On International Museum Day: A Call to Increase Funding for Return & Restitution

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Today, the 18th of May, is International Museum Day. This year, the focus is on sustainability and wellbeing, a theme reflective of the new definition for 'museum' adopted in 2022 by the International Council of Museums (ICOM), which reads as follows:

'a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. They operate and communicate ethically, professionally and with the participation of communities, offering varied experiences for education, enjoyment, reflection and knowledge sharing.'

This definition highlights the multifaceted public facing role that museums play through different activities, ranging from research to exhibition and many others. The research that is conducted within museum collections should include research into provenance, which the ICOM Code of Ethics defines as "[T]he full history and ownership of an item from the time of its discovery or creation to the present day, through which authenticity and ownership are determined." Provenance research is not only important for the interpretation of a cultural object, one of the activities mentioned in the new museum definition, but it is also often a first required step towards a possible return to its original owner, whether based on legal or ethical grounds.

In the Declaration for Culture adopted at MONDIACULT in 2022, which was already discussed here, Ministers of Culture of UNESCO Member States committed to "expanding efforts to promote the protection, return and restitution of cultural property" (para 10). In several European States, efforts have included the adoption of guidance for museums. For example, the Swedish National Heritage Board adopted its Guidance for managing the return of cultural objects in 2020, which provides that:

"The return of an object may be initiated by both the museum and external stakeholders. The museum can adopt a proactive approach and identify objects [...] that could be returned for ethical reasons, or where the museum is of the opinion that these would be of greater value to the potential recipient than they are to the museum."

Similarly, in 2022, Arts Council England adopted a Practical Guide which seeks to empower "museums to take proactive action" towards restitution and repatriation. While the adoption of guidance can be of great use for museums, the proactive approach advocated by those guides also requires financial means as it may not only involve provenance research but also the implementation of complex processes in the event a return is deemed appropriate. However, the adoption of guidance has not systematically been accompanied with the release of funding to enable museums to adopt such a proactive approach. The need to consider the financing of return and restitution was highlighted in the Sarr-Savoy Report, published in France in 2018, which called for "a budget devoted to the cost of transportation as well as the price of insurance that we know can fluctuate depending on the fragility of the work in question and its value on the market". However, the follow-up Martinez Report, published less than a month ago to lay the ground for a legal framework for the restitution of cultural objects, does not only dismiss claims from communities but also largely gloss over the financing question, only considering the possible creation of a public-private 'African-European Fund', which could support provenance research.

When Germany adopted its Framework Principles in 2019, it also called "on all public institutions and organisations whose collections contain artefacts from colonial contexts, but also non-public museums, collectors and art dealers, to play an active role in addressing the history of collections from colonial contexts". However, recognising the importance of provenance research in this context, the Framework Principles also underlined the importance of funds that have already been allocated for collection inventory and provenance research projects at the Federation, Länder and municipal levels. In 2021 in Belgium, an independent Group of Experts noted that the financing of "accessible inventories, platforms of open communication and holistic provenance research initiatives" should be prioritised "in the wider decolonisation efforts". And while the restitution law adopted in 2022 does not mention

the question of funding, the Belgium government is now financing several large provenance research projects.

In the past, most museums have followed a reactive approach to returns, responding to claims rather than initiating return processes based on provenance research findings. Encouraging and providing an enabling legal framework for museums to take a proactive approach towards the possible return of cultural objects housed within their collections is thus an important first step. However, the costs associated with such an approach should also be recognised and adequately funded. Otherwise, some museums will be unable to adopt a proactive approach, even if they are willing to do so. Indeed, many museums are in a fragile financial predicament, due largely to past and ongoing cuts, as well as losses associated with the economic downturn. While emergency funding was released to ensure the survival of museums during the pandemic, their long term viability may remain in jeopardy, according to a survey published last year by the Art Fund. In dire financial circumstances, museums have to prioritise their economic survival in order to meet short and medium-term budgetary needs, which means that adopting a proactive approach to return and restitution is likely to take a back seat, at least momentarily, unless funding is made available.

In the long-term, an inability to adopt a proactive and transparent approach may also threaten the role of museums as trusted actors within their communities. As part of BIICL's ongoing research project funded by the Leverhulme Trust, which focuses on past return and restitution processes, a senior museum curator has pointed out that visitors are now much more concerned by the provenance of objects and their legitimacy within a museum's walls, rather than their aesthetics. Therefore, by not addressing the provenance of objects in their collections and processing their return when appropriate, museums risk alienating the general public. Furthermore, during the course of our research, a lack of available funds for returning an object has also been cited as an obstacle to prompt restitution, severely delaying the process even after a museum had taken the decision to return an object on ethical grounds. Indeed, shipping a cultural object, which may be fragile and/or heavy, requires tailored mounts and packing for its safe long haul transport, which is in itself extremely expensive. As exemplified by the return of the G'psgolox totem pole from the Museum of Ethnography in Sweden to the Haisla First Nation in Canada, transport may depend on external sponsorship and may therefore be held back until such assistance is identified. However, severe delays may alienate the country or community where an object is meant to return, which may in turn impede the establishment of new partnerships which is often cited as a possible positive outcome from return processes.

While the debate about the return of cultural objects to their place of origin is not new, not sufficient funding has so far been released to address it, including at the global level. In 1978 already, Amadou-Mahtar M'Bow, then Director-General of UNESCO, made his plea for the return of an irreplaceable cultural heritage to those who created it and, since 1973, the UN General Assembly has regularly adopting resolutions concerned with the return or restitution of cultural property to the country of origin. But while UNESCO has established a fund to strengthen the work of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, its resources are limited and the scope of the Convention is not applicable retroactively, which means it does not apply to objects taken prior to the entry into force of the treaty.

Therefore, all states should ensure that museums have the means to adopt a proactive approach to return and restitution, including an enabling legal framework, as well as earmarked funding. While more European states consider amending their legal framework, it is worth noting that if an obligation to conduct provenance research could be imposed, it could also be directly attached to a system of grants. A notable example stems from the United States, where federally funded institutions were obliged to return human remains and associated items to recognised tribes under the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) but were also provided with grants to do so. While the legislative route may not always appear ideally suited to address an issue as sensitive as the return of cultural objects, for which partnerships and *ad hoc* processes are often encouraged, the financial constraints that may hinder a museum willing to adopt a proactive approach should not be minimised.

In his 2017 speech at the University of Ouagadougou, French President Emmanuel Macron stated that "the conditions to exist for temporary or permanent returns of African heritage to Africa" should be established within five years. More than five years have now passed and, while various instruments have now been adopted across Europe, the funding of provenance research and returns has not systematically followed. While on May 18th, we should 'encourage all members of the civil society to come together and realise the full transformative potential that museums have for sustainable development and wellbeing' (ICOM), we should also ensure that they have the means to fulfil their societal role and engage with the transformative issues of our time, which include the reckoning with their past, our past.

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