15.
TRUST, EQUALITY AND JUSTICE

Anyone who has followed the debate on restitution of collections from colonial contexts since the Second World War will possibly discern few new insights in its current content. What is new is its weight. Over the past decade, decolonisation has gained a permanent place on the agenda of governments, museums, the academic world, the media and in the public eye. There is more openness, courage and curiosity about how objects, archives and ancestral remains once left their countries of origin and how that drainage still influences relations between the Global South and the Global North. Fellow countrymen with roots in the former colonies are speaking out more and often touch a nerve.

The starting point for this change is often said to have been President Macron's announcement of a new French restitution policy for Africa in 2017. He was indeed the first European head of state in recent history to have spoken out publicly and concretely on this politically sensitive issue. But one factor that prompted Macron's stance came from Africa: this was an official claim by the Republic of Benin in 2016 for the return of loot from a war against King Béhanzin of Dahomey in 1892. Thus, former colonies play at least as important a role in this change as their European counterparts.

Two remarks about the new French policy. One is that Macron was born in 1977 and is thus less burdened than his more aged predecessors by France's colonial past. Macron could argue more easily that his country was far too richly endowed and that African countries were severely underserved. The second is that he commissioned a French art historian, Bénédicte Savoy of the Technical University of Berlin, and a

Africa and Europe work on restoring trust. © Jos van Beurden

Senegalese economist, Felwine Sarr of the Gaston-Berger University in Senegal, to write an advisory document. Their *Restitution of African Cultural Heritage: Toward a New Relational Ethics* of November 2018 was ground-breaking and gave impetus to the debate both in Europe and in Africa. The two advisors had sharp words for how France had acquired its colonial collections and argued in favour of redress for the injustice done, emphasising France's duty to deliver it and Africa's right to have it. Macron then promised the Republic of Benin the return of twenty-six objects from 'the Treasure of Béhanzin' of 1892. Since this presidential decision, one object has been returned to Senegal, a farewell exhibition of the twenty-six objects in the Musée du quai Branly has been held and a return to Ivory Coast is in preparation.

This fierce and firm stance exuded the atmosphere of a true African–European co-production: the voice of the South was clearly heard in the solutions proposed by Savoy and Sarr. This offered both France and its former colonies in Africa a new foothold in the debate over demands for restitution. Other European countries also published reports on the restitution issue, but most of them lacked the character of a co-production. Where do Belgium and the Netherlands stand in this respect?

TURNAROUND IN THE NETHERLANDS

In 2019, outgoing Dutch Culture Minister Van Engelshoven asked the Council for Culture for advice on dealing with colonial collections. It

set up a special committee that was given a year to gather information. When someone from the committee asked me for my views, I could not have imagined that the suggestions it eventually came up with would have so much in common with my own ideas. I had expected a more cautious attitude.

The advice was clear and straightforward. When submitting it to the minister, committee chair Lilian Gonçalves-Ho Kang You summed up its essence in nine words: 'What has been stolen will have to go back'. It could not be shorter. The chairman and most of the members were Dutch, but with strong roots in the former colonies, and therefore the voices of the former colonies resonate strongly within it.

In January 2021, a second surprise followed. Barring only a few points, the minister adopted the advice in her Policy Vision Collections from a Colonial Context. The original population of the colonial regions 'has been wronged by the taking possession of cultural goods against their will' and the cabinet wants to contribute 'to the restoration of this historical injustice' through restitution and cooperation. This injustice, the Council for Culture had concluded from its investigations, is visible in the colonial collections of at least fifty-five Dutch museums. Cultural goods that were captured in former Dutch colonies should be returned unconditionally, after thorough provenance investigation and if the country of origin requests it. Unconditionally, it said. This was new.

The minister followed the advisory committee's broad definition of the types of objects that are eligible for restitution. These include not only loot from major and minor wars, but also all 'involuntarily removed' objects from colonial areas or objects with 'special meaning' for the country of origin. Objects from former colonies of other European powers are also eligible for return, but these are conditionally honoured. These include the King of Kandy's cannon from Sri Lanka and Benin objects from Nigeria. Sri Lanka was once a Dutch colonial possession but became a British colony, before gaining its independence. Nigeria always fell under London's hegemony. When deciding whether an object should be returned, its importance to the Netherlands is weighed against that of the country of origin. The minister looks at the storage conditions and the accessibility of the objects once they are back in the country of origin. An 'independent assessment committee' will advise the minister on each application for restitution. Former colonies often think very differently about these conditions; they find the northern interference

with their storage capacities and advice on how to make objects accessible to their public and researchers patronising. Due to the stagnation after the March 2021 parliamentarian elections in the formation of a new government, the new policy vision was still waiting for parliamentarian approval at the start of 2022.

SURPRISE FROM BELGIUM

Belgium had an even bigger surprise up its sleeve. For a long time, the country's complicated political structure – a federation with regions and communities that often all have a say in cultural matters – and the difficulty of forming governments seemed to block progress. Yet, all the while, things were happening. Back in 2018 – that is, well before the Dutch Council for Culture's advisory committee was appointed – the federal government set up a working group to develop criteria for possible restitution. But a few months after that announcement, the government fell and with it the working group. In March 2019, the Assembly of the French Community called for the return of 'bien mal acquis' (ill-gotten goods) – which included ancestral remains as well as objects. In April 2019, the parliament of the Brussels region followed with a similar suggestion.

In July 2020, the federal government entrusted a broadly constituted commission with the investigation into Belgium's colonial past. According to government document DOC 55 1462/001, the commission is to investigate the role and structural impact that 'the Belgian State, the Belgian authorities and non-state actors [such as, for example, the monarchy, the Church, the operators of colonial economies] have had on the Congo Free State and on Belgian Congo, Rwanda and Burundi'. Here, Belgium goes further than the Netherlands and other former colonisers by also examining the role of the royal family, the missionaries and the business community.

This research fitted in with the work of the Parliamentary Commission on the colonial past, accessibility of colonial archives and a restitution policy. The commission was a response to discussions about the statues of historical figures such as King Leopold II and Lieutenant Emile Storms and the actions of the Black Lives Matter movement, Bamko-Cran and activists such as Mwazulu Diyabanza. The return of archives to Rwanda, the offer made by the Free University of Brussels to return skulls to the University of Lubumbashi and the HOME project

on human remains likewise fit into this new atmosphere in which universities and museums also cooperate.

In the meantime, Restitution Belgium, an independent group of sixty, mostly white academics and museum professionals, had started to formulate principles for dealing with colonial collections. The group did this on its own initiative. In May 2021, it published *Ethical Principles for the Management and Restitution of Colonial Collections in Belgium*. It wants to broaden the restitution debate to include participants from the African diaspora and countries of origin and advocates more and better provenance research. Furthermore, it believes subnational groups and individual descendants in former colonies should have the right to reclaim objects.

Shortly afterwards, the federal government announced a far-reaching step: objects in the AfricaMuseum in Tervuren, which were proven to be looted art, were no longer public property of the Belgian state but of DR Congo. Changing the ownership relation is unique in the post-war restitution debate. Early in 2022, Belgium and DR Congo set up a bilateral committee to determine the fate of thousands of museum artefacts acquired by Belgium during the colonial era. Later in 2022, the first restitutions are planned to be made.

AGAIN: TO WHOM DO YOU GIVE IT BACK?

Both the Belgian and Dutch authorities have solved the question of whom they return objects to by turning to the national authorities and the national museums in their former colonies as official interlocutors. In turn, the national institutions of countries as DR Congo, Rwanda, Indonesia and Suriname are claiming this role. Indonesia's Museum Nasional is 'the only place where pieces can be preserved and protected well enough', said Director Siswanto to the NOS news-site on 11 October 2020. In reaction to the Dutch policy vision, Indonesia's Ministry for Education and Culture has set up a restitution committee.

All of this is understandable, but will returns to national authorities always have a healing effect for the ethnic groups who once lost them or regional museums in these countries? They often possess indigenous knowledge about objects, are not rarely more attached to them and have a major interest in getting them back than any other stakeholder. Will there be a separation between provenance research and entitlement to the object's return? The Ne Kuko nail statue from DR Congo can serve

as an example. In the new policy of the federal government of Belgium, DR Congo will become its new owner. If it stays in the national museum in Kinshasa, the statue will remain a museum piece. Only if the national museum returns it to the community in Boma will the community turn it back into a subject, 'rehumanise' it, so that this statue regains its active role in the community. In the latter case, a return achieves its maximum effect: healing hurt feelings and undoing injustice. The same is valid for minorities in Suriname or old Royal Houses in Indonesia.

It is a sensitive and complicated issue. Whenever the subject of restitution comes up at public meetings, often someone will ask: To whom should the object go? Why not to a minority community, the head of an ethnic group, the family of a sultan or a museum in his region? With the two other moments in the history of art robbery that we have discussed here, the question is easier to answer: works of art looted from the Nazis and objects belonging to indigenous communities go to the descendants of their rightful owners.

Many countries in the Global South struggle with the question of the rightful owner. Should an object go to the descendants of the original owner? But what if two parties claim that inheritance or if national authorities consider those descendants insufficiently prepared to properly care for returned objects? Heritage specialists and policymakers from those countries talk about it informally, but perhaps an open South–South consultation on the subject is desirable. We can predict that if European countries translate their expressed willingness to return objects into action, the 'to whom' question will be the next hurdle to overcome.

The complexity of receiving involuntarily lost objects from distant colonies has to do with state formation and borders. Take the Benin objects. The Kingdom of Benin was a separate entity until it became part of Nigeria during British colonial rule. The kingdom claims to be the owner of the looted pieces, but the NCMM wants to receive returned objects. After years of bickering, they are slowly agreeing on a joint Legacy Restoration Trust – a new development in Africa – but even this has to paper over some cracks. Or take the diamond of the Sultan of Banjarmasin, captured in 1859, now in the Rijksmuseum Amsterdam and mentioned by the Dutch Council for Culture as an example of an item that is loot and thus should be returned unconditionally, if the Indonesian authorities so request. But relatives of the sultan have hinted that the diamond would be better off staying in the Netherlands until it

can return to the sultanate. Many objects looted from sultanates are still part of living cultures and would be used in ceremonies and rituals when returned. According to Professor Sri Margana from Yogyakarta, who sits on the new restitution committee, his country is increasingly facing this problem: 'We have to figure out how to deal with the original owners. It varies from case to case.'

HOW DO WE KNOW IF WE ARE MAKING PROGRESS?

In a conversation we have, Wayne Modest, Director of Content for the National Museum of World Cultures, agrees about the hard-to-solve 'return to whom' question. 'I am not afraid of the difficult' – in other words, of restitutions. 'For us, restitution is not the hardest part of decolonising our collections'; rather, the hardest part is 'knowing that such a return will not be completed tomorrow but will be something of many years' breath, and that sometimes gives me stomach ache.' The governments of both the Netherlands and Belgium may have declared new intentions and policies, but all in all, only one item went back in the year in which new the policies were announced: the Diponegoro kris. Other countries in Europe do not fare much better.

The positive intentions in the North and meagre returns to the South raise the question, how do we know if we are on the right track and making progress that is beneficial for both sides? While governments and museums in the Global North pride themselves on their progressive positions, their counterparts in the Global South are more hesitant. They still feel at the mercy of northern institutions and how far they want to go. They still lack a legal basis for claims. As Naazima Kamardeen formulates it: 'Currently countries that lost cultural heritage have a right to submit a claim. It would be better, if countries that possess disputable heritage from others have a duty to return it.'

To bridge the gap between the two, I will formulate some points of attention that governments, museums and heritage professionals can keep in mind. For this, I have looked at some returns and not yet realised claims that have been discussed, such as the returns by the Netherlands and Belgium to Indonesia and the Congo in the 1970s, Sri Lanka's rejected claim in the 1980s, the repatriation of Māori heads and other ancestral remains, the deaccessioning of the Nusantara collection, the sharing of archives, and the expected return of Benin objects to Nigeria. Three focal points emerge: the first is working towards *equality* between

the possessor of a colonial collection and the dispossessed; a second is the sincere desire to *undo injustice* and give back; and the third? Wayne Modest immediately emphasises this as the most important: '*trust*'.

UNLEARNING TO DISTRUST

When, in 1998, I once more visited Samuel Sidibé, the director of Mali's National Museum, he said that his confidence that some of his country's lost cultural heritage would ever return was no greater than when we first met in 1991. Since the mid-1980s, his country had improved its cultural heritage legislation and implemented programmes to raise public awareness of its importance. But this made little impression on European countries. Sidibé had approached the French government several times about returning colonial loot and always received a negative response. Sometimes the receipt of a request was not even confirmed. That was a quarter century ago, but it is still happening. Aimé Kantoussan, Research Director of the Black Civilisations Museum in Senegal, says: 'It's not complicated: our trust doesn't increase as long as nothing is returned.' Many years, I have heard the same from some Nigerians close to the Benin dialogue.

Kwame Opoku confirms that there is great distrust about Europe's willingness to return pieces,. He fulminates against the unwillingness and paternalism of owners of African heritage in Europe who impose conditions on how Africans should deal with treasures that are returned to them. 'Of course we see that there is corruption in Africa and that there are few well-protected museums, but that does not diminish the validity of claims from Africa. Nor does it justify the Western refusal to return looted objects. Many objects, by the way, came from villages and not from museum showcases; they were never made for that' ('One Counter-Agenda from Africa', 2010). And about the Benin objects, Opuku wrote: 'Until the British raid they were kept safe in the Oba's palace. Only then did insecurity set in and they were scattered all over Europe and North America. We recognise the need for better museums, but it is not up to the former colonials to decide what they should look like and what requirements they should meet. That is up to the governments of the countries they come from.'

In our conversation, Modest also points to this mistrust: 'People from former colonies find it very difficult to trust museums in the North. They find them reliable in the management of objects, but not in human

relations.' He also mentions the one-sided nature of international institutions such as UNESCO, the International Council of Museums (ICOM) and large international training institutes for the heritage sector: 'Most of them were once westernised and have not learned to ask themselves critical questions, and certainly not the kind of questions that are prevalent in the South.'

Argentine curator Adriana Muñoz of the World Museum in Gothenburg confides to me that she thinks the same: 'The mistrust of northern institutions and many of their professionals is now a huge obstacle to progress in the museum world.' She has a tip for northern museums and their staff: 'Do something to stop distrusting southern countries, institutions and heritage professionals. Stop secretly thinking "you can't do it".'

At the Ius Commune Conference at Maastricht University of November 2020, where I presented the focal points of trust, equality and justice, a European participant argued that the North should indeed distrust the South less, but by the same token, the South should also get moving and dare to trust certain institutions and professionals in the North. He had a point. To resolve a conflict, both parties must take steps. But in the case of the decolonisation of museum collections, former colonisers and their museums should be the first to make a gesture. They have seriously violated the trust of southern peoples in the past and should take action to restore it. Return one or two objects. Why are European participants in the Benin dialogue so hesitant? Why does the MAS, as was suggested, not take the first step and offer a battle flag from the Christoffel collection to Indonesia? Solid confidence-building measures would make clear their intentions and convince the southern party of northern sincerity.

WORKING TOWARDS EQUALITY

A characteristic of colonialism was the unequal distribution of power. There was literally and figuratively no equality of arms. Europeans possessed better weapons and stronger resources; they justified their actions by the complete or partial dehumanisation of the colonised.

This structural inequality still has an effect, according to writers from the South. The Indian intellectual Pankaj Mishra describes how this structural inequality can lead to attacks and other outrages (Mishra, *Tijd van Woede*, 2017, p. 18). The North preaches the ideal of equality, but in reality, the great inequality between North and South has hard-

ly diminished. The Cameroonian thinker Achille Mbembe argues that colonialism had a threefold impact on the colonised: the break with the self, expropriation leading to submission and humiliation (Mbembe, *Kritiek van de Zwarte Rede*, 2015, pp. 117–118). Others emphasise the knock-on effect of this attitude on the part of the ruling white people. Gloria Wekker (*White Innocence*, 2018) argues that white Dutch people like to gloss over the racial discrimination and colonial violence perpetrated by their ancestors, while racism and xenophobia continue to exist in the Netherlands. The Rwandan-Belgian decolonisation expert Olivia Rutazibwa sees the same thing in her country. In the Belgian magazine *MO** ('Antiracistisch en dekoloniaal verzet', 2020), she states that white supremacy can only die out if her white fellow countrymen see it as a white problem that they have to solve. She asks them to take responsibility in the decolonisation debate, but without immediately claiming the leading role.

Striving for equality is the second point of attention; it also plays a role in the current anti-racism debate. Laws and other mechanisms protect the interests of the possessors of cultural and historical objects better than those of the dispossessed. An example is the law on the inalienability of national heritage in European countries, a law that applies to colonial collections that are considered part of that heritage. Parties in the South are increasingly confronting their Northern counterparts with this.

Increasing equality means that there is work to be done on both sides. That this work is difficult and the information is often a little elusive, is clear from the examples of the deaccessioning of the Nusantara collection by Erfgoed Delft and the Rijksmuseum's handling of their counterparts in Sri Lanka in the provenance research for the cannon of Kandy. Equivalence requires that if an institution in Europe wants to make plans for provenance research into a disputed object and the colonial area where it comes from is known, it first has a conversation with counterparts from that place and discusses with them their desires, needs and possibilities.

UNDOING INJUSTICE

The fact that the disappearance of many objects from colonial regions is a historical injustice has been evident in academic circles for years. Museums had trouble dealing with it for a long time. Some heritage profes-

sionals saw it but did not dare to speak out. Now museum directors and curators and government authorities in Belgium and the Netherlands see the problem. But this recognition comes with an obligation. Show your willingness, the Council for Culture in the Netherlands suggested, to correct the historical mistakes that are still experienced in the Global South as injustice.

Greater justice is the third point of attention. But what exactly is justice? The Indian winner of the Nobel Prize for Economics in 1998, Amartya Sen, also struggled with it. For him, it is about the gap between rich and poor. His solution is to consciously not define justice but to focus on what he calls 'redressable injustice' (Sen, *The Idea of Justice*, 2010, p. vii). According to Sen, a child usually knows by itself if it has been naughty and needs to make amends. Grown-ups should know that, too. Perhaps Sen's approach also works for the undoing of injustices in the colonial past. Restore what is possible.

Both Belgium and the Netherlands are on their way to restoring some of these past injustices. Reflecting further, two thoughts come to mind. The first is that the complete undoing of historical injustice in former colonies is impossible. Recognition is crucial. But as too much has been taken away and too little is known about the objects' backgrounds, choic-

Joy at the arrival of objects. © Hans van de Bunte/Sarawak Museum Collection, Kuching, Malaysia

es will have to be made about what goes back, and in these choices former colonies have just as much right to speak as the current owners. The second thought is that recognising and restoring are verbs. Museums and private owners must get to work – and some are already doing so. They must become active in searching their own collections and publicising it as much as possible, active in involving former colonial countries in planning and implementation. And they must actively support those former colonies at their request in strengthening their capacity to handle returned collections well, but this time in their own way.

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We have arrived at the end of this voyage of discovery. It began five hundred years ago when European powers went in search of new territories far beyond their continent. They imposed their will on the peoples living there and exploited them in many ways. They also did this by taking away, on a huge scale, their cultural heritage, remains of their ancestors and archives. In recent decades, we have begun to see this differently, both in the North and in the South. Thanks to a broadening and deepening of the social debate on decolonisation and racism, this process has accelerated in recent years.

In March 2020, King Willem-Alexander expressed his regret for the outbursts of violence by the Dutch side in response to Indonesian independence. His words referred to the four years that the Indonesian War of Independence lasted, and not to the four hundred years before that. In June 2020, King Philippe expressed his deepest regret about the Belgian actions in Congo.

Regret, apology, blame – they all play a role in the decolonisation debate. Regret and apology seem appropriate in view of the many acts of violence and their consequences. Guilt is more complicated. Should we feel guilty about the injustice done? A 'yes' to that question is not self-evident. The real guilty parties have been in the cemetery for a long time; they have turned to dust and can no longer be addressed, and between the cemetery and the world of the living is, in this case, a clear dividing line. Being weighed down by guilt makes facing up to the dark deeds of the past unattractive and easily stifles our curiosity and vigour.

I would like to offer Western museums and other owners of dubious colonial collections an antidote. If you really go for it, giving back is en-

riching and healing. Let go of what is not yours. Give communities of origin the right to determine and tell the story of all these objects. In this way, you work towards a clean slate and restore or improve a relationship. Do not let our ethnographic art temples turn into *sorry-museums*, a term used by the Belgian newspaper *De Standaard* of 3 December 2018 in reference to the reopening of the AfricaMuseum in Tervuren. New insights and changing ethics give us the responsibility to get started and do something – in other words, the *ability to respond*, in this case, by using new thinking to find an answer to problems caused in the past that are still present today. This includes expressing regret and offering apologies. Let us all sit down and make good use of that ability. It seems to be working already in some instances. The future will offer plenty more opportunities.