The Dutch restitution policy

Abstract

In this research aid you find information about the establishment of the Dutch state policy on the restitution of objects acquired in a colonial context.

The realization of the Dutch restitution policy

In response to the increasing international attention for colonial collections in 2019, the then Dutch Minister of Education, Culture and Science (OCW) decided to develop a policy vision on how to deal with objects from a colonial context that are in the national collection. To achieve this, the so-called Advisory Committee on the National Policy Framework for Colonial Collections, also often referred to after its chair: the Gonçalves Committee, was established in 2020. In the autumn of 2020, this committee presented its report Colonial Collection a Recognition of Injustice.

Colonial collections and the recognition of injustice

In its report, the Gonçalves Committee recommended to build the policy upon the recognition of the injustice that was done to former colonized countries by the taking of objects to the Netherlands. The core of the policy on dealing with colonial collections in the Netherlands should therefore focus on redressing this historical injustice. According to the committee, the policy should be established in consultation with countries where the Netherlands exercised colonial rule, whereby the Netherlands had to guard against a neo-colonial attitude. The established policy should result in the *unconditional return* of cultural objects that were involuntarily taken from the original owners. A willingness to do so would mean, according to the committee, that the goal of redressing historical injustice is not weighed against other interests, however relevant they may be in themselves.

The committee also advised that in cases where the provenance history of an object does not immediately indicate *involuntary loss of possession*, or when an object originates from an area that was colonised by a colonial power other than the Netherlands, a consideration of interests should be made with regard to the return of the object. According to the Gonçalves Committee, the minister or state secretary of the Ministry of Education, Culture and Science should base their decision on a public advice from an independent advisory committee that has to be set up for that purpose. Furthermore, a Centre of Expertise on the Provenance of Colonial Cultural Objects is advised to be established to conduct additional provenance research and to set up, manage and create a publicly accessible database on the provenance of colonial cultural objects in Dutch museums. Finally, the policy should not only focus on the return of cultural objects, but should also allow for further cooperation and exchange in the museum field with countries of origin.

Policy vision on collections from a colonial context

The Gonçalves Commission report led to the Policy Vision Collections from a Colonial Context in 2022, which largely adopted the 2020 recommendations. The core of the policy thus focuses on *redressing past injustices* through, among other things, the return of cultural objects acquired in a context of European colonial authority. In doing so, it distinguishes

three categories of objects:

1. Cultural goods taken involuntarily from a former Dutch colony

The first category comprises cultural objects in possession of the Dutch state that were involuntarily lost at that time in countries where the Netherlands exercised colonial authority, including Indonesia, Surinam and the Caribbean part of the Kingdom of the Netherlands. If this involuntary loss of possession can be proven with a reasonable degree of certainty, the object will be returned unconditionally, provided the country of origin has requested this return.

2. Cultural goods with special significance for the country of origin

The second category concerns objects where provenance research has not been able to establish proof of involuntary loss of possession at the time, but which are of exceptional significance for the country of origin. These objects are therefore not returned unconditionally, but a comprehensive assessment of interests is made. Relevant interests may include: the cultural importance of the cultural object for the country of origin, the communities in the countries of origin and in the Netherlands, future storage conditions and public accessibility.

3. Cultural goods originating from countries that were formerly colonized by other powers

The third category consists of state-owned objects from countries that have been colonised by other powers. In these cases, too, an assessment of interests is made, focusing on the redress of historical injustice.

Human remains

Human remains, or objects containing human remains form a separate category. Requests for the return of human remains do not run through the Colonial Collections Committee, but are processed directly by the Ministry of Education, Culture and Science. Requests for the return of human remains are given the highest priority, with restitution being the primary consideration.

The execution of a restitution request

The policy vision adopts the advice to create an independent advisory committee. For more information on this Colonial Collections Committee, see the relevant paragraph below. The return of an object must be preceded by a request from a state to the Dutch Ministry of Education, Culture and Science. The reason behind this, according to the policy vision, is that accepting requests from other parties could conflict with the sovereignty of the requesting state in question.

To assess a return, it is important that research has been carried out into the provenance of the object in question. The policy vision prescribes that this provenance research should be executed by the custodian of the object. For example, if an object is requested to be returned that held at the Rijksmuseum Amsterdam, the Rijksmuseum should supply a provenance report of the object. The recommendation to set up a centre of expertise is not adopted in the policy vision. Instead, the Consortium Colonial Collections was established in 2022, consisting of five cultural and scientific institutions with extensive experience in the handling and history of colonial collections in the Netherlands.

After the committee issues its advice, the minister/state secretary of OCW makes a decision.

In theory, the minister could ignore the advice of the Colonial Collections Committee, but in practice the advice is invariably adopted. Thereafter, the actual restitution of the objects in question takes place, as happened several times in 2023 and 2024 and 2025.

An important side note is that this policy vision concerns only objects owned by the Dutch state. Other (public) owners are free in their decisions on how to handle their collections. However, other governments, such as municipalities, are urged to join the national policy, so that clarity can be offered to countries of origin. In autumn 2024, the Rotterdam municipality was the first public custodian, other than the Dutch state, which also followed the national policy.

Collaboration within the field of colonial collections

The policy vision encourages collection managing institutions to conduct structural provenance research into their collections and make the findings publicly available. A good example of this is the Wereldmuseum's provenance series. The (digital) disclosure of already available knowledge is also considered essential, the data hub developed by the Consortium Colonial Collections and this series of research aides can be seen as an implementation of this idea. Other projects highlighting national cooperation around provenance research are the Pilot Project Provenance Research on Objects of the Colonial Era (PPROCE) that was carried out until 2022 and the research project Pressing Matter. Besides these Dutch collaborations, the policy vision also emphasises cooperation and knowledge exchange with countries of origin and other European countries implementing similar restitution policies.

Colonial Collections Committee

The Colonial Collections Committee (in full: Advisory Committee on the Return of Cultural Property from a Colonial Context) was established in 2022 in response to the policy established at the time regarding the handling of collections from a colonial context. The committee's regulations describe its exact terms of reference.

The committee consists of three permanent members and a chairman. They are appointed by the Ministry of Education, Culture and Science for a term of four years and can be reappointed for a maximum of one four-year term. When it deems necessary for the committee, an additional member can be nominated. This can be relevant, for instance, if the committee has to advise on a collection for which specific expertise on such a collection is needed.

How will a request be processed?

The committee receives the request submitted by a state through the Ministry of Education, Culture and Science, the committee thereafter creates a planning and considers whether an additional member is needed to deal with the case. The committee may request information or advice from experts at any stage of processing a request. Following this, the committee contacts the requesting party to discuss the process and determine the exact objects that the request concerns.

The research phase

The custodian of the objects that are requested is expected to have conducted or is planning to conduct provenance research into the objects in question. If this research indicates involuntary loss of possession, the Colonial Collections Committee discusses the outcomes with the managing institution and the requesting party about the interests both parties have in the collection. The provenance report is thereafter always shared with the requestor (the

country of origin), allowing them to submit any comments and additions concerning the research.

After this, the committee determines whether the provenance research is sufficient to form the basis of an advice. If necessary, additional information can be requested from the custodian. If the committee deems this necessary or at the request of the applicant, they can request an additional investigation by a third party.

Assessment and advice

On the basis of the provenance research and any additional information or investigations, the committee determines whether there has been involuntary loss of possession. If this is the case within the context of Dutch colonial rule, the Committee recommends unconditional restitution. If there is involuntary loss of possession in the context of colonial authority by another power, the Committee carries out a trade-off in which redress of historical injustice is the guiding principle. A balance of interests is carried out when the (provenance) investigation has failed to establish whether there has been an involuntary loss of possession.

In the case of a balance of interests, the applicant is asked to declare his interests in the retrieved objects. Other interested parties are also inventoried. The Colonial Collections Committee then draws up a deliberation taking into account cultural-historical, scientific and all other relevant interests. The circumstances following any return, such as management, conservation and accessibility (for local communities), also play a role.

After deliberation, the final advice of the Colonial Collections Committee is presented to the Minister of OCW (if it concerns an object from the state collection) or any other object owner. The latter then makes a decision, which in practice is always in line with the recommendations of the Colonial Collections Committee. After this, the committee's advice and the related provenance research report are made publicly available through the website of the Colonial Collections Committee. Previous advisory reports are therefore publicly available to everyone.

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