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The state of the debate on disputable collections from colonial contexts

Austrian notes

From the start of the 15th century until the mid-20th century a massive flow of cultural and historical objects from colonial contexts to Europe, and later to North America took place. Many had been acquired as war booty or were confiscated by colonial administrators, soldiers, missionaries, explorers, scientists and adventurers. They ended up in royal and other private collections and in public museums, libraries and other institutions. From the moment of their disappearance, their new homes have been questioned. The question marks became stronger after the independence of colonies, while the start of the 21st century has witnessed a new wave in this questioning, both in many former colonies and in European countries. This contribution offers a helicopter view of the current state of this debate. Its main argument is that there has been a paradigm shift in the debate about disputed colonial collections and explores the factors behind this shift. It shows that the strong advocacy of former colonies for the return of their treasures burdens Europe with a serious problem. Based on policies and practices on both sides, it concludes at the same time that, until now, European countries are talking about return more than actually returning objects. It pays extra attention to Austria's position and brings in a new stakeholder in the debate, the European Parliament.¹

A new wave in the debate

Emmanuel Macron's speech in Burkina Faso in November 2017 about a new French restitution policy is often named as the start of a new era in the debate about the return of disputed colonial collections. His observation that a large part of cultural heritage from African countries is in France, while it ought also to be highlighted in African museums, made him plea "for the temporary or permanent restitution of

African heritage to Africa.”² But in 2016, the Republic of Benin had submitted a claim to France for the return of over five thousands objects, which it had lost in wars with French colonial troops in the 1890s. While his predecessor, François Hollande, had rejected the claim, Macron saw an opportunity in it. Should the honour of the start go to the Republic of Benin?

History is more diffuse. Possibly the basis for it was laid in 1989, when the fall of the Berlin Wall and the end of the Cold War enabled dispossessed owners of land, houses, factories and works of art in the former Eastern Europe to claim their lost property. Soon thereafter, claimants of Nazi-looted art-works saw their chance and principles were formulated for dealing with their claims, such as the 1998 Washington Conference Principles on Nazi-confiscated Art. From the start of the 21st century, former colonies would intensify their claims.

Sometimes the year 2003 is mentioned as the start, or better: the end of an era. In their “Declaration on the Importance and Value of Universal Museums”, eighteen major museums in Europe and the USA appointed themselves as the best equipped for showing the cultural heritage of mankind. Under their roofs it was “widely available to an international public” and difficult “objects acquired in earlier times must be viewed in the light of different sensitivities and values, reflective of that earlier era”.³ The declaration evoked resistance, especially from Africa. Who gave them the right to call themselves universal museums? And was Fort Europe not closing its borders for people from Africa? Looking back, the declaration was a last defence wall against claims for disputed colonial collections.

For Austria, the year 2007 can be mentioned. That year, the Museum für Völkerkunde, currently the Weltmuseum, organised the exhibition “Benin Kings and Rituals – Court Arts from Nigeria”, showing Benin objects from Nigeria and several European countries. After Vienna, it toured to Berlin, Paris and Chicago. The story of the Benin objects is well-known. In 1897, British troops pillaged the palace of the Benin Kingdom. For unknown reasons, the palace burnt down and after the flames were extinguished, British soldiers discovered thousands of bronze, brass, ivory and other statues. These statues started an amazing journey all over Europe and later the USA. At the reunion of some in the Museum für Völkerkunde, the Oba (traditional king of Benin) declared that the objects once had been created as pages in the history-book of the kingdom and not to become museum-objects. He requested Austria to “show humanness and magnanimity and return to us some of these objects”.⁴ It was not submitted as a formal request and the Weltmuseum, which possesses over 150 of them, never responded to it. A return would have been complicated, as the objects were inalienable state-property. But the conversation between the Weltmuseum, the cultural authorities in Nigeria and the Benin Court that had begun in 2002, could no



Fig. 1 In 1897, after a British attack on the palaces of the Benin kingdom, thousands of so-called Benin objects were removed. They ended up in museums and private collections all over Europe and North America. © Collection National Museum of World Cultures, the Netherlands

longer be stopped and would lead to the Benin Dialogue about cooperation and return. The first meeting took place in 2010.⁵

History is diffuse. In most former colonies the debate started at the moment of the despoliation of objects with protests of local leaders and communities, as is shown, for instance, in 16th century Aztec chronicles. They intensified after their independence, when relations between former colonies and colonisers were tense – think of the relations between India, Pakistan, Sri Lanka and Great Britain, between Algeria and France, Indonesia and the Netherlands, or the Democratic Republic of the Congo and Belgium. Claims were formulated in a broad manner and submitted in vain. European countries returned objects at best incidentally. They softened the bitter tone of the debate during the decades of international aid and a few former colonial powers – Belgium, the Netherlands, Australia, Denmark – concluded agreements about the return of some objects with the DR Congo, Indonesia, Papua New Guinea, Iceland and Greenland respectively. The National

Museum in Colombo experienced that most European doors remained closed, after publishing an inventory of 15,000 Sri Lankan objects in museums in Europe and North America and requesting the return of a limited number. It got negative responses only.⁶ Instead, European countries initiated programs for strengthening museum infrastructures in former colonies.

With the end of the international aid era and the increasing strength of former colonies, the debate regained the stronger tone that it had after the Second World War, albeit with differences. It became part of a larger decolonisation-discourse that covers also racism and discrimination. Diasporas play an important role, as the examples of the Cambridge University Black and Minority Ethnic Campaign, Afrique Loire in the French city of Nantes in France, the Conseil Représentatif des Associations Noirs (CRAN) with departments in France and Belgium, and groups in Germany show. For some years, activists pushed for the return of a bronze cockerel looted by British soldiers in the same raid on the kingdom of Benin in 1897 and held at Jesus College.

They mentioned three reasons: the cultural and historical importance for people in Nigeria; repatriation helps to dispel the rejection of brutal colonialism; a signal to black students that the university renounces exploitation, dehumanisation and degradation of their ancestors. They were successful in November 2019.⁷ In January 2020, Afrique Loire interrupted an auction in the city of Nantes of 27 statues, looted by French soldiers from the then Dahomey (present-day Republic of Benin) in the year 1892. After a discussion, the auctioneer withdrew the objects and offered them to the Republic of Benin for € 24,000. But the government in Cotonou rejected the offer. Then a group of French art-dealers paid for the 27 objects, after which they were gifted to the Petit Musée de la Récade in the West-African country.

Unlike the immediate post-independence period, former colonies have developed cultural policies and refined their claims, mostly relating to war booty. The claims of Nigeria and the Republic of Benin are obvious examples. In 2002, China began to catalogue lost cultural relics and launched a fund to bring them back.⁸ In 2003, New Zealand initiated a program for the international and domestic repatriation of Māori and Moriori human remains. The government empowered indigenous communities to implement it and asked the Museum of New Zealand Te Papa Tongarewa to lead the repatriation process. Until the end of 2019, 420 Māori and Moriori ancestral remains have been repatriated from overseas institutions.⁹ Macron's speech in Burkina Faso in 2017 has induced countries in Francophone Africa to come with wish-lists, Senegal with 10,000 objects, Ivory Coast with 100 objects. When, in 2008, the Gothenburg World Culture Museum featured smuggled textiles in its "Paracas: A Stolen World" exhibition, Peru claimed the ancient cloths, which had been robbed from graves at the Paracas peninsula and smuggled to Sweden in the 1930s. Gothenburg municipality agreed to return the well-preserved items, while the National Museum in Lima and the Swedish museum developed a mutually beneficial cooperation. In 2017, the last textiles were shipped.¹⁰ In 2019, Namibia was successful, when the state Baden-Württemberg approved the return of the bible and a whip of national hero, Hendrik Witbooi, held in the Linden Museum in Stuttgart. They are now in the National Archives in Windhoek, although the Witbooi Traditional Authority sees itself as the rightful custodian.¹¹

Recent developments per country

Standing in the middle of a historical development makes it hard to describe it. What are main and what are side issues? What are our blind spots? In this part, we restrict ourselves to developments in a few European countries. Next to similarities, there

are remarkable differences in intensity, participants, and outcome. In most countries, the debate has changed from a museums-only matter into a political one. In some, supporters and opponents of return are diametrically opposed. The tone has changed in favour of the former colonies, but the outcome has remained small for them: much talking but little de facto returning.

France

The French president plays a prominent role. After announcing a new restitution policy for Africa, Emmanuel Macron asked two scholars, Felwine Sarr (Senegal) and Bénédicte Savoy (France), for advice. The advice, “The Restitution of African Cultural Heritage – Toward a New Relational Ethics”, is a relief compared with documents written from one side, usually the European one. It breathes the atmosphere of two continents, is more focussed on restitution and shows the damage inflicted in African countries. Sarr and Savoy distinguish three stages in restitution: The first is “the recognition of the illegitimacy of the property that one had previously claimed ownership [to]”. The second is the attempt “to put things back in order, into proper harmony [...] and to open a pathway toward establishing new cultural relations”. And the third is the transfer of objects. I mention two other passages of the advice. The first is a hot potato in European countries: the inalienability of public collections. The advice wants “a modification of the cultural heritage code” in France. The other is about the consequences of “the evolution of the international juridical debate about the reversal of the burden of proof regarding the displaced or looted cultural goods”. A reversed burden of proof widened to the colonial context reminds us of the same principle “stated by the UNIDROIT Convention 1995, adopted by the European directive 2014/60/UE of May 15, 2014”.¹² In France and internationally, the advice was praised and also met with criticism. French art dealers and museum-professionals rejected it as too radical. Macron did not accept many suggestions or delays their implementation. He emphasised circulation of objects instead of restitution, as could be seen when France returned a saber and a scabbard to Senegal from Paris’ Army Museum. They had belonged to Omar Saïdou Tall (1794–1864), founder of the short-lived Toucouleur empire. The sword is now on *loan* to Dakar’s Museum of Black Civilizations.¹³ Macron offered the Republic of Benin the return of 26 objects. The African country also asked for jewellery that had belonged to a female elite squadron that had fought French domination.¹⁴ It wants the French authorities to postpone the actual transfer, as it first wants to bring its museum facilities in order. This process is still ongoing.

Great Britain

Great Britain is complex. The British Museum, the Victoria and Albert Museum and other museums that represent the British Empire strongly hesitate to return. In 2018, the Victoria & Albert Museum offered to *loan* treasures to Ethiopia and, in 2019, the British Museum made a comparable offer. In 1868, British soldiers had confiscated them from the palace of Ethiopia's emperor Tewodros and some nearby churches. Ethiopia rejected both offers, as it was unwilling to see what it considers as stolen from them as a loan.¹⁵ The attitude of these “imperial” museums easily obscures the willingness of others to consider returns. Eight of the 54 ethnographic museums in Scotland are an example. Since 1990, they have returned human remains and objects to First Nations in Australia and New Zealand.¹⁶ In 2019, the university

Manchester Museum announced the repatriation of 43 secret sacred and ceremonial objects to four First Nations in Australia. Since 2003, it had been returning ancestral remains.¹⁷ Apparently, it is easier for them to return human remains and burial objects to Māori and Aboriginal communities in the former dominion New Zealand and Commonwealth member Australia than objects to external colonies. The exception is the above mentioned return by Cambridge University of a bronze cockerel to Nigeria in 2019. In 2021 Aberdeen university announced the return of a Benin head in its possession. The announcement caused a number of comparable declarations by local heritage institutions. The 2020 call on experts of The Arts Council England to draw up new guidelines to address sacred objects¹⁸ causes controversy. Opponents accuse the supporters of focussing exclusively on European misbehaviour and forgetting about the looting by non-European powers. Pointing to Benin objects, they wonder why tyrants in colonised territories, which were originally used to buy slaves, had a right to such property. They doubt whether today's claimants are really the heirs of yesterday's victims.¹⁹



Fig. 2 The Benin head that Aberdeen university will return to Nigeria. © Aberdeen University

Germany

Although its colonial empire was short-lived, Germany amassed extensive collections from its colonies in East, Central, Southwest and West Africa and the Pacific, and from colonial contexts as China. Unlike other European powers, Germany has to face one extra large-scale wave of inappropriate acquisitions, that of Nazi loot. But they have made considerable progress in this one, and possibly its lessons about a right attitude and provenance research have helped the country to come to terms with the second, colonial loot. The opening of the Humboldt Forum in Berlin with colonial collections has given a strong impetus to the debate and the Forum's leadership is slowly making a turn. Proof of this turn was the announcement in March 2021 by the Humboldt Forum and the federal Minister for Culture, Monika Grütters, of their intention to restitute Benin objects to Nigeria. Black diaspora and mixed civil society groups have been pushing for it, while in another case one African country did this as well: Namibia. It has kept hammering on the need to admit genocide early in the 20th century and has submitted claims for war-booty, human remains and colonial archives. There is more to report from Germany. In 2018, the German Museums Association published "Guidelines for German Museums: Care of Collections from Colonial Contexts" (revised versions, 2019 and 2021). They offer practical assistance to the museum-sector. To make it a less interior product, the 2019 version takes "more into account the international perspective".²⁰ Building on the Guidelines, the federal government and states began discussing benchmarks. The federal government allotted money for provenance research. Museums began to publish provenance research-reports, based on official and unofficial records such as diaries and letters. The Linden Museum in Stuttgart and the University of Thüringen have studied the collections from Cameroon and Namibia.²¹ Museums in Frankfurt have investigated acquisitions during colonial times and during the Nazi-period.²² But except for the above mentioned return of the bible and whip of Namibia's Hendrik Witbooi in 2019, and some returns of human remains, no material objects are known to have been returned.

The Netherlands

Two national museums dominate the debate in the Netherlands: the National Museum of World Cultures (NMWC)²³ and the Rijksmuseum Amsterdam (RMA). In 2013, the NMWC was asked to advise on the deaccessioning of the collection of Museum Nusantara Delft, which had had to close its doors. Most objects came from the then Dutch East Indies and it was uncertain whether there were disputed items



Fig. 3 In 1765, soldiers of the Dutch East India Company captured this ceremonial canon in a war against the king of Kandy in Sri Lanka. Currently, it is in Rijksmuseum Amsterdam. Sri Lanka's 1980 request to have the canon returned, was turned down. Currently, Sri Lanka and the Netherlands are still discussing it. © Rijksmuseum Amsterdam

among them. While the Dutch side, after retaining over 3,194 objects for the Dutch national collection, had wanted to repatriate the remaining 15,000 to Indonesia, Indonesia rejected the Dutch offer. It would have had to accept all objects at once, to pay for their transport, and to arrange for storage-facilities, which it did not have. After some negotiations, the Dutch allowed Indonesia to make its own selection. As a result, only 1,500 of the Nusantara-objects were shipped to Indonesia. Heading an economic mission to Indonesia in November 2016, Dutch Prime Minister Mark Rutte handed over the first object, an ancient golden Buginese *keris*, to President Joko Widodo.²⁴ In 2018, the NMWC launched its long expected “Return of Cultural Objects: Principles and Process”. It is a rather pragmatic repatriation framework, laid down in consultation with experts in the Netherlands and the countries of origin. Claimants can use it for retrieving objects. Until the end of 2019, no claims had been submitted. In 2017, the RMA announced a pilot-project provenance-research of ten potentially disputed objects. One is the ceremonial canon – blue-painted with copper fittings of the King of Kandy –, which soldiers of the Dutch East India Company had captured in 1765 and which has been in the RMA since 1880. In 1980, Sri Lanka requested the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) of UNESCO for help to retrieve this piece of war booty and other items. The request was rejected in 1983. After two years of research, in 2019, a RMA historian went to Sri

Lanka to discuss further research. Later that year, the director of the National Museum in Colombo announced at a conference in the Netherlands, that Sri Lanka wants to retrieve the canon, and that it had prepared a prominent and safe place for it. To the surprise of many participants, the RMA argued that it needed more years for research in order to convince the Dutch Minister of Culture to agree with a return.²⁵ In January 2021, the government adopted a new policy on returning objects. At the heart of it is a recognition that an injustice was done to the Indigenous population of the colonial territories when cultural heritage objects were taken against their will. If former Dutch colonies ask for the return of certain objects, they will be given back unconditionally. An independent Assessment Committee will advise the Minister for Culture.²⁶ The new policy still needs parliamentary approval.

Belgium

The reopening of the AfricaMuseum in Tervuren in December 2018 fuelled discussion. The government and AfricaMuseum are willing to consider claims. Diaspora-members, organised in Comprehensive R Archive Network (CRAN), were outspoken in their demand that disputable collections be restituted. Contacts between the organisation and the AfricaMuseum did not yield success. The museum prefers dealing with museums in the DR Congo and Rwanda. In December 2018, President Joseph Kabila announced an official request for the return of art-works from the AfricaMuseum.²⁷ His successor, Felix Tshisekedi, repeated it, favouring a gradual return, so that “everything is kept in good condition”. Both had the National Heritage Museum in Kinshasa in mind. The newly opened museum (funded by South Korea) will add colonial objects to hundreds of items portraying life and culture already on display. So far, no objects have been returned.²⁸ Rwanda knew only vaguely what Belgium had. Since 2006, the African country has developed a cultural heritage policy, including the negotiation of “the return of archives and other cultural heritage objects located in Europe and elsewhere in the world, while putting in place such conditions as conducive to their management”.²⁹ Early in 2018, the conference “The Development of Rwanda Archives and Library Services” took place in Kigali, attended by the director of the AfricaMuseum in Belgium. A conference resolution asked Belgium to return colonial archives to Rwanda, that is geological records from the AfricaMuseum and records of the colonial administration from Belgium’s State Archives. In August 2019, a Rwandese delegation determined that in Belgium priority needs to be given in the digitization of the administration records from the late 1800s and until independence in 1962. Bottlenecks in the digital repatriation are that Belgium has not declassified all

records and that many records have a mixed nature, as they also relate to Burundi and/or the DR Congo. In February 2020, Belgium made the geological archives digitally available for Rwanda. Rwanda asked the AfricaMuseum for a list of colonial objects. This list contains 2,300 of them, mostly wickerwork, baskets, metal objects, earthen objects, and musical instruments, and, where possible, a picture, a description and the way of its acquisition are digitally provided. Belgium is waiting for a formal, specified claim. In December 2020, the new federal government made a ground-breaking announcement: an investigation of colonial collections plus the role of the monarchy, Belgian enterprises and Belgian missionaries in the colonial period. Last but not least: Unlike other European countries, Belgium has not yet made a decision regarding a 2018 New Zealand request for two Māori skulls in the Royal Museum for Art and History in Brussels.

The museum is willing to hand over the skulls, but according to the federal Minister of Science Policy “the departments are still analysing the subject”.³⁰

Austria

Austria had no colonies but it has extensive colonial collections. It is hard to determine how the debate is moving. Some steps have been made. In the 1990s, the Museum für Völkerkunde in Vienna repatriated funerary objects to New Zealand, and a Māori head and some other human remains in 2015. Austria’s initiating role in the Benin

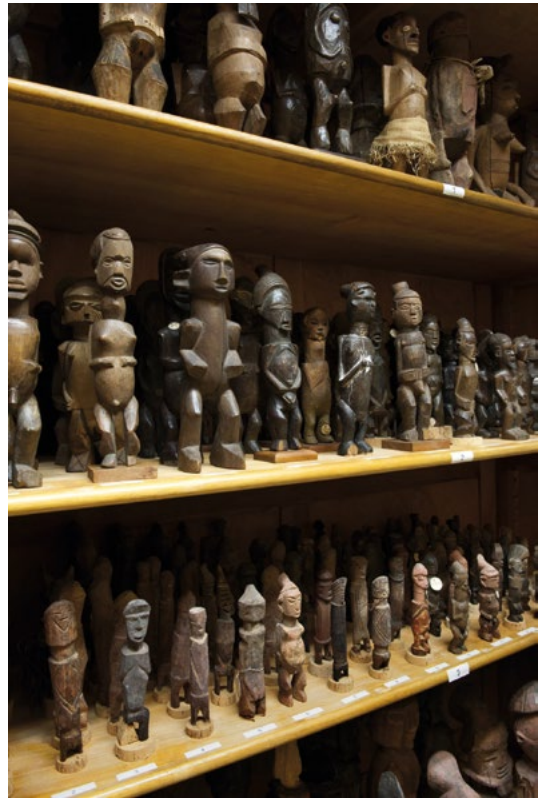


Fig. 4 The AfricaMuseum in Tervuren owns over a hundred thousand objects, acquired in the colonial period from the Democratic Republic of Congo. Here one of its storerooms © AfricaMuseum, Tervuren



Fig. 5 Folding screen, captured during the 1900 Boxer revolt in China and now shown in the Weltmuseum in Vienna. © Jos van Beurden

Dialogue Group was mentioned above. In 2017, the modernised Weltmuseum was reopened and it mentions explicitly if an object is war booty. A Chinese folding screen captured during the Boxer Rebellion and the Benin objects are examples. Yet their informative captions, with the invitation to the visitor to become a cultural patron, thus making sure “that this cultural treasure is preserved for future generations” rub visitors the wrong way.³¹ Obviously it is a revenue model, but who wants to be a patron of an object that was – in our present view – inappropriately acquired? In December 2019, the exhibition “A Colonial Thing” started, showing three different perspectives on objects: that of the acquirer – the oldest text dating from 1832 –, a recent text from a representative of the community of origin, and the view of the museum-curator.³² In 2019, the Austrian Federal Chancellery and ICOM Austria organised two seminars about museums and contested colonial collections that formed the basis of this volume. At a lecture in the Viennese Kreisky Forum preceding these events, Bénédicte Savoy asked for complete inventory lists of colonial collections, reassuring her audience that restitution “is not about masses, but about special pieces”. The Weltmuseum claimed to be ready to provide a list.³³ Asking about progress in Austria, a frequent answer is that the current discussion is restricted to few institutions and that a broader debate still has to start. The government has not taken a position. For art-museums disputed colonial objects are hardly an issue.

Europe: An EU directive?

The European Parliament has asked for a European agency that also covers colonial loot.³⁴ In January 2019, it adopted Resolution P8_TA(2019)0037, proposed by the Committee on Legal Affairs, on “cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars”. The Explanatory Statement distinguishes three categories, divided into three periods in which cultural goods were looted: historical periods such as colonisation, recent times such as World War II, and present and future times.³⁵ In § 18, the Resolution asks for the creation of “a comprehensive listing of all cultural objects”, for the support of the European Commission in creating “a cataloguing system” for public entities and private art collections to gather data on looted, stolen or illegally obtained cultural goods and “the exact status of existing claims” and for “digitisation projects that would establish digital databases or connect existing ones”. § 19 is about the need for proper provenance research. The resolution asks for “a documentary record or a transaction register that is as detailed as possible..., [and] the drafting of common guidelines on such registers”. Is this the start of a European participation in the discussion about the aftermath of Europe’s expansion drift? So far, Europe has had little impact on the restitution debate. The only Europe-wide initiative has been the Benin Dialogue Group.

In conclusion

The 21st century is witnessing a new wave in the debate about disputed collections from colonial contexts. Due to changing global power relations, better developed cultural policies in countries of origin, changing ethics in European and North American museums and active diasporas, the tone and the content of the debate have made a radical turn. While in the past, former colonies were problematized for insufficient capacities to handle colonial collections, currently museums and institutions in Europe and North America and their disputed colonial collections have become the problem. Some countries that have felt the impact of European expansion – think of Ethiopia and China – strongly advocate for the return of their looted treasures. Their claims are no longer general, but about named objects and collections. The governments of most European countries that are mentioned in this contribution have expressed their willingness to consider returns. Some museums in Europe and North America have started developing provenance research-programs and question the presence of contested objects in exhibitions. At the same time, these countries and museums have been talking about returning objects more than actually returning the objects.

Finally, claimants of colonial loot have fewer means to support their claims than those who claim Nazi-looted art-works or Indigenous peoples who want human remains and funerary objects to come home. This is an inequality which is hard to defend ethically or legally. It took most European countries many, many years to face the issue of colonial loot: they should give former colonies sufficient time to prepare for the new situation.

Jos van Beurden is senior researcher of colonial collections and restitution, affiliated to the Free University of Amsterdam. His pioneering study *Treasures in Trusted Hands – Negotiating the Future of Colonial Cultural Objects* (2017) was nominated for the NWO Boekman Dissertation Price. In June 2021, *Ongemakkelijk Erfgoed – Koloniale collecties en teruggave in de Lage Landen (Uncomfortable Heritage – Colonial collections in the Netherlands and Belgium)* was published.

Notes

- 1 Note on terminology. This contribution uses the term “colonial contexts” in addition to “colonies”, as it covers also countries such as China and Ethiopia that were never colonised but felt the impact of European colonialism. German Leitfaden zum Umgang mit Sammlungsgut aus kolonialen Kontexten, <https://www.museumbund.de/wp-content/uploads/2018/05/dmb-leitfaden-kolonialismus.pdf> (9 February, 2020). For the transfer of objects it uses the word “return” as a rather broad and neutral term, “restitution” for conveying a presupposition that a claim was based on an unjust acquisition, and “repatriation” for human remains and funerary objects. Lyndel V. Prott, *Witnesses to History – Documents and Writings on the Return of Cultural Objects*, UNESCO Publishing, Paris 2009, XXI–XXIV.
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