



Guidelines for prioritisation

Transfer of ownership and destruction of
cultural history museum objects

Bergen City Museum



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Background

It is a fact that museums do not have an adequate overview of their collections. The report *Vil bevart? Tilstandsvurdering av museumssamlinger* ('Well preserved? Condition assessment of museum collections' – in Norwegian only) documented major backlogs in registration, and also that large parts of the collections are stored in premises where objects are at risk of being damaged.¹ This, together with the fact that museums' collection practices often do not correspond with their own collection strategies to any great extent, makes it important to consider whether all parts of the collections should be kept and under what conditions they should be stored.² This is part of the process of prioritisation in the collections; to consider what should be given optimum preservation conditions, what can be placed in less than optimum premises, and what can be disposed of, as discussed in chapter 4.1.7 of *Report No 49 to the Storting (2008-2009) Framtidas museum: Forvaltning, forskning, formidling, fornying* ('The museum of the future: Management, research, dissemination, renewal' – in Norwegian only). This White Paper also argues that museums should ensure the possibility of disposal by amending their statutes and introducing agreements that open for the transfer of ownership.

Despite these clear signals from the central government administration, no guidelines for the prioritisation and disposal of museum objects have been prepared in Norway. Bergen City Museum therefore submitted an application to the Arts Council Norway and was granted funding for a two-year project (August 2013–July 2015) on the topic of *Prioritisation and disposal: guidelines and method*. The project was carried out in cooperation with the Randsfjord Museums and Oslo Museum.

The proposed guidelines are intended as a practical elaboration of the ICOM Code of Ethics for Museums and the SPECTRUM collections management standard. In the absence of a museum law, these guidelines can only serve as a guide to how to carry out a prioritisation process. The ethical issues in the field are primarily formulated by ICOM, but each individual museum must also carry out its own ethical assessments and discussions based on its own specific situation.

No recommendations are given for specific methods to be used in prioritisation processes. Different tools exist that can be used in such work, and each museum must consider which tools are best suited to their situation.

This document presents transfer of ownership and destruction as two of several possible outcomes in a prioritisation process. We nevertheless wish to emphasise that transfer of ownership/destruction is a tool, and only in exceptional circumstances a goal in itself. The experience we have gained during the project will be presented in greater detail in a separate project report.

1 The Norwegian Archive, Library and Museum Authority's (ABM-utvikling) publication ABM skrift No 59, 2009. The report concerned non-state museums, and did not cover all museums in Norway.

2 Report No 49 to the Storting (2008–2009), chapter 4.1.1

Clarification of terms

As part of the work on these guidelines, Dr Juris Thomas Eeg wrote a report on museums' rights to dispose of museum objects, which he was commissioned to write by the steering committee.³ In addition, he submitted a legal opinion on the topic and served as a discussion partner.⁴ According to Dr Eeg, there is no legal definition of 'museum object in Norway', but this is not decisive with respect to the issue of what rights a museum has to take different measures in relation to an object, such as transferring ownership of or destroying it. It is the potential limitations in regards to for example transferring ownership of the different objects that are legally relevant, not whether they are registered museum objects or are objects that the museum actually controls. '(...) one cannot make the absence of an entry in the accession register, or similar registration, the deciding factor in relation to right of free disposal.' (Eeg 2014a: 4-5). This means that, even if an object has not been registered, you are not free to do as you please if the museum's statutes do not allow for transfer of ownership. This applies regardless of whether or not the donor is known.

ICOM does not provide a definition of what constitutes a museum object either. Based on the above and the available legal reports, this document uses a broad definition of the term 'museum object'.

Museum object

All objects that the museum has control of and that can with reasonable certainty be said to have been intended for inclusion in the museum's collection, including registered and unregistered objects, backlogs and objects that have not yet been included in the collections.

³ Eeg, T. 2014b. Juridiske betraktninger om museenes adgang til å avhende museumsgjenstander. <http://hdl.handle.net/1956/7899>, and internal correspondence with Dr Eeg.

⁴ Eeg, T. 2014a. Betenkning – rettslige skranker for museers avhendingsadgang m.m. Unpublished.

Transfer of ownership

Transfer of ownership means that a legal entity (individual person or legally responsible body) takes over ownership of the object. This means that there must be a recipient.

Destruction

Destruction means that an object is physically destroyed.

Prioritisation process

Systematic work to assess an object's cultural historical value and determine what consequences this should have for the object in question.

In Norway, the term 'museum' is used to describe both the institution that owns the collections of objects and the operating entity.⁵ In some cases, this is one and the same institution, however the operating entity is more often than not an umbrella organisation for several small owner foundations. An operating entity without ownership responsibility is not entitled to transfer ownership of or destroy museum objects. Such decisions can only be made by the legal owner (or the party to which the legal owner chooses to delegate such decisions – in practice, often the operating entity). In this document, the term 'museum' is used in reference to both the owner foundation and the operating entity, but it should be clear from the context what is meant. It is specified in some places.

⁵ This also includes buildings.



Photo: Bergen City Museum

Introduction

The purpose of a prioritisation process must be defined by the individual institution. The extent of the gain will vary, but the benefits will include a better overview and improved quality of the collection in the form of further/new documentation, and the process will often also identify shortcomings in the collection. Not least, the process could raise awareness around use of resources.

These guidelines have been drawn up with general cultural history objects in mind, and without any special consideration being given to photographs, art

or natural history objects. Nor has material subject to statutory regulation been considered. Moreover, the guidelines have been given a general wording in some fields in order to be applicable to as many cases as possible. This means that local adaptations and work methods must be clarified in the form of internal work procedures for individual operating entities. It is a general principle that all prioritisation processes shall be verifiable and transparent.

This document can be used as the basis for preparing guidelines for other types of materials/ collections.

1. Preparations

1.1 Statutes, plan documents and procedures

It is a condition for the implementation of prioritisation processes that could result in the transfer of ownership and/or destruction of objects that the owner foundation's statutes do not represent an obstacle to taking such actions as a legitimate part of the professional management of the collection.⁶ This also applies to cooperation agreements between the management entity and the owner of a collection (if they are not the same). If the museum does not own the collections itself, the museum's right and obligation to manage objects in accordance with its professional judgement must be specified in the agreements in force at all times between the museum as a management institution and the owner of the collection.

Before a prioritisation process is initiated, the museum should have adopted a collections policy that is in line with ICOM's Code of Ethics.⁷ Among other things, a collections policy should include the museum's objective and collection profile, plans for further collection/prioritised focus areas, and internal procedures for the assessment process and for how decisions about transfers of ownership/destruction of objects are to be made.

It is an important principle that permanent employees who, in addition to having the relevant expertise, are highly knowledgeable about the collections and their history should be in charge of prioritisation processes. In order to ensure the quality of the work, the museum should, as far as possible, establish an interdisciplinary working group to carry out the assessments. If the museum does not possess expertise in the field to which the objects relate, such expertise must be obtained externally. It is an important principle that no member of the museum staff can or should make decisions regarding transfer of ownership and destruction alone. It should also be specified how health, safety and environmental factors are to be addressed during the work.

⁶ This would be the statutes of the museum that owns the collection, even if the management of the collection in question has been transferred to a separate operating entity.

⁷ Most recent Norwegian version, ICOM 2014.

2. Planning

2.1 Background to and criteria for assessment

Prior to a prioritisation process, it is important to document in writing why the work is to be undertaken and what the purpose is. The museum should formulate criteria to make it easier to determine which objects should still be defined as museum objects and which objects should be assigned a different status (potentially relevant criteria include provenance, relevance, condition, context and quantity). The context in which the criteria are to be applied must be made clear (e.g. internally or on a local, regional or national scale).

2.2 Choice of method/tools

Different methods and tools exist that can be used to implement a prioritisation process. During the planning phase, each museum should consider what will be most appropriate in relation to the museum's situation and the material to be assessed. The museum can also develop its own method/tool.

2.3 Documentation

The museum must decide how to use its collection management system in the prioritisation process, and how to deal with unregistered material.

2.4 Ownership

The museum must be able to identify the correct owner of the objects in the museum and the objects' status in the collection. Realistically speaking, it is sometimes difficult to find clear documentation of ownership. If transfer of ownership or destruction is deemed a relevant option in such cases, the risk must be weighed against what is gained by implementing the desired action. Assessments relating to ownership will often take place as part of the implementation process, but it is important that the museum's management has clarified how instances of unclear ownership are to be dealt with (Eeg 2014a:14-15).

2.5 Realistic framework

In cases where the process involves a large number of objects, the museum should consider whether to organise the work as a project. In such case, it is important that the project has a plan with a realistic time frame, organisation and budget. It is important to be aware that the work will require resources in terms of time, premises and money.

2.6 Health, safety and environmental issues

In some cases, HSE measures must be implemented in connection with work with objects. This applies both to general handling and to disposal of objects, since they may contain substances and materials that could be harmful to people and to the natural environment. In such cases, a principle of caution applies. Internal policies should describe the procedures that apply to such work.

2.7 Communication and information

If the prioritisation process results in decisions to dispose of or destroy objects, it is important that this is communicated internally at the museum. All members of staff must be familiar with the process and the relevant procedures. Transparency is an important principle in public institutions. The possibility of communicating specific projects to the general public via the museum's website and/or the media should be considered.

3. Implementation

Each decision to dispose of or destroy an object must be made through a verifiable process. This means that the object itself and the process that leads up to the decision must be documented: the result of the assessment, how the object was disposed of/destroyed, internal planning documents and who made the assessment (see ICOM section 2.15).

3.1 Selection of objects

Prior to a prioritisation process, the museum must define which objects are to be assessed. The starting point could for example be typology, topic or location.

It should also be considered whether it is possible to physically gather together the objects in order to make it easier to carry out a complete documentation process and assess them in relation to each other.

3.2 Documentation and quality assurance

The prioritisation process must be carried out in an accurate and responsible manner, and each step in the work must be thoroughly documented. This is important in order to maintain control during the process, but also to guarantee quality. Ensure that the documentation can be understood by third parties.

Before the assessment begins, all existing documentation relating to the object must be retrieved, in addition to relevant specialist literature. Consider whether to involve external experts.

In order to assure quality in the process and justify assessments in retrospect, it is important that no member of the museum staff makes decisions regarding transfer of ownership/destruction alone. This is an absolute principle.

Museum staff, members of the governing body and their families cannot be recipients of objects that the museum disposes of, see ICOM section 2.26.

The documentation tool should be used to its full potential. Adequate information about both the object and the process should be stored and be accessible there. It must be ensured that every step of the process is in line with the SPECTRUM collections management standard and that international standards are otherwise complied with.

Registered material shall have all known documentation accessible in the database; provenance, physical description (measurements, condition etc.), photograph(s), location etc.

Unregistered material shall also be documented as far as possible: provenance (if any information exists), physical description and photograph(s). Preferably also information about where in the museum the object was stored/found.

Photographs are important. If the outcome of the prioritisation process is destruction, a photo and description will be the only record of the object. Photographs are also important in order for internal and external stakeholders to understand why an object has been destroyed.

3.3 The assessment process

The assessment process must seek to define an object's cultural historical value/significance/relevance on the basis of defined selection criteria. This process must be documented in writing, and the documentation should be archived in the documentation system.

Important factors in the assessment can include:

Provenance and context

Museums have objects that for various, often random, reasons have never been registered or catalogued, and this makes it difficult to find information about these objects.

Examples of control questions:

- Can you, within a reasonable timeframe, find out more about the history of the object before it arrived at the museum?

- If the object suits the museum's collection profile, but lacks documentation of provenance and context; can the museum easily obtain a similar object in good condition with known provenance/context?
- Could there be ethical dilemmas associated with disposing of the object?
- Does the object have a unique history?

Relevance

Museums' profiles change in step with society at large, as they are faced with new requirements and expectations. If an object has lost its relevance and is therefore rarely referred to in exhibitions, other forms of public outreach or research contexts, it is natural to consider disposal or destruction. However, one must adopt a long-term perspective on the matter and consider whether the object is likely to become more relevant in future.

Examples of control questions:

- Why did the object enter the museum's premises in the first place?
- Could it be more useful to another museum?
- Is the object likely to become more relevant in future?
- Is it probable that the object or elements of its design will be relevant as a research object?

Condition

Some material is so damaged that it is difficult to conserve or restore, or the costs of doing so will be disproportionate to its cultural historical value. The museum must weigh the costs of measures against their benefit. Some objects consist of several parts and will lose their meaning and function if they are not complete.

Examples of control questions:

- Is it possible to conserve the object, and how much will it cost to do so?
- How probable is it that resources to carry out the necessary work will be prioritised?
- Does the museum have other objects in better condition that can tell the same story?
- To what extent has the object lost its meaning/function because parts of it are missing?
- How probable is it that the missing parts will be found?
- How probable is it that the object can be harmful to people or other objects?

Quantity

Many museums have many objects of the same or relatively similar type/design. It should be considered how many objects of the same type are necessary in the collections. The fact that an object is one of a large number of relatively similar objects does not in itself constitute grounds for disposing of it.

Examples of control questions:

- Is quantity a value in itself?
- Is it probable that corresponding objects can be found at other museums?

Museum significance

Cultural historical value, documentation value, dissemination and research value are all factors with a bearing on the decision on whether to keep an object in the collection. An assessment process should identify an object's distinctive characteristics: representativeness, rarity, connections to important historical events or persons etc. It should also be considered whether the object has research and/or development potential and whether there are any particular groups that the object may be important to.

Examples of control questions:

- Is the object representative or special in any way? Why/why not?
- Is the object linked to specific historic events and/or persons?
- Is the object often/rarely used for dissemination/research purposes? Why?
- Could it be more useful to another museum?
- Does it have research value in addition to its dissemination value?
- Is it probable that it will be referred to in any particular exhibitions, public outreach work, research or documentation projects in future?
- Could the object be useful in a handling collection at the museum?

4. Choices and consequences after the prioritisation process has been completed

Once an assessment process is complete, the museum is usually left with the following choices: to keep the object in the museum (either as a museum object or redefined as a prop/part of a handling collection), to transfer ownership of the object, or to destroy it. The term transfer of ownership literally means that ownership is transferred to a new owner. According to ICOM, objects to be disposed of should first be offered to other museums before being offered to other potential recipients. Destruction should be a last resort unless the material is in poor condition, can be harmful to people or to the environment, or is assessed to be of little interest to other parties.

The museum must establish who the rightful owner of the material is. If ownership cannot be proven, the museum must document its attempts to clarify the matter. It can be difficult to determine ownership of unregistered material or objects with inadequate documentation. In such cases, the risk of sanctions must be weighed against the benefit of transferring ownership or destroying the object in question (Eeg 2014a:2-3).

It must also be checked whether there are written obstacles to transfer of ownership/destruction. If this is the case, the necessary steps must be taken if you wish to proceed with the process. You can apply to the Norwegian Foundation Authority to have statutes amended, and the authority can also amend written instructions (e.g. conditions set by the donor). If it is still possible to contact the donor/the person who set the condition, this person can also amend the instructions. Dr Juris Thomas Eeg, University of Bergen, has written a comprehensive review of these matters.

It may be useful to allow some time to pass between the decision to redefine or dispose of an object and the actual implementation of the decision.

4.1 The object remains with its owner

Preserved as a museum object

An assessment process will often conclude with a decision to keep the object as part of the museum's collection. If the material has, for one reason or another, not been accessioned, the objects must be registered and documented in accordance with the ordinary accessioning procedures. The assessment should also include which storage conditions the object should be prioritised for.

Redefinition as prop/part of a handling collection

Objects can be redefined as props/part of a handling collection in the museum, and thus be actively used in dissemination. This means that, in the long term, the object will be used and could end up being destroyed. The requirements for handling and repairing handling collection objects are usually less strict than the requirements that apply to a museum object.

Proposed procedure for redefinition

- State the grounds for and document the decision.
- The change in status must be confirmed in the collection management database if the object in question has previously been registered.
- The object should be physically separated from objects in the museum collection.

4.2 Transfer of ownership

Transfer of ownership means that one or more objects are transferred to a new owner. There may be several potential recipients, but the goal must be to ensure that the object ends up with someone who has more use for it, and where it can still be of benefit to the general public. It is therefore an important point that objects that are to be transferred to a new owner, should first be offered to other museums, see ICOM section 2.15.

Repatriation may be an option when transfer of ownership is considered. This could apply to anything from objects originating from Sami groups or other national minorities to altarpieces and objects stolen during WW II etc. If the object in question is of a nature that makes repatriation a relevant option, this must be considered carefully before ownership of the object can be transferred to a third party.⁸

Transfers within the national museum network

The transfer of objects between museums must take place through an open process based on an existing system, or by direct contact with museums deemed to be relevant recipients. As far as possible, the new owner should be a museum in the Norwegian national museum network. It is also preferable for the new owner museum to have a collection where the object would fit in. An alternative to donation is to exchange one object for another. Transfers to other museums should as far as possible take place free of charge in return for coverage of actual expenses incurred in connection with the transfer/transport. An object that is transferred to another museum remains in the public sphere.

Transfer to non-profit associations and organisations

History societies, coastal culture societies, handicraft societies and/or private collections based on voluntary work are potential recipients of transferred objects if no professional museums are interested. When objects are transferred to non-profit associations and organisations, it should be considered whether they can be transferred free of charge in return for coverage of actual expenses incurred in connection with the transfer/transport.

Return to the donor/producer/descendants

The museum can try to return the object to the donor or his/her descendants if their identity is known. This could be the museum's first choice when disposing of an object if the donor has stipulated requirements that are difficult to meet. The amount of resources to

be spent identifying the descendants of donors must be seen in relation to the object's assumed value. When objects are returned to the donor/producer/descendants, it should be considered whether they can be transferred free of charge in return for coverage of actual expenses incurred in connection with the return/transport.

Proposed procedure for transfer of ownership of individual objects

- State the grounds for the decision.
- Offer the objects to other public museums or to the donor before choosing other alternatives. Copies of all documentation and a photograph of the object must be enclosed with the donation offer.
- Consider whether to organise a day when interested institutions can view the object.
- Update the collections database and register the new owner.

Proposed procedure for transfer of ownership of groups of objects

- State the grounds for the decision.
- Describe the objects and take an overview photograph.
- Offer the group of objects to other museums or other relevant institutions.
- Consider whether to organise a day when interested parties can view the object.
- Update the collections database and register the new owner.

Public sale/auction

The museum can also sell objects after a prioritisation process has concluded with a decision to dispose of the object. The sale of objects, or rather income from such sales, is discussed in ICOM section 2.16. It is very important that the museum's collections are not seen as realisable assets. That is why any profit from sales 'should be used solely for the benefit of the collection and usually for acquisitions to that same collection'. The money shall not be spent on ordinary operating expenses. If the museum is to dispose of a large number of objects through sale, it should contact an auction house. The auction can take place in suitable premises either at the museum or at an auction house, and the division of responsibilities must be agreed on, for example:

- How data about the objects is to be retrieved
- Auction fee
- Marketing, catalogue, photos
- Time
- Viewing days

- How groups of objects are to be put together
- What is to happen to unsold objects
- Storage costs during the process

In connection with sales other than at auctions, the museum shall reach an agreement directly with the buyer. The buyer should be offered all available information about the object, and the database must be updated. In connection with sales to parties other than museums, any museum object markings must either be removed from the object, or the object must be re-marked so that it can be identified as a 'non-museum object' in order to prevent confusion about the object's status.

4.3 Destruction

If the object is in such bad condition, is hazardous to health or for some other reason deemed not to be of interest to other parties, destruction may be an option. As in connection with transfer of ownership, the museum must be able to establish who the rightful owner of the material is. If no documentation of ownership exists, the risk of destroying the object in question must be weighed against what is gained.

Proposed procedure

- State the grounds for the decision.
- Confirm available information in the collection database and document by means of photograph(s).
- Ensure that internal procedures are complied with.
- Destroy the object in such a manner that it cannot in any way be recognised as a museum object.
- Consider necessary/relevant HSE measures.

The museum must consider how much resources to spend on documenting material that can be assumed with reasonable certainty will be destroyed. This applies in particular to groups or quantities of objects that are in such poor condition that destruction is the only reasonable conclusion.

4.4 Mass transfer of ownership/ destruction

Museums sometimes wish to transfer ownership of or destroy large amounts of objects, for example sub-collections that, for one reason or another, are not relevant to the museum, or large quantities of broken or degraded objects. Because of the quantity or condition of the objects, it may seem futile to doc-

ument (describe, photograph etc.) each individual element. In such cases, museums can opt for a less comprehensive process. The different steps taken must be documented at the level deemed to be satisfactory for posterity at the time the measures are implemented. An explanation should also be given for the decision to carry out the process in this way.

Relevant literature

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