

6 November 2006

Department for Culture, Media and Sport,  
Museums Libraries and Cultural Property,  
2-4 Cockspur Street,  
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## **Consultation on Restitution of Objects Spoliated in the Nazi-Era**

Thank you for the opportunity to comment on this Consultation, which we are pleased to do.

Our overall opinion is that the UK has sought to meet its moral (and more recent inter-governmental) obligations in this matter, but it seems that claims have been, and will remain, few. Furthermore, the value of works of art will have changed hugely in 70 years – mostly up – but in some cases, down. Consequently, unfettered restitution would now lead us to incline towards defined and time-limited powers.

However, the issue is essentially a political one.

In passing, I would also note that the point 2.1 note 9 that there is a confusion here between National Museums and Galleries in the UK and in England: National Museum Wales, for example, has always had disposal powers comparable to those mentioned, though we imagine that might need testing legally as to how it sits with charity law and obligations.

We respond as follows to the questions:

### **Question 1**

We agree that those museums who do not already have such powers should have power to dispose of items lost as a result of wartime action.

### **Question 2a**

On balance, we agree that Option (i) is the most preferable as it is the most tightly defined. We do not want to set the threshold too low. If (iii) were adopted, it begged the question of how tightly human rights can be defined legally and could also lead to argument for its extension to other actions contrary to human rights – e.g. by the Soviet regime.

**Question 2b**

We have no comment.

**Question 2c**

We agree.

**Question 3a**

No.

**Question 3b**

No.

**Question 3c**

Yes.

In view of the Missal claim, we would suggest, if the Panel were to approve a transfer where there is no clear evidence of Nazi involvement – otherwise, surely anything ‘lost’ in the period could be considered.

**Question 3d**

No.

**Question 3e**

We suggest not. This could establish a precedent in other areas, which might be too onerous in practice, or hypothetically lead to undue political influence in time.

**Question 3f**

Again, we are concerned about the precedents issue, and, as worded, these powers appear to be far too wide. So our view is no. We must also recall the UK dimension and evolution, and that the Secretary of State of DCMS might not have the power to direct an extra-England institution to de-accessioned.

**Question 4a**

We believe that this issue should be explored further, but are unhappy with this as a first step.

**Question 5**

No.

**Questions 6a – d**

We do not regard these as Museum issues, and therefore feel it inappropriate to comment.

**Amgueddfa Cymru – National Museum Wales**

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**Question 7a**

We believe that any disposal powers should be time dependent.

**Question 7b**

We consider that period of 25 years would be appropriate.

**Question 8**

We agree totally with this.

I hope that the above is helpful.

Yours sincerely,

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Deputy Director General

c.c. Michael Houlian, Director General  
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