

COLONIAL COLLECTIONS COMMITTEE

RULES OF PROCEDURE GOVERNING THE PROCESSING OF APPLICATIONS FOR THE RESTITUTION OF COLONIAL COLLECTIONS

The Committee was established by Decree of the Dutch State Secretary for Education, Culture and Science of 6 September 2022, no. 33115912, instituting a committee to advise on applications for the restitution of cultural objects from a colonial context (Institutional Decree establishing the Advisory Committee on the Restitution of Cultural Objects from a Colonial Context), Dutch Government Gazette 2022, 24248.

In view of Article 4, paragraph 4, of the Decree establishing the Advisory Committee on the Restitution of Cultural Objects from Colonial Context, the Committee has decided to adopt the following Rules of Procedure:

19 September 2024

Definitions

- Policy recommendation: the report *Koloniale collecties en erkenning van onrecht* [Colonial Collections, a Recognition of Injustice], published by the Advisory Committee on the National Policy Framework for Colonial Collections of the Council for Culture (7 October 2020)
- Policy vision: the policy vision on collections from a colonial context, as set out by the Dutch Minister for Education, Culture and Science (29 January 2021)
- Committee: the Colonial Collections Committee (in full: Advisory Committee on the Restitution of Cultural Objects from a Colonial Context)
- Application: application by a state for the restitution of a cultural object taken from said state in the context of colonial rule
- Applicant: the state submitting the application
- State Secretary: the Dutch State Secretary for Culture and Media
- Minister: the Dutch Minister of Education, Culture and Science

Composition of Committee

- The Committee has a permanent chair and three permanent members. They are appointed by the Minister/State Secretary for a period of four years and may be reappointed once for a period of four years.
- If necessary, the Committee may propose that an additional member be appointed by the Minister/State Secretary if specific expertise in a particular area is required.
- The Committee is independent and provides a recommendation based on expertise. The members notify the chair in the event of a personal interest relating to a current request. In such cases the respective member will not take part in the decision-making process.
- The Committee is supported by a secretariat.

Stage I: Initial stage of processing applications

1. Receipt of application by Committee
 - a. The Committee will receive the Application from the Ministry of Education, Culture and

Science.

- b. The Committee will draw up an action plan with a planning schedule.
 - c. The Committee will determine whether an additional member is required. If so, the Committee will propose to the Ministry of Education, Culture and Science that an additional member be nominated. The Minister/State Secretary will appoint the member.
 - d. At any stage of the application-processing procedure the Committee may hear experts or seek written advice from experts if it considers it advisable.
2. The Committee will contact the Applicant to discuss matters such as:
- a. The application-processing procedure, whereby the Application can be split into sub-applications.
 - b. Establishing the exact inventory numbers (based on input from the curator of the collection) and any prioritisation.

Stage II: Research phase

3. The Committee will assess whether the provenance research is adequate.
- a. The Committee will request that the curator of the collection send the available provenance research or submit a request for provenance research to the curator of the collection if such research is not yet available. The provenance research will be provided in English or translated into English by the curator of the collection.
 - b. The Committee will be informed by the curator of the collection about, among other things, the provenance and significance of the respective object in the collection and all relevant contact and exchanges with the Applicant, including the mutual desire to cooperate in this context.
 - c. The provenance research will be shared with the Applicant, who will be asked whether they consider the research to be comprehensive.
 - d. The Committee will evaluate the provenance research and, if necessary, seek information from the authors of the provenance research and/or other experts. In doing so the research, method followed and cooperation with the Applicant are expanded on in more detail.
4. If necessary, the Committee may issue a request for additional research based on the Committee's own assessment or at the request of the Applicant.
- a. The Committee will adjust the schedule and inform the Applicant.
 - b. The curator will conduct additional research, supported by the consortium if necessary.
5. The Committee will receive the additional provenance research and submit it to the Applicant or an expert appointed by the Applicant. The Committee will draft a procedure for mediation in the event of a difference of opinion on the historical facts.
6. The Committee will re-evaluate the provenance research (along with any additional research) and determine whether it is now adequate.

Stage III: Assessment and recommendation

7. Based on the provenance research the Committee will determine whether involuntary loss of possession occurred.
- a. If involuntary loss of possession occurred within the context of Dutch colonial rule, the Committee will recommend unconditional restitution.

- b. If involuntary loss of possession occurred within the context of colonial rule by another power, the Committee will weigh up the interests involved, with the basic premise being to rectify injustice.
 - c. If no involuntary loss of possession occurred within the context of colonial rule or if this cannot be determined with a reasonable degree of certainty, the Committee will weigh up the interests involved.
8. In the case of 7b and 7c the Committee will weigh up the interests involved.
- a. The Applicant may express their interest to the Committee and is expressly invited to do so.
 - b. The Committee will take stock of the stakeholders and interests involved.
 - c. If necessary, the Committee will hear various stakeholders and experts orally or in writing.
 - d. The Committee will make a reasoned assessment of the interests in accordance with the policy framework and the policy recommendation of the Dutch Council for Culture. Cultural-historical, scientific and all other relevant interests will be taken into account.
 - e. The importance for the Netherlands Collection will also be taken into account, as set out in Article 3.7 of the Dutch Heritage Act.
 - f. Post-restitution circumstances - such as management, conservation and accessibility, including the accessibility of the objects to communities - will also play a role.
9. The Committee will draft a recommendation to the Minister/State Secretary.
- a. In the event of various interests the Committee may, in addition to issuing a recommendation for restitution, also recommend that the object be returned subject to conditions such as additional cooperation in the field of knowledge sharing, loans or research.
 - b. The Committee will ensure that the recommendation is translated into English.
 - c. This recommendation will constitute a recommendation within the meaning of Article 4.18 of the Dutch Heritage Act on whether the proposed transfer of title concerns a cultural object or collection of special cultural-historical or scientific significance that is irreplaceable and indispensable to the cultural collection of the Netherlands.
 - d. The recommendation, including the provenance research, will be sent to the Minister/State Secretary.
10. Publication of the recommendation
After the Minister/State Secretary has decided on the recommendation, the Committee will publish its recommendation on its website, anonymising personal data if necessary unless compelling interests dictate otherwise.

Derogation from these Rules of Procedure

The Committee may deviate from these Rules of Procedure if it deems it advisable to do so.