



Restitution & Repatriation Policy

Name of museum:

Brighton & Hove Museums

Name of governing body:

Royal Pavilion & Museums Trust (RPMT)

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Policy review procedure:

This policy will be published and reviewed from time to time, at least once every three years.

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1. Introduction

Brighton & Hove Museums (B&HM) is a trading name for the Royal Pavilion & Museums Trust (RPMT), a registered charity. On 1 October 2020 the Trust took over the management and operation of the Royal Pavilion & Museums service on behalf of Brighton & Hove City Council (BHCC).

Brighton & Hove Museums aims to deliver a world-class museum and heritage service for the city of Brighton and Hove, which will be recognised locally, nationally and internationally for its excellence, quality and educational experience for its visitors.

This policy is to be used in conjunction with other B&HM Collections policies, including but not restricted to, its Collections Development Policy. The policy covers all B&HM sites and collections as listed below:

1.1 Sites

- The Royal Pavilion (RP)
- Brighton Museum and Art Gallery (BMAG)
- Preston Manor (PM)
- The Booth Museum of Natural History (BM)
- Hove Museum of Creativity (HMC)
- Off-site collections store (UB5)

1.2 Collections

- Royal Pavilion
- Fine and Decorative Art
- Natural Sciences
- World Cultures
- Musical Instruments
- Fashion & Textiles
- Toys
- Local & Social History
- Film & Media
- Edged Weapons and Firearms
- Archaeology
- Egyptology

2. Purpose

This policy sets out how B&HM aims to manage all aspects of museum operations affected by the issues of repatriation and restitution. The policy aims to guide and empower museum staff to take proactive action in a spirit of transparency, collaboration and fairness while working within the constraints of the legal framework.

It is expected that B&HM will receive and handle restitution and repatriation claims in line with current guidance, including but not limited to; *Restitution and Repatriation: A Practical Guide for Museums in England*, published by Arts Council England (ACE) and as set out within this policy and related procedures.

3. Key principles

From the guidance; *Restitution and Repatriation: A Practical Guide for Museums in England*, published by Arts Council England

The terms ‘restitution’ and ‘repatriation’ do not have any strict legal definition as far as museum practice is concerned. In essence, they have traditionally described the process of returning cultural material to its original owners (restitution) or its place of origin (repatriation).

There is no such thing as a single, uniform process or set of procedures which constitute a ‘restitution blueprint’. Nor is there a single, defined goal or endpoint. Rather, responding to a restitution case requires the museum, to (re)consider the relationship with objects in the collection, their history, origins and acquisition – and most importantly, the people for whom they may have a special meaning today.

Receiving a claim for restitution or repatriation can therefore be seen as an opportunity to learn and reflect, and to connect with people and the collection in new ways.

The guidance also notes that ‘While each situation is different, and a case-by-case approach is required, there are common issues which apply to all museums and for which broad, best-practice principles are recommended. These relate to matters of process.... They also relate to the ethical considerations involved in assessing claims and implementing the appropriate outcome.

B&HM Staff and Trustees should be aware that when it comes to responding to restitution and repatriation cases, every situation is different. Objects in museums will have been acquired at different times, in varying circumstances, and by institutions with differing structures, sizes, priorities and collection types. Objects can also include scientific and natural history specimens. There may be many people, groups and organisations with different connections to, and interests in, these items.

While cases can therefore be complex and time-consuming, they often present rich opportunities for enhancing understanding for all involved. Considering a claim for restitution can offer the opportunity for museums to develop their collections knowledge and research, to build relationships with originating communities, to enable dialogue around contested items, and to create opportunities for discourse and discussion around cultural heritage.

4. Understanding the ethical and legal background

4.1 Legal framework

This policy exists within a national and international legal framework which includes charitable law, and certain instruments which specifically deal with issues of restitution and repatriation. These include:

- 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

4.2 Ethical

From an ethical perspective, English museums are supported by a framework laid out in both the ICOM Code of Ethics and the Museums Association Code of Ethics (and its Additional Guidance). Both Codes state that museums should partner and co-operate with communities of origin.

In 2025, B&HM has an Ethics Committee that is convened from the People and Culture Group; an internal representative group consisting of staff from across all departments. Any Restitution or Repatriation request that is deemed by a member of staff to require further Ethical decision making will be referred to this Ethics committee for review.

4.3 Policies

Like other Accredited museums in the UK, the acquisition, disposal and transfer of museum objects at Brighton & Hove Museums is informed by a Collections Development Policy (CDP) <https://brightonmuseums.org.uk/wp-content/uploads/2019/02/RPM-Collection-Development-Policy-2018.pdf>

In terms of the return of objects to countries or communities of origin, the B&HM CDP policy notes that decisions are made “on a case-by-case basis; within its legal position and taking into account all ethical implications and available guidance”.

4.4 Guidance

The Arts Council England guidance; *Restitution and Repatriation: A Practical Guide for Museums in England*, is underpinned by a national and international legal framework which seeks to protect cultural heritage generally and which, in certain situations, specifically addresses the restitution and repatriation of cultural property.

For guidance on the Disposal process more broadly, see the Museums Association’s Disposal Toolkit and refer to B&HM’s own Documentation Procedure Manual.

There are currently two specific areas of objects or material that need to be considered using existing guidance and policy already in place in the UK as follows:

4.4.1 Human remains

For guidance on cases or situations involving human remains, museums in England should refer to the DCMS Guidance for the Care of Human Remains in Museums (2005), and specifically to Brighton & Hove Museums Human Remains Policy.

4.4.2 Nazi spoliation

For matters involving items wrongfully taken during the Holocaust and World War II period (1933-45), national and certain other museums (which form part of the National Museum Directors’ Council (NMDC)) should refer to Spoliation of Works of Art During the Holocaust and World War II Period: Statement of Principles and Proposed Actions (NMDC 1998, updated in 2016), in particular Section 6.

A comparable statement, issued by the now defunct Museums and Galleries Commission in 1999, provides equivalent guidance for museums not covered by the NMDC document.

Claims regarding such items in a public collection can be referred to the Spoliation Advisory Panel, which has existed since 2000. This can result in the return of the item to the claimant, along with other possible outcomes.

5. Scope of policy

This policy sets out the procedure for claims for the return of cultural objects from B&HM's collections, according to the key principles and ethical and legal frameworks laid out above. All claims will be considered on a case-by-case basis, and staff at B&HM understand that claims or requests can be made through a variety of different means from a variety of different sources.

To work through any claims or requests, including ensuring the appropriate parties within the museum structure can fully understand and make decisions, a standardised process for all claims and requests will be implemented.

6. Procedure for claims

Any individual, group or organisation considering making a claim for the return of an object or objects are encouraged to get in touch with Brighton & Hove Museums via our online enquiry form <https://brightonmuseums.org.uk/discover/collections/collection-enquiries/>. This form allows B&HM staff to make an initial assessment as to the exact nature and scope of the enquiry, to triage the claim to the appropriate parties.

6.1 Initial Enquiry

Potential claimants will be asked to provide the following information:

- Name / contact details (indicate preferred method of contact)
- Organisation / community group
- Cultural group / country of origin for claim
- Objects / group of objects / elements of B&HMs collection the claim concerns
- Reason for claim, including the claimant's connection to the object(s) and understanding of their history
- Any other claimants that may have a connection
- Preferred outcome

6.2 B&HM response

B&HM will respond to all claims with transparency at all stages. B&HM will respond to the claimant using their preferred method of contact within one month of the initial enquiry, to inform the claimant of the B&HM staff members who have been deemed most appropriate to deal with the claim, and details of the next steps.

6.3 Assessing the claim

Claims made to B&HM will be based on either legal or ethical grounds. B&HM will seek legal advice for any claims that have a legal basis, to inform all further actions and to determine the appropriate response.

For all claims that are based on ethical grounds, the following factors will be taken into consideration:

- The significance of the object(s) to the claimant
- How the object was removed from its place of origin or from a past owner
- How the museum has engaged with the object
- Who is raising the claim

Detailed questions and considerations for each of these factors can be found in '*Restitution and Repatriation: A Practical Guide for Museums in England*', published by ACE, which will be used to guide B&HM staff whilst assessing each claim.

B&HM staff will work transparently with the claimants when considering each factor, gathering information and background to the object(s) and the claim. All information will be pulled together in the 'Repatriation or Restitution Assessment Form' which will form the basis of a report.

7. Responsibilities & decision-making process

As each case will be vastly different in scale and scope and processed on a case-by-case basis, this policy will not indicate an exhaustive list of steps or timescales. This is to ensure that each claim is given due course and consideration and dealt with appropriately and sensitively. However, each claim will broadly follow the following decision-making process:

Step	Actions	B&HM Staff
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1	<ul style="list-style-type: none"> • Assessment of initial enquiry form • Is the claim on legal or ethical grounds? • Initial research into object(s) • Overview of claim to be presented to Collections Panel 	Curator [of indicated collection]
2	<ul style="list-style-type: none"> • Contact with claimant 	Curator [of indicated collection]
3	<p>If legal:</p> <ul style="list-style-type: none"> • Legal advice sought • Trustees advised 	Director of Collections and Conservation
	<p>If ethical:</p> <ul style="list-style-type: none"> • Assessment form completed in communication with the claimant • Full report developed to be presented to Collections Panel • If further ethical consideration is required then the report will be referred to B&HM Ethics Committee 	Curator [of indicated collection]
4	<ul style="list-style-type: none"> • Collections Panel to make decision • Trustees to ratify decision • BHCC and ACE informed 	Director of Collections and Conservation
5	<ul style="list-style-type: none"> • Process outcome of decision, e.g. return of object(s), informing claimant of decision 	Curator [of indicated collection] and additional staff as deemed appropriate

7.1 Timescale

The timescale after initial contact will vary as each object, case and partnership will be different.

B&HM aims to be guided by the repatriation request partners and communities and their timescales, but at minimum 6-12 months should be expected from point of request to a formal decision being made.

Once a claim has been agreed, B&HM would be guided by the repatriation request partners, communities and their timescales to return cultural material to the claimant group.

8. Processes to implement the outcome of a claim

As each case will be vastly different in scale and scope and processed on a case-by-case basis, this policy will not indicate an exhaustive list of logistical and administrative considerations to be considered.

However, the following factors will be taken into consideration both as part of the decision-making process, and to ensure the most ethical outcome for the potential repatriation or restitution is achieved.

- Conservation: do(es) the object(s) require conservation, can they be transported without conservation?
- Packing: what packing requirements do(es) the object(s) require?
- Shipping: what transport requirements do(es) the object(s) have, are any licences required (export, CITES, firearms etc)?
- Documentation: do(es) the object(s) require any further cataloguing or documentation in order to repatriate?
- Storage: do(es) the object(s) have any special storage requirements?
- Cultural protocol: are there any protocols regarding the content of the claims, any religious or cultural considerations, any ceremonies or observances?
- Legal framework: are there any laws or stipulations in place in the country of origin to be aware of? Do any national bodies need to be informed?

Many of the above factors will incur a cost. B&HM will work with the claimants to establish who is responsible for covering the costs of the claims on a case-by-case basis.

9. Appendices

9.1 Objects with contested histories at Brighton & Hove Museums

Brighton Museum & Art Gallery opened in 1873. Like other such Victorian institutions, its development coincided with the growth of the British Empire and many of the objects which joined its collections were obtained by British people engaged in colonial activity.

The Museum holds material acquired from specific imperial campaigns – punitive raids by British forces on Kumasi, capital of the Ashanti kingdom (in present-day Ghana) in 1874, and on Benin City, centre of the Benin kingdom (in present-day Nigeria) in 1897, for example - as well as from individuals who worked as colonial administrators, missionaries, explorers and military officials.

B&HM has been engaged in a process of reflecting on what it means to hold colonial-era collections in a post-colonial context. Like museums elsewhere in the UK and across Europe, as a first point we realise we need to do more to be transparent about the material we hold and how it was acquired.

Given the size of the collections and our limited capacity and resourcing this will take some time. We are committed to the following projects to address carrying out research and sharing collections information as widely as possible. We are also committed to working closely with stakeholder groups in the UK and in countries of origin where possible.

In the last 5-10 years B&HM has been involved in the following projects related to objects with contested histories;

9.1.1 The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS); Return of Cultural Heritage (RoCH) Project

Funded by the Australian Government, AIATSIS is leading the Return of Cultural Heritage initiative to return Aboriginal and Torres Strait Islander cultural heritage material held overseas to Australia. The material they seek to return includes objects, photographs, audio-visual records, artwork and archival items <https://aiatsis.gov.au/about/what-we-do/return-cultural-heritage>

In 2021 B&HM provided information about the history of relevant collections to AIATSIS and with a list of objects and images. B&HM then undertook identification and provenance research on the Australia and TSI collections with the help of Dr. Gaye Sculthorpe, Oceanic Curator and cultural specialist based at the British Museum.

<https://www.anu.edu.au/alumni/our-alumni/spotlight/dr-gaye-sculthorpe> This identified some culturally significant objects that may be requested for repatriation.

9.1.2 Digital Benin; Museum of Ethnology Hamburg, Germany

The Museum of Ethnology, Hamburg (MARKK) developed a 'Digital Benin' project with the aim to gather, document and make available Benin material, and provide access for potential future claims and other restitution partnership opportunities. <https://digital-benin.org/>

B&HM provided information and images for inclusion in the digital database. This contained material in the collection that the museum suspected to have been looted from Benin city in 1997.

9.2 Previous Repatriation activity at Brighton & Hove Museums

9.2.1 2005-2016: Repatriation of Human Remains to the Ngarrindjeri Nation

A repatriation request made for the human remains by the Office of Indigenous Policy Coordination (OIPC) The Department of Immigration and Multicultural and Indigenous Affairs of the Australian Government on 30 June 2005. On 21 May 2009, Brighton & Hove City Council agreed its return via a report made to the Culture, Recreation & Tourism Cabinet.

The modified human was held by Royal Pavilion & Museums until 5 October 2016 when it was formally repatriated to the Ngarrindjeri Nation. The remains were taken to London and handed over to Mr Major Sumner AM, Elder and representative of the Ngarrindjeri community, in the presence of HE Hon Alexander Downer AC, High Commissioner for Australia in the UK, and Councillor Alan Robins, elected Member for Culture Brighton and Hove City Council.

The repatriation process for the ancestor remains, from request in 2005 to return in 2016, was quite a lengthy process, this was mainly because AIATIS were working with a lot of UK museums and all the objects and returns needed to be coordinated and sent back at the same time. This needed to co-inside with the official handover ceremonies and proceedings, that Australian representatives attended in the UK.

9.3 Current Repatriation Activity at Brighton & Hove Museums

As demonstrated by previous and current activity B&HM is committed to engaging with the legacy of colonialism and contested objects.

Since 2019 we have been working with the National Museum of Botswana and the Khama III Memorial Museum on a partnership initiative focused on objects collected by the missionary William Charles Willoughby.

Initially discussed and agreed as an exhibition loan, the project has since become a repatriation project. A selection of objects will be returned to the Khama III Memorial Museum in 2026.

Following the completion of this project with Khama III Memorial Museum, Botswana in 2026, the intention of B&HM is to actively re-interpret, co- curate, and repatriate, formally acknowledging the legacy of colonialism.

Exact project activities will be developed using the Decolonising Framework developed as part of the Culture Change Project, active between 2022- 2025.

Projects will be defined within future strategic planning, and will centre around the following types of activity;

- Hosting workshops and public forums to discuss the collections;
- Continuing to engage the public to understand the context and ethical issues around these objects;
- prioritising collaborative curation; working with colonised people/affected communities to review how objects are labelled and displayed;
- Researching to understand the existing collections provenance;
- Labelling contested items with fuller histories;
- Reviewing and publishing digital records of provenance online;
- Making proactive approaches to local and source communities for opportunities to co-curate and reinterpret collections;
- Proactively research other repatriation opportunities.