

Appendix I

Responding to requests for the return of items in the University's museum collections

Introduction

The University's museum collections come from many parts of the world and are of many ages. For generations, the University has been collecting, organising and displaying these collections, and the institution is itself part of the history of the North-East and the wider world. As a place where people are encouraged to encounter the variety of human experiences with respect and understanding, the University is an appropriate home for the items in its collections. The University holds its collections in trust for past and future generations, with ongoing responsibilities associated with the items themselves and the express and implied wishes of the many collectors and donors. It has a duty to care for the collections and to encourage access and understanding to as many people as possible.

The University also recognises that people from whom items were collected and their descendants also have reasonable interests in items in the collections, and that questions may be raised about the moral, and sometimes the legal, basis of their acquisition. The University welcomes these interests as contributing to knowledge about the collections and to ensuring that its collections are curated to the highest ethical standards. The University aims to respond with sensitivity and respect to requests for rights over items in the collection, while at the same time maintaining its responsibility to safeguard the long-term public interest in the collections. The University recognises that items in the collection may also be considered as ancestral remains and sacred items: the use of the term 'item' in this policy does not diminish the importance of other terms.

While the agreement to return items in the collection will be exceptional, the University commits itself to follow this procedure when responding to any reasonable request for the return of items from its museums/collections. Account will also be taken of the Museum's Association's *Code of Ethics for Museums* issued in 2002, the Museum Ethnographers Group's *Professional Guidelines concerning the Storage, Display, Interpretation and Return of Human Remains in Ethnographical Collections in United Kingdom Museums* published in 1994, the Museums and Galleries Commission's *Restitution and Repatriation: guidelines for good practice* issued in 2000 and *Spoliation of Works of Art during the Nazi, Holocaust and World War II period* issued in 1999 for non-national museums. With the exception of a number of clearly recorded loans or conditional gifts and donations under the Anatomy Acts and Human Tissue Acts, the University Court is the only body able to agree to the transfer of title of items in its collections. The following procedure and criteria establish a framework to assist the University Court to respond to requests for the return of items in the University's museum collections, with the aim of ensuring that the request is dealt with fairly, openly and promptly.

Procedure

A request for the return of an item in the University's collections should follow a standard procedure, starting with informal discussion with the curator of the relevant collection. At all times, the principle of full disclosure should apply, subject to legal restrictions (such as the Anatomy Acts and the Data Protection Act). Ideally, the approach will be consensual, but cases for and against return can be presented for consideration at all stages of the procedure.

Informal discussion

Initial enquiries concerning repatriation should be made to the appropriate curator. The University may subsequently appoint an alternative member of staff as case officer to simplify contact between claimant and University. At this stage the history of the item and an outline its legal status in the collection will be considered. Where appropriate, arrangements for the loan of the item, rather than legal transfer, can be made by the relevant curator, acting on conservation and security advice. While the case is being considered, claimant and University should agree to a joint approach to publicity and should involve outside parties only after discussion with each other.

Formal request

A formal request for repatriation should be made in writing to the appropriate curator (or case officer if appointed), who will report this to the Convenor of the University's Museums, Collections and Galleries Committee. Further investigation by the curator or case officer and correspondence with the claimant will inform the report written for consideration by the Advisory Panel.

Advisory Panel

The Convenor of the University's Museums, Collections and Galleries Committee will appoint an ad-hoc Advisory Panel to consider each request. Members of the Panel, normally numbering no more than eight, will include a lay member of the University Court, a University curator, a member of the University's academic staff with relevant specialist knowledge and a museum professional from elsewhere in Scotland with experience of repatriation issues. The claimant is also entitled to nominate a member of the Panel. The Panel will be clerked by the case officer. The claimant and curator (if not the case officer) will be invited to give an oral presentation to the Panel. The Panel will recommend how information gained during discussions and in written submissions will be used subsequently, taking into account both a desire for openness and the sharing of information while recognising the sensitivity of some information.

Decision

A report will be written for the Museums, Collections and Galleries Committee outlining the advice of the Panel, including any particular recommendations. A copy of this report will be provided to the claimant who may, if they wish, present a separate written case to the MCGC. The recommendation of the MCGC (and any statement by the claimant) will be passed to the University Court for decision. The University Court may make certain conditions apply to the return of an item, while payment of costs associated with the return will normally be expected. The University hopes that any request for the return of an item will lead to mutually beneficial collaboration between the University and the people making the request, perhaps resulting in the addition of other items to the Museum's collection, exhibitions and research drawing on the resources of both parties.

The decision of the University Court is final.

Criteria

Each case for repatriation will be judged on its merits and will be assessed according to five criteria. There is no weighting of the criteria and their importance will vary from case to case. Evidence should therefore be presented under each criterion at all stages of the procedure, which may include documents, photographs, oral testimony or other evidence considered appropriate by either party. The criteria are:

Identity of the item

Evidence should be presented relating to the identification of the item concerned to demonstrate that it is that requested by the claimant.

History of possession and/or ownership of the item

Evidence should be presented about the provenance of the item prior to its acquisition by the University and evidence relating to the University's title in the item and/or rights of possession. The use and treatment of the item since its acquisition by the University should also be described.

Connection between the item and the claimant

Evidence should be presented to demonstrate the connection between the claimant and the item. This may include evidence of the continuity of practices or group identity between the original possessors and those making the request. If the claimant is acting on behalf of another person or group, evidence must also be presented to demonstrate that they have the right to be a representative.

Significance of the item to the claimant and to the University

Evidence should be presented to demonstrate the significance of the item to both the claimant and the University. This may include issues such as the religious, cultural, historical or scientific importance of the item.

Consequences of return to the claimant or retention by the University

Evidence should be presented about the likely future treatments and uses of the item if it is returned or if it is retained by the University. This may include information about aspects such as possible display, research, destruction, alteration or restrictions on access. Evidence relating to the broader implications of a decision to return or a decision not to return the item should also be presented. Suggestions about issues such as the creation of a replica, additions to the University's collections the use of images and research opportunities can also be discussed.