


## Interview with The Right Honourable Sir Donnell Deeny and The Right Honourable Sir Alan Moses, Chairmen of the Spoliation Advisory Panel

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*Florian Schönfuß: Sir Donnell and Sir Alan, by now nearly a quarter of a century ago, in 2000, the Spoliation Advisory Panel was established by HM Government as an independent, non-departmental advisory body to advise on claims for cultural objects lost during the Nazi-era which later came into possession of public institutions within the UK. Was the creation of the Panel a direct consequence of the 1998 Washington Principles? Has there been a precursor organisation in the UK? Did public debate on the return of Nazi-looted art at the time foster, or even demand the installation of an institution designated to professionally assess relevant claims and provide sound recommendations?*

Sir Donnell Deeny and Sir Alan Moses: To some degree, yes. The UK was keen to be at the forefront of change in this area where, at that time, no obvious remedy existed for those seeking the return of cultural objects lost during the Nazi-era and now in UK collections. Prior to the establishment of the Panel in 2000, claimants would have needed to approach museums directly, but provenance research in this area was still in its early days and national museums were prevented by law, even up until 2009, from returning items, even if their trustees wish to do so. The statute of limitations has also prevented claimants from pursuing a claim through the courts. Against that background, the UK Government established the Spoliation Advisory Panel to hear claims and to make a recommendation based on the balance of probability and taking account of the moral arguments in a claim.

*Florian Schönfuß: If I understand this correctly, the Spoliation Advisory Panel is constituted as a group of expert advisers, invited to become members on the basis of their professional expertise and experience by the UK Government. Recommendations are not legally binding, thus provide an alternative to litigation. However, as the Panel is mostly concerned with claims against national collections or public institutions, do the latter even have to respond to these? What leverage, if any, does the Panel have towards those national collections and public institutions? Can they be compelled to take part in the Panel's proceedings, or at least to provide for profound and transparent provenance research on the objects disputed?*

Sir Donnell Deeny and Sir Alan Moses: Under its Terms of Reference, the Panel can consider claims from anyone, or their heirs, who lost possession of a cultural object during the Nazi era (1933-1945), where such an object is now in the possession of a UK public collection. It may also advise on claims for privately-owned items but only where this is jointly requested by the claimant and the owner. To date, the Panel has advised on 8 claims for items in national museums and 12 in non-nationals. No claims for privately-owned items have been received. Public museums are not compelled to take part in the claims process but they have always been keen to do so, recognizing the importance of basing their decision making on expert and independent advice. The claimant does not, in fact, require the consent of the institution to obtain a

recommendation from the Panel, unlike some other committees, we believe. Of course, in practice UK institutions do respond but even if they failed to do so we could proceed. The Panel's advice, which is published and presented to the UK Parliament, is not binding on the parties, although its advice has always been adopted by the institution thus far.

*Florian Schönfuß: Could you, by referring to an exemplary case, outline how to submit a claim to the Panel, and what the general procedure of the Panel responding to it would look like? Is there any possibility to also make an appeal to the Panel when claiming art or cultural property in a private collection within the UK? Could museums or any other art and cultural property holding institutions, be they public or private, also take the initiative and ask the Panel for advice when suspecting objects in their collections to be unlawfully acquired in relation to Nazi-era spoliation?*

Sir Donnell Deeny and Sir Alan Moses: Advice for claimants on how to submit a model claim and for institutions in preparing their response, is published on the Government's website. This notes that the Panel will require as full a picture as possible to enable it to achieve a fair and just solution. Claims are submitted to the Panel's Secretariat which is provided by the Department for Culture, Media and Sport. There is a list of documents and information on the website that the Panel would expect to see. The Panel does not conduct provenance research and relies on the parties to do so. As mentioned previously, claims may be considered for items in private collections but only where the current owner consents. The Panel conducts its consideration on the basis of written statements which are prepared by and shared between the parties. The Chairman will decide when these exchanges have reached a point where the Panel is satisfied it has all the information it needs to reach a decision. The Panel will normally dispose of the case on the basis of written material provided by the parties, but may direct an oral hearing at the request of any party. The Panel may only offer advice in response to a claim and does not otherwise offer advice to museums on objects they are investigating. UK national museums have created a searchable public [database](#) which includes information on works with gaps in provenance from 1933-1945.

*Florian Schönfuß: How would you describe the perspectives for provenance research in the UK in general? Is there a gross number of how many institutions actually engage in provenance research? And what funding resources and supporting measures are available? Are there permanent positions for provenance researchers in the UK? Or is research, as in Germany, mainly done by fixed-term employees?*

Sir Donnell Deeny and Sir Alan Moses: In the wake of the 1998 Washington Conference, UK museums tasked their curators with examining their collections with the Nazi past in mind. Back then, they could not have known how difficult this research would be in practice. In most cases, this task fell on curators who could read German due to their interest in German art – and who were expected to carry out this work in addition to their other curatorial responsibilities. Reports on the early work undertaken by museums across the UK are available on the Collections Trust website. One of the many challenges these curators encountered was the lack of funding available for archival research on the continent, which is almost always necessary to comprehensively research an object's provenance.

Today, there is broad recognition that this important work requires specific skills, time, and financial support. Therefore, it seems likely that if we could turn back time, UK museums would have sought dedicated funding to enable meaningful archival research. Although many curators and registrars are actively researching Nazi-era provenances, there is currently only one full-time post at a national museum. In addition to this post at the Victoria & Albert Museum, there is a part-time post at the Burrell Collection in Scotland. It is reassuring to see that there is so much interest in this important work from museum professionals. National museums recently ran a provenance research training workshop attended by a wide range of curators and registrars from national and regional museums.

*Florian Schönfuß: Judging from all the (comprehensively documented) cases brought before the Panel from 2001 up until today, the number of 'just and fair solutions' achieved and, last but not least, public perception within the UK as well as abroad, what would you say has since then been achieved? Where, on the other hand, would you possibly see potential for further development, expansion or improvement of the Panel?*

Sir Donnell Deeny and Sir Alan Moses: The Spoliation Advisory Panel and claims process has received international recognition as providing a model process for the resolution of claims. Following a review in 2015, the Panel's capability was enhanced by the appointment of a second Chairman and an expanded pool of advisers, allowing the consideration of claims concurrently and in shorter time. In addition to claims resolution, the Panel was also instrumental in recommending to the Government in 2005 that the law should be changed to allow national museums to return items where the Panel recommends restitution as an outcome and the Secretary of State agrees. This led to the Holocaust (Return of Cultural Objects) Act 2009 and amending legislation in 2019 which removed the 10-year time limit set by the 2009 Act. Other notable achievements have been the London 2017 Spoliation Conference which was attended by more than 300 delegates from around the world and the establishment, with four other European countries, of the Network of European Restitution Committees on Nazi-looted Art of which the UK adopted the Presidency earlier this year.

*Florian Schönfuß: In September 2017, the Panel took part in the organisation of the international conference '70 Years and Counting: The Final Opportunity?', initially resulting in a seminal note of recommendations for further proceedings, then finalized in an 'Action Plan' which, among other things, lead to the creation of a permanent working group to facilitate cooperation between the restitution committees of the UK, France, Austria, the Netherlands and Germany. As you mentioned, it is the Panel's turn to lead the network beginning this year. In how far would you say could the Panel's work in the UK already profit from this, and vice versa? Did the recent realignment of relationships between the UK and the EU have any repercussions on the Panel's reach and prospects within the Network?*


Sir Donnell Deeny and Sir Alan Moses: The Network of European Restitution Committees on Nazi-looted Art, which has the UK, France, the Netherlands, Germany and Austria as its members, has become an important source for the sharing of knowledge and information between the committees and a number of other countries who are seeking to do more in this area have expressed an interest in its work. There are no formal agreements or rules between the committees and the recent realignment between the UK and the EU has not affected this work. The committees are all very different but share a common purpose and the ideals towards which they all work and underlying spirit of cooperation are, we would say, stronger than ever.

*Florian Schönfuß: In contrast to the above-mentioned countries forming part of the Network, there are of course others which neither have any formally established processes, regulations nor permanent institutions for mediating and/or professionally advising on claims for the restitution of art and cultural objects. Do you think the establishment and further development, including a broad reporting of the claims advised on, of restitution committees in general, and the UK's Spoliation Advisory Panel in particular, might provide guidance or even a role model for countries lacking behind in this respect? Could comprehensive digitization (of archival sources, dossiers, best practice examples, case reports etc) possibly be key to achieving this?*

Sir Donnell Deeny and Sir Alan Moses: We would agree with that. Demonstrating how we and other countries deal with these issues, particularly the work that museums are doing in digitizing records and making them publicly available is the best way to bring others on board. The Network is proving to be an effective vehicle in achieving that. Through its series of newsletters, published throughout the year, we can provide case studies, training opportunities and essential contacts so that conversations can take place in these areas. Looking ahead, it would be encouraging to think that by promoting the work which we and others have undertaken we can encourage other countries to do the same and to join our Network. Those discussions have already begun and we are optimistic that they will bear fruit.

*Florian Schönfuß: Sir Donnell and Sir Alan, thank you very much for the interview!*

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### **Reference**

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