

Routine description for handling external incoming claims for return

Introduction

This document describes the process that is initiated when a party demands the return of an object(s) (so-called repatriation, restitution or return) and applies to the collections managed by the National Museums of World Culture in Sweden.

The last page of this document contains a glossary of terms that are important in this context. For a more detailed description of the National Museums of World Culture's collections and the work on cases of return, please see *Policy for return of objects* (reg 167/2021-1.3) and the accompanying appendix *Legal and Ethical Framework*.

In all cases of return, it is of the utmost importance that the process is transparent, efficient and that the case is handled promptly – in order to foster a good dialog with the claimant. The process aims to ensure consistent and impartial management based on professional, ethical and humanitarian principles.

The National Museums of World Culture does not investigate deposited objects if the legal administrative responsibility rests with another institution.

Presenting claims

Claims for return can be made, for example, by a government, a legal descendant, or a native people/tribe/nation. A formal request is made to the Director General of the National Museums of World Culture via the authority's registrar (see contact information below).

The claim must be submitted in writing and signed by the claimant's official representatives. In order to promote good and open dialog, the authority prefers that the claim *not* be presented by a third party. The claimant must provide documentation and other evidence necessary to establish the claim.

To be investigated, the claim needs to contain the following:

- Names and contact details of claimants. If a claim is presented by a third party, proof that the party represents the claimant.
- Description of the claimant's association with the object in question (e.g. family, group affiliation, national claimant, estate)
- Reasons for return
- Name and preferably object number of each object
- Description of the context of use for the object (e.g. ceremonial, burial or grave goods, utilitarian objects) and information on the original users

The claim is sent either by post or e-mail to:

E-mail address:

registrator@varldskulturmuseerna.se

Postal address:

National Museums of World Culture Box 5306
402 27 Gothenburg

After receiving a complete claim, a written confirmation is sent to the claimant and the Authority opens a case.

The Authority only opens cases and initiates investigations for claims presented in accordance with the above description. If an incomplete or informal claim has been received, the claimant is informed of how a formal claim can be made.

Investigation process

Within the framework of the Authority's resources, all formal matters are considered on a case by case basis. The task of handling and investigating the case is carried out with the support of the Authority's Repatriation Council or by a specially appointed curator. External expertise can also be sought, if necessary.

The Authority appoints a responsible person, normally a curator, who is tasked with, among other things, carrying out provenance research in accordance with the principle of *due diligence*, the grounds for the claim and the reasons for return. The appointed curator may not have personal interests in the case in question.

If during the investigation it emerges that other parties could make a claim on the object(s), the Authority will notify the claimant and any other potential legal stakeholders. An object should generally not be returned if there are multiple potential recipients who are considered to be equally legitimate and who have different views on what should happen to the object(s).

After the investigation has been completed, the Authority's Repatriation Council will examine the matter, if necessary with the help of external expertise. If there is ambiguity in the available documentation, the principle of *beyond reasonable doubt* is applied.

The investigation is compiled in a report that contains the Repatriation Council's recommendation on the decision in the case. The report may also contain recommendations for possible alternatives and complements to return, for example:

- joint knowledge-building projects
- loans
- access to knowledge, information and images of the objects, so-called digital sharing.

Decision

If the Director General decides that there are grounds for return in an international case, the Swedish government is informed of the authority's position and recommendation through a request. The Government then makes a formal decision on the case.

In cases concerning claims from other museums in the public museum system in Sweden, the Director General decides on so-called deaccession of the object(s) after consulting with the Head of the Collections Department.

After the decision

Following a decision on return, the transportation of the objects is planned in consultation with the claimant. The Authority is not responsible for the cost of return transport or re-burial, but is available for professional assistance and delivery of copies of archival documentation accompanying the objects.

The Authority is aware that there are no guarantees made for the preservation or the availability of any returned object.

When deciding on a return, the object is removed from the Authority's collection. If the object falls within the criteria relating to export permits, such permits must be applied for, and, if necessary, a CITES permit. All necessary permits must be applied for by the claimant. If necessary, the National Museums of World Culture will assist to the extent possible.

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).

Case: 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.