

Ipswich Borough Council

Collections Restitution Policy

June 2021

1. Aims and Scope of this Document

- 1.1 This document describes the procedures for claims for the return of cultural objects, including human remains, where legal title is vested in Ipswich Borough Council.
- 1.2 Ipswich Borough Council is mindful of existing UK museum sector guidance on the return of cultural objects, namely:
 - Museums Association Code of Ethics, Additional Guidance (2015):
, both within the UK and from abroad. Take into account: the law; current thinking on the subject; the interests of actual and cultural descendants; the strength of claimants' relationship to the items; their scientific, educational, cultural and historical importance; and the consequences of retention and repatriation for a range of stakeholders.
 - Museum Accreditation Scheme Guidance issued by Arts Council England in March 2019
 - Collections Trust template and checklist for recording and researching restitution and repatriation claims (2015)
 - 'Restitution and Repatriation: Guidelines for Good Practice' published by the Museums & Galleries Commission (2000)
 - Museum Ethnographers Group Repatriation Resource published in 2020.
- 1.3 The Council will consider claims for the return of objects on a case-by-case basis, taking into account any relevant information including:
 - a. The legal basis upon which the Council is in possession of the object and the powers it has available to return the object in question;
 - b. Criteria of eligibility pertaining to the circumstances of acquisition (section 2.1a);
 - c. Criteria of eligibility pertaining to the circumstances of the claimant (section 2.1.b);
 - d. The strength of the supporting information provided by the claimant (but see also 1.4e);
 - e. Information gathered by Ipswich Museums.
- 1.4 The Council will process and respond to eligible claims in reasonable time within existing resources.

2. Dialogue, engagement and development of policy

- 2.1 The Council acknowledges that there are various understandings of meanings, significance, values or duties with respect to cultural objects, including human remains.
- 2.2 The Council will engage constructively with those with an interest in the:
 - a. involvement of indigenous peoples in determining the use of cultural objects held by Ipswich Museums;

- b. return of cultural objects to places or communities of origin;
 - c. development of information resources;
 - d. systems of care for cultural objects in the museum;
 - e. access for community groups and cultural or lineal descendants to cultural objects.
- 2.3 The Council believes such dialogues lead to better understanding of its role, enables Council staff to learn from the experience of others in this context, and supports the development of mutually acceptable solutions in areas where there are conflicting views.
- 2.4 The Council recognises that there are real and lasting benefits to claimants and communities arising from this constructive relationship and process.
- 2.5 Potential claimants are encouraged to begin the process by contacting the Council to discuss the claim informally.

3. Eligibility to Make a Claim

- 3.1 The eligibility to make a claim will be assessed on the following criteria:
 - a. The circumstances of acquisition,
 - b. The relationship of the claimant to the object(s) being claimed.
- 3.2 Claims will be eligible for consideration if either of the following criteria apply:
 - a. The object can be shown to have been taken under duress (including military violence, looting or theft), or other illegal means (such as a forced gift).
 - b. The object was communal property acquired from a person or persons of that community not authorised to give or sell it.
- 3.3 All claimants must provide evidence of their right to make a claim including, where appropriate, documented support of recognised community stakeholders.
- 3.4 It is the claimant's responsibility to provide sufficient information to support their claim. Where written records are inconclusive or unreliable, claimants may submit evidence in other forms, for example evidence derived from oral tradition, folklore or archaeology.
- 3.5 Where competing claims are received by the Council, it may wait for the parties involved to resolve and send written confirmation on who will act as the claimant before proceeding with any one claim.

4. Procedure for Making a Claim

4.1. Individuals, cultural groups, museums (or similar organisations) and government departments wishing to make a request for the return of cultural objects, including human remains, from the Ipswich Borough Council collections should:

- make their request in writing to Ipswich Borough Council at the following address: Legal Services, Ipswich Borough Council, Grafton House, Russell Road, Ipswich , IP1 2DE
- clearly identify the cultural object/s they are requesting
- provide a background to their claim and how it meets the eligibility criteria
- provide an assessment of the significance of the cultural object/s to their community
- describe the proposed future use of the cultural object/s.

4.2 In dealing with claims, the Council is committed to:

- promptly acknowledge the receipt of a claim in writing
- treat requests with sensitivity, transparency and, where necessary, confidentiality
- record and document any claims
- assist a claimant by providing appropriate information from the Council's own records
- investigate any potential competing claims for the same material
- make its decision following a multi-faceted review of factors, including, but not limited to, the scientific or cultural importance of the artefacts or human remains, the strength of claimants' relationship to items and the consequences of either retention or return.

4.3 In cases involving individuals whose claim may be the subject of dispute within a community, the museum will make best endeavours to publicise details of the claim with the assistance of relevant international bodies for a minimum period of four weeks in order to confirm that the individual or body making the claim is the rightful claimant.

5. Decision-making Process

5.1 The claim will be initially considered by a claim review group consisting of Council officers supported by relevant CIMS officers. This group may request further information from the claimant and/or seek external expert advice. A report will be prepared for senior officers of the Council and the relevant Portfolio Holder.

5.2 Following consultation with senior officers of the Council and the relevant Portfolio Holder, the claim will then be presented to the Ipswich Borough Council's Executive Committee.

5.3 The Council's Executive Committee will consider the claim based on its eligibility as outlined in Section 3, the strength of supporting information

provided by the claimant and any other relevant information gathered by Council officers. This may include information from the Council's and other organisation's records, consultation with other parties (including, where relevant, the donor of the object or their descendants and the funder of its acquisition) and expert advice.

- 5.4 In considering the claim the Council's Executive Committee shall also take due regard of evidence that the absence of the object has a damaging effect on the cultural wellbeing of the originating claimant community and that there is a genuine link or cultural continuity with the object(s) in question as well as considering the relative weight of benefits to retention by the Council.
- 5.5 Claimants will be notified of the outcome of the Council's decision after the meeting of the Executive.
- 5.6 A decision to retain items because the claim is deemed to be ineligible under the terms of this policy will be fully explained to the claimant. Reasons may include a failure to demonstrate beyond reasonable doubt that the cultural object was taken under duress or other illegal means, or that the object was communal property and that the claimant had failed to demonstrate the support of their community.
- 5.7 A decision to return items will require further discussions with Council officers on the logistics of transferring ownership and the movement of items

6. Processes for Returns

- 6.1 The cultural object/s will not be returned unless and until due legal authority has been obtained, either by the Council (in the case of having the authority to dispose) or by the claimant (in the case of the export of the object where a licence or other documentation might be required).
- 6.2 Each party will bear its own costs in relation to the processing of the claim at all stages.
- 6.3 Where a claim for return is approved, the claimant will be responsible for the costs of returning the object(s), including the costs of any conservation processing that may be required for safe transport, packaging, transport and travel. An exception to this may be made in cases of financial hardship, where the Council may consider a contribution towards the costs on a case by case basis.
- 6.4 Any relevant associated documentation from the Council's records will be copied and provided to successful claimants to accompany the return of the cultural object.
- 6.5 The Council will retain original documentation for its records, within their relevant legislative context for the retention of records.

7. Link to the Ipswich Museums' Collections Development Policy

- 7.1 This document should be read in conjunction with Ipswich Museums' Collections Development Policy, particularly the following section:

11.0 The Repatriation and Restitution of objects and human remains

11.1 The Council, acting on the advice of the museum's professional staff, may take a decision to return human remains (unless covered by the 'Guidance for the care of human remains in museums' issued by DCMS in 2005), objects or specimens to a country or people of origin. The Council will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in Section 12 will be followed but the remaining procedures are not appropriate.

8. Periodic Review

- 8.1 The Council will review this policy every five-years or more frequently in the event of changes in national legislation, guidance, best practice, or in the light of experience.