

Policy for return of objects

Introduction

The Authority of the National Museums of World Culture includes the Museum of Ethnography, The Museum of Far Eastern Antiquities and the Mediterranean Museum in Stockholm, as well as the Museum of World Culture in Gothenburg. The Authority is responsible collections with origins from all over the world and from all time periods. The National Museums of World Culture manages this collection on behalf of the Swedish government. It is part of Sweden's cultural heritage and in a legal sense considered state property.¹

The collections have developed over a long period of time and have been part of various museum settings from the 17th century until today. This means that acquisitions have been made based on different goals and purposes, and that the collections reflect the acquisition views from different periods of history. The collection was in large parts acquired before Sweden ratified conventions and signed international agreements in the field of cultural heritage, and thus before clear ethical guidelines were established within the international museum sector. The collection therefore contains objects and entire collections whose provenance is not sufficiently documented or that today can be considered legally or ethically problematic. In light of this historical heritage, the Authority's aim is to promote dialogue, cooperation and reciprocity in current processes linked to its collections.

The Authority works continuously to manage claims for return and, based on its available resources, proactively identify objects in the collection where the history is incompatible with international conventions, due to acquisition or other circumstances.

The last page of this policy contains a glossary of terms important in this context.

Governance and organization

The Government proposition 2016/17:116 Policy on Cultural Heritage² states that the Swedish practice shall be exemplary with regards to “identifying and repatriating or restituting objects in museum collections where there may be special ethical considerations for return”. The proposition clarifies that this work shall be limited to objects that were added to collections in modern times, i.e. primarily from the late 1800s onwards.²

This policy is made concrete in a routine description for handling external incoming requests for return and will be supplemented by a strategy for proactive return that will extend over approximately three years and be formulated in close relation to other business plans.

¹ Budget Act Ch. 8 Sec. 6 (2011:203): The Government may decide to transfer movable property other than what is specified in Sections 4 and 5, if the property is no longer needed for the State's activities or has become unusable, or if it has not been acquired using public funds.

The ² National Heritage Board has, on behalf of the Government and in consultation with the central museums and the Sami Parliament, created a guide for the identification and repatriation or restitution of objects in museum collections where there may be special ethical reasons for return. <https://www.raa.se/app/uploads/2020/02/Sto%CC%88d-fo%CC%88r-museer-i-a%CC%8Aterla%CC%88mnandea%CC%88renden.pdf>

The Authority's work on return issues is coordinated by an internal, cross-departmental council and based on the decided policy. The members of the Repatriation Council are appointed by the Director General on the advice of Department Heads. The Repatriation Council is an advisory and preparatory body answering to the Director General. If necessary, the Repatriation Council can be expanded by adding external members.

A return case can be initiated both by the Authority and by external claimants. The Authority aims to work strategically and proactively to identify objects, for example human remains, for which there may be grounds for return. Based on available resources, the Authority initiates a return process when such objects are identified. The Authority strives to strengthen its resources for these proactive efforts.

The Authority does not investigate claims for return for objects that are not formally accessioned in the collections of the National Museums of World Culture, such as deposited objects, since this is the legal administrative responsibility of another institution. However, the National Museums of World Culture may assist with expertise when necessary.

In all matters of return, it is of the utmost importance that the process is transparent with regards to the other party and that the matter is handled promptly – to foster good dialogue. The Authority always strives to promote potential future collaborations.

Reasons for return

Each case is investigated and considered separately. Decisions made are based on the factors pertaining to the specific case. Objects that may be considered for return are those that at any point may have been stolen, looted, or illegally exported from the country of origin, or in cases where there are special ethical reasons. Objects acquired through a third party that was not the valid owner of the objects at the time of acquisition, may also be considered for return.

For a list of conventions, declarations and legislation pertaining to the National Museums of World Culture, see the appendix Legal and Ethical Framework.

Decision on return

In accordance with the Museums Act (2017:563) Sec. 10, state-run museums are entitled to make their own decisions regarding the transfer of objects from their collections to other museums in the public museum system in Sweden. This means that a state-run museum may transfer objects to other national state-run museums, municipal or regional museums, or to museums where more than half of the members of the Board or a similar managing body have been appointed by the government, municipality or region. In accordance with the delegation procedures of the National Museums of World Culture, the Director General will decide on the so-called deaccession of an object following a presentation by the Department Head of the Collections Department.

The above-mentioned regulations do not however apply for claims from other countries, as disposal of public property that is not covered by the Regulation (1996:1191) *on the transfer of state-owned movable property* requires separate approval from the Government. The Government makes its decision following a request from the Authority.

For a description of the Authority's process for handling claims for return, see the document Routine description for handling external incoming demands for return.

Research and development

Knowledge of the provenance of objects is a prerequisite for working proactively with identifying objects that may be subject to return. Well-researched and documented collections also make it possible to handle external requirements more efficiently. The National Museums of World Culture strives to strengthen and develop its work on researching provenance and matters of return.

Transfer of knowledge and documentation

Matters of return become a part of Swedish and international cultural heritage since the documentation is added to the history of the object(s) and the museums' archives. This documentation is handled in accordance with the Authority's routines for documentation management, the Swedish principle of transparency, and on other legal requirements and regulations that the Authorities are subject to.

The National Museums of World Culture participate in national and international conferences and networks to share knowledge on general issues concerning return and, when needed, specific return matters. This can also be done within the framework of various forms of public activities. By raising issues of return in the most inclusive way possible, diverse voices and perspectives can be conveyed.

Glossaries

Objects: Objects here means all types of objects that can be found in a museum collection. This includes cultural objects, utensils, objects of natural history, works of art, photographs, books, archival material and even human remains.

Return: The term return can be considered general and includes both repatriation and restitution. This term is used throughout this document.

Repatriation: To return an object to a nation, state, indigenous people or other group (when the group's rights have been violated).

Restitution: A legal term for restoring, which can then mean that a stolen object is returned or that financial compensation is paid. In the case of cultural heritage, restitution is mainly used for art confiscated by the Nazis and where restitution is made to its original owner or heir (in the event of a crime against an individual).

Matter: A chain of activities to which the Authority is a party.

Acquisition: Acquisition means that ownership of an object has been transferred to the museums or Authority and that the object has been added to the collection.

Provenance: The history of an object from when it was created or discovered, and tracing the history of its ownership from person to person.. This is a way to prove authenticity and ownership.

Case by case: Each case is investigated and assessed on a case by case basis. Decisions made are based on the factors pertaining to the specific case.

Due diligence: In a museum context, this means that best practice is followed in the industry and that measures are taken to ensure that an object subject to purchase, loan, exchange or gift has not been obtained or exported illegally, and that the current owner has legal possession of said object. This term is usually not translated into Swedish.

Valid ownership: Undisputed ownership of property, supported by the object's complete history of provenance from it was manufactured, used or discovered.

Beyond reasonable doubt: Means that the evidence is so unequivocal that there are no reasonable alternatives to what happened. What can be classified as beyond reasonable doubt is decided in each individual case.

Digital sharing: The term "digital repatriation" is sometimes used to describe museums' sharing of digital information or copies of objects and archives. The term digital sharing is used in this policy.