

# BOOK REVIEWS

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## *Treasures in Trusted Hands. Negotiating the Future of Colonial Cultural Objects* Jos van Beurden

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The Western public collections of non-European cultures are nowadays objects of fiery debates and controversies springing from new research (neo-colonial studies, critical heritage studies, etc.), political trends, and an ever more common awareness of human rights. Currently, the displays of many such collections in museums are re-conceptualized to meet the present-day expectations and ethical premises. The discussion around Felwine Sarr's and Bénédicte Savoy's report – commissioned by the French president Emmanuel Macron and published in November 2018 (“Restitution Report”) – has however shown that even such far-reaching projects as the re-arrangement of the Ethnologisches Museum and the Museum für Asiatische Kunst in the Humboldt Forum, or the renovation of the Royal Museum for Central Africa in Tervuren, which attempt to critically approach and “decolonize” the difficult institutional

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history are no longer considered by many scholars, professionals, stakeholders, and citizens as the right solution and practice in dealing with public collections of colonial cultural heritage.<sup>1</sup> Indeed, while postulating a far-reaching restitution of the cultural heritage from Sub-Saharan Africa in the French public domain, the Restitution Report has undermined the very essence of the Western public ethnographic/anthropological museum as an institution and raised questions about its legitimacy.<sup>2</sup> Moreover, the debate has dangerously shifted from the scholarly and expert domain to the political and journalistic one, which carries with it the risk of oversimplification and ideologization.<sup>3</sup>

Jos van Beurden's *Treasures in Trusted Hands. Negotiating the Future of Colonial Cultural Objects*, published in 2017 in the CLUES series of the interfaculty Research Institute for Culture, Cognition, History and Heritage of the Vrije Universiteit Amsterdam, precedes current debates and the policy and research shifts endangered by the Restitution Report. Nevertheless this monograph is essential reading for anyone interested in the issue of the past, present-day, and future status of Western non-European collections, as it searches for a legally- and policy-based order in dealing with colonial cultural objects. The author, who for many years was a journalist focused on the illegal art market of artefacts from postcolonial countries, writes based on his first-hand experience of the art market and of such countries as Mali, Ethiopia, Sudan, Bangladesh, and Cambodia. His research is focused on an analysis of the evolving approach of various stakeholders (both former colonized and colonizing countries; the art market; NGOs and museums), as evidenced in the case-studies he presents, which he followed closely in the 1990s and 2000s. An important starting point of the inquiry is also his earlier research into the returns of tainted acquisitions to the former Dutch colonies, both in recent and colonial times, carried out by the Dutch state and public institutions from 1949 onwards.<sup>4</sup> Taking note that both at the political and legal levels the issue of such returns is far from being codified and resolved, in the introductory part of the book the author asks three fundamental questions addressed in his study: How can the loss of cultural and historical treasures during the European colonial era be charted? What lessons can be drawn from the way other contested categories of such treasures have been handled? How can and should a model be

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<sup>1</sup> For a concise presentation of the discussion surrounding the Restitution Report, see: M. von Oswald, *The 'Restitution Report'. First Reactions in Academia, Museums, and Politics*, "How to Move with Humboldt's Legacy? Rethinking Ethnographic Collections Blog", <https://blog.uni-koeln.de/gssc-humboldt/the-restitution-report> [accessed: 28.03.2019].

<sup>2</sup> F. Sarr, B. Savoy, *The Restitution of African Cultural Heritage. Toward a New Relational Ethics*, November 2018, [http://restitutionreport2018.com/sarr\\_savoy\\_en.pdf](http://restitutionreport2018.com/sarr_savoy_en.pdf) [accessed: 28.03.2019].

<sup>3</sup> In France, the restitution of Africa's heritage as well as part of Macron's political agenda are among the 25 demands of the yellow vest movement.

<sup>4</sup> J. van Beurden, *The Return of Cultural and Historical Treasures: The Case of the Netherlands*, KIT Publishers, Amsterdam 2012.

devised for negotiating the future of cultural objects acquired in colonial times, including the option of their return?

The first three parts of the book are introductory and general and explain the main terms of research, the historical context of the transfer of colonial cultural objects, and the evolution and application of legal instruments for their return. The following two parts present – in the form of case studies – the long-term evolution of the approach to colonial cultural objects in the postcolonial era and the various and evolving ways of formulating and negotiating the claims for their return. The final part of the book constitutes an attempt to formulate possible future scenarios and to draft a proposal of a soft law instrument applicable to the return of colonial cultural objects. Every chapter is provided with comprehensive charts which offer an insight into the terminology, legislation, and case studies. The main documents are published in the form of appendices.

The history of collecting non-European art and culture in the Western world is considered in Part two – “Colonialism and Cultural Objects” – in terms of “a massive one-way trafficking of cultural and historical objects from colonised societies”.<sup>5</sup> Van Beurden, focusing on how and under what circumstances such objects were transferred, presents this phenomenon in the wider historical perspective, analysing in separate chapters the time of the early modern discoveries, the colonial period, and the era of decolonization. He distinguishes between objects acquired during military and private expeditions and missionary collecting, and analyses as separate categories the gifts to colonial administrators and institutions and the collection of archives. The study consistently follows both the legal and market approaches, considering the migration of cultural objects from non-European territories in terms of transfers in specific legal and political circumstances. Particular stress is put on the issue of violent and involuntary transfers: war booty, looting and punitive expeditions, and in more recent times smuggling and pillage.

The issue of legal protection measures is the focus of Part three, “Colonial Cultural Objects and the Law”. The author convincingly discusses the lacunae and incongruities of the available hard law international instruments (e.g. the 1970 UNESCO Convention and 1995 Unidroit Convention) with respect to their application to colonial cultural objects, and also reviews the applicability of the available soft law instruments (UN resolutions, codes of conduct, and guiding principles) to this category of goods. The importance of the latter in building a system and common consensus with respect to the status of contested objects and goods is analysed using examples of reliance on those instruments for the repatriation and restitution of human remains. Finally, van Beurden points to the growing role of the human rights approach, which might form a foundation for discussion of the future of colonial collections.

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<sup>5</sup> J. van Beurden, *Treasures in Trusted Hands. Negotiating the Future of Colonial Cultural Objects*, Sidestone Press Dissertations, Leiden 2017, p. 52.

Part four, “Ambiguities between the Netherlands and Indonesia”, presents an in-depth analysis of the twists and turns in the negotiations between the Netherlands and Indonesia from the time of Indonesia’s 1945 unilateral declaration of independence until the implementation of the 1975 *Joint Recommendations by the Dutch and Indonesian Team of Experts Concerning Cultural Cooperation in the Field of Museums and Archives, Including Transfer of Objects*. This case study demonstrates that the issue of the status of colonial cultural objects and of their eventual return is complex, multidimensional, and fluid, depending on politics, larger bilateral agreements, and international relations. While the first lists of the claimed cultural and historical objects in Dutch collections were drafted in the immediate aftermath of Indonesia’s declaration of independence; and the restitution of cultural objects of Indonesian origin acquired “by means other than as specified in private law for the acquisition of property” was included in the draft of the 1949 Cultural Agreement negotiated at the 1949 Round Table Conference under the auspices of the UN; official agreement and negotiations were made possible only in the aftermath of the 1962 Netherlands New Guinea transition to Indonesia under UN control. Moreover, it still took years of bilateral collaboration and cultural exchanges to reach a sufficient degree of trust and level of public awareness, as well as sufficient political and international will to establish an agreement on the issue of return of cultural objects and to embark on the implementation of 1975 *Joint Recommendations*.

The Dutch-Indonesian case-study is complemented in the next Part by an overview of well-studied examples of negotiations and agreements concerning the return of colonial cultural objects: the 1970 agreement between Belgium and Congo; Denmark’s agreements with Iceland and Greenland; Australia’s policy of return to Papua New Guinea; and the establishment of the 2010 Benin Dialogue Group. As in the previous chapters, van Beurden presents return as a complex and long-lasting cultural and historical process – of which the agreements are just a phase – requiring years of collaboration, negotiations, wisdom, greater public awareness, consensus, and a favourable political climate. Moreover, as the last chapter of Part four, “The Joint Recommendations Revised”, clearly shows, the negotiations and returns must always be considered as part of a larger political, cultural, and diplomatic agenda. Thus, the transfer of objects was part of Indonesian and Dutch cultural diplomacy, and had a profound impact on larger political and cultural aims.

According to van Beurden, the future of colonial objects and collections can be resolved only by a process of wise negotiations, which can and should produce beneficial results for both sides of the conflict. In order to encourage such negotiations, in the final part of the book, “New Insights, New Approach”, van Beurden calls for the elaboration of a soft law instrument comparable to the Washington Principles, calling on the possessors of contested colonial cultural objects to take responsibility and to solve the claims following a set of guidelines. Changing the main terms (such as “artworks”, “confiscated” or “looted”), van Beurden adapts the 11 bullet

points of the Washington Principles to fit his case study and entitles them *Principles for Dealing with Colonial Cultural and Historical Objects*. The conference *20 Years of Washington Principles: Roadmap to the Future*<sup>6</sup> – organized in November 2018 by the German Lost Art Foundation to mark the anniversary of their adoption – demonstrated that restitution is a long-lasting cultural, diplomatic, and political process. However, the wide international adaptation of a common set of principles and guidelines has indeed created a larger public awareness of the problem of contested objects and collections and led to a general understanding of the claims and of the need for negotiations over restitution and/or return.

Van Beurden's study can help us to contextualize the current debate surrounding the Restitution Report and puts it in the proper context and dimension. Despite appearances, we are not living in a cultural momentum toward revolutionary changes which will bring about a drastic and ultimate solution of the problem of contested colonial collections in the short time-span of five years. Rather, this is yet another stage of a long-term cultural, social, and political process, which might lead to the establishment of a shared consensus on how to deal with such objects and to the establishment of shared set of soft law instruments. The *Guidelines on Dealing with Collections from Colonial Context* of the Deutsches Museumbund (German Museum Association), published in July 2018,<sup>7</sup> and the *Return of Cultural Objects: Principles and Process* issued by the Nationaal Museum van Wereldculturen in March 2019<sup>8</sup> should be considered as important steps in this process.

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<sup>6</sup> See: <https://lootedart.com/T1I90B291111> [accessed: 28.03.2019].

<sup>7</sup> Available on-line: <https://www.museumsbund.de/wp-content/uploads/2018/07/dmb-guidelines-colonial-context.pdf> [accessed: 28.03.2019].

<sup>8</sup> Available on-line: [https://www.tropenmuseum.nl/sites/default/files/2019-03/Claims%20for%20Return%20of%20Cultural%20Objects%20NMVW%20Principles%20and%20Process\\_1.pdf](https://www.tropenmuseum.nl/sites/default/files/2019-03/Claims%20for%20Return%20of%20Cultural%20Objects%20NMVW%20Principles%20and%20Process_1.pdf) [accessed: 28.03.2019].