

Recommendations of the Advisory Committee for Guidelines for Collections in Austrian Federal Museums from Colonial Contexts

**Recommendations of the
Advisory Committee for Guidelines
for Collections in Austrian Federal
Museums from Colonial Contexts**

Vienna, 20 June 2023

Imprint

Owner and publisher:

Federal Ministry for Arts, Culture, the Civil Service and Sport,
DG IV – Arts and Culture
Concordiaplatz 2, 1010 Wien (Vienna)
bmkoes.gv.at

Members of the Advisory Committee:

Jonathan Fine, Scientific Director of the Weltmuseum Wien, Austria (chair)
Golda Ha-Eiros, Chief Curator of the Anthropology Collection at the National Museum of Namibia in Windhoek
Emmanuel Kasarhérou, President of the Musée du Quai-Branly Jacques Chirac in Paris, France
Henrietta Lidchi, Executive Director, Wheelwright Museum of the American Indian in Santa Fe, USA
Barbara Plankensteiner, Director of the Museum am Rothenbaum – Kulturen und Künste der Welt (MARKK) in Hamburg, Germany
Walter Sauer, Professor at the Department of Economic and Social History at the University of Vienna, Austria
Anna Schmid, Director of the Museum der Kulturen, Basel, Switzerland
Katrín Vohland, Director General of the Naturhistorische Museum Vienna, Austria
Miloš Vec, Professor at the Department of Legal and Constitutional History at the University of Vienna, Austria

Office of the Advisory Committee:

Pia Schölnberger (Head)
Julia Unterweger

Layout: BKA Grafik & Design
Print: BMI Digitalprintcenter

Copyright and liability:

The reproduction of parts of this publication is permitted provided that the source is acknowledged. All other rights are reserved. Please note that, while every possible care was taken in compiling the information contained in this publication, neither the Federal Ministry for Arts, Culture, the Civil Service and Sport nor the authors accept any liability whatsoever. The legal opinions expressed in this publication represent the personal views of the authors and cannot in any way prejudice future decisions of the courts.

Vienna, 2023

Contents

| | |
|--|-----------|
| I. Summary | 5 |
| II. The Advisory Committee | 7 |
| III. Background | 8 |
| A. Heritage Objects..... | 8 |
| B. Colonialism..... | 8 |
| C. Austria's Colonial History..... | 9 |
| D. Colonial Collecting in the Habsburg Monarchy..... | 10 |
| IV. The Value of Museum Collections | 11 |
| V. Recommendations | 14 |
| A. Heritage Objects Eligible for Return..... | 14 |
| B. Heritage Objects Not Eligible for Return..... | 16 |
| C. Procedure for Evaluating Requests for Return and Acting Upon Them..... | 17 |
| D. Provenance Research..... | 18 |
| E. Scientific Evaluation Board..... | 20 |
| F. Ministerial Action..... | 21 |
| G. New Acquisitions..... | 21 |
| H. Resources for Federal Museums and Other Collections of the Federation and for Provenance Research..... | 22 |
| I. Addressing the Legacy of Colonialism..... | 23 |

These recommendations are intended to address the collections directly owned by the Republic of Austria, including but not limited to those in the Albertina, Kunsthistorisches Museum with Weltmuseum Wien and Theatermuseum Wien (KHM-Museumsverband), Österreichische Galerie Belvedere, MAK – Österreichisches Museum für angewandte Kunst, Museum moderner Kunst Stiftung Ludwig Wien (MUMOK), Naturhistorisches Museum Wien, Technisches Museum Wien with the Österreichische Mediathek, Österreichische Nationalbibliothek, and the Heeresgeschichtliches Museum.

This document begins with a summary of the recommendations. Section II introduces the advisory committee and its work. Section III provides background for the recommendations by explaining how the committee understands the key concepts “heritage object” and “colonialism”, the Republic of Austria’s connection to European colonial history, how heritage objects were acquired in colonial contexts, and how such objects came to be in collections directly owned by the Republic. Section IV discusses the continuing relevance and importance of museum collections as a means to better understand the world we live in. Section V sets out the Advisory Committee’s detailed recommendations for addressing objects from colonial contexts in the collections of the Republic of Austria.

I. Summary

The Republic of Austria's federal museums and other collections directly owned by the Federation¹ hold heritage objects that were acquired in colonial contexts which often involved asymmetries of power, violence, and injustice. These heritage objects are part of the cultural and material heritage of the people and places from where they came. They have, over time, also become part of the heritage of Austria. In some cases, they have become part of global heritage, and there is a strong public interest in them. Increasingly Austria's museums and the Republic itself are being asked to address these facts openly and to draw appropriate conclusions from them.

In Austria, according to Bundesmuseen-Gesetz § 4 (1), the collections of federal museums generally belong to the Republic. Therefore, Secretary of State for Arts and Culture Andrea Mayer appointed this Advisory Committee in January 2022 to develop recommendations concerning requests for return or restitution of heritage objects from colonial contexts in the collections of Austria's federal museums.

These recommendations resulted from 18 months of intensive consultation and discussion. In making these recommendations, the Advisory Committee's core principles are to acknowledge and address the historical injustices in collecting the heritage objects, to understand the interests of different parties in them, as well as to address the legacy of colonialism.

The main points are:

1. To commit the Federal Government of Austria to returning heritage objects from colonial contexts upon request on a state-to-state basis in order to address the injustice of acquiring them against the will or wishes of their previous owners (Recommendations 1–4);
2. To fund provenance research to understand how and under what circumstances heritage objects from colonial contexts in Austria's federal collections were collected and to provide a basis for scientific and ethical judgment for determining whether they are eligible for permanent return (Recommendations 8–12, 17–18);
3. To establish procedures and bodies to determine, based on provenance research, whether heritage objects are eligible for permanent return and to specify the interests of the various involved parties in the return or retention of the objects (Recommendations 7, 13–15);

1 By "Federation" the Advisory Committee means the Austrian federal state or "*Bund*".

4. To empower Austria's federal museums and the custodians of the other collections directly owned by the Federation to seek appropriate solutions (including long term loans, collection sharing, digital and virtual access, joint research and scholarly exchange, as well as cultural exchange) for objects that do not qualify for return (Recommendations 5–6);
5. To take practical steps beyond returning objects to address the legacy of colonialism, including increasing international cultural and scholarly exchange between Austria and countries that were formerly colonized, supporting civil society initiatives in Austria working to raise awareness about the colonial past, and encouraging all of Austria's museums to address colonialism in their work. (Recommendations 16, 19–20);

II. The Advisory Committee

The Republic of Austria, like all other European countries, has collections of heritage objects that were acquired in colonial contexts. These objects are part of the heritage of the people and places where they come from, and they have become part of the heritage of Austria. They may also be part of global heritage in which there is a weighty public interest.

The governments in many former colonies that gained independence have long expressed the wish that objects acquired unjustly in colonial contexts be returned to them. Civil society organizations and scholars have made similar appeals. In 2017, the president of France gave new impetus to a broad-based public discussion about returning objects from colonial contexts in French museums. Similar government sanctioned processes were also underway in the Netherlands and in some of the federal states in Germany. Other European countries are making legal and policy recommendations to support provenance research and set procedures for making returns.

In 2020, the Austrian Federal Government in its Programme 2020–2024 committed itself to give additional attention to postcolonial provenance research and to address human remains in the collections of the Republic. In January 2022, State Secretary for Arts and Culture Andrea Mayer appointed this Advisory Committee to develop recommendations concerning objects from colonial contexts in Austria's federal collections.

The Members of the Advisory Committee were: Jonathan Fine, scientific director, Weltmuseum Wien (chairperson); Golda Ha-Eiros, chief curator of the Anthropology Collection, National Museum of Namibia; Emmanuel Kasarhérou, president, Musée du Quai-Branly Jacques Chirac, Paris, France; Henrietta Lidchi, formerly head of research and collections, Nationaal Museum van Wereldculturen, Netherlands and since September 2022, Executive Director, Wheelwright Museum of the American Indian; Barbara Plankensteiner, director, Museum am Rothenbaum – Kulturen und Künste der Welt (MARKK) Hamburg, Germany; Walter Sauer, Department of Economic and Social History, University of Vienna; Anna Schmid, director, Museum der Kulturen, Basel, Switzerland; Katrin Vohland, general director, Naturhistorisches Museum Vienna; Miloš Vec, Department of Legal and Constitutional History, University of Vienna.

The Committee met online and in person, and undertook a pro-active consultation process. The Advisory Committee formally agreed to the recommendations contained in this document unanimously as of June 12, 2023.

III. Background

A. Heritage Objects

The collections of the Federation include works of art, cultural heritage, ancestral and spiritual objects; scientific and natural history samples and specimens; weapons and military items; archival materials, manuscripts, books and other written material, as well as vernacular objects and ancestral human remains. For the purposes of this document, the Advisory Committee will refer to these broadly as “heritage objects”. In using this preferred term, the Advisory Committee understands that there are nuances between collections and the sensitivities they raise, but believes that all museum collections are part of heritage.

B. Colonialism

Colonialism in general, as we interpret it today, is a relationship of domination in which one group of people (the colonizers) restricts the self-determination, controls, and forces another external group of people (the colonized) to adapt to their (mainly economic and political) needs and interests. Colonization describes the processes by which colonizers achieve and maintain domination over the colonized. These processes encompass a range of phenomena, from gradual integration into unequal trade networks, entry into regions by so-called explorers, traders, researchers, and missionaries, the creation and enforcement of regimes of forced labor and enslavement, to the achievement of territorial control for strategic, economic, scientific, religious, cultural and other purposes.

Since the 15th century, colonization has been a feature of a global historical process, in which Europeans have been key actors. By the height of the colonial era in the late 19th and early 20th centuries, European states and rulers possessed vast colonial empires on other continents.

Colonization did not follow a uniform path. It differed from place to place and from era to era, and involved different strategies by which colonizers pursued and exercised formal and informal control over the people and areas they colonized. Colonization was characterized by asymmetries of power between colonizers and colonized and gave rise to significant violence and injustice.

These recommendations are intended to apply to colonial contexts that arose outside Europe beginning in the 15th century.

C. Austria's Colonial History

Contrary to the widely held perception that the predecessors of the Republic of Austria had little to do with colonialism, the Habsburg Monarchy was involved in the pan-European overseas colonial project in many ways. With the growth of mercantilism, Austrian lands steadily became integrated into the world economy starting in the Early Modern period. Exports of manufactured goods (metalwork, textiles) stimulated domestic industries, and imports of agricultural products (such as sugar and tobacco) changed patterns of consumption; precious materials and valuable commodities formed part of noble and ecclesiastic treasuries. Before the abolition of slavery in the 19th century, some members of the Austrian aristocratic elite enslaved persons.

In the 18th century, the Habsburg Monarchy briefly colonized the Nicobar Islands as well as parts of Mozambique and South East and East Asia. Intercontinental commerce and increasing political influence outside Europe contributed to European states reaching a privileged global position resulting in what is today termed the divide between “global North” and “global South”. The predecessors of the Republic of Austria were part of that development.

Direct Austrian rule overseas was limited to a few cases. During most of the 19th century, the Austrian focus was on indirect involvement in the European colonial project rather than on territorial expansion – either intentionally or due to the shrinking political and military weight of the Habsburg Monarchy. Nevertheless, attempts to establish colonies along the projected Suez Canal route (Sokotra, Nicobar Islands, and Borneo) or in Central and East Africa (Sudan) were made in the 1850s but remained unsuccessful. Unequal trade relations with overseas regions, however, based on commercial agreements that unilaterally benefited the Austrian side, increased markedly. The Habsburg dynasty itself provided rulers for the Empires of Brazil and Mexico.

Although the Habsburg monarchy did not ultimately acquire African colonies, it took part in the 1884–85 Congo Conference in Berlin legitimizing the scramble for Africa. Moreover, Austrian individuals, organizations, and institutions took part in the colonization carried out by other European powers. They participated in the colonial endeavors of King Leopold II of the Belgians, the German Reich, Portugal, and Great Britain. Austrians became involved in reconnaissance activities and conducted commercial, scientific, or religious expeditions into territories in Africa or Asia. Such expeditions and exploration undermined the cultures, worldviews, and the religions of local societies. They paved the way for colonial conquest and direct rule. In the Habsburg Monarchy, around the turn of the century, the authorities increased their efforts to motivate Austrians to form “patriotic communities” abroad that were intended to become commercial and possibly colonial hubs. An economic upswing took place that resulted in ambitions to secure mineral resources abroad; particular cases in point in the 1890 are the expedition to

the Solomon Islands, which was defeated by local resisters, and negotiations to acquire Western Sahara. Huge investments were made to upgrade the imperial navy. Between 1900 and 1917, following the intervention of Western powers in China, Austria-Hungary controlled a so-called concession territory in Tianjin. Colonial propaganda was reinforced, research into “race science” intensified, and colonialist thinking and attitudes dominated public opinion.

D. Colonial Collecting in the Habsburg Monarchy

Although the Habsburg monarchy was unable to establish lasting colonies outside Europe, the state’s activities with respect to colonialism and colonization aligned closely with those of other European powers. In some cases, collections of heritage objects were acquired within the framework of diplomatic relations, such as gifts from sovereign rulers or diplomatic representatives. In other cases, heritage objects and collections were obtained less peacefully, for instance, during armed conflicts. Scientific and political expeditions, carried out with Austrian state support, were another source for objects. Such expeditions frequently met with local resistance. Austrians were also involved in trade missions and in Christian missionization, and they regularly conducted business in the colonies of other countries.

Austria’s museums and their predecessor institutions also acquired heritage objects that had been collected by non-Austrians in colonial contexts. Austrian museums were active players in the broad European professional and trading networks that facilitated collecting. These included professional networks in Europe, colonial exhibitions and specialized markets for art, ethnographic objects, animals, botanical specimens, etc.

Such transactions were legal under colonial law even if the heritage objects had been acquired by violent or unethical means.

As one of the successors to the Habsburg monarchy, the Republic of Austria has paid comparatively little attention to its predecessor’s colonial history. Provenance research into Austrian colonial contexts, with the first successful projects carried out in federal museums, is still in its infancy. It is therefore particularly important and pressing to seek to understand the circumstances under which heritage objects were acquired.

IV. The Value of Museum Collections

In Austria, according to Bundesmuseen-Gesetz § 4, federal museums have a role that encompasses collecting, conserving, exhibiting, researching, and scientifically understanding the objects they hold. Federal museums wish to create spaces of lively and vigorous interpretation of the collections they hold and to ensure that the interpretations keep pace with contemporary views and developments, as well as the museums' own values. In the 21st century museums speak diverse to publics, who may not have uniform expectations of what constitutes education and enjoyment and may hold different views about the role of museums in society.

In 2022, after two years of debate, the global museum community as organized in the International Council of Museums (ICOM) set a new definition for museums. This definition stresses the role of museums as institutions that serve the public interest, that are open to the public, that research, collect and conserve tangible and intangible cultural heritage, and that foster experiences for “education, enjoyment, reflection and knowledge-sharing.”²

Museums and their practices are not ahistorical; they change according to contemporary currents and developments. The reasons why and the ways in which museums have collected also have changed over time, as have their systems of classifying their collections and their perceptions of what is valuable. A case in point is the Weltmuseum Wien where the “ethnographic” collections have different origins and have been classified differently in the past. They include parts of the early-modern Wunderkammer from Castle Ambras and the collections of different members of the Habsburg dynasty, such as Archduke Franz Ferdinand, as well as collections once classified as natural history. Although during different phases of European colonization of other parts of the globe ideas about “curiosity” motivated collecting, other important motivations were scientific research and showing off the power of the state.

None of the ways museum collections have been assembled and classified are value-neutral. For instance, both ethnographic and natural history collections have served to perpetuate racist theories. This is not, however, the only service to which such collections can be put. They can provide substantial benefits. Today, they increasingly offer

2 International Council of Museums (ICOM), Museum Definition, URL: <https://icom.museum/en/resources/standards-guidelines/museum-definition/> (last visited 12 June, 2023).

a basis to understand the climate crisis and challenges to biodiversity when museums work together as a network on a global scale.

The legitimacy of retaining museum collections has been called into question in recent years. In part, this is because of the presence of expropriated heritage objects in some museums, such as antiquities acquired against the laws of other countries and heritage objects acquired from colonial contexts. Skepticism toward museum collections also is part of a more general critique that argues museums are elitist institutions that reflect the dominant cultures in which they are situated.

This Advisory Committee acknowledges the critiques of museums and the questions of ownership and consent that the criticism raises. In the context of examining the colonial frameworks within which heritage objects entered museums, we take the position that museums in Austria represent a public good and that museum collections and archives continue to be socially, culturally, and intellectually important.

One way in which museum collections are important is because they have the potential to serve as witnesses to history. They can evince events and processes that people often overlook. For instance, depictions of European traders on 16th century carved ivories from what is today Sierra Leone suggest that artworks were being made for export to Europe soon after the first Europeans sailed to West Africa. The ivories help make sense of and contextualize the historical relationships between people in Africa and in Europe. They are one example of the capacity of museum collections to help make sense of global histories.

Different collections and archives can also jointly provide a record of processes that otherwise have gone unrecorded. Thus, the digital unification of the collections from the kingdom of Benin held in more than 130 museums illuminates how heritage objects were dispersed after the kingdom was invaded by Great Britain in 1897. Digital unification also shows the diversity of the heritage objects, beyond well-known bronzes and ivories, that were part of the material culture and art of the kingdom of Benin.

Museum collections also often contain heritage objects that were once commonplace, but are today no longer easy to find. Examples are heritage objects created for domestic work or used primarily by minority groups. In debates about restitution, repatriation, and inequalities of power, such heritage objects can become important testimonials to voices less often heard. They can be evidence of survival and resilience. Their capacity to memorialize, however, is not solely an argument for retaining heritage objects in museums. It is also an element of arguments that some of them should be returned.

Museum collections can also serve as “ambassadors” that facilitate cultural and intellectual exchange and that can allow new relationships and understandings to develop.

Thus, heritage objects from continents other than Europe can help people in Austria learn about the histories, culture, beliefs, environments, ecologies, and understandings of the places where the heritage objects come from. This can foster a greater awareness and understanding of the diversity of humankind and its relations to the planet we share. This does not mean, however, that museums alone must determine how such heritage objects are understood and interpreted. It includes the possibility that heritage objects, deeply linked to communities and the places from which they were acquired, can be loaned, seen, and used. It also includes the possibility of collaboration, co-curation, and co-authorship in the display, documentation, and interpretation of collections so that these include multiple voices and perspectives.

Museum collections can also be important as repositories or keeping places for different communities. This model of museums can be found increasingly in settler-colonial states, such as Canada, Australia, Aotearoa/New Zealand and the United States. In this model, museums are custodians of heritage objects, but access to, use of, and care for them are negotiated according to the cultural restrictions in the communities from which they come. Thus, for instance, in the United States under the Native American Graves Protection and Repatriation Act (NAGPRA), the ownership of some heritage objects in museums were transferred to Native America groups that determined that the heritage objects should remain housed in the museums that previously claimed ownership of them, but under different terms.

Museum collections are parts of global networks in which individual heritage objects and aggregates of them across institutions allow for deeper and greater understandings of phenomena, such as the spread of ideas, diseases and genomes, the resiliency of ecosystems, as well as climate change and global warming. As such, heritage objects in museums individually and together can make new insights possible that are unrelated to the purposes for which they were acquired.

These models highlight the potential of museums and their collections. This potential does not mean, however, that museums act alone in owning or exercising control over the heritage objects they house. Museums may be resting places for things that societies and cultures deem important to preserve. But retaining heritage objects can and should include the capacity to transfer them in the future.

The Advisory Committee takes the position that the Federal Government commit itself to the principle of returning heritage objects acquired against the will of their previous owners, with the knowledge that that museums have an important role in society. We believe there is a balance to be struck between arguing for the value of museums and understanding that this value is ambivalent. Museums and their collections should be seen as aspects of culture, knowledge, and understanding that can be interpreted in different ways and whose meaning and importance will change over time.

V. Recommendations

Returning heritage objects to their countries of origin is one way to address historical injustices. It can also address the contemporary effects of those injustices. It can help improve relationships in the countries of origin, in Austria, and internationally that have been affected detrimentally by retaining certain heritage objects in Austria's museums and other federal collections. The following specific recommendations are intended to effect these intentions.

A. Heritage Objects Eligible for Return

The Advisory Committee recommends that the Federal Government commit itself to the principle of returning heritage objects in order to address historical injustice. The Advisory Committee recommends that heritage objects should be eligible for return if their owners, considering all the circumstances, did not wish to part with them at the time they were collected. This encompasses, for instance, heritage objects acquired or collected under conditions of violence, looting, theft, coercion, or by deceptive means. The committee also takes the position that this is consistent with the belief that interests of the parties in retaining or returning heritage objects should be evaluated in considering a request for return.

The approach recommended by the Advisory Committee focuses on the intentions of the prior owners and asks whether, from their perspective, they wished the heritage objects in question to leave their ownership or control. Ascertaining the intentions of the prior owners will best be answered on a case-by-case basis using a variety of evidence, such as archival materials, published literature, and potentially oral history. A key consideration may be understanding the community role of the heritage objects and the possibility that they were acquired with the consent of their owners. In circumstances where it is not possible to be reasonably conclusive, alternative forms of cooperation other than return should be considered.

The question of whether a heritage object was acquired in a colonial context must be answered on a case-by-case basis. Our understanding of colonial history, especially with respect to Austria, is developing rapidly. The Advisory Committee recommends that the notion of a colonial context be interpreted broadly to include circumstances of coercion and asymmetries of power beyond formal, direct colonial rule. Although

colonial contexts are characterized by injustice, exploitation or inequality of power, not all unjust, exploitative or unfair circumstances are colonial contexts. The Advisory Committee considers that it is important in each case to address whether and why a colonial context is (or is not) present.

Recommendation 1: The Advisory Committee recommends that heritage objects in the collections of the Federation be eligible to be returned if the following criteria apply:

- a. The heritage object was collected without the meaningful consent of the prior owners or possessors; and
- b. the colonial context is clearly demonstrated; and
- c. a state that encompasses the area where the heritage object was collected or acquired requests permanent return of the object.

Return in the context of these recommendations means transferring ownership of the heritage objects from the Republic of Austria to another state. It does not necessarily mean physically transferring them to a specific place. The determination of where heritage objects should be located physically is a decision to be made by the new owner.

The physical transfer of heritage objects internationally entails financial costs. These can be substantial. In the interests of addressing historical injustice and reconciliation, the Advisory Committee takes the position that the Federal Government generally should be willing to pay for the physical transfer of the heritage objects to the territory of the state to which they are returned.

Recommendation 2: The Advisory Committee recommends that the Federal Government be willing to pay for physically transferring returned heritage objects to the territory of the requesting state.

The Advisory Committee understands that non-state entities, local governments, or other organizations often advocate for the return of heritage objects and can have a strong interest in heritage objects in Austria's museums. The Advisory Committee also recognizes that states often encompass heterogeneous groups of people and that states at times have imperfectly represented the interests of the people in them. However, the Advisory Committee believes the principle of returning heritage objects on a bilateral basis between states is important and aligns with the policies and practices of other European countries. The Advisory Committee therefore takes the position that only a request from a state may start the formal process of considering a return, and returns should be made only on a state-to-state basis.

Recommendation 3: The Advisory Committee recommends that

- a. only a formal request by a state may initiate the process of evaluating whether heritage objects are eligible for return;
- b. returns may only be made to a requesting state; and
- c. the Federal Government may ask a state to further specify or clarify its position, if its request is not clear in any respect.

In some instances, it may be unclear which state encompasses the territory where heritage objects were collected or acquired, or more than one state may request return of them. In such instances, there is a danger that heritage objects could be returned to a state that does not encompass the territory where the objects were collected or that the return of objects could initiate further international disputes. The Advisory Committee takes the position that it should not be the obligation of Austria to choose among different parties, but that the competing parties themselves must resolve to whom the objects should be returned before the Federal Government will act on a request for return.

Recommendation 4: The Advisory Committee recommends if it is unclear which state encompasses the territory where the objects were collected or there are multiple states requesting return, that the Republic advise the states that it will not act on the request for return until it is clear which state is the proper party or there is agreement between the competing states.

B. Heritage Objects Not Eligible for Return

Research may establish that some heritage objects requested are not eligible for return. Absent a decision to transfer ownership, the Advisory Committee takes the position that Austria's federal museums and the custodians of other collections of the Federation should be able to seek and implement flexible solutions, other than permanent return, for heritage objects that do not qualify for return. Ordinarily such solutions lie within the competence and authority of the museums and custodians of other federal collections to effect.

Under Austrian law, the museums usually hold the heritage objects they house as custodians for the Republic. Thus, the decision on a flexible solution may not only depend on the museum itself, but also on other federal authorities, such as the responsible ministry.

Apart from ownership, other limitations on the transfer of objects can be applicable, such as the *Denkmalschutzgesetz* which sets limits the temporary and permanent transfer of objects to the territory of other states. Other relevant limitations are set by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), also

known as the Washington Convention. In both cases, the decision to transfer requires the approval of the respective competent authority. The Advisory Committee therefore takes the position that the legal provisions and policies applied by these authorities be adapted in order to facilitate the implementation of flexible solutions for objects not eligible for permanent return.

Recommendation 5: The Advisory Committee recommends that Austria's federal museums and custodians of other federal collections, with the consent of the relevant ministry, be empowered to seek solutions, including but not limited to long-term loans, collection sharing, joint research, cultural and scholarly exchange, for heritage objects that do not qualify for return.

Recommendation 6: The Advisory Committee further recommends that the relevant federal authorities be empowered to take a flexible approach with respect to heritage objects that are not eligible for permanent return concerning, for instance, the length of time they can be loaned, the renewal of loans, and the conditions of conservation under which they may be kept outside the Republic.

C. Procedure for Evaluating Requests for Return and Acting Upon Them

The Advisory Committee has considered how to approach evaluating requests for returns. Such evaluation requires developing an evidentiary basis for reaching a decision. It also requires testing the findings to ensure and assure that research was conducted with integrity and accuracy. The Advisory Committee takes the position that the quality and argument put forward by provenance research should be evaluated by a separate Scientific Evaluation Board, which itself is responsible for making a recommendation to the responsible minister about whether to return the requested heritage objects.

Recommendation 7: The Advisory Committee recommends that requests for return be treated in four separate stages, as follows:

- a. Provenance research be conducted to develop the scientific and factual basis for determining whether the criteria for return are met;
- b. The results of the provenance research be evaluated by a Scientific Evaluation Board, consisting of a small, diverse panel of experts appointed for a fixed term and that these experts be able to develop further evidence;
- c. The Scientific Evaluation Board, based on its evaluation, recommend to the responsible minister whether the heritage objects requested are eligible for return and whether to return them;
- d. The responsible minister decides whether to follow the recommendation.

D. Provenance Research

The Advisory Committee expects that provenance research – that is, research into how and under what circumstances heritage objects were transferred between previous owners and possessors and came to be in Austria's federal collections – will provide the main body of evidence and argument for the determination of whether heritage objects are eligible for return or not.

Provenance research into heritage objects from colonial contexts often requires drawing on a wide range of written (and where relevant) oral sources. These sources must be interpreted carefully and critically. Often colonial-era records contain biases, gaps, and reflect the understandings and perspectives of colonizers far better than of people who were colonized.

The Advisory Committee takes the position that provenance should play a central role in two ways in deciding whether to return heritage objects. First, as proactive provenance research: the Federal Government is already providing support for proactive provenance research into heritage objects acquired in colonial contexts in federal museums. This support funds specific research within museums by permanent staff and project-based personnel. Research results are reported to the funding ministry and published. Proactive provenance research provides a basis for understanding the problems and strengths of the Federation's collections and their histories. It can provide a basis for quickly assessing whether heritage objects may have been acquired against the wishes of their previous owners or pose other ethical or scientific problems.

The second way that the Advisory Committee recommends that provenance research play a role is as reactive research after a request has been made. When a request for return is made, provenance research must examine the circumstances under which heritage objects were collected or acquired.

It is possible that provenance research using sources readily available in Austria can establish easily and clearly whether objects were collected without the meaningful consent of the previous owners. Such sources, as noted above, often reflect the views of the colonizers rather than the previous owners of the heritage objects. If they clearly establish a lack of consent, there will ordinarily be no need for further provenance research.

If, however, the sources readily available to researchers in Austria do not clearly establish a lack of meaningful consent, additional research will be necessary.

Recommendation 8: The Advisory Committee recommends that the Federal Government continue to support proactive provenance research independently of whether a request for return concerning heritage objects within the scope of each project has been made.

Recommendation 9: The Advisory Committee further recommends that reactive provenance research first seek clear evidence from sources readily available to researchers in Austria that the meaningful consent of previous owners was not present in acquiring the heritage objects.

Recommendation 10: The Advisory Committee recommends that further reactive provenance research be conducted using additional sources if Austrian sources do not provide clear evidence of lack of meaningful consent.

Proactive provenance research should continue to be carried out by staff of the relevant museum or custodian of another federal collection together with project-based staff. Initial reactive provenance research should be carried out the same way. The scientific staff of the museum or other federal collection in question is likely to possess relevant information with respect to the heritage objects and especially with respect to information and sources available in Austria. Experience has shown that the museum and collection records and archives are most frequently key sources. The staff will have an overview of the heritage objects and the sources concerning their collection and/or entry into the collections housed at the museum.

The Advisory Committee argues strongly that further reactive provenance research exploring more complex cases is best undertaken in collaboration with international experts. Experience shows that a variety of disciplinary and cultural methodologies yield the most rigorous results. Research can productively draw on disciplines such as archaeology, cultural anthropology, colonial, global, and local history, as well as the natural sciences, such as biology. In this way a one-sided process (for instance, if carried out solely by experts from Austria) can be avoided.

Recommendation 11: The Advisory Committee recommends that reactive provenance research be first undertaken by the scientific staff of the federal museum or collection where the heritage objects are held.

Recommendation 12: The Advisory Committee recommends that when Austrian sources do not clearly establish that meaningful consent was lacking, further provenance research be undertaken collaboratively with international cultural experts and/or scholars, especially from the country of origin of the heritage objects with sensitivity to the cultural and historical matters at issue.

E. Scientific Evaluation Board

A Scientific Evaluation Board, separate from the provenance researchers, museums, and other federal collections is intended to play a key role in the process of returning objects. A Scientific Evaluation Board should be able to assure the integrity of the provenance research undertaken in each case, namely that museums and the researchers working in them and with them have held to standards of impartiality and professionalism. The Advisory Committee therefore takes the position that a Scientific Evaluation Board should be established to assess the results of the provenance research undertaken in each case. It also may be important for the Scientific Evaluation Board to develop information of the interests of the different parties involved.

The Scientific Evaluation Board should consist of a small, diverse group of experts with substantial experience in issues relating to colonial history, especially Austrian colonial history, law, provenance research, and the effects of colonialism on colonized peoples. The members should be appointed for a period of 3–5 years, to assure consistency of decision-making based on experience and expertise with issues of return. With respect to its operations, it is important that the Scientific Evaluation Board be large enough to encompass adequate expertise and experience, but small enough to take effective decisions.

No small body can be expert in the wide range of historical questions that requests for return from states around the globe are likely to raise. The Advisory Committee considers it essential that the Scientific Evaluation Board be able to draw on additional expertise as necessary and consult with experts whose experience and understanding may deepen the Scientific Evaluation Board's understanding of particular issues, as each case may warrant.

Where relevant, the Scientific Evaluation Board should also develop information about the interests of the different parties in the retention or return of the heritage objects in question. The Advisory Committee expects that this will include such aspects as the cultural significance of the heritage objects to the country of origin; the interests of communities in the countries of origin; the interests of communities in Austria, and where relevant, in third countries; the significance of the heritage objects for the collections of the Republic; and where appropriate public and scientific accessibility to the heritage objects.

Based on its assessment of the provenance research and its information about the interests involved, the Scientific Evaluation Board will make a recommendation to the responsible minister as to whether the objects requested fulfill the requirements for eligibility for return, how to assess the different interests involved, and whether to return them.

The Scientific Evaluation Board must also have the funds and administrative support to carry out its functions.

Recommendation 13: The Advisory Committee recommends the creation, appointment, and funding of a Scientific Evaluation Board to review the results of provenance research, develop information about the interests of the various parties in the retention or return of the heritage objects in each case, and make recommendations to the responsible minister in each case concerning the return of the requested heritage objects.

Recommendation 14: The Advisory Committee further recommends that the Scientific Evaluation Board be intellectually and culturally diverse, with expertise relating to colonial history, provenance research, law, museology, and related areas; be appointed for a term of years; be empowered to consider the views of additional experts, including experts from Austria's diasporic communities and other countries, as needed; and be empowered to request further provenance research or the clarification of questions that it may have.

F. Ministerial Action

Generally, the heritage objects in federal museums and in other federal collections belong to the Federation under Austrian law. Therefore, the decision to return such heritage objects is one that can and should only be taken by the minister responsible for the collections.

Recommendation 15: The Advisory Committee recommends that the relevant minister be empowered to act on the recommendations of the Scientific Advisory Board and to decide whether to return heritage objects.

G. New Acquisitions

Austria's federal museums and collections continue to acquire heritage objects. The Advisory Board takes the position that going forward, Austria's federal museums and collections should operate consistently as regards heritage objects from colonial contexts by not accessioning or acquiring heritage objects that would be eligible for return under these recommendations.

Recommendation 16: Federal museums and the Federation's collections going forward should not acquire objects if there is reason to believe they would be eligible for return according to the criteria set out in these recommendations.

H. Resources for Federal Museums and Other Collections of the Federation and for Provenance Research

These recommendations propose that the scientific staff of Austria's federal museums and collections play a significant role in the process of determining whether heritage objects acquired in colonial contexts are eligible to be returned. Playing this role effectively may exceed the current capacities of the staff of museums and collections. Federal museums and collections need additional resources and additional staff to improve access to their archives, present research materials for provenance research online, and where necessary cataloging and digitizing museum collections. Where further reactive provenance research is required, museums and federal collections will need funds and scientific staff to support collaborative research with international experts and scholars.

Many federal museums and collections have substantial internal documentation of their collections (inventories, archival materials, etc.). These materials will be important for conducting the provenance research on which recommendations to return will be based. It is therefore important that these materials be made accessible for research according to the standards normally applied to federal archival materials in Austria.

Moreover, the Federation's collections themselves must be digitally cataloged to a sufficient degree to provide information about them to states and interested parties seeking information about heritage objects that they wish to have returned. This will require digitization of museum collections and improvement of digital access to information about them.

Experience shows that collaborating effectively with international scholars, experts, and knowledge-keepers often requires their travel to Austria. This can be difficult given the barriers to and uncertainty in obtaining visas to visit Austria. By contributing to provenance research to determine whether heritage objects are eligible to be returned, international scholars, experts, and knowledge-keepers are assisting the Federal Government. The Advisory Committee therefore strongly recommends that funding be available to support their research and that the Federal Government take active steps to assist them in obtaining the necessary visas and travel permissions to enter Austria.

Recommendation 17: The Advisory Committee recommends that

- a. the Federal Government establish funds to ensure that, where called for, additional scientific staff can be hired on a case-by-case basis; and
- b. where not already available, resources and personnel be made available to make archival materials in federal museums and other federal collections easily accessible for research as well as to catalog and digitize federal collections; and

- c. that archives in museums and other federal collections be made available online, where such access is consistent with Austrian and EU law.

Recommendation 18: The Advisory Committee further recommends that

- a. funding be made available for supporting Provenance research by international scholars, experts, and knowledge-keepers, including from the places where heritage objects requested to be returned were acquired; and
- b. the Federal Government take practical steps to ensure that these scholars, experts, and knowledge-keepers are supported in obtaining the requisite visas and permissions to come to Austria to conduct provenance research.

I. Addressing the Legacy of Colonialism

The acquisition of heritage objects from colonial contexts did not occur in a vacuum. It occurred, as described above, primarily as a small but meaningful part of the Habsburg monarchy's participation in the pan-European project of colonizing other parts of the world. This process is one from which Austria benefited materially and scientifically. It left a legacy in which colonial propaganda was commonplace, and colonialist and racist ideas and attitudes significantly influenced public opinion about other parts of the world. This legacy still echoes to the present day.

A strong consensus among Europe's states has emerged that European overseas colonialism resulted in significant injustice.

The Advisory Committee believes that the return of heritage objects from museums, where warranted, is a partial but not sufficient way of remediating the legacy of colonialism. A broader approach is called for. The Advisory Committee therefore recommends taking concrete steps to increase cultural and scholarly exchanges with people from formerly colonized nations and to educate about colonialism and its legacies in school curricula and in universities.

The Advisory Committee also takes the position that addressing the legacy of colonialism outside museums and promoting reconciliation requires support from Austria's civil society. The Advisory Committee recognizes that positive work to address the legacy of colonization has already begun by Austrian civil society initiatives. The effects of such initiatives are being felt both in Austria and in other countries in formerly colonized regions. The Advisory Committee recommends that financial and non-financial support be provided to civil society initiatives in Austria to address the legacy of colonialism.

Recommendation 19: The Advisory Committee recommends that the Federal Government commit itself to increasing cultural and scholarly exchange between people in Austria and people in countries that were formerly colonized by

- a. increasing the Federal Government's commitment to existing Austrian cultural programs that support cultural exchange with formerly colonized regions;
- b. creating or increasing exchange programs for universities and post-graduate study to enable Austrians to learn and study in formerly colonized areas around the globe and to enable people from those regions to attend school, university, and undertake post-graduate research in Austria;
- c. supporting research into the participation of the Habsburg Monarchy in pan-European colonialism;
- d. supporting joint collaborative research initiatives (regardless of the subject area) between scholars from Austria and scholars from areas that were formerly colonized.

Recommendation 20: The Advisory Committee recommends that the Federal Government establish funds to support civil society initiatives for promoting awareness of the legacy of colonialism, and to create channels for non-financial support for these initiatives.

