

RESTITUTION AND REPATRIATION POLICY

Revision	Revision Date	Owner	Reference	Comment
00 - New	May 2021	Director of Collections	COL-POL-036	New policy
01	June 2021	Director of Collections	COL-POL-036-	Amendments following senior and Exec Board colleagues' comments
02	September 2024	Director of Collections	COL-POL-036	Review and amends by Director of Collections, Senior Keeper, Head of Collection Services & Registrar

1. Introduction

The Royal Armouries ("Museum") is the United Kingdom's National Museum of Arms and Armour. It is arguably Britain's oldest museum, and one of the oldest in the world. It holds one of the largest collections of arms and armour in the world and includes the UK's National Collection of Arms and Armour and the National Firearms Collection. It also acts as keeper of the history of the Tower of London, and has its origins in the Institutions which made, stored, and issued arms and armour at and from the Tower of London in the Middle Ages.

Under the National Heritage Act 1983 (as amended by the Museums & Galleries Act 1992) the Board of Trustees of the Museum is committed to maintaining and exhibiting a national collection of arms, armour and associated objects, and to maintaining a record relating to arms and armour and to the Tower of London in the public's interest. The Act requires the Museum to 'care for, preserve and add' items to the Collection, as well as to exhibit them to the public, making them available for study and research, and 'generally promoting the public's enjoyment and understanding of arms and armour'. The Act does not allow for the Museum to dispose of objects from the collection without approval from the Department of Culture, Media and Sport.

The Museum recognises that key historical moments of national significance combined with particular personalities have exerted a profound influence on the development of the Royal Armouries' Collection, including but not limited to: the development of the Tower of London as an arsenal in the 14th century; the events of the Hundred Years War, the Wars of the Roses in the late 15th century; the development of the Offices of the Ordnance and Armoury in the early 15th century and under the Tudors; the English Civil Wars of the mid-17th century and the Stuart passion for collecting; the Glorious Revolution of 1688; the Jacobite Rebellions of 1715 and 1745; The Napoleonic Wars; the Grand Storehouse fire in 1841; Queen Victoria's 'small wars' and bigger ones; the First and Second World Wars; Cold War-era conflicts; the Northern Ireland conflict and the so-called 'War on Terror'. All of these have served to shape the Collection.

Different personalities have also given emphasis to certain aspects of the Collection at different times. King Henry VIII, for example, was undoubtedly instrumental in the formation of an Early Modern Royal Collection. The Collection has also been taken in other directions through colonial and imperial expansion (and later contraction), diplomacy, exploration in the 18th, 19th and 20th centuries, and the drive to create a national collection in the 19th and since.

The Museum understands and acknowledges that certain individuals, groups or communities may have an interest in items in the Collection and that claims could be made to 'return' certain collection items to their place or community of origin. This document and supporting procedure sets out the Museum's policy on restitution and repatriation in a spirit of transparency, collaboration and fairness (see ACE Restitution and Repatriation: A Practical Guide for Museums in England).

2. Terminology

The terms 'restitution' and 'repatriation' do not have any strict legal definition as part of museum practice (see ACE Restitution and Repatriation: A Practical Guide for Museums in England) but traditionally are understood as the following:

- a. 'Restitution is the process by which cultural objects are returned to an individual or a community.'
- b. 'Repatriation is the process by which cultural objects are returned to a nation or state at the request of a government.'

3. Legal and Ethical Framework

The Museum is subject to international and national laws and statutes, codes of ethics and standards.

Acts which the Museum works within, but not exclusively:

- National Heritage Act 1983 (as amended by the Museums & Galleries Act 1992)
- Firearms Act 1968 (and subsequent amendments)

- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, UNESCO 1970
- Sale of Goods Act 1979 (and subsequent amendments)
- Limitations Act 1980 (and subsequent amendments)
- Treasure Act 1996 (and subsequent amendments) including Coroners and Justice Act
- CITES (Convention on International Trade in Endangered Species)
- Control of Substances Hazardous to Health 2002
- Iraqi Cultural Property Law 2002 (and subsequent amendments)
- Dealing in Cultural Goods Offences Act 2003 (and subsequent amendments)
- Cultural Property (Armed Conflicts) Act 2017 - Incorporates ratification of the Hague Convention first (1954) and second (1999) protocols

The Museum is also committed to carrying out all its activities ethically and morally (see the Royal Armouries' *Ethics Policy*), adhering to the International Council of Museums (ICOM) Code of Ethics, the Museums Association (MA) Code of Ethics and including, but not exclusively the following standards, guidelines and best practice:

- Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material (Department for Culture, Media and Sport 2005)
- PAS 197: 2009 Code of Practice Cultural Collections Management
- Place of Deposit for Archives
- Museum Accreditation Standards, Arts Council England
- Archive Accreditation Standards
- SPECTRUM 5.1 the UK Museum Collections Management Standard
- CILIP (Chartered Institute of Library and Information Professionals) guidelines
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (14th November 1970)
- Return of Cultural Objects Regulations 1994
- ACE Restitution and Repatriation: A Practical Guide for Museums in England)
- Statement of Principles issued by the NMDC on 'spoliation of works of art during the Holocaust and World War II Period in 1988'

4. Our Policy

- a. The Museum recognises that descendants and cultural successors to people and communities from which items were collected or who formerly owned them have interests in such items.
- b. The Museum recognises that questions may be raised about the moral, ethical and sometimes legal basis of the acquisition of certain items in the Collection.
- c. The Museum welcomes such interests as they can contribute to knowledge and understanding of the Collection, ensuring that it is curated to the highest ethical standards.

- d. The Museum aims to respond sensitively, fairly, openly, transparently, honestly and with respect to rights over items in the Collection, while at the same time maintaining its responsibility to safeguard the long-term public interest in the Collection under the National Heritage Act (see Section 3: *Legal and Ethical Framework*)
- e. Any requests for restitution and repatriation will be dealt with and determined on a case-by-case basis in recognition of the unique nature, significance and circumstances of each item, following the guidance laid out in ACE Restitution and Repatriation: A Practical Guide for Museums in England (See Repatriation and Restitution Procedures. For further information please see our Repatriation and Restitution Procedure.
- f. While an agreement to 'return' an item from the Collection is one option, the Museum will consider other proposals following any reasonable request, including loans; collective ownership; time sharing and multilateral agreements; and the use of copies and replicas.

5. Review

This policy will be reviewed from time to time, but at least every five years, and specifically following updates in corporate policy and plan, legislation and international conventions.

This document will be reviewed by the Director of Collections Research and Learning with a panel of Collections staff, and approved by the Director General and Master of the Armouries.

6. Risk Management

The associated risk of non-compliance with this policy is:

Impact of non-compliance: High

Likelihood of non-compliance: Low

7. Effective date

This policy is effective from the date of signing.

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Director General and Master of the Armouries

Date 2 December 2024