

Summary

The Netherlands had trading posts and colonies in Asia, Africa and North and South America from the beginning of the 17th century. For more than four centuries the Dutch maintained a presence at many locations on these continents as traders, colonists and occupying forces. For the existing populations this was a time characterised by exploitation, violence, racism and oppression. It was also a time in which many cultural, historical and religious objects, still to be seen today in Dutch museums, were brought to the Netherlands from these territories. These include cultural heritage objects that came into Dutch hands against the will of their owners, for example through theft or military action.

Dutch colonial collections consist of a wide range of cultural heritage objects, including art objects, religious objects, historical objects, jewellery, natural history objects and utensils. In total there are hundreds of thousands of objects. In addition to museums that manage extensive and important colonial collections, such as the Nationaal Museum van Wereldculturen, Museum Bronbeek and the Rijksmuseum, many smaller museums also have colonial collections. A survey of Dutch museums conducted by the Committee and the Dutch Museums Association shows that much remains unknown about the way in which colonial cultural objects came into Dutch possession. Some museums nevertheless report that they are managing objects which they know to have been acquired during the colonial period without the owner's consent.

The return of colonial cultural objects by former colonial powers is not an entirely recent phenomenon: the first examples of returns occurred during the colonial period. To date, the Netherlands has mainly returned objects to Indonesia. The reasons for these returns were varied. In some cases objects were returned as a diplomatic gift, for example on the occasion of a state visit. In other cases, returns arose from an agreement between countries, such as the joint recommendations between the Netherlands and Indonesia in the mid-1970s. However, until the present day, no return policy has been developed jointly with source countries.

Former colonial powers in Europe deal in different ways with their colonial cultural objects and with requests for return. There are countries that take a conservative attitude towards requests for return and countries that are more open to such requests. There are countries in which governments keep a distance from the debate and countries in which the government has adopted a clear position. Some countries limit themselves to permanent loans of objects to source countries, while other countries have effectively transferred ownership of cultural heritage objects. These differences reflect the variety of perspectives between countries, but also have to do with differences in legislative frameworks that may impede the return of cultural objects. There is nevertheless a growing urgency to tackle the issue in all countries. This is not only because the source countries and representatives of diaspora communities are increasingly making their voices heard, but also, and chiefly, because former colonial powers in Europe consider it increasingly important to take responsibility for their colonial pasts.

The Committee's discussion partners in formerly colonised nations report that they consider it important that their museums can tell the colonial story, including by means of objects that are currently in the Netherlands. Discussion partners in Suriname and the Caribbean consider that the museum infrastructure must first be of the appropriate standard before they can receive cultural objects. The discussion partners would like museum-level cooperation with the Netherlands on a structural basis to enable capacity building. Indonesian discussion partners have emphasised the importance of joint academic provenance research. The discussion partners state that the return of cultural objects is a matter to be agreed between states, but where cultural objects belong to specific communities, they must also benefit.

A number of aspects are important to consider when dealing with colonial cultural objects and particularly with requests for their return. The first is the manner in which an object came into Dutch possession. A request for the return of a cultural object that was looted, for example, requires a different approach than a request to return a cultural object that was acquired legitimately by way of gift or purchase, or whose provenance history cannot be fully reconstructed. Other aspects to be taken into account are the cultural heritage object's importance, both for the source country and for the Netherlands, together with storage conditions and future accessibility of the cultural heritage object after return, as well as possible alternatives to a return. Finally, it is obviously important to identify who the current owner is: central government, another governmental authority or a private individual.

The handling of requests to return cultural objects is not so much a legal as an ethical question. This is due to the statute of limitations in Dutch law and the fact that international conventions relevant to colonial cultural objects do not have retroactive effect. The standards and principles of international humanitarian law and the ethical codes of international social organizations provide an effective guide for the ethical handling of return requests. They call for an accommodating response to requests for return, the guiding principle being that what was stolen must be returned. Unlike a number of other European countries, Dutch law does not oppose the return of colonial cultural objects by the State to source countries.

Recommendations of the Committee to the Minister of Education, Culture and Science

1. The Committee considers that the first step in developing a policy on dealing with colonial collections is the recognition that an injustice was done to the local populations of former colonial territories when cultural objects were taken against their will.
2. The second step is expressing a readiness to rectify this *historical injustice*, which is still perceived as an injustice today, wherever possible and to make this readiness a key principle of the policy on dealing with colonial collections.
3. The Committee recommends adopting that policy after agreeing it with the countries where the Netherlands exercised longstanding colonial authority, in particular Indonesia, Suriname and the Caribbean islands. These countries' views must be respected and accommodated, with a bespoke approach being taken for each country as necessary. Only a shared policy for dealing with colonial cultural objects can lead to satisfactory outcomes for all parties. In other words, to be watchful that the actions of the past are not repeated, namely a neo-colonial mindset informed primarily by the views, feelings, standards and values of the former colonial power.
4. To contribute to this joint development of policy, the Committee recommends conveying to the countries where the Netherlands exercised colonial authority a readiness to *return unconditionally* all those cultural heritage objects where it can be demonstrated, with a reasonable degree of certainty, that they came into the possession of the Dutch State subsequent to the source countries suffering an involuntary loss of possession. This should obviously apply to the extent that the source country also wishes for such a return.
5. The readiness to return cultural objects unconditionally means, importantly, that the redress of an historical injustice through a request for return is not weighed against other interests, however relevant these may be in themselves. In the Committee's opinion the redress of an injustice is not only achieved by the specific case of return but also, and especially, through making a core principle of the policy the acknowledgement and rectification of this injustice.

6. The Committee recommends informing former colonial territories of the Netherlands that it is also prepared to consider requests for the return of cultural objects in state-owned collections whose provenance history cannot be fully determined or does not indicate involuntary loss of possession. This should apply in cases where cultural heritage objects are of particular *cultural, historical or religious* importance for source countries. In contradistinction to the case of cultural objects that were subject to involuntary loss, the Committee advises that the assessment of these requests should be undertaken on the basis of reasonableness and fairness, weighing up the importance of a return to the source country against other relevant interests. In the case of these requests, the fundamental argument is not one of redressing an injustice but of honouring an especial significance to the source country. Examples of interests to be weighed are the importance of a cultural object for the Netherlands, the storage conditions and accessibility after a possible return and the alternatives to a return.
7. The Committee also recommends considering requests for the return of cultural objects in the possession of the Dutch State from source countries colonised by *other [European] powers*. As such requests may require a consideration of a broader range of concerns, the Committee recommends taking a decision on the basis of reasonableness and fairness and on the basis of a balance of interests. Nevertheless, if the request concerns a cultural object that was lost involuntarily, the Committee considers that here too the guiding principle must be the redress of an injustice. This is because, regardless of whether the Netherlands itself played a part in causing the original injustice, as the current owner of the cultural object it is the only party capable of rectifying that injustice.
8. A decision on a request for the return of a cultural object to the source country, where the cultural object is currently in possession of the [Dutch] State, must be taken by the Minister of Education, Culture and Science. The Committee recommends that the Minister makes decisions on such requests on the basis of a *public opinion of an independent advisory committee appointed for the purpose*. This means that the Minister's decisions are based on expert judgement arrived at independently of the interests of ownership.
9. The Committee recommends establishing an *Expertise Centre for the Provenance of Colonial Cultural Objects* with the tasks of verifying the provenance of cultural objects in the event of requests for return, conducting or commissioning additional provenance research as necessary, establishing, managing and generally providing access to a database on the provenance of colonial cultural objects in Dutch museums, and promoting the development of expertise among museums.
10. A necessary condition for the implementation of the policy line recommended by the Committee is knowledge as to the extent of colonial cultural objects held in Dutch museums and the manner in which they were acquired. For source countries this knowledge is indispensable to their requests for the return of cultural objects. The Committee recommends that the Minister alert museums to their responsibility to research the provenance history of their colonial cultural objects and make their knowledge of it accessible to the countries of origin.
11. The Committee's discussions with representatives of source countries repeatedly highlighted that they were not only concerned with the return of cultural objects. Support in establishing a museum infrastructure with good storage conditions, training of expert staff, the opportunities for students to hold internships in Dutch museums, undertaking joint research and exchange of knowledge were repeatedly raised as important matters by source countries. Through these discussions the Committee came to the view that appropriate handling of requests for return was not an end point, but should be part of a collaborative relationship between the Netherlands and the source countries in which they draw on knowledge together to tell the story of the

colonial period from different perspectives. The Committee therefore recommends that the Ministers of Education, Culture and Science, Foreign Affairs and Foreign Trade and Development Cooperation make museum-level cooperation between the Netherlands and the source countries a subject of their international cultural policy. The Committee also recommends that the Minister of Education, Culture and Science devote attention to such museum-based cooperation in the policy with regard to the BES islands.

12. Finally, other European former colonial powers are also currently considering how to deal with colonial cultural objects. The Committee therefore recommends, possibly through Unesco, investing in the exchange of knowledge, ideas and views between these countries and to seek opportunities for further international cooperation and coordination with like-minded countries.