



## Debate

# Restitution and repatriation as an opportunity, not a loss: some reflections on recent Southeast Asian cases

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Calls for the restitution and repatriation of cultural objects continue to escalate. High-profile cases such as the Parthenon Frieze and the Benin Bronzes dominate international news cycles and provoke fierce debate; however, less attention has been paid to items that are quietly returned and to the potential positive outcomes for the institutions on both sides. This article discusses three Southeast Asian case studies to address this lacuna and urges institutions to become more proactive in their engagement with restitution and repatriation claims.

Keywords: Thailand, Cambodia, Indonesia, museums, digital returns

## Introduction

Over the past decade, claims for the return of numerous cultural objects to countries in Southeast Asia have been made—some successful, some not—and more are ongoing (Tythacott & Ardiyansyah 2021). This article discusses three recent examples of the restitution (the return of cultural objects to an individual or a community) and/or repatriation (returns to a nation or state) of objects to Southeast Asia and explores both the challenges and the opportunities that can arise from such an undertaking. It highlights the many benefits, both for institutions in the ‘West’ and for those in the source countries. Much resistance to the return of objects revolves around concern for what happens after they go back. Will they be properly cared for? Will they be displayed in an appropriate manner? Will the curatorial narrative move beyond narrow nationalistic discourses (Cuno 2008: xxxi–xxxvii)? But these objections are often discussed in rather abstract terms. Examining the Southeast Asian examples, we find precedents for the proactive engagement of museums and libraries with the issues of restitution and repatriation and we see the positive outcomes that can result on all sides.

Debates and developments regarding restitution and repatriation are fast moving, yet the responses of museums, libraries and governments are uneven and vary worldwide. France (Sarr & Savoy 2018), Germany (Oltermann 2022) and the Netherlands (Hickley 2023) have all made significant commitments and returns in recent years. Meanwhile, in 2008 in the USA, the Association of Art Museum Directors (2008) and the American Association of Museums announced that it would finally start to adhere to the UNESCO 1970

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Convention on the prohibition of trafficking of cultural property in regard to new acquisitions of archaeological materials and ancient art.

The situation in Britain is more mixed, however. While institutions such as the Horniman Museum & Gardens (2022), in south London, can use the *Charities Act* of 2022 to facilitate returns (Museums + Heritage 2022), national institutions such as the British Museum and the V&A fall under the 1963 *British Museum Act* and the *National Heritage Act* of 1983 respectively, which do not allow for deaccessioning. Until such legislation is amended or repealed, national institutions in Britain will continue to have their hands tied in terms of restitution and repatriation. With this varied political landscape in mind, let us now turn our attention to the three Southeast Asian case studies.

## **Cambodia and Cleveland: repatriation and collaboration**

On 11 May 2015 the Cleveland Museum of Art (CMA) announced the voluntary return of a tenth-century Hanuman statue to Cambodia (Cleveland Museum of Art 2015). This followed a slew of similar returns from several other prestigious US institutions, including Sotheby's and the Metropolitan Museum of Art in New York, The Norton Simon Museum in Pasadena and Denver Art Museum. During the past decade or so, conclusive evidence has emerged for the looting of these objects throughout the 1960s–1990s, and for their subsequent sale through auction houses and private dealers, often with fake provenances (Socheat *et al.* 2021) (Figures 1 & 2). Many of these objects are connected to the late Douglas Latchford, one of the most notorious smugglers in Southeast Asian antiquities of the past six decades (Politzer *et al.* 2021). In recent years, scholars such as Tess Davis and Simon Mackenzie (Davis & Mackenzie 2014; Mackenzie & Davis 2014) have focused on unravelling these networks in the hope of preventing further illicit trafficking, and their work provides important background information for the case studies discussed here.

The CMA press release also notes that it had entered into a Memorandum of Understanding with the Kingdom of Cambodia. This entailed cultural co-operation with the National Museum of Cambodia (NMC). The Cambodian Minister of Culture and Fine Arts was quoted as saying that the Memorandum of Understanding “is our first with an American museum providing for reciprocal collaboration and technical assistance. We look forward to many years of working with our friends in Cleveland and to increasing knowledge outside Cambodia about the wonders of our culture” (Cleveland Museum of Art 2015).

By jumping before they were pushed and voluntarily returning the sculpture, the CMA was able to build goodwill with its Cambodian colleagues. It should, however, be noted that the CMA retains within its collections three objects linked directly to Douglas Latchford and two more linked to his associates (Politzer *et al.* 2021). Nevertheless, since the return of the Hanuman statue, which was subsequently put on display at the NMC, the CMA has held two major exhibitions on Cambodia. The first, *Beyond Angkor: Cambodian Sculpture from Banteay Chhmar* (October 2017 to March 2018), saw the museum exhibit “exceptional works of art” loaned from Cambodia (Rhie Mace 2017). This was followed by a far more ambitious project, *Revealing Krishna: Journey to Cambodia's Sacred Mountain* (November 2021 to January 2022), which focused on a Cambodian Krishna image in the CMA's collection. The exhibit used immersive digital technology and, according to the museum's



*Figure 1. Sculptures returned from the USA now on display at the National Museum of Cambodia, Phnom Penh (photograph by author).*



Figure 2. The Hanuman sculpture returned from the Cleveland Museum of Art now on display at the National Museum of Cambodia, Phnom Penh (photograph by author).

webpage, “[t]he global story of the sculpture unfolds in a mixed-reality tour spanning 15 centuries and three continents” (Cleveland Museum of Art n.d.). Loans from Cambodia and other international museums supplemented the display.

Given the disparity both financially and in terms of expertise and human resources between the CMA and the NMC, one could question the power dynamics at play here. Were decisions made on an equal footing between the two museums and whose voices held the most authority? While the answers are difficult to definitively ascertain, NMC conservators Bertrand Porte and Socheat Chea both speak positively of the collaborations with the CMA, stating that the US museum had clearly made the most of the opportunity provided by the Memorandum of Understanding and the subsequent exhibitions (Porte & Socheat *pers. comm.*). In fact, the increased co-operation led to the reso-

lution of a century-old puzzle regarding the complicated history of two fragmentary Krishna statues, one held at the CMA and the other at the NMC (Porte & Socheat 2021). Both museums were in possession of fragments from both sculptures but by themselves could not figure out which pieces belonged to which. By working together they were able to compare, and then swap the pieces that needed swapping, allowing them to restore their respective statues more fully than ever before.

This demonstrates that there is much potential for genuine collaboration and advancement of art historical and archaeological scholarship if western museums work with, not against, source nations and their relevant institutions. The Cambodia-Cleveland example acts to counter zero-sum arguments often put forward regarding returns of cultural objects; western museums should not work themselves into an existential crisis over empty-gallery syndrome. By being proactive and entering into genuine collaborations, they could instead find new and far more meaningful ways to exhibit and interact with the cultures they profess to admire and respect.

## Thailand and San Francisco: what happens after repatriation?

Another oft-cited argument against repatriation revolves around what happens after the objects are returned. Once the politicians have capitalised on their carefully choreographed photoshoots and the media spotlight has been switched off, what happened next?

On 10 February 2021, the Asian Art Museum San Francisco (AAMSF) announced that it would be returning two sandstone lintels to Thailand (Asian Art Museum San Francisco 2021). This followed the presentation of evidence by the Thai government, academics and local activists that the objects had been looted in the late 1960s from two temples: Prasat Nong Hong in Buriram province and Prasat Khao Lon in Sa Kaeo province.

The objects arrived back in Thailand on 28 May 2021. They were then displayed at the National Museum Bangkok (NMB) from June to September 2021 (Figure 3). The curator, Disapong Netlomwong, used this temporary exhibition to provide a clear and detailed explanation of how the objects came to be returned (Netlomwong 2022, *pers. comm.*). He wanted to convey to both domestic and international audiences how difficult, laborious and time-consuming repatriation could be even when clear evidence is presented. The overall message of the exhibition was essentially that prevention is better than cure. Instead of a generic exhibition about the historical, archaeological and art historic significance of the lintels, he thus used their return as an effective educational tool.

Following the exhibition in Bangkok, the lintels were returned to their respective provinces. However, as neither temple has a site museum and as conservators were reluctant to allow the lintels to be placed back *in situ* due to preservation and security concerns, the decision was made to display them in museums in close proximity to the temples. The Prasat Nong Hong lintel was relocated to Phanom Rung Historical Park (approximately 30km away as the crow flies) while the Prasat Khao Lon lintel was sent to Sdok Kok Thom Historical Park

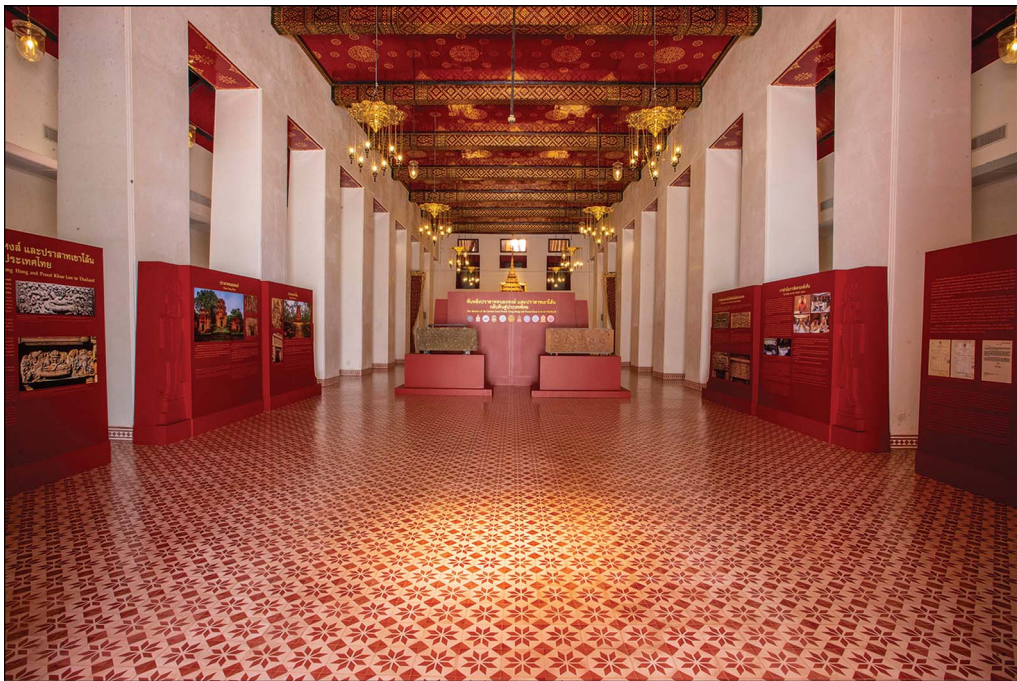


Figure 3. Exhibition of the lintels at the National Museum Bangkok (photograph courtesy of Disapong Netlomwong).

(approximately 24 kilometres away as the crow flies) (Figure 4). Both are government funded, well-protected and well-maintained historical parks run by the Thai Fine Arts Department (FAD). Each display contained much of the same information as the Bangkok exhibition. In November 2022, a replica of the Prasat Khao Lon lintel was created using 3D scanning and placed *in situ* on the monument.

Since the return of the lintels, a degree of tension has arisen between local communities in the areas around the temples and the FAD. Tanongsak Hanwong, an independent archaeologist based in north-east Thailand, has been working on repatriation cases since 2014 (Phanomvan 2021: 240–1) and was directly involved in the return of the two lintels. He notes that at Nong Hong the mayor, Mr Tessamontri, and the local community wanted the lintel to be returned to the temple itself or at the very least for a replica to be made, as was the case at Prasat Khao Lon (Hanwong *pers. comm.*). They have been actively fundraising for the construction of a local museum to house the original lintel. The FAD, however, is hesitant to allow this, citing concerns as to whether the local municipality of Nong Hong has the financial capability and requisite expertise to maintain such a museum (Netlomwong *pers. comm.*).

This case study clearly highlights the positive outcomes of repatriation as well as some of the tensions that can arise between central government bodies and local communities. Netlomwong, the curator from the NMB, used the return of the lintels as an opportunity to educate the public on repatriation matters. Both lintels have been returned to locations



Figure 4. The Prasat Khao Lon lintel on display at Sdok Kok Thom museum, Thailand (photograph by author).

close to their temples and a replica has been installed at Prasat Khao Lon. While the local communities now have relatively easy access to these objects, some issues remain. Perhaps this case could provide an opportunity for the FAD to reflect on how they can engage with communities and local officials in a more open and equitable fashion in the future.

## **Indonesia and the British Library: digital returns and rethinking ownership**

In recent years, the concept of digital restitution/repatriation has become more prevalent. Simply put, this involves the digitisation of an object and its subsequent return in a digital format to the source community/owner (restitution) or nation state (repatriation). This might include the collection of digital images (for manuscripts, artworks, photographs, etc.), sound recordings and three-dimensional laser scans of objects.

On 1 April 2019, the British Library announced that it had digitised 75 Javanese manuscripts in its collection (Gallop 2019). Consisting of over 30 000 images, they are now fully accessible through its digital manuscripts website (Gallop 2019). These manuscripts were looted in June 1812 from the Yogyakarta Kraton (palace), Java, present-day Indonesia (Figure 5). The attack was led by Thomas Stamford Raffles, Lieutenant-Governor of Java from 1811 to 1816 (Carey 2021: 56–57). The manuscripts came to the British Library from the collections of John Crawfurd and Colin Mackenzie (Carey 1980; Gallop 2019).

The looting of these documents had serious implications for the Yogyakarta Kraton. After the British attack, only three manuscripts remained (Gallop 2019). On a practical level the Kraton lost its court archives; some of the manuscripts contained intricate genealogies essential for establishing lineage and succession rights, others were important accounts of Javanese history. On a deeper level, the looting of the royal library was a calculated act of humiliation designed to undermine the royal authority of the Sultan. It also severed the transmission of knowledge from one generation to another, a fact highlighted by Princess Hayu at the International Symposium on Javanese Culture and Manuscripts, held in Yogyakarta in 2019 (Gallop 2019).

The digitisation project was prompted by a 2014 visit of a delegation from the Libraries and Archives Board of the Special District of Yogyakarta (Gallop 2020: 42–3). Shortly afterwards, and with assistance from the British Ambassador to Indonesia, the British Library secured a £100 000 donation from Indonesian businessman Mr S.P. Lohia to carry out the project. Permission was duly sought from the current Sultan, Sri Sultan Hamengku Buwono X, who arrived at the British Library on 20 March 2018 to inaugurate and launch the Javanese Manuscripts from Yogyakarta Digitisation Project (Gallop 2020: 44).

Upon completion of the project, a formal ceremony took place at the Yogyakarta Kraton on 7 March 2019. This coincided with the 30th anniversary of Sultan Hamengku Buwono X's accession to the throne. In an act of digital restitution, he was given a complete set of digital images of the 75 manuscripts by the British Ambassador to Indonesia. Sets were also given to the heads of the National Library of Indonesia and the Libraries and Archives Service of Yogyakarta. Today, the digitised manuscripts are freely accessible through the websites of both the British Library and the National Library of Indonesia.



Figure 5. The Yogyakarta Kraton (photograph by author).

The British Library and Lohia should be commended for digitising the manuscripts, making this material accessible and digitally returning copies. The question does, however, remain as to why they feel the need to hold on to the original physical copies of the manuscripts. Surely, they have gotten this restitution the wrong way around. If the manuscripts are now completely accessible online, and any interested person can access them with ease, what use are the physical copies to the library? Would it not be far more appropriate to return the manuscripts to the Yogyakarta Kraton, an act that would restore their archive?

Unfortunately, the British Library is prevented from deaccessioning objects under the *British Library Act* of 1972. Digitisation of the Javanese manuscripts highlights the problematic nature of this piece of legislation and the need for it to be repealed. Doing so would pave the way for the physical restitution of the manuscripts. This would be a far more meaningful act that would begin to address past wrongs wrought by British colonialism. The Yogyakarta Kraton is pushing for the physical return of the manuscripts; considered *pusaka* (royal regalia/heirlooms), they hold significant spiritual as well as historical significance for the Kraton and Indonesia in general. Ardiyansyah (2021) notes that their return could mean more restricted viewing access but that this would be in line with traditional forms of regulating access. Restitution, I argue, should also allow for a return to original customs and practices where feasible. And of course, the manuscripts are now available digitally, which alleviates most of the concerns around access.

Returning the manuscripts to the Yogyakarta Kraton also raises issues around preservation. The British Library's facilities allow its collections to be kept in (supposedly) secure, accessible,



climate-controlled environments. It, like many institutions worldwide, plays an important role in preserving culture and knowledge. However, a crippling cyber-attack in October 2023 knocked out most, if not all, of its key functions and services, many of which are still unavailable nearly one year on (Keating 2024). This, plus the revelations in August 2023 of the theft of more than 2000 objects by a staff member from the British Museum (Batty & Brown 2023), significantly undermines the argument put forward by many who oppose restitution that cultural heritage is significantly securer in Western institutions.

Arguments regarding Indonesia's ability to cope with returns have also been raised by some observers within the country who highlight issues regarding security and preservation (Nugroho 2023). However, as noted by Gallop (2019), the Yogyakarta Kraton's scriptorium is still operational to this day and the sultan has commissioned it to make copies of all 75 manuscripts from the digital files, using traditional means as opposed to simply printing them out. Conservation concerns for the manuscripts are thus unfounded as restitution would allow for the resumption of traditional methods of preservation based on local forms of knowledge. Possessing the original manuscripts would allow the scriptorium to thrive once again and produce new copies of these age-old manuscripts, ensuring the preservation of not just the manuscripts, but the skills inherent in the entire process of their production.

As this case study illustrates, digital restitution has the potential to alleviate past wrongs, address issues of access to looted material and stimulate and preserve local forms of knowledge. By digitising the collection of manuscripts from the Yogyakarta Kraton, the British Library has made them accessible to all and in a broad sense facilitated the restoration of the Kraton's library. Yet, as a national institution, it is prohibited by law from taking the necessary final step, the handing back of the 75 manuscripts to the palace and the restoration of these important heirlooms to their rightful owners.

## **Concluding thoughts**

What can we learn from these three Southeast Asian examples and what light can they shed on key issues and debates regarding restitution and repatriation more widely? Restitution and repatriation should be seen as an opportunity rather than a loss. The examples from Thailand and Cambodia illustrate the positive outcomes that can occur when returns take place. Returning the manuscripts from the British Library to the Yogyakarta Kraton would not only restore their *pustaka* and right a historical wrong but would also enable the scriptorium to flourish again. Yet even if the British Library wished to do so, it is prevented by the *National Heritage Act* of 1983. Laws should function in the service of society, not the other way around. Is it not high time that the *British Museum Act* 1963, *British Library Act* of 1972 and *National Heritage Act* of 1983 are repealed so that deaccessioning and returns can take place? Then British national institutions could finally make positive contributions to restitution and repatriation debates surrounding much of the cultural heritage currently in their care.

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