



Restitution and Repatriation Policy

2023 – 2026

Sources used to help write this document:

- Arts Council England, Restitution and Repatriation: A Practical Guide for Museums in England (August 2022)

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1. Introduction

The mission of the American Museum & Gardens is to stimulate and inspire people of all ages in order to further their understanding of the richness and complexity of American culture.

The American Museum (AM&G) houses over 12,200 objects and represents the wide range of American cultures. The founders of AM&G, Dallas Pratt and John Judkyn, went on a whirlwind collecting spree in the late 1950s and gathered much of what is on display.

Today the collections are accessible to visitors through displays in the AM&G's permanent galleries, during temporary exhibitions, and on loan to other institutions around the world. We also acquire new objects to the collections to represent both current day and historical periods.

Through these objects we tell stories that span 2000 years of American history. We acknowledge that there are many stories yet to be told and diverse voices yet to be heard and we will be eagerly exploring these in more detail as we look to the future.

This Restitution & Repatriation Policy should be read in conjunction with AM&G's Collections Development Policy, which has more information about the history and scope of

the collection at the American Museum & Gardens and outlines the process for disposal from the collection.

2. Restitution and Repatriation

The American Museum is aware that objects in its collections may, at some point in the provenance chain, have been transferred in ways which would not be appropriate today. There may be additional ethical reasons which make it inappropriate for AM&G to continue to hold certain objects. In recognition of this, AM&G has set out policies and procedures to follow when ownership of an object may be in dispute. The purpose of this document is to support AM&G and claimants through the process of a restitution or repatriation claim. It aims to give all parties a clear understanding of the process and to ensure that due diligence is carried.

The American Museum is committed to engaging with the communities it serves and aims to be transparent about the history of its collections. AM&G will view a return request as an opportunity to form long-lasting relationships and understanding with the people and organisations involved in making the request. AM&G welcomes the opportunity to learn more about, and to review its relationship with, the objects in its care. AM&G will aim to share news of any returns with the museum world in general, as well as to a wider public, so that the decision-making process may be transparent and widely understood.

3. Role of the American Museum & Gardens Board of Trustees

The American Museum & Gardens is an independent charity with a Board of Trustees whose purpose is to ensure the objectives of the charity are met over the long term. The final decision on any restitution or repatriation claim will be made by the Board of Trustees. The charity is regulated by the Charity Commission and the trustees are bound by its regulations.

4. Legal Framework

This policy exists within a national and international legal framework including:

- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970)
- Dealing in Cultural Objects (Offences) Act 2003
- Cultural Property (Armed Conflicts) Act 2017
- Return of Cultural Objects Regulations 1994

Parts of AM&G's collection may have legal stipulations attached to them regarding disposal. Additionally, permission from the Charities Commission may be required before certain objects can be removed from the collection on moral grounds.

AM&G is committed to working within the UK Museum Association's Code of Ethics, Arts Council Repatriation and Restitution Guidance, and the ICOM Code of Ethics when considering restitution and repatriation requests and is committed to acting fairly with all parties.

5. Restitution and Repatriation Claims

5.1 Initial enquiries: Should someone wish to make a repatriation claim, they should contact the Chief Curator curator@americanmuseum.org to begin a discussion. The Curator will aim to support enquirers with gaining information about how objects entered AM&G, the objects' provenance, and informally discuss the possibility of return. The American Museum would like to develop a relationship of mutual respect during early discussions and fully explore the future of the objects concerned.

5.2 Formal claim: If, after informal discussions, an individual or community wishes to make a formal claim for restitution or repatriation of an object, this should be submitted in writing and addressed to the Executive Chair of the American Museum & Gardens. A formal claim by post should be addressed to The Executive Chair, American Museum & Gardens, Claverton Manor, Bath BA2 7BD United Kingdom. A formal claim by email should be sent to director@americanmuseum.org.

A formal claim will mark the start of the restitution and repatriation claim process.

5.3 Content of claim: AM&G takes its responsibility as steward of its collections and any reparation requests seriously and is committed to assessing any claim in a fair and transparent way. AM&G will carry out ethical and legal assessments of the claim. It will endeavour to gain a full understanding of the history of objects and ensure all interested parties are consulted. To help make this process as rapid and smooth as possible, we ask the claimant to provide the following information:

- The claimant's full name and contact details
- Whether the claimant is making the request as an individual or as a representative of a group or organisation. If the claimant is acting as a representative, then please include the source of authority to act on the group or organisation's behalf.
- Details about the items being claimed
- The reasons for the claim being made
- The claimant's connection to the items
- The claimant's understanding of the history of the items
- Details of any other parties the claimant knows who may also have an interest in the items

AM&G would welcome any additional information which might help to make the decision. This could include letters of support from associated communities or national bodies, or information about any other return requests which are being considered, or advice on who might be contacted and consulted as part of the formal process.

5.4 Response to the claim: On receipt of a formal restitution or repatriation claim AM&G will investigate the claim following the procedure outlined below. AM&G will endeavour to keep the claimant informed and updated throughout the claim process and work in a collaborative and transparent manner.

AM&G will promptly send written acknowledgement of receiving of the claim.

AM&G will write to the claimant again to provide a timescale for making a decision about the claim and to provide a point of contact. The timescale will vary on a case-by-case basis depending on the number of objects concerned, the availability of information, the amount of research required, the complexity of the issues involved, and the timing of trustee meetings.

A detailed assessment of the claim will be made. This will include verifying that the objects described in the claim are held by AM&G, as well as researching the history and provenance of the objects to gain a better understanding of them. AM&G will also seek to fully understand the relationship between the claimant and the objects.

AM&G will create a report reviewing the background to the claim, information gathered about the history and provenance of the objects, and the claimant's case for restitution or repatriation.

The report will make a recommendation on the claim and be presented to AM&G's Board of Trustees, which will make the final decision.

6. How the claim will be assessed

Claims will be assessed on ethical and legal grounds, taking into account:

- whether the objects were acquired legally
- whether the circumstances in which an object parted from its original owners mean it was acquired ethically
- the importance of the objects to the claimant and their community
- whether the claimant has the legal and ethical right to make the claim and the authority to represent the community to which the objects originally belonged
- whether there are competing claims for the objects which must be resolved before the claim can be considered
- any known legal restrictions or covenants which might affect the objects' return

Claims from third parties will not be considered. The status of the claimant with regard to the object and to the originating community is a critical factor to be considered before a claim can be formally assessed.

7. Implementing the outcome of a claim

The approval of the trustees is a requirement before any return can be made. The Museum's Executive Chair will write to the claimant to communicate the trustees' decision.

The outcome is likely to be one of the following:

- **Accept the claim:** Discussions will be held with the claimant about how to return the objects and arrangements will be made for the return.
- **Decline the claim:** Clear reasons for the rejection of the claim will be set out and communicated with the claimant.
- **Further information required:** If the trustees need further information to make the decision this will be communicated to the claimant and a new timetable will be set out.

8. Returning Objects

If the decision is in favour of returning the objects then discussions with the future owner will be held to agree the return.

Each party will bear its own costs in relation to the claim at all stages. Costs of the return will be discussed, and a solution found which is acceptable to both parties. The American Museum & Gardens is a not-for-profit organisation and has limited funds. It will not be accepted that AM&G should pay all shipping, or associated, costs.

Return of the objects may be subject to acquiring licences and permissions required by third parties. For example: CITES licences, export licences, and Charity Commission permission may be required. AM&G will support the future owner of the objects as far as possible in obtaining these licences and permissions.

AM&G will follow its disposals procedure and return the object to the claimant. Transfer of title to the new owner will be formally agreed and documented. This would mark the end of the claim process.

9. Dispute Resolution

AM&G aims to behave in a fair, legal and ethical manner. It will make its decision with integrity and honesty. If the claimant feels the decision was wrong on the grounds of procedural irregularity, or if new evidence is discovered, then a written appeal will be considered by AM&G's Board of Trustees. External bodies, such as Arts Council England or the DCMS, may be consulted for support.

10. Afterwards

AM&G will aim to maintain and build on the relationships developed during the claim and continue the sharing of information.