums – for example, in the context of trade, auctions or the exchange of duplicates. In the case of archaeological excavations and natural history collections, objects were divided up from the outset. Objects or sets of documents of similar origin were distributed to different museums (sometimes also to different genres of museums or to different countries). What is more, the accompanying documentation and correspondence were not always duplicated, so that sometimes only a part of the objects/sets of papers had documentation. Therefore, it is advisable to reconstruct the dividing up of these collections/findings in the provenance research and to look specifically for the documentation that may be in the possession of other museums.

Which kinds of cooperation on collections can be considered?

Cooperation with other museums conducting provenance research on similar groups of objects can be very helpful in the instance of case 1a [126] projects in particular. In addition, collaboration/cooperation with communities of origin should be sought. The museum should always support access to objects for representatives of communities of origin. Their view on – and their knowledge of – the objects can lead to important new insights on both sides. Individuals, initiatives and institutions, as well as academic and non-academic experts from communities of origin, can not only supply handed-down information about the objects themselves (i. e. author/artist, origin, function, context, meaning), but also help to identify places and people in images and photographs and provide translations. An open dialogue and transparent presentations are therefore recommended. It is also desirable that individuals, initiatives and institutions from the countries of origin be involved in the formulation of research agendas. Ideally, the questions and goals of the research should be formulated together with representatives authorised by the respective community of origin for the objects in question. It should be borne in mind, however, that different or even competing interpretations, degrees of expert knowledge or social attitudes

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126 Case 1a: The object is from an area that was under formal colonial rule at the time of collection or manufacture, purchase or export of the object.

("traditionalists" versus "modernisers") in relation to these objects may also exist in the community of origin.

B) Other research projects that do not directly affect the provenance of the object:
Is authorisation of the community of origin/country of origin necessary for research on objects from formal colonial times?

Legal permission from communities of origin/countries of origin is not required for the research on objects from formal colonial rule contexts. There are no regulations on this under either national or international law at present.

Nonetheless, a dialogue – as well as collaboration/cooperation – on issues which concern or could concern communities of origin should be sought as soon as possible (before the research starts). Transparent discussions should be held on the objectives, content, scope and possible results, and the agreements thereon documented.

It should be noted in this context that the necessary research permits may have to be obtained for research in the country of origin.

Are there any other authorisation requirements?
The same rules apply here which apply generally. It may be advisable to be guided by the Nagoya Protocol (Access and Benefit Sharing – ABS) for natural history objects from formal colonial rule contexts, even if it is not yet legally binding. This protocol concerns the collection and research of genetic material (DNA) from collections/acquisitions after October 2014.

What should be taken into consideration in publications containing results on objects from formal colonial rule contexts?
Careful thought should be given to whether to depict objects, especially in the case of publications on culturally sensitive objects from formal colonial rule contexts (cf. p. 17). It may be advisable to choose the cover image for publications carefully and to add "warnings" or corresponding markers at the beginning of the publication out of respect for the community of origin [127]. The museum should be particularly aware

127   see among others Margaret Daure, Sacred Information should remain Secret, Papua New Guinea Workshop hears, Pacific Islands Report 2000; National Museums Scotland (ed.), Introduction to Pacific Collections: Cultural Considerations, https://www.nms.ac.uk/media/497076/32-introduction-to-pacific-collections-cultural-considerations.pdf; Moira G. Simpson, Making Representations: Museums in the Post-colonial Era. Routledge: London – New York 2001; South Australian Museum, Statement on the Secret/Sacred Collection, Adelaide 1986 (https://www.samuseum.sa.gov.au/Upload/files-about/secret-sacred_collection-policy.pdf)

of its responsibility to protect the data privacy and personal confidentiality of the information providers.

Are there any situations that rule out research on objects from formal colonial rule?

Research on an object is prohibited if it is still in the possession of the museum, but has already been deaccessioned, as may be the case in the run-up to a return. Research can only be carried out with the express consent of the new owners.

How should lending be regulated in research projects?

General guidelines on lending in connection with research projects are regulated by the museum's standardised loan agreement. There may be concerns and sensitivities relating to objects from formal colonial rule contexts that require individual, additional museum and collection-specific regulations (i. e. issuing a guarantee that the objects will be returned to the lender, agreement on guidelines for the handling of culturally sensitive objects, agreements on the procedure for invasive examination methods). This also applies to planned publications (see above). Individual supplementary regulations may include provisions on how research is conducted, the structure of publications and the documentation and accessibility of research results.

Exhibiting

Please consult the general recommendations on exhibiting (p. 118).

Can objects from formal colonial rule contexts be placed in a context other than the colonial one?

Yes. Even if an object originates from a formal colonial rule context, it should not be considered one-dimensional. Museums are called upon to present these objects in other contexts, and not exclusively in that of colonial rule. The museum should make its visitors more aware of the problem of the colonial context (see more details below). This should also be done in the awareness that objects from colonial contexts can trigger a less than positive reaction among visitors (not only those from countries of origin).

Is it possible to exhibit objects if the circumstances of their acquisition are unknown, but whose dating and origin suggest they are connected to formal colonial rule?

Yes. The answer above applies to the form of presentation.

However, presentation in an exhibition does not release the museum from its obligation to further explore the provenance of the objects. For further clarification of the provenance, the active involvement of the public may be helpful if visitors (online or

in the exhibition) are given the opportunity to provide information. Such information about the year of acquisition or previous owners or collectors may provide clues which can help further clarify the origins of objects.

Can objects from formal colonial rule contexts be exhibited even if their provenance is problematic?

Yes. A problematic provenance is not a criterion for ruling out an object's presentation. The museum must, however, suitably address this problematic provenance or consider whether presentation should focus exclusively on this provenance.

How can the connection of objects to/the origin of objects from formal colonial rule be presented in exhibitions?

The museum should also think about this issue when designing an exhibition if objects from formal colonial rule contexts are to be presented. A general recommendation on how this should be done cannot be given due to the heterogeneity of the exhibition themes and practices. The museum should examine suitable options and show visitors how it deals with and appraises its own collection history.

Museums should strive for a holistic approach in their efforts to communicate knowledge. The intention to act transparently with regard to the origin of the objects should be clear in the exhibition. It is recommended that certain data be disclosed to the extent that they are known and as allowed under data protection legislation. This includes, above all, the year of acquisition and the previous owner(s) or collector(s), as well as the place of collection.

Ways of communicating information include:

- Additional text panels indicating the state of knowledge about the objects or their acquisition
- Notes on captions and/or object legends (the collector and the year are now often a standard feature), information on where the object was collected (for example, in the form of "from the former colony…"), possibly also with a reference to unresolved or problematic provenance
- Own exhibition areas in which the colonial collection and the acquisition history of the museum or of individual objects is presented
- Explanations regarding the provenance of certain objects representative of others
- Awareness-raising and training of attendants and staff responsible for communicating knowledge
- Offer tours on a specific theme and integrate the topic into the work of communicating knowledge and information

- Provide additional background information (for example in audio guides, media stations, additional information in digital form for retrieval, print and/or online catalogues)
- Highlight the topic on the website or in connection with the online presentation of collections

How should museums communicate with the public?

In general, a transparent communication strategy with regard to objects in the museum from formal colonial rule contexts is recommended. Inventory lists or even databases which are accessible online are desirable. Many communities of origin have a fundamental interest in finding out where their cultural heritage is located – less (frequently) to formulate requests for objects to be returned, but rather to be able to enter into an exchange of knowledge and a collaboration. Responses to reactions, requests and criticism should be prompt and respectful.

What, in general, should be taken into account in publications?

Just like other objects, those from formal colonial rule contexts can be described or depicted in museum publications of any kind (printed and online). In the case of culturally sensitive objects (cf. p. 17), the museum should consider very carefully before publishing images of the objects. Some communities of origin reject images – or descriptions [128] – of certain culturally sensitive objects. If in doubt, a picture should be omitted. It may make sense to include a note at the beginning of the publication indicating that sensitive objects are depicted. Please also consult the following paragraph.

What should be taken into consideration in online publications and open access strategies?

The museum decides for itself to what extent inventory lists of objects from formal colonial rule contexts are made accessible to academics and the public (e. g. (online) databases). Out of respect, careful consideration should be given to whether photos of objects, especially in the case of non-European collections, are published in online publications and open-access databases (cf. p. 17).

The museums should draw up their own guidelines on how to indicate the (possibly unexplained) provenance of the objects in online publications.

128 This applies e. g. for Australian Aboriginal bullroarers.

Objects from formal colonial rule contexts can provoke restitution claims. The borrower's position on such claims should be clarified in advance.

A few countries have a state "return guarantee" or legal protection against seizure by the courts/police (e. g. Switzerland, the United States). The relevant legal framework must be clarified in advance.

CASE 2:
Objects from regions which were not subject to formal colonial rule

The object comes from an area that was not formally under colonial rule at the time of its collection [129], manufacture, acquisition or exportation, but which had informal colonial structures or was under the informal influence of colonial powers (cf. p. 23).

Should case 2 objects be examined less critically than those of case 1 (= objects from formal colonial rule contexts)?
No. The cases formulated under these recommendations do not represent a hierarchy. Informal colonial structures are based on the same ideology of cultural superiority and the ensuing right to oppression and exploitation as formal colonial rule.

All circumstances relating to production and acquisition should be examined on a case-by-case basis and the museum should develop and make transparent its own position.

If colonial contexts exist outside formal colonial rule, the questions and answers listed in case 1 are relevant (see from pp. 121 ff).

Additionally, some specific questions are raised: in particular, how colonial contexts outside formal colonial rule can be identified and evaluated:

Why are colonial contexts possible even outside formal colonial rules?
Formal colonial rule was mostly the result of a prolonged process of "discovering" an area and increasingly subjecting it to foreign rule, to (more or less) complete incorporation into a colonial empire. Structures and networks were developed in the run-up to formal colonial rule. Therefore, political power imbalances with colonial

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129 Here, collection means the process of collecting objects from where they originated, e. g. natural history objects as part of field research.

structures may have already prevailed even before the beginning of formal colonial rule. What is more, colonial structures did not automatically terminate with a state's attainment of political independence after formal decolonisation. In some cases, they were continued by the local political elite. Dependency, for instance in an economic way, could continue, as could control over knowledge systems. The discrimination or exploitation of local minorities [130] could/can continue to exist.

Political power imbalances and/or colonial dependency relationships have also developed in countries that were never, only informally, or only partially formally colonised [131]. This made it possible for colonial structures to exist in which parts of the population were, or still are (at least temporarily), suppressed and exploited. For examples see the chapter on "Cases" pp. 25 ff.

How can colonial contexts outside formal colonial rule be identified and examined?
As a rule, the evaluation can only be carried out in individual cases, taking into account as many factors as possible. The following questions should be asked about the object:

Where does the object come from?
If the object originates from an area in which colonial structures existed at the time of its creation, acquisition or export, a colonial context may exist.

Who made the object?
If with regard to its production or former possession the object can be attributed to members of a(n) (ethnic) minority/population group (communities of origin) oppressed by colonial structures, then a colonial context may exist.

Under what conditions did the community of origin from which the object originated live at the time of manufacture, purchase or export of the object?
There may be a colonial context if the community of origin was exposed to colonial structures.

For what purpose was the object made?
If the object is a culturally sensitive object for the community of origin, which was intended for its exclusive use or its exclusive possession on the basis of the values

130 The various indigenous groups as a whole can also constitute the numerical majority of the population of a country.
131 for example, China in the 19th century, Tonga

and the world view of that community of origin, it may have been handed over under duress as a consequence of a colonial context.

Similarly, there may be a colonial context if the object was made specifically for sale owing to hardship as a result of colonial structures (cf. example Guatemala p. 28).

Under what circumstances did the object change hands?

The following in particular should be examined: sale due to hardship, forced sale (including the influence of government agencies), the surrender of religious objects (of the original faith) as a result of proselytising, political and social status of the indigenous heritage, robbery, theft or misappropriation.

How did the acquisition occur?

If the conditions under which the transaction took place indicate that the parties involved were not on an equal footing (i. e. inadequate price, surrender under duress or surrender due to hardship), the acquisition may have taken place in a colonial context. Local workers were often used for natural history voyages of discovery and expeditions. Working conditions should be examined to check for coercion or inadequate payment.

CASE 3:
Objects that reflect colonialism

Within the framework of these recommendations, the term "object that reflects colonialism" serves as a working concept for the demarcation and characterisation of objects with a contextual, in some cases manipulative, often artistic connection with colonial contexts. Objects in this category include objects that actively or passively reflect colonial thinking or convey stereotypes that underlie colonial racism. In the most serious case, these are objects that openly pursue propagandistic intentions, such as the promotion, legitimisation or even glorification of colonial systems of rule as well as their actions and actors. In often more subtle ways, defamatory racist ways of thinking or portrayals of colonial contexts found their way into advertising material or commercial art work, especially in connection with colonial goods or the travel industry. Connotations of colonial contexts or the reflection of such contexts can also be found in works of the visual and the performing arts.

Against this background, a rough orientation vis-à-vis objects that reflect colonialism can be provided by dividing this case into three sub-groups, namely:

- Colonial propaganda (including inside and outside monuments [132])
- Advertising products
- Works of the visual and performing arts

Objects of this case may have been created during or after formal colonial rule. They mostly originated in the domestic territories of the colonial powers, but sometimes also in the colonial territories themselves, for example in connection with the demonstration of a claim to power.

It should be noted that a critical analysis of colonial contexts has been taking place for some time now and to an increasing extent in the works of contemporary artists. However, these objects of art, with their post-colonial perspective, form a separate group of critical receptive objects which cannot be ascribed to the objects which fall within this case. The following questions therefore explicitly do not apply to such post-colonial objects.

What purpose did objects that reflect colonialism have?

Objects that reflect colonialism propagate, popularise, project and stylise. They made it possible to popularise colonial images and themes in society and to convey the policies of the colonial powers. Propaganda using images which today would be regarded as racist and/or discriminatory against minorities [133] often promoted, legitimised or glorified the social acceptance of colonial aspirations within the population of a colonial power, sometimes even in post-colonial times (e. g. the Nazi regime).

But the legitimisation or glorification of colonial aspirations is not always in the foreground. Advertising art (e. g. posters, sales packaging for colonial goods) primarily played (and in some cases still plays today) with the image of the exotic as well as the desire for adventure and discovery. It often used catchy stereotypical image motifs with stereotypical colouring and decoration.

132 Where the responsibility of the museums is limited to those monuments that lie within their administrative area.
133 The various indigenous groups taken together can also constitute the numerical majority of a country's population.

The colonial context can often only be detected through a post-colonial perspective, for example, by questioning the effect on the communities of origin that were presented.

When can an object be assumed to reflect colonialism?

Clear rules for answering this question are difficult to define given the variety of objects to be considered. In general, however, any substantive and/or motivic reference to exoticism [134], orientalism [135], etc. as well as to historical long-distance trade and basically all aspects of the "discovery", conquest and development of foreign continents or territories should at least be grounds for scrutiny in order to detect the possible existence of an even deeper connection to colonial contexts. Where these are perceptible (e.g. ethnic show posters, advertising pamphlets on colonialism), it is recommended that the museum seeks to clarify the relevant colonial context and to fully reveal colonial racism/stereotypes by undertaking an in-depth analysis using information pertaining to the object (above all original context, purpose and intention, effect), as well as by studying the details of the iconography in pictures, thus achieving a thorough evaluation in each individual case. The inclusion of different perspectives (cf. post-colonial perspective, p. 22) is of great importance.

How can colonial contexts be differentiated from purely advertising stereotypes?

Not every promotional item for colonial goods is automatically an object whose connection to colonial contexts needs special treatment or explanation. Not every historical poster that seeks to awaken wanderlust through depictions of African or oriental views has to be immediately classified as colonial propaganda. Thorough analysis and evaluation are crucial in every individual case to establish whether, in what form and with what intention actual racist perspectives or stereotypes from a colonial context are being conveyed. Under certain circumstances, it may be necessary to call in external experts, who would help decide whether an individual object represents an advertising commonplace (recurring representation of stereotypes in the advertising context) or reflects specific colonial thinking or representation patterns. The transitions are fluid and can be perceived differently from different perspectives.

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134 Exoticism is an Eurocentric basic attitude which assesses things foreign as being quite positive and accords them a particular fascination. Things foreign are perceived only under the "exotic" aspect and this biased perspective is given very little thought through to no thought at all (cf. ikud-seminare.de).

135 Eurocentric view of the societies of the Middle East or the Arab world, which is expressed in a feeling of superiority towards the Orient (cf. Said 2009).

How should the colonial context be documented?

The usual standards apply to the documentation (cf. p. 116). Explicit references to recognised colonial contexts in inventory entries or references to possibly hidden or subtle connections with colonial stereotypes (object-intrinsic) or with other collection objects or papers with a colonial background (objects in case 1 or case 2, cf. pp. 25 ff.) must also be documented.

What significance does the provenance of the object have?

For museums it is generally important to know as much as possible about the origin of their objects. Nevertheless, the provenance of objects that reflect colonialism plays a subordinate role, since colonial contexts as a rule do not result from their origin or the history of their acquisition, but primarily from the contents and intentions portrayed (iconography) and the purpose of their creation.

What use does the digitisation of objects serve?

The benefits of digitisation are the same for all objects in museums (cf. p. 116). It also makes it easier to pass on information about the context in which objects that reflect colonialism should be seen, which may not be immediately apparent to inexperienced viewers. Therefore, references to this context, such as the racist or ideological foundation of iconography, the context of origin, etc., should most certainly be noted.

How can colonial contexts be communicated?

The colonial contexts of objects that reflect colonialism should be highlighted whenever possible in the museum's exhibition, communication and publication work by addressing the contextual or iconographic connection to colonial thinking as well as the argumentative intentions/purpose of the object. Depending on the nature and extent of this connection, a detailed contextualisation may be necessary, regardless of whether the object is incorporated into a perhaps deviating thematic exhibition or communication context.

In addition, the use of objects with clearly racist representations and ideologies in museums should be weighed up particularly carefully and, if they are used, it should certainly be done with the utmost sensitivity. The museum has little influence on the attitude with which visitors approach the exhibits and how they are affected by them. Objects that reflect colonial thinking or convey colonial racism and ideologies can be perceived by members of the communities of origin as shocking or defamatory. The museum should be open to a dialogue about this. The presentation of (individual) perspectives from the communities of origin on the respective object in publications and exhibitions can foster a multi-dimensional perspective on colonial contexts.

Ways of explaining colonial contexts can be:

- Text panels and/or references to object legends depicting the iconography of the objects
- Thematisation of the colonial reflection aspects of certain objects with transference to others
- Awareness-raising and training of museum attendants and staff responsible for communicating knowledge
- Offer tours on a specific theme and integrate the topic into the work of communicating knowledge and information
- Provision of additional background information (for example in audio guides, media stations, additional digital information for retrieval, print and/or online catalogues)
- Highlight the topic on the website or in connection with the online presentation of collections

RECOMMENDATIONS FOR THE RETURN OF OBJECTS

Demands for the return of cultural objects are very much to the fore in the public discussion on colonialism. The return of objects should not be an end in itself, however. On the contrary, it is one (important) component, when the issue is to review the common history together with people from countries which were once colonised, to make amends for wrongdoings, and find ways to overcome the consequences of colonialism which still endure today. There have been a few isolated requests for the return of cultural objects from the states and communities of origin, but they are – possibly due to a lack of access to registers and publications on German museum holdings – not yet being made on a regular basis. Discussions should be conducted with sensitivity right from the start. It is important to bear in mind that a solution does not necessarily have to end solely with the return of the object. Some communities of origin do not want to have any objects from European museums returned to them, others are interested only in specific groups of objects, e. g. objects with a religious significance, or their return may be controversial within the possible groups of relevance. They are sometimes more interested in long-term access to the objects, exchanges of knowledge, capacity building or being provided with digitalised forms of the objects rather than their physical return. Even when there is a definite desire for objects to be returned, there could at the same time be an interest in further collaboration and exchange. Additional wishes of different kinds (e. g. compensation payments) can also be expressed, whose fulfilment is demanded instead of or in addition to the return of the object. In this context, the needs and interests of the negotiating partners should be determined through discussion on a case-by-case basis. The authors of these Guidelines therefore recommend that museums make clear right from the start that they are prepared to discuss the return of objects but are also willing and open to talk about other solutions.

The question of whether to return an object is a particularly challenging one for museums, both in respect of the decision itself and also its implementation. The decision on returning any object is the responsibility of the museum and the body which oversees it in each case. This is a delicate situation for all those involved. On the one hand, the museum has an obligation to preserve its collection and must therefore consider each return very carefully, as this always involves the deaccessioning of items from a collection. On the other hand, the concerns of those who approach the museum with a request for an object to be returned may be of great political, emotional or sometimes spiritual significance, and this can have a great impact on the discussions. The following comments should therefore be taken as a suggestion as to which aspects may play a role in the decision-making and when the

return of an object can be appropriate. Moreover, we try to provide a practical illustration of the procedural steps which are necessary to successfully conduct discussions on the return of objects and possibly the return itself as smoothly as possible.

When might it be appropriate to return museum objects?

As explained in the chapter on "Collections from Colonial contexts: Legal Aspects" (pp. 95 – 108), only in very rare cases will there be a legally enforceable claim to have an object returned. If, in an individual case, there is nevertheless a legal entitlement to have an object returned, the objects should be handed over if the former owner (or their legal successor) so wishes. In this case, the museum or the body which oversees it has no discretion and should never argue that any possible claims have lapsed / been forfeited. The authors recommend that an expert (lawyers at the museum, the body which oversees the museum, or a lawyer specialising in this field) be consulted when analysing the situation.

If there is no legal right to have an object returned, consideration must be given as to whether a return or another mutually agreeable solution should be entertained for other reasons.

To approach the problem, some initial considerations as to the cases in which the return of cultural objects are currently conducted or recommended would appear to be helpful. First, the horizon should be extended above and beyond the issue of cultural objects from colonial contexts. There are essentially two approaches based on ethical or restitution policy considerations as to why the return of cultural objects may be called for:

1) The cultural object was wrongfully taken from its former owner or keeper. To make amends for this wrongdoing, the cultural object must be returned. The type and significance of the cultural object is irrelevant here.

This is the approach which was followed in particular by the 1998 "Washington Conference Principles on Nazi-Confiscated Art"[136]. If the removal of the object was an act of Nazi persecution, a fair and just solution has to be sought, irrespective of the type of cultural object involved. This was essentially also the approach used in the 2018 report drawn up by F. Sarr and B. Savoy[137]. This approach focuses on the

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136 Washington Principles on Nazi-Confiscated Art on the Website of the German Lost Art Foundation
137 Felwine Sarr, Bénédicte Savoy, The Restitution of African Cultural Heritage. Toward a New Relational Ethics, Paris, 2018.

circumstances of the acquisition. In each case, the circumstances of the acquisition must be clarified as accurately as possible. The investigation of provenance therefore plays an important role here. If the circumstances of the acquisition appear today to be an unacceptable "wrongdoing", the object must be returned.

One difficulty here is to define what should be considered to be such a "wrongdoing". The heterogeneous history of the colonial period certainly makes this difficult. Problematic are also cases where it is now impossible to clarify the circumstances of the acquisition. Some authors have suggested reversing the burden of proof just like the so-called "Handreichung" (handout) recommends in the case of the loss of assets resulting from Nazi persecution [138]: if the acquisition took place in a specific context (Nazi persecution, colonial period), it is assumed that it took place unlawfully, unless the museum can prove the opposite.

This approach is also unsatisfactory in that it focuses on overcoming past injustices, which is a German/European concern, and other aspects, such as the significance which the objects have for the communities of origin, are being lost from sight. Communities of origin sometimes deem it disrespectful when objects are perceived solely in the context of colonial events.

2) Objects are returned because they are of special significance for the former owners or keepers.

This is the fundamental idea of the Native American Graves and Repatriation Act of 1990. This US law provides the Native Americans in the USA with a right to the return of human remains, religious/sacral/ritual objects and those cultural objects which according to the beliefs of the Native Americans cannot be the property of individuals [139]. This fundamental idea is also found in the UN Declaration on the Rights of Indigenous People of 2007 [140]. The UNESCO convention of 1970 [141] does not provide for a right to the return of every illegally exported object either, but only for particularly important cultural objects.

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138 Handreichung zur Umsetzung der Gemeinsamen Erklärung, p. 29. https://www.kulturgutverluste.de/Content/08_Downloads/DE/Handreichung.pdf?__blob=publicationFile&v=3
139 Native American Grave Protection and Repatriation Act (NAGPRA), Public Law 101–601, 101st Congress, 1990.
140 United Nations, Declaration on the Rights of Indigenous Peoples (Resolution 61/295).
141 UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; adopted by the General Conference at its sixteenth session, Paris, 1970.

This approach places the emphasis more on the community of origin and the role or significance of the objects in the community. However, this presents the difficulty of specifying who has the power to define this significance, and whether it is the present significance of the object or the significance at the time the item left the community of origin. One problem with this approach can be that the aspect of restitution becomes less important and the impression is created that past wrongdoings are not to be discussed at all. This issue is also frequently important to the communities of origin, however.

The authors consider a middle course to be the appropriate one, which takes both aspects into account [142]. The return of cultural objects from colonial contexts should therefore be considered when the circumstances of acquisition appear wrong from today's point of view, and also when it is an object which at the time of its removal from the community of origin was of special religious or cultural significance and it has maintained this significance until today or even regained it.

The authors do not consider it appropriate, at least not at present, to arrive at a final prescription or definition of the circumstances of acquisition which are to be considered as wrongful and could thus lead to the return of an object, because of the many different forms of cases and also the very different views of the countries and communities of origin. The fact that colonialism overall represents a system of great structural violence sometimes leads people to conclude that any acquisition during the era of colonialism was wrongful. Most members of the working group cannot subscribe to this view. Ever since contact was first made, objects were manufactured especially for Europeans because of the demand that was identified. Moreover, transfers of objects where all those involved were on equal terms took place even in the colonial setting, with its structural inequality, sometimes embedded in an indigenous system of exchange and the reciprocal presenting of gifts. The authors consider it to be problematic to deny that the communities of origin had any agency and to declare them all to be victims. On the contrary, discussions with the particular community of origin should include asking its view on the historical circumstances and attempts should be made to arrive at a mutually acceptable assessment. Ultimately, every individual case has to be considered according to its own particular merit.

142 A corresponding proposal was made by the Nationaalmuseum van Wereldculturen of the Netherlands in its Guidelines (Return of Cultural Objects: Principles and Process, 2019).

If the legal and ethical standards of the time were already violated when the object was acquired, or if the circumstances under which it was acquired fundamentally contravene today's ethical standards for museum acquisitions, a dialogue with the communities of origin should be sought and a willingness to discuss the return of an object indicated.

This applies to cases in which the collector was aware that their actions were wrong when they appropriated the objects, because, for example, they were taken against the will of the owner. This is particularly the case if the object was taken from the original owner by the use of direct violent force. It must be borne in mind that the wrongful act does not necessarily have to have been committed by the staff of the museum itself or by German citizens. There are also cases in which wrongful acts were committed within the communities of origin as a result of the colonial situation, e. g. because members of the communities of origin acted on behalf of the colonial masters.

The question of when an object has such significance for the community of origin that this fact alone means a return appears appropriate, cannot be generally defined either. Recent human remains are an exception here. Irrespective of the circumstances of acquisition, these should always be repatriated when the community of origin so desires. Otherwise, mutually acceptable solutions should be sought here as well.

It would be a very welcome development if the institutions made the reasoning behind the return of objects transparent so that exemplary cases would be accessible here, which could serve as a guide for future cases.

What should be taken into consideration to ensure that talks about requests for objects to be returned can be conducted in a spirit of mutual trust?

The question of whether objects should be returned can arise as the result of a request for an object to be returned being submitted to the institution by an external party, be it from a community of origin, a country of origin, or individuals/groups of individuals. A museum's own research into objects in its collection may bring circumstances to light which call into question whether an object should remain in the museum, and the museum may contact the community of origin proactively. The following suggestions apply to both cases.

Who should be involved on the German side in considerations/talks on the return of objects?

Good coordination between the German participants is important if the discussions with countries or communities of origin are to run smoothly. The authors therefore recommend the following steps:

- The body which oversees the museum should be involved early on, so that the museum's scope for action can be clarified at an early stage and commitments can be upheld.
- It is also essential to involve the German Foreign Office and the Federal Government Commissioner for Culture and the Media (BKM) as early as possible. This is because, on the one hand, the Federal Government bears exclusive responsibility for foreign affairs under Article 73 of the Basic Law and, on the other, because the Government has comprehensive knowledge of the current political and social situation in the countries of the communities of origin. The competent division at the German Foreign Office (Division 603) should be informed, if necessary via the competent ministry in the appropriate federal state, as should the German embassy responsible. The Federal Government Commissioner for Culture and the Media (BKM, Division K 53) should likewise always be notified.
- In addition, the body which oversees the museum must agree whether and in which way competent authorities of the federal state involved must be informed.

Objects may not be deaccessioned from the collection holdings without a legal basis. The legal basis may be the legal claim of the community of origin, but may alternatively be the statutory right of the body overseeing the museum to deaccession property without a legal obligation to do so on ethical or moral grounds. In the key issues paper of 13 March 2019 [143], the German Federal Government and the federal states confirmed that they would create the necessary budgetary legal provisions if they did not already exist.

Owing to the significance of the objects for the communities of origin, which have, to differing degrees, a bearing on cultural, scientific, religious, economic or political issues, museums need to be especially sensitive when it comes to responding to requests for objects to be returned, and initiating and holding discussions thereon. This is also the reason why museums are obliged to critically examine their own holdings and create the greatest possible transparency.

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143 PDF at https://www.bundesregierung.de/resource/blob/992814/1589206/85c3d309797df4b2257b-7294b018e989/2019-03-13-bkm-anlage-sammlungsgut-data.pdf?download=1ung (German)

How museums deal with people or groups that contact them and the demands they make should be characterised by the following points:

Transparency

In order to ensure a dialogue based on mutual trust about requests for the return of museum items, it is important to establish the greatest possible transparency. This can prevent ill feelings on the part of the applicants. Naturally, this relates first and foremost to the objects in question and their documentation in the particular collection. Access should be as comprehensive as possible, so as not to create the impression that information is being withheld.

In addition, the greatest possible transparency in respect of procedural matters is recommended as well. Information should therefore be provided as early as possible on:

- Who the relevant contacts are at the museum (who should then not be changed unless absolutely necessary);
- What decision-making powers the museum or the body which oversees it has, i. e., who ultimately decides whether an object should be returned;
- What are the expectations vis-à-vis the negotiating partners. For example, what must the negotiating partners provide to establish that they have the authority within their community of origin to conduct the dialogue (cf. p. 151);
- How long the process is expected to last.

Both sides should create transparency. The negotiating partners should be asked to disclose facts and circumstances that may be of importance for the return of an object.

Professional and expeditious consideration of applications

The complex attendant circumstances and issues mean that each individual case must always be considered. A request for an object to be returned should be processed expeditiously. The body which oversees the museum, as the owner of the collection, is called upon to provide the financial resources to ensure that applications can be processed quickly whilst enabling the museum to carry on with its work. This research should be conducted as swiftly as possible, but also as thoroughly as necessary. Museums should not allow themselves to be rushed into making hasty decisions.

Decision-making powers should be clarified as soon as possible in order to ensure the swift processing of applications and, in cases where these powers do not lie with the museum, to involve the competent agencies.

Case-by-case assessment also entails the consultation of experts (ethnologists, lawyers, doctors, anthropologists, ethicists, etc.) to determine the facts if the necessary expertise is not available in the institution concerned. It is also worth considering including experts from the country of origin in the fact-finding process [144]. The case-by-case examination should also include the exercise of discretion and decision-making which is based on the objective criteria of justice, equity and good conscience (cf. the principle of "justice, equity and good conscience" in English case law; in Germany, Section 242 of the German Civil Code) and the approaches to a just and fair solution familiar from cases relating to events which occurred in the era of National Socialism.

Mutual respect and communication on equal terms

The museums should signal that they are prepared to enter into a dialogue, that they take concerns seriously and will treat them with the necessary care. Different attitudes to dealing with such matters from a cultural, religious or academic point of view, especially in the case of culturally sensitive objects, should be taken into consideration and openly discussed. The party making the request/authorised party must always be treated with respect.

Open-ended efforts to find solutions

Alternative solutions to the return of an object (for example, "virtual restitution" [providing objects in digital form], academic collaboration projects regarding the holdings identified as being problematic, [joint] exhibition or publication of provenance research results, permanent loan, joint ownership, joint research projects, exchange for equivalent objects, etc.) should be considered and openly discussed. In cases which are legally or factually complex, other options for conflict resolution, such as mediation, may also be considered (e. g., via ICOM-WIPO Art and Cultural Heritage Mediation).

Who is the right party with whom to discuss the possible return of an object?

Irrespective of whether the question of the return of an object arises from a request submitted to the museum by an external party or is the result of the museum's own research, it is important to clarify with whom the return is to be negotiated and who is ultimately responsible for taking the object into their custody. This can be one of the most difficult challenges in conducting discussions about the return of objects. In the countries and communities of origin there are often different views on who

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144 This is especially relevant when the museum wishes to identify authorised contact persons in the community/ country of origin for the return of the object or if the museum decides against returning an object.

is entitled to conduct such discussions and to whom objects are to be handed over. Differences in opinion on these authorisations arise time and again between the governments of modern-day states and traditional dignitaries. Sometimes, only one particular individual or one group of persons is authorised to take part in such talks even within a community of origin.

All dialogue partners should be asked for their constructive participation in clarifying this issue; this cannot and should not be the sole responsibility of the museum.

As mentioned above, individuals or groups, entire communities of origin, and also territorial authorities or authorities representing bodies of people/individuals (e. g., states, religious communities) are possible partners for discussions. The other parties should be asked to cooperate on the following points:

- Description of the connections/relationship of the party to the object
- Competence of the party to conduct negotiations
- If the party does not claim to be negotiating on its own behalf, documents showing that they are authorised to negotiate should be provided. These can be powers of attorney for individuals on the one hand, or on the other special interest groups can have a mandate from the state, for example, to negotiate such issues.
- If contact is to be made with a foreign state, the first point of contact will usually be its national embassy in Berlin.

Countries of origin

If a foreign state is a negotiating partner, there must be clarification of whether other states need to be contacted, for example because the object can only be assigned to a certain community of origin but not to a geographic area, or the former owner, who is not (no longer) able to assert a claim themself, cannot be assigned with certainty to a specific modern-day country. Whether the state of origin is (at least also) entitled to assert claims to the objects must also be clarified.

Communities of origin

If a museum decides to conduct negotiations with the relevant ethnic group or community of origin, the question of the right to negotiate can be particularly pertinent. This is relatively easy to clarify when there is an elected representation with its own legal status. This is often the case, for example, with the North American First Nations/Native Americans. If the community of origin is not organised or legally recognised in this form, great care must be taken to verify who within the group is entitled to speak on its behalf. In such cases, it will often be advisable to attempt to include government officials from the country in question in the negotiations. This

increases the legal certainty in the event of an object being returned and also helps ensure that the museum does not become embroiled in domestic disputes in a country of origin.

In all cases, it is important to carefully examine the connection between the community of origin and the objects in question. Difficulties may arise because membership of a group has changed over time or communities of origin have merged with other ethnic groups.

Individuals or groups of individuals

As a rule, these can only be the right negotiating partner if they assert claims as the (former or current) owner or are entitled to assert them. In such cases, ownership or the legal succession (inheritance, purchase, gift, etc.) must be analysed.

Please consult the background information (cf. p. 95), on the fundamental verification of ownership. The question of succession should, wherever possible, be clarified by means of documents, register extracts from registry offices and probate courts or, alternatively, church registers or equivalent agencies authorised to issue such documents. The museum should request that the individuals or groups involved provide this information, as this research would place too much strain on a museum's capacities. Where a different legal and/or cultural understanding of relationship or inheritance prevails in the claimant's home country, the dialogue partner should state and provide evidence of this. Various documents, such as affidavits, academic literature, expert reports, photos, etc., may be considered as proof. Should the museum be unable to assess the quality of the evidence, external advice should be sought, for example an enquiry should be made of the Federal Foreign Office or the embassy of the country in question.

If an individual proves that they have a claim to an object, but other persons also have rights with respect to the object, they should demonstrate that they are authorised by the other rightful claimants. This ensures that the museum is not drawn into any disputes within a group of claimants. In the case of individual claimants from abroad, the museum should insist in cases of doubt that the relevant German embassy legalises and authenticates the foreign documents (Sections 13 and 14 Consular Act).

Where an individual is neither the owner nor entitled to represent all owners, they should only be allowed to negotiate/undertake preliminary negotiations in very exceptional cases.

What further steps are recommended when a decision has been made to return objects?

When the museum has decided on the return of a museum object, this should be agreed in writing with the negotiating partner. The question of repatriation costs also needs to be clarified here. It should furthermore be documented that upon return of the objects all claims with regard to the specific objects are settled.If relevant, information on how they should be treated from the museum's expert point of view should be included, for example whether they have been restored, damaged or contaminated with pollutants. If applicable, stipulations can be useful which regulate the subsequent access to the object by certain sections of the population.

The return of many museum objects is accompanied by a handover ceremony. This ceremony should be designed and organised with the negotiating parties on an equal footing with regard to both content and procedure. How a restitution ceremony is conducted can be highly charged politically, especially if governments are involved in the negotiations or if the return is used by some of those involved to formulate further political demands, either in relation to the former colonial power or other parties involved in the country of origin.

In order to avoid any disagreements, the expectations of all parties involved with regard to the content and conduct of the handover should be clarified in advance. The following questions should be considered:

- Who exactly are the parties responsible for the handover and its execution? Is this the museum on the one hand and an individual person or an ethnic or social group on the other? Or is it the Federal Republic of Germany and the modern-day country in which the community of origin lives?
- Who exactly will take part in the handover, e.g. representatives of the country of origin, representatives of the community of origin? How should these other participants be involved and what role do they play in the handover?
- What are the expectations regarding statements/speeches by the parties involved?
- Is an apology or acknowledgement of wrongdoing expected? Who is authorised to apologise or acknowledge wrongdoing in such a case and on whose behalf (what is the political dimension)?
- What are the expectations regarding ceremonies and can these be fulfilled (e. g. fire prevention, protected flora and fauna)?

Restitution ceremonies will often involve political representatives supported in their work by protocol officers. These representatives or protocol officers can also help museum representatives to prepare the handover.

What should be done if the return of an object is considered appropriate on legal, ethical/moral or other grounds, but is not possible (e. g., because the rightful owner cannot be identified)?

Where the above-described circumstances indicate that the return of an object is appropriate but this is not possible, for example because it is not possible to conclusively establish to whom the object would have to be returned, or because the German Foreign Office states that there are compelling social, political or practical reasons which temporarily or permanently preclude it, the object must remain in the museum collection under conditions which conserve it and are ethically appropriate. The museum can transfer the object to another museum (see above). Whether such objects are displayed in exhibitions should be decided on a case-by-case basis.

What aspects can be relevant when collection items are to remain in the museum after being returned?

It is conceivable that the ownership of objects from contexts of formal colonial rule is transferred back to the country of origin/community of origin as a result of justified legal and/or ethical demands for their return, but both sides mutually agree that the objects should nevertheless remain in the museum. It would be particularly conceivable that the parties agree that the objects remain on loan, but a reacquisition by purchase or donation would of course also be possible.

In current discourses, the term "shared/joint custody", i. e. a shared stewardship of objects in museums with countries of origin/communities of origin is being discussed. However, this is not a predefined legal construct. What is meant is that both sides – regardless of the actual ownership – assume joint responsibility for the objects. Both parties enter into a process of negotiation on equal terms and agree on the conditions that shall apply to the storage and presentation of and the research into the objects in question, with corresponding agreements being concluded. In addition to the establishment of ownership, this also includes any access restrictions, access possibilities for the (former) owners and stipulations for digitising the objects.

OVERVIEW OF FORMAL COLONIAL RULE

This overview serves the temporal and geographical classification of formal colonial rule. The given dates indicate a time span in which a colonial power maintained colonies, protectorates, or bases (trade, military) and factories in certain regions [145].

The overview also includes regions which were under Chinese rule, or that of the Ottoman Empire or Russia. These relationships between ruler and ruled resemble those of colonial rule, but are nevertheless lacking in current representations of colonial rule. The regions are often also considered to be imperial expansions (marked tbd [to be discussed] in the overview). The inhabitants of these occupied regions did not always view the rule itself as supremacy, exploitation of resources and stagnation of their own culture, and thus – comparable with European colonialism – as imperial rule, but rather as "protection" against European colonialism.

During the decline of the Ottoman Empire, rule which corresponded to colonial rule was sometimes imposed outside its core area. The European countries got involved here as well and tried to assert their political "colonial" interests. Since becoming a nation state at the latest (1871), Germany helped itself to parts of the Ottoman Empire, to secure the resource exploitation (looting) of the Middle Eastern regions for itself. Objects which originate from the modern-day countries of the Middle East (Iraq, Syria, Lebanon, Jordan, Israel, Palestine/West Bank) and which originate from the country of origin after 1856 (from 1871 onwards at the latest) are to be treated in exactly the same way as objects from formal colonial rule.

The compilation below also includes areas subject to League of Nations mandates (after the First World War) and United Nations mandates (after the Second World War), as well as areas that even today legally have the status of overseas territories (including overseas regions, overseas departments and outlying areas) that are consequences of colonialism. The name says nothing about whether the respective population is now voluntarily or involuntarily under the control of the former colonial power.

As a rule, the overview does not contain territories occupied by another country during the duration of a war. Therefore, the territories occupied by Germany during the National Socialist regime are not included here.

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145 Since the beginning of the 20th century, the term "non-self-governing territories" has been used as a synonym for colonies/protected areas in international law (cf. UN https://www.un.org/en/decolonization/nonselfgov.shtml).

More concrete historical research is required in individual cases, both in terms of temporal and geographical limits as well as the colonial structure (exploitation colony, trade and military enclave, settlement colony, protectorate).

The overview does not claim to be complete.

Continent	Colony	Current name of territory	Period of time	Colonial power
Africa	Algeria	Algeria	1830–1962	France
Africa	Algiers (Algeria)	Algiers (Algeria)	1536–1830	Ottoman Empire [tbd]
Africa	Aneho (Togo)	Aneho (Togo)	1731–1760	Netherlands
Africa	Anglo-Egyptian Sudan	Sudan incl. South Sudan	1821–1885* 1899–1914	Ottoman Empire [tbd] (*under Egyptian rule)
Africa	Anglo-Egyptian Sudan	Sudan incl. South Sudan	1916–1956	Great Britain
Africa	Angola	Angola	1575–1975	Portugal
Africa	Angola (coastal areas)	Angola	1641–1648	Netherlands
Africa	Annaba (Bona, Algeria)	Annaba (Bona, Algeria)	1535–1541 1636–1641	Spain
Africa	Annobón (Equatorial Guinea)	Annobón (Equatorial Guinea)	1474–1778	Portugal
Africa	Annobón (Equatorial Guinea)	Annobón (Equatorial Guinea)	1778–1968	Spain
Africa	Antongil Bay (Madagascar)	Antongil Bay (Madagascar)	1641–1647	Netherlands
Africa	Appa (Ekpé, Benin)	Appa (Ekpé, Benin)	1732–1736	Netherlands
Africa	Arguin (island off the coast of Mauritania)	Arguin (Mauritania)	1448–1633	Portugal
Africa	Arguin (island off the coast of Mauritania)	Arguin (Mauritania)	1633–1685 1722–1723	Netherlands
Africa	Arguin (island off the coast of Mauritania)	Arguin (Mauritania)	1685–1721	Brandenburg/Prussia
Africa	Arguin (part of the colony of Mauritania)	Arguin (Mauritania)	1721–1722 1724–1728 1904–1960	France
Africa	Badagry (Benin)	Nigeria	1737–1748	Netherlands
Africa	Bechuanaland	Botswana	1885–1966	Great Britain
Africa	Béjaïa (Bougie, Algeria)	Béjaïa (Bougie, Algeria)	1510–1555	Spain
Africa	Benin (British protectorate from 1852)	Nigeria	1486–1852	Portugal
Africa	Benin City (Benin)	Nigeria	1705–1736	Netherlands
Africa	Bioko (Fernando Póo, Equatorial Guinea)	Bioko (Equatorial Guinea)	1474–1778	Portugal
Africa	Bizerte (Tunisia)	Bizerte (Tunisia)	1535–1574	Spain
Africa	British Bechuanaland, united with Cape Colony in 1895	South Africa	1885–1895	Great Britain
Africa	British Cameroons	Cameroon	1919–1961	Great Britain
Africa	British East Africa	Kenya	1895–1963	Great Britain
Africa	British Somaliland	Northern Somalia	1884–1960	Great Britain
Africa	British Togoland	Ghana	1918–1957	Great Britain

Continent	Colony	Current name of territory	Period of time	Colonial power
Africa	British West Africa	Sierra Leone, Nigeria, Gambia, Ghana	1780s to 1960s	Great Britain
Africa	Cameroon	Cameroon	1919–1960	France
Africa	Cape Colony	South Africa	1665–1806	Netherlands
Africa	Cape Colony	South Africa	1806–1910	Great Britain
Africa	Cape Verde Islands	Cape Verde Islands	1456/61–1975	Portugal
Africa	Cap-Vert (Senegal)	Cap-Vert (Senegal)	1617–1700	Netherlands
Africa	Ceuta (Morocco)	Ceuta (Morocco)	1415–1668	Portugal
Africa	Chad (part of French Equatorial Guinea)	Chad	1900–1960	France
Africa	Comoros	Comoros	1841–1975	France
Africa	Congo (part of the colony of French Equatorial Africa)	Congo	1885–1960	France
Africa	Constantine (Algeria)	Constantine (Algeria)	1637–1830	Ottoman Empire [tbd]
Africa	Côte d'Ivoire	Côte d'Ivoire	1843–1960	France
Africa	Dahomey (coastal kingdom on the Bay of Benin)	Republic of Benin	1892–1960	France
Africa	Danish Guinea (West African Gold Coast)	Ghana	1658–1850	Denmark
Africa	Darfur (Sudan)	Darfur (Sudan)	1874–1883	Ottoman Empire [tbd]
Africa	Darfur (Sudan; affiliated to Anglo-Egyptian Sudan)	Darfur (Sudan)	1916–1956	Great Britain
Africa	Delagoa Bay (Mozambique)	Maputo Bay	1721–1730	Netherlands
Africa	Delagoa Bay (Mozambique)	Maputo Bay	1777–1781	Austria-Hungary
Africa	Djerba (Tunisia)	Djerba (Tunisia)	1551–1560	Spain
Africa	Egypt	Egypt	1517–1798 1801–1914	Ottoman Empire [tbd]
Africa	Egypt	Egypt	1798–1801	France
Africa	Egypt (British consulate general from 1882)	Egypt	1914–1922	Great Britain
Africa	Epe (Benin)	Nigeria	1732–1755	Netherlands
Africa	Equatoria	South Sudan	1871–1889	Ottoman Empire [tbd]
Africa	Eritrea	Eritrea	1882–1941	Italy
Africa	Fezzan	Fezzan (province in Libya)	1842–1912	Ottoman Empire [tbd]
Africa	Fezzan	Fezzan (province in Libya)	1943–1951	France
Africa	French Equatorial Africa	Republic of the Congo, Gabon, Chad, Central African Republic	1910–1958	France
Africa	French Somali Coast/ Territory of Afars and the Issas	Djibouti	1896–1977	France
Africa	French Sudan	Mali	1890–1902 1920–1960	France
Africa	Gabon	Gabon	1854–1910	France
Africa	Gambia (coastal base since 1664)	Gambia	1783–1965	Great Britain
Africa	German East Africa	Tanzania, Rwanda, Burundi and parts of Mozambique	1885–1919	German Empire
Africa	German Somali Coast	Somalia (parts)	1885–1918	German Empire
Africa	German South West Africa	Namibia and parts of Botswana	1884–1919	German Empire

Continent	Colony	Current name of territory	Period of time	Colonial power
Africa	German West Africa	Togo, eastern Ghana, Cameroon, parts of French Guinea and territory at the West African coast east of Lagos	1884–1919	German Empire
Africa	Gold Coast	Ghana	1598–1872	Netherlands
Africa	Gold Coast (coastal base since 1621)	Ghana	1874–1960	Great Britain
Africa	Grande Comore (Comoros)	Grande Comore (Comoros)	1500–1505	Portugal
Africa	Guinea	Guinea	1885–1958	France
Africa	Honaine (Oney, Algeria)	Honaine (Oney, Algeria)	1531–1534	Spain
Africa	Italian East Africa (A.O.I.)	Eritrea, Somalia, Ethiopia	1935–1941	Italy
Africa	Italian Libya	Libya	1521–1911	Ottoman Empire [tbd]
Africa	Italian Libya	Libya	1911–1945	Italy
Africa	Italian Libya	Libya	1945–1951	Great Britain
Africa	Italian Somaliland	Somalia (southern and central parts)	1888–1950	Italy (UN trust territory from 1950–1960, then independence)
Africa	Jaquim (Benin)	Nigeria	1726–1734	Netherlands
Africa	Kordofan (Sudan)	Kordofan (Sudan)	1821–1883	Ottoman Empire [tbd]
Africa	Lado Enclave	South Sudan and Uganda	1894–1910	Belgium
Africa	Larache (Morocco)	Larache (Morocco)	1610–1689	Spain
Africa	Lebanon	Lebanon	1920–1943	France
Africa	Lebanon (Beirut, Sidon)	Lebanon (Beirut, Sidon)	1510–1860 1915–1919	Ottoman Empire [tbd]
Africa	Loango (Boary, Congo)	Congo	1648–1686 1721–1726	Netherlands
Africa	Loango (Boary, Congo)	Congo	1883–1960	France
Africa	Madagascar	Madagascar	1883–1960	France
Africa	Mahdia (Tunisia)	Mahdia (Tunisia)	1550–1553	Spain
Africa	Malindi (Kenya)	Malindi (Kenya)	1500–1630	Portugal
Africa	Massawa (Eritrea)	Massawa (Eritrea)	1557–1884	Ottoman Empire [tbd]
Africa	Mauritania	Mauritania	1904–1960	France
Africa	Mauritius	Mauritius	1598–1710	Netherlands
Africa	Mauritius	Mauritius	1715–1810	France
Africa	Mauritius	Mauritius	1810–1968	Great Britain
Africa	Mehdya (La Mamora, Morocco)	Mehdya (La Mamora, Morocco)	1614–1681	Spain
Africa	Mers El Kébir (Mazalquivir, Algeria)	Mers El Kébir (Mazalquivir, Algeria)	1505–1732 1708–1792	Spain
Africa	Mogadishu (Somalia)	Mogadishu (Somalia)	1875	Ottoman Empire [tbd]
Africa	Mombasa (Kenya)	Mombasa (Kenya)	1500–1729	Portugal
Africa	Mombasa (Kenya)	Mombasa (Kenya)	1585–1588	Ottoman Empire [tbd]
Africa	Monastir (Tunisia)	Monastir (Tunisia)	1540/41–1550	Spain
Africa	Morocco	Morocco	1911–1956	France
Africa	Morocco regions/cities: Ksar el-Kebir (Alcácer-Ceguer), Asilah, Azemmour, El Jadida (Mazagão), Mogador (Essaouira), Safi, Agadir	Morocco regions/cities: Ksar el-Kebir (Alcácer-Ceguer), Asilah, Azemmour, El Jadida (Mazagão), Mogador (Essaouira), Safi, Agadir	1458–1769	Portugal
Africa	Mozambique, aka Portuguese East Africa	Mozambique	1502–1975	Portugal

Continent	Colony	Current name of territory	Period of time	Colonial power
Africa	Natal (southern Africa, part of Cape Colony)	KwaZulu-Natal (South Africa)	1843–1910	Great Britain
Africa	Nigeria	Nigeria	1849–1960	Great Britain
Africa	Northern Rhodesia	Zambia	1911–1964	Great Britain
Africa	Nyasaland (southern Africa)	Malawi	1891–1964	Great Britain
Africa	Oran (Algeria)	Oran (Algeria)	1509–1708 1732–1792	Spain
Africa	Oran (Algeria)	Oran (Algeria)	1708–1732 1792–1831	Ottoman Empire [tbd]
Africa	Orange River	South Africa	1900–1910	Great Britain
Africa	Ouadane (Oden, Mauritania)	Ouadane (Oden, Mauritania)	1487–16th century	Portugal
Africa	Ouidah (Benin)	Ouidah (Benin)	1670s to 1680s	Netherlands
Africa	Ouidah (Benin)	Ouidah (Benin)	1680–1961	Portugal
Africa	Peñón of Algiers (Algeria)	Peñón of Algiers (Algeria)	1510–1529 1573–1574	Spain
Africa	Perejil Island	Perejil Island	1663 to date	Spain
Africa	Portuguese Congo	Angola	1883–1975	Portugal
Africa	Portuguese Gold Coast (Accra, Ford Duma, Fort San Sebastian, Fort São Jorge da Mina, Cape Coast Castle, Fort Dom Pedro, Fort Cará)	Ghana	1482–1690	Portugal
Africa	Portuguese Guinea	Guinea-Bissau	1614–1974	Portugal
Africa	Réunion	Réunion (French overseas department)	1640 to date	France
Africa	Rwanda-Burundi	Rwanda and Burundi	1916–1962	Belgium
Africa	Saint Helena	Saint Helena (British overseas territory)	1501–1600	Portugal
Africa	Saint Helena	Saint Helena (British overseas territory)	1600–1651	Netherlands
Africa	Saint Helena	Saint Helena (British overseas territory)	1659 to date	Great Britain
Africa	Sao Tome	Sao Tome	1599–1641	Netherlands
Africa	Sao Tome and Principe	Sao Tome and Principe	1471/72–1975	Portugal
Africa	Senegal	Senegal	1612–1960	France
Africa	Senegambia	Senegambia	1765–1783	Great Britain
Africa	Seychelles	Seychelles	1811–1976	Great Britain
Africa	Seychelles	Seychelles	1756–1811	France
Africa	Sfax (Tunisia)	Sfax (Tunisia)	1540/41–1550	Spain
Africa	Sierra Leone	Sierra Leone	1791–1961	Great Britain
Africa	Sousse (Tunisia)	Sousse (Tunisia)	1540/41–1550	Spain
Africa	South Africa (dominion)	South Africa	1910–1931	Great Britain
Africa	South West Africa (League of Nations mandate of the Union of South Africa, end of mandate 1946, then occupation)	Namibia	1919–1990	Great Britain
Africa	Southern Rhodesia	Zimbabwe	1891–1965	Great Britain
Africa	Spanish Guinea	Equatorial Guinea	1788–1968	Spain
Africa	Spanish Morocco (Rif)	Parts of Morocco	1912–1956	Spain

Continent	Colony	Current name of territory	Period of time	Colonial power
Africa	Spanish West Africa (association of Ifni and Spanish Sahara)	Western Sahara (largely annexed by Morocco)	1934(46)–1958	Spain
Africa	Swedish Gold Coast (individual bases around Cabo Corso and Accra)	Ghana	1650–1659	Sweden
Africa	Tanganyika	Tanzania	1922–1961	Great Britain
Africa	Tangier (Morocco)	Tangier (Morocco)	1471–1661	Portugal
Africa	The Belgian Congo	The Democratic Republic of the Congo	1885–1960	Belgium
Africa	Togo	Togo	1919–1960	France
Africa	Transvaal (South Africa)	Province of South Africa	1902–1910	Great Britain
Africa	Tripoli (Libya)	Tripoli (Libya)	1509–1530/ 1551	Spain
Africa	Tripoli (Libya)	Tripoli (Libya)	1551–1912	Ottoman Empire [tbd]
Africa	Tunis (Tunisia)	Tunis (Tunisia)	1531–1531 1574–1912	Ottoman Empire [tbd]
Africa	Tunis (Tunisia)	Tunis (Tunisia)	1535–1570 1573–1574	Spain
Africa	Tunisia	Tunisia	1881–1956	France
Africa	Ubangi-Shari (Oubangui-Chari, part of the colony of French Equatorial Guinea)	Central African Republic	1910–1958	France
Africa	Uganda	Uganda	1896–1962	Great Britain
Africa	Upper Senegal and Niger	Mali	1904–1920	France
Africa	Upper Volta	Burkina Faso (full independence not until 1960)	1919–1932	France
Africa	Wituland (East Africa)	Kenya	1885–1919	German Empire
Africa	Zanzibar (Tanzania, semi-autonomous)	Zanzibar (Tanzania, semi-autonomous)	1503–1698	Portugal
Africa	Zanzibar (Tanzania, semi-autonomous)	Zanzibar (Tanzania, semi-autonomous)	1890–1963	Great Britain
Africa	Zeila (Somalia)	Zeila (Somalia)	1548–1884	Ottoman Empire [tbd]
Africa	Ziguinchor (Senegal, handed over to France in 1888)	Ziguinchor (Senegal)	1645–1888	Portugal
America	Acadia (Canada)	Acadia (Canada)	1604–1710	France
America	Alaska	Alaska (part of the USA since 1867, federal state since 1959)	1741–1867	Russia [tbd]
America	Anguilla	Anguilla (British overseas territory since 1980)	1650 to date	Great Britain
America	Antigua and Barbuda	Antigua and Barbuda	1632–1981	Great Britain
America	Bahamas	Bahamas	1717–1973	Great Britain
America	Barbados	Barbados	1536–1620	Portugal
America	Barbados	Barbados	1625–1966	Great Britain
America	Bermuda	Bermuda (British overseas territory)	1620 to date	Great Britain
America	Brazil	Brazil	1500–1822	Portugal
America	British Columbia	British Columbia (Canada)	1848–1871	Great Britain
America	British Guiana	Guiana	1831–1966	Great Britain
America	British Honduras	Belize	1798–1981	Great Britain
America	British Virgin Islands	British Virgin Islands (British overseas territory)	1672 to date	Great Britain

Continent	Colony	Current name of territory	Period of time	Colonial power
America	Canada (dominion from 1867)	Canada	1867–1931	Great Britain
America	Carolina	Carolina (USA)	1663–1776	Great Britain
America	Cayman Islands	Cayman Islands (British overseas territory)	1503–1661	Spain
America	Cayman Islands	Cayman Islands (British overseas territory)	1661 to date	Great Britain
America	Cisplatina	Uruguay	1808–1822	Portugal
America	Colónia do Sacramento (Uruguay)	Colónia do Sacramento (Uruguay)	1680–1777 1822–1826	Portugal
America	Colónia do Sacramento (Uruguay)	Colónia do Sacramento (Uruguay)	1777–1807	Spain
America	Connecticut	Connecticut (USA)	1639–1776	Great Britain
America	Cuba	Cuba	1492–1762 1763–1898	Spain
America	Cuba	Cuba (until 1934: USA had a right to intervene in Cuba's internal affairs)	1898–1901	USA
America	Danish West Indies (Caribbean: Lesser Antilles, Virgin Islands)	Lesser Antilles, Virgin Islands (US-American overseas territory)	1666–1917	Denmark
America	Delaware	Delaware (USA)	1664–1776	Great Britain
America	Dominica	Dominica	1748–1763	France
America	Dominica	Dominica	1763–1978	Great Britain
America	Dutch Brazil	Brazil (northeast)	1624–1654	Netherlands
America	Dutch Virgin Islands	British Virgin Islands	1625–1672	Netherlands
America	Equinoctial France	Maranhão, Brazil	1612–1615	France
America	Falkland Islands	Falkland Islands (British overseas territory)	1764–1767	France
America	Falkland Islands	Falkland Islands (British overseas territory)	1833 to date	Great Britain
America	Florida	Florida (USA)	1513–1763	Spain
America	Florida	Florida (USA)	1763–1776	Great Britain
America	Fort Caroline	Fort Caroline (Jacksonville, Florida, USA)	1564–1568	France
America	Fort Ross	Fort Ross (California, USA)	1812–1841	Russia [tbd]
America	France Antarctique	Territory between Rio de Janeiro and Cabo Frio, Brazil	1555–1567	France
America	French Guiana	French Guiana (French overseas department since 1946)	1801–1809 1817 to date	France
America	French Guiana	French Guiana (French overseas department since 1946)	1809–1817	Portugal
America	French West Indies	French Guiana (French overseas department since 1946)	1635 to date	France
America	Georgia	Georgia (USA)	1732–1776	Great Britain
America	Greenland	Greenland	1921–1979	Denmark
America	Grenada	Grenada	1649–1763	France
America	Grenada	Grenada	1763–1974	Great Britain
America	Guadeloupe	Guadeloupe (French overseas department since 1946)	1635–1759 1763–1794 1794–1810 1814 to date	France

Continent	Colony	Current name of territory	Period of time	Colonial power
America	Hispaniola	Haiti and the Dominican Republic	1492–1697/1795 1808–1822 1861–1865	Spain
America	Jamaica	Jamaica	1509–1655	Spain
America	Jamaica	Jamaica	1655–1962	Great Britain
America	Labrador	Labrador (Canada)	1499–1526	Portugal
America	Louisiana	Louisiana (USA)	1683–1763 1800–1803	France
America	Maryland	Maryland (USA)	1634–1776	Great Britain
America	Mississippi Territory	Mississippi Territory (USA)	1783–1795	Spain
America	Montserrat	Montserrat (part of the West Indies, Lesser Antilles, British overseas territory since 1962)	1632 to date	Great Britain
America	Mosquito Coast	Mosquito Coast (Carribean coast of Nicaragua)	1655–1850	Great Britain
America	Navassa	Navassa (United States Minor Outlying Island)	Since 1857	USA
America	Netherlands Antilles	Netherlands Antilles (Dutch overseas territory since 1964)	1948 to date	Netherlands
America	Netherlands Guiana	Suriname and Guiana	1616–1775	Netherlands
America	New Brunswick	New Brunswick (Canada)	1713–1867	Great Britain
America	New France	Acadia, Hudson Bay, New-foundland, Louisiana, territory around Saint Lawrence River)	1534–1759	France
America	New Hampshire	New Hampshire (USA)	1629–1776	Great Britain
America	New Jersey	New Jersey (USA)	1664–1776	Great Britain
America	New Netherland	Region on the US East Coast	1624–1667	Netherlands
America	New Sweden	Delaware, Pennsylvania, New Jersey (USA)	1638–1655	Sweden
America	New York	New York (USA)	1664–1776	Great Britain
America	Newfoundland (dominion from 1907)	Newfoundland (Canada)	1610–1931	Great Britain
America	Nootka Territory	Nootka Territory (British Columbia, Canada)	1789–1794	Spain
America	Northwest Territories	Northwest Territories (Canada)	1859–1870	Great Britain
America	Nova Scotia	Nova Scotia (Canada)	1713–1867	Great Britain
America	Pennsylvania	Pennsylvania (USA)	1681–1776	Great Britain
America	Prince Edward Island	Prince Edward Island (Canada)	1763–1873	Great Britain
America	Puerto Rico	Puerto Rico (free associated territory of the USA since 1952)	1898 to date	USA
America	Rhode Island and Providence	Rhode Island and Providence (USA)	1636–1776	Great Britain
America	Rupert's Land	Rupert's Land (Canada)	1670–1870	Great Britain
America	Saint Kitts and Nevis	Saint Kitts and Nevis	1623–1983	Great Britain
America	Saint Lucia	Saint Lucia	1650–1814	France
America	Saint Lucia	Saint Lucia	1814–1979	Great Britain
America	Saint Pierre and Miquelon	Saint Pierre and Miquelon (French overseas collectivity since 2003)	1670–1778 1813 to date	France

Continent	Colony	Current name of territory	Period of time	Colonial power
America	Saint Vincent and the Grenadines	Saint Vincent and the Grenadines	1719–1783	France
America	Saint Vincent and the Grenadines	Saint Vincent and the Grenadines	1783–1979	Great Britain
America	Saint-Barthélemy	Saint-Barthélemy (French overseas collectivity since 2007)	1784–1877	Sweden
America	Saint-Domingue	Haiti	1697–1804	France
America	Terra Nova	Terra Nova (Newfoundland, Canada)	1521–1526	Portugal
America	Tobago	Trinidad and Tobago	1498–1814	A minimum of 33 different owners. Only extended periods of colonial power are mentioned as follows:
America	Tobago	Trinidad and Tobago	1628–1634	Netherlands
America	Tobago	Trinidad and Tobago	1762–1781 1814–1889	Great Britain
America	Tobago	Trinidad and Tobago	1781–1793	France
America	Trinidad	Trinidad and Tobago	1802–1889	Great Britain
America	Trinidad	Trinidad and Tobago	1552–1802	Spain
America	Trinidad and Tobago (unified in 1899)	Trinidad and Tobago	1889–1962	Great Britain
America	Vancouver Island	Vancouver Island (Canada)	1848–1871	Great Britain
America	Viceroyalty of New Granada	Colombia, Venezuela, Ecuador and Panama	1717–1724 1739–1810	Spain
America	Viceroyalty of New Spain	Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Venezuela, Palau, Guam, the Carribean Islands, as well as states in northern America and Asia	1535–1821	Spain
America	Viceroyalty of Peru (initially founded in 1542 as the Viceroyalty of New Castile, it contained all of Spanish-ruled South America (including Panama) except Venezuela; in 1776, it was subdivided into the Viceroyalties of Peru and Río de la Plata)	Peru, Chile, Panama, Bolivia, Paraguay, Uruguay, Argentina, parts of Colombia and Ecuador	1542–1823	Spain
America	Viceroyalty of the Río de la Plata	Argentina, Bolivia, Uruguay and Paraguay	1776–1811	Spain
America	Virginia	Virginia (USA)	1607–1776	Great Britain
America	West Louisiana	West Louisiana (USA)	1762–1800	Spain
Asia	(northern) Laos	(northern) Laos	1945–1946	China
Asia	Abkhazia	Abkhazia (Georgia)	1578–1810	Ottoman Empire [tbd]
Asia	Aden (Yemen)	Aden (Yemen)	1538–1839	Ottoman Empire [tbd]
Asia	Aden (Yemen)	Aden (Yemen)	1839–1967	Great Britain
Asia	al-Hasa (Saudi Arabia)	al-Hasa (Saudi Arabia)	1550–1670 1871–1913	Ottoman Empire [tbd]
Asia	Amur	Amur	1689–1858	China [tbd]

Continent	Colony	Current name of territory	Period of time	Colonial power
Asia	Arad Fort (Bahrain)	Arad Fort (Bahrain)	1521–1602	Portugal
Asia	Armenia	Armenia	1829–1918	Russia [tbd]
Asia	Asir (Saudi Arabia)	Asir (Saudi Arabia)	1871–1914	Ottoman Empire [tbd]
Asia	Azerbaijan	Azerbaijan	1784–1918	Russia [tbd]
Asia	Bahrain	Bahrain	1820–1971	Great Britain
Asia	Baku (Azerbaijan)	Baku (Azerbaijan)	1516–1806	Ottoman Empire [tbd]
Asia	Bencoolen	(parts of) Indonesia	1825–1949	Netherlands
Asia	Bhutan	Bhutan	1772–1910	Great Britain
Asia	British Bencoolen	(parts of) Indonesia	1685–1825	Great Britain
Asia	British Indian Ocean Territory	Chagos Archipelago (British overseas territory)	1814 to date	Great Britain
Asia	Brunei	Brunei	1888–1984	Great Britain
Asia	Burma	Myanmar	1885–1948	Great Britain
Asia	Ceylon	Sri Lanka	1517–1658	Portugal
Asia	Ceylon	Sri Lanka	1796–1948	Great Britain
Asia	Cilicia	Adana and Mersin (Turkey)	1919–1921	France
Asia	Colombo	Colombo	1658–1796	Netherlands
Asia	Coromandel Coast (India)	Coromandel Coast (India)	1606–1825	Netherlands
Asia	Chōsen	Korea	1910–1948	Japan, already protectorate from 1905 onwards
Asia	Cyrenaica (eastern Libya)	Cyrenaica (eastern Libya)	1521–1911	Ottoman Empire [tbd]
Asia	Dagestan	Dagestan (Russia)	1645–1730	Ottoman Empire [tbd]
Asia	Dejima (island off the coast of Nagasaki)	Dejima (Japan)	1641–1857	Netherlands, trading post with approval of the Japanese government
Asia	Dutch India	Republic of Indonesia	1602–1949(54)	Netherlands (under Dutch sovereignty from 1949–1954)
Asia	East Turkistan (Xinjiang)	Uyghur autonomous region Xinjiang (PR China)	1757–1876	China [tbd]
Asia	Federated Malay States	Malaysia	1795–1948	Great Britain
Asia	Formosa	Taiwan (or Republic of China)	1626–1646	Spain
Asia	French India	(parts of) India	1673–1962	France
Asia	French Indochina	Laos, Cambodia and Viet Nam	1863–1954	France
Asia	Gamru	Bandar Abbas (Iran)	16th century–1615	Portugal
Asia	Georgia	Georgia	1578–1801	Ottoman Empire [tbd]
Asia	Georgia	Georgia	1738–1918	Russia [tbd]
Asia	Guangzhouwan	Guangzhouwan (China)	1899–1943	France
Asia	Hejaz	Hejaz (Saudi Arabia)	1517–1803 1812–1916	Ottoman Empire [tbd]
Asia	H i An	H i An (Viet Nam)	1636–1741	Netherlands
Asia	Hong Kong	Hong Kong (Special Administrative Region of the People's Republic of China)	1841–1997	Great Britain
Asia	Hormuz	Hormuz (Iran)	1507–1622	Portugal
Asia	India	India	1756–1947	Great Britain
Asia	Iraq	Iraq	1920–1932	Great Britain
Asia	Iraq (Baghdad, Basra, Mosul)	Iraq (Baghdad, Basra, Mosul)	1534–1623 1638–1918	Ottoman Empire [tbd]
Asia	Jerusalem	Jerusalem (Israel)	1516–1918	Ottoman Empire [tbd]

Continent	Colony	Current name of territory	Period of time	Colonial power
Asia	Jiaozhou (China)	Southern part of Shandong province (China)	1898–1914	German Empire, on lease from China
Asia	Jordan	Jordan	1516–1918	Ottoman Empire [tbd]
Asia	Karabakh	Azerbaijan	1557–1730	Ottoman Empire [tbd]
Asia	Kars (Turkey)	Kars (Turkey)	1878–1918	Russia [tbd]
Asia	Kartli (Georgia)	Kartli (Georgia)	1727–1735	Ottoman Empire [tbd]
Asia	Kazakhstan	Kazakhstan	1865–1918	Russia [tbd]
Asia	Korea (protectorate from 1905)	Korea	1910–1945	Japan
Asia	Kuril Islands	Kuril Islands (Russia)	1945 to date	Russia [tbd]
Asia	Kuwait	Kuwait	1534–1914	Ottoman Empire [tbd]
Asia	Kuwait	Kuwait	1899–1961	Great Britain
Asia	Kyrgyzstan	Kyrgyzstan	1865–1918	Russia [tbd]
Asia	Lebanon	Lebanon	1920–1943	France
Asia	Lorestan (Iran)	Lorestan (Iran)	1587–1639	Ottoman Empire [tbd]
Asia	Macao	Macao (Special Administrative Region of the People's Republic of China)	1553–1999	Portugal
Asia	Malabar Coast (India)	Malabar Coast (India)	1661–1790	Netherlands
Asia	Malacca (Malaysia)	Malacca (Malaysia)	1511–1641	Portugal
Asia	Malacca (Malaysia)	Malacca (Malaysia)	1644–1824	Netherlands
Asia	Maldives	Maldives	1558–1573	Portugal
Asia	Maldives	Maldives	1654–1796	Netherlands
Asia	Maldives	Maldives	1796–1965	Great Britain
Asia	Maluku Islands (Ambon, Bacan, Banda Islands, Ternate)	Maluku Islands (Ambon, Bacan, Banda Islands, Ternate)	1512–1861	Portugal
Asia	Manchukuo	Three north-eastern provinces of the PR China	1931–1945	Japan
Asia	Manchuria	Manchuria (China)	1858–1905	Russia [tbd]
Asia	Mongolia	Mongolia	1688–1911	China
Asia	Muscat (Oman)	Muscat (Oman)	1507–1648	Portugal
Asia	Muscat (Oman)	Muscat (Oman)	1507–1650	Portugal
Asia	Muscat (Oman)	Muscat (Oman)	1550–1551 1581–1588	Ottoman Empire [tbd]
Asia	Nagasaki	Nagasaki (Japan)	1571–1638	Portugal, trading post with Japanese approval
Asia	Najd	Najd (Saudi Arabia)	1817–1819 1837–1902	Ottoman Empire [tbd]
Asia	Dutch Formosa	Taiwan	1624–1662	Netherlands
Asia	New Guinea	New Guinea	1528/45–1606	Spain
Asia	Nicobar Islands	Nicobar Islands	1756–1848	Denmark (with interruptions)
Asia	North Borneo	Sabah (Malaysia)	1882–1963	Great Britain
Asia	Oman	Oman	1891–1958	Great Britain
Asia	Palestine	Palestine	1920–1948	Great Britain
Asia	Paracel Islands	Paracel Islands (Xisha Islands, China)	1974–1974	China [tbd]
Asia	Pescadores	Penghu Islands (China)	1624–1661	Netherlands
Asia	Philippines	Philippines	1565–1898	Spain
Asia	Philippines	Philippines	1898–1946	USA
Asia	Portuguese India	Goa, Damāo, Diu (India)	1498–1961	Portugal
Asia	Portuguese Timor	East Timor	1586–2002	Portugal

Continent	Colony	Current name of territory	Period of time	Colonial power
Asia	Qatar	Qatar	1868–1971	Great Britain
Asia	Qatar	Qatar	1871–1916	Ottoman Empire [tbd]
Asia	Sakhalin (Kuye Dao)	Sakhalin (Russia)	1644–1858	China [tbd]
Asia	Sanjak of Alexandretta	Hatay (Turkey)	1516–1918	Ottoman Empire [tbd]
Asia	Sanjak of Alexandretta	Hatay (Turkey)	1918–1938	France
Asia	Sarawak	Sarawak (northwest Borneo)	1888–1963	Great Britain
Asia	Siberia	Siberia (Russia)	since 1557	Russia [tbd]
Asia	Singapore	Singapore	1946–1963	Great Britain, already trading post from 1824 onwards, self-governing crown colony from 1959
Asia	Shōnan-tō/Syonan-to	Singapore	1942–1945	Japan
Asia	Socotra (Socotra, Yemen)	Socotra (Socotra, Yemen)	1507–1511	Portugal
Asia	Sohar (Oman)	Sohar (Oman)	1507–17th century	Portugal
Asia	Songhkla	Songhkla (southern Thailand)	1685–1688	France
Asia	Straits Settlements	Penang, Singapore and Malacca	1867–1946	Great Britain
Asia	Sunda Islands	Sunda Islands	1512–1861	Portugal
Asia	Sur, Oman	Sur, Oman	1507–17th century	Portugal
Asia	Surat (India)	Surat (India)	1616–1795	Netherlands
Asia	Syria	Syria	1920–1946	France
Asia	Syria (Damascus, Aleppo)	Syria (Damascus, Aleppo)	1516–1918	Ottoman Empire [tbd]
Asia	Tabriz (Azerbaijan)	Tabriz (Azerbaijan)	1585–1639	Ottoman Empire [tbd]
Asia	Taiwan	Taiwan	1683–1895	China [tbd]
Asia	Taiwan and Penghu Islands	Taiwan and Penghu Islands	1895–1945	Japan
Asia	Tajikistan	Tajikistan	1868–1924	Russia [tbd]
Asia	Tibet	Tibet	1720–1913 1951 to date	China [tbd], currently part of PR China, disputed under public international law
Asia	Tonkin (Viet Nam)	Tonkin (Viet Nam)	1636–1699	Netherlands
Asia	Transjordan	Jordan	1922–1946	Great Britain
Asia	Trucial States (states on the southern coast of the Persian Gulf)	Part of the United Arab Emirates	1835–1971	Great Britain
Asia	Turkmenistan	Turkmenistan	1894–1924	Russia [tbd]
Asia	Ussuri Bay	Ussuri Bay (Russia)	1644–1860	China [tbd]
Asia	Governor-Generalship Kazakh Steppe (northern Turkestan)	Parts of Kazakhstan	1882–1917	Russia [tbd]
Asia	Governor-Generalship Turkestan	Part of Uzbekistan	1868–1917	Russia [tbd]
Asia	Uzbekistan	Uzbekistan	1868–1918	Russia [tbd]
Asia	Viet Nam (part of French Indochina)	Viet Nam	1858–1954	France
Asia	Weihai (city in north-east China)	Weihai (city in north-east China)	1898–1930	Great Britain
Asia	Yemen	Yemen	1517–1636 1872–1918	Ottoman Empire [tbd]

Continent	Colony	Current name of territory	Period of time	Colonial power
Asia	Yerevan	Yerevan (Armenia)	1514–1618	Ottoman Empire [tbd]
Europe	Albania (Shkodër, Vlorë, Uskub)	Albania (Shkodër, Vlorë, Uskub)	1410–1912	Ottoman Empire [tbd]
Europe	Azores	Azores	1427–1766	Portugal
Europe	Baltic governorates (Estonia, Livland and Courland)	Estonia and Latvia	1721–1918	Russia [tbd]
Europe	Belarus	Belarus	1793–1918	Russia [tbd]
Europe	Bessarabia	Moldavia and Ukraine	1488–1812	Ottoman Empire [tbd]
Europe	Bessarabia	Moldavia and Ukraine	1878–1917	Russia [tbd]
Europe	Bosnia and Herzegovina	Bosnia and Herzegovina	1463–1908	Ottoman Empire [tbd]
Europe	Bulgaria (Vidin, Danube River, Rumelia)	Bulgaria (Vidin, Danube River, Rumelia)	1395–1908	Ottoman Empire [tbd]
Europe	Canary Islands	Canary Islands	1479	Spain
Europe	Congress Poland, Vistula River region	Poland	1815–1916	Russia [tbd]
Europe	Crete	Crete (Greece)	1669–1898	Ottoman Empire [tbd]
Europe	Crimea	Crimea	1475–1783	Ottoman Empire [tbd]
Europe	Cyprus	Cyprus	1570–1914	Ottoman Empire [tbd]
Europe	Elba	Elba (Italy)	1557–1709	Spain
Europe	Faroe Islands	Faroe Islands	1814–1948	Denmark
Europe	Finland	Finland	1808–1917	Russia [tbd]
Europe	Greece (Athens, Salonica, Thessaloniki)	Greece (Athens, Salonica, Thessaloniki)	1460–1822	Ottoman Empire [tbd]
Europe	Hungary	Hungary	1541–1699	Ottoman Empire [tbd]
Europe	Iceland	Iceland	1814–1918 (1944)	Denmark
Europe	Kosovo	Kosovo	1389–1912	Ottoman Empire [tbd]
Europe	Macedonia (Skopje)	Northern Macedonia	1371–1913	Ottoman Empire [tbd]
Europe	Madeira	Madeira	1580–1834	Portugal
Europe	Mani (Greece)	Mani (Greece)	1453–1822	Ottoman Empire [tbd]
Europe	Moldavia	Moldavia	1541–1877	Ottoman Empire [tbd]
Europe	Moldavia	Moldavia	1792–1856	Russia [tbd]
Europe	Montenegro	Montenegro	1516–1878	Ottoman Empire [tbd]
Europe	Otranto	Otranto (Italy)	1480–1481	Ottoman Empire [tbd]
Europe	Podolia (region in Ukraine)	Podolia (Ukraine)	1672–1699	Ottoman Empire [tbd]
Europe	Rhodes	Rhodes (Greece)	1522–1912	Ottoman Empire [tbd]
Europe	Rumelia (European part of the Balkan peninsula)	Part of Greece and Bulgaria	1363–1908	Ottoman Empire [tbd]
Europe	Samos	Samos (Greece)	1475–1912	Ottoman Empire [tbd]
Europe	Serbia (Belgrade, Niš, Kalemegdan)	Serbia (Belgrade, Niš, Kalemegdan)	1459–1878	Ottoman Empire [tbd]
Europe	Transylvania	Transylvania (region in Romania)	1538–1699	Ottoman Empire [tbd]
Europe	Ukraine	Ukraine	1667–1917	Russia [tbd]
Europe	Wallachia (region in Romania)	Wallachia (region in Romania)	1541–1877	Ottoman Empire [tbd]
Oceania	American Samoa	American Samoa (US-American overseas territory)	1899 to date	USA
Oceania	Australia (Commonwealth of Australia) (dominion from 1907)	Australia	1770–1931/ 1986	Great Britain

Continent	Colony	Current name of territory	Period of time	Colonial power
Oceania	British New Guinea	Papua New Guinea (south-eastern part)	1884 – 1902	Great Britain
Oceania	Caroline Islands	Federated States of Micronesia and Palau	1526 – 1899	Spain
Oceania	Caroline Islands	Federated States of Micronesia and Palau	1899 – 1919	German Empire
Oceania	Caroline Islands	Federated States of Micronesia and Palau	1919 – 1944	Japan (as League of Nations mandate, 1933 Japan's withdrawal from the League of Nations)
Oceania	Cook Islands	Cook Islands (independent in free association with New Zealand)	1888 – 1901	Great Britain
Oceania	Cook Islands	Cook Islands (independent in free association with New Zealand)	1901 – 1965	New Zealand
Oceania	Easter Island (Rapa Nui)	Easter Island (Rapa Nui, Chile)	1888 to date	Chile
Oceania	Ellice Islands	Tuvalu	1877 – 1978	Great Britain (1892 part of the British protectorate Gilbert and Ellice Islands; protectorate up to 1915, colony from 1915)
Oceania	Fiji	Fiji	1874 – 1970	Great Britain
Oceania	French Polynesia	French Polynesia (French overseas territory since 2004)	1842 to date	France (1842 estab-lishment of the French protectorate Tahiti, French colony from 1880, conquest of the remain-ing islands in 1881, on UN list of Non-Self-Governing Territories since 2013)
Oceania	German New Guinea	Papua New Guinea (north-east with Bismarck Archipelago), Solomon Islands (northern part), Marshall Islands, Nauru, Northern Mariana Islands, Palau, Caroline Islands	1884 – 1919	German Empire
Oceania	German Samoa	Samoa (western part of the archipelago)	1900 – 1914	German Empire
Oceania	Gilbert Islands	Kiribati	1892 – 1979	Great Britain (declared a British protectorate together with the Ellice Islands in 1892; protec-torate up to 1916, crown colony from 1916)
Oceania	Guam	Guam (US-American overseas territory)	1521 – 1898	Spain
Oceania	Guam	Guam (US-American overseas territory)	1898 to date	USA
Oceania	Hawai'i	Hawai'i (US state since 1959)	1898 to date	USA
Oceania	Mariana Islands	Northern Mariana Islands	1667 – 1898/99	Spain

Continent	Colony	Current name of territory	Period of time	Colonial power
Oceania	Mariana Islands (as part of German New Guinea)	Northern Mariana Islands	1899–1919	German Empire
Oceania	Mariana Islands	Northern Mariana Islands	1919–1944	Japan (as League of Nations mandate, 1933 Japan's withdrawal from the League of Nations)
Oceania	Mariana Islands	Northern Mariana Islands (free association territory of the USA)	1944 to date	USA
Oceania	Marshall Islands	Marshall Islands	1919–1944	Japan (as League of Nations mandate, 1933 Japan's withdrawal from the League of Nations)
Oceania	Nauru	Republic of Nauru (governed by Australia as League of Nations mandate)	1920–1968	Great Britain
Oceania	Nauru	Republic of Nauru	1947–1968	New Zealand
Oceania	Netherlands New Guinea	Part of Indonesia (annexed in 1961)	1885–1962	Netherlands
Oceania	New Caledonia	New Caledonia (French overseas territory)	1853 to date	France
Oceania	New Hebrides	New Hebrides	1887–1980	France (governed as a condominium with Great Britain)
Oceania	New Hebrides	Vanuatu	1906–1980	Great Britain (governed as a condominium with France)
Oceania	New Zealand (dominion from 1907)	New Zealand	1840–1931	Great Britain
Oceania	Niue	Niue (in free association with New Zealand)	1901–1974	New Zealand
Oceania	Niue	Niue (in free association with New Zealand)	1900–1901	Great Britain
Oceania	Palau	Republic of Palau (associated with the USA)	1526–1899	Spain
Oceania	Palau	Republic of Palau (associated with the USA)	1899–1914	German Empire
Oceania	Palau	Republic of Palau (associated with the USA)	1914–1947	Japan
Oceania	Phoenix Islands	Part of Kiribati	1889–1979	Great Britain
Oceania	Pitcairn	Pitcairn (British overseas territory)	1838 to date	Great Britain
Oceania	Solomon Islands	Solomon Islands	1899–1978	Great Britain
Oceania	Spanish East Indies	Caroline Islands, Mariana Islands and Palau	1565–1898	Spain

Continent	Colony	Current name of territory	Period of time	Colonial power
Oceania	Territory of New Guinea (governed by Australia as League of Nations mandate)	Provinces of Papua New Guinea: Enga, Western Highlands, Simbu, Eastern Highlands, West Sepik, East Sepik, Madang, Morobe, Bougainville, West New Britain, East New Britain, New Ireland, Manus	1919–1972	Great Britain
Oceania	Territory of Papua and New Guinea (British New Guinea became the Territory of Papua in 1906, League of Nations mandate for German New Guinea from 1920 (excluding the Micronesian Islands) as Territory of New Guinea; unification as the Territory of Papua and New Guinea in 1949	Papua New Guinea	1906–1972	Australia
Oceania	Tokelau (administration under Western Samoa)	Part of New Zealand	1926–1949	New Zealand
Oceania	Tokelau (under the name of Union Islands, included into the Gilbert and Ellice Islands colony in 1893)	Tokelau	1877–1926	Great Britain
Oceania	Tonga	Tonga	1900–1970	Great Britain
Oceania	United States Minor Outlying Islands (today US overseas territory)	Part of New Zealand	1857 to date	USA
Oceania	Wallis and Futuna (official French protectorate not until 1888)	Wallis and Futuna (French overseas territory since 1961)	1842 to date	France
Oceania	West Papua	Irian Jaya	1962 to date	Indonesia
Oceania	Western Samoa (initially League of Nations mandate, trust territory from 1946)	Samoa	1914–1962	New Zealand

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ABOUT THE GERMAN MUSEUMS ASSOCIATION

After the publication of the first version of the Guidelines, the German Museums Association (DMB) was repeatedly asked about its authority to issue the Guidelines and about the federal system of the Federal Republic of Germany, which shapes the German cultural landscape. For this reason, both are briefly explained below:

The German Museums Association is a national, non-governmental organisation of German museums. Outside funding (e. g. from federal ministries) is often obtained for the work involved in the DMB's projects, such as these Guidelines. The German Museums Association, however, makes independent decisions concerning the content of its publications. Publications can relate to political questions, but the German Museums Association has only a limited right to participate in political decision-making and it does not have the authority to issue binding directives to German museums.

The Guidelines published here are recommendations that are primarily intended for German museums. They serve first and foremost to disseminate information and provide practical help for day-to-day work in museums. As mentioned above, the Guidelines are not binding on the museums, and they do not have the force of law. Only the federal government or the state government may enact laws or regulations governing museum conduct, in particular in areas such as the return, restitution, or repatriation of objects from museum collections.

THE FEDERAL SYSTEM IN GERMANY

Germany is a federal state: the duties of government are divided between the federal government (Bund) and the individual states (Bundesländer). The individual states are responsible for certain functions laid down by the federal constitution. Each individual state has its own state constitution and autonomous political institutions (sovereignty). Under the federal constitution, education and culture (which includes museums) are matters for the individual states.

It is not only cultural policy which is up to the individual states, but the ownership of the majority of museum collections is also vested in the individual states and the municipalities that belong to them. There are very few national museums and museums owned jointly by the federal government and the individual states. The majority are federal state and municipal museums.

Since the individual states are responsible for matters (legislation and administration) pertaining to culture and education, the federal government has only limited authority to regulate or legislate in these areas.

In Germany, laws which apply to the whole of Germany must be passed by the Bundestag (federal parliament) as well as the Bundesrat (representatives of the individual states). A law must pass through various committees between being drafted and being passed, which can sometimes make the legislative process very time-consuming. If a law concerning museums is to be made which applies to the whole of Germany, and thus encroaches on the cultural sovereignty of the individual states, the constitution must be amended accordingly beforehand.

As a voluntary body, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) coordinates the education, research and cultural matters of the individual states. In matters of significance for the whole of Germany, the task of the KMK is to ensure a necessary degree of common ground among the individual states. Since 2019, the ministers and senators responsible for cultural policy meet in their own Standing Conference of the Ministers of Cultural Affairs (Culture MK) under the umbrella of the KMK. The main task of this new body is to represent and promote the joint interests of the individual states in respect of culture.

The KMK as a body does not issue legally binding resolutions. The decisions and agreements are considered to be political obligations and provide guiding principles for the actions of the individual states.

INDEX

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GUIDELINES OF THE GERMAN MUSEUMS ASSOCIATION

The German Museums Association regularly publishes guidelines on current challenges for the museum sector. This multifaceted series providing practical information and recommendations is developed by museum professionals for museum professionals. It addresses all museums, offers an introduction to various fields of knowledge, and gives practical advice.

The guidelines of the German Museums Association not only facilitate museum work, they also recommend quality standards and deal with issues of cultural policy.

At office@museumsbund.de we welcome your feedback to the guidelines as well as suggestions for future publications.

- Hauptsache Publikum! Besucherforschung für die Museumspraxis – Leitfaden, 2019 (German)
- Guidelines on Dealing with Collections from Colonial contexts, 1st edition, 2018 (also in German and French)
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