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The new Restitution Law: endpoint or opening?

'The colonial regime was characterised by paternalism, discrimination and racism.', said king Filip of Belgium on Wednesday during the Royal Visit to Congo. On Thursday, the Belgian parliament will vote on a new legislation on the restitution of colonial collections proposed by State Secretary Thomas Dermine. The proposed law importantly allows for contested objects in federal institutions to be taken out of Belgian public domain in order to be returned. However, it relies heavily on a diplomatic approach that in reality will reflect current power imbalance and leaves decision making power largely with Belgium. The law is not sufficiently the result of a dialogue with former colonies nor their diasporas about their priorities in the matter.

As the topic of restitution now enters the public view again, we are reminded of the importance of the debate on decolonisation. There is a growing awareness of colonial injustices and their long term consequences and a growing demand from within our societies for recognition and reparation.

We applaud the multiple efforts to address the issue of the history of Belgium's colonial collections. It is encouraging to see that initiatives are put in place to enable restitution and acknowledge the long term global effects of colonialism. However, we feel the need to reiterate the *Ethical Guidelines for Colonial Collections* published a year ago (<https://restitutionbelgium.be/>) and to urge the policy makers to consider the motivation and legacy of their actions. The current initiatives cannot be used as an endpoint to the discussion about decolonisation or to cage the debate, but should enable a broader societal conversation about colonialism, restitution and reparations.

Any discussions on restitution must be conducted in a spirit of dialogue and partnership between Belgium and the countries and communities of origin. It should aim to repair the damage that colonialism has and continues to inflict. This commitment to equal collaboration should be enshrined in any legal, cultural or scientific project initiated by the Belgian government. The efforts to decolonise should be focused on people and relationships. Colonial collections remain a symptom of this issue, but the structures of inequality must also be addressed.

The present legislation has a limited scope. Many colonial collections in the possession of federal institutions are now left by the wayside by the limited geographical and chronological focus on Belgium's 'own' colonial past in the Democratic Republic of Congo, Rwanda and Burundi. Ancestral remains, arguably requiring the most urgent and ethical attention, and archives also remain unaddressed.

The legislation does not address the need for the establishment of an independent and inclusive center for provenance research and colonial heritage that can play a coordinating role between institutions, scholars, and communities, as suggested in our *Ethical Guidelines*. Complementing

the existing knowledge infrastructure, this space is necessary to bridge the academic as well as societal challenges within these debates. As such the legislation also fails to serve as a guiding framework for engaging with colonial collections in possessions of communities, cities, institutions such as universities, etc.

The narrow definitions of legitimate/illegitimate suggested within the legislation are reductive, and don't necessarily align with the answers that current provenance research will be able to provide. The meanings given to objects and people of the past are multiple and context-related. A more inclusive and participative provenance framework creates room for multilayered interpretations and reconstructions of the past by different stakeholders: representatives of the diaspora, states and politicians, scientists, communities, families, etc. For a significant amount of objects in Belgian collections, not enough provenance information is available to determine how they were removed. The proposed legislation leaves the power to deal with this category of objects entirely in Belgian hands.

Last but not least, we warn against the specter of legal inequality with regard to treatment of looted collections. What justifies the difference in how colonial collections, Nazi-looted art and other recent war looting in Syria, Egypt, Ukraine and any other illicit trafficking are treated?

The writing of this law needs to be a moment for introspection and real change, not just attempts to be the 'first' European country with a restitution law. In this context, we want to recall and honor the long history of activism on the part of former colonies as well as members of the African Diaspora in Belgium. It will satisfy very few of the stakeholders involved in this debate if restitution just becomes an instrument of foreign policy, used to oil diplomatic relations at a high political level. It needs to be the result of an inclusive and transparent process that brings other profound questions to the surface, as for example questions concerning reparation. This is a debate that belongs to all of society in all its diversity - here and elsewhere.