GLASGOW LIFE MUSEUMS: POLICY ON REPATRIATION AND SPOLIATION

GOVERNANCE

Glasgow City Council (the Council) is the owner and governing body of the Glasgow's collection and has delegated the management of the collection to 'Glasgow Life'. To support the management of Repatriation, Restitution and Spoliation cases concerning the civic collection, the Council re-established a Working Group for the Repatriation of Artefacts in August 2021. The Terms of Reference of the Working Group can be found here:

- **Terms of Reference**

The Working Group comprises cross party representation from within the Council's Councillor membership and officers from Glasgow Life Museums.

The Working Group will consider each request for repatriation or spoliation on its own merits and will make decisions on a case-by-case basis, taking into account all ethical and legal implications and engaging with necessary agencies and stakeholders as required. The Working Group will make recommendations to the Council for their consideration, authorisation and final approval as owner and custodian of the civic collection.

REPATRIATION AND RESTITUTION

The Council's process for managing repatriation requests is established in the Museums' Collections Development Policy. Each Repatriation request will be considered in accordance with this Policy and the criteria established to assess the request.

Requests for Repatriation may arise through proactive dialogue with communities or directly from the communities themselves.

Where possible, Glasgow Life Museums will engage proactively with communities where is it identified that artefacts have been identified, through provenance research, to have been acquired inappropriately.

Glasgow Life Museums will also provide information to support preliminary enquiries from community representatives about the artefacts and the artefacts known provenance.

Process

Informal preliminary requests for information about artefacts or ancestors in the collection which may lead to a claim will be progressed by the subject Curator who will notify the Head of Museums and Collections, the Collections Manager and the Curatorial and Research Manager to advise about a potential request.

If a formal claim is received, the claim will be acknowledged by the Head of Museums and Collections, and guidance about the claims process will be provided to the Claimant/s. The Head of Museums and Collections will advise Glasgow Life's Chief Executive and notify the Chair of the Council's Working Group for the Repatriation of Artefacts.

An internal panel of Glasgow Life Museums staff will prepare a preliminary report collating details about the claim, the items claimed, how they were acquired by Glasgow Museums, their provenance, and their relationship with the Claimant/s. The internal panel will include

the Head of Museums and Collections, the Collections Manager, the Curatorial and Research Manager and the specialist subject Curator.

The preliminary report will be submitted by the internal panel to Glasgow City Council's Working Group for the Repatriation of Artefacts for its review and consideration. The Working Group is comprised of a cross party group of the Councillors, a solicitor, the Head of Museums and Collections and other necessary officers from the Museums department. The Working Group will review the case and advise Glasgow City Council members as deemed necessary. Throughout this process, the Claimant/s may be asked to provide further evidence or information which supports their request. These requests will be issued from Glasgow City Council's solicitor.

To ensure consistency of treatment, all claims of this nature are adjudicated in accordance with four criteria which claimants should consider and address fully when submitting their formal claim.

The criteria are:

1. The status of those making the request, ie their right to represent the descendants of the community to whom the artefact, artefacts or ancestors originally belonged.

2. The continuity between the community that created the object/s /ancestors and the current community on whose behalf the request is being made.

3. The cultural, historical and/or religious importance of the object/s /ancestors to the descendant community.

4. How the object/s and/or ancestors was/were acquired by the museum.

A request for any other information which may support the claim may be requested if not covered by the above criteria.

The Working Group will prepare a report and make a final recommendation to the Council's City Administrative Committee. The Council Meeting may be attended by necessary representatives. The Council as the owner of the Civic Collection will make a final decision.

In the event of repatriation

Glasgow Life will work with the Claimant/s to agree the arrangements for the return of the items or ancestors subject to the claim. This will include packing, transport and customs documentation and any necessary ceremonial protocols required for the object/s or ancestors to be returned.

All museum documentation must be updated to record the repatriation, and the original documents associated with this material returned with the items to the Claimant/s. With permission from the Claimant/s, a copy of original documents may be retained by Glasgow Life Museums as a part of an audit trail verifying transfer to the Claimant/s.

In the event of decline

A full report will be provided to the Claimant/s which will allow the Claimant/s the opportunity to review and progress an appeal.

SPOLIATION

The Council upholds the principles defined by the National Museums Directors Council regarding Spoliation of cultural assets.

- **Spoliation of works of art during the Holocaust and World War II period**
  https://www.nationalmuseums.org.uk/what-we-do/contributing-sector/spoliation/

Issues, claims or investigations arising from spoliation of works of art or other material will be fully investigated by the Council's Working Group following the NMDC's principles.

- **Statement of Principles for Museums' Provenance Research for the Period 1933-1945**
  https://www.nationalmuseums.org.uk/what-we-do/contributing-sector/spoliation/spoliation_statement/

Process

Glasgow Life Museums will provide information to support preliminary enquiries by the Claimant or their representatives about the artefact/s and the artefact's known provenance.

If a formal claim is received, the claim will be acknowledged by the Head of Museums and Collections and guidance about the claims process will be provided to the Claimant/s. The Head of Museums and Collections will advise Glasgow Life's Chief Executive and notify the Chair of the Council's Working Group.

The Council's Working Group will engage with, and adhere to the procedures defined by, the UK Government's Department for Digital, Culture, Media and Sport (DCMS) Spoliation Advisory Panel (SAP) which reviews all UK Spoliation cases on behalf of the UK cultural sector.

The Council will only address claims through the SAP process and Claimants are requested to familiarise themselves with the guidelines which describe the claims process and mutual obligations of all parties therein. The guidelines can be found using the following links:

Spoliation Advisory Panel
https://www.gov.uk/government/groups/spoliation-advisory-panel

- **Terms of Reference**
  Terms of Reference (MS Word Document, 42.5 KB)

- **Rules of Procedure**
  Rules of Procedure (MS Word Document, 50 KB)

- **Guidance for the Parties**
  The following guidance notes have been prepared in order to assist the parties in formulating their case for the Panel's consideration and to enable the Panel to process the claim expeditiously.
  Spoliation Advisory Panel - Guidance for the Parties (MS Word Document, 18.2 KB)

Notification of a claim should also be sent to the Head of Museums and Collections at the contact address stated below.

Provenance Research

Glasgow Life Museums has published provenance research on the publicly-accessible **Collections Trust** website:

Spoliation research by UK museums for 1933-45
https://collectionstrust.org.uk/cultural-property-advice/spoliation-research-by-uk-museums-for-1933-45/

- **Glasgow Museums**
  https://records.collectionstrust.org.uk/records/glasgow-museums/

This resource lists assets which have a broken or uncertain provenance history during the years 1933-45 which would require further research. Provenance research is a long-term process and is still ongoing. Glasgow Life Museums will continue to update this site as ongoing research projects are concluded.

In cases where artefacts that are either identified, or suspected, as spoliated, the Estate or Representatives of the family will be contacted by Glasgow Life Museums, acting on behalf of the Council. Following the guidelines of the SAP, this correspondence, and any information that may lead to the identification of the family will remain confidential until such time as the Estate or representatives of the family permit otherwise.

CONTACT US:

For **preliminary expressions of interest or research enquiries** in advance of formal requests for Repatriation, Restitution and Spoliation, please email Glasgow Life Museums at museums@glasgowlife.org.uk

All requests in respect of Spoliation, Repatriation and Restitution or other legal title claims should be addressed as follows:

For the attention of:
Ms Jane Rowlands
Head of Museums and Collections
Glasgow Life Museums

Email: jane.rowlands@glasgowlife.org.uk

Address:
Glasgow Museums Resource Centre
200 Woodhead Rd
South Nitshill
Glasgow
G53 7NN
Scotland
UK