

Free web series: Who Owns Heritage?



Web Seminar

To Give or Not to Give it Back to Sri Lanka?

Considerations, Concerns and Actions regarding artefacts of the colonial period

Date: Wednesday 24 May 2023. Location: ZOOM

Time: 12:30-14:30 NL time / 16:00-18:00 SL time.

To enrol, please fill out this form:

[Web Seminar "To Give or Not to Give Back?" Considerations, Concerns and Actions Regarding Artefacts of the Colonial Period \(formdesk.com\)](https://formdesk.com)

The past is haunting the present people of the Netherlands. And elsewhere. The entanglement of history between the Netherlands and Sri Lanka [1602/1658 to 1796] may seem less problematic than in other parts of the world, for example in some parts of the Caribbean and South America. Nonetheless, there are some unresolved issues regarding the overlapping heritage of the Netherlands and Sri Lanka that need to be addressed. In this 3rd web seminar, which is organized in the spirit of **commemorating 70 years diplomatic relations between the Netherlands and Sri Lanka**, we will be addressing one such unresolved issue, namely the *belonging* of some cultural artefacts in terms of place, time and practice.

The present seminar is organized by the Netherlands Sri Lanka Foundation, The Netherlands in partnership with the LDE Centre for Global Heritage and Development at University Leiden. The seminar is supported by the Embassy of the Kingdom of the Netherlands, Sri Lanka.

In 2018, the Netherlands Sri Lanka Foundation launched a programme titled **'Who Owns Heritage?'**. The objective is to initiate and encourage discussions amongst experts around themes related to heritage and to promote historical awareness of a broader public both in the Netherlands and Sri Lanka. The foundation organized a well-attended kick-off symposium on 5 November 2019 at the The National Archives, The Hague. The focus was on key issues related to the restitution/repatriation of artefacts of the colonial period. Several prominent experts on heritage, history and law presented their views. A constructive but heated debate followed.

The symposium on 5/11/2019 was inspired by the Dutch Government intentions to seriously consider the questions related to colonial collections in Dutch museums.

Free web series: Who Owns Heritage?



In that period the minister of Education, Culture and Science initiated and funded the project '**Pilot-project Provenance Research on Objects of the Colonial Era' (PPOCE)**. This project started in 2019 and the final report was presented to Dr. Gunay Uslu, the State Secretary of Culture and Media, Ministry Education, Culture and Science on 17 March 2022.

The key objective of the PPOCE was to develop a method to conduct provenance research of colonial collections. As a case study 6 objects from Sri Lanka in the Rijksmuseum Amsterdam were extensively researched. Noting that a major part of PPOCE was on colonial objects of Indonesia. The outcome was a draft assessment framework for provenance research into objects acquired in a colonial context.

The report also included findings and recommendations. Subsequently the Dutch minister has initiated further actions and provided funding for their implementation.

It is in this context that the present seminar is organized so that a start can be made to put into practice all 'the talk' so far.

Therefore, purpose of the present web seminar is to:

- ✓ consider how to, cost effectively and efficiently, put to practice matters concerning the restitution, repatriation/return of objects of the colonial period in the Dutch museums (specifically in the context of Netherlands and Sri Lanka);
- ✓ discuss what the implications of this could be in Sri Lanka and the Netherlands;
- ✓ determine what it could mean for further policy making, academic and applied research and capacity and capabilities development;
- ✓ explore how the outcome of restitution, reparation or return could be leveraged to build awareness of a broader audience about the colonial period and historical entanglement of the Netherlands and Sri Lanka.

The Netherlands Sri Lanka Foundation in partnership with others will organize more seminars, given the extensive scope and the complexities of matters concerning restitution and repatriation of artefacts of the colonial period.

Free web series: Who Owns Heritage?



To Give or Not to Give it Back to Sri Lanka?

Considerations, Concerns and Actions regarding artefacts of the colonial period

Date: Wednesday 24 May 2023. Location: ZOOM

Time: 12:30-14:30 NL time / 16:00-18:00 SL time.

To enrol, please fill out this form:

[Web Seminar "To Give or Not to Give Back?" Considerations, Concerns and Actions Regarding Artefacts of the Colonial Period \(formdesk.com\)](#)

Programme outline (Max. 2,5 hours)

- ❖ Opening and welcome
- ❖ A brief introduction on reasons for the seminar and introducing **Her Excellency Bonnie Horbach, Ambassador of the Netherlands to Sri Lanka and the Maldives as moderator of the session**
- ❖ Presentations by:

Speaker 1: Dr. Evelien Campfens

A cultural heritage law specialist and post-doc fellow at the Research Group 'Museums Collections and Society'.

Title (to be finalized)

Restitution of Cultural objects: Overview of international developments

Speaker 2: Professor Naazima Kamardeen

Department of Commercial Law, Faculty of Law, University of Colombo.

Title:

Stuck in the pipeline: The complicated process of restitution of colonial cultural property from Netherlands to Sri Lanka

- ❖ Discussions to be moderated by Ambassador Bonnie Horbach.
- ❖ Summary and Close.

Free web series: Who Owns Heritage?



Bio:

NAAZIMA KAMARDEEN is Chair Professor in Commercial Law in the Faculty of Law, University of Colombo. She has a Doctor of Philosophy degree from the University of Colombo, Sri Lanka, a Master of Laws degree in International Legal Studies from Georgetown University USA, where she studied as a Fulbright scholar, and a Bachelor of Laws degree from the University of Colombo, Sri Lanka. She is also an Attorney-at-Law of the Supreme Court of Sri Lanka. Her research interests include intellectual and cultural property, international law, biopiracy and traditional knowledge, trade and investment, environment, research ethics and Muslim personal law reform.

She has done extensive research on the legal regime concerning cultural property with special focus on objects from the colonial era.

She is a member of the Law Commission of Sri Lanka.

Stuck in the pipeline: The complicated process of restitution of colonial cultural property from Netherlands to Sri Lanka

Synopsis:

Sri Lankan cultural property from its colonial period that has been found in the Netherlands belong to a unique category in that they are claimed by Sri Lanka on the basis of contemporary thinking on the subject, but retained by the Netherlands based on the status quo that existed at the time of the taking. The position has begun to shift in the very recent past, with the Netherlands returning colonial cultural objects to some other countries, prompting renewed requests from Sri Lanka for at least a few of its pieces. Following the PPROCE report which comprehensively traced the provenance of a few selected items from Sri Lanka that are found in Dutch museums, a renewed request was made. It is also understood that a further request was made in early 2023, even though details of such request are known only to the ministry and museum staff and are not available to outsiders.

On this researcher's visit to the Rijksmuseum Amsterdam (RMA) the museum staff indicated that they would be happy to support the restitution process but that the final decision would have to be made by the Dutch minister concerned. They were under the impression that no such request had been made at the time, in early November of 2022. Following discussions with the officials at the National Museum in Colombo, the researcher was made to understand that a request had been sent, but copies were not available for perusal. The request becomes important because even if provenance research establishes that the object does indeed originate in Sri Lanka, there is apparently no mechanism for the Netherlands to unilaterally decide to return the object without a request from the Home State of the object. Therefore, the receipt of a properly worded request is the starting point for any restitution process.

While it is appreciated that a certain degree of confidentiality and discretion must be exercised in these matters, transparency and inclusivity would be beneficial for these essentially public matters. It is hoped that once the request is received, the actual restitution process on the side of the Netherlands will be less complicated.

Free web series: Who Owns Heritage?



Bio

Evelien Campfens is a cultural heritage law specialist and post-doc fellow at the Research Group 'Museums Collections and Society'. After having worked as a lawyer at the Dutch Restitutions Committee for Nazi looted art (2001-2016) she joined Leiden University (Grotius Centre for International Legal Studies) in relation to her PhD research on the topic of looted art. She is elected member Committee on Participation in Global Cultural Heritage Governance of the International Law Association; research coordinator of the Heritage Under Threat group of the LED Centre for Global Heritage and Development; and member of the Ethics Committee of the Dutch Museum Association (Ethische Codecommissie).

Title (to be finalized)

Restitution of Cultural objects: Overview of international developments

Synopsis:

Fifty years after the UN General Assembly urged the return of colonial cultural takings to victims of expropriation, the debate has clearly entered a new phase. Return ceremonies in the same museums that, twenty years ago, undersigned the Declaration on the Value and Importance of Universal Museums – in which major museums justified their continued possession of looted artefacts –, are a testament that times have changed. However, these returns are generally presented as voluntary gestures, not based on the law. Whether such an 'ethical model' – whereby claims are settled by ad-hoc agreements and on a voluntary basis – is sustainable in the long run is questionable. Sooner or later standards will need to be set: Which objects, for example, are considered "colonial loot" and eligible for return? And what parties should be seen as 'right holders' in that regard, national governments or communities the objects were taken from? This contribution will highlight the role of human rights for such questions. Having at its centre the right of access to one's culture, in such an approach also cooperative provenance research is key.

Free web series: Who Owns Heritage?



Bio:

Bonnie Horbach is the Ambassador of the Kingdom of the Netherlands to Sri Lanka and Maldives. She was appointed Ambassador of the Netherlands to Sri Lanka and the Maldives in 2022.

Previously Ms. Horbach served as Dutch Ambassador in Lithuania from 2018 to 2022 focusing on European integration and security issues. Before that, she was the Consul General in Cape Town, South Africa (2013 to 2018), head of the recruitment department of the Ministry of Foreign affairs (2009-2013) and spokesperson to the Minister of European Affairs, Frans Timmermans (2007-2009). Ambassador Horbach was also based in Bangkok, Thailand (2002-2004) and Bagdad (2004-2006).

Ms. Horbach started her career in business as the Public Affairs manager for five Dutch industrial companies (among which Damen Shipyards and Philips Medical Systems). She left the Foreign Ministry briefly in 2007-2009 when she worked as Public Affairs Director for Sabic Europe.