

Restitution and Repatriation

A Practical Guide for Claimants and Collecting
Institutions in Ireland



Rialtas na hÉireann
Government of Ireland



An Chomhairle Oidhreachta
The Heritage Council



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Case study credits:

Chester Beatty: Fionnuala Croke, Director, Chester Beatty and Sinead McCartan, formerly Head of Collections, Chester Beatty.

The Hunt Museum: Teresa Crowley, Director, The Hunt Museum.

Nisga'a Nation and National Museums Scotland: Dr Amy Parent, Nisga'a Nation and Dr John Giblin, Keeper of Global Arts, Cultures and Design, National Museums Scotland.

Royal Irish Academy: Professor Mary O'Dowd, Professor Emeritus, Queen's University Belfast.

Trinity College Dublin: Dr Patrick Walsh, Associate Professor in Eighteenth-Century Irish History, Trinity College Dublin and Ciaran O'Neill, Ussher Associate Professor in Nineteenth Century History.

University College Cork: Dr Margaret Lantry, University Curator, University College Cork.

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Preliminaries

Preface

Members of the Advisory Committee
on the Restitution and Repatriation
of Cultural Heritage

Glossary

Abbreviations

Preface

Restitution and Repatriation A Practical Guide for Claimants and Collecting Institutions in Ireland has been produced by the Advisory Committee on the Restitution and Repatriation of Cultural Heritage, appointed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin TD, in June 2023. The objective of this advisory committee was to provide policy advice and prepare national guidelines to support Irish cultural institutions in dealing with claims for the restitution and repatriation of culturally sensitive objects to their places of origin.

The Advisory Committee was chaired by the Rt Hon Sir Donnell Deeny, chairman of the UK Government's Spoliation Advisory Panel and member of the Court of Arbitration for Art in The Hague. Membership of this expert advisory committee included representatives from the museum, archives, academic and gallery sectors, the civil service, as well as legal and ethical experts. The Heritage Council served as the oversight body for the advisory committee and provided the secretariat.

This Guide outlines international best practice and professional standards for making and responding to claims for restitution and repatriation of cultural objects. It is intended for use by claimants as well as by the many different

public and private collecting institutions, heritage centres, religious congregations and individuals that may have objects in collections that could be subject to a claim for restitution or repatriation. For convenience, this guide uses the collective term 'collecting institutions' for all of these establishments or organisations but it is designed to be flexible enough to be used by large and small institutions as well as by private individuals.

While this Guide provides guidance for claimants of cultural objects in Irish institutions, it is not designed for those seeking to recover Irish objects in institutions located outside the island of Ireland.

Small institutions that have not yet formulated guidelines for responding to claims for restitution may wish to adopt the advice and stages outlined in this guide as their agreed approach.

The Advisory Committee on the Restitution and Repatriation of Cultural Heritage would like to express its gratitude to Arts Council England for permission to draw on its **Restitution and Repatriation: A Practical Guide for Museums in England** (September 2023) in the composition of this document.

Members of the Advisory Committee on the Restitution and Repatriation of Cultural Heritage

The following lists the members of the advisory committee and the organisations that they represent:

Chairperson

The Rt Hon Sir Donnell Deeny SC

Members

Ms Sinéad Copeland, Department of Culture, Communications and Sport

Mr Eugene Downes, Department of Foreign Affairs and Trade

Mr Seán Kirwan, Department of Housing, Local Government and Heritage

Dr Phil Mullen, Trinity College, Dublin

The Hon., Mr Justice Kerida Naidoo, Judge of the High Court

Professor Mary O'Dowd, Royal Irish Academy

Dr Patricia O'Hare, The Heritage Council

Professor Jane Ohlmeyer, Trinity College, Dublin

Ms Lynn Scarff, National Museum of Ireland

Mr Oliver Sears, Holocaust Awareness Ireland and Sears Gallery Dublin

Ms Chanté St Clair Inglis, Royal College of Surgeons, Edinburgh, formerly National Museums Scotland

Ms Virginia Teehan, The Heritage Council (Secretary to the advisory committee)

Dr Audrey Whitty, The Irish Museums Association

Secretariat

Ms Aalia Kamal, Ms Lisa Shortall, The Heritage Council

Glossary

Collecting institution

An individual or institution (including museums, art galleries, libraries, archives, universities or others) that is currently collecting, or has previously collected objects.

Core qualities

The qualities of transparency, co-operation and fairness, which according to international best practice should be kept in mind when making and responding to a claim.

Cultural object

Any movable item, specimen, artefact, work, or associated material of archaeological, historical, artistic, ethnographic, sacred, religious, ceremonial, archival, or cultural significance, including items held in museum, library, archive, institutional, or private collections.

Deaccessioning

The process of permanently removing an item from a collecting institution.

Decolonisation (cultural and intellectual)

The process of questioning and dismantling Western or colonial modes of thought, while recovering Indigenous knowledge and reframing worldviews to decentre colonial frameworks.

Due diligence

All the required endeavours to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an item offered for acquisition or use before acquiring it.

Governing body

The decision-making body of the collecting institution.

Human remains

The physical remains of a deceased human being, whether complete or partial, and shall be treated as a distinct category from cultural objects for the purposes of restitution, repatriation, care, and disposition.

Human remains are not defined solely by age. In the Irish context, remains may fall within the category of archaeological objects where they are determined to be of archaeological significance, but more recent or identified remains may be dealt with under coronial, forensic, burial, or other legal frameworks.

Provenance

The full history and ownership of an item from the time of its discovery or creation to the present day, and through which authenticity and ownership are determined.

Provenance research

The research process to investigate the ownership history of an object.

Rematriation

Refers to the return of cultural heritage, ancestral belongings, or cultural knowledge to the Indigenous Nation, community or lineage of origin in ways that affirm their inherent rights to govern, steward and care for that heritage under their own laws, protocols and cultural authority. Grounded in Indigenous worldviews, rematriation seeks to restore relationships, responsibilities and cultural continuity. The term is increasingly used in Indigenous scholarship and museum practice to describe a self-determined process that may encompass both tangible and intangible heritage.

Repatriation

The process by which cultural objects are returned to a nation or state at the request of a government.

Restitution

The process by which cultural objects are returned to an individual or a community.

See also the Glossary at the ICOM International Observatory on Illicit Traffic in Cultural Goods from which some of these definitions have been sourced: www.obs-traffic.museum/glossary/letter_a

Abbreviations

AAM	American Association of Museums
ARA	Archives and Records Association
CBL	Chester Beatty Library
CC	The Conference on Jewish Material Claims Against Germany (Claims Conference)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLG	Company Limited by Guarantee
EC	European Commission
EU	European Union
ICOM	International Council of Museums
IMA	Irish Museums Association
MSPI	Museum Standards Programme for Ireland
NAI	National Archives of Ireland
NCI	National Cultural Institution
NGI	National Gallery of Ireland
NLI	National Library of Ireland
NMI	National Museum of Ireland
NPWS	National Parks and Wildlife Service
PRG	Provenance Research Group
RIA	Royal Irish Academy
RIAHMEG	Royal Irish Academy The Hunt Museum Evaluation Group
RRAPI	Restitution and Repatriation Advisory Panel of Ireland
SI	Statutory Instrument
SMA	Society of African Missions
TCD	Trinity College, Dublin
TCL	Trinity Colonial Legacies Project
TLRWG	Trinity Legacies Review Working Group
UCC	University College Cork
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
WJRO	World Jewish Restitution Organisation

Introduction

Context

Applying the guidelines

Ethical and moral issues

Human remains and
natural history specimens

Legal issues

Context

Ireland is home to a diverse range of heritage collections, each with its own unique history and provenance. Many heritage items originate from contexts and locations far removed from their current setting. Over time, ownership of these items has changed through various means, reflecting the continuous evolution of collections. Contemporary practice recognises the rights of communities of origin to claim ownership of cultural heritage, emphasising the importance of ethical and legal considerations in establishing best practices for negotiating ownership claims.

Ireland has had a complex relationship with colonialism. The island was England's first colony. It was part of the English, and then British, Empire for over 700 years from the twelfth century through to the foundation of the Irish state in 1922. At the same time, many Irish men and women were active colonists in the empires of Britain and other European powers. And some returned to Ireland with objects acquired through their overseas

activities. Many of these objects were subsequently acquired by collecting institutions across the island of Ireland.

Heritage organisations aim to ensure that they hold documentation demonstrating that objects in their collections have good provenance and have not, at some point in their history, been acquired as a result of colonial exploitation, spoliation, and/or illicit trade. This can be a challenging task for institutions with limited resources. Small organisations cannot be expected to adopt policies beyond their resources but in adapting this guidance to their own needs, they should act with honesty and integrity.

The Guide has been developed to support those with stewardship responsibilities for collections in Ireland and to assist communities, institutions and countries who may wish to make a claim for restitution or repatriation. It provides advice and identifies best practice on how to respond to, and be prepared for, requests for restitution and repatriation of objects that came to Ireland from formerly colonised countries and communities or in

other exceptional historical circumstances through looting or other illegal means. This guide is intended to serve as a manual to assist owners, members of governing boards, voluntary committees, institutional staff and prospective claimants in navigating the ethical, legal, and practical considerations involved in restitution and repatriation processes. By providing a clear framework for decision-making, this guide aims to promote transparency, accountability, and best practices in making and responding to claims and requests for the return of cultural heritage and human remains.

Section Two of the Guide provides particular advice for individuals, communities, or institutions who may wish to submit claims to collecting institutions for the restitution and repatriation of cultural objects. It outlines the information and supporting documentation that may be required and the process by which a claim will be assessed. The Guide is intended to help claimants to know what to expect when a claim is submitted. Rather than developing an adversarial approach, a

claim for restitution and repatriation should be viewed as a positive development that enables the collecting institution to expand the knowledge of its collections and explore the history, origins and acquisitions of the objects in it. Submitting or receiving a claim for restitution or repatriation can also be an opportunity to develop connections between the institution where the object is located and the community that is making the claim. Exchanging information on how the object is viewed and what it means to the origin community can be enormously enriching for the collecting institution. Three words sum up the international best practice in relation to requests for restitution or repatriation: **transparency, co-operation and fairness.** These are referred to later in this document as 'core qualities'.

Applying the guidelines

It is important to note that the Guide has been prepared to reflect Ireland's current institutional, legal, and governance landscape, recognising the very wide variation in size, remit, governance models, staffing levels, and capacities across Irish collecting institutions. Informed by the research and sectoral consultation the Guide emphasises flexibility and proportionality. While grounded in established international best practice, it is deliberately not prescriptive. A single, standardised process cannot be uniformly applied to such diverse settings, nor would it support the practical realities of the Irish sector as identified through the National Survey of Cultural Heritage Collections. Institutions are therefore encouraged to apply this guide in a manner appropriate to their scale, resources, and responsibilities, while remaining consistent with the overarching principles of transparency, ethical practice, and accountability.

The Guide is intended to serve all collecting institutions in Ireland and will be of particular value to smaller and volunteer-run museums, ecclesiastical bodies, private collections, and historic houses—groups that often operate without formal legal support, specialist provenance expertise, or established policies for assessing or responding to claims. For these organisations, this guide provides essential procedural clarity, practical tools, and a clear pathway for seeking external advice where needed.

For larger institutions, the guidelines outlined in the Guide offer a nationally aligned and coherent framework to support consistency in decision-making, enhance transparency, and strengthen public trust. They also help ensure that institutional policies and procedures can operate effectively alongside the national framework and forthcoming new legislative structures.

Future updates

The Guide anticipates the establishment of the Restitution and Repatriation Advisory Panel of Ireland (RRAPI), which the Advisory Committee on the Restitution and Repatriation of Cultural Heritage recommends be created through primary legislation.

RRAPI will provide a mechanism for reviewing claims, issuing recommendations, and supporting fair and transparent resolution processes for both claimants and institutions.

However, even in the event of RRAPI's establishment, these guidelines emphasise that direct engagement between claimants and institutions seeking to reach fair, transparent,

and mutually agreed outcomes will remain central to the national approach. This continues to be the preferred method for resolving these complex and sensitive matters.

If the proposed legislation is enacted and RRAPI is formally established, this guide will be revised and expanded to reflect the Panel's functions, operating procedures, and decision-making criteria. This will ensure alignment between institutional practice and the national framework. In this context, the Guide should be understood as a living document that will be updated as the national system develops and matures.

Ethical and moral issues

A number of ethical and moral principles relating to the acquisition, sale, lending or borrowing of cultural property are enshrined in codes and professional standards both in the cultural heritage sector and the commercial world. These principles and codes often overlap, and when dealing with cultural property an appropriate balance or expert advice may be needed. A summary of relevant codes is included in [Appendix 4](#).

Ethical considerations, as outlined in various codes of ethics, include:

- 1. Professional conduct** – observing accepted standards and laws; safeguarding individuals and communities against illegal or unethical professional conduct; respecting laws and conventions that regulate the import, export and transfer of cultural property; practising due diligence; and operating in an open and honest way.
- 2. Respecting the origin of cultural property** – initiating dialogues for the return of cultural property to a country or people of origin; returning cultural property that can be demonstrated to have been exported or transferred in violation of the principles of international and national conventions.
- 3. Doing no harm** – avoiding harm to an individual or a community or the general public.
- 4. Respect for diversity of belief** – showing respect for individuals, cultural groups and communities; giving consideration to the cultural and historical backgrounds, beliefs and values relevant to all parties concerned.
- 5. Solidarity** – recognising that we all have a shared humanity and an interest in furthering common goals and acknowledging differences that respect fundamental human rights; rising above our differences to find common ground through co-operation and consensus.

Human remains and natural history specimens

The management of historic human remains is shaped by a combination of legal obligations, museum policies, and international ethical standards. At the core of the legal framework in Ireland are the National Monuments Acts (1930–2014) and the more recent Historic and Archaeological Heritage Act 2023, which classify archaeological human remains as protected objects. Disturbance, removal, or excavation of such remains requires explicit permission from the Minister for Housing, Local Government and Heritage. The National Cultural Institutions Act 1997 regulates the acquisition, care, and potential export of human remains held in state institutions. Additionally, the Coroners Act 1962 plays a role in ensuring that newly discovered remains are appropriately reported to rule out recent unlawful deaths.

Ireland's obligations under international conventions, including UNESCO guidelines, the Valletta Convention, and the UN Declaration on the Rights of Indigenous Peoples, encourage ethical engagement with communities connected to human remains and promote responsible stewardship on the part of collecting institutions.

The National Museum of Ireland (NMI) has developed a Human Remains policy that is a useful template for other organisations. The policy provides for repatriation or deaccessioning of remains in consultation with relevant communities, full documentation, and adherence to legal procedures.

The NMI policy draws on the ethical principles expressed in the ICOM Code of Ethics for Museums. Collecting institutions are expected to avoid sensationalism and to engage with communities who may have cultural, ancestral, or spiritual connections to the remains. Transparency regarding provenance, careful conservation practices, and minimal intervention are essential. Accountability to the public, sensitivity to evolving cultural expectations and active engagement with communities of origin are central to the ethical stewardship of human remains.

Legal issues

It is essential that collecting institutions recognise and take account of the legal frameworks within which they operate, ensuring that relevant aspects of law are considered alongside the ethical and moral principles that guide restitution and repatriation. This includes understanding the organisation's own legal status and obligations, for example whether it is constituted as a charity, public body, or trust, and how this may affect its powers to deaccession, transfer or return. Legal advice may be required if there is uncertainty about title, if laws restrict removal or disposal, if export or import regulations apply, or if donor agreements, wills or trust deeds affect what can be done. Setting out these considerations clearly in internal policy documents will help institutions to identify when to seek professional legal advice before making any final decisions.

Collecting institutions dealing in acquiring, buying or borrowing items of cultural property, have a duty to maintain a working knowledge of relevant legal issues applicable to their roles. This applies to senior staff and board members of collecting organisations, dealers and auction houses as well as collectors. Sufficient knowledge is required so that organisations and individuals act within the law, are able to understand the legal implications, and can assess when expert advice is needed.

Accordingly, this guide should be read in the context of the legal and ethical codes that have been developed in relation to the restitution and repatriation of cultural objects. There are also international conventions or agreements which may impact on Irish collection holders. These are summarised in **Appendix 2**. Different institutions will also have their own legal structures and guidelines on deaccessioning or disposal of objects (see **Appendix 3**).

Section 1: Getting started

Better understanding the
items in the collection:
Cataloguing

Better understanding the
items in the collection:
Provenance research

Nazi looted art and
provenance research

Making the information
available

Better understanding the items in the collection: Cataloguing

Cataloguing is a core collections management function. Accredited Irish museums, and professionally operated libraries and archives, are expected to meet defined cataloguing standards.

Cataloguing refers to the processes and systems in place for gathering, managing and cross-referencing information about collections – from multiple sources – so that it can be easily found.

Collecting institutions create catalogues so that they can record information about each object or group of objects, either in a computerised system (collections information systems) or a paper-based system (cards and ledgers), but often a combination of both. The catalogues should be searchable so that users, both internal and external, can find information quickly and easily. Catalogue records should link or cross-reference to other relevant information held on file (e.g. in another part of the computerised system or in a series of object history files) or elsewhere (e.g. online).

Catalogue records often tell the user more than the minimum inventory level necessary for accountability: a source that records that an object exists, the object number and where it is located.

The Heritage Council's Museums Standards Programme for Ireland (MSPI) provides a comprehensive overview of the minimum standards required in the development of appropriate collections management records. Catalogue records also usually build on the minimum standard with more descriptive information (size, format, media, etc.), condition, background context, exhibition history, etc. There are many different approaches to cataloguing. The overall method is established at senior level and is expressed in a documentation policy. This policy takes into account the organisation's mission, the type of collection and the needs of different users. The aim of cataloguing is not to produce a definitive end product, which cannot be shared until it is considered complete. Cataloguing is never finished because there is always more to learn. Established collecting institutions develop

documentation plans which identify priorities for work and break down cataloguing into manageable smaller projects. These are ongoing projects that are part of an ongoing process of continual improvement.

Listing and cataloguing are key to prioritising transparency in the institution's overall management. All lists and catalogues should ideally be made available with digitised images on the institution's website. This is essential as a first step in developing communication and conversations with the communities or countries of origin of the objects in the collection. It will also be useful for developing networks and discussions with other institutions with similar objects.

Limited resources and staff numbers will make this a difficult challenge for many institutions. Some will, however, have inventory lists, accession lists or incomplete catalogues, which are not available to the public. In the interests

of transparency and communication with an Irish and a global audience, institutions should make these lists available wherever possible on their website. Inventory lists (even if incomplete) will give interested members of the public an outline of what is in an institution's collections.

It is a given that the security of objects, collections or organisations should not be compromised through the publication of inappropriate or sensitive security information.

Caveats can be added to indicate that the list is incomplete or that it was written at a time when the full history of the object was not known or that it was interpreted in such a way that it ignored the origin story of the objects described.

Action:

Collecting institutions should make all lists and catalogues available on their website.

Better understanding the items in the collection: Provenance research

Provenance is the recorded history of an object's ownership. Everyone working in collecting institutions has an ethical and legal responsibility to understand the provenance of the collections that they hold. Seeking to acquire a working knowledge of the types of objects that may have been acquired illicitly is crucial, as is knowledge of international resources such as databases of stolen cultural property that can help with due diligence research.

Collecting institutions have a duty to acquire objects honestly and responsibly and to meet all current ethical and legal standards. In Ireland organisations accredited by the MSPI must have procedures in place to ensure that key collections information is recorded and maintained to defined standards. This includes having a plan to research and document any parts of the collections that lack such information.

The approach developed by the American Association of Museums, *The AAM Guide to Provenance Research* (2001), is a very

helpful guide to establishing a provenance research programme. Other useful guidelines on standards include *Spectrum: the UK Collections Management Standards*, which includes procedures relevant to provenance. See also **Appendix 5** for a list of other useful guides and websites.

Researching the provenance of an object is another fundamental part of collection management. The process is essentially about learning more about the history of an object, and how it was acquired by the institution and the story of its previous ownership. A systematic research strategy should be developed. This should begin with an overview of the type of collection(s) deposited in the collecting institution. Secondly, the collection or individual objects should be considered in terms of their high, medium or low potential for a possible claim for restitution. Initial research should focus on the objects or collections considered to be in the high potential category. The research methodology followed by the institution for provenance research should be published online.

Provenance research is an ongoing process and making the research available online will enable international experts and other interested parties to access it and contribute to the discussion on the origins of the objects. All of this information will help the institution when assessing a claim for restitution or repatriation. The Hunt Museum Provenance Research Project (see case study on page 62) provides an excellent example of how to develop a methodical provenance research programme.

Consulting with research networks and individual experts can be helpful in identifying information about objects in the collection. Although the field of provenance research is relatively new, there are a growing number of people working in this area across Europe and the USA (see **Appendix 4** and **Appendix 5**).

The following can also be consulted:

- Provenance research specialists in Ireland and internationally.
- Academic researchers in Ireland and internationally.
- Countries and communities of origin for items in the collection.
- If possible, and, where appropriate, the donor or seller of the item.

Action:

Collecting institutions should publish provenance research methodology and findings online.

Nazi looted art and provenance research

Issues relating to Nazi looting, which are different from colonial plundering, must be understood in their distinct historical, legal, and moral contexts. International recognition that the violent appropriation of cultural property formed part of the Holocaust and the attempted destruction of the Jewish people led to the Washington Conference Principles on Nazi-Confiscated Art which were adopted at the Washington Conference on Holocaust-Era Assets in 1998. The Principles emphasised the urgent need to recognise that vast amounts of art and cultural objects seized by the Nazis remained unrecovered, misidentified, or held in public and private collections without full acknowledgment of their origins. The Washington Principles, endorsed by 44 nations, set out non-binding but widely accepted commitments encouraging provenance research, the identification of looted cultural property, open access to archives, and the pursuit of “just and fair solutions” between institutions and claimants. To support their practical implementation, the Best Practices for the Washington Conference Principles on Nazi-Confiscated Art were issued in March 2024, and Ireland is among the thirty-four countries that have endorsed these best practices. The Best

Practices emphasise the central role of provenance research and note that institutions should be encouraged to catalogue, digitise, and make available online their records and inventories in their totality. Access should be given to provenance researchers to all relevant archives and records, including dealer records. Where queries are made, all information relating to acquisition and provenance should, as a matter of fairness, be made available to claimants. In such circumstances, provenance research, particularly regarding potential claims should be overseen by an independent body, including the Restitution and Repatriation Advisory Panel of Ireland, once it is established, to avoid conflicts of interest. Such an independent institution should be granted access to all relevant archives, whether public or private.

In the context of Nazi-looting the definition of objects which are subject to provenance research comes from an agreement between the American Alliance of Museums (AAM), the Association of Art Museum Directors (AAMD), and the Presidential Advisory Commission on Holocaust Assets in the United States (PCHA).

“ Under this agreement the parties concurred (a) on the desirability of expanded online access to museum collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era, (b) on the need to identify the categories of objects for which this information should be made available, and (c) toward those ends, that every museum should:

1) Identify all objects in its collection that were created before 1946 and that it acquired after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, “covered objects”). In the event that a museum is unable to determine whether an object created before 1946 and acquired after 1932 (a) might have been in continental Europe between 1932 and 1946 and/or (b) underwent a change of ownership during that period, it should still be treated as a covered object.

2) Make currently available object and provenance (history of ownership) information about covered objects accessible online.

”

www.aam-us.org/wp-content/uploads/2018/01/nepip-recommended-procedures.pdf

Making the information available

Collecting institutions should consider how to disseminate information about the provenance of objects in collections, particularly those that might be contentious or controversial. Sharing knowledge enables an institution to demonstrate that it is transparent about the collections and the full story of their origins. Websites, social media, relevant networks, conferences, databases, newsletters and other publications can all be used to share information with the general public in Ireland and internationally.

Labelling and interpretation

Physical and digital labels and interpretation panels should reflect the provenance of the item and any relevant historical context straightforwardly and sensitively. See 'Labelling Matters: Reviewing the Pitt Rivers Museum's use of language for the 21st century' (www.prm.ox.ac.uk/labelling-matters) for resources relating to the creation of inclusive labelling.

Documentation

The records of collecting institutions, especially object files, should be updated when new information is discovered about the provenance or original use of an object. This should be made available to researchers or members of the public with an interest in finding out more about the history of an object in a collection.

Digitisation

Searchable online databases, including fields that record available provenance information and accompanying images of objects should be published on the institution's website. Online publishing provides universal access to provenance information and historical context and is clearly a means of broadening access to the collection. Take care to consider cultural sensitivities when publishing images online. If in doubt, always verify with the community of origin whether digitisation is appropriate for particular material. Institutions should also consider carefully the format in which digital material is presented to ensure that it can be viewed and understood across multiple devices, applications and platforms.

Section 2: Guidance for claimants

Who can make a claim?

What information should
be provided by claimants?

How will a claim be assessed?

Additional information
and supporting your claim

What to expect when making
a claim

This guide is intended to help individuals, communities, or institutions submit claims to collecting institutions for the restitution or repatriation of cultural objects. When a claimant wishes to make a request for the return of objects, it is recommended that the claim be made formally and in writing to the relevant collecting institution. The correspondence should be addressed to the Director of the institution concerned, clearly outlining the basis and context of the claim and specifying the items. In accordance with best practice, all claims should be managed in a transparent, and professional manner, as outlined in **Section 3** of this guide.

It is further advised that, wherever possible, claims should be resolved through cooperative engagement between the claimant and the collecting institution. Such processes should aim to achieve an outcome that is both legally compliant and ethically sound, reflecting mutual respect, cultural sensitivity, and adherence to professional standards and the law.

Who can make a claim?

- An individual (often a descendant of a particular individual or family who had once owned the item(s) claimed).
- A community of origin or related organisation.
- A collecting institution (most commonly one located overseas).
- A foreign state (usually represented by its embassy, or by a particular ministry or government department, or by a politician or other state official) or an organisation specially designated for dealing with restitution or repatriation claims (among other matters).

See also below and **Appendix 1A** for background information which institutions may require about the claimant and their relationship to the objects claimed. The institution may also ask about other potential stakeholders who should be involved in the discussions.

What information should be provided by claimants?

Providing as much detailed information as possible will help to resolve claims and ensure that both collecting institutions and claimants can guarantee the authenticity of the circumstances of the loss and the identity of the items being claimed. While the information listed below may be difficult to assemble, it is recommended that as much research and evidence gathering as possible is completed in advance of making a claim, e.g.

- **Identification of the object:** description, images, catalogue numbers, if available.
- **Provenance history:** how it was acquired, and when.
- **Cultural significance:** importance to the community or group.
- **Legal or ethical basis:** for the claim (e.g. colonial removal, illicit excavation, wartime seizure).
- **Supporting documentation:** archival evidence, oral testimony, expert reports, or community statements.

How will a claim be assessed?

Be aware that when a claim is received by a collecting institution, generally the following factors will be considered:

- The validity of the provenance evidence.
- National and institutional policies on restitution and repatriation.
- The importance of the object to the claimant community.
- National and international legal standards (UNESCO conventions, UNDRIP, ICOM Code of Ethics, Washington Conference Principles on Nazi-Confiscated Art).
- The circumstances of removal.
- The public interest, including opportunities for shared custodianship or loan arrangements.

See also **Section 3** for more information on the process that will be followed by collecting institutions.

Additional information and supporting your claim

Making a claim requires submitting as much evidence as it is possible to collect or identify. Therefore, it is important to create a clear case which outlines the claim. Associated oral histories and community testimony are important as well as photographic evidence and other materials that may seem appropriate. Include letters of support from community leaders, scholars, or institutions. Additional or new information can be forwarded after an initial claim is made.

A template claim form is included in **Appendix 1A**.

What to expect when making a claim

Details on how collecting institutions may respond to claimants are outlined in **Section 3**, 'Working through a formal claim'.

Collecting institutions may have a defined internal policy governing the management of claims and the procedures for authorising decisions. Claimants should be aware that the conditions and processes set out in each institution's policy will determine the manner in which the claim is handled and the timeframe for consideration.

When a claim is under review, it is likely that the collecting institution will invite the claimant to meet with representatives to initiate a process of dialogue and to clarify the nature and scope of the claim. The institution may also appoint a liaison officer to act as a primary point of contact and to keep the claimant informed of the claim's progress.

To evaluate the merits of a claim, the collecting institution will normally need to undertake research to verify the evidence and provenance of the material in question. This process may involve consultation with external experts or specialists where appropriate. In some cases, decisions on claims may require the convening of relevant committees or governing bodies in accordance with the institution's governance framework. Maintaining open and effective communication throughout this process is essential, and claimants should be mindful and respectful of the administrative and procedural timelines within which institutions operate.

Given that claims for cultural repatriation may attract public and media attention, it is advisable that both parties agree a communications plan at an early stage. Establishing a coordinated approach to communication helps ensure that information is managed professionally, transparently, and respectfully, and that the integrity of the process is upheld for all.

Section 3: Guidance for institutions

Developing a policy on
responding to restitution
and repatriation cases

Preliminary discussions

Understanding the object(s)

Understanding each other

Working through
a formal claim

Assessing the claim

- A. Ethical and moral assessment
- B. Legal assessment

This section provides practical, step-by-step guidance on the issues that will generally arise at each stage of the claims process. It is important to keep in mind that these stages will often be fluid and may overlap or occur simultaneously. Institutions will, however, find it useful to use the process described as a checklist to ensure a rigorous and methodical approach to a claim.

Developing a policy on responding to restitution and repatriation cases

In 2024, a survey was conducted by the Heritage Council of all Irish collecting institutions. 94 survey responses were received. Of that group, 20 respondents reported that their organisation had received a claim or request for the return or restitution of an object in the collection.

It is recommended that all collecting institutions that have the potential to be the subject of a restitution or repatriation claim should include an outline of how they would respond to a claim for restitution and repatriation in their Collections Development Policies. This should be agreed by the governing body of the institution and should be kept up to date and reviewed on a regular basis. The policy should reflect the legal structures of the institution, which will differ from one institution to another. **Appendix 1B** provides a template policy that can be adjusted to suit the requirements of individual institutions. Small collecting institutions or private collection holders who may not have Collection Development Policies may adopt this guide as their policy on restitution and repatriation, once it is signed off by the governing body.

It is important in the interests of transparency and fairness, that a collecting institution makes its approach clear to a potential claimant, as well as to members of the public with an interest in the collection. The approach to be followed should also be made available on the institution's website.

If an institution receives a request for restitution or repatriation but has not yet developed a policy, the governing body should agree in writing the approach that is to be followed. The governing body should sign off on the agreed procedure. This step will avoid any potential confusion at a later stage in the process.

Action:

Collecting institutions should include an outline of how they would respond to a claim in their Collections Development Policies and make this available online or on request.

Preliminary discussions

A claim will often begin with an approach from a party seeking information about a particular item or group of items. The enquiry could also be of a more general nature, asking whether an institution's collection includes items of a particular type or origin that may have a cultural, spiritual or historical affiliation with the party or the party's forebears. Information may also be sought about potentially looted objects.

Steps to take

- Considering the information provided by the claimant.
- Bringing the claim to the attention of the institution's governing body.
- Appointing staff member(s) or a named individual to act as the point(s) of contact for communications (unless an institution already has role(s) which cover these matters) and providing details to the interested party.
- Ensuring it can be verified that the item(s) requested by the party match(es) the item(s) held by the institution.
- If the object is of spiritual or sacred sensitivity to the claimant, discussing the object's removal from display with the claimant, and ensuring that the appropriate messaging is displayed on any relevant collections page on the collecting institution's website.
- Ensuring the party is aware of the collecting institution's written policy on responding to restitution and repatriation cases. This should be shared and explained, and the collecting institution should clarify that if the party wishes to make a formal claim, the procedure set out in that policy will be followed.
- Inviting the party to meet with relevant staff or a named individual, either at the collecting institution, an alternative location or via video-conference.

Understanding the object(s)

How to gather information about the object(s) claimed

In the first instance, it is vital that the collecting institution determines that it does have the object in question. If the object cannot be located, careful consideration needs to be given to how the claimant is informed and then supported.

Avenues to explore

This might include:

- Documentation which may show who owns the object and what provenance documentation exists to support this, including any relevant information provided by the claimant.
- Documentation from accession registers, donation files and the archives of the institution.
- Wills and associated codicils or related documents that may provide information on donations.
- If the object has been donated, all information about the donation and any due diligence records completed before the donation, e.g. the deed of gift.

- If the object was purchased at auction or by private sale, all information secured at the time of sale including any due diligence completed by the auction house or vendor.
- Exhibition history and any additional research that was conducted to support the exhibition or interpretation of the object.
- If the object is not owned by the collecting institution, what the circumstances are of its ownership (e.g. it may be a loaned or orphaned object).
- Statements and evidence provided by the claimant.
- Any export or excavation permits associated with the object's initial removal, if relevant.
- Publications about, or referring to the object or relevant to its history and ownership history.
- Information from the institution's employees or former employees.
- Information from the donor if applicable.
- Accounts from other collecting institutions with similar collection items.

In some cases, the information gathered may be sufficient to progress discussions with the claimant, but usually, further enquiries will be required.

Seek additional information

This will depend on the nature of the item and its history, but steps might include:

- Undertaking provenance research, if not already conducted, in relation to the item in question.
- Undertaking research to better understand the wider context of the claim. It may be useful to consider whether the claim is connected with broader political initiatives or more systematic restitution or repatriation campaigns.

These steps should usually be carried out with the consent of, or at least with the knowledge of, the claimant (except where confidentiality considerations prevent this).

How to evaluate the information

In many cases, the nature of the item and its history will mean that the information available is not comprehensive. It may not be possible to piece together a detailed and complete account of the object's history or to verify conclusively every aspect of a claim. In these circumstances, the collecting institution should think about whether the information they have, taken together, provides a reasonable basis to decide a particular question or issue. Is it more likely than not that a certain fact or state of affairs exists or existed?

Record the steps taken in gathering information and itemise the information systematically so that it is available for use in the next stages of the process.

Understanding each other

In order to engage in meaningful and fruitful dialogue about a restitution or repatriation request, it is important that both parties (the collecting institution and the claimant) have a good understanding of each other's structures and processes.

The governance structures and decisionmaking processes should be clarified. The collecting institution should ensure that there are no applicable restrictions in the terms of a gift or bequest, or of a grant used to acquire the object, or that if the object entered the collection through a governmental tax scheme, that the appropriate permissions can be obtained.

Understanding the collecting institution

The way in which an institution responds to a claim will depend, to some extent, on:

- Its structure and how decisions are made at an organisational level.
- Any legal restrictions or considerations affecting items in the collection.

It is important that institutions satisfy themselves that they have title for the object in question.

These factors should be fully understood, and legal or other relevant advice should be sought, if required and if possible. Their potential consequences should be explained openly and sensitively to the claimant. For instance, if the collecting institution is legally prevented from deaccessioning certain items (i.e., removing them from the collection), it may wish to explore with the claimant, at this stage, whether outcomes other than a transfer of legal ownership might be possible.

Understanding the claimant

A claim may be brought by a number of different people, organisations or entities. See 'Who can make a Claim?' in **Section 2**.

The collecting institution should consider:

- Are they talking to the right person/group?
- Are there multiple/competing claims over this object/collection of objects? If there are multiple/competing claims, you need to consider how this will be managed (see 'Involving other stakeholders').

If the collecting institution is not able to answer the above questions with confidence, it may be unable to respond effectively to the claim. There may be very complex local politics, which require consideration in the context of the claim, and every effort should be made to understand this context in order to manage the claim effectively.

In each case, on receiving a claim, the collecting institution should engage in dialogue to understand the position of the claimant. This will usually involve making certain enquiries or taking certain steps. These should be discussed openly and transparently with the claimant, explaining why the information is relevant and important.

Firstly, ensure the following basic details are clarified:

- Name of individual or family, community of origin or organisation, museum, cultural centre or state making the claim.
- Claimant's place of origin (territory and country).
- Item(s) claimed.
- Item(s) place of origin.
- Claimant's relationship to item(s) in question.
- Claimant's wishes in relation to item(s).

Further questions to consider may include the following, as appropriate:

- Is the claimant bringing the claim as an individual or as a representative of a community, organisation or state?
- Is there evidence that the legal status of the entity to which title will be transferred has the legal authority and capacity to hold title to the object? If not, this should be provided.
- Does the claimant have the support of any official body?

If the claimant is representing a community or organisation:

- Is the claimant bringing the claim as an individual or legal entity?
- What is the nature of that community/organisation? Is it officially recognised under the laws, or according to the practices, of the relevant country, whether government or not?
- How is the claimant authorised to represent that community/organisation? Do they have an official or recognised position within the group (for example, an elder of an Indigenous community)? Can they demonstrate the support of the community for the claim?

If the claimant is a museum, what is its structure and does it have official recognition, as a member of the International Council of Museums (ICOM) or a national museums association, for example?

Involving other stakeholders

The collecting institution should consider, together with the claimant, whether there are other potential stakeholders who should be involved in the dialogue. In some cases, a joint approach to these stakeholders might be possible.

Questions to consider and discuss with the claimant in this regard include the following:

- Has the claimant been in contact with, or do they know of others who support or oppose the claim, and whom it might be useful to engage in the discussions? These might include the government of the claimant's country or other recognised organisations, or museums or other cultural centres. In some cases, it might be useful to discuss these relationships further to understand any political or cultural sensitivities surrounding the claim.
- If the claim is brought by a state, are the representatives bringing the claim directly representing, or in communication with an individual, group or community, connected with the object in question, and if so, can that person, group or community be directly involved in discussions?
- Are there any other groups or organisations that should be informed about the claim? These might include: the Department of Culture, Communications and Sport; the Department of Housing, Local Government and Heritage; the Department of Foreign Affairs; sector groups in the country of origin; diaspora communities (explaining sensitively why communication with these entities might be necessary or useful at this stage). Institutions should assure themselves that they have consulted all the relevant stakeholders and interested parties about the claim.
- Is it possible, and if so, might it be useful to approach the donor of the object(s) in question in order to ascertain more about provenance, respecting any confidentiality requirements (for example relating to the identity of the donor). If the identity of the donor's heir is known, they should also be consulted.
- If the donor is alive, or if the donor organisation is extant, they should be consulted about the provenance of the item respecting any confidentiality requirements (for example relating to the identity of the donor).

Working through a formal claim

Once a formal claim has been submitted, the collecting institution should follow the steps of its policy on responding to restitution and repatriation cases. The collecting institution should keep the following practical matters in mind throughout the process:

- **Information sharing:** the claimant and any other relevant stakeholders should be kept appropriately updated in a timely fashion as the claim progresses.
- **Records:** a written record should be maintained, detailing each step in the process, cataloguing, for example, what action or decision was taken, when, by whom, and with what result. This will be important in preparing a report which should be submitted to the decision-making body, such as the trustees, board or directors at the appropriate time (see following pages).

The following steps will usually be applicable:

Receiving the formal claim	Claims should be presented in writing, usually addressed to the Director or similar senior position in the institution. The collecting institution should ensure that it has advised the claimant accordingly. The claim should be managed throughout the process by the staff position(s) or the named individual appointed as point of contact. The contact details of the liaison person should be easily accessible on the institution's website. This person may refer matters to other experts and staff within the institution or consult with them either on an informal or formal basis (for example, by establishing a working group, if appropriate). Should the institution be engaging with external experts/consultants on a formal basis, consideration should be given to appropriate remuneration.
Sending an initial response	Provide a written acknowledgement to confirm receipt of the claim promptly, within the timeframe suggested in the institution's policy.
Informing the governing body	Provide notification that a formal claim has been submitted to those responsible for making a decision. Confirm with the decision-making body that matters will be progressed in accordance with the institution's policy.
Competing claims	If it appears from the information gathered that there are competing claims to the object(s), it is generally advisable to ensure that these are resolved before proceeding to the next steps.
Meeting	If it has not already been done, the institution should invite the party to meet with relevant staff, either at the collecting institution, an alternative location or via video-conference. This can be important to develop a relationship of trust between the parties and can sometimes help to clarify misunderstandings that can easily arise when communications have been conducted only by email or in writing.

Preparing stakeholder communication plan	Depending on the nature of the claim and the item(s) in question, the collecting institution may wish to develop a communications plan with the claimant, considering issues such as press releases and responses to media enquiries, as well as social media activity (both proactive and reactive). Consider the message the institution wishes to convey. Share the media strategy.
Preparing a report	It is important that the collecting institution's decision-making body and other key stakeholders are fully apprised of all relevant information. The collecting institution's point of contact should work with the claimant in drafting a detailed report about the claim, to be submitted to the governing body at the appropriate time.
Meeting of governing body	It will be essential to conduct a meeting, or series of meetings, of the decision-making body for the assessment of the claim. The claimant should be invited to participate (by video-conference, if necessary) so that matters can be discussed face-to-face. The claimant should always be given an opportunity to respond to any counter-arguments raised. If participation in real time is not possible, for any reason, an alternative opportunity to meet should be arranged.
Making a decision and sharing this with the claimant	The collecting institution should assess the claim in accordance with the guidance set out in 'Assessing the claim' below and consider carefully and sensitively how the decision is shared with the claimant.

Assessing the claim

A claim for restitution or repatriation will either be based on ethical or moral principles or on legal grounds. If a claim is based on legal grounds, the institution should promptly seek legal advice on the appropriate response (see 'B. Legal assessment' below). More often, however, the claim will need to be considered in accordance with ethical principles.

A. Ethical and moral assessment

Considering a claim in accordance with ethical and moral principles means, at its most basic level, discussing 'the right thing to do'. In practice, of course, this can be a complex question. Ethics are not a single, uniformly accepted, universal and unchanging set of principles. Rather, they are fluid and subject to changes through time and circumstance. A decision taken at a particular point in the past is not set in stone; changing approaches over time and discoveries of new information might result in a different decision on re-examining a claim at a later date.

Where earlier actions or determinations are now understood to have resulted in outcomes that are *manifestly unjust*—that is, clearly and unmistakably contrary

to the principles of fairness, equity, and good conscience—there may be a strong ethical imperative to revisit and rectify them. The recognition of manifest injustice provides a framework for acknowledging that adherence to outdated or procedurally correct decisions may nonetheless perpetuate moral or ethical wrongs, and that reassessment in light of contemporary standards may be necessary to restore integrity and fairness.

The following three ethical factors will assist collecting institutions in making this assessment. Each factor should be discussed with the claimant (and possibly other relevant stakeholders). A decision should be taken only once all three have been considered together.

Who is raising the claim

The assessment of a claim requires considering who is making it and whether they are able to care for the object(s). Collecting institutions may have the facilities and expertise to preserve such material, but individuals and communities may have legitimate cultural or historical connections that make them equally appropriate claimants. Each case should be evaluated on its merits, balancing the claimant's connection with their capacity for proper care.

How this relates to the core qualities

(referred to in the Introduction above)

transparency

clarity of purpose to the claim;

co-operation

ensuring that the most appropriate claimant is identified to safeguard the future of the object should it be restituted;

fairness

enabling the claimant to understand why an alternative claimant may need to be identified in order to progress a claim.

The significance of the object to the claimant

It is recognised throughout the museum sector today that cultural objects of great significance to a country or community of origin, or to a past owner, can retain an important connection to that country, community or person long after their removal.

How this relates to the core qualities

transparency

being honest and sensitive about an object's origins and how these can relate to people today;

co-operation

working with countries and communities of origin, and past owners;

fairness

treating the sensitivities of such parties with respect. See **Appendix 2** for further information on UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples).

Questions to consider:

Why and how is the object important to the claimant?

Does the claimant want to use or incorporate the object within their community's current customs or practices?

What is the genealogical, cultural, spiritual or religious link between the claimant and the object's original creator or past owner?

How the object was removed from its place of origin or from a past owner

It is recognised throughout the cultural and museum sectors today that organisations must be especially sensitive to countries or communities of origin, and to past owners, in relation to cultural objects originally taken in ways considered unethical today (including during war, conflict or occupation, as well as by unlawful means or through duress).

How this relates to the core qualities

transparency

being honest and sensitive about an object's history and the context of its original removal;

co-operation

working with victims of past removals, or their descendants, to better understand and care for the object;

fairness

seeking fair outcomes that might help redress any past or ongoing injustices suffered by the claimant.

Questions to consider:

Did the removal occur in a way that was unlawful at the time or through a transaction entered into under duress or without consent (even if it occurred long ago)? If removal was illegal, the decision may no longer be an ethical one but a legal one. Limitation periods often apply.

Did the removal occur at a time of war, conflict, occupation, famine, disease or widespread displacement of a population?

Did the circumstances through which the object was removed create particular harm and suffering that still resonate today for the claimant?

Did the person(s) (if any) who facilitated the removal have the appropriate authority to do so?

B. Legal assessment

If a claim is based on legal grounds, the collecting institution should promptly seek legal advice on the appropriate response. Situations in which a collecting institution may have to return an object for legal reasons would usually occur only if the claimant can demonstrate a stronger right of ownership to the object than the collecting institution, such as:

- Where the claimant was the legal owner and the object was stolen or otherwise misappropriated from them. This may include cases where a foreign state is claiming antiquities removed without authorisation, provided there was a law at the time 'vesting' the antiquities in the state.

Very often, however, the title of the original owner will have been lost because of the passage of time. Legal ownership can also be lost if a stolen or misappropriated item has been sold on in a foreign country, depending on the legal rules of that country.

- Where the claimant had in fact only lent the object to the collecting institution.

If it transpires that the legal grounds for return are not met, or remain unclear, the collecting institution will need to consider the claim under 'Ethical and moral assessment' outlined above.

Factors that need to be considered when processing a claim

Securing an export licence

In Ireland, the export of cultural goods is regulated under the National Cultural Institutions Act 1997 and the European Union (Export of Cultural Goods) Regulations 2015 (S.I. No. 102 of 2015), which implements EU Regulation (EC) No. 116/2009 on the export of cultural goods. These laws require individuals or institutions wishing to export certain categories of cultural property, such as artworks, manuscripts, or archaeological objects, to obtain an appropriate export licence from the Department of Culture, Communications and Sport.

To apply for an export licence, applicants must complete the Export Licence Application Form available from the Department's website. If approved, a licence (either an international or EU export licence, depending on the destination) is issued, permitting the legal export of the item.

Export of ivory

The export of ivory from Ireland is subject to strict controls, reflecting international efforts to combat the illegal wildlife trade. Governed primarily by the EU Wildlife Trade Regulations—notably Council Regulation (EC) No. 338/97 implementing CITES (the Convention on International Trade in Endangered Species)—and enforced domestically through the European Union (Wildlife Trade) Regulations 2012 (S.I. No. 346 of 2012), the commercial export, import, or sale of ivory is largely prohibited.

Following the introduction of Commission Implementing Regulation (EU) 2021/2280, only very limited exemptions apply, such as for antique items (worked before 1947) and certain musical instruments containing small amounts of ivory. Claims for exemptions are made on a case-by-case basis. Any person seeking to export such items must obtain a CITES export permit from the CITES Management Authority of the National Parks and Wildlife Service (NPWS) and provide evidence of age and provenance (www.npws.ie/licencesandconsents/import-export-trade/cites). Breaches of these provisions constitute serious offences, carrying potential fines, imprisonment, and seizure of the items concerned.

Section 4:

Case studies

Case study: Policy preparation:
Chester Beatty Library
provenance research group

Case study: Responsible governance:
Royal Irish Academy and the colonial
legacies project

Case study: Responding to a claim:
The Hunt Museum provenance
research in practice

Case study: Repatriation:
University College Cork (Ireland)
to Arab Republic of Egypt

Case study: Restitution:
Trinity College Dublin and
Inishbofin community

Case study: Rematriation:
National Museums Scotland (UK),
Nisga'a Nation and Canada

Case study

Policy preparation: Chester Beatty Library provenance research group



Image:
Extracts from the Pali canon (Tipitaka) and Story of Phra Malai
Ink, colours and gold on paper; black and gold lacquer covers
Late 19th century
Thailand
CBL Thi 1323
CC BY 4.0. Chester Beatty Library, Dublin

From spring 2021, the Chester Beatty Library (CBL) adopted a proactive and strategic approach to improve its research and documentation relating to the history and provenance of the collections.

A History of the Collections was presented to the Board in June 2021, with background information on the current issues regarding contested collections and provenance research within the broader museum sector, and a 'plan of action' for the CBL. The Trustees approved a commitment to 'building openness and transparency around the history of the collections'.

Next, a Provenance Research Group (PRG) was established, accompanied by a Terms of Reference, which set out the ethical and legal framework for the group, as well as a set of guiding principles, project outcomes and objectives.

Through 2021 and 2022, the Trustees reviewed or approved a further suite of documents, including a PRG Work Plan, a Research Strategy and a Provenance Research Policy Statement – the purpose of which was to outline the Board's strategic position on the history of the collections, and to guide the work of the PRG. In 2024, an Internal Protocol and Procedures for Repatriation Requests was approved by the Board. All these documents are reviewed annually.

Outputs

There have been several tangible outputs to date: the CBL's collections' data has been enhanced; the CBL website has a dedicated Provenance Research section; and the Curators and invited scholars have published a series of articles focused on the provenance of parts of the collections.

Impact

The potential impact of this work on the CBL's stakeholders – as well as the need to protect the reputation, professional standing, and sustainable funding of the CBL – was considered. These concerns were addressed by taking this informed, collective, organisation-wide approach to the question of provenance, starting from the top down, creating the framework outlined here, and understanding how this approach and the CBL's policies and strategic documents feed into its work programmes, the risk register and its communications.

Case study

Responsible governance: Royal Irish Academy and the colonial legacies project



Image:
Illustrated papyrus donated to the Royal Irish Academy by George James Knox in December 1838.
See Proceedings of the Royal Irish Academy, vol. 1 (1836-1869), p. 237.

In 2023, the Royal Irish Academy commissioned Dr Frances Nolan to undertake a scoping review of its colonial legacies. Dr Nolan examined the Academy's membership and collections, as well as its funding and publications, for evidence of the institution's links to colonial projects and expeditions.

In the nineteenth and early twentieth centuries, Members of the Academy served in the British Empire as army officers and civil servants and were encouraged to collect cultural objects, human remains and natural history specimens for exhibition in museums in the UK including Ireland. Many of these objects were donated to the Academy Museum and were later transferred to the National Museum of Ireland.

Scholars linked to the Academy also participated in scientific expeditions to different parts of the world where they collected specimens including human remains. Some of the ensuing research contributed to the natural sciences but it also provided intellectual justification for imperialism as a civilising force. The founders of the TCD Anthropometric Laboratory, for example, were Members of the Academy, which also funded the Laboratory's equipment.

The history of the Academy's links with slavery is complex. A small number of Members can be identified as slave owners while others argued strongly for the abolition of slavery. The career of Dr Richard Robert Madden documents another paradox from a modern perspective. As a British colonial officer, he oversaw the dismantling of Caribbean slavery but he also collected artefacts from colonised societies including 'mummy figures' taken from Egyptian graves.

Dr Nolan's report demonstrates how information on the collectors of cultural objects can be gleaned from historical sources, including institutional archives, family papers, contemporary reports on scientific expeditions and the Dictionary of Irish Biography (www.dib.ie). The latter is also exploring ways to review and update its biographies to ensure that they include, where appropriate, references to slave ownership or colonial exploitation. The RIA Report on Its Colonial Legacies is available to read at www.ria.ie/reports

Case study

Responding to a claim: The Hunt Museum provenance research in practice



Image:
Hohenzollern corpus. Metal, copper alloy, bronze (gilded) 12th century AD,
The Hunt Collection, PD.

Allegations about the origins of the Hunt Collection surfaced in 2003 when Erin Gibbons criticised The Hunt Museum Essential Guide (2003) for omitting provenance details. The issue gained wider attention in 2004 when The Irish Times reported on a letter from Dr Shimon Samuels of the Simon Wiesenthal Centre to President Mary McAleese. The letter alleged that the Hunt Collection contained looted Nazi-era artefacts and that John and Gertrude Hunt had ties to dealers trading in looted artworks. It also called for the revocation of the museum's 'Museum of the Year' title. The matter was referred through government channels, prompting an investigation overseen by an independent body, the Royal Irish Academy (RIA).

Establishing the investigation

The RIA formed the Hunt Museum Evaluation Group (RIAHMEG) to oversee an independent, internationally benchmarked review. The group included national and international experts, and Nancy Yeide of the National Gallery of Art, Washington, DC, an internationally recognised provenance research expert, who was an advisor to the investigation.

The Museum was required to:

1. Create a detailed online database listing all 1,946 objects in its collection, with images
2. Conduct extensive provenance research, with a focus on acquisitions between 1933 and 1945.

Database creation and publication of archival descriptive list

The Hunt Museum developed its database in compliance with the UK Spectrum descriptive standards and the American Association of Museums' Guidelines on Provenance Research. Each object's entry included a full description of the object, including provenance information and an image.

The Museum also published a descriptive list of all archival files related to the Hunt family in its possession. This ensured transparency regarding correspondence, transaction records, and acquisition notes. The online database was made publicly accessible via the Museum's website, allowing possible claimants to independently review the collection.

Provenance research process

Research was conducted in archives in the UK, USA, Germany, France, Switzerland and Ireland. Auction house records were prioritised. The Museum collaborated with Christie's and Sotheby's, both of which assisted in verifying vendor and purchaser records. The Museum also engaged with international experts in spoliation research across Germany, France, Austria, Switzerland, the UK and the USA to examine dealer records.

Independent review and conclusion

To ensure the integrity of the research, RIAHMEG commissioned Dr Lynn Nicholas, a leading expert on Nazi-era looted art, to independently assess the findings. Her 2007 report confirmed that the Museum's research met international standards and found no evidence to support the Wiesenthal Centre's allegations.

Commitment to transparency and professional standards

From the outset, The Hunt Museum was clear that professional best practices in provenance research must be followed in addressing the allegations. They committed to making all information about the Hunt Collection publicly available. The Hunt Museum followed the professional standards set down by the American Association of Museums, the UK National Museum Directors Conference and the Society of Archivists (now the Archives and Records Association).

Impact of the allegations

The allegations, which generated sustained global publicity over a period of years, had profound repercussions, severely damaging the Museum's reputation. Additionally, the controversy jeopardised the Museum's long-term sustainability, as it functioned with a small core staff that depended heavily on a large team of volunteers. The absence of national standards or a recommended framework for handling such allegations placed further pressure on the Board of Directors, requiring them to navigate a fair and professional response.

Case study

Repatriation: University College Cork (Ireland)
to Arab Republic of Egypt



Image:
Ape-headed (baboon) canopic jar. Photo by Denis Mortell.

Research by Helen Moloney Davis from the 1970s through to 1992 revealed the origins and history of UCC's collections. Interest in the assemblage surfaced in the early 2000s when concerns were raised about the provenance of some objects, particularly the Egyptian mummy.

A provenance research report was commissioned in 2011 in response to ongoing discussions with the Egyptian embassy in Ireland. The university specifically requested that the provenance of the Egyptian mummy be examined.

The research confirmed that the sarcophagus in the UCC collections had been excavated in 1903/4 and also that it, along with the mummy, were donated to UCC by the Society of African Missions (SMA), Cork, in 1928. These two items were on display in the UCC Medical Museum until its closure in the 1940s when they were put into storage. Another research outcome was the information that the Salle de Vente at the Cairo Museum sold excavated artefacts for much of the 20th century.

Provenance research

The research methodology involved examining UCC archives alongside published works on Egyptian antiquities in its collection. Additional relevant publications and archival materials were also reviewed.

Provenance research was conducted using various sources, including UCC's University Archives, Boole Library Special Collections, departmental records, and University Curator files. External sources included UK archives such as the Cadbury Library, the British Library, and the National Art Library at the Victoria and Albert Museum. Newspaper archives, online museum and auction catalogues, and parliamentary publications were also consulted.

A comprehensive database was created by combining archaeological research completed by Helen Davis with new provenance findings. This included detailed descriptions, images, and documentation of related archival records and publications.

Deaccessioning process

In 2022 discussions between UCC and the Arab Republic of Egypt about the return of the mummified human remains, sarcophagus, cartonnage and canopic jars resulted in a proposal to repatriate the artefacts to Egypt. This was agreed by UCC's Governing Body in mid-2022 and a minute of this decision formed an important part of the deaccessioning process. A memorandum of understanding between the two parties dealing with the legal transfer of the items was signed in September 2024.

Two licences to export abroad were required: to export outside the EU and to export archaeological objects. A query was made as to whether a licence to alter would also be required but after discussion with the National Museum of Ireland, it was agreed that this was not necessary because a professional conservator had been employed who had not altered the objects.

Conservation

In September 2022, the University Curator prepared for the transport of artefacts by road and air, working with an accredited art handling service. The service enlisted a conservator and art handlers to oversee

the process. The conservator provided initial condition reports and a treatment proposal, using provenance research to guide the conservation approach. After completing the treatment, the objects were crated, and final condition reports were prepared. These reports accompanied the artefacts on their journey to Egypt.

Impacts

UCC Heritage Services, which consists of one member of staff, the University Curator, managed the repatriation process, which significantly impacted other responsibilities. However, collaborating closely with the conservator and art handlers in the work involved provided a valuable learning experience. The absence of a national framework for repatriation added pressure on the University in determining the appropriate course of action.

Media interest was intense, but Egypt's decision to delay any publicity until the artefacts were returned helped to manage this. Additionally, UCC's media department provided support, allowing the Curator to focus on assisting the conservator's work.

Case study

Restitution: Trinity College Dublin and Inishbofin community



Image:
Photograph of the Funeral Procession on Inishbofin, 16 July 2024. (Image courtesy of Nick Bradshaw).

In 2023, Trinity College Dublin (TCD) returned 13 crania to the island of Inishbofin—a significant moment in confronting colonial legacies and the ethics of human remains in institutional collections. The skulls had been stolen in 1890 by academics linked to TCD's Anthropometric Laboratory, as part of racial and anthropological studies. One collector, Alfred Cort Haddon, documented the theft in his diary, noting its secretive nature.

In 2020, the Inishbofin community contacted the TCD Provost, and by 2021, formally requested the remains' return, citing a precedent set in 2009 when TCD repatriated Māori remains to New Zealand.

Institutional Response and the Role of the Trinity Colonial Legacies Project

The Trinity Colonial Legacies (TCL) Project was launched in 2021 to examine the university's historical accountability. Some within TCD opposed restitution, questioning the remains' origins and potential research value. Others pointed to clear historical evidence of theft.

Trinity Legacies Review Working Group

To guide decision-making, TCD established the Trinity Legacies Review Working Group (TLRWG), including staff, students, unions, and external advisors.

The review process involved two key phases:

1. Historical Research and Working Papers – The TCL team prepared detailed reports on the provenance of the remains, ethical considerations, and comparisons with global best practices;

2. Community Engagement and Public Consultation – A formal consultation was launched, allowing the Inishbofin community and the general public to express their views. Over 90% of Inishbofin's residents signed a petition demanding the return of the remains. 15 of 16 public submissions supported the return.

Legal Transfer

In 2023, the Inishbofin remains were signed over to a representative of the community. An official release was signed by the Old Anatomy Museum, TCD, and witnessed by a Garda from Pearse Street Garda Station, Dublin.

Impact

This case highlights the value of transparent processes, rigorous historical research, and meaningful engagement with descendant communities in addressing institutional legacies and ethical responsibility. The Inishbofin case broke new ground by setting a precedent for returning stolen remains to an Irish descendant community.

Case study

Rematriation: National Museums Scotland (UK), Nisga'a Nation and Canada



Image:
Delegates from the Nisga'a Nation (Pamela Brown and Chief Ni'isjoohl) with the Ni'isjoohl Memorial Pole.
Image credit: Duncan McGlynn.

The House of Ni'isjoohl pole is a memorial pole from the Nisga'a Nation. The pole tells the story of an ancestor, Ts'awit, who was a warrior and was next in line to be chief.

Ts'awit was killed in a conflict with a neighbouring Nation. Nisga'a matriarch, Joanna Moody, had the pole carved and erected in the Nisga'a village of Ank'idaa in Ts'awit's honour in the 1860s. It was carved by Oyay, a prolific Nisga'a carver.

The House of Ni'isjoohl pole stood in the Nisga'a village of Ank'idaa until the late 1920s when it was taken by Marius Barbeau, a French-Canadian colonial anthropologist, on behalf of the Royal Scottish Museum (now National Museums Scotland). National Museums Scotland's records suggest that Barbeau paid \$600 CAD for the pole on behalf of the museum. Nisga'a oral histories record that the pole was stolen from Ank'idaa by Barbeau when the community was away for the fishing season (Parent & Moore, 2022).

The pole was shipped to Scotland and was on display in the Royal Scottish Museum from 1930 until it was returned in 2023.

Demand for Rematriation

Noxs Ts'aawit (Dr Amy Parent) – Mother of the Raven Warrior Chief and the great-great-great-granddaughter of Joanna Moody – led the demand for the rematriation of the pole. Noxs Ts'aawit was undertaking academic research for

a Nisga'a language revitalisation project when she was asked by Sim'oogit Ni'isjoohl (Chief Earl Stephens) for assistance in funding the raising of a new replica House of Ni'isjoohl pole. In the same conversation, Sim'oogit Ni'isjoohl asked Noxs Ts'aawit to help him find more information on the original pole in National Museums Scotland. After further research, they decided to assemble a delegation to demand its return.

National Museums Scotland learnt of the campaign and shared with Noxs Ts'aawit its procedure for considering transfer requests, as well as conservation records associated with the pole.

In 2022, a delegation from the Nisga'a Nation led by Noxs Ts'aawit and Sim'oogit Ni'isjoohl, with representatives from the Nisga'a Lisims Government and the Nisga'a Museum, were hosted at the National Museum of Scotland. During that visit, the Nisga'a delegation rejected the National Museums Scotland procedure on the basis that:

“Sacred belongings are not museum ‘objects’ that can be owned. Your museum procedures only relate to ‘belongings’ as property. We have provided evidence to you today that the pole is more than an ‘object’, ‘property’, or a ‘cultural artefact [sic]’ that can be controlled by a museum. We want the spirit of our pole to be free in the lands where it belongs. We are here to bring our ancestor home with us.”

The delegation demanded the return of the pole within three days.

Process of Rematriation

National Museums Scotland has a Collections Procedure for considering Requests for Permanent Transfer to Non-UK Claimants. The procedure sets out, within the legal framework under which National Museums Scotland was constituted, the conditions under which requests can be considered and how these will be processed.

The Nisga'a Delegation rejected the procedure because the pole is a living ancestor, cannot be owned by a museum and was not subject to Western legal structures that clashed with Nisga'a epistemological, ontological and legal frameworks.

Through ongoing dialogue, a mutually acceptable position was found, and it was agreed that, although the Nisga'a Delegation rejected the procedure, National Museums Scotland would use it to process the Delegation's oral testimony and written evidence as a request and would return with a response in three months. The Nisga'a Nation would follow its laws and protocols in conjunction with Canadian law as necessary until the pole was returned to the House of Ni'isjoohl.

National Museums Scotland followed its procedure and in November 2022 made a recommendation to the Scottish Government to rematriate the pole. The Scottish Government confirmed that decision.

Once the decision was made, the Nisga'a Delegation and National Museums Scotland collaborated on the complex cultural and logistical arrangements for the rematriation of the pole.

Following cultural protocols to protect the pole in transit, the pole was lowered and flown to the Nisga'a Nation in September 2023. After an arrival ceremony in the Nass Valley, the pole was raised in the Nisga'a Museum in October 2023.

Throughout this case, a number of cultural, legal, and institutional exemplars emerged that offer pathways for future rematriation/'repatriation' processes grounded in Indigenous law and relational accountability.

Reflections

How do we navigate the harmonisation of cultural, legal, epistemological, and ontological differences at institutional levels between museums, nations, and governments? In what ways have these 'repatriation' processes – whether through policy, governance, or institutional practice – extinguished, constrained, subordinated

or attempted to reshape Indigenous laws, protocols, and governance? What policies can be developed to allow multiple legal systems (Western and Indigenous) to coexist without one dominating the other, particularly within international, governmental, and institutional contexts such as museums and ICOM?



Image:
Delegates from the Nisga'a Nation with the Ni'isjoohl Memorial Pole.
Image credit: Duncan McGlynn

Appendices

Appendix 1

Essential resources

- 1A Template for claimant application
- 1B Policy template for Collecting Institutions
- 1C Communications strategy: handling a restitution claim for a cultural object

Appendix 2

Irish and International Law

Appendix 3

Legal Structures of Irish Collecting Institutions with Regard to Disposal

Appendix 4

Professional Codes and Other Resources

Appendix 5

Select Bibliography

Appendix 1

Essential resources

1A. Template for claimant application

Application for Restitution or Repatriation of Cultural Objects

Section A: Claimant information

- Name of claimant / organisation:
- Representative (if applicable):
- Contact details (address, phone, email):
- Status/authority to make claim (e.g., community representative, descendant, institution):

Section B: Object(s) identification

- Title/Name of object(s):
- Description (materials, size, distinctive features):
- Accession/catalogue number(s) (if known):
- Current location (museum, archive, private collection):
- Photographs (if available): [attach]

Section C: Provenance and circumstances of removal

- Known history of the object (from creation to present):
- Date and context of removal:
- Parties involved in transfer/removal:
- Was consent given by the community or owner? [Yes/No/Unknown]
- Supporting evidence (documents, records, oral histories): [attach]

Section D: Cultural significance

- Importance to claimant community:
- Use in ceremonies, traditions, or cultural identity:
- Consequences of loss to the community:

Section E: Legal and ethical basis for claim

Grounds for restitution or repatriation (tick all that apply):

- Illicit excavation or export
- Colonial appropriation
- Looting or wartime seizure
- Theft or unlawful sale
- Sacred/ceremonial object
- Human remains/funerary object

Relevant conventions, codes, or laws (if applicable):

Section F: Desired outcome

- Full restitution or repatriation and permanent return
- Shared custodianship agreement
- Long-term loan to community institution
- Other (please specify):

Section G: Supporting materials

[List of attached evidence, documents, testimonies, expert reports, community statements, photographs]

Section H: Declaration

I/we confirm that the information provided in this claim is true to the best of my/our knowledge and belief.

Signed:

Date:

1B. Policy Template for Collecting Institutions

Note: This template sets out the main areas that the collecting institution will need to consider. The institution may wish to follow the style of its existing policies (for example, its Collections Management or Acquisition Policies). The size, resources and collections of a particular institution may also dictate the level of detail included.

Policy on responding to restitution and repatriation cases

1. Introductory statement

[This should briefly describe your institution and the collections and include any legal information pertaining to those collections, including any statutory limits on deaccessioning items from your collection, and any Charities Regulator restrictions, where appropriate. It may express the institution's approach to matters of restitution and repatriation, for example, describing its commitment to the qualities of transparency, co-operation and fairness, and its desire to engage proactively with interested parties. It could also cross-refer to other policies which may be relevant.]

2. Scope of policy

[This should explain that the policy sets out the procedure for claims for the return of cultural objects from the institution's collection. It may specifically exclude certain matters (for example, relating to human remains, if these are covered in a separate policy, which should then be referred to).]

3. Procedural matters in response to a claim

(i) **Initial enquiries:** You may wish to invite potential claimants to engage in informal discussion, providing the name of the staff role(s) or individual to be contacted in that regard and the relevant contact details.

(ii) **Formal claim:** Indicate how, and to whom, a formal claim should be submitted (for example, in writing, addressed to the Director or similar senior position in the institution). Explain briefly how the claim will then be managed, indicating the staff position(s) in the institution, or a named individual in the case of small or private collecting institutions, who will act as the main point of contact (with relevant contact details).

(iii) **Content of claim:** Clarify what information you would like to receive as part of a formal claim, which would generally include: details about the claimant, their identity and contact details and whether they represent a group or organisation (and if so, the source of their authority to do so); details about the item(s) claimed; the reasons for the claim, describing the claimant's connection to the item(s) claimed, and their understanding of its/their history; details of any other parties the claimant knows may have an interest in the item(s).

(iv) **Response to the claim:** This section should make clear that claims will be dealt with transparently at all stages.

- Initial response: Indicate the form of your initial response to the claim and if possible, suggest the timeframe for this (e.g., a written acknowledgement within [XX] days).
- How the claim will be assessed: explain the method of assessing the claim and on what basis decisions will be made. The process should be collaborative, giving opportunities for the claimant to participate fully. Many policies will explain that decisions will be made on a case-by-case basis, taking into account certain broad principles and factors. Any applicable legal restrictions relating to returns could also be briefly set out here.

(v) **Steps to assess the claim:** Indicate, briefly, the steps in your decision-making process, ideally suggesting likely timelines for each step and inviting participation of the claimant throughout.

4. Processes to implement outcome of claim

[This section should cover the logistical and administrative matters to be addressed once a claim is resolved. It should set out in broad terms how the practical matters relating to a return will be addressed (for example, conservation, packing, shipping, relevant permits, export and import documentation) and how the costs will be covered.]

5. Policy review

[Indicate the date the latest policy was agreed and when it will next be reviewed.]

1C. Communications strategy: handling a restitution claim for a cultural object

Introduction

This communications plan outlines the strategy for effectively managing public communications regarding a restitution claim for a cultural object. The objective is to ensure transparency, maintain trust, and uphold the organisation's reputation while addressing legal and ethical considerations.

Objectives

- Provide clear and consistent messaging regarding the restitution process.
- Engage with key parties, including claimants, government agencies, the public, and the media.
- Protect the organisation's reputation by demonstrating ethical responsibility and compliance with legal frameworks.
- Minimise misinformation and prevent reputational damage through proactive communication.
- Foster meaningful dialogue with claimant communities, recognising their perspectives and historical contexts.
- Ensure that all communications adhere to ethical and moral principles while respecting national and international legal processes.

Key messages

- The organisation is committed to ethical and legal standards in handling cultural artefacts.
- A fair and transparent process is being followed to assess the claim.
- Collaboration with relevant authorities, experts, and stakeholders is central to the decision-making process.
- The organisation values the cultural significance of the object and acknowledges the importance of rightful ownership.
- The organisation is committed to addressing claimant concerns with sensitivity and respect.
- The organisation is committed to adhering to all national and international legal frameworks governing restitution claims.

Target audiences

- Claimants and representatives.
- Government agencies and regulatory bodies.
- Museum and other interested parties.
- General public and local communities.
- Media outlets and journalists.
- Academic and cultural heritage organisations.
- Indigenous and descendant communities directly affected by colonial-era acquisitions.

Communication channels

- **Press releases:** To announce key updates and decisions.
- **Website updates:** A dedicated section providing background, FAQs and ongoing developments.
- **Social media:** To address public concerns, provide factual information and counter misinformation.
- **Stakeholder meetings:** Direct engagement with claimants and governing bodies.
- **Internal communications:** Ensuring employees and relevant teams are aligned with messaging.
- **Public statements and interviews:** Designating spokespersons to provide clarity and reinforce key messages.
- **Community engagement sessions:** Organising forums, discussions and visits with claimant communities to ensure their voices are heard and incorporated into decision-making.
- **Translated materials:** Providing documentation, press releases and key updates in relevant languages to ensure accessibility for claimant communities.

Crisis management and response strategy

- **Anticipate challenges:** Identify potential points of contention and prepare responses.
- **Rapid response team:** Designate a core team to handle media enquiries and public concerns.
- **Monitor public sentiment:** Track social media and news coverage to address emerging narratives.
- **Correct misinformation:** Issue clarifications promptly to prevent misinformation spread.
- **Legal and ethical review:** Ensure all statements align with legal advice and ethical standards.
- **Cultural sensitivity training:** Equip spokespersons and staff with knowledge of colonial histories and cultural sensitivities to foster respectful communication.
- **Empathetic engagement:** Acknowledge historical trauma and demonstrate a commitment to reconciliation and healing.
- **Adherence to legal processes:** Ensure that all restitution claims follow established national legal frameworks and international conventions, reinforcing the organisation's commitment to due process.

Timeline and implementation plan

- **Immediate (week 1–2):** Acknowledge receipt of the claim, establish communication protocols and prepare preliminary statements.
- **Short-term (month 1–3):** Conduct research and assessments, engage relevant parties and provide periodic updates.
- **Mid-term (month 3–6):** Announce findings, initiate restitution negotiations (if applicable) and manage public messaging.
- **Long-term (ongoing):** Reflect on outcomes, maintain transparency and strengthen future policies on restitution.

Evaluation and adjustments

- Conduct regular assessments of communication effectiveness.
- Gather feedback from interested parties and adjust messaging accordingly.
- Maintain records of media coverage and public sentiment for analysis and learning.
- Foster ongoing relationships with claimant communities to build trust and long-term collaboration.
- Regularly review adherence to legal and ethical standards, ensuring compliance with national and international restitution processes.

Conclusion

By adhering to this communications plan, the organisation can navigate the restitution claim with integrity, build trust and demonstrate a commitment to ethical stewardship of cultural heritage. Recognising and engaging with the lived experiences of claimant communities, especially those affected by colonial-era acquisitions, will ensure a more inclusive, respectful and just process. All communications will be guided by ethical principles, transparency and strict adherence to national and international legal processes.

Appendix 2

Irish and international law

National laws governing acquisition, ownership and transfer of cultural objects

In Ireland, State ownership of cultural and archaeological objects is provided for under the terms of legislation (both acts and statutory instruments), including, but not restricted to:

The National Monuments Acts 1930–2004:

- National Monuments Act 1930
 - National Monuments (Amendment) Act 1954
 - National Monuments (Amendment) Act 1987
 - National Monuments (Amendment) Act 1994
 - Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999
 - National Monuments (Amendment) Act 2004
-

Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023

The National Cultural Institutions Act 1997

Coroners Act 1962

Irish legislation is available online at www.irishstatutebook.ie

Specific laws or regulations addressing the restitution and repatriation of cultural objects, including provisions for restitution or return

European Union (Export of Cultural Goods) Regulations 2015 (S.I. No. 102 of 2015), which implements EU Regulation (EC) No. 116/2009

Directive 2014/60/EU European Union (Return of Foreign Cultural Objects) Regulations 2016 (S.I. No. 53 of 2016)

Directive 2014/60/EU The European Union (Return of cultural objects unlawfully removed from the territory of a Member State)

eur-lex.europa.eu/eli/dir/2014/60/oj/eng

Specific laws or regulations relating to CITES

European Union, *Wildlife Trade Regulations in the European Union: An Introduction to CITES and its Implementation in the European Union* (Luxembourg, 2010) eur-lex.europa.eu/resource.html?uri=cellar:71ecb4b7-ce04-4519-85aa-7375d67e21fb.0001.02/DOC_1&format=PDF

Council Regulation (EC) No. 338/97 (as amended) on the protection of species of wild fauna and flora by regulating trade therein (the Basic Regulation) data.europa.eu/eli/reg/1997/338/2023-05-20 (consolidated text)

Commission Regulation (EC) No 865/2006 (as amended), which lays down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 (the Implementing Regulation): data.europa.eu/eli/reg/2006/865/2025-02-18 (consolidated version)

European Communities (CITES Simplified Procedures) Regulations 2019 (S.I. No. 411/2019), implementing Article 19 of Commission Regulation (EC) No 865/2006 Commission Regulation (EU) 2021/2280 of 16 December 2021 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 data.europa.eu/eli/reg/2021/2280/oj

Relevant international agreements or conventions ratified by Ireland that impact the restitution and repatriation of cultural objects

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (the '1970 Convention')
unesdoc.unesco.org/ark:/48223/pf0000133378

1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (The 'UNIDROIT Convention') www.unidroit.org/instruments/cultural-property/1995-convention

UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001:
unesdoc.unesco.org/ark:/48223/pf0000126065

UN Declaration on the Rights of Indigenous Peoples 2007 (The 'UNDRIP Declaration')
www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

US Department of State, Office of the Special Envoy for Holocaust Issues, Washington Conference Principles on Nazi-Confiscated Art ('Washington Principles'), 1998
www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

US Department of State, Office of the Special Envoy for Holocaust Issues, Best Practices for the Washington Conference Principles on Nazi-Confiscated Art, 2024
www.state.gov/office-of-the-special-envoy-for-holocaust-issues/best-practices-for-the-washington-conference-principles-on-nazi-confiscated-art

Appendix 3

Legal structures of Irish collecting institutions with regard to disposal

Legal structure	Decision-making body	Legal duties of decision maker(s)	Legal restrictions on the disposal of items
National Cultural Institutions	This will depend on the governing legislation – it could be the relevant Director or at Board level.	<p>The position is usually governed by the legislation affecting the relevant NCI and/or any policies they have implemented. For example, the National Archives are governed by the National Archives Act, 1986 (as amended) and the National Archives Act, 1986, Regulations 1988.</p> <p>The National Cultural Institutions Act 1997 sets out the framework for the National Museum and the National Library, but they are also subject to the National Monuments Acts 1930 – 2014.</p> <p>For museums, the International Council of Museums (ICOM) has a policy document dealing with the removal of collections.</p>	<p>The position is usually detailed in the legislation affecting the relevant NCI and/or any policies they have implemented.</p> <p>S.68(c) of the National Cultural Institutions Act 1997 identifies that an archaeological object that has been placed in the care of a designated museum shall not be disposed of other than by means of its transfer into the care of another designated museum or the National Museum of Ireland.</p> <p>S.68 – National Cultural Institutions Act 1997 - where an archaeological object becomes the property of the State, the Director of the National Museum of Ireland may dispose of the object whatever way they see fit, if they are of the opinion the object is not of sufficient archaeological or historical interest to justify its retention by the State.</p> <p>[ICOM] Money or compensation received from the deaccessioning and disposal of objects and specimens from a museum collection should be used solely for the benefit of the collection and usually for acquisitions to that same collection.</p> <p>[NMI] Objects will not be disposed of in any way that results in financial or commercial gain.</p>
Companies Limited by Guarantee (CLG)	Board of Directors	The duties would usually be contained in the constitutional documents of the relevant CLG and/or in governance/policy documents implemented by the CLG.	See Legal duties of decision maker(s)

S.68

Legal structure	Decision-making body	Legal duties of decision maker(s)	Legal restrictions on the disposal of items
Local Authority collecting institutions	City or County Council	Depends on the local authority e.g., Dublin City Council has a Collections Management Policy which outlines that the Council shall ensure the process for disposing of collections is well documented, open and transparent.	This will depend on the governing documents of the relevant local authority. For example, the DCC Collections Management Policy does not have any visible limitations within the policy.
Independent trusts	Trustees	Obligation will usually be contained in the trust document i.e., the document that creates the trust and/or in the governance documents for that entity.	The position is usually detailed in the trust document i.e., the document that creates the trust and/or in the governance documents for that entity.
Statutory agencies	Board of the statutory agency	This will depend on the governing legislation for the relevant statutory agency and/or any governance or policy documents that they implement.	This will depend on the governing legislation for the relevant statutory agency and/or any governance or policy documents that they implement.
Voluntary bodies	Board of a voluntary body	This will depend on the constitutional documents/governance documents of the voluntary body.	This will depend on the constitutional documents/governance documents of the voluntary body.
Religious bodies	Governing authority	Religious bodies take various forms so the duties of decision makers depend on the internal rules.	Religious bodies take various forms so the duties of decision makers will depend on the internal rules.
Privately owned collections	Private owners	Generally, at the discretion of the owner. Disposal of archaeological objects is regulated by the National Monuments Acts 1930–2014.	See Legal duties of decision maker(s).
University or other collecting educational institutions	Governing authority and/ or trustees	Universities usually have policy documents governing collections e.g. www.ucc.ie/en/media/support/buildingsandstates/heritage/documents/UCC-Heritage-Services-Collections-Policy09Jul2025-FINAL.pdf UCC Heritage Services Collections Policy www.dcu.ie/policies/art-collection-policy DCU Artwork Policy Document	This will depend on the policy of the relevant entity.

Appendix 4

Professional codes and other resources

Professional codes

Arbeitskreis Provenienzforschung e.V. (Research Association for Provenance Research): www.arbeitskreis-provenienzforschung.org/en/home

Arts Council England, Restitution and Repatriation: A Practical Guide for Museums in England www.artscouncil.org.uk/supporting-arts-museums-and-libraries/supporting-collections-and-cultural-property/restitution-and-repatriation-practical-guide-museums-england

Collections Trust, Spectrum Procedures relevant to Provenance collectionstrust.org.uk/cultural-property-advice/provenance/spectrum-procedures-relevant-to-provenance

Embracing Equity, Diversity and Inclusion (EDI) in Library Cataloging alacorenews.org/events/role-of-the-professional-librarian-in-technical-services-interest-group

ICOM Code of Ethics for Museums icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf

ICOM Code of Ethics for Natural History Museums icom.museum/wp-content/uploads/2018/07/nathcode_ethics_en.pdf

Irish Association of Professional Osteoarchaeologists for Institute of Archaeologists of Ireland, Guidance on the Treatment of Human Remains www.iai.ie/wp-content/uploads/2024/11/IAI-IAPO-TOHR.pdf

Irish Guidelines for Archival Description www.araireland.ie/sites/default/files/Irish%20Guidelines%20for%20Archival%20Description.pdf

ISAD(G): General International Standard Archival Description (Second Edition) www.ica.org/resource/isadg-general-international-standard-archival-description-second-edition

MSPI: Museum Standards Programme for Ireland www.heritagecouncil.ie/projects/museum-standards-programme-for-ireland#tab-the-standards

Museums Association, Supporting decolonisation in museums www.museumsassociation.org/campaigns/decolonising-museums/supporting-decolonisation-in-museums

National Museums Northern Ireland, Supporting Decolonisation in Northern Ireland: Lessons learnt through Global Voices, Local Choices www.nationalmuseumsni.org/global-voices-local-choices-project

Other useful websites

Archives and Records Association Ireland www.araireland.ie

Art Loss Registry www.artloss.com

Dictionary of Irish Biography www.dib.ie

Lootedart.com www.lootedart.com

The Collections Trust collectionstrust.org.uk

The Heritage Council www.heritagecouncil.ie

The Institute of Art and Law, London ial.uk.com

The Irish Museums Association www.irishmuseums.org

Funding

Research Ireland/Taighde Éireann www.researchireland.ie and other research grant bodies can provide funding for collaborative provenance research projects with universities and other research institutions such as the Royal Irish Academy

The Heritage Council's Heritage Stewardship Fund is a competitive grant scheme that is specifically aimed at supporting the work of collecting institutions www.heritagecouncil.ie

The Royal Irish Academy provides small grant funding for historical and provenance research www.ria.ie

Appendix 5

Select bibliography

Historical studies

Barczewski, Stephanie, *Country Houses and the British Empire 1700–1930* (Manchester University Press, 2014)

Finn, Margot, 'Material Turns in British History: IV: Empire in India, Cancel Culture and the Country House', *Transactions of the Royal Historical Society*, 31 (2021), 1-21

Hand, Rachel, *Entangled Histories: How the Irish Collected the World* (Wordwell, forthcoming)

Hannan, Leonie and Purdue, Olwen (eds), *Public History in Ireland. Difficult Histories* (Routledge, 2024)

Howe, Stephen, *Ireland and Empire: Colonial Legacies in Irish History and Culture* (Oxford University Press, 2000)

Hussain, Mobeen, O'Neill, Ciarán and Walsh, Patrick, 'Trinity's Colonial Legacies. Transparency, Instrumentality, and Agency in an Engaged Research Project', in Peter Bille Larsen, Markéta Kvitová, and Gertjan Plets (eds), *Dealing with Complex Heritage: Revisiting University Pasts in Contemporary Practice* (Edinburgh University Press, 2025)

Jeffrey, Keith (ed.), *An Irish Empire: Aspects of Ireland and the British Empire* (Manchester University Press, 1996)

McGreevy, Ronan, 'Links To Slave Trade Evident Across Ireland', *Irish Times*, 12 June 2020 www.irishtimes.com/news/ireland/irish-news/links-to-slave-trade-evident-across-ireland-1.4276650

Mackillop, Andrew, *Human Capital and Empire: Scotland, Ireland, Wales and British Imperialism in Asia, c.1690–c.1820* (Manchester University Press, 2021)

Nic Dháibhéid, Caoimhe, et al., 'Round Table: Decolonising Irish History? Possibilities, Challenges, Practices', *Irish Historical Studies* 45: 168 (2021), 303-333

Nolan, Frances, 'Royal Irish Academy Colonial Legacies Project Scoping Exercise – Report 15 January 2024' www.ria.ie/reports

O'Brien, Aoife, 'Collecting the Solomon Islands: Colonial Encounters and Indigenous Experiences in the Solomon Island Collections of Charles Morris Woodford and Arthur Mahaffy (1886–1915)', Ph.D. thesis, 2011, University of East Anglia ueaeprints.uea.ac.uk/id/eprint/67067

Ohlmeyer, Jane, 'Ireland has yet to come to terms with its imperial past', *Irish Times*, 29 December 2020 www.irishtimes.com/opinion/ireland-has-yet-to-come-to-terms-with-its-imperial-past-1.4444146

Ohlmeyer, Jane, *Making Empire: Ireland, Imperialism and the Early Modern World* (Oxford University Press, 2023)

O'Kane, Finola, and O'Neill, Ciarán (eds), *Ireland, Slavery and the Caribbean: Interdisciplinary Perspectives* (Manchester University Press, 2023)

O'Neill, Ciarán, and Walsh, Patrick, 'Trinity's Colonial Legacies Project Draft Audit and Summary Document 1 February 2022' histories-humanities.tcd.ie/assets/pdf/research/tcl/DraftAuditandSummary.pdf

Ó Síocháin, Séamas, Garvey, Pauline, and Drazin, Adam, *Exhibit Ireland: Ethnographic Collections in Irish Museums* (Wordwell, 2012)

Parent, Amy, and Moore, William, 'Afterword: Building Solidarity: Moving Towards the Repatriation of the House of Ni'isjoohl Totem Pole', in Bond, Emma and Morris, Michael (eds), *Scotland's Transnational Heritage: Legacies of Empire and Slavery* (Edinburgh University Press, 2022), 218–234

Raffan, James, 'Grandfather Canoe', *Canadian Geographic*, 1 July 2015 www.pressreader.com/canada/canadian-geographic/20150701/282089160537846

Rodgers, Nini, *Ireland, Slavery and Anti-Slavery: 1612–1825* (Palgrave Macmillan, 2007)

Widdis, Briony, 'Ethnographic Collections in Northern Ireland and the Solomon Islands Tomako (canoe) at the Ulster Museum, 1898–2023', *Irish Historical Studies*, 47: 172 (2024), 303–333

Widdis, Briony, Reisz, Emma and Bryan, Dominic (eds), *Museums, Empire, Colonialism: Identities, Memory, and Legacies in Ireland* (Routledge, 2025)

Widdis, Briony, 'Decolonising Northern Ireland's Museums', *History Workshop Online* (2024): www.historyworkshop.org.uk/empire-decolonisation/decolonising-northern-irish-museums

Museum collections, human remains and natural history specimens

Heritage Council, National Survey of Collections (2024), Summary Report www.heritagecouncil.ie/content/images/National-Survey-of-Collections-Summary-Report-2024.pdf

The International Council of Museums, ICOM Code of Ethics for Natural History Museums (2013) icom.museum/wp-content/uploads/2018/07/nathcode_ethics_en.pdf

The Irish Association of Professional Osteoarchaeologists for Institute of Archaeologists of Ireland, Guidance on the Treatment of Human Remains (2024) www.iai.ie/wp-content/uploads/2025/07/IAI-IAPO-TOHR.pdf

National Museum of Ireland, Human Remains Policy (2019) www.museum.ie/en-IE/About/Corporate-Information/Policies-Guidelines/Human-Remains-Policy

Trinity College Dublin, Old Anatomy Museum, Human Remains Policy (November 2021) www.tcd.ie/media/tcd/legacies/pdfs/Old-Anatomy-Museum-Human-Remains-Policy.pdf

Legal studies

Bradley, Martin, *Art and Cultural Heritage Law. A Practical Guide* (Clarus Press, 2024)

Provenance research and Holocaust related

Feigenbaum, Gail, and Inge Reist (eds), *Provenance: An Alternate History of Art* (Getty Research Institute, 2012)

German Lost Art Foundation, Arbeitskreis Provenienzforschung e. V., Arbeitskreis Provenienzforschung und Restitution – Bibliotheken Deutscher Bibliotheksverband e. V., Deutscher Museumsbund e.V., ICOM Deutschland e. V., *Provenance Research Manual to Identify Cultural Property Seized Due to Persecution During the National Socialist Era* (2019) (kulturgutverluste.de/sites/default/files/2023-06/Manual.pdf)

Schuhmacher, Jacques, *Nazi-Era Provenance of Museum Collections: A Research Guide* (UCL Press 2024)

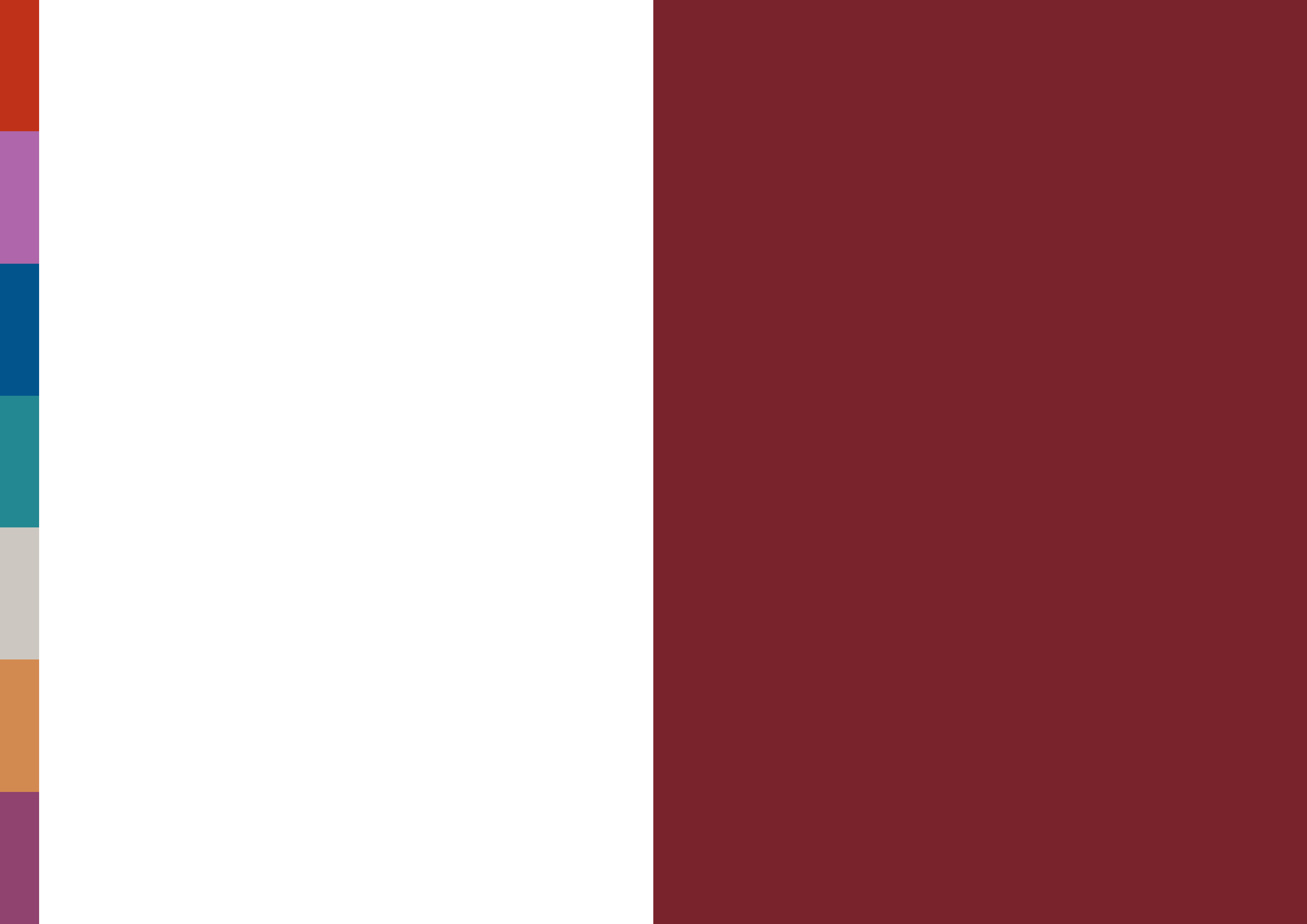
Tompkins, Arthur (ed.), *Provenance Research Today: Principles, Practice, Problems* (Lund Humphries 2020)

Yeide, Nancy H., Akinsha, Konstantin and Walsh, Amy L., *The AAM Guide to Provenance Research* (American Association of Museums, 2001)

Policy brief

Bo, Iben, *Laying Ancestors to Rest: Policy Brief* (All-Party Parliamentary Group for Afrikan Reparations/AFFORD Institute, 2025) www.appg-ar.org/news/report-laying-ancestors-to-rest-2025







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