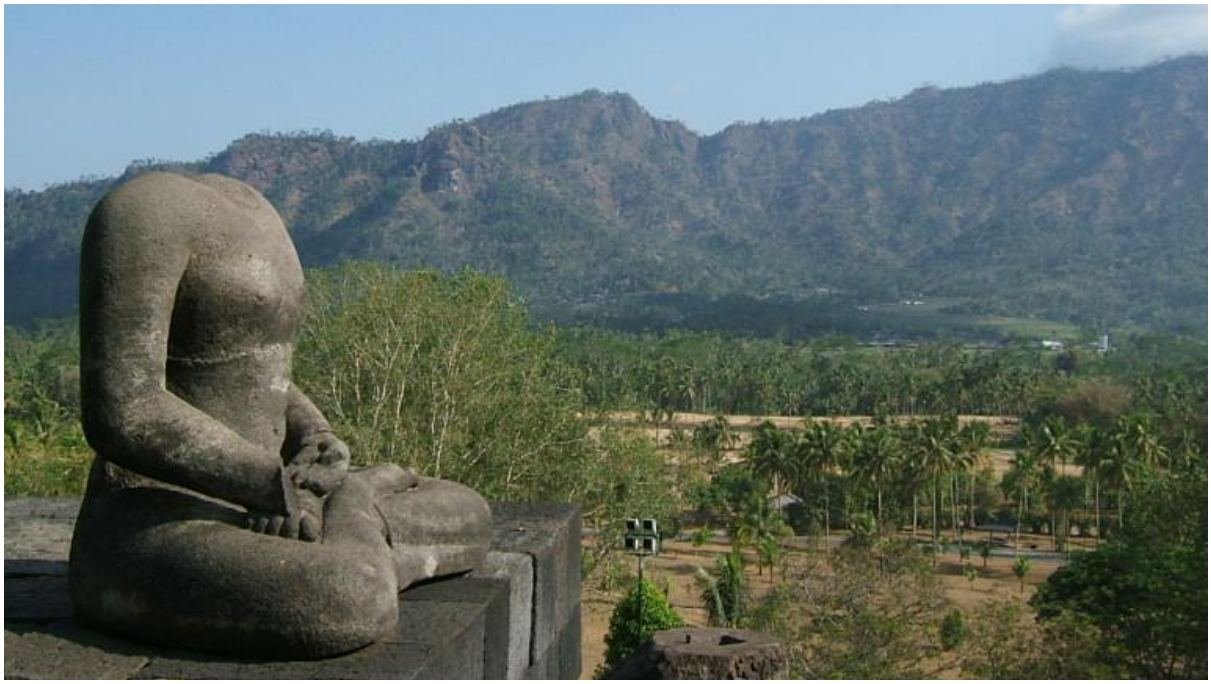
Rest in Pieces:

The Borobudur Stone Buddha Heads in the Netherlands' Restitution Dialogue with Indonesia



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Abstract

This thesis investigates the complexities of cultural artifact restitution, particularly the Borobudur stone Buddha heads housed in the National Museum of World Cultures Foundation (NMVW) in the Netherlands. By examining historical and contemporary restitution policies, such as *the Guidance 2020* and *Policy Vision 2021* which are restitution guidelines written by the Dutch government, the study examines the past restitution cases and policy frameworks to infer the current position of these artifacts within the broader restitution discourse between the Netherlands and Indonesia.

The research identifies the lingering influence of colonial and orientalist attitudes, which manifest in paternalistic approaches and power imbalances that have historically shaped restitution practices. Nonetheless, the recent policies written by the Netherlands show that the country does not only focus on returning the objects, but it also addresses the power imbalances and historical injustices. It emphasizes equal collaborations and the autonomy of the country of origin. As such, the Netherlands is paving a path towards reconciliations.

The frequent lack of comprehensive provenance documentation further complicates restitution efforts, leaving many artifacts, including the Borobudur Buddha heads, in a state of uncertainty within the Dutch collections. Although they may be returned, it is not without conditions. Through an analysis of past discussions and cases, the study highlights the challenges faced by Indonesian stakeholders—government officials, cultural heritage experts, and local communities—in reclaiming their cultural heritage. Despite recent shifts

towards more collaborative and equitable restitution frameworks, significant obstacles remain, particularly in cases where provenance is ambiguous or incomplete.

A case study of the Borobudur Buddha heads highlights a broader paradox in international restoration efforts: while global initiatives aim to restore and preserve cultural heritage sites, the retention of essential objects in museums worldwide hinders these efforts. This situation highlights the need for international cooperation and collective responsibility in addressing historical injustices and ensuring the preservation of cultural heritage. In conclusion, this thesis highlights the importance of inclusive and transparent restitution processes that consider the perspectives and needs of all stakeholders, especially those from the countries of origin. By fostering a more just and respectful approach to cultural heritage restitution, with that in consideration a more equitable resolution to the challenges posed by historical legacies and contemporary restitution policies can be reached.

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Introduction

> "Restitution is not an act of heritage, it is a political act."[1]
>
> (Stijn Schoonderwoerd, 2023)

The restitution of cultural heritage artifacts, particularly those acquired during colonial eras, has become a pivotal issue within the fields of art history, cultural heritage studies and museum practices. This thesis focuses on the complexities surrounding the restitution of cultural objects with a colonial background, specifically examining the debates and policies between Indonesia and the Netherlands. This research looks at various restitution case studies and previous restitution policies to hypothesize how the fourteen Borobudur stone Buddha heads in the Nationaal Museum van Wereldculturen collection (NMVW) may be situated in the current wave of restitution efforts between the two countries. By analyzing the historical, cultural, and political factors at play, the research aims to shed light on the nuanced challenges and implications of these restitution efforts and the potential restitution of these Buddha heads. Here, history, politics, and heritage intersect in a pursuit of justice, cultural identity, and the rectification of historical injustices.

The Global Stage

Colonial legacies continue to fuel global discussions and actions, with calls for the restitution of cultural heritage objects gaining momentum. These objects serve as a tangible representation of cultural identity, embodying its traditions, beliefs, and history. Their significance surpasses their material value, acting as conduits to connect present and future

[1] "The Netherlands: Museums Confront the Country's Colonial Past | UNESCO," accessed February 26, 2024, https://courier.unesco.org/en/articles/netherlands-museums-confront-countrys-colonial-past-0.

generations with their cultural roots. Therefore, their restitution is crucial for upholding the integrity and continuity of diverse cultural identities. The restitution efforts have started a commitment that transcends borders, sparking discussions about restitution worldwide. The restitution of cultural heritage artifacts has become a significant movement in recent years, marked by notable events, actions and commitments from various countries.

In 2017, French President Emmanuel Macron, during an address in Burkina Faso, declared his intent to facilitate the conditions necessary for the temporary or permanent restitution of African heritage to Africa. This pronouncement catalyzed a series of measures within France and across Europe, including the establishment of national standards and panels in countries such as France, Germany, the Netherlands, Belgium, and Switzerland to assess compensation claims and manage the restitution of objects acquired during colonial eras.[2]

[2] Brigit Katz, "French Report Recommends the Full Restitution of Looted African Artworks," Smithsonian Magazine, accessed May 22, 2024, https://www.smithsonianmag.com/smart-news/french-report-recommends-full-restitution-looted-african-artworks-180970872/.

Though initially appeared as an unrelated criminal justice issue, the aftermath of George Floyd's police assassination in 2020 sparked global protests targeting symbols of historical violence, including the toppling of colonial statues and protests at museums.[3] These actions highlighted demands for decolonizing public spaces and institutions, compelling museums to reevaluate the colonial legacies in their collections and address calls for the restitution of cultural objects.[4]

Figure 1 Caitlin Hobbs. *Edward Colston – empty pedestal*. Photograph.

Figure 2 Chris McKenna. *Statue of Robert Mulligan, West India Quay on 9 June 2020. Photograph.*

[3] Errol Francis, "Reflections on Black Lives Matter, Decolonisation and What Museums Can Do next – Dr Errol Francis," accessed May 22, 2024, https://www.cultureand.org/news/reflections-on-black-lives-matter-decolonisation-and-what-museums-can-do-next-dr-errol-francis/; "Museums, Heritage and Black Lives Matter - The Peace Museum," accessed May 24, 2024, https://www.peacemuseum.org.uk/museums-heritage-and-black-lives-matter/.

[4] Amineddoleh & Associates LLP - Leila A Amineddoleh, "Cultural Heritage Disputes and Restitution," Lexology, January 6, 2023, https://www.lexology.com/library/detail.aspx?g=6c742b9b-c740-4643-88d0-eab1ae8b4c46; Angela Davic, "Repatriation Efforts Across Europe and the US," The Collector, February 20, 2024, https://www.thecollector.com/repatriation-efforts-across-europe-and-the-us/; Will Gompertz, "How UK Museums Are Responding to Black Lives Matter," BBC, June 29, 2020, https://www.bbc.com/news/entertainment-arts-53219869; Laura Van Broekhoven, "On Decolonizing the Museum in Practice," *Journal of Museum Ethnography*, no. 32 (2019): 1–10.

These few examples are an example that restitution is a global phenomenon that rarely occurs from the actions of a single country alone. Instead, it emerges in response to broader political pressures and societal demands for the acknowledgement and rectification of historical injustices and violence. Restitution is a nuanced and multifaceted process that is intricately woven into the fabric of global politics. Its successes may hinge upon the current political climate, with each instance representing a complex interplay of power dynamics and moral commitments. As stated above by Stijn Schoonderwoerd, the Director of the NMVW, at its core, restitution is not merely an ethical obligation; it is a political gesture. Scholars such as Marieke Bloembergen and Martijn Eickhoff argue that "heritage" is imbued with political implications, making any discussions or actions around cultural heritage an inherently political one.[5] Moreover, another political aspect of restitution is also critiqued as it presents countries with an opportunity for transformative self-reflection and rebranding, as noted by Cameron Shapiro. By engaging in restitution efforts, nations can revisit their history and redress their national narratives through the demonstration of a genuine commitment to justice and reconciliation on the global stage.[6] Thus, restitution transcends mere return of physical artifacts; it becomes a catalyst for broader social and political transformation, an acknowledgement and accountability of the historical injustices, shaping perceptions and forging pathways toward reconciliation and a more equitable future.

[5] Marieke Bloembergen "Lush Lives: The Peregrinations of Borobudur Buddha Heads, Provenance, and the Moral Economy of Collecting | IIAS," accessed March 5, 2024, https://www.iias.asia/the-newsletter/article/lush-lives-peregrinations-borobudur-buddha-heads-provenance-and-moral-economy; Marieke Bloembergen and Martijn Eickhoff, *The Politics of Heritage in Indonesia: A Cultural History*, Asian Connections (Cambridge: Cambridge University Press, 2020), https://doi.org/10.1017/9781108614757.
[6] Cameron Shapiro, "The Foreign Policy of Restitution: How Antiquities Repatriations Could Help the United States Thwart Chinese Influence in Cambodia," *Senior Projects Spring 2023*, January 1, 2023, https://digitalcommons.bard.edu/senproj_s2023/314.

Borobudur

Figure 3 Kassian Céphas, Borobudur, gezien vanuit het noordwesten, 1872. Photograph. Rijksmuseum.

Borobudur, a monumental Buddhist temple in Java, Indonesia, has long been a symbol of profound cultural and religious significance. For over a century and a half, it served as the epicenter of Buddhism in Java, drawing pilgrims and worshippers alike. However, the structure endured centuries of physical neglect and damage from natural disasters, leading to its gradual burial under layers of earth and vegetation.[7] Its rediscovery and subsequent excavations by colonial powers since 1814 brought its grandeur back into the spotlight, yet these activities also fabricated a sense of ownership and authority by the colonial regimes. The entanglements with foreign powers bestowed another identity on the site: a colonial, post-colonial, and eventually a World Heritage site.[8]

Among the artifacts entangled in the intricate discourse of cultural heritage and restitution are the Borobudur Buddha heads. Many of these were collected during excavations,

[7] Soediman, "Borobudur, Indonesian Cultural Heritage," *Studies in Conservation* 18, no. 3 (1973): 102, https://doi.org/10.2307/1505653; R. Soekmono, *Chandi Borobudur: A Monument of Mankind* (Unesco Press, 1976), 4.

[8] M. Bloembergen and Melle Monquil, *A Fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur*, PPROCE Provenance Reports (Amsterdam, 2022), 3; Marieke Bloembergen and Martijn Eickhoff, eds., "Site Interventions, Knowledge Networks, and Changing Loyalties on Java, 1800–1850s," in *The Politics of Heritage in Indonesia: A Cultural History*, Asian Connections (Cambridge: Cambridge University Press, 2020), 22–60, https://doi.org/10.1017/9781108614757.002; Marieke Bloembergen and Martijn Eickhoff, eds., "Introduction: Towards a Mobile History of Heritage Formation in Asia," in *The Politics of Heritage in Indonesia: A Cultural History*, Asian Connections (Cambridge: Cambridge University Press, 2020), 1–21, https://doi.org/10.1017/9781108614757.001.

becoming poignant symbols of the complex issues surrounding cultural heritage. Fragmented and dispersed worldwide, these statues serve as stark reminders of the colonial practices of acquisition and the subsequent erasure of Javanese cultural identity. Presently, forty-three of these statues are completely absent, while over 300 have sustained damage, with 250 missing their heads; fourteen of which are in the NMVW Collection, and scholars believe that more may be identified in the future.[9] As current restitution policies heavily depend on provenance, the lack of clear provenance complicates and may hinder restitution efforts. In their provenance research of the four Buddha heads in the NMVW Collection, Marieke Bloembergen and Melle Monquil, emphasize the arbitrary and often undocumented nature of these removals; potentially hindering their restitution.[10] The Borobudur Buddha heads thus emerge as a compelling case study in the global discourse on restitution, shedding light on the challenges of reclaiming cultural artifacts and addressing the historical injustices rooted in their displacement.

Figure 4 Anandajoti Bhikkhu. Statues on Level 1, Outer Wall at Borobudur, Java, Indonesia

[9] Bloembergen and Monquil, *A Fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur,* 9.
[10] Ibid.

Restitution: The Netherlands and Indonesia

Calls for restitution from Indonesia has been ongoing since its independence in 1945.[11] While the restitution of these objects focuses on reinstating a part of Indonesia's history, it is often acknowledged by the public as a victory for Indonesia over its former colonizers, a call for the rectification of historical injustices that were answered.[12] The acknowledgement and cultural awareness led to the formation of modern Indonesian political organizations like *Boedi Oetomo* in 1908, comprising of intellects who advocated for heritage protection, and what was called identity and cultural heritage politics occurred.[13] In the 1930s, there was a cultural politics which questioned whether it is appropriate for these objects to be outside of their country of origin.[14] Between 1945 and the late 1970s, Indonesian authorities continuously advocated for the return of colonial artifacts. The reasons behind these restitution appeals varied, influenced by diplomatic circumstances, from focused and productive efforts to initiatives driven by propaganda. Similarly, Dutch perspectives on restitution underwent significant changes during this period, characterized by a strategic approach in the 1940s, reluctance to cooperate in the 1950s and 1960s, a more receptive stance in the 1970s, and a cooperative stance currently.[15] The urgency and enthusiasm surrounding restitution of cultural objects from the global West in recent years is sensed

[11] Cynthia Scott, "Sharing the Divisions of the Colonial Past: An Assessment of the Netherlands–Indonesia Shared Cultural Heritage Project, 2003–2006," *International Journal of Heritage Studies* 20, no. 2 (February 17, 2014): 181–95, https://doi.org/10.1080/13527258.2012.738239.
[12] Rahadian Rundjan, "Repatriasi Benda-benda Budaya Indonesia," dw.com, October 30, 2021, https://www.dw.com/id/repatriasi-benda-benda-budaya-indonesia/a-59620434.
[13] Klaas Stutje, "The History of the Indonesian Dutch Restitution Debate: Working Paper," *PPROCE Provenance Reports*, March 2022, 6.
[14] Said I Gusti Agung Wesaka Puja, the head of the Repatriation Team for Collections from Indonesia in the Netherlands. As seen in: Randy Wirayudha, "Menuntut Repatriasi Jarahan Belanda Usai Bertikai," Historia - Majalah Sejarah Populer Pertama di Indonesia, November 22, 2023, https://historia.id/kultur/articles/menuntut-repatriasi-jarahan-belanda-usai-bertikai-vY8Mm. Author's translation.
[15] Stutje, "The History of the Indonesian Dutch Restitution Debate," 21.

globally. As Hilmar Farid, the Director General of Culture in Ministry of Education and Culture of the Republic of Indonesia, called it '"demam' repatriasi" (English: repatriation 'fever') in 2020.[16]

The issue of contested collections and the call for restitution have received a renewed interest. A professor in anthropology Susan Legêne and Els Postel-Coster, the former head of curatorial department of the Wereldmuseum Amsterdam, have written extensively on colonial histories, cultural heritage, and the politics of culture including their publication "Isn't it all Culture?" which deals with how Dutch cultural policies in the post-colonial period have influenced and intersected with development policies. The book examines the complexities and implications of cultural heritage and identity in the context of Dutch colonial history and its impact on contemporary policies.[18]

In the book, *The Politics of Heritage in Indonesia: A Cultural History*, Marieke Bloembergen, professor of heritage and post-colonial studies in Indonesian history, and Martijn Eickhoff, professor of Archeology examines into the intricate interplay between heritage formation and political dynamics in Indonesia. The publication examines how colonial and post-colonial interventions have shaped the preservation and interpretation of cultural sites, including Borobudur. By tracing the histories of these sites and their objects, the authors

[16] "Jalan Panjang Memulangkan Jarahan Belanda," Historia - Majalah Sejarah Populer Pertama di Indonesia, January 8, 2020, https://historia.id/kultur/articles/jalan-panjang-memulangkan-jarahan-belanda-vgXm0. Author's translation.
[18] Susan Legêne and Els Postel-Coster, "Isn't It All Culture?: Culture and Dutch Development Policy in the Post-Colonial Period," in *Fifty Years of Dutch Development Cooperation 1949-1999* (Sdu Publishers, 2000), 271–88.

highlight the evolving power structures and cultural narratives that influence heritage policies and restitution debates today.[19]

A senior researcher in colonial cultural collections and restitutions, Jos van Beurden has conducted extensive research on cultural restitution examining the ethical, political, and practical dimensions of returning artifacts taken during colonial periods. His notable works, including *Inconvenient Heritage: Colonial Collections and Restitution in the Netherlands and Belgium* published, and *Treasures in Trusted Hands – Negotiating the Future of Colonial Cultural Objects*, highlight the complexities of provenance research and the necessity of trust and equality in restitution processes.[20] In *The Return of Cultural and Historical Treasures – The Case of the Netherlands*, van Beurden discusses specific restitution cases and evolving policies in the Netherlands, offering insights into addressing historical injustices.[21]

Panggah Ardiyansyah, a PhD candidate of History of Art and Archaeology at SOAS, has made significant contributions to the discourse on cultural restitution, focusing on Southeast Asian artifacts. His works include *Returning Southeast Asia's Past: Objects, Museums, and Restitution*, co-edited with Louise Tythacott, professor of curating and museology, which examines the colonial impacts on museum collections and the complexities of legal

[19] Bloembergen and Eickhoff, *The Politics of Heritage in Indonesia*.
[20] Jos van Beurden, *Inconvenient Heritage: Colonial Collections and Restitution in the Netherlands and Belgium* (Amsterdam: Amsterdam University Press, 2022), https://www.aup.nl/en/book/9789463720595/inconvenient-heritage; Jos van Beurden, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, 1 online resource (290 pages) : color illustrations vols., CLUES, number 3 (Leiden: Sidestone Press, 2017), https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1521169.
[21] Jos van Beurden, *The Return of Cultural & Historical Treasures: The Case of the Netherlands* (Amsterdam: KIT Publishers, 2012), https://issuu.com/kitpublishers/docs/the_return_of__cultural_lr.

restitution.[22] A chapter in the book by Wieske Sapardan, “The Return of Cultural Property and National Identity in Postcolonial Indonesia,” explores various topics such as the shifting value of an object, the intervention of UNESCO and the history of the Dutch-Indonesian negotiations.[23] In “Writings of Borobudur,” he challenges colonial interpretations of the site by analyzing indigenous perspectives from the *Babad Tanah Djawi* manuscript. It reveals Borobudur's spiritual significance for local communities during the Early Modern Java period, contributing to discussions on heritage interpretation and decolonization.[24]

The Netherlands has been taking steps towards restitution, including initiatives aimed at addressing historical injustices and revising its policies regarding the return of colonial collections. These efforts include three significant endeavors: the Pilot Project Provenance Research on Objects of the Colonial Era (PPROCE), the publication "Traces of Slavery and Colonial History in the Art Collection of the Cultural Heritage Agency of the Netherlands," and "Pressing Matter: Ownership, Value and the Question of Colonial Heritage in Museums," which examines how these artifacts can contribute to societal reconciliation with the colonial past and its aftermath by addressing conflicting claims from various stakeholders.[25] These projects emphasize that restitution extends beyond the act of

[22] Louise Tythacott and Panggah Ardiyansyah, *Returning Southeast Asia’s Past: Objects, Museums, and Restitution* (NUS Press, 2021), https://doi.org/10.2307/j.ctv1r4xctd.
[23] Wieske Sapardan, “The Return of Cultural Property and National Identity in Post-Colonial Indonesia,” in *Returning Southeast Asia’s Past: Objects, Museums, and Restitution*, by Louise Tythacott and Panggah Ardiyansyah (Singapore: NUS Press, 2021), 213–34.
[24] Panggah Ardiyansyah, “Writings of Borobudur: Making Sense of an Early Modern Javanese Manuscript within the Production of Archaeological Knowledge in Indonesia,” *Berkala Arkeologi* 42, no. 2 (December 26, 2022): 165–78, https://doi.org/10.30883/jba.v42i2.886.
[25] “PPROCE - Provenance Research on Objects of the Colonial Era,” Wereldmuseum Amsterdam, accessed April 2, 2024, https://amsterdam.wereldmuseum.nl/en/about-tropenmuseum/research/provenance-research-colonial-era; Hanna Pennock, Simone Vermaat, and Miriam Windhausen, “Traces of Slavery and Colonial History in the Art Collection - Edition 2 - Publication - Cultural Heritage Agency,” publicatie (Ministerie van Onderwijs, Cultuur en Wetenschap, October 20, 2020), https://english.cultureelerfgoed.nl/publications/publications/2020/01/01/traces-of-slavery-and-colonial-

repatriation. Restitution encompasses equal collaboration, acknowledgment of historical injustices, reconciliation, reconnection, and closure—paving the way for the futures.[26]

This renewed focus on unresolved restitution issues highlights the need for a comprehensive reevaluation of past practices and a commitment to rectifying historical injustices. Among the unresolved cases that demand attention is the Borobudur Buddha heads in the collection of the NMVW.[27] The Borobudur Buddha heads, along with other unresolved restitution cases, continue to provoke debates over ownership and representation, highlighting the ethical complexities surrounding the acquisition, possession, and display of cultural artifacts, particularly those with colonial histories. These discussions raise critical questions about the ethical acquisition, possession, and display of cultural artifacts, particularly those with colonial histories, emphasizing the need for careful consideration and dialogue in addressing these issues.

Research Questions

Primary Question

How are the Borobudur stone Buddha heads at the Nationaal Museum van Wereldculturen (NMVW) situated in the current restitution initiatives in the Netherlands?

history-in-the-art-collection-edition-2; "Pressing Matter: Ownership, Value and the Question of Colonial Heritage in Museums," accessed March 22, 2024, https://pressingmatter.nl/.

[26] Ciraj Rassool and Victoria E. Gibbon, "Restitution versus Repatriation: Terminology and Concepts Matter," *American Journal of Biological Anthropology* n/a, no. n/a, accessed February 26, 2024, https://doi.org/10.1002/ajpa.24889.

[27] Stutje, "The History of the Indonesian Dutch Restitution Debate."

Secondary Questions

- Are there traces of colonial legacies and orientalist attitudes in the debate on restitution between Indonesia and the Netherlands? If so, how do these factors reflect on the Netherlands' approach to handling restitution claims?
- What are the perspectives and demands of Indonesian stakeholders, including government officials, cultural heritage experts, and local communities, regarding the restitution of cultural objects from the Netherlands to Indonesia?

Methodology and Structure

This thesis is organized into three primary chapters, each of which addresses a distinct aspect of the primary research question. Through a multifaceted methodology, this research thoroughly explores the complexity of the restitution efforts between the Netherlands and Indonesia. In the pursuit of comprehensive research for this study, attempts were made to engage with the Information & Socio-Cultural Affairs of the Indonesian embassy in the Hague. However, due to unforeseen circumstances, a response to inquiries was not received in time for inclusion in this study. Despite this, every effort was made to address this gap with academic rigor, acknowledging the potential impact it may have on the analysis. While the absence of a definitive response introduces an element of uncertainty, provisional insights based on available data and theoretical frameworks remain relevant. This study aims to navigate the complexities of restitution discussions between the Netherlands and Indonesia, shedding light on the significance of the Borobudur Buddha heads within this broader context.

Chapter 1 provides an in-depth historical analysis of Borobudur and its artifacts to contextualize the intricacies of the site, its colonial history, and the impact of colonial

activities on its objects. This chapter leverages the PPROCE research paper by Marieke Bloembergen and Melle Monquil which traced the trajectories of four Buddha heads housed at the Nationaal Museum van Wereldculturen (NMVW). This case study highlights the significant issue of inadequate documentation, which complicates the determination of the provenance of an object and, consequently, affects restitution efforts.

Chapter 2 investigates the enduring legacies of colonialism and orientalism, examining how historical power dynamics continue to influence contemporary perceptions and treatment of cultural objects. By reviewing restitution guidelines, acts, and policies from the Netherlands, this chapter provides insights into the ethical considerations involved in cultural heritage preservation and the rectification of historical injustices. It explores whether orientalist attitudes and colonial legacies are evident in the Netherlands' approach to handling restitution claims by reviewing key policies and respective case studies, including:

- *The Joint Recommendations by the Dutch and Indonesian Team of Experts, Concerning Cultural Cooperation in the Area of Museums and Archives, Including the Transfer of Objects 1975*
- *The Heritage Act 2016*
- *Colonial Collection a Recognition of Injustice: Guidance on the Way Forward for Colonial Collections 2020*
- *Policy Vision on Collections from a Colonial Context 2021*

Chapter 3 shifts the focus to the Indonesian perspective and the pivotal role played by UNESCO in the restoration of Borobudur. By meticulously analyzing scholarly articles and media reports written by Indonesian scholars and journalists, this chapter comprehensively

examines into the international and UNESCO's efforts in safeguarding Borobudur's cultural heritage. Transitioning from Borobudur's restoration, the narrative shifts to the Indonesian stance on the restitution of cultural artifacts with colonial origins. Here, the chapter navigates through a diverse array of viewpoints, encompassing opinions on governmental policies and, significantly, the voices of local communities. As restitution processes are currently state-centric, this chapter asks: to whom to these objects return to? Exploring the intricate dynamics, current limitations, and ethical considerations underlying restitution process.

By investigating the restitution debate between Indonesia and the Netherlands, this research aims to contribute to the understanding of the historical, cultural, and political factors shaping contemporary discussions on the restitution of cultural objects acquired during the colonial era. Furthermore, it explores the global implications of restitution efforts, emphasizing the interconnectedness of cultural heritage management, and the importance of different perspectives which necessitate international collaborative approaches; all of which form policy discussions and decision-making processes, fostering a dialogue in handling cultural heritage and instituting objects.

Chapter 1: Historical Information of the Site and its Objects

To grasp the significance of the objects such as the stone Buddha heads from Borobudur, it is essential to first acquire a comprehensive understanding of the history of the temple. Over the centuries, Borobudur has captivated countless admirers, including scholars and pilgrims to colonial and local officials. This widespread fascination has sparked numerous claims to ownership of the temple.[28] Due to the rich history of Borobudur under different regimes, both local and colonial powers, its significance has evolved through time. Each era and ruling power permeating it with different meanings, rewriting its history, shaping its identity, and contributing to its complex heritage identity. Building on this understanding, the rewriting of the history of Borobudur was propagated by Western "discoverers," who portrayed the monument as a dormant relic that was far removed from the memory of the contemporary; devoid of cultural, historical, and religious significance.[29]

The narrative of Borobudur underwent a significant transformation during the Western-led archaeological activities in the 19th century. Previously revered as a pilgrimage site, it was recast as a colonial archaeological curiosity, and later designated as a world heritage site. This speaks to the evolving significance and universal recognition of its cultural and historical importance and enduring legacy of Borobudur on a global scale. The dynamic nature of Borobudur has significantly influenced both its perception and treatment, as well

[28] M. Bloembergen and Melle Monquil, *A Fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur*, PPROCE Provenance Reports (Amsterdam, 2022), 5.
[29] Thomas S. Raffles, *The History of Java: Vol. II,* (1817), 29 – 30. Retrieved from https://rowlandpasaribu.files.wordpress.com/2013/09/thomas-s-raffles-the-history-of-java-vol-02.pdf.

as the objects found within it. As fragments of Borobudur traveled to the west, their religious significance underwent a recontextualization, being interpreted as ethnographic specimens and archaeological artefacts. Eventually, they were "elevated" to art, while their religious and historical significance was diminished.[30]

The Western-led excavation was a pivotal moment that allowed the Western powers to assert what can be termed as "fabricated ownership" over the site and its artifacts. This fabricated ownership stemmed from the narrative that the West, through their "rediscovery" efforts, had the rights to laid claims to the cultural heritage of Borobudur, obscuring its original ownership by the Javanese people. This ambiguity also reflects in the acquisition of the objects on the site as the manner they were acquired, whether through buying or taking, was not documented.[31] The lack of clarity in provenance documentation further complicates matters, as it hampers restitution efforts.[32] Without a clear understanding of their provenance, the process of returning these objects to their origins becomes challenging and fraught with uncertainty.

[30] Shuchen Wang, "Museum Coloniality: Displaying Asian Art in the Whitened Context," *International Journal of Cultural Policy* 27, no. 6 (September 19, 2021): 720–37, https://doi.org/10.1080/10286632.2020.1842382.
[31] Bloembergen and Monquil, *A Fragmented Provenance Report*, 4, 9, 25.
[32] Cultuur en Wetenschap Ministerie van Onderwijs, "Beleidsvisie collecties uit een koloniale context - Kamerstuk - Rijksoverheid.nl," kamerstuk (Ministerie van Algemene Zaken, January 29, 2021), https://www.rijksoverheid.nl/documenten/kamerstukken/2021/01/29/rapport-beleidsvisie-collecties-uit-een-koloniale-context.

The History of the Temple

Borobudur stands as a testament to the ancient Buddhist civilization in Central Java. It was constructed of 160,000 cubic feet of andesite stones around 800 A.D. during the reign of the Shailendra dynasty who followed the teachings of Mahayana Buddhism. It is situated on top of a hill and features a step-pyramid structure comprising six rectangle galleries at the base, followed by three circular terraces, all culminating in a large stupa on a circular base. The structure resembles the basic form of a stupa when viewed from a distance. Symbolically, Borobudur represents the Buddhist cosmological concept of the universe, divided into three main subdivisions: *Kamadhatu* (the foot of Borobudur) symbolizing the world of desires, *Rupadhatu* (first level) symbolizing the world of forms, and *Arupadhatu* (second level) symbolizing the world of formlessness (fig. 1). With stairways and gateways on its four sides leading to the top, the monument stands as a colossal structure. Its base spans about 123 meters, while its total height reaches 31.50 meters, although the pinnacle of the central stupa remains incomplete.[33]

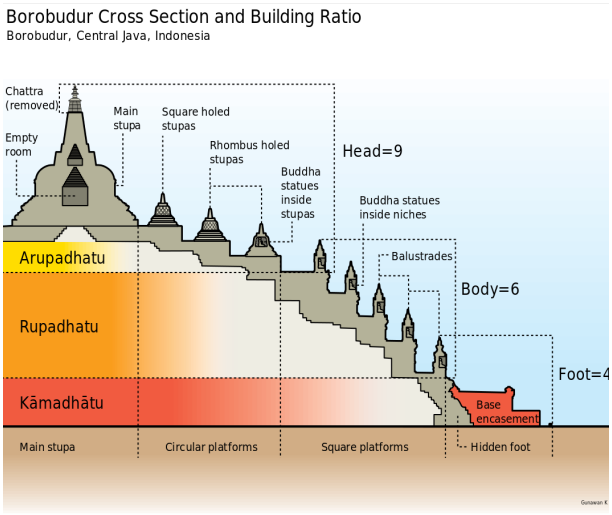

Figure 5 Gunawan Kartapranata, Borobudur Cross-Section and Building Ratio.

Originally, Borobudur housed 504 Buddha statues. The Buddha is depicted in 6 *mudras* (gesture): *Bhumisparsa mudra* (calling the Earth to witness) facing East, *Vara mudra* (giving) facing south, *Dhyana mudra* (concentration and meditation) facing West, *Abhaya mudra*

[33] Soediman, "Borobudur, Indonesian Cultural Heritage," *Studies in Conservation* 18, no. 3 (1973): 105 - 106, https://doi.org/10.2307/1505653.

(eliminating fear) facing North, and *Vitarka mudra* (preaching) and Dharmachakra mudra (turning the wheel of *dharma*) at the peak. They were each represented 92 times on the four lower levels of the temple, while the preaching *mudra* was depicted 64 times in the highest gallery. Other 72 Buddha statues adorned the smaller stupas on the three circular terraces encircling the central and largest stupa, depicted in preaching postures.[34]

The structure shows a blend of Indian and Indonesian cultural elements. While Borobudur is primarily a Buddhist monument, it incorporates both Indian Mahayana Buddhist architectural principles and cosmological concepts, and local Javanese artistic styles and symbolism of spiritual beliefs. From an architectural perspective, the design of Borobudur reflects the Mahayana Buddhist stupas found in India. In India, structures known as stupas served as significant sites for Buddhist worship, housing relics and symbolizing key aspects of the religion. The layout of the temple and ornamentation also exhibit distinct Javanese characteristics, such as the use of local volcanic stone and the incorporation of Indigenous motifs and decorative elements. Moreover, the 1,460 relief panels depict not only Buddhist narratives, but also scenes from daily life in ancient Java, showcasing a fusion of Buddhist and indigenous Javanese cultural themes. These chronicles offer valuable insights into Javanese perceptions of their history and cultural heritage, including their understanding of the Shailendra dynasty and its significance in Java's past.[35]

[34] Marieke Bloembergen and Melle Monquil, *A Fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur*, PPROCE Provenance Reports (Amsterdam, 2022), 6.
[35] Soediman, "Borobudur," 109.

For a century and a half, Borobudur was the epicenter of Buddhism in Java. Its significance transcends time, serving as a sanctuary dedicated to the Buddha and a revered destination for Buddhist pilgrims for centuries. Unfortunately, due to political upheavals in the 14th century along with other factors such as the decline of Buddhism and the Javanese conversion to Islam in Central Java, sacred Buddhist temples like Borobudur fell into disrepair. The structure had suffered from neglect and natural disaster. Over time, natural elements, including volcanic eruptions, further damaged the monument, leading to its gradual burial under layers of earth and vegetation.[36] Consequently, the temple was believed to have laid dormant, concealed beneath layers of earth, along with its original religious identity. As we shall see below, that is not the case.

In 1814, the colonial authorities who uncovered Borobudur portrayed the temple as entirely abandoned and far removed from the contemporary local memory and identity.[37] Borobudur and numerous other religious ruins in South and Southeast Asia frequently carry narratives characterized by Orientalist perspectives, where colonizers claim to "discover" or "reveal" ancient monuments.[38] These narratives distort and undermine the authentic, ongoing history of these temple ruins. The notion that Borobudur was entirely abandoned and removed from the memory and the spiritual life of the Javanese people is challenged by Indonesian historians who argue otherwise, citing 18th century manuscripts that suggest a different narrative.[39]

[36] Soediman, "Borobudur, Indonesian Cultural Heritage."; and Soekmono, *Chandi Borobudur*, 4.
[37] Raffles, *The History of Java*, 6.
[38] Bloembergen and Monquil, *A Fragmented Provenance Report,* 5.
[39] Ardiyansyah, "Writings of Borobudur,"103.

Silenced Local Memories

Serat Centhini is an extensive Javanese manuscript comprising of over 3,500 pages on various topics, including cosmology and ethics, providing insights into Javanese culture. Written in the 1815, it's one of the longest works in Javanese literature. It recounts the travels of elite characters on Java, including visits to historical sites like Prambanan, Borobudur, and Mendut. It mentions a group of friends who traveled to Borobudur. They found an "uncompleted" statue in the large stupa at the top of the temple, reflecting on the will of the sculptor. Despite their incomprehension, they acknowledge the antiquity of the site, dating it back to the "Buda period."[40] Even though the literature was written one year after the Western-led excavation of Borobudur, the mention of Borobudur suggests that the importance of the site was already well-known to the Javanese people. This indicate that Borobudur was not truly “rediscovered” in the Western sense of the term, but “uncovered” and “excavated” as it had remained within the cultural consciousness of the Javanese despite any period of obscurity or neglect.

The manuscript *Babad Tanah Djawi* (English: “History of the Land of Java”) is a pivotal document in understanding the history and culture of Java. It shows that by the early 18th century, Borobudur started to receive more attention from the Javanese people.[41] The *Babad* was compiled by Javanese court scribes and scholars, it details the history of Java from ancient times to the colonial period, encompassing legendary tales, royal lineages, and historical events.[42] As an invaluable repository of Javanese heritage, the *Babad Tanah Djawi*

[40] Bloembergen and Eickhoff, “Site Interventions," 32–33.
[41] Soediman, “Borobudur,” 103.
[42] Ardiyansyah, “Writings of Borobudur,” 166.

was reproduced and distributed in multiple versions. The reproduction of the *Babad* was preserved across the royal courts of Yogyakarta and Surakarta, a testament to the meticulous efforts to safeguard it from the ravages of the tropical climate in Java.[43] Furthermore, a historian, Merle Calvin Ricklefs, theorizes that revisions to the *Babad* were often carried out to validate ruling authorities, especially after coronations or to affirm their legitimacy on the throne. These revisions typically involved updating accounts of dynastic histories.[44]

The first published reference to Borobudur in the *Babad* was made in the early 20th century by Jan Laurens Andries Brandes. He argues that the Javanese people already knew of the existence of the temple decades before it was uncovered by Hermann Cornelius—a Dutch East Indies soldier and archaeologist who was sent to explore the area under Raffles' order.[45] However, the historical significance of the *Babad* was not always recognized.[46] For instance, archaeologists like Soekmono and John Miksic turned to these narratives to challenge prevailing notions of the abandonment of Borobudur. They utilized the accounts in the *Babad Tanah Djawi* and *Babad Mataram* to challenge the assumptions that Borobudur was completely abandoned after the 10th century. This theory reveals that the significance and memory of Borobudur remained ingrained in the spiritual life of the local communities, challenging the narrative propagated by the colonial authorities that

[43] E.P. Wieringa, "An Old Text Brought to Life Again: A Reconsideration of the 'Final Version' of the Babad Tanah Jawi," *Bijdragen Tot de Taal-, Land- En Volkenkunde (BKI)* 155, no. 2 (1999): 252.
[44] M. C. Ricklefs, "A Consideration of Three Versions of the Babad Tanah Djawi with Excerpts on the Fall of Madjapahit," *Bulletin of the School of Oriental and African Studies* 35, no. 2 (June 1972): 289, https://doi.org/10.1017/S0041977X00109371.
[45] J.L.A. Brandes, "Twee oude berichten over de Baraboedoer," *Tijdschrift Voor Indische Taal-. Land-En Volkenkunde* 44 (1901): 80.
[46] Ardiyansyah, "Writings of Borobudur," 174.

Borobudur was completely abandoned by the time they arrived.[47] Despite their contributions, both scholars critiqued the narratives of the *Babad* as being tinted with superstition; reflecting their biases against indigenous historical sources and local knowledge production, which diverges from Western perspectives.[48]

Panggah Ardiyansyah, an art historian and archaeologist, cites the *Babad* and various literatures including Brandes' article to argue that Borobudur retained a substantial spiritual significance for the local communities.[49] However, Ardiyansyah acknowledges potential biases and limitations stemming from the existence of various versions of the *Babad*. He references an observation made by art historian Ann Kumar, highlighting that the reproduction of the Babad allows for revisions, resulting in variations across different versions.[50] Ardiyansyah argues that even though the mention of Borobudur in the *Babad* was brief, it warranted closer examination to unravel the symbolic and practical implications of Borobudur as a sanctuary for seeking refuge.[51] By delving into the socio-political and cultural dynamics of Java during that period. He examines the layers of symbolism and practicality intertwined with the historical narrative of Borobudur in the *Babad*. He suggests that people sought refuge at Borobudur due to its strategic hilltop location, offering a vantage point over the surrounding area, as well as its spiritual significance. Aligning with

[47] John Miksic and Marcello Tranchini, *Borobudur: Golden Tales of the Buddhas* (Periplus Editions, 1990), 28.; Soekmono, *Chandi Borobudur*, 4–5.
[48] Ardiyansyah, "Writings of Borobudur," 166.
[49] Ardiyansyah, "Writings of Borobudur," 165 – 170.
[50] Ardiyansyah, "Writings of Borobudur," 170; A.L. Kumar, "On Variation in Babads," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 140 (April 1, 1984): 244, https://doi.org/10.1163/22134379-90003414.
[51] "Ki Mas Dana sprinted without looking back, after being defeated by the soldiers of Kartasura, [he] retreated to Borobudur, the mountain was rapidly surrounded, Ki Dana was immediately captured, brought hand-tied, to Kartasura, [his] commoner-army were captured and taken, Prince Pringgalaya quickly departed, went [with] all of the soldiers (English translation by Ardiyansyah)" Original text by Anonymous, *Babad Tanah Jawi vol. 18*, Bale Pustaka, 42; as seen in Ardiyansyah, "Writings of Borobudur," 169 – 170.

prevalent Javanese cultural beliefs regarding mountains as sanctuaries that are endowed with mythical power.

Furthermore, Ardiyansyah draws a comparison between the architectural characteristics of Borobudur to tombs of revered rulers, emphasizing similarities in their terraced pyramidal structures. While Borobudur itself is not a tomb, it shares architectural features, suggesting a symbolic connection between Borobudur and the burial sites of respected rulers of Java.[52] This connection with the sacred spaces, such as the tombs of Javanese rulers and the spiritual sanctity of mountains, serves to emphasize perceived sanctity of Borobudur as a significant cultural and spiritual landmark in Javanese society. Historical evidence such as the *Babad* shows continued appreciation and veneration of Borobudur by the local communities, challenging the notion that it was an abandoned monument and emphasizing the importance of historical Javanese perspectives in its interpretation. Although the *Babad* documents the enduring memory of the temple within local communities, it is noteworthy that the monument remained largely concealed until 1814 when Raffles, upon hearing of its existence, initiated efforts to unveil it. The contrast between the existence of the temple in local memories and its physical rediscovery reveals the challenges of preserving cultural heritage amidst colonial influence. This prompts an examination of how indigenous knowledge is transmitted and how colonial encounters influence the process of rediscovering historical sites.

[52] Ardiyansyah, "Writings of Borobudur," 170 – 175.

Western Interventions and Their Implications

The encounter of Lieutenant-General Thomas Stamford Raffles with the ruins of Borobudur during the British administration in Java in 1814 marked a pivotal moment in the history of the temple. Residing in the port of Semarang, Raffles first *heard* of the existence of a mysterious ancient monument in the forest which was known to the local people as Borro-Boedoor. He ordered Cornelius to excavate the area and supervise clearance of vegetation and sand by 200 Javanese workers upon arrival.[53] Lasting a month and a half, this ordeal transformed the temple from a religious structure to an archaeological site, initiating cleaning, research, documentation, and restoration efforts.[54] His decision to clear the temple not only initiated the physical restoration of Borobudur but also symbolized the beginning of a new era for the temple and represented a fundamental shift in its purpose and meaning.

Raffles' intervention demonstrates more than mere archaeological interest; it represented the assertion and appropriation of colonial authority over indigenous cultures, heritage, and culturally significant landmarks.[55] At that point, Borobudur was no longer only a place of worship and pilgrimage, it became a subject of scientific inquiry and colonial discourse. The transformation blurred the boundaries between religious and secular, sacred and profane, as Borobudur underwent a recontextualization. The metamorphosis of Borobudur into a colonial archaeological project exemplifies the complexities of heritage management under colonial rule. While presumably aimed at preservation and restoration, colonial

[53] August Johan, Bernet Kempers, *Ageless Borobudur : Buddhist Mystery in Stone, Decay and Restoration, Mendut and Pawon, Folklife in Ancient Java* (Wassenaar : Servire, 1976), 192, http://archive.org/details/agelessborobudur0000bern.
[54] Bloembergen and Monquil, *A Fragmented Provenance Report*, 15.
[55] Bloembergen and Monquil, *A Fragmented Provenance Report*, 3.

interventions often served to assert control over indigenous cultures and histories.[56] Interventions such as this one raises questions about the motives behind such actions and the lasting impact they have on the cultural landscape of colonized and formerly colonized territories.

Notably, Raffles contributed to a perceptual gap between the local communities and the ruins. He states in his book *The History of Java vol. II* that the greatness of past civilizations seems unfathomable when recounted by present-day "degenerate Javan." The credibility of their ancestral tradition is restored only when evidence of their achievements is found in a tangible monument, such as Borobudur, which serves as an authentic and irrefutable proof of their past capabilities and historical significance.[57] The act of dispossession rendered Borobudur akin to a blank canvas, an ancient monument seemingly devoid of a rightful owner. This perception facilitated the fabricated ownership by those who "rediscovered" it, enabling them to bestow new meanings and identities upon the temple. Furthermore, as religious sites transitioned into archaeological domains under colonial administration, the concept of ownership became increasingly ambiguous. The ambiguity surrounding the artifacts at Borobudur resulted in diverse interpretations and treatments, ranging from being regarded as historical, archaeological, and ethnographical specimens to coveted souvenirs and prized collector's items. This multiplicity of roles accentuates the complex and evolving nature of the significance of these artefacts, as they transitioned from sacred relics to objects subject to exploitation and appropriation.

[56] Stutje, "The History of Indonesian Dutch Restitution Debate," 10.
[57] Raffles, *A History of Java*, 6.

In 1816, the British administration gave up the control of Java to the Netherlands, legitimizing the Dutch colonial authority over the region. This transfer of power granted the Dutch to establish or fabricate ownership over the region, including Hindu-Buddhist ruins like Borobudur. The Javan War in 1825 – 1830 halted the clearance of the site, but the restoration continued again in 1836 by Christiaan Lodewijk Hartmann, a colonial administrator in Kedu.[58] Under the Dutch colonial authority, the temple began to attract significant attention in the West around 1885. This attention was facilitated by the study conducted by a Dutch engineer and Chairman of the Archaeological Society in Yogyakarta. Subsequently, in 1900, the Dutch East Indies government took steps to "safeguard" Borobudur.[59]

From 1907 – 1910, the first large-scale and government-supported restoration was led by Theodoor van Erp, a Dutch army engineer.[60] In 1913, the Archaeological Service took responsibility for the preservation of the site. However, this did not guarantee the preservation or the safety of the site and its objects. Objects brought to the Netherlands in the 19th century were often placed in ethnographic or antiquarian museums, sparking debates over their classification. Later on, objects from Hindu-Buddhist civilizations were seen as valuable art and entered the global art market of Asian artefacts.[61] During the Japanese occupation of Java, archaeological and preservation efforts received support from the Japanese administration. However, unlike in other areas, this support was not under

[58] Bloembergen and Monquil, *A Fragmented Provenance Report*, 30.
[59] Shuchen, "Museum Coloniality," 726.
[60] Masanori Nagaoka, "Historical Setting of Borobudur," in *Cultural Landscape Management at Borobudur, Indonesia*, ed. Masanori Nagaoka (Cham: Springer International Publishing, 2016), 4, https://doi.org/10.1007/978-3-319-42046-2_1.
[61] Bloembergen and Monquil, *A Fragmented Provenance Report,* 10.

direct government control, implying that individuals or groups with personal religious or material interests may have been driving these initiatives in Java.[62] However, the Japanese role in archaeological activities, such as the excavation of the hidden foot, at Borobudur is often overshadowed by the contributions of the Dutch and British administrations.[63]

The broader phenomenon of sacred sites like Borobudur transitioning into meticulously excavated archaeological sites has been scrutinized by scholars such as Eickhoff and Bloembergen. This transformation not only represents a shift in physical form but also in cultural and political significance. The directive from Raffles in 1814 to embark on the colonial archaeological project at Borobudur serves as a poignant illustration of this transition. However, these interventions extend beyond mere excavation; they imbue these sites with new layers of meaning and significance, intertwining them with contemporary geographical, moral, and political contexts.[64]

An argument provided by Bloembergen and Monquil regarding the transcendent nature of archaeological sites resonates deeply with the case of Borobudur. They argue that the value and meaning attributed to the archaeological sites like Borobudur are not solely determined by the geopolitical context in which they are located or by the regimes that govern them. Instead, their significance may persist and evolve independently of political changes, as they are subject to rediscovery, excavation, conservation, and appreciation by various actors

[62] Marieke Bloembergen and Martijn Eickhoff, "Decolonizing Borobudur: Moral Engagements and the Fear of Loss. The Netherlands, Japan and (Post-)Colonial Heritage Politics in Indonesia," in *Sites, Bodies and Stories*, ed. Susan Legêne, Bambang Purwanto, and Henk Schulte Nordholt (Singapore: NUS Press, 2015), 40, 51.
[63] Bloembergen and Eickhoff, 'Decolonizing Borobudur," 43 – 44.
[64]Marieke Bloembergen and Martijn Eickhoff, eds., "Exchange, Protection, and the Social Life of Java's Antiquities, 1860s–1910s," in *The Politics of Heritage in Indonesia: A Cultural History*, Asian Connections (Cambridge: Cambridge University Press, 2020), 893, https://doi.org/10.1017/9781108614757.003.

over time. Despite enduring colonial appropriation and manipulation, Borobudur has retained its cultural and historical value as a symbol of the rich heritage of Indonesia. This enduring significance is evidenced by the ongoing pilgrimage, tourism, and Buddhist revivalism at Borobudur, which attest to its continued relevance and resonance in contemporary society. In essence, their argument emphasizes the enduring and dynamic nature of archaeological sites, which continue to hold relevance and cultural significance beyond the confines of specific political regimes or jurisdictions. This dynamic interplay between heritage, geography, politics, and cultural exchange underscores the intricate process of reinterpreting and reassigning meanings to ancient sites like Borobudur.[65]

Borobudur the Diplomat

Borobudur played a pivotal role in the diplomatic endeavors of colonial Java. A notable and frequently cited instance showcasing its socio-political and diplomatic significance is the visit of Siamese King Chulalongkorn to Java in 1896.[66] In the late 19th century, Isaac Groneman, President of the Yogyakarta Archaeological Society, sought validation for his belief in Borobudur's significance as a Buddhist sanctuary. He invited King Chulalongkorn to the temple during his visit to Java in 1896, forging a diplomatic friendship and gaining authoritative approval for his views. This visit held political significance for the Dutch colonial government, leading them to present King Chulalongkorn with a significant gift of eight cartloads comprising five Borobudur Buddha statues, two Ganesha statues from

[65] Bloembergen and Monquil, *A Fragmented Provenance Report*, 5.
[66] Stutje, "The History of the Indonesian Dutch Restitution Debate," 3–44; Adviescommissie Nationaal Beleidskader Koloniale Collecties, *Colonial Collection: A Recognition of Injustice: Guidance on the Way Forward for Colonial Collections* (Raad voor Cultuur, 2021); Bloembergen and Eickhoff, *The Politics of Heritage in Indonesia*; Bloembergen and Monquil, *A Fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur*.

Singasari temple, and Ramayana reliefs from Prambanan, symbolizing diplomatic ties and cultural exchange.[67] These objects were presented to him by various parties, including the Dutch governor general, Prince Mangkunegara VI in Solo and other local elites.[68] Despite taking eight cartloads of objects back to Siam, adjustments were made to respect Javanese ownership, with diplomatic gifts now found in temples, palaces, and museums in Bangkok.[69]

Three Ramayana reliefs were returned in 1926 for the reconstruction of the Siva temple at Prambanan, following requests from Dutch archaeologists, Indies' journalists, and government officials, as well as museum conservators in Siam and Prince Damrong, the Siamese king's half-brother.[70] The Dutch expressed regret over the damage to the Javanese temple, criticizing colonial authorities for their inadequate response to vandalism. While the reliefs were returned for temple reconstruction, other objects were considered as holy gifts to the Siamese king and his kingdom, taking on new significance as Buddhist heritage. The regrets expressed by the Dutch side serves as an example of the increasing awareness of cultural heritage among colonial authorities and their critics.[71] Despite this, the activities of the Dutch colonial authority illustrate Orientalist views on cultural value as they assert themselves as the sole owner and conservator of the site; determining what is worthy of preservation, and utilizing culture in diplomatic engagements both within the Dutch East Indies and internationally.

[67] Digimark Borobudur Park, "Borobudur in the Colonial Period," *Taman Wisata Candi* (blog), October 6, 2017, https://borobudurpark.com/en/borobudur-colonial-period/.
[68] Stutje, "The History of the Indonesian Dutch Restitution Debate," 8.
[69] Bloembergen and Eickhoff, "Exchange and Protection," 901 – 904.
[70] "ประวัติโดยย่อ กรมพระยาดำรงราชานุภาพ – กรมพระยาดำรงราชานุภาพ," accessed April 2, 2024, https://www.damrong.org/?p=3877.
[71] Stutje, "The History of the Indonesian Dutch Restitution Debate," 9 – 10.

The Removal of Objects

The centuries-long history of Borobudur has seen it susceptible to theft and the gradual loss of its precious statues, both whole and fragmented, due to various activities including archaeological exploration, tourism, diplomacy, and pilgrimage. The objects were taken away by visitors, for instance as souvenir or for scientific collections all around the world as specimens.[72] Nowadays, they can be found on auction websites and collections of both well-known and less well-known museums. They are also in the collections of both well-known and less well-known museums.[73] Originally, Borobudur was adorned with 504 Buddha statues. Presently, 43 of these statues are completely missing, while more than 300 others have incurred damage, with 250 being devoid of heads. According to the Borobudur Conservation Centre, only 56 detached heads are still present on-site. Leaving 194 stone

[72] Bloembergen and Monquil, *A Fragmented Provenance Report*, 3.

[73] "Figure | British Museum," accessed April 3, 2024, https://www.britishmuseum.org/collection/object/A_1859-1228-176; Harvard, "Head of Buddha | Harvard Art Museums," accessed April 3, 2024, https://harvardartmuseums.org/collections/object/352933; "NMVW-Collectie," accessed April 3, 2024, https://collectie.wereldmuseum.nl/?query=search=Deeplink%20identifier=[obj_1121794]&showtype=record#/query/b9129b6c-a1b8-4dec-90f3-0becbeb5053f; "NMVW Collectie," accessed April 3, 2024, https://collectie.wereldmuseum.nl/?query=search=Deeplink%20identifier=[obj_1121794]&showtype=record#/query/ba679302-2bd7-4d78-ab6a-65d067cef463; "NMVW Collectie," accessed April 3, 2024, https://collectie.wereldmuseum.nl/?query=search=Deeplink%20identifier=[obj_1121794]&showtype=record#/query/be720a14-c33d-4cf9-9d35-d120af8f7ef2; "NMVW Collectie," accessed April 3, 2024, https://collectie.wereldmuseum.nl/?query=search=packages=OnViewTM#/query/c1541714-0291-4b79-a642-af517f4f48e4; "Hoofd van Een Boeddha, Anoniem, 800 - 850," Rijksmuseum, accessed April 3, 2024, https://www.rijksmuseum.nl/nl/collectie/AK-MAK-239; Smithsonian Institution, "Head of the Buddha," Smithsonian Institution, accessed April 3, 2024, https://www.si.edu/object/fsg_FSC-S-16a-b; Smithsonian Institution, "Head of the Buddha," Smithsonian Institution, accessed April 3, 2024, https://www.si.edu/object/head-buddha%3Afsg_F1978.36; Smithsonian Institution, "Head of the Buddha," Smithsonian Institution, accessed April 3, 2024, https://www.si.edu/object/head-buddha%3Afsg_F1978.35; "Head of a Buddha | Indonesia (Java) | Central Javanese Period," The Metropolitan Museum of Art, accessed April 3, 2024, https://www.metmuseum.org/art/collection/search/38267; Grand Palaid RMN. "Tête de Buddha." Accessed April 3, 2024. https://www.photo.rmn.fr/archive/00-027468-2C6NU0VVT1QJ.html; Head of Buddha | Indonesia (Java) | Sailendra dynasty, accessed April 3, 2024, https://www.metmuseum.org/art/collection/search/38268;; "Head of Buddha Indonesia, Java, Borobudur, Sailendra Period, 9th Century | Cleveland Museum of Art," accessed April 3, 2024, https://www.clevelandart.org/art/1942.1087; "Head of the Buddha - National Museum of Asian Art," accessed April 3, 2024, https://asia.si.edu/explore-art-culture/collections/search/edanmdm:fsg_F1978.35/; Head of the Buddha - National Museum of Asian Art, https://asia.si.edu/explore-art-culture/collections/search/edanmdm:fsg_FSC-S-16a-b/.

Buddha heads scattered around the world in both public and private collections, sitting in depots or showcase in exhibitions—including Indonesia.[74]

Scholars theorize that the majority of the dispersion of the Borobudur Buddha heads to various public and private collections worldwide likely began during the early phase of the uncovering of the temple, around 1814 – 1816.[75] Dutch botanist, Caspar Reinwardt noted the depletion of statues during his visit to Borobudur in 1817, expressing sorrow over the deterioration of the site which was due to the unrestricted removal of objects by visitors. Ironically, Reinwardt acquired some heads and hands from the temple. The acquisition was not recorded so these objects could have been acquired through taking, buying, or accepting, which now belong to the NMVW collection.[76] The lack of concrete acquisition seems to be a common theme in provenance research of cultural objects like the Borobudur Buddha heads. Instead, the earliest documented provenance often traces back to Western individuals or galleries, indicating their initial presence in Western collections without providing details on their full acquisition history. [77]

William Southworth, curator of the Southeast Asian Art Collection at the Rijksmuseum, discusses the origins of stone Buddha and Bodhisattva heads found in Western collections. He suggests that some Buddha heads were naturally detached due to the structural vulnerability of the neck in statues depicting the human form. He proposes that the

[74] Bloembergen, "Lush Lives".
[75] Bloembergen and Monquil, *A Fragmented Provenance Report*, 5 – 15.
[76] Bloembergen and Monquil, *A Fragmented Provenance Report*, 4.
[77] Up until this point of the research "Kunstzalen A. Vecht" in Amsterdam was the first owner of multiple Buddha heads from Borobudur in both North America and Europe. For example: https://asia.si.edu/explore-art-culture/collections/search/edanmdm:fsg_FSC-S-16a-b/; https://harvardartmuseums.org/collections/object/352933;

detachment of heads may also have been influenced by local rituals around the temple, involving intentional breaking and burying for purification purposes. He highlights his argument by stating the efforts of Theodoor van Erp during the 1907-1911 restoration of Borobudur, where 151 whole Buddha statues were preserved and an additional twenty stone heads were discovered. Some heads were even found in unexpected locations, such as three were found in a chicken coop within a military camp and one on a grave.[78] While acknowledging the possibility of forced removal, Southworth argues that Buddha heads in older museum collections were "collected at a time when such deliberate vandalism was hardly necessary."[79] Specifically, he refers to the Borobudur Buddha heads at the Rijksmuseum which is on loan from the Royal Association of Friends of Asian Art (AK-MAK-239).[80]

The absence of deliberate vandalism highlights the prevalent colonial mindset of the era, which showed little regard for the cultural significance these objects held for local communities. Whether the Buddha heads were damaged prior to removal or not, it is undeniable that they rightfully belong to Borobudur, overlooking the Javanese landscape. Although the removal of cultural artifacts during the colonial and post-colonial periods was widespread, dissenting voices emerged, condemning the practice as unethical and scandalous.[81] The ambiguity surrounding the provenance of these objects may stem from

[78] Guus van Erp, "Life and Work of Theo van Erp" in *100 Tahun Pascapemugaran Candi Borobudur: Trilogi I: Menyelamatkan Kembali Candi Borobudur*. Second edition. Balai Konservasi Peninggalan Borobudur, Magelang, 2012, pp. 4 – 7. In William A. Southworth, "The Disembodied Human Head in Southeast Asian Art," *Aziatische Kunst* 43, no. 2 (July 25, 2013): 27–30, https://doi.org/10.1163/2543-1749-90000347.
[79] Southworth, "The Disembodied Human Head in Southeast Asian Art," 27, 30.
[80] Rijksmuseum, "Hoofd van Een Boeddha, Anoniem, 800 - 850." https://www.rijksmuseum.nl/nl/collectie/AK-MAK-239.
[81] William Southworth, "Twelve Stone Sculptures from Java," *The Rijksmuseum Bulletin* 65 (September 15, 2017): 245 - 274., https://doi.org/10.52476/trb.9791.

the manner in which they were acquired. It is theorized that their vague provenance suggests that they were acquired through informal means—they were "just taken."[82] Meanwhile, it is also possible that once these heads appeared in the West and faced ridicule, their acquisition became more discreet, rendering their provenance equally obscure.[83] Regardless of the specifics, it remains evident that the acquisition of these objects raises significant ethical questions.

Figure 6 Surushna Suwatwong, GIS Illustration of traceable locations of Buddha heads from Borobudur in Museum Collections. © Surushna Suwatwong.

The GIS illustration above depicts the locations of traceable Borobudur Buddha heads in museum collections worldwide, tracked using data from these museums' online collections. This illustration does not include Buddha heads on auction websites as Sotheby's, Zacke, or

[82] Bloembergen and Monquil, *A Fragmented Provenance Report*, 9.
[83] W.F. Stutterheim 'OudJavaansche plastiek in Europeesche Musea', *Bijdragen Tot de Taal-, Land- En Volkenkunde (BKI)* 1924, 287.

Christie's as their locations cannot be ascertained.[84] However, there are potential limitations to this tracking. Many Buddha heads may reside in private collections, making them difficult to account for. Additionally, some heads lack confirmed provenance. Furthermore, not all museums have comprehensive online collections, which can result in incomplete data. Nonetheless, the illustration aims to show that these Buddha heads are dispersed all around the world in various museum collections. Furthermore, it highlights the needs for international collaboration in identifying and locating these stone Buddha heads.

Fragmented Provenance: Borobudur Buddha Heads in NMVW Collection

This subchapter draws extensively from the provenance research report titled, "A fragmented Provenance Report Regarding Four Buddha Heads Gifted by Artis in the NMVW and the Social Lives of Borobudur" written by Bloembergen and Monquil as a part of the Pilot Project Provenance Research on Objects of the Colonial Era (PPROCE).[85] The NMVW is made up of three museums. In 2014, the Museum Volkenkunde merged with Afrika

[84] "Lot 213 - AN IMPORTANT OVER-LIFESIZE ANDESITE HEAD OF," accessed April 3, 2024, https://www.zacke.at/auction/lot/213-an-important-over-lifesize-andesite-head-of-buddha-central-javanese-period-indonesia-9th-century/?lot=35316&sd=1; "(#39) Head of Buddha Andesite Java, Central Javanese Period," Sothebys.com, accessed April 3, 2024, https://www.sothebys.com/en/auctions/ecatalogue/2007/indian-and-southeast-asian-works-of-art-n08332/lot.39.html; "An Andesite Head of Buddha , INDONESIA, CENTRAL JAVA, 9TH CENTURY | Christie's," accessed April 3, 2024, https://www.christies.com/en/lot/lot-5538796; "AN IMPORTANT STONE HEAD OF BUDDHA , INDONESIA, CENTRAL JAVA, 9TH CENTURY | Christie's," accessed April 3, 2024, https://www.christies.com/en/lot/lot-5875979;

[85] The project, initiated by the Rijksmuseum in Amsterdam, along with the National Museum of World Cultures and the NIOD Institute for War, Holocaust, and Genocide Studies, aimed to develop a method for investigating the origins of collections acquired during colonial periods. It ran from November 2019 to March 2022, the project received funding from the Dutch Ministry of Education, Culture, and Science. See more: "PPROCE - Provenance Research on Objects of the Colonial Era," Wereldseum Amsterdam, accessed April 2, 2024, https://amsterdam.wereldmuseum.nl/en/about-tropenmuseum/research/provenance-research-colonial-era.

Museum in Berg en Dal (which closed its doors on November 27, 2023) and the Tropenmuseum in Amsterdam which together forms the new Nationaal Museum van Wereldculturen, followed by the Wereldmuseum in Rotterdam who joined in 2017. Since 2023, these museums have undergone a significance transformation, rebranding themselves as the "Wereldmuseum" followed by the city name, reflecting their shared collection and unified mission.[86]

The research was conducted through meticulous investigation of archives at the Royal Zoological Society Natura Artis Magistra (hereinafter: Artis), the Colonial Institute (now Wereldmuseum Amsterdam), and the National Archives, involved tracing the trajectories of the Buddha heads and their donors. This investigation delved into their origins, characteristics, and the influence of colonial practices on their perception, categorization, and treatment; reflecting broader challenges in valuing and categorizing ancient Hindu and Buddhist objects in colonial collecting contexts. Insights from prior research on socio-political history of Borobudur and artifact movement, coupled with consultations with former curators and provenance research in Indonesia, contribute to a comprehensive understanding of intricate history of these Buddha heads. However, despite extensive research, there remains a significant gap in understanding the specific journey of these heads from Borobudur to Amsterdam. This report highlights the lack of clarity in provenance documentation which hampers efforts to fully comprehend the historical context and circumstances surrounding their acquisition.[87]

[86] "Stichting Nationaal Museum van Wereldculturen," Wereldmuseum Amsterdam, accessed April 4, 2024, https://amsterdam.wereldmuseum.nl/nl/over-wereldmuseum-amsterdam/stichting-nationaal-museum-van-wereldculturen.
[87] Bloembergen and Monquil, *A Fragmented Provenance Report*, 1 – 14.

Currently, fourteen Buddha heads in the NMVW collection are registered as likely originating from Borobudur, with descriptions such as "in the style of" or "from" indicating a lack of precise provenance. Eight of them used to belong to the collection of the Wereldmuseum Amsterdam while the other six belonged to the Wereldmuseum Leiden. Although the researchers hypothesize that more may be identified in the future.[88] One curator-expert of NMVW Tropenmuseum expressed doubts about the origin of eight Buddha heads, echoing observations made by later curators and registrars. While Hendrik Juynboll, a curator-expert, also observed comparable differences among Buddha heads registered in the Museum of Ethnography, attributing them to Borobudur, doubts persist regarding their true origin. This skepticism reflects a historical trend of loose concern regarding acquisition details and museum research priorities, despite attempts to pinpoint specific origins. These doubts stem from generalized comparisons between the heads, indicating perceived differences in size, stone type, and design elements.[89]

Four of the Buddha heads that belonged to the Wereldmuseum Amsterdam are the main focus in the provenance research. They were a part of a larger collection of ethnographic objects that were donated to the Colonial Institute of Amsterdam by the Ethnographisch Museum of Artis in 1921 which closed its doors in 1910. The donation was facilitated by the Society Colonial Institute which comprised of prominent Dutch individuals who aimed to emphasize the imperial prestige of Amsterdam.[90] Artis was a society that was founded in 1838 and received a royal endorsement by King Willem II in 1852. Leading to its larger

[88] Ibid, 1 – 2.
[89] Ibid, 26.
[90] Ibid, 12.

accumulation of collection, land, and a construction to host objects of zoological, geological, and ethnological collections. Before intentional collecting, its collection comprised of an extensive ethnography collection by the donation of F.A. Jöhr, C. de Vlaming, J.G. Veening.[91]

[91] Ibid, 28.

Figure 6 Stone Head of a Buddha Statue. Photo: Nationaal Museum van Wereldculturen, inv.nr. TM-A-5945

Figure 7 Stone Head of a Buddha Statue. Photo: Nationaal Museum van Wereldculturen, inv.nr. TM-A-5946

Figure 8 Stone Head of a Buddha Statue. Photo: Nationaal Museum van Wereldculturen, inv.nr. TM-A-5947

Figure 9 Stone Head of a Buddha Statue. Photo: Nationaal Museum van Wereldculturen, inv.nr. TM-A-5948

In 1851, the Artis Archives noted the receipt of a significant gift labeled as "an important collection of antiques from the Hindus," donated by Captain J.G. Veening, indicating Artis's acquisition of Hindu and/or Buddhist antiquities from Java at that time. The donation made by Veening lays a foundation for Artis collection. The researchers believe that he was the only one out of the three to have donated objects related to Hindu-Buddhist objects. Veening was a captain to four ships that sailed to the Dutch East Indies between 1829 and 1844. His voyages to the Dutch East Indies coincide with the clearance of Borobudur which started to drew in curious visitors from 1835 – 1836. By the time of his donation in 1851, the temple had become renowned in Europe. Therefore, the researchers theorized that anything from Borobudur would be labelled and registered as such, but that is unfortunately not the case. The donation seemed to have focused more on quantity than individual quality of each objects. However, one object was labelled as “Hindu stone statues” which may have included one or more Buddha heads.[92]

Subsequently, in 1862, Pieter Arnold Diederichs, a businessman and collector, gifted an extensive collection of objects from the Dutch East Indies including a stone Buddha head to Artis, described as originating from the Javanese idol-temple at Baero-Boedo. However, there is no information on how Diederichs acquired the head. Nonetheless, this donation remains the sole link discovered to date between an object and the Borobudur temple in the Artis archives, though this connection does not definitively establish Borobudur as the

[92] Ibid, 27 – 30.

provenance for this specific head, as other stone Buddha heads found in the archives lack claims of originating from Borobudur.[93]

In 1883, during the International Colonial and Export Trade Exhibition in Amsterdam, four Buddha heads believed to be from Borobudur were prominently displayed, likely gifted to Artis afterward by Israel Schnitzler. Schnitzler, likely a commissioner associated with a family and trading company of the same name in Semarang, gifted a Buddha head to Artis after the closure of an exhibition. Inquiring about the willingness of the Artis directors to accept some objects he had lent to the exhibition, Schnitzler proposed the inclusion of "the head of a woman and two hands from the Buddha times." Later, he specified in a letter accompanying his donation that it indeed concerned a Buddha head. The exhibition catalogue does not mention any other Buddha head from Java, leading to the conclusion that Schnitzler's Buddha head was among the four Artis heads.[94]

By 1888, the Artis Ethnographic Museum exhibited several Buddha heads, further cementing the interest the institution had in such artifacts. In 1889, another stone Buddha head from Borobudur became part of the loan collection of a missionary and avid collector, Jacques H. de Vries, who was stationed in Yogyakarta and Magelang near the temple site between 1888 and 1922. By 1898, the Artis curator recorded in the loan book that this collection was returned to the owner. Yet, the circumstances of how de Vries obtained the Buddha head remains unclear. Nonetheless, the presence of these artifacts in Artis'

[93] Ibid, 31.
[94] Ibid, 16 – 17.

collections emphasized the growing fascination with Eastern cultures during the colonial period.[95]

In 1901, two Buddha heads were featured at the Indische Tentoonstelling in het Stedelijk Museum in Amsterdam, one of which was specifically identified as originating from Borobudur, further amplifying public interests with the Eastern cultures at the time. By 1910, the Artis Ethnographic Museum closed its doors, leading to the donation of its collection, including the Buddha heads, to the Colonial Institute. Subsequently, the entire Ethnographic Collection of Artis, which included the four Buddha heads, was donated to the Colonial Institute in 1921, prompting their re-registration. Then, in 1926, with the opening of the new building of the Colonial Institute, which housed an Economic and Ethnographic Museum, the Buddha heads were prominently displayed in the Vestibule dedicated to 'Borobudur.' Here, they symbolized the remnants of a highly advanced civilization, purportedly cared for by an ethical colonial state, and served as regalia of the expansive Dutch Empire.[96]

The public life of Buddha heads in the Netherlands embodies a convergence of antiquity, religion, and art, with their categorization and valuation evolving over time, mirroring socio-political shifts. These artifacts serve as narratives of Dutch colonial and international heritage politics, exemplifying epistemic violence. Exhibitions such as the one Stedelijk Museum emphasized colonial fascination with Hindu-Buddhist past of Java, symbolizing a shift seen at the 1883 World Exhibition. Here, Buddha heads from Borobudur were no

[95] Ibid, 17, 27, 30, 33.
[96] For a full and comprehensive timeline please see: Bloembergen and Monquil, *A Fragmented Provenance Report,* 15 – 20.

longer solely viewed as ethnographic antiquities but also as high art, reflecting changing Western perception of these objects, diminishing them from sacred objects to high art. Although, at the 1883 World Exhibition, the Buddha heads were not categorized as “Religion and Religious Practices.”[97] Experts like anthropologist Lindor Serrurier, the former Director of Ethnographic Museum in Leiden, interpreted them within cultural hierarchies, admiring them as expressions of "Hinduistic" and “half-civilized” people.[98] Likewise, an archeologist and the former head of the Colonial Archaeology Service, Nicolaas J. Krom situated the heads within Buddhism and Hindu-Javanese art, emphasizing their complex significance.[99] Despite this, ambiguity persisted, reflecting their dual identity as religious artifacts and artistic creations. This uncertainty extends to objects from Hindu-Buddhist temples in the Dutch East Indies, which have been dispersed globally across various collections, including ethnographic and art museums. In summary, the evaluation and categorization of these artifacts highlight broader challenges in valuing ancient Hindu and Buddhist objects within colonial collecting contexts.

Since the late 20th century, these Buddha heads in the NMVW collection have predominantly remained stored in the depots, hardly put on display even in temporary exhibitions. Marijke Klokke, a former NMVW curator pointed out that viewing the situation from a historical and ethnographic perspective, displaying only the head of a Buddha, detached from its body, lacks coherence. She suggested that the concept of exhibiting

[97] Pieter Johannes Veth, *Catalogus Der Afdeling Nederlandsche Koloniën van de Internationale Koloniale En Uitvoerhandeltentoonstelling van 1 Mei Tot Ulto October 1883. Groep II* (Leiden: Brill, 1883), 329–30, https://digitalcollections.universiteitleiden.nl/view/item/1087918?solr_nav%5Bid%5D=3588f78e1d1e2f1c571d&solr_nav%5Bpage%5D=4&solr_nav%5Boffset%5D=13#page/1/mode/1up.
[98] Bloembergen and Monquil, *A Fragmented Provenance Report,* 36.
[99] Nicolaas J. Krom, *Gids in Het Volkenkundig Museum. IV. Het Hindoeïsme.* (Amsterdam: Koloniaal Instituut, 1927), 38.

standalone stone sculptures, particularly heads, derives from Western traditions rooted in Greek and Roman art.[100]

In conclusion, the narrative and significance of Borobudur and its objects have been profoundly shaped by its Western-led excavation efforts in the 19th century, influencing perceptions and fostering what can be termed as 'fabricated ownership' by Western powers over the temple and its objects. The trajectory of Borobudur and its artifacts offers insights into the intricate interplay between colonial ambitions, cultural heritage preservation, and the emergence of fabricated ownership as Borobudur underwent recontextualization. While the term "rediscovery" suggests that Borobudur was forgotten before its Western-led excavation efforts, it is important to note that the site held significance within local populations prior to this period. Nevertheless, the British administration used their "rediscovery" of Borobudur during their occupation in Java to assert ownership of the site. Later, the Dutch transformed it into an archaeological endeavor, utilizing Borobudur and its artifacts as symbols of diplomacy and imperial grandeur.

The colonial and post-colonial dynamics surrounding the acquisition and dispersion of objects from Borobudur, especially Buddha heads, across various collections worldwide, led to ambiguity regarding their provenance, categorization and ownership. This dispersion, coupled with the fabrication of ownership, complicates the notion of rightful ownership and raises significant challenges for provenance research, often leaving researchers grappling with fragmented histories and ambiguous origins. Furthermore, the question of ownership

[100] Email from Marijke Klokke to the authors, 11-10-2021. As seen in Bloembergen and Monquil, *A Fragmented Provenance Report*, 40.

is crucial, as are the contemporary ownership laws that vary from one country to another. For example, under Dutch law, it is challenging for the legal successors of the original owner to reclaim an artifact, as the law favors the current owner through principles like "acquisition in good faith" and the statute of limitations. Even artifacts acquired in bad faith eventually confer ownership rights to the current holder. Recognizing the complexity of ownership, this paper argues that cultural heritage belongs to the source cultures. The term 'fabricated ownership' refers to the forced imposition of ownership by colonial powers, who exploited power imbalances and perceived Borobudur as lacking an owner to assert control, disregarding the local communities. This imposition is reflected in Borobudur's artifacts, prompting various claims of ownership and revealing the broader impact of colonial legacies and potential Orientalist attitudes on restitution claims. Moreover, the colonial and post-colonial dynamics emphasizes the need for meticulous examination and documentation of the origin of cultural artefacts. Ultimately, the journey prompts a broader discourse on critically examining the colonial legacies embedded in these objects, which echo in the museum halls, resonating throughout history, serving as a call for addressing historical injustices starting with the restitution of unjustly taken cultural objects.

Chapter 2: Restitution Initiatives in the Netherlands

> "with a sunny side of adventure, development and modernization, but above all with a dark side of domination, exploitation, racism, large-scale migrations, wars and in some areas even targeted genocide."[101] (Susan Lêgene)

The history of acquiring colonial cultural artifacts is just as complex as these aspects of colonialism itself, if not more. The colonial powers often employed exploitative methods in obtaining cultural artefacts from indigenous communities, highlighting the use of persuasion, deception, and coercion.[102] The practice involved a diverse array of actors, each playing a distinct role in the acquisition of cultural artifacts. Colonial administrators, backed by the authority of the imperial state, often facilitated the removal of cultural objects from colonized territories. The military, acting under colonial command, frequently engaged in looting and confiscation as part of conquest and occupation. Entrepreneurs saw opportunities for profit in the trade of cultural artifacts, exploiting the resources of colonized regions for personal gain. Missionaries, while ostensibly motivated by religious endeavors, also played a role in the acquisition of cultural objects. Scientists and adventurers, driven by curiosity and the pursuit of knowledge or personal glory, participated in the collection of artifacts for study or personal collections. Over time, the widespread dispossession prompted colonial administrations to develop policies against looting and in

[101] Susan Legêne, *Spiegelreflex : Culturele Sporen van de Koloniale Ervaring* (Amsterdam : Bakker, 2010), 19. Translated from Dutch, "met een zonzijde van avontuur, ontwikkeling en modernisering, maar vooral ook met een schaduwzijde van overheersing, exploitatie, racisme, grootschalige migratiebewegingen, oorlogen en in enkele gebieden zelf doelgerichte volkerenmoord."
[102] Reimar Schefold and Han F. Vermeulen, *Treasure Hunting?: Collectors and Collections of Indonesian Artefacts*, Mededelingen van Het Rijksmuseum Voor Volkenkunde, Leiden (Leiden: CNWS, 2002), 4.

favor of the protection of cultural heritage in the colony, reflecting evolving attitudes towards cultural property and colonial exploitation.[103]

Many museums today bear legacies deeply intertwined with colonialism, with their collections often originating from donations by affluent individuals who profited from imperial enterprises. This historical context ultimately contributes to the distinctive undertones characterizing these collections, as they evolved from personal collection to the more formalized structures we recognize as modern museums today.[104] The diverse methods through which these objects were obtained highlight the intricate nature of the challenges surrounding their restitution. Moreover, museums frequently lack comprehensive knowledge regarding the precise acquisition histories of specific artifacts, further adding to the complexity of the issue.

Although some objects were acquired as gifts from the colonized to the colonizers, it is important to note the power imbalance at play. The "gift" theory by Marcel Mauss offers valuable insights into the dynamics of gift exchange in colonial contexts, where the colonized often offered gifts to their colonizers. According to Mauss, gift-giving is not merely an act of generosity but entails a complex system of reciprocity, obligation, and social bonds. The exchange of gifts establishes a social bond that necessitates the reciprocation of

[103] Boris Wastiau, "The Legacy of Collecting: Colonial Collecting in the Belgian Congo and the Duty of Unveiling Provenance," in *The Oxford Handbook of Public History*, ed. Paula Hamilton and James B. Gardner (Oxford University Press, 2017), https://doi.org/10.1093/oxfordhb/9780199766024.013.25; Jos van Beurden, "Hard and Soft Law Measures for the Restitution of Colonial Cultural Collections – Country Report: The Netherlands," *Santander Art and Culture law Review* 8:2, (2002): 412, https://www.ceeol.com/search/article-detail?id=1134759.

[104] Stephen E. Weil, *A Cabinet of Curiosities: Inquiries into Museums and Their Prospects*, (Washington: Smithsonian Institution Press, 1995).

gifts, thus creating a cycle of obligation and counter-gifts.[105] In the colonial context, gifts from the former colonized to the former colonizers may have served various purposes, including forging alliances, demonstrating loyalty, or seeking favor. However, these apparent acts of generosity also created a sense of obligation and reciprocity on the part of the former colonizers. By accepting these gifts, the colonizers became entwined in a cycle of reciprocity, wherein they were implicitly obligated to reciprocate with favors or return the gifts.

In 2002, *the Declaration of Importance and Value of Universal Museums* was signed by the directors of 18 European and North American museums.[106] This declaration emphasizes the responsibility of the Universal Museums to educate through the exhibition of multicultural artifacts. It promotes the idea of universality, advocating for the collection and presentation of cultural items from diverse societies worldwide. Nonetheless, the declaration also rationalizes the retention of objects acquired during "earlier era," asserting that museums cater to a global audience and narrowing their focus would diminish their educational value.[107] Critics argue that this notion of universality, lacking input from non-Western or source communities, perpetuates imperialist ideologies and perpetuates the unjust possession of cultural, historical, or religious objects rightfully belonging to others.[108]

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[105] Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies* (Norton Library, 1967), 10–12.
[106] The Art Institute of Chicago; Bavarian State Museum, Munich (Alte Pinakothek, Neue Pinakothek); State Museums, Berlin; Cleveland Museum of Art; J. Paul Getty Museum, Los Angeles; Solomon R. Guggenheim Museum, New York; Los Angeles County Museum of Art; Louvre Museum, Paris; The Metropolitan Museum of Art, New York; The Museum of Fine Arts, Boston; The Museum of Modern Art, New York; Opificio delle Pietre Dure, Florence; Philadelphia Museum of Art; Prado Museum, Madrid; Rijksmuseum, Amsterdam; State Hermitage Museum, St. Petersburg; Thyssen-Bornemisza Museum, Madrid; Whitney Museum of American Art, New York.
[107] ICOM, "Declaration on the importance and value of universal museums," accessed February 24, 2024, https://icom.museum/en/ressource/declaration-on-the-importance-and-value-of-universal-museums/
[108] Daniel Obubo, "Decolonizing the Universal Museum," January 21, 2022, accessed February 8, 2024, https://www.diggitmagazine.com/papers/decolonizing-universal-

This chapter aims to provide an overview of the restitution history between the Netherlands and Indonesia since Indonesia's independence. Additionally, it will examine and compare restitution guidelines, acts, and policies: The *Heritage Act* (2016), the *Return of Cultural Objects: Principles and Process Nationaal Museum van Wereldculturen (NMVW)* (2019), *Colonial Collection a Recognition of Injustice: Guidance on the Way Forward for Colonial Collections* (2020), and its response, *the Policy Vision on Collections from Colonial Context* (2021). While these documents were written by the Netherlands, they embody different approaches to colonial objects.

In the 1950s, Aimé Césaire from Madagascar and in the 2010s, Kwame Opoku from Ghana connected colonial looting with Nazi looting. While there are significant differences between the two, they share a common theme of historical injustice. Solutions for Nazi-looted artworks have been in place since the late 20th century, notably through initiatives like the 1998 Washington Conference on Holocaust Era Assets, which aided descendants of Nazi victims in reclaiming lost treasures. Interestingly, the states that supported these principles were often the same ones that initially retained treasures returned by the Allies for their own museums and institutions.[109]

museum#:~:text=museums%20and%20decolonisation.-,The%20Declaration%20on%20the%20Importance%20and%20Value%20of%20Universal%20Museums,world%20through%20its%20multicultural%20artefacts.%20.

[109] Aimé Césaire and Robin D. G. Kelley, *Discourse on Colonialism* (New York: Monthly Review Press, 2000), 20, http://site.ebrary.com/id/10642321. "Brief comments on german guidelines on handling objects acquired in colonial contexts," *Deutscher Museumsbund e.V.* (blog), accessed April 18, 2024, https://www.museumsbund.de/brief-comments-on-german-guidelines-on-handling-objects-acquired-in-colonial-contexts/.

The assessment framework for restitution of colonial looted art faces challenges in determining the rightful heir of the original owner, placing such cases in a grey area where positive law conflicts with ethical norms. Regulations governing Cultural Heritage transactions in colonial contexts add further complexity, as nullifying transactions based on colonial law could hinder restitution efforts and be perceived as a double standard by former colonial powers. Moreover, while the acceptance of Nazi looted art has been facilitated through mechanisms like the Washington Principles, which emphasize alternative dispute resolution, similar approaches could be considered for resolving disputes over colonial loot in former colonies.[110]

The analysis of these legislations seeks to offer insight into why objects with colonial backgrounds remain in Dutch museum collections and explores changing perspectives on colonial objects in the Netherlands, which may influence how they are perceived. The primary focus of this chapter is to examine whether traces of colonial legacies and orientalist attitudes are evident in the restitution efforts between Indonesia and the Netherlands, and if so, how do these factors shape the Netherlands' approach to handling restitution claims.

[110] van Beurden, “Hard and Soft Law Measures," 420–21.

Repatriation vs. Restitution

> "…the return of cultural artefacts as a way of doing justice for past wrongs…restitution may be seen as an attempt to make amends for the crimes of history."[111] (Alexander Herman, 2021)

Before delving into our discussion, it is essential to establish a foundational understanding by distinguishing the differences between repatriation and restitution. The difference between repatriation and restitution lies in the underlying intent behind the return of the objects. Repatriation refers to the act of returning objects to their place of origin while the restitution also involves a symbolic gesture aimed at acknowledging and rectifying historical injustices. As such, repatriation alone does not fully align with the principles of restorative justice, which require a shift towards prioritizing demands over unilateral returns. In contrast, restitution encompasses a broader scope, serving as a project of social restoration that includes processes such as reparation and repair. Unlike repatriation, restitution emphasizes the significance of autonomy and empowerment for the claimant, necessitating comprehensive actions that goes further than mere returns. It also redirects the focus of return politics to prioritize the rights of the claimant, advocating for the establishment of dedicated platforms and frameworks for restitution politics. Moreover, restitution goes beyond a mere exchange of objects; it serves as a pivotal means of addressing historical injustices by acknowledging the unjust circumstances surrounding the acquisition, ownership, or retention of items, artworks, and ancestral remains, regardless of any purported claims of stewardship.[112]

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[111] Alexander Herman, "Restitution—What's Really Going on?," The Art Newspaper - International art news and events, September 28, 2021, https://www.theartnewspaper.com/2021/09/28/restitutionwhats-really-going-on.

[112] Rassool and Gibbon, "Restitution versus repatriation," 1–4.

Colonialism and Orientalism

Colonialism, as defined by Albert Memmi, involves deep-seated social and psychological domination and power imbalance characterized by exploitation, with significant impacts on culture, perpetuating racism, fear, economic exploitation, and social inequality among the colonized. Colonialism not only imposes cultural domination and social immobility, but it also perpetuates a sense of ambivalence and alienation among the colonized, undermining their cultural identity and heritage. The legacy of colonialism manifests in entrenched racism, social inequality, and cultural disenfranchisement, perpetuating feelings of alienation among the colonized.[113]

His analysis, echoed in Edward Said's theory of Orientalism, emphasizes how colonialism perpetuates power imbalances and cultural hegemony, portraying the colonized as inferior and reinforcing Western dominance. Orientalism explains how the Western perceptions and representations of the East perpetuated colonial dominance by reducing Eastern cultures to exotic, inferior stereotypes, thereby justifying and legitimizing Western intervention and control, including the removal of cultural objects from their countries of origin under the guise of preservation. Rooted in Orientalist discourse, these representations have not only justified colonialism but also shaped Western perceptions of the East, reinforcing hegemonic and patronizing power dynamics. This ideological justification has empowered the West to assert control over the cultural patrimony of colonized societies, perpetuating power imbalances in the global cultural landscape.[114]

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[113] Albert Memmi, *The Colonizer and the Colonized*, 3rd ed. (London: Earthscan, 2003), 180.

[114] Edward W. Said, *Orientalism* (New York: Vintage Books Edition, 2014), 3. Notably, Homi K. Bhabha extends the theory of Orientalism by Saïd by introducing concepts like mimicry and hybridity within the framework of postcolonial theory. Mimicry refers to the imitation of colonial norms by the colonized as a form of ambivalent identification, challenging colonial authority subtly. Hybridity, on the other hand, explores the fusion of multiple cultural influences, resulting in new identities and disrupting essentialist notions of culture.[114]

In conclusion, the removal of power and agency of the “other” and the colonized is a central feature shared by both colonialism and Orientalism. The intertwined legacies of colonialism and orientalism have left enduring imprints on global societies and cultures, shaping power dynamics and perceptions of the "other." This dynamic remove agency from marginalized cultures, perpetuating a narrative where non-Western societies are depicted as passive and in need of Western guidance and intervention. As we explore further, we will observe how this dynamic manifest in past discussions regarding restitution between the Netherlands and Indonesia. Understanding and addressing these legacies are essential for fostering a more equitable and inclusive environment where diverse cultures and their agency are respected and valued. Through ongoing dialogue, education, and efforts toward decolonization, museums and cultural institutions can strive for a future where structural oppressions are dismantled.[115]

Colonial Legacies and Potential Orientalist Attitudes

The Declaration of Importance and Value of Universal Museum (hereinafter: *The Declaration*), signed in 2002, is problematic for several reasons. It was issued by the International Council of Museums (ICOM) in response to controversies surrounding the repatriation of cultural artifacts and the role of museums in holding such objects.[116] The

Together, these ideas illuminate the complex dynamics of power, identity, and resistance in colonial and postcolonial contexts. By engaging with these concepts, societies can work towards dismantling oppressive systems, fostering inclusivity, and honoring the agency of those affected by colonialism and Orientalism. Homi K. Bhabha, *The Location of Culture*, Routledge classics ed, Routledge Classics (London: Routledge, 2004), 122, 159, http://www.dawsonera.com/depp/reader/protected/external/AbstractView/S9780203820551.

[115] The section is previously explored in an unpublished Master-Apprentice paper titled, “Restitutions of Objects form Borobudur” by S. Suwatwong, 2023.

[116] ICOM, “Declaration on the importance and value of universal museums.”

museums educate audiences using multicultural artifacts, promoting the idea of universality in collecting and exhibiting items from various cultures globally. However, it also defends the possession of objects acquired during the colonial era, stating that museums cater to a worldwide audience, and limiting their scope would not benefit visitors. Despite asserting universality, these museums fail to address universal accessibility, thereby perpetuating exclusivity, particularly favoring Western audiences. Ultimately, *the Declaration* validates the ownership of the museums to these objects, reinforcing and legitimizing their possession.

Firstly, it reflects a Eurocentric perspective that prioritizes the interests and viewpoints of Western museums and audiences while disregarding those of voices from the countries of origin, particularly from former colonies. This perpetuates a colonialist mindset that sees cultural artifacts acquired during the colonial era as rightfully belonging to Western institutions, without considering the historical context of their acquisition or the wishes of the communities from which they originated. *The Declaration* justifies the retention of these objects under the guise of universality, arguing that museums serve a global audience and that narrowing their focus would be a disservice to visitors. However, this argument fails to acknowledge the unequal power dynamics inherent in the acquisition and display of cultural artifacts, where Western museums often wield disproportionate influence and resources compared to source communities.

Critics argue that *the Declaration*'s emphasis on universality overlooks the need for ethical stewardship and respectful engagement with cultural heritage. It perpetuates imperialist ideals by maintaining the unjust possession of objects that rightfully belong to others and

reinforces the marginalization of non-Western cultures.[117] The exclusion of non-Western voices in discussions on cultural heritage restitution resonates with both Albert Memmi's definition of colonialism and Edward Saïd's concept of orientalism. Memmi defines colonialism as a system of dominance and exploitation, wherein the dominant power imposes its authority and suppresses the perspectives of the colonized. Similarly, Saïd's orientalism involves the Western construction of narratives about the Orient that often disregard authentic voices from Eastern cultures, perpetuating stereotypes and reinforcing power imbalances. In both colonialism and orientalism, the marginalization of non-Western voices serves to maintain hegemonic control over cultural discourse and perpetuate orientalist attitudes.

Without multidimensional understanding—which includes cultural, historical, and religious contexts—of an object, the museums only serve as a showroom perpetuating stereotypes and exoticizing the cultures from which they originate. By failing to provide comprehensive context, museums may inadvertently reinforce simplistic and often incomplete pictures about non-Western cultures, contributing to their marginalization and misrepresentation, while simultaneously—and blindly—manifesting their own imperialist and colonial legacies. Thus, a critical examination of provenance and a commitment to contextualizing objects within their broader cultural frameworks are essential for museums to fulfill their educational mission responsibly and respectfully. Overall, *the Declaration* exemplifies the ongoing challenges and complexities surrounding the ethics of museum practices, particularly in relation to colonial-era acquisitions and the rights of the country of origins

[117] Obubo, "Decolonizing the Universal Museum."

and its local communities. Fortunately, some western museums and the country overall—even the ones that signed *the Declaration*—have started to sing a different tune.

In recent years, European countries have made strides in addressing the restitution of colonial objects. France, led by President Emmanuel Macron's pledge in 2017, committed to permanently returning African patrimony from its museums, followed by a legislative move in June 2020 allowing the restitution of artifacts to Benin and Senegal. Germany, in March 2019, agreed to create conditions for repatriating artifacts acquired through unjustifiable means. The UK is also developing guidance for museums to address this issue. Notably, the Netherlands' Nationaal Museum van Wereldculturen (NMVW) has been proactive, spurred by a 2016 doctoral work by Jos van Beurden, "Treasures in Trusted Hands," which catalyzed debate and action on colonial-era artifacts.[118] The Rijksmuseum exemplifies efforts towards addressing colonial object restitution. Under growing scrutiny, the museum, along with others in the Western world, faces pressure to reevaluate their handling of colonial acquisitions. Notably, the Rijksmuseum has adopted a more critical approach to its collection, evidenced by initiatives such as organizing exhibitions dedicated to the history of slavery.[119]

[118] Catherine Hickley, "The Netherlands: Museums Confront the Country's Colonial Past | UNESCO," accessed April 18, 2024, https://courier.unesco.org/en/articles/netherlands-museums-confront-countrys-colonial-past-0.

[119] Rijksmuseum, "Slavery," accessed March 10, 2024, https://www.rijksmuseum.nl/en/research/our-research/history/1600-1700/slavery; The section is previously explored in an unpublished Master-Apprentice paper titled, "Restitutions of Objects form Borobudur" by S. Suwatwong, 2023

The Netherlands

> As the former Colonial Museum, the Tropenmuseum was founded with the purpose to reinforce the Dutch colonial project. It was meant to display the wealth of the Dutch colonial empire, it was a research center that aimed to stimulate trade and production in the Dutch colonies, and it was a place to educate and entertain the Dutch public using collections of objects from the colonies. A large part of the museum's present collections originated during colonial times.[120] (Hodan Warsame)

Discussions surrounding the restitution of Indonesian cultural artefacts held in Dutch museums have persisted 1940s, prompting a reevaluation of ownership claims by museums. From 1945 to the late 1970s, Indonesian authorities consistently pressed for the restitution of colonial objects.[121] The motivation behind the Indonesian restitution requests varied depending on the diplomatic climate, ranging from purposeful and result-oriented to propaganda-driven initiatives. Likewise, Dutch attitudes toward restitution fluctuated significantly over the years, with a calculating approach in the 1940s, uncooperative stance in the 1950s and 1960s, and a more accommodating attitude in the 1970s. Despite these efforts, Dutch authorities exhibited minimal remorse or willingness to address historical

[120] "Words Matter: An Unfinished Guide to Word Choices in the Cultural Sector," 81, accessed April 16, 2024, https://www.materialculture.nl/sites/default/files/2018-08/words_matter.pdf.pdf. Retrieved from: "Words Matter," Research Center for Material Culture, accessed May 12, 2024, https://www.materialculture.nl/en/publications/words-matter.

[121] It is important to note that the repatriation discussions of Indonesian cultural objects began during the colonial era between the Dutch themselves. This early repatriation activity had lasting repercussions on subsequent restitution claims. A significant dispute arose between the Batavia Society in Jakarta and the Rijks Ethnographisch Museum in Leiden over control and distribution of artifacts. The Batavia Society gained influence in preserving cultural heritage, enabling it to decide which objects stayed in Jakarta and which were sent to the Netherlands. This dispute had a repercussion as government officials and museum experts later used it to diffuse Indonesian restitution claims, citing the presence of valuable objects in Museum Nasional. As seen in: Klaas Stutje, "The History of the Indonesian Dutch Restitution Debate: Working Paper," *PPROCE Provenance Reports*, March 2022, 6 – 8.

injustices. Restitution policies were largely influenced by the interests of the Dutch state and heritage institutions. The Netherlands believed that by returning significant objects in the late 1970s, they had fulfilled their obligations, providing no basis for further Indonesian claims.[122]

Joint Recommendations 1975

> They are property of the world and there is no objection if copies are made, but the originals belong in Indonesia.[123]

Negotiations under the Joint Recommendations by the Dutch and Indonesian Team of Experts, Concerning Cultural Cooperation in the Area of Museums and Archives, Including the Transfer of Objects *(hereinafter:* Joint Recommendations*) between the Netherlands and Indonesia aimed to return culturally significant artifacts that were taken during the colonial era. Crucial roles were played by the Foreign Ministers of both countries, Adam Malik and Max van der Stoel. Malik emphasized Indonesia's need for these objects to train young people in museums and archives and fill the gaps left by Dutch confiscation. Van der Stoel highlighted the urgency of finding a solution to avoid deteriorating relations between the two nations. Initially, there was contention over the extent of restitution, with Indonesia expressing a desire for the return of all objects but acknowledging the possibility of copies being made. However, the Dutch government, along with other former colonial powers like*

[122] Stutje, "The History of the Indonesian Dutch Restitution Debate," 42.
[123] Said a spokesman for the Indonesian embassy in the Hague in the *Nieuwe Rotterdamse Courant* on the 8th of November 1974 regarding the four large Hindu god statues. As seen in Jos van Beurden, *Inconvenient Heritage: Colonial Collections and Restitution in the Netherlands and Belgium* (Amsterdam: Amsterdam University Press, 2022), 88, https://www.aup.nl/en/book/9789463720595/inconvenient-heritage.

Belgium, advocated for more limited restitution, emphasizing the distribution of cultural objects globally rather than their return to their countries of origin.

Despite initial disagreements, negotiations continued, and a breakthrough occurred during a meeting with Indonesian Minister Sjarif Thayeb of Education and Culture. To the surprise of the Indonesian team, Thayeb made a remark about not knowing where to store all the returned objects which created a leeway for the Dutch team to gain an upper hand in the negotiation. Overall, the legislation reflects the complex and delicate process of negotiating cultural restitution between former colonial powers and colonized nations. It highlights the tensions between preserving national identity and heritage, addressing historical injustices, and navigating diplomatic relations in a post-colonial world.[124]

Despite some Dutch willingness towards restitution, remnants of Orientalist and paternalistic attitudes persisted, influencing their terminology preference.[125] While Indonesia favored "return," the Dutch preferred "transfer," seemingly to avoid acknowledging the past wrongdoings. The Dutch emphasized the need for adequate museum infrastructure in Indonesia to preserve artifacts effectively. Despite initial reluctance, significant artifacts, including the 14th century Javanese epic Nagarakartagama, parts of the Lombok Treasure, and the Prajnaparamita statue, were agreed upon for return. Notably, the Dutch referred to the Prajnaparamita statue, significant in Indonesian history,

[124] van Beurden, 88–89.
[125] Jos van Beurden, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, CLUES (Leiden: Sidestone Press, 2017), 123–55, https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1521169&site=ehost-live.

as "the Mona Lisa from Java." [126] The comparison is problematic as it diminishes the autonomy of non-Western artifacts by imposing Western standards and erasing their intrinsic value outside Western perspectives. Nonetheless, the kris (dagger) of Prince Diponegoro, an Indonesian national hero who led an uprising against the Dutch colonial rule from 1825 – 1830, did not return and its whereabouts was a mystery as the Netherlands did not made much of an effort in finding it.[127]

Case Study: The Restitution of the kris of Prince Diponegoro

Even though the *kris* was meant to be returned to Indonesia during the negotiation in 1975, it was not until almost five decades later that that promise would be fulfilled. In 2020, the notorious *kris* of the rebel prince was finally returned to Indonesia. The discovery of the *kris* in the Wereldmuseum collection could be attributed to the revival of restitution discussions in the Netherlands initiated by a groundbreaking 2016 dissertation of Jos van Beurden.[128] In his book *Treasures in Trusted Hand* revealed that the disappearance of the *kris* was rather due to unclear documentation, extensive collections, and insufficient restitution efforts. After extensive searching, the kris was located in the Wereldmuseum Leiden collection.[129] Throughout the decades, various political figures had speculated about the whereabouts of the *kris*. Additionally, the Dutch politicians tried to find it and use it as “a large gesture” that

[126] Bloembergen and Eickhoff, “Decolonizing Borobudur: Moral Engagements and the Fear of Loss. The Netherlands, Japan and (Post-)Colonial Heritage Politics in Indonesia,” in *Sites, Bodies and Stories*, ed. Susan Legêne, Bambang Purwanto, and Henk Schulte Nordholt (Singapore: NUS Press, 2015), 53.
[127] Jos van Beurden, *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, CLUES (Leiden: Sidestone Press, 2017), 147, https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1521169&site=ehost-live.
[128] Stutje, “The History of the Indonesian Dutch Restitution Debate,” 4.; Daniel Boffey, “Prince’s Dagger Returned to Indonesia after 45 Years Lost in Dutch Archive,” *The Guardian*, March 5, 2020, sec. World news, https://www.theguardian.com/world/2020/mar/05/princes-dagger-returned-to-indonesia-after-45-years-lost-in-dutch-archive.
[129] van Beurden, *Treasures in Trusted Hands*, 163.

would have "a symbolic meaning for the whole of Indonesia and a special meaning for its President." [130]

During the return event, Stijn Schoonverwoerd, then director of the Wereldmuseum Leiden, emphasized the role of the Dutch State, as the owner of the National Collection, in initiating restitution. He emphasized that museums serve as custodians of the National Collection. Therefore, the decision to restitute objects lay beyond their authority. Furthermore, the recent developments of holistic policies and restitution efforts may prove that the Netherlands is genuinely trying to progress towards rectifying the unjust history. However, the long road of trust building between the former colonizers and the colonized is an extensive and complex construction project in which the discussions of the plan is being constructed as we speak. The sentiment of this complexity is reflected in a statement made by an Indonesia historian, Bonnie Triyana, "I see good will of the Dutch government, but of course we are still waiting for the next step of this good will." [131]

On the Way Forward

To address these issues, various policies regarding the restitution of colonial artifacts have been developed. According to Jos van Beurden, a senior researcher in colonial collections and restitution, restitution claims of lost cultural objects in the Netherlands had rarely been successful until quite recently. In his 2022 article, "Hard and Soft Law Measures for the Restitution of Colonial Cultural Collections – Country Report: The Netherlands," he

[130] Frans van Dongen on the occasion of 40th anniversary of the Republic of Indonesia. Seen in: Beurden, *Treasures in Trusted Hands,* 163.
[131] Clara Löffler, "Returning Colonial Art: 'We Are Not the Rubbish Bin,'" *International Journalism* (blog), June 10, 2021, https://svjmedia.nl/internationaljournalism/2373/returning-colonial-art/.

highlights how the combination of statute of limitations for ownership claims, legal protections for new possessors under Dutch law, and limitations in international rules may hinder the application of restitution in past cases.[132] However with new guidelines and policies, in 2023, the Netherlands returned 478 objects with cultural significance to Indonesia and Sri Lanka.[133] This restitution of colonial objects marks an important step in the ongoing discussions and concerns about the restitution of objects with colonial history that are hosted in the country of the former colonizer.

Since the last few years, two major museums in the Netherlands—the Rijksmuseum and the museums in NMVW foundation— started to reevaluate and research their colonial collections and acknowledged possible restitutions of these objects. Since 2019, the Minister of Culture financed the PPROCE project, and she also asked the Dutch Council for Culture to advise her on the National Policy Framework for Colonial Collections, which *the Guidance* is the result. So far, in the Netherlands has made three major efforts in addressing the historical injustices. Firstly, The PPROCE initiative, involving the National Museum of World Cultures, Rijksmuseum Amsterdam, and ECR/NIOD, aims to develop a methodology for researching the origins of colonial-era collections. It focuses on selected cases from Indonesia and Sri Lanka, resulting in 33 documented provenance reports from 46 items

[132] van Beurden, "Hard and Soft Law Measures," 408. He cites e.g. Dutch Civil Code, Book 3, Art. 105; Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954, 249 UNTS 240 and its Protocol (signed by the Netherlands on 14 May 1954); Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 14 November 1970, 823 UNTS 231 (signed by the Netherlands on 17 July 2009).

[133] Cultuur en Wetenschap Ministerie van Onderwijs, "Colonial Collections to Be Returned to Indonesia and Sri Lanka - News Item - Government.Nl," nieuwsbericht (Ministerie van Algemene Zaken, July 6, 2023), https://www.government.nl/latest/news/2023/07/06/colonial-collections-to-be-returned-to-indonesia-and-sri-lanka .

investigated.[134] Another illustration is the Cultural Heritage Agency's examination of slavery and colonial history within its extensive collection of over 100,000 artworks, detailed in their publication *Traces of Slavery and Colonial History in the Art Collection*. This ongoing endeavor aims to embrace diverse perspectives and enhance comprehension, with early findings indicating positive outcomes in enriching historical awareness.[135] Lastly, *Pressing Matter: Ownership, Value, and Colonial Heritage in Museums*, aims to reconcile society with its colonial past by examining the potential of colonial objects. It deals with conflicting claims from different stakeholders and involves experts from former colonies. The project seeks to create and test new models of value, ownership, and heritage restitution that go beyond current approaches.[136] This changing stance reflects broader discussions within the museum sector about the ethical implications of retaining cultural objects acquired under colonial conditions.

Restitution is a nuanced and intricate ordeal which demands just and equitable policies where both parties—the country of origin and the country that currently possess these objects—stand on equal ground. The equity will result in meaningful and *solicited* restitutions. In this case, *solicited* restitution means the return of objects issued by the government of the country of origin. The request being made by the state government of the country of origin holds significance as it signifies official acknowledgment and endorsement of the restitution claim. Furthermore, the acceptance of requests from external entities may infringe upon the sovereignty of the concerned state, underscoring

[134] Wereldmuseum Amsterdam, "PPROCE – Provenance Research on Objects of the Colonial Era," accessed March 13, 2024, https://amsterdam.wereldmuseum.nl/nl/over-wereldmuseum-amsterdam/onderzoek/provenance-research-colonial-era.
[135] Pennock, Vermaat, Windhausen (eds.), *Traces of Slavery and Colonial History in the Art Collection*, 2019.
[136] Pressing Matter, "Pressing Matter."

the necessity of governmental participation to guarantee transparency and compliance with international standards and legal frameworks during the restitution process.[137]

In contrast, *unsolicited* restitution occurs when the possessor of cultural objects one-sidedly decides to return them to the country of origin without the full consent or involvement of the country of origin. This lack of the will to cooperate with the country of origin disregards their principles of sovereignty and self-determination, undermining the agency and autonomy of the country of origin. It perpetuates a power dynamic where decisions about cultural artifacts are made without considering the perspectives and interests of the communities to which they belong, reinforcing historical patterns of exploitation and domination.

Restitution: Guidelines, Acts, and Processes

> "Sometimes we are accused of hiding behind the state. But we cannot just give things back of our own accord. Restitution is not an act of heritage, it is a political act."[138] (Stijn Schoonderwoerd)

Heritage Act 2016

Prior to 2016, Dutch cultural heritage management was governed by various regulations and laws.[139] The variety of regulations and laws resulted in different definitions, procedures, and

[137] van Beurden, "Hard and Soft Law Measures," 416.
[138] Catherine Hickley, "The Netherlands."
[139] *The Heritage Act* includes the *Regulations on Material management of Museum Objects* [Regeling materiel beheer museale voorwepen], the *National Museum Services (Privatisation) Act* [Wet verzelfstandiging rijksmuseale diensten], the *Monuments and Historic Buildings Act* 1988 [Monumentenwet 1998], the *Heritage Preservation Act* [Wet tot behoud van cultuurbezit], the *1970 UNESCO Convention on the Illicit Import, Export and Transfer of Ownership of Cultural Property (Implementation) Act* [Uitvoeringswet UNESCO-verdrag 1970

protection measures. To address this issue, the *Heritage Act* (hereinafter: *The Act*) was introduced by the Cultural Heritage Agency in July 2016 to consolidate and standardize cares for the national collection. *The Act* mandated that objects of national interest must remain in the Netherlands. *The Act* clearly defines objects and collections as protected when they hold "particular cultural-historical or scholarly significance and that, being irreplaceable and indispensable, should be preserved as a part of the Dutch cultural heritage."[140]

It establishes criteria for objects to enter the Dutch National Collection, requiring governmental approval for their disposal. Responsibility for protecting cultural heritage is entrusted to various entities within the heritage field, including museums, curators, archaeologists, owners, and administrations. If a museum wishes to dispose of an object, it must publicly announce its intent, allowing opposing parties six weeks to object. Furthermore, if there are reasonable grounds to believe that an object should remain in the Dutch National Collection, national and municipal authorities, along with legal entities under public law, must consult a committee of independent experts for evaluation before the object can be disposed or exported.[141]

However, critics argue that as *the Act* favors the preservation of the National Dutch Collection, it in turn conflicts with restitution efforts.[142] While it provides justification for

inzake onrechtmatige invoer, uitvoer of eigendomsoverdracht van cultuurgoederen], and the *Cultural Propoerty Originating from Occupied Territory (Return) Act* [Wet tot terruggave cultuurgoederen afkomstig uit bezet gebied].

[140] Cultuur en Wetenschap Ministerie van Onderwijs, "Heritage Act 2016 - Publication - Cultural Heritage Agency," publicatie (Ministerie van Onderwijs, Cultuur en Wetenschap, January 1, 2016), 9–10, https://english.cultureelerfgoed.nl/publications/publications/2016/01/01/heritage-act-2016.

[141] Ministerie van Onderwijs, 13–15.

[142] van Beurden, "Hard and Soft Law Measures," 411.

retaining objects or collections within the Dutch National Collection, the legislation fails to address or consider items with colonial significance, let alone the opinion of the country of origin.[143] Moreover, the omission of colonial objects from its considerations raises concerns about the restitution of culturally significant artifacts with colonial contexts, which hold profound significance for the countries of origin as well. The failure to address colonial-era acquisitions and the ethical implications of retaining such objects within Dutch collections could perpetuate historical injustices and hinder efforts toward reconciliation and restitution.

Case Study: Museum Nusantara

The Museum Nusantara in Delft played a significant role in the complex landscape of repatriating colonial objects. Furthermore, it serves as a rich example of *unsolicited* restitution, the issues it led to, and a solution. The oversight led to the need to develop a better restitution policies and acts that consider the voice of the country of origin. Museum Nusantara was owned by the Delft municipality. It was formerly part of the *Indische Instelling*, served as a repository for colonial artifacts, predominantly from Indonesia. Following its closure in 2013 due to financial struggles, the museum faced the task of de-accessioning its extensive collection of over 18,000 objects. The objects in the collection ranges from high quality objects to ordinary ones. The municipality and the museum had reached an agreement that the objects should be returned to Indonesia. Though, this decision was not prompted by a claim from Indonesia, but rather the collection had become redundant. As part of this arrangement, a verbal agreement was made between Delft and the National Museum in Jakarta. In return for receiving a substantial number of objects at

[143] Ministerie van Onderwijs, "Heritage Act 2016 - Publication - Cultural Heritage Agency," 9–10.

no cost, the Indonesian museum agreed to accept the entire collection and cover all transportation and insurance expenses.[144]

However, complications arose due to *the Act*, as the interests clash with the restitution efforts. This led to disputes over the selection of objects for repatriation, with Indonesia rejecting the initial offer, citing unequal treatment. *The Act* mandates that the procedure outlined must be adhered to for all objects deemed of national interest, totaling 3,196 items considered part of the Dutch National Collection. This decision caused dissatisfaction among cultural authorities in Jakarta, as it implied that the Dutch could cherry-pick the more valuable items without consulting Indonesian counterparts, leaving Indonesia to accept what remained. Naturally, this led to a discontentment on the Indonesian side, with a historian expressing the sentiment that "we are not the rubbish bin."[145] Consequently, Indonesian officials informed their Dutch counterparts of their rejection of the offer. Eventually, a compromise was reached and settled in the late 2019, with Indonesia accepting 1,564 objects under the condition that they could choose from the remaining pieces. This case highlights the conflict between regulations safeguarding the Dutch National Collection and endeavors towards restitution, emphasizing the need for equitable collaboration between nations in addressing colonial legacies.[146]

[144] Beurden, "Hard and Soft Law Measures," 413.
[145] Löffler, "Returning Colonial Art."
[146] van Beurden, "Hard and Soft Law Measures," 414.

Return of Cultural Objects: Principles and Process (NMVW) 2019

The *Return of Cultural Objects: Principles and Process* "expresses the overall mission of the museum to address the long, complex and entangled histories that have resulted in the collections the museum holds." This comprehensive document establishes criteria for evaluating claims concerning cultural heritage objects and offers guidance on the restitution process. Emphasizing transparency, cooperation, and timely evaluation, NMVW acknowledges the significance of cultural heritage at both national and international levels, adhering to legal frameworks such as the UNESCO and UNIDROIT Conventions and national legislation like the Heritage Act 2016.[147]

As custodian of the national collections owned by the Dutch State, NMVW ensures the integrity of the restitution process, establishing strict criteria for restitution. This commitment led to the creation of an independent Advisory Panel, guiding decision-making. This panel, tasked with reviewing and evaluating claims, plays a crucial role in guiding the Ministry of Education, Culture and Science in decision-making. The framework gained approval from the Ministry in April 2019, prompting a national advisory committee on colonial collections. Led by Minister Ingrid van Engelshoven, this committee aims to foster transparency and collaboration in addressing restitution complexities.[148]

[147] International context: UNESCO 1954, UNESCO 1970, UNIDROIT 1995, UNIDROIT 2007, Washington Principles 1998; National context: Heritage Act 2016.
[148] Stichting Nationaal Museum van Wereldculturen, *Return of Cultural Objects: Principles and Process Nationaal Museum van Wereldculturen (NMVW) 2019*, Retrieved from https://rotterdam.wereldmuseum.nl/sites/default/files/2019-06/NMVW%20Return%20of%20Cultural%20Objects%20%20Principles%20and%20Process.pdf.

Criteria

The criteria outlined in Part II of the document establish the basis upon which claims for the return of cultural objects will be considered. These criteria encompass various scenarios where the acquisition of cultural objects may have violated standards of legality or where claimants were involuntarily separated from the objects. For instance, section 4.2 addresses cases where objects were acquired illegally. Similarly, section 4.3 pertains to situations where claimants were involuntarily separated from objects due to lack of consent, duress, or unauthorized disposals. Additionally, section 4.4 emphasizes the cultural, heritage, or religious value of objects to nations or communities of origin, suggesting that continued retention in the museum collection may be questioned if it conflicts with analogous standards outlined in *the Act*.

Guidelines and Process

The guidelines set forth a meticulous process for handling claims for the return of cultural objects. It begins with detailed provenance research, as mandated by sections 5.2 and 5.3, aimed at assessing questions of legality, involuntary separation, and heritage value. Subsequently, the claims undergo review by an independent panel, as outlined in section 6.7, which ensures credibility and thorough consideration of all aspects. Following this review, the final decision rests with the Minister, in accordance with section 6.1, who considers the recommendations before the final decision is made. Successful claims receive professional support, archival material, and adhere to a maximum return timeline, per section 8.1. Additionally, periodic reviews, as stipulated in section 9.1, allow for adaptability and alignment with evolving state policies regarding restitution.

Colonial Collection a Recognition of Injustice: Guidance on the Way Forward for Colonial Collections

The document (hereinafter: *The Guidance*) was written by the Advisory Committee on the National Policy Framework for Colonial Collections (hereinafter: *The Committee*) in 2020 at the request of the Minister of Culture. Prompted by the absence of a restitution policy that is developed in collaboration with countries of origin, it calls for a reevaluation of Dutch colonial history, particularly focusing on artifacts in Dutch museum collections. As such *the Guidance* can be summarizes in one sentence: "what was stolen must in principle be returned," upon request from the country of origin. [149] *The Guidance* acknowledges that stolen objects necessitate a different approach compared to gifts, purchases, or objects with undetermined provenance. *The Guidance* repeatedly uses the word "stolen" which highlights transparency in addressing and acknowledging the violent past which the *Joint Recommendations* of 1975 failed—or refused—to do so. The word choice points out the need to rectify the injustices committed by the former colonizers and the necessity for thorough provenance research. The provenance research is crucial in determining whether an object qualifies as having been involuntarily lost, ultimately paving the way for its restitution.[150]

The role of *the Committee* is to provide guidance and framework for handling colonial heritage, addressing international cooperation and return requests. They conducted research, engaged stakeholders, and sought input from countries of origin. Meanwhile, the

[149] Adviescommissie Nationaal Beleidskader Koloniale Collecties, *Colonial Collection: A Recognition of Injustice: Guidance on the Way Forward for Colonial Collections* (Raad voor Cultuur, 2021), 5.
[150] Ibid, 12 – 13.

Minister of Education, Culture and Science decides on colonial heritage matters based on Committee recommendations and sets objectives for accessibility and policy development.[151] *The Committee* urges recognition of historical injustices and their rectification, emphasizing the importance of collaboration with former colonies. It suggests considering unconditional return of involuntarily acquired objects after a thorough provenance research, if the country of origin wishes so. Dutch law acknowledges the ownership rights of the current owner due to the statute of limitations, no matter if they acquire and an object in good or bad faith.[152] It also allows the current owner to voluntarily waive those rights and return the objects.[153] This means that Dutch law does not prohibit the State, as the current owner of the NMVW collection, from returning colonial cultural objects to their countries of origin, the original owner. Additionally, in cases of excessive colonial violence, the court has the authority to declare the statute of limitations invalid.[154]

The recommendations of *the Committee* emphasize recognizing historical injustices and prioritizing their rectification as a fundamental policy principle. Collaboration and dialogues with former colonies is advocated to develop a shared policy framework. Decision-making authority on return requests is proposed to be granted to the Minister, informed by an independent advisory committee. Furthermore, the establishment of an Expertise Centre for the Provenance of Colonial Cultural Objects is recommended, alongside encouraging

[151] Ibid, 4–15.
[152] Ibid, 60.
[153] For example, the restitution of the pilgrim's staff of prince Diponegoro which was confiscated by the Dutch East Indies authorities and gifted to Mr. J.C.Baud, a Governor-general of the Dutch East Indies. The staff remained in the family's possession until 2015 when they decided that the staff belongs to Indonesia and its people. Jos van Beurden mentions in his interview that this is a rare case as the staff was a gift and not a war booty, so the family did not have an obligation to return. Seen in: "Questioning Heritage – Interview with Dr. Jos van Beurden – Stichting Nederland-Sri Lanka," May 30, 2020, https://stichtingnederlandsrilanka.nl/?p=455.
[154] Ibid, 60.

museums to conduct and share research. *The Committee* also emphasizes supporting museum infrastructure and knowledge exchange in source countries, advocating for international cooperation through organizations like UNESCO to address historical injustices and promote collaboration.[155]

[155] Ibid, 6 – 8.

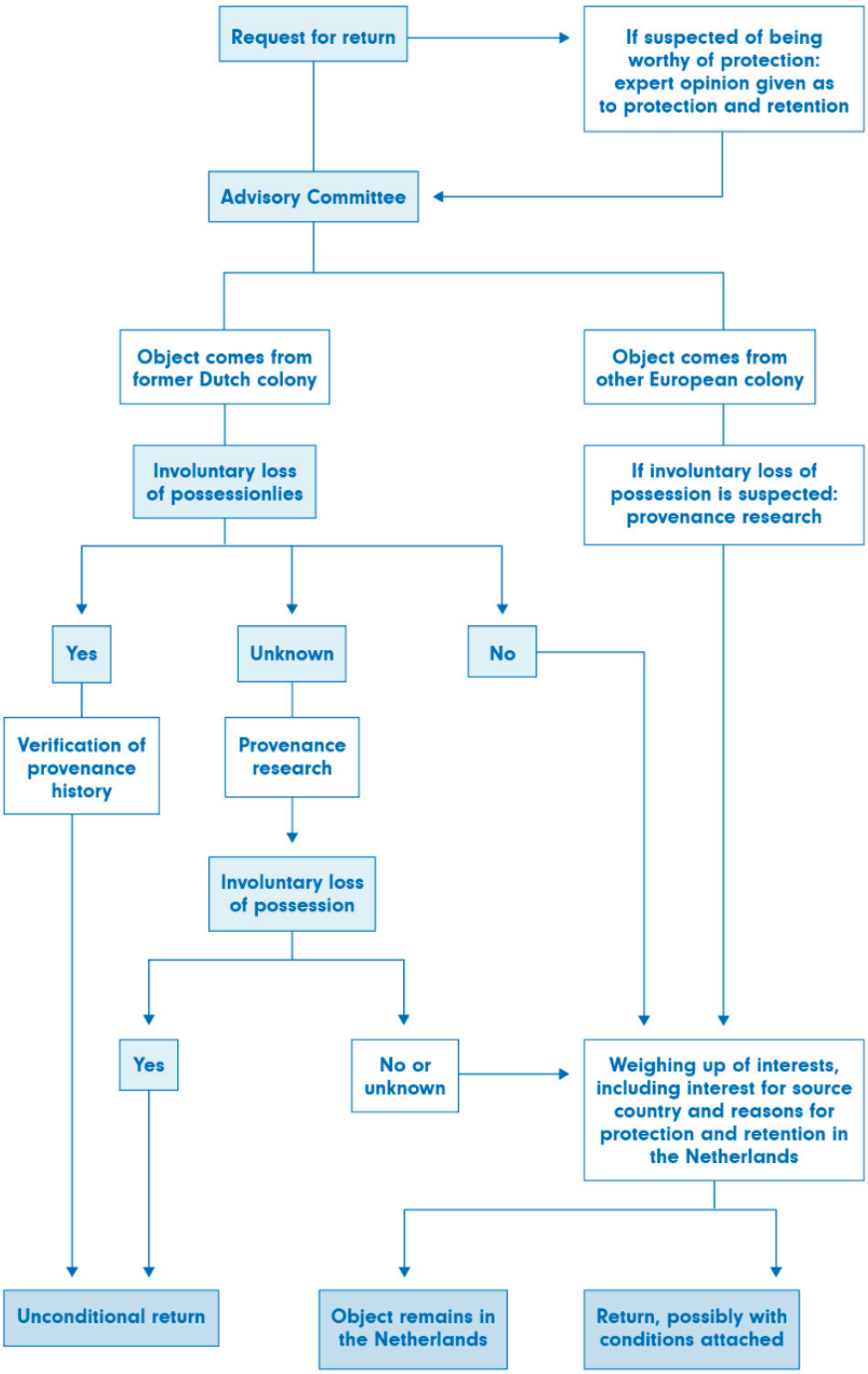

Figure 10. Flowchart of Restitution Process as seen in *Colonial Collection a Recognition of Injustice: Guidance on the Way Forward for Colonial Collections, page 9.*

Policy Vision on Collections from a Colonial Context 2021

> "There is no place in the Dutch State Collection for cultural heritage objects that were acquired through theft"[156]
>
> (Ingrid van Engleshoven, 2021)

Building on *the Guidance*, *the Policy Vision on Collections from a Colonial Context* (hereinafter: *The Policy*), published in 2021 by the Dutch Council for Culture. The conclusion of the *Guidance* is if the country of origin asks for the stolen objects to be returned, then they shall be.[157] *The Policy* is a framework for the restitution of colonial-era artifacts with a focus on fostering a close dialogue between the country of origin and the Netherlands.[158]

In *the Policy* colonialism was characterized by its structural inequality, violence, exploitation, oppression, slavery, and racism. It also acknowledges that often times objects were acquired by brutal robbery, given up, or even gifted as a token of friendship or loyalty towards the occupying force. But as discussed, this created an obligation for the gift receiver to reciprocate or return the gift. Which is why *the Policy* categorizes objects into three categories: involuntary acquisitions, objects of special significance, and items from former colonies of other colonial powers. In the case of involuntary acquisitions—i.e. stolen—restitution is unconditional, depending upon the wishes of the country of origin, although the Netherlands retains the authority to ensure broad accessibility and appropriate

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[156] "Dutch Recognise Colonial Injustice and Aim to Return Stolen Objects from State Collections," March 22, 2021, https://www.returningheritage.com/dutch-recognise-colonial-injustice-and-aim-to-return-stolen-objects-from-state-collections.

[157] Council for Culture, *Advice on Colonial Collections and Recognition of Injustice*, 2020, pp. 5. Retrieved from: https://www.raadvoorcultuur.nl/documenten/adviezen/2020/10/07/summary-of-report-advisory-committee-on-the-national-policy-framework-for-colonial-collections.

[158] Ingrid van Engelshoven, *Beleidsvisie collecties uit een koloniale context* (translated: "The Policy Vision on Collections from a Colonial Context"), 2021, pp. 4. Retrieved from: https://www.rijksoverheid.nl/documenten/kamerstukken/2021/01/29/rapport-beleidsvisie-collecties-uit-een-koloniale-context.

treatment. Objects of special significance refer to objects with cultural, historical or religious importance with uncertain provenance or unclear indications of involuntary loss, are subject to conditional restitution. This entails a balanced consideration of cultural interests, including those of the country of origin, relevant communities, the Dutch National Collection, and future storage and accessibility. Finally, items from former colonies of other colonial powers prompt conditional restitution, recognizing the Netherlands' historical involvement in injustices such as pillaging and looting.[159] Despite not directly causing these injustices, the Netherlands possesses the objects and holds the power to rectify them. Beurden argues that this makes the category in alignment with the Dutch Heritage Act.[160]

In handling of return request an assessment committee, including authoritative experts who are independent of the Dutch State, must assess and determine whether the object qualifies as involuntary loss. The request for return must be made by the government of the country of origin. The Minister argues that only requests from a state should be accepted and considered to respect the sovereignty of the concerned state and requests from other parties may oppose to their sovereignty. Additionally, it also requires international exchange of knowledge about the collections and preliminary research in understanding the history and background of the objects. *The Policy* also acknowledges challenges regarding the determination of provenance as in many situations sources are missing altogether. Therefore, the Minister stressed the significance of "due diligence" and entrusted its interpretation to experts in the field. This led to the initiation of the PPROCE pilot project, aimed at formulating a methodology for provenance research. The project seeks to offer

[159] van Engelshoven, 4 – 7.
[160] van Beurden, 415 – 416. This section is from a Master-Apprentice: Restitutions of Objects form Borobudur by S. Suwatwong.

guidance and organization to provenance research efforts, facilitating the assessment of research findings by the review committee.[161]

However, there are cases that the objects are outside the jurisdictions of the state. The Minister does not hold direct authority over objects housed within collections belonging to municipalities, provinces, universities, missionary organizations, or private individuals, as these entities are not owned by the Dutch State. However, she aims to engage in discussions with municipalities and provinces to ensure alignment with *the Policy.* This signifies her intention to address issues related to colonial heritage across various sectors and foster collaboration towards the implementation of *the Policy*.[162]

Case Study: The Restitution of 478 Cultural Objects

The Netherlands has decided to return 478 cultural objects to Indonesia and Sri Lanka, following requests from the respective countries. These objects were wrongfully acquired during the colonial period and are currently held in Dutch museums. The decision was made by Secretary of State for Culture and Media Gunay Uslu, based on recommendations from the Advisory Committee on the Return of Cultural Objects from Colonial Context, chaired by Lilian Gonçalves-Ho Kang You. The return process involves joint research with the countries of origin and signifies progress in addressing historical injustices.

The forthcoming return of cultural objects to Indonesia and Sri Lanka marks a significant step towards rectifying colonial-era wrongs and fostering international cooperation.

[161] van Engelshoven, 8.
[162] van Engelshoven, 9.

Through meticulous research and collaboration between expert committees, the Netherlands is demonstrating its commitment to addressing historical injustices and promoting cultural dialogue. The ongoing dialogue with Indonesia, Sri Lanka, and other countries requesting the return of cultural objects underscores the importance of joint efforts in preserving cultural heritage and promoting mutual understanding. This serves as a model for future endeavors in addressing colonial legacies and promoting cultural restitution worldwide. The state secretary said, “This is a historic moment…We’re not only retuning objects; we’re also embarking on a period of closer cooperation with Indonesia and Sri Lanka in areas like collection research, presentation, and exchanges between museums.”[163]

Borobudur Buddha Heads in the Netherlands

In the past, Wereldmuseum Amsterdam, Rijksmuseum, and Wereldmuseum Leiden exhibited a reluctance or refusal to return the Buddha heads from Borobudur to Indonesia. This reluctance reflects a shift in Dutch perspectives on restitution, emphasizing that return, particularly for objects not obtained through theft or illicit trade, is not a straightforward matter—a condition which stands true today. Wereldmuseum Amsterdam, for instance, asserted its ownership of eight Indonesian Buddha heads, dismissing restitution discussions by arguing that their acquisition was not illegal. During a 2003 debate on cultural heritage pillage, the then Director, Lejo Schenk, was questioned about the restitution of a Borobudur Buddha head prominently displayed in an exhibition. In response, Schenk articulated a view that reflects potential orientalist tendencies, stating, "The object is the result of colonial

[163] Ministerie van Onderwijs, “Colonial Collections to Be Returned to Indonesia and Sri Lanka - News Item - Government.Nl.”

collecting and the museum's ownership is reasonably legal."[164] Schenk's assertion that a restitution depended on “if Indonesia can prove where the head belongs, if the head then can be fixed and managed decently.” Preferably, if he could “do the fixing myself.”[165]

Similarly, the Rijksmuseum refused to consider restitution requests, citing *the Declaration* that distinguished past acquisitions from contemporary illegal trade. The Director of the Rijksmuseum, Taco Dibbits, argued “to return a Buddha head just like that is not possible. Where precisely was it located before its disappearance?” He also compared Borobudur to Angkor Wat, “if one is going to put back all these Buddha heads, complexes such as Angkor Wat and the Borobudur become attraction parks. Do not try to rewind history! Do not make return a system and principles.”[166]

The then Director, Steven Engelsman, stated that the museum had yet to receive any formal requests for their return. Despite this, Engelsman asserted that should such a request be made, it would be treated with utmost seriousness and thorough consideration. He underscores the importance of consulting the Ethical Commission of ethnographic museums in the Netherlands, highlighting a commitment to ethical standards and principles in addressing restitution claims. This position reflects a willingness on the part of the museum to engage in dialogue and ethical deliberation regarding potential restitution, indicating a desire for thoughtful engagement and responsible decision-making in matters of cultural

[164] van Beurden’s interview with Lejo Schenk, Director Tropenmuseum, Amsterdam, April 13, 2011. As seen in: Jos van Beurden, *The Return of Cultural & Historical Treasures: The Case of the Netherlands* (Amsterdam: KIT Publishers, 2012), 57, https://issuu.com/kitpublishers/docs/the_return_of__cultural_lr.
[165] Ibid, 57.
[166] van Beurden’s interview with Taco Dibbits, Head of collections, Rijksmuseum, Amsterdam, Interview April 19, 2011. As seen in: Ibid, 58.

heritage.[167]

Overall, the reactions from these museums exhibited resistance to the idea of returning the Buddha heads if their own criteria are not met. This reluctance reflects a potential orientalist perspective, where Western institutions assert their authority to determine the fate of cultural artifacts from non-Western cultures based on their own criteria and standards, rather than respecting the wishes or claims of the originating communities. Implicitly, their statements reflect a sense of Western authority and expertise in determining the fate of cultural heritage from former colonies. These statements reflect a belief in the legitimacy of colonial-era acquisitions, positioning Western museums as rightful custodians of cultural artifacts from non-Western cultures. In summary, these instances emphasize a complex interplay of colonial legacies which are used to justify their presence in these museums, paternalistic tendencies, and potential orientalist views within Dutch museum practices regarding the restitution of cultural artifacts. Such attitudes reveal a nuanced dynamic wherein Western institutions grapple with questions of ownership, preservation, and cultural heritage in ways that may perpetuate unequal power dynamics and historical narratives.

Case Study: "De Grote Indonesië Tentoonstelling" at De Nieuwe Kerk Amsterdam

> "Considering that cultural property constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only in

[167] Ibid, 58.

relation to the fullest possible information regarding is origin, history and traditional setting."[168] (The 1970 Convention, UNESCO)

From October 21st 2023 to April 1st 2024, *De Nieuwe Kerk* in Amsterdam hosted an exhibition called "De Grote Indonesië Tentoonstelling." Unlike previous exhibitions focusing on specific periods or art historical themes, this exhibition attempted to present a comprehensive narrative of the rich history and cultures of Indonesia, with the ambition to offer contemporary perspective often overlooked in Dutch textbooks. The exhibition displayed topics concerning the majestic Majapahit empire to colonial rule, history of slavery, independence struggles, and modern-day Indonesia's promises and challenges. The exhibition celebrated the cultural diversity of the archipelago and presented a polyphonic biography with diverse perspectives and shared experiences. It aimed to invite a broad audience to delve deeper into this compelling narrative, featuring hundreds of objects, personal narratives, and hidden histories. Collaborating with historians, artists, eyewitnesses, and experts from Indonesia and the Netherlands, it intended to foster dialogue and reflect on the shared past.[169]

[168] UNESCO, "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. - Legal Affairs," accessed May 7, 2024, https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural.
[169] "De Grote Indonesië-tentoonstelling," De Nieuwe Kerk Amsterdam, accessed April 25, 2024, https://www.nieuwekerk.nl/nieuws/de-grote-indonesie-tentoonstelling/.

Figure 11. Gallery view of De Grote Indonesië Tentoonstelling exhibition. Image by Mike Bink. Retrieved from https://www.volkskrant.nl/tentoonstellingen/volop-indonesische-dieren-kleuren-en-schatten-in-de-nieuwe-kerk-maar-daarna-gaat-het-vooral-over-nederland~b99288a7/ Used with permission.

Currently, fourteen Buddha heads from Borobudur in the NMVW collection remain in the Netherlands. Given the ambition of the exhibition to present a comprehensive and holistic portrayal of Great Indonesia, their inclusion in the exhibition was inevitable. This exhibition marked one of the rare occasions that the Buddha heads leave the depot and come on display. However, the exhibition fell short as it presented the Buddha heads without contextualization. Consequently, it failed in initiating nuanced understanding and discussions surrounding these Buddha heads, their intricate history, and colonial legacies. This omission of contextual details inherently sustains a narrative of cultural exclusion, appropriation, and objectification. In turn, hindering the visitors' understanding of the contentious histories associated with these Buddha heads.[170]

[170] Rodney Westerlaken, "Contextualising Heritage in the 'De Grote Indonesië Tentoonstelling' at De Nieuwe Kerk, Amsterdam: Investigating Tourism Implications," *Hospitality Management* 1, no. 4 (n.d.).

The lack of the inventory numbers of the heads on display raised a question whether these Buddha heads were the ones from the PPROCE project. Nonetheless, these Buddha heads are a part of the bigger movement which reflects a historical pattern of collecting cultural artifacts during the colonial period. Additionally, the research reveals the decontextualization, recontextualization, and musealization of these Buddha heads, transitioning from fragments of larger statues to perceived autonomous objects and ultimately as works of art. This transformation illustrates the re-appropriation of the objects and their post-removal existence. Additionally, it highlights the orientalist perspective, which often overlooks the cultural significance an object holds in its place of origin, showcasing the repercussions of orientalist and colonialist collecting practices.

The absence of inventory numbers may resonate with the anonymity these Buddha heads encountered upon their initial arrival in the Netherlands, where they lacked documentation. This historical lack of tracking during the colonial era is mirrored in their presentation in this exhibition, contributing to a sense of facelessness. While noted as "in the style of the Borobudur statues," the omission of their identity reflects a repetition of the orientalist attitude prevalent during colonial times, which often disregarded the context and significance of cultural artifacts.[171] This absence of inventory numbers may overlook the efforts made in the PPROCE provenance research report to deconstruct such perspectives and offer a more comprehensive understanding of the objects' trajectories.

[171] Ibid, p. 2.

Furthermore, it embodies the ethical challenges in exhibiting objects which have ties to the colonial era while simultaneously disregarding the ongoing national effort, scholarly discourse, and research findings. As a result, the failure to address these objects which are rich in colonial histories, colonial scientific expedition, and ongoing restitution efforts—as evidenced by the PPROCE project—potentially undermines the national efforts towards restitution. This neglect disregards cultural sensitivities and historical injustices, emphasizing the ongoing challenges in acknowledging and contextualizing colonial legacies. Lastly, the exhibition underscores how these Buddha heads have come full circle. Upon their initial arrival in the Netherlands, they were collected and exhibited as ethnographic specimens. Despite the insights into the life of these objects that were revealed in the provenance research, they are once again reduced to mere props for an exhibition, and an ethnological specimen of Borobudur.

Rectifying Historical Injustices

The ongoing debate surrounding the restitution of colonial-era artifacts highlights the enduring legacy of colonialism and Orientalism in global cultural discourse. However, the Netherlands is currently at the turning point in deconstructing the colonial legacies and Orientalist attitudes present in handling cultural heritage and museum practices. Two decades ago, *the Declaration* exemplifies the Eurocentric perspective that often permeates discussions on cultural heritage, prioritizing the interests of Western institutions over those of former colonies. However, an increasing pressure from critics and changing attitudes within the museum sector signals a growing awareness of the need for ethical stewardship and respectful engagement with cultural heritage.

Marieke Bloembergen points out that "heritage" is not a neutral given term and the narratives and discussions around cultural heritage is inherently political.[172] In various occasions, the restitution of cultural heritage objects is a political gesture.[173] In this context, restitution is an opportunity for the former colonizing power to reinvent their image. For example, after the Netherlands returned the Prajnaparamita statues in the 1970s, they received positive response from the media and from UNESCO. While UNESCO did not intervene in the restitution process, it published the restitution case in their 1979 journal which promoted the Dutch image for their cooperation and good will.[174] Furthermore, the restitution of these statues along with other cultural objects facilitated the reconciliation between the former colonizer and the former colonized in the post-colonial context.[175] Wieske Sapardan suggests that transferring the Prajnaparamita statue may have helped Wereldmuseum Leiden retain other treasures, such as the Singasari statues, without dispute.[176] This action potentially paved the way for future transfers, contingent on political dynamics between the Netherlands and Indonesia, as well as evolving attitudes toward restitution among younger Dutch generations.[177]

[172] Bloembergen, "Lush Lives"; "Addressing Violence in and through Objects: Workshop Reflections about 'Cultural Genocide,'" May 23, 2023, https://pressingmatter.nl/addressing-violence-in-and-through-objects-workshop-reflections-about-cultural-genocide/; Bloembergen and Monquil, *A Fragmented Provenance Report*; Bloembergen and Eickhoff, *The Politics of Heritage in Indonesia*.
[173] Alexander Herman, "Restitution—What's Really Going on?"
[174] Cynthia Scott, "Renewing the 'Special Relationship' and Rethinking the Return of Cultural Property: The Netherlands and Indonesia, 1949–79," *Journal of Contemporary History* 52, no. 3 (2017): 663–68, https://doi.org/10.1177/0022009416658698.
[175] Wieske Sapardan, "The Return of Cultural Property and National Identity in Post-Colonial Indonesia," in *Returning Southeast Asia's Past: Objects, Museums, and Restitution*, by Louise Tythacott and Panggah Ardiyansyah (Singapore: NUS Press, 2021), 226.
[176] Sapardan made this argument in 2021. The Singasari statues were among the 478 objects returned to Indonesia and Sri Lanka in 2023.
[177] Sapardan, "The Return of Cultural Property and National Identity in Post-Colonial Indonesia," 227–28.

Cameron Shapiro argues that the concept of soft power takes on added significance and restitution offers a country which had committed historical justice in the past to reinvent their image. It offers a framework for understanding how nations can leverage cultural heritage and restitution efforts to enhance their influence and reputation on the global stage. By employing soft power strategies, countries like the Netherlands can navigate complex diplomatic challenges and advance their interests while also promoting reconciliation and justice. However, as demonstrated in the case of US-Cambodia relations, the effectiveness of soft power hinges on sustained engagement, strategic planning, and a long-term commitment to fostering positive relationships with other nations.[178]

In the broader context of evolving attitudes towards cultural heritage and restitution, the concept of soft power emerges as a crucial factor in shaping diplomatic strategies and international relations. While the Netherlands previously displayed a patronizing and an Orientalist approach towards handling restitution claims, there seems to be a significant shift towards rectification. This change could be attributed to the evolving identity of the Netherlands which now prides itself on being "an anti-racist, tolerant, and peace-loving country in which human rights are held as paramount."[179] However, the presence of colonial past introduces a dissonance to that identity, "its political centre, the Hague, may call itself "the city of peace and justice." But in few European countries is the process of confronting the colonial period proving as fractious and divisive as in the Netherlands."[180] The acknowledgment of the current Dutch identity and the dissonance suggest a conscious

[178] Shapiro, "The Foreign Policy of Restitution," 58 - 60.
[179] Collecties, *Colonial Collection*, 12–13.
[180] Senay Boztas, "Dutch Self-Image Challenged as Country Confronts Its Colonial Past," *The Guardian*, October 21, 2023, sec. World news, https://www.theguardian.com/world/2023/oct/21/dutch-self-image-challenged-as-country-confronts-its-colonial-past.

effort to align restitution practices with the stated values and image of the country. By emphasizing these qualities, the Netherlands seeks to position itself as a progressive and morally upright actor in the global community, possibly thereby using restitution gestures as a means of reaffirming its commitment to justice and reconciliation.

Restitution serves as a means for the Netherlands to rebrand itself by aligning its actions with its stated values and image as a tolerant, anti-racist, and peace-loving nation. By addressing past injustices and returning cultural heritage objects to their rightful owners, the Netherlands demonstrates its commitment to justice, reconciliation, and respect for human rights. This proactive approach to restitution allows the Netherlands to distance itself from its colonial past and present itself as a progressive and morally upright actor on the global stage. In doing so, restitution helps the Netherlands reshape its international image and reaffirm its position as a champion of human rights and cultural preservation.

This shift in identity coupled with a growing awareness of colonial legacies especially among individuals in the Netherlands whose family histories are linked to colonial activities or who are descendants of those who suffered from colonialism has fueled calls for restitution. This evolving sentiment underscores the complex interplay between historical injustices and contemporary diplomatic efforts. Despite its past, the modern Dutch identity stands in stark to the presence of colonial collections—particularly the reluctance to restitute requested objects— in prominent Dutch museums like the NMVW Foundation and the Rijksmuseum.

Restitution efforts aim to acknowledge and redress historical injustices, power imbalances, and potential persisting Orientalist or paternalistic attitudes of former colonizers towards

the colonized. The recent legislations reflect this acknowledgment which signifies a turning point in restitution and reconciliation efforts. The restitution of colonial objects signifies a recognition of the sovereignty of both former colonizers and colonized nations, fostering mutual respect. Therefore, it has become an integral part of Dutch identity and history as a significant step towards reconciliation.

These legislations reflect a holistic approach aimed at addressing restitution claims with sensitivity to historical and cultural contexts, placing provenance at their heart. Notable is the emphasis on legality and ethical considerations, underscoring the importance of adhering to ethical standards and respecting the rights and sovereignty of original owners or communities. Additionally, the inclusion of considerations beyond legal and historical aspects enriches the evaluation process. However, challenges may arise in practice, such as the resolution of conflicting claims and the lack of historical documentation. Despite this, acknowledging unavoidable gaps in documentation and applying the principle of reasonable doubt are steps towards overcoming these challenges.

The restitution case of Museum Nusantara in Delft illuminates the complexities inherent in the restitution process. Disputes over object selection for repatriation, rooted in conflicting interpretations of the Act and perceptions of unequal treatment, underscore the importance of equitable collaboration between nations in addressing colonial legacies. The Policy marks progress towards a nuanced framework, categorizing objects by historical context and recognizing Dutch colonial injustices.

Ultimately, the restitution of colonial-era artifacts requires just and equitable policies that prioritize the rights and perspectives of the countries of origin and their local communities. As defined above, restitution goes beyond merely returning an object by encompassing broader principles of justice, acknowledgment, and reconciliation. It involves recognizing and addressing the historical injustices surrounding the acquisition, ownership, or retention of objects. These elements are evident in the Netherlands' proactive approach to confronting historical injustices, characterized by: increasing collaboration in a thorough examination of its acquisitions of cultural objects now housed within its borders, restituting colonial objects to their countries of origin and respecting their sovereignty, and fostering an international dialogue with the country of origin in provenance research and restitution claims. These elements mark the starting point of the departure from historical Orientalist attitudes. Through the establishment of restitution policies developed in dialogue with the country of origin, standing on an equal ground, and engaging in transparent and collaborative processes, both parties can work towards meaningful and solicited restitutions that address historical injustices and promote cultural understanding and reconciliation.

Chapter 3: Indonesian and UNESCO: Restoration of Borobudur

…Beneath the earth's protective shroud

You slumbered, wrapped in nature's hug

Like grapes that age in casks so deep

In secrets of the ages, you did keep

Emerging now, so fully ripe

A time capsule of tales and type

Your carvings whisper the teachings so vast

From great kings and queens from distant past

Oh Borobudur, you speak to me

With pages of sutras for all to see

In silence, you proclaim your lore

A treasure we can't ignore anymore…

(Lindra Hismanto)

In the realm of cultural heritage, Borobudur stands as a testament to the rich and intricate history of Indonesia. However, Borobudur faced imminent threats from the ongoing test of time, including deterioration due to environmental factors and human activities. The temple has weathered due to the harsh tropical climate, enduring earthquakes, heavy rainfall, and

temperature fluctuations, leading to the erosion and cracking of its porous stones.[181] Regarding human activities, the removal of objects such as Buddha heads and other statues significantly contributes to the deterioration of the temple. Additionally, in contemporary times, intense tourism had intensified, exacerbating its preservation challenges. Recognizing the need for conservation, the Indonesian government implemented stricter visitor controls in September 2023, limiting daily visitors to 1,200, in a proactive effort to mitigate the impact of human activity on this revered cultural landmark.[182]

In 1945, after gaining independence from centuries of Dutch colonial rule, Indonesia sought assistance from UNESCO to preserve Borobudur. In 1950, Indonesia joined the United Nations and UNESCO. As a young republic, Indonesia recognized the urgent need to safeguard its cultural treasures, including Borobudur. Despite ongoing political upheaval, successive Indonesian regimes prioritized the restoration of Borobudur, with conservation efforts resiliently enduring periods of violence and political unrests. The recognition of the importance of Borobudur led an Indonesian scholar and archaeologist, Soekmono, to convince the Indonesian government to approach UNESCO in 1955 seeking their advice and initiation in international conservation efforts in preserving this revered world monument. His dire warning about the precarious fate of Borobudur resonated internationally, sparking concerns that prompted UNESCO missions and resolutions endorsing preservation endeavors.[183] Since then Indonesia has been prioritizing the commercialization of heritage

[181] R. Soekmono and Caesar Voôute, "How Borobudur Was Saved," *The Unesco Courier* 6 (1983): 16.
[182] Tiara Maharani, "Borobudur Temple Sets New Regulations for Visitors | TTG Asia," accessed May 6, 2024, https://www.ttgasia.com/2023/09/11/borobudur-temple-sets-new-regulations-for-visitors/.; Penny Watson, "How World"s Largest Buddhist Temple in Indonesia Has Been Reborn," *Bangkok Post*, December 19, 2023, https://www.bangkokpost.com/world/2708661/how-worlds-largest-buddhist-temple-in-indonesia-has-been-reborn-new-rules-free-borobudur-from-curses-of-vandalism-graffiti-bottles-of-urine.
[183] Soekmono and Voôute, "How Borobudur Was Saved," 17.

for the purpose of tourism and political objectives such as nation-building. Moreover, the inclusion of Indonesian heritage sites in UNESCO made Indonesian heritage a part of global politics. For instance, the restoration of Borobudur and Prambanan helped Indonesia build its identity internationally, especially through internationally renowned organizations like UNESCO.[184]

The decision to seek assistance from UNESCO was driven by several factors. Firstly, Borobudur was facing significant deterioration due to natural elements, environmental factors, and human activities. Secondly, there was a growing global recognition of the global significance of Borobudur as a cultural heritage site, necessitating urgent measures to ensure its preservation. Thirdly, the expertise which UNESCO has to offer in cultural heritage preservation and its track record of successful restoration projects made it a natural choice for seeking assistance. Soekmono and the Indonesian government recognized the importance of international collaboration and support in addressing the challenges faced by Borobudur. Therefore, they appealed to UNESCO for assistance in mobilizing resources, technical expertise, and international cooperation to undertake the restoration and safeguarding of Borobudur for future generations.

The inclusion of UNESCO in the chapter about Indonesian perspectives on the restoration of cultural heritage objects, particularly focusing on Borobudur, is crucial for several reasons. Firstly, the involvement of UNESCO signifies the global significance of Borobudur and emphasizes the collaborative efforts between Indonesia and the international community in

[184] Emiline Smith, Rucitarahma Ristiawan, and Tular Sudarmadi, "Protection and Repatriation of Cultural Heritage – Country Report: Indonesia," *Santander Art and Culture Law Review* 8, no. 2 (2022): 385, https://doi.org/10.4467/2450050XSNR.22.025.17038.

preserving the temple. Secondly, UNESCO provides a framework for the protection and management of World Heritage Sites, guiding Indonesia in upholding international standards of cultural heritage preservation. Thirdly, financial and technical assistance from UNESCO are instrumental in supporting large scale restoration projects like Borobudur, highlighting the importance of international collaboration in addressing preservation challenges. Finally, UNESCO's designation of Borobudur as a World Heritage Site enhances its global recognition and prestige, emphasizing its status as a shared heritage of humanity. By including UNESCO in the discussion, the chapter provides a comprehensive understanding of the interconnectedness between Indonesia and the global community in safeguarding the cultural heritage of Borobudur.

Moreover, the global effort to restore Borobudur illustrates a paradox: while there is active engagement in the restoration process, there remains a glaring deficiency in the restitution of objects essential for the temple's complete restoration. Additionally, as we shall see, potentially restituting an object to a specific local community is already complicated enough, but what does that mean for restitutions of tangible objects which originate from a World Heritage sites?

UNESCO

UNESCO has been involved in the restoration of Borobudur since 1968 when it sent a team of experts from several countries to work with the Indonesia Archaeological Institute and Government agencies to inspect the condition of the temple after UNESCO received a 1967

appeal from the Indonesian government.[185] The UNESCO General Conference provided complete support to the Indonesian appeal, and a resolution from the UNESCO General Assembly authorized its Director-General to procure funds for the protection of Borobudur. UNESCO had several responsibilities in this endeavor: transparently gathering and distributing funds and contributions to aid in Borobudur's preservation, providing necessary equipment and materials to support the Indonesian Government, and facilitating access to qualified technical experts and advisors. To fulfill these duties, UNESCO entered into an agreement with the Indonesian Government in Paris in 1973, appointing a UNESCO coordinator and establishing an International Consultative Committee.[186]

In December 1972, UNESCO initiated a campaign to garner global support for the restoration of the Borobudur Temple, inspired by the successful rescue operation of Abu Simbel monuments in Nubia. This led to the launch of the International Safeguarding Campaign of Borobudur the same year, with financial backing from UNESCO member states. Belgium, France, and the Federal Republic of Germany were the first signatory states to respond to UNESCO's appeal for safeguarding Borobudur in 1973. International cooperation was crucial, prompting countries like India, Malaysia, and Singapore to join the Executive Committee and contribute voluntarily to the Safeguarding Project. With a total budget of USD 7,750,000, amassed from international sources and a significant contribution from the Indonesian government, the project gained momentum. Following extensive meetings, Indonesia accepted the offer from the Netherlands to appoint NEDECO as engineering firm for the restoration project, based on detailed project appraisals and recommendations.[187]

[185] UNESCO, ed., *The Restoration of Borobudur*, 1st edition (UNESCO, 2005), 9.
[186] Nagaoka, "Historical Setting of Borobudur," 5; Soekmono, *Chandi Borobudur*, 50.
[187] Nagaoka, "Historical Setting of Borobudur," 5–6.

UNESCO 1970 Convention

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (hereinafter: *The Convention*) is pivotal in restitution efforts and provides a comprehensive framework for safeguarding cultural heritage. By establishing guidelines for identifying, documenting, and protecting cultural property, *the Convention* aims to prevent and combat trafficking and unauthorized removals of movable heritage, thereby laying the groundwork for restitution. It prioritizes restitution of cultural property, it aims to safeguard the cultural identity of peoples and foster peaceful societies and solidarity among nations. As a cornerstone of international cultural heritage law, it plays a vital role in the global endeavor to safeguard cultural heritage and promote justice and equity in restitution.[188]

Through collaboration among nations and the establishment of ethical standards, *the Convention* encourages diligence in the trade of cultural artifacts and promotes greater understanding and cooperation in heritage preservation.[189] Central to its objectives is the facilitation of the return of stolen or illegally exported cultural property to its country of origin which includes objects what were acquired in the colonial context.[190] Article 7 mandates member states to take appropriate measures to facilitate the return of cultural property exported or transferred in violation of *the Convention*, providing a legal basis for

[188] "About 1970 Convention | UNESCO," accessed May 7, 2024, https://www.unesco.org/en/fight-illicit-trafficking/about.
[189] Irini Stamatoudi, *Cultural Property Law and Restitution: A Commentary to International Conventions and European Union Law* (Cheltenham: Edward Elgar Publishing Ltd, 2011), 63.
[190] Lyndel Prott, "The Ethics and Law of Returns," *Museum International* 61, no. 1–2 (2009): 104–5, https://doi.org/10.1111/j.1468-0033.2009.01672.x.

restitution claims. Additionally, Article 9 encourages collaboration among member states in efforts to recover and restitute illegally exported cultural objects. Furthermore, *the Convention* requires member states to enact national legislation to implement its provisions effectively, strengthening the legal basis for restitution and ensuring enforcement.

Nonetheless, *the Convention* has several drawbacks. Firstly, the convention does not consistently classify the import of illicit cultural heritage as illegal, creating ambiguity in enforcement. Additionally, the prevention of cultural heritage acquisition is confined to certain institutions and is subject to the regulations of individual states, which may vary in strictness. Furthermore, while states have the flexibility to impose looser provisions, such as limiting imports or enabling restoration, this can lead to inconsistencies in enforcement and undermine efforts to combat illicit trafficking effectively. Overall, these weaknesses highlight the need for ongoing evaluation and refinement of *the Convention* to strengthen its efficacy in preserving cultural heritage.

The 1970 Convention and Indonesia

Indonesia is currently not a Member State of *the Convention*.[191] This causes complications in their efforts for protection and restitution of their cultural heritage objects that are scattered around the world. Without the framework provided by *the Convention*, Indonesia lacks access to key mechanisms for addressing issues related to illicit trafficking, smuggling, and restitution of cultural artifacts. This absence of a legal framework undermines their ability to effectively combat the illegal trade and exploitation of its cultural heritage, leaving

[191] UNESCO, "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. - Legal Affairs," accessed May 7, 2024, https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural.

it vulnerable to loss and exploitation. Furthermore, their non-membership hinders their ability to engage in international cooperation and collaboration with other countries—regarding restitutions—which limits their capacity to share expertise, pool resources, and pursue joint international restitution efforts. Additionally, without membership, Indonesia may struggle to assert its rights and claim restitution for unlawfully removed artifacts, hindering its ability to recover and protect its cultural treasures. Overall, the non-membership in *the Convention* represents a significant obstacle to its efforts to safeguard its cultural heritage and underscores the importance of exploring avenues for future engagement and participation in international conservation efforts.

It is notable that *the Convention* does not cover objects that were acquired prior to 1970 which means that cultural heritage objects that were acquired during the colonial era fall outside of its scope, limiting the effectiveness in facilitating restitution. Moreover, without the international cooperation or intervention as stipulated in *the Convention* leaves resolution primarily to bilateral negotiations between the states involved. As such, the fact that Indonesia is not a Member State of *the Convention* underscores the need for alternative strategies and diplomatic channels to address the restitution of its cultural heritage objects. Moreover, while they are not a Member State in *the Convention*, Indonesia received supports and cooperation from UNESCO in other forms as aforementioned. Therefore, even though Indonesia's status as a non-Member State of *the Convention* may present challenges, the broader engagement of UNESCO underscores the importance of collaboration and mutual support in safeguarding cultural heritage worldwide.

Nonetheless, becoming a State party to the UNESCO Convention 1970 would benefit Indonesia in several ways. It would establish clear procedures for submitting restoration claims, ensuring diplomatic support. Additionally, it would provide legal certainty for restoring cultural heritage exported illegally after the Convention's implementation. Recognition of export certificates and prohibitions by other State parties would strengthen Indonesia's ability to combat illicit imports and facilitate restoration efforts. Collaboration with other States under the Convention's mandates would aid in tracing stolen cultural heritage and establishing partnerships for documentation and cooperation. Finally, participation would allow Indonesia to engage in training and capacity-building activities supported by UNESCO to address threats of illicit cultural heritage trade. Despite its non-retroactive nature, joining the Convention would greatly enhance Indonesia's efforts to protect and restore its cultural heritage.[192]

The Mysteries of the Buddha Heads

Regarding the restoration of headless Buddha statues, the search for missing Buddha heads had started since the early phase of restoration that was carried out in 1907 – 1911 led by Theodoor van Erp.[193] Currently, there are 250 sitting Buddha statues at the temple missing their heads, with currently only 57 statue heads available at the Borobudur Conservation Center (BKB).[194] From 2011 - 2017, the restoration efforts of Buddha statues at Borobudur

[192] Antonius Adinugraha, "The Rights and Obligations of the State in the Restoration of Cultural Heritage: A Review on International Law and the Practice of Indonesia," *Indonesian Journal of International Law* 13, no. 4 (July 31, 2016): 518–20, https://doi.org/10.17304/ijil.vol13.4.666.
[193] Hary Gunarto, "Digital Preservation of Borobudur World Heritage and Cultural Treasures," *Ritsumeikan International Affairs*, n.d., 270.
[194] Luqman Sulistiyawan and Christian Erdianto, "Misteri Keberadaan Kepala Arca Buddha Candi Borobudur," KOMPAS.com, August 10, 2023, https://www.kompas.com/cekfakta/read/2023/08/10/193900482/misteri-keberadaan-kepala-arca-buddha-candi-borobudur.

have received significant support from the Federal Republic of Germany, which provided a grant of €100,000 through UNESCO and the Culture and Elementary and Secondary Education Ministry. This funding aims to reattach the heads of the available Buddha statues at the Borobudur temple in Magelang, Central Java, as part of the third-stage restoration and conservation work. During these several years, the German government aided the conservation of Borobudur, contributing to the development of young heritage professionals in the Borobudur Conservation Center (BKB). The grant facilitated training sessions for scientific research and advanced training led by German experts. These efforts include the development of a methodology for identification and matching of fragment forms, as well as reattachment of Buddha heads using best restoration practices. German expert Hans Leisen highlighted the challenges involved in refitting the heads, emphasizing the need for thorough research and technological assistance. Despite the complexity of the task, there is optimism that with continued efforts, the restoration of the Buddha statue heads will contribute to preserving the cultural heritage of Borobudur, which holds significant importance for the cultural pride, historical awareness and the local and cultural economy of Indonesia.[195]

Winda Diah Puspita Rini, an archaeologist at the BKB, details that the site faced damage due to natural disasters prior to its excavation in 1814; as such the statues were found already broken. This coupled with the laxed regulations in the past, it was possible for visitors to just take the already broken heads. With 57 heads currently stored, each requires thorough research to ensure a precise match with its corresponding body. Winda cited past instance

[195] The Jakarta Post, "Buddhas to Be Reunited with Their Heads - National," The Jakarta Post, accessed April 3, 2024, https://www.thejakartapost.com/news/2014/11/20/buddhas-be-reunited-with-their-heads.html.

in 2010 where careful analysis confirmed the origin of a Buddha head discovered by residents around Borobudur. They found a match which lead to the installment of the head. In 2013, they received a report regarding five Buddha heads from a collector in France. However, the research concluded that these heads did not come from the temple. These instances highlight the importance of detailed examination to distinguish authentic artifacts from those with uncertain provenance. These practices reflect ongoing efforts to preserve and authenticate cultural heritage, underscoring the significance of meticulous research and preservation initiatives at Borobudur Temple.[196] Furthermore, the BKB is unable to confirm the whereabouts of the missing statue heads from Borobudur Temple. Iskandar, a representative of BKB, explains that they can only speculate whether the heads were missing before restoration, stolen, still buried around the temple, or have been transferred to other parties. This uncertainty underscores the challenges in preserving and safeguarding cultural heritage sites like Borobudur and the necessity of international cooperation, particularly with museums housing these heads.[197]

Indonesia on Restitution

> "The problem is we don't really know what exists…The next step is for the Dutch to open access for Indonesian researchers to their museum collections."[198] (Hilmar Farid, 2023)

[196] Sulistiyawan and Erdianto, "Misteri Keberadaan Kepala Arca Buddha Candi Borobudur."
[197] Ika Fitriana, "Di Mana Kepala Arca-arca Borobudur yang Terpenggal?," KOMPAS.com, May 23, 2014, https://sains.kompas.com/read/xml/2014/05/23/1628380/Di.Mana.Kepala.Arca-arca.Borobudur.yang.Terpenggal.
[198] Catherine Hickley, "How 4 Countries Are Preparing to Bring Stolen Treasures Home," *The New York Times*, August 9, 2023, sec. Arts, 4, https://www.nytimes.com/2023/08/09/arts/design/restitution-nepal-indonesia-democratic-republic-of-congo-cameroon.html.

The Indonesian perspective on restitution reflects a historical trajectory marked by persistent efforts to reclaim cultural objects taken during the colonial period. Dating back to the Round-Table Conference Agreement in 1949, Indonesia has consistently demanded the return of artefacts, such as the Java Man, taken from its territory. Restitution efforts for historical items in Indonesia date back to 1954, when Mohammad Yamin, then Minister of Teaching, Education, and Culture, initiated the process by submitting a formal request after he visited the Netherlands. Since then, notable returns have occurred, including the symbolic return of the Negarakertagama manuscript by Queen Juliana in 1970, later physically returned in 1972. Subsequent returns from the Dutch government in 1977 encompassed various cultural artifacts, including items belonging to Prince Diponegoro and Lombok heirlooms. The momentum continued with the return of Prince Diponegoro's pilgrim staff in 2015 and the repatriation of 1,500 cultural objects from the Nusantara Museum in Delft by the end of 2019.[199]

Most recently, in March 2020, the Dutch returned the Diponegoro kris. These restitution efforts signify significant strides in reclaiming Indonesia's cultural heritage, reflecting ongoing endeavors to restore historical items integral to the nation's identity and history. Hilmar Farid, a historian, a cultural activist, and the current Director General of the Ministry of Education and Culture in Indonesia, has said "in essence, all objects are closely related to the formation of our historical identity. That will be the target, and of course the one that has significant value. That's the focus."[200] The interpretation of the text may be hindered by

[199] Wirayudha, "Menuntut Repatriasi Jarahan Belanda Usai Bertikai". Author's translation.
[200] "Intinya memang semua benda yang sangat terkait dengan pembentukan identitas kesejarahan kita. Itu yang akan jadi sasaran, dan tentu yang memiliki nilai secara signifikan. Itu fokusnya," As seen in: Desliana Maulipaksi, "Repatriasi, Upaya Indonesia Kembalikan Benda Cagar Budaya Dari Belanda," Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, January 11, 2021,

my limited expertise in translation, but based on the translated statement, it suggests that when Farid refers to "our historical identity," he likely means the national identity. If this interpretation is accurate, it implies that the Indonesian government and the repatriation committee prioritize the return of objects with national significance. Consequently, objects with local historical importance may risk being sidelined or overlooked in the repatriation process.

While initial returns occurred in the late 1970s, including the statue of Prajñāparamitā, there was a subsequent period of silence until the early 2000s when initiatives for a return emerged. Recent developments, including the establishment of advisory committees in both countries and ongoing negotiations, signify a renewed focus on repatriation efforts. For instance, Indonesia's successful request for the return of the remaining Singosari statues from the Lombok collection highlights progress in restitution endeavors.[201]

Moreover, tangible cultural heritage is used to shape national identity, impacting Indonesia's stance on restitution efforts since the 1950s. Diplomatic ties with the Netherlands have influenced Indonesia's approach to restitution of colonial-looted objects. Indonesia has been cautious in its demands for the return of colonial objects from the Netherlands, aiming to balance its diplomatic relations with its former colonizer.[202] This led to distinct narratives between the two nations regarding repatriation. While the

https://www.kemdikbud.go.id/main/blog/2021/01/repatriasi-upaya-indonesia-kembalikan-benda-cagar-budaya-dari-belanda. Author's translation.

[201] UNESCO, "UNESCO Round Table 'New Forms of Agreement and Cooperation in the Field of Return and Restitution of Cultural Property' UNESCO Headquarters, 27 June 2023: Full Synthetic Report," 2023, 14, https://unesdoc.unesco.org/ark:/48223/pf0000388845.

[202] Smith, Ristiawan, and Sudarmadi, "Protection and Repatriation of Cultural Heritage – Country Report," 392.

Netherlands portrays repatriation as a benevolent gesture, Indonesia sees it as necessary to rectify past colonial wrongs, viewing the original looting as illegal and the return of objects as obligatory.[203]

Indonesian Laws and Legislations on Restitution

Indonesia's legal framework for the protection of cultural heritage has evolved over time, deeply influenced by its colonial history. Dating back to the Monument Ordinance of 1931 during the colonial era, the government aimed to safeguard cultural heritage, primarily focusing on tangible artifacts. With independence in 1945, the Constitution recognized the importance of preserving Indonesian culture, leading to subsequent legislative developments. Law No. 5 of 1992 nationalized cultural heritage, and Law No. 11 of 2010 further defined cultural heritage, granting ownership to the Government of Indonesia for objects over 50 years old with historical, scientific, educational, religious, or cultural significance. However, challenges persist, including confusion over classification, inadequate regulations for underwater cultural heritage, and limited international agreements ratified.[204]

The country faces criticism for the lack of formal reporting and centralized data sharing among archaeologists, policymakers, law enforcement, and local communities.[205] The criticism also includes loopholes in its legal framework, leading to ongoing looting and

[203] Callistasia Wijaya, "Indonesia-Belanda: Ratusan ribu benda bersejarah Indonesia dimiliki Belanda, akankah segera dikembalikan?," BBC News Indonesia, March 13, 2020, https://www.bbc.com/indonesia/indonesia-51749544.
[204] Smith, Ristiawan, and Sudarmadi, "Protection and Repatriation of Cultural Heritage – Country Report," 385.
[205] Smith, Ristiawan, and Sudarmadi, 385; "Law No. 5 of 1992 – Cultural Conservation Objects," *Universitas Sam Ratulangi* (blog), December 23, 2008, https://en.unsrat.ac.id/uu-no-5-thn-1992-benda-cagar-budaya/.

trafficking of cultural objects.[206] Law No. 11 of 2010 on Cultural Heritage, Indonesia's regulatory framework for cultural heritage, encompasses various measures for its protection, preservation, and management. Alongside addressing issues like preventing illegal exportation and imposing penalties for trafficking offenses, the law mandates that Indonesian government representatives abroad nominate objects located outside Indonesia to the National Register of Cultural Heritage Properties.[207] This nomination process factors in considerations such as the rarity of the object type, uniqueness of design, and scarcity in terms of numbers. Law no. 11 faces criticism for being outdated which misaligns with current international laws and for being "inadequate to ensure appropriate safeguarding the cultural heritage either tangible or intangible."[208] Moreover, the traditional paradigm of cultural heritage conservation which predominantly involves government intervention. This approach lacks the incorporation of an active role for communities.[209]

Consequently, another substantial concern arises. As restitution currently only occur on the state level and the Indonesian governmental policy does not take localized restitution into account, it is questioned: to whom should these objects return to and whose ownership should be restored?[210]

[206] Smith, Ristiawan, and Sudarmadi, "Protection and Repatriation of Cultural Heritage – Country Report," 385–90.
[207] Sapardan, "The Return of Cultural Property and National Identity in Post-Colonial Indonesia," 227; BPCB Gorontalo, "Undang-Undang No 11 Tahun 2010 Tentang Cagar Budaya.Pdf," *Balai Pelestarian Cagar Budaya Gorontalo* (blog), June 4, 2014, https://kebudayaan.kemdikbud.go.id/bpcbgorontalo/undang-undang-no-11-tahun-2010-tentang-cagar-budaya-pdf/. Author's translation
[208] Isnen Fitri, Ahmad Yahaya, and Ms Ratna, "Cultural Heritage and Its Legal Protection in Indonesia Since the Dutch East Indies Government Period" (1st International Conference on Social and Political Development (ICOSOP 2016), Atlantis Press, 2016), 134, https://doi.org/10.2991/icosop-16.2017.18.
[209] Ibid, 134.
[210] Smith, Ristiawan, and Sudarmadi, "Protection and Repatriation of Cultural Heritage," 396.

Activism and Local Communities: Whose Ownership Should be Restored?

In Indonesia, activism surrounding cultural heritage protection and repatriation is driven by concerns of restorative justice and human rights. However, questions arise regarding who should have access, agency, and ownership over repatriated cultural objects. The Indonesian government's stance on repatriated items being owned and managed centrally contradicts claims from local stakeholders.[211] For instance, Rodney Westerlaken wrote a letter to the Dutch Council for Culture in 2020, accompanied by a letter from the King of Klungkung, Ida Dalem Semarputra, in response to *the Guidance*. They argued that the current Indonesian government's stance on repatriation overlooks the historical context.

> "Returning heritage on a state level only does not make sense and does not do justice…An object being returned to a museum on another island, thousands of kilometers away does not do justice."[212]

Westerlaken argues that cultural items were looted directly from specific kingdoms or sultanates—i.e. local communities—not from the modern Indonesian state. As a result, Westerlaken suggests that these artifacts should be returned to the descendants of the original owners, a concerned which was ignored by the Dutch government.[213] However, the existing governmental policy does not account for such localized repatriation opportunities.

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[211] Smith, Ristiawan, and Sudarmadi, 395.
[212] Westerlaken Foundation, "Letter for the Raad Voor Cultuur," Westerlaken Foundation, October 21, 2020, https://www.westerlakenfoundation.org/post/letter-for-the-raad-voor-cultuur.
[213] Westerlaken Foundation, "No Reaction from Dutch Government on Our Protest Regarding New Law for Returning Heritage," Westerlaken Foundation, accessed May 15, 2024, https://www.westerlakenfoundation.org/post/no-reaction-from-dutch-government-on-our-protest-regarding-new-law-for-returning-heritage.

Traditionally, ownership and caretaking duties of cultural heritage varied among Indonesian ethnic groups, highlighting the complexity of repatriation issues. For instance, in Ngadha, Flores, the family of the initial female ancestor inherited immovable heritage and land. On the other hand, in Java, the *kris* belonged to the entire conjugal family of the grandfather and was safeguarded by the eldest male in the family, whose ancestral spirit power bestowed upon.[214]

Another similar case is the Banjarmasin diamond that currently belongs to the Rijksmuseum which is labelled as a "war booty."[215] It was under the possession of the sultan of Banjarmasin as a symbol as a sultan's sovereignty. It was seized by Dutch troops in 1859 during the abolition of the sultanate and later cut into a 36-carat rectangle in the Netherlands. The Sultanate of Banjarmasin, led by Khairul Saleh, seeks the return of the Banjarmasin Diamond, emblematic of its former sovereignty and prosperity. Despite the sultanate's dissolution, the demand for restitution reflects a deeper struggle for identity and historical justice. Ahmad Fikri Hadin advocates for the return of these artifacts, emphasizing their symbolic significance to the Banjar people. However, challenges arise in determining rightful ownership and custodianship, complicating negotiations with Dutch authorities. The Indonesian government engages in provenance research but faces

Figure 12 Banjarmasin Diamond, Rijksmuseum, Amsterdam, inv.no. NG-C-2000-3.

[214] T. Sudarmadi, "Between Colonial Legacies and Grassroots Movements:: Exploring Cultural Heritage Practice in the Ngadha and Manggarai Region of Flores" (PhD-Thesis – Research external, graduation internal, Amsterdam, Eigen Beheer, 2014).
[215] "The Banjarmasin Diamond, Anonymous, c. 1875," Rijksmuseum, accessed May 15, 2024, https://www.rijksmuseum.nl/en/collection/NG-C-2000-3.

questions of sovereignty and accountability in the broader context of cultural object restitution.[216]

Who owns a World Heritage?

Adding to the complexity, another question is posed: who owns a world heritage? As discussed, restituting a tangible object to a local community already presents numerous challenges, what does that mean then for a potential restitution of an object which belongs to the world? UNESCO states that the site belongs "to the country on whose territory is located, but is considered in the interest of the international community to protect the site for future generations. Its protection and preservation become a concern of the international World Heritage community as a whole."[217] However, As Sarah van Beurden articulated:

> Casting objects from former colonies as 'world heritage' weakened claims for repatriation and restitution since it allowed museums to argue for the universal value of the material they possessed, and therefore their continued custodianship of the objects was in the best interest of the materials.[218]

[216] Endang Nurdin and Callistasia Wijaya, "Raja Belanda Diminta Kembalikan Berlian Banjarmasin: 'Jika Bertemu, Saya Akan Minta Semua Barang Kesultanan Di Belanda,'" March 12, 2020, https://www.bbc.com/indonesia/indonesia-51701849. Author's translation.
[217] UNESCO World Heritage Centre, "Who Owns a Site Once It's Inscribed on the World Heritage List? - Questions and Answers," UNESCO World Heritage Centre, accessed May 15, 2024, https://whc.unesco.org/en/faq/23.
[218] Sarah van Beurden, "The Pitfalls of 'Shared Heritage,'" *Boasblogs* (blog), June 19, 2018, https://boasblogs.org/dcntr/the-pitfalls-of-shared-heritage/.

The concept of "shared heritage" emerged during the 1970s, a period marked by widespread decolonization efforts globally. It coincided with the development of international conventions such as the 1972 World Heritage Convention, which aimed to recognize the universal value of heritage for all mankind. This era also saw the formulation of *the Convention*, which sought to protect cultural heritage within nation-states. However, despite these initiatives, the conventions had limitations, particularly regarding colonial restitution, as they were non-retroactive and did not address objects removed during the colonial period. This context influenced the emergence of the term "shared heritage," reflecting efforts to navigate the complexities of cultural ownership and representation in a post-colonial world.

The status of Borobudur as a “world heritage” may diminish the restitution claims of its objects, as some museums could cite the concept of “shared heritage” to justify retaining them. The idea of universality essentially circles back to the issues addressed in *the Declaration* of 2002, as discussed in chapter 2. *The Declaration* asserts that Western museums have a right to these objects because they were collected—rather than looted—during the colonial era. Additionally, it suggests that Western museums are better equipped to exhibit and care for these objects. Therefore, an attempt to justify retaining such objects based on claims of universality would essentially align with the rationale outlined in *the Declaration* of 2002, potentially perpetuating the power imbalances and ethical debates inherent in colonial legacies.

Institutions like the Staatliche Museen zu Berlin, the Humboldt Forum in Germany, and the Africa Museum in Belgium use the term "shared heritage" to justify retaining African

artifacts. This narrative emphasizes the universal cultural value of these objects, shifting the focus from their colonial acquisition and undermining restitution efforts. By framing the artifacts as belonging to all humanity, these museums argue for their right to keep them despite calls for their return from the countries of origin. However, while UNESCO labels certain sites as "world heritage," they support the restitution of objects taken from these sites as it is an international obligation to restore and preserve a world heritage. This is reflected in the efforts of the Intergovernmental Committee for Promoting the Return of Cultural Property (ICPRCP), which facilitates discussions and negotiations for the return of cultural property to its countries of origin, acknowledging the historical injustices of colonial acquisition.[219] Restitution, as discussed, is evidently a multifaceted issue, encompassing legal, ethical, political and cultural dimensions. Despite occasional setbacks, progress towards restitution appears to be underway as evidenced by an increasing global recognition of historical injustices.[220]

[219] Ibid.

[220] "The Swiss Benin Initiative," Museum Rietberg, accessed May 7, 2024, https://rietberg.ch/en/research/the-swiss-benin-initiative; Graham Bowley, "For U.S. Museums With Looted Art, the Indiana Jones Era Is Over," *The New York Times*, December 13, 2022, sec. Arts, https://www.nytimes.com/2022/12/13/arts/museums-looted-art-repatriation.html; "It's Time for French Museums to Return Cambodian Artefacts - Khmer Times," May 17, 2022, https://www.khmertimeskh.com/501076639/its-time-for-french-museums-to-return-cambodian-artifacts/; Cultuur en Wetenschap Ministerie van Onderwijs, "Colonial Collections to Be Returned to Indonesia and Sri Lanka - News Item - Government.Nl"; UNESCO, "Returning the Loot: How to Tackle the Illicit Trafficking of Cultural Property in South Asia" (UNESCO New Delhi, 2021), https://unesdoc.unesco.org/ark:/48223/pf0000380143; "Returns to Indonesia and Sri Lanka Follow Dutch Policy Framework," July 31, 2023, https://www.returningheritage.com/repatriations-to-indonesia-and-sri-lanka-follow-dutch-national-policy-framework; Jonathan Knott, "Dutch Government to Explore Unconditional Return of Looted Objects," Museums Association, October 14, 2020, https://www.museumsassociation.org/museums-journal/news/2020/10/dutch-government-to-explore-unconditional-return-of-looted-objects/; Max Matza, "The Met to Return Looted Ancient Artworks to Thailand and Cambodia," December 16, 2023, https://www.bbc.com/news/world-us-canada-67735747; "Berlin Museum Returns Artifacts to Namibia – DW – 05/27/2022," dw.com, accessed May 7, 2024, https://www.dw.com/en/berlin-museum-returns-artifacts-to-namibia/a-61955022.

Conclusion

As demonstrated throughout the thesis, restitution is an intricate process with significant political implications; the outlooks on and successes of restitution varies throughout history depending on political climate at the time. While historical power imbalances between former colonizers and colonized regions have influenced past practices, current efforts are underway to rectify them. However, current restitution policies often prioritize state-centric approaches, potentially neglecting the interests of local communities and living descendants of the original owners. The fate of the Buddha heads “from” and “in the style of” Borobudur in Dutch Museum collections, especially the NMVW, remains uncertain, symbolizing the broader challenge of restitution in the current framework. While it may seem straightforward for these artifacts to return to their rightful place, the process is far from simple. Current restitution conditions are significantly dependent on establishing the provenance of objects to ascertain whether they were forcibly taken. Yet, as we have discovered, tracing the trajectories of these objects is comparable to trying to complete a large puzzle, where the missing pieces are the most crucial ones. Therefore, the research often yields ambiguous or inconclusive results. Nonetheless, contested collections may be eligible for restitution if they have significance to the country of origin under certain conditions according to *the Policy 2021*. Thus, the journey towards restitution is riddled with challenges. Especially for objects such as the stone Buddha heads from sites like Borobudur which has a deep entanglement to colonial history.

Summary of Findings

Chapter 1 explored Borobudur's intricate identity as a religious, colonial, post-colonial, and World Heritage site. Across its history, Borobudur has endured theft and the loss of its statues, taken for various purposes like souvenirs or scientific collections and now scattered worldwide. Restitution of these artifacts faces hurdles due to tangled ownership history, legal uncertainties, and global cultural significance. These complexities hinder clear ownership rights and legal claims, compounded by practical challenges like inadequate documentation and provenance tracing difficulties. First of all, I would like to acknowledge that under Dutch law, it is difficult for the legal successors of the original owner to successfully claim the return of an artifact. This is because Dutch law protects the current owner, not the original owner, through principles like "acquisition in good faith" and the statute of limitations. Even if the current owner acquired the artifact in bad faith, they still eventually gain ownership rights due to the statute of limitations. While acknowledging the multifaceted nature of ownership, and this paper views it within the context of cultural heritage belonging to the affected cultures. The term 'fabricated ownership' then encapsulates the forceful imposition of ownership by colonial powers. These powers exploited a power imbalance to assert ownership, taking advantage of Borobudur's lack of a current owner, thus perpetuating a fabricated sense of ownership. The ownership—or the lack thereof—of Borobudur is reflected in its objects, leading various parties to lay claim to ownership and highlighting the broader implications of colonial legacies and potential Orientalist attitudes for restitution claims of objects in colonial collections.

The second chapter aimed to answer the first secondary question: *Are there traces of colonial legacies and orientalist attitudes in the debate on restitution between Indonesia and*

the Netherlands? If so, how do these factors reflect on the Netherlands' approach to handling restitution claims? The analysis of restitution debates between Indonesia and the Netherlands reveals that historical remnants of colonialism and orientalist perspectives have significantly influenced past discourse. This influence is apparent in the past paternalistic attitudes, unequal power dynamics, and reluctance to engage transparently and collaboratively with Indonesia. The past failure to include Indonesian stakeholders' agency in restitution discussions perpetuated Orientalist views. Although *the Convention 1970* set international guidelines for cultural heritage protection and restitution, Dutch efforts, such as *the Joint Recommendations 1975*, often fell short. Culturally significant items, like Prince Diponegoro's kris, remained unreturned until 2020, highlighting ongoing challenges.

However, recent years have seen a shift towards more proactive restitution efforts, driven by global scrutiny of colonial legacies. Initiatives like *the Guidance 2020* and *the Policy 2021* mark a departure from previous approaches, emphasizing collaboration and respect for the sovereignty of countries of origin. This shift is notable for moving away from Orientalist paradigms, prioritizing the autonomy and self-determination of non-Western cultures. By stressing "sovereignty" in restitution discourse, these policies aim to foster a more equitable and collaborative approach to cultural heritage repatriation. While traces of colonial legacies and Orientalist attitudes persist, —as seen in the manner of which the Borobudur Buddha heads were displayed at *De Grote Indonesië Tentoonstelling*—ongoing efforts through policy reforms and collaborative frameworks offer hope for a more respectful and equitable handling of cultural heritage in the future.

The other secondary question which was analyzed in chapter 3 is: *What are the perspectives and demands of Indonesian stakeholders, including government officials, cultural heritage experts, and local communities, regarding the restitution of cultural objects from the Netherlands to Indonesia?* Indonesian stakeholders' perspectives on the restitution of cultural artifacts from the Netherlands reflect a complex interplay of cultural, historical, and political factors. Indonesian scholars and the public argue that the Indonesian laws, like *Law no. 11 of 2010* are outdated and inadequate in the protection, preservation, and management of intangible and tangible cultural heritage. Furthermore, it lacks the inclusion of an active role for communities.

Government officials, like Director General of Culture Hilmar Farid, prioritize returning artifacts of significant national value to reclaim elements of Indonesia's historical identity and heritage. They emphasize the importance of thorough provenance research to support restitution claims, though current policies often overlook local communities who also advocate for restitution. For example, a letter from the King of Klungkung to the Council for Culture, and the re-established Banjarmasin Sultanate campaigns for the return of diamonds and other historical items, asserting their critical importance as symbols of their heritage. These communities feel that state-centric policies prioritize nationally significant items over those of regional importance, neglecting their specific cultural ties.

The restitution process faces significant challenges in tracing the provenance of artifacts, many of which were acquired under ambiguous circumstances during the colonial era. Furthermore, due to the statute of limitations, and international conventions like *the Convention 1970*, the handling of restitution request transforms into an ethical question

rather than a legal obligation. Therefore, restitution often depends on bilateral negotiations and the willingness of holding institutions to acknowledge the colonial context of their collections. In summary, Indonesian stakeholders, including government officials, cultural heritage experts, and local communities, are united in calling for the return of cultural artifacts from the Netherlands. They aim to rectify historical injustices, revive cultural identity, and protect their heritage sites, despite the challenges posed by provenance research and national and international policies.

Limitations

While this thesis provides valuable insights into restitution efforts between the Netherlands and Indonesia, there were some limitations. Additionally, diligent efforts were made to uphold objectivity, it's important to acknowledge that personal perspectives and biases may inadvertently influence the research process and findings. Firstly, Chapter 3 focuses on Indonesian perspectives primarily based on news articles and scholarly sources. Limited access to official government documents and policies may have restricted the depth of the governmental viewpoint. Additionally, the translation of news articles from Indonesian to English could introduce minor inaccuracies.

The study of Borobudur involves extensive political, historical, and cultural dimensions, adding complexity to restitution discussions. Despite best efforts, some nuances may not be fully captured. A significant limitation is the lack of accessible documents detailing Indonesian opinions specifically on the restitution of Borobudur Buddha heads worldwide. This gap made it challenging to directly address the main research question, requiring reliance on broader restitution policies and case studies to infer conclusions. Furthermore,

the unclear restitution status of the Borobudur Buddha heads at the NMVW necessitated an inferential approach, which may not fully capture current or future decisions.

Another limitation is that, while I attempt to provide a visual representation of where the Borobudur Buddha heads are currently located worldwide, I largely depend on available online repositories. This approach is hindered by issues such as unavailable online collections and private collections, for example.

The research would have benefited from direct interviews with restitution policymakers, local communities, and cultural heritage experts actively engaged in the field, as such qualitative data could provide deeper insights and firsthand perspectives. Although this would indeed add deeper insights, it is, looking at the materials analyzed, outside the scope of this research. Despite these limitations, this study offers a comprehensive review of available literature and a structured analysis of case studies. Future research should aim to include direct access to government documents and stakeholder interviews to build on this foundation.

Wandering and Wondering: Closing thoughts on the case of Borobudur Buddha heads

Finally, we are left with the primary research question: *How are the Borobudur stone Buddha heads at the National Museum of World Cultures Foundation (NMVW) situated in the current restitution discussion in the Netherlands?* Despite the absence of Indonesian embassy's response to inquiries for this study at this time, it is crucial to address this gap

with academic rigor, acknowledging the uncertainty it introduces. This lack of response may stem from bureaucratic delays, the sensitivity of the information requested, or competing diplomatic priorities, common within complex restitution discussions. While the absence of a response hinders definitive conclusions, provisional insights can still be drawn. Plausible explanations for the status of the Borobudur Buddha heads in restitution discussions include the possibility of unpublicized restitution requests or a strategic focus on domestic conservation efforts by Indonesia.

Therefore, as outlined in Limitations section, this inference is informed by an analysis of past restitution policies and cases. To my knowledge, while there has been criticism on the retention of these contested objects in both public and private collections in the Netherlands which suggests that the restitution of these Buddha heads should happen. However, to date, there are no publicly available records indicating official discussions regarding the restitution of these Borobudur Buddha heads. They are situated within a complex and multifaceted context in the current restitution discussion in the Netherlands. Their presence in the NMVW is considered by post-colonial scholars and cultural heritage experts as an unsolved case.

I recognize the complexity inherent in restitution cases, emphasizing the necessity of examining each case individually and ensuring thorough provenance research to prevent perpetuating injustices comparable to involuntary removal from current owners. However, the frequent and significant issue of the lack of provenance documentation, as seen in cases like PPROCE, raises important questions. How should objects with inconclusive provenance be handled? Should they indefinitely remain in the Dutch museum collections due to

missing documents? Given that the PPROCE was developed as a pilot project to create research methodologies and policy recommendations for provenance research in colonial collections, the lack of provenance documents is acknowledged and ongoing discussions likely address solutions to this issue. *The Policy 2021* acknowledges the unrealistic expectation of conclusive provenance histories given the incomplete nature of colonial sources and archive. Building on the recommendations outlined in Guidance 2020, it suggests that objects with inconclusive provenance but significant ties to the country of origin may be eligible for restitution. Factors to consider include: the cultural significance for the country of origin, involved communities, the value to the Dutch National collection, future preservation conditions, and public accessibility. Most of which reflect the values in *the Heritage Act 2016* which favors the Dutch National collection.

The Policy 2021 could significantly impact the restitution of the Borobudur Buddha heads in several ways. Firstly, it acknowledges that complete provenance histories are often unrealistic due to incomplete colonial records and archives. This recognition means that the Borobudur Buddha heads, which may have ambiguous documentation, could still be considered for restitution under this policy. According to the policy, objects with inconclusive provenance but significant ties to the country of origin may be eligible for restitution. The Borobudur Buddha heads, being integral to Indonesia's cultural and religious heritage, fit this category. Therefore, they could be prioritized for return based on their cultural significance. Considering the aforementioned factors, for the Borobudur heads, this means that Indonesian claims must be weighed against their current value and role within the Dutch museum context. If Indonesia presents a strong case emphasizing

cultural significance and community interest, it could positively influence the restitution outcome.

Additionally, the policy necessitates a formal request from the country of origin. Indonesia would need to initiate the process by submitting a detailed restitution claim for the Borobudur Buddha heads. The policy framework would then guide the assessment and decision-making process. Furthermore, *the Policy 2021* marks a shift from previous Orientalist attitudes by emphasizing close collaborations, respect for the sovereignty and agency of the countries of origin. This ideological shift could facilitate a more favorable environment for the restitution of the Borobudur heads, as it aligns with contemporary values of acknowledging and rectifying colonial injustices. For the Borobudur Buddha heads, this could mean joint efforts between Dutch institutions and Indonesian authorities to ensure the heads are returned and properly integrated into ongoing restoration projects at Borobudur. Despite the policy's positive aspects, practical challenges such as the need for comprehensive provenance research, the logistical complexities of international restitution, and the dispersed nature of similar artifacts worldwide still pose significant challenges.

Most importantly, one significant factor is the procedural requirement for the country of origin to file a restitution request. It remains unclear whether Indonesia has officially requested the return of the Borobudur Buddha heads. No definitive information could be found regarding such a request. At Borobudur, ongoing restoration efforts involving the stone matching technique are both time-consuming and technically challenging. The Borobudur Conservation Center (BKB) is currently preoccupied with these efforts with the Buddha heads they have on site, which may deprioritize restitution claims for the Buddha

heads held in the Netherlands. Looking at it objectively, even if the Netherlands were to return the Buddha heads in the NMVW collection, Borobudur's restoration would remain incomplete due to the wide dispersal of its Buddha heads, other statues, and objects in public and private collections globally. This raises important questions about the nature and impact of restitution, which as discussed is fundamentally an ethical issue rather than a legal obligation. This situation exemplifies a paradox where international restoration efforts are hindered by the retention of crucial objects in museums worldwide, preventing the site's complete restoration. This underscores the complexity of achieving comprehensive restitution and emphasizes the necessity for multilateral cooperation and collective responsibility in addressing historical injustices and preserving cultural heritage.

The scattered nature of Borobudur's Buddha heads complicates the effectiveness of international restoration endeavors. The return of these heads by the Netherlands alone would not resolve the broader issue of dispersed cultural heritage, raising questions about the overall strategy for preserving and restoring World Heritage sites. In conclusion, the Borobudur stone Buddha heads remain in the NMVW collection awaits and calls for more nuanced and comprehensive strategies in cultural restitution. It emphasizes the need for international cooperation in policymaking, and the establishment of flexible policies that acknowledge the historical and cultural significance of artifacts beyond their documented provenance. Only through such holistic approaches can we hope to achieve a more just and complete restitution of cultural heritage.

Discussion

As reiterated throughout the thesis, the return of the Borobudur Buddha heads involves numerous complications and considerations: ownership, provenance, restitution policies, ethical considerations, cultural significance, restoration efforts, international cooperation, and stakeholder perspectives. This analysis raises several critical questions.

First, what are the potential implications of returning the Borobudur Buddha heads to Indonesia from the NMVW and other Dutch museums within the broader context of cultural heritage restitution, and how would this influence international policies and practices regarding the repatriation of cultural artifacts? Second, given the ongoing challenges of fully restoring Borobudur, does the likelihood of incomplete restoration justify the indefinite retention of these objects in museums, or should museums re-evaluate their roles as custodians, preparing for potential future restitution requests? Finally, how can international collaboration and diplomatic efforts be intensified to expedite the restitution process and ensure the timely return of cultural artifacts, such as the Borobudur Buddha heads, to their countries of origin, especially considering the complexities of provenance research and the deteriorating condition of objects over time?

Many Buddha head statues at Borobudur exhibit damage, often missing crucial features like noses or ears. The Borobudur Conservation Center (BKB) prioritizes stone matching techniques in restoration. The longer these Buddha heads remain separated, the more difficult it becomes to match them with their original locations due to changes in stone characteristics over time, emphasizing the urgency of their return.

These questions highlight the need for a nuanced and comprehensive approach to restitution, acknowledging the ethical, cultural, and practical dimensions involved. In embracing the notion of World Heritage as a shared global treasure, the mantle of restoring, conserving, and safeguarding it becomes a collective endeavor, binding us together in ensuring its legacy for generations to come.

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