

March 2023

Shared Stewardship and Ethical Returns Policy

A. Statement of Purpose

The National Museum of Asian Art (NMAA) strives to promote a culture that is collaborative, transparent, and resourceful. We thus embrace the value of making the diverse histories of our collections accessible to the public. Adhering to these values and practices and the Smithsonian's [Shared Stewardship and Ethical Returns Policy](#) (adopted April 29, 2022), NMAA considers the circumstances of a collection object's history and requests for shared stewardship and ethical return. We do so respectfully and in consultation with relevant stakeholders, being mindful of the possible harm that can be caused in collecting and retaining objects. When the NMAA identifies an object that was acquired unethically, the museum will consider opportunities for shared stewardship or return.

Requests and inquiries can be made through the NMAA public website. NMAA will respond to all requests and inquiries in a timely manner.

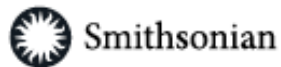
B. Applicability

NMAA's Shared Stewardship and Ethical Returns Policy applies to all objects within the scope of NMAA's collections management policies and to directly derived research outputs, documentation, samples, and surrogates, including but not limited to replicas, paper, microfilm, and digital formats. With respect to objects in the Freer Collection, the 1906 Deed of Gift between the Smithsonian and Charles L. Freer requires that the Smithsonian not make deductions from Mr. Freer's collection. In the event NMAA receives a request for shared stewardship or return for an object within the collections of the Freer Gallery of Art, NMAA will consult with the Office of General Counsel to determine whether shared stewardship or return of the object is legally permitted.

C. Authority and Responsibilities

The Collections Management Department is responsible for implementing the NMAA Shared Stewardship and Ethical Returns Policy. All shared stewardship and ethical return requests and inquiries will be received and tracked by the Collections Management Department per established procedures, including the [Shared Stewardship and Ethical Returns Tracking System](#).

To implement this policy, NMAA has created a Shared Stewardship and Ethical Returns Committee consisting of the head of Collections Management (chair), the deputy director, a curatorial representative, a provenance researcher, and other individuals as appointed by the NMAA director. In consultation with the staff members responsible for the collection object(s) that is the focus of the request or inquiry, and, as needed, the Office of General Counsel (OGC), the National Collections Program (NCP), the Office of International Relations, the Under Secretary for Museums and Culture, as well as other Smithsonian units, and other relevant parties, the committee reviews inquiries, conducts appropriate research and consultations, develops a formal report, makes a recommendation to the NMAA director, and documents decisions and outcomes.



The NMAA director has the final authority within the unit for making shared stewardship and ethical return decisions.

Shared stewardship arrangements must be documented in a written agreement approved by the Under Secretary for Museums and Culture in consultation with OGC and NCP.

Before deaccessioning and return of collections for ethical reasons, NMAA must consult with the Under Secretary for Museums and Culture, OGC, and NCP, and must obtain all approvals for deaccessioning and returns required by SD 600.

Before denying a request for the return of a collection for ethical reasons, NMAA must consult with the Under Secretary for Museums and Culture.

The Shared Stewardship and Ethical Returns Committee may delegate authority to consult with communities and others during the review process. The Collections Management Department, in consultation with other appropriate staff, will implement the outcomes of decisions on shared stewardship and ethical returns requests.

All shared stewardship agreements and ethical returns will follow existing NMAA and Smithsonian policies and procedures.

D. Evaluation Criteria

Requests and inquiries for shared stewardship and ethical return will be reviewed according to the following criteria:

1. Is the requester the proper party to seek shared stewardship or ethical return?
 - a. If acting on behalf of another party, does the requester have authority to act on behalf of the party making the requester?
 - b. What is the requester's relationship to the collection object(s)?
 - c. Are there other individuals/entities with competing interests in the collection object(s)?
2. Are there applicable laws, treaties, conventions, or policies that should be considered when reviewing this request?
3. Was the collection object(s) acquired unethically?
 - a. How did NMAA acquire the collection object(s)? How did previous owners acquire the collection object(s)?
 - b. Is there evidence that the collection object(s) was acquired at any point in its ownership history forcibly, under duress, through coercion, without consent from appropriate authorities, and/or by other unethical means?
4. Would retaining the collection object(s) perpetuate harm to the requester?
5. Would retaining the collection object(s) be inconsistent with the Smithsonian's core values?

When evaluating a request or inquiry, NMAA will not consider the requester's ability to meet the Smithsonian's standards of care, intentions after return, or the artistic, historical, cultural, or monetary value of the collection object(s).