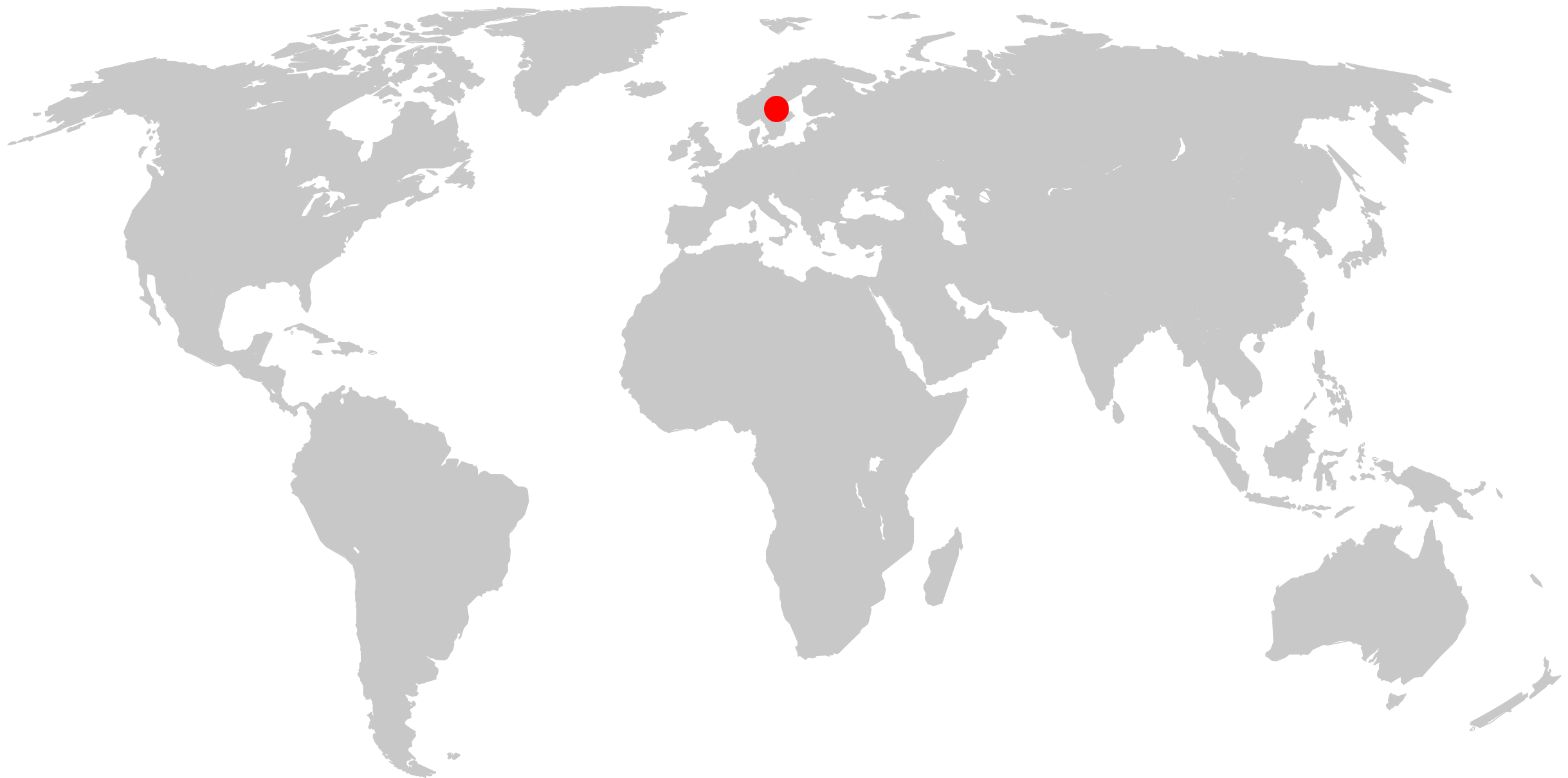


VÄRLDSKULTUR MUSEERNA

ETNOGRAFISKA
ÖSTASIATISKA
MEDELHAVET
VÄRLDSKULTUR

Ann Follin, Director General
National Museums of World Culture, Sweden

A Human Rights Focus - the United Nations Expert Mechanism on the Rights of Indigenous Peoples
Panel 3. The Ethical/Legal/Political Framework
Vancouver March 4, 2020



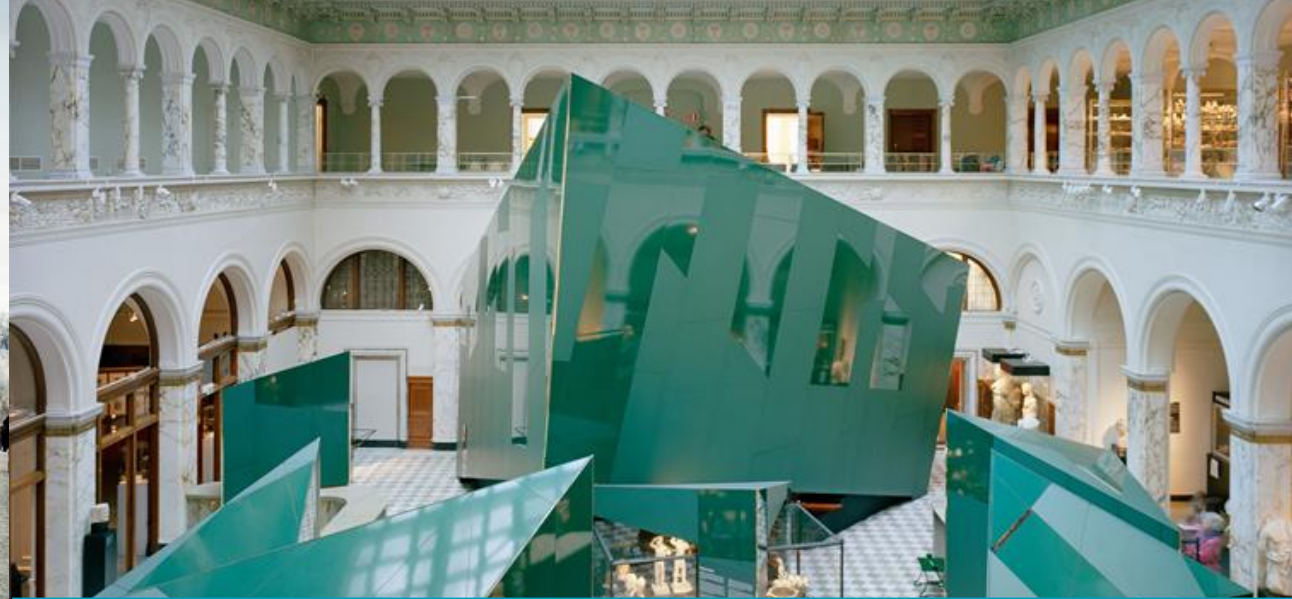


THE NATIONAL MUSEUMS OF WORLD CULTURE , SWEDEN





MUSEUM OF FAR EASTERN ANTIQUITIES



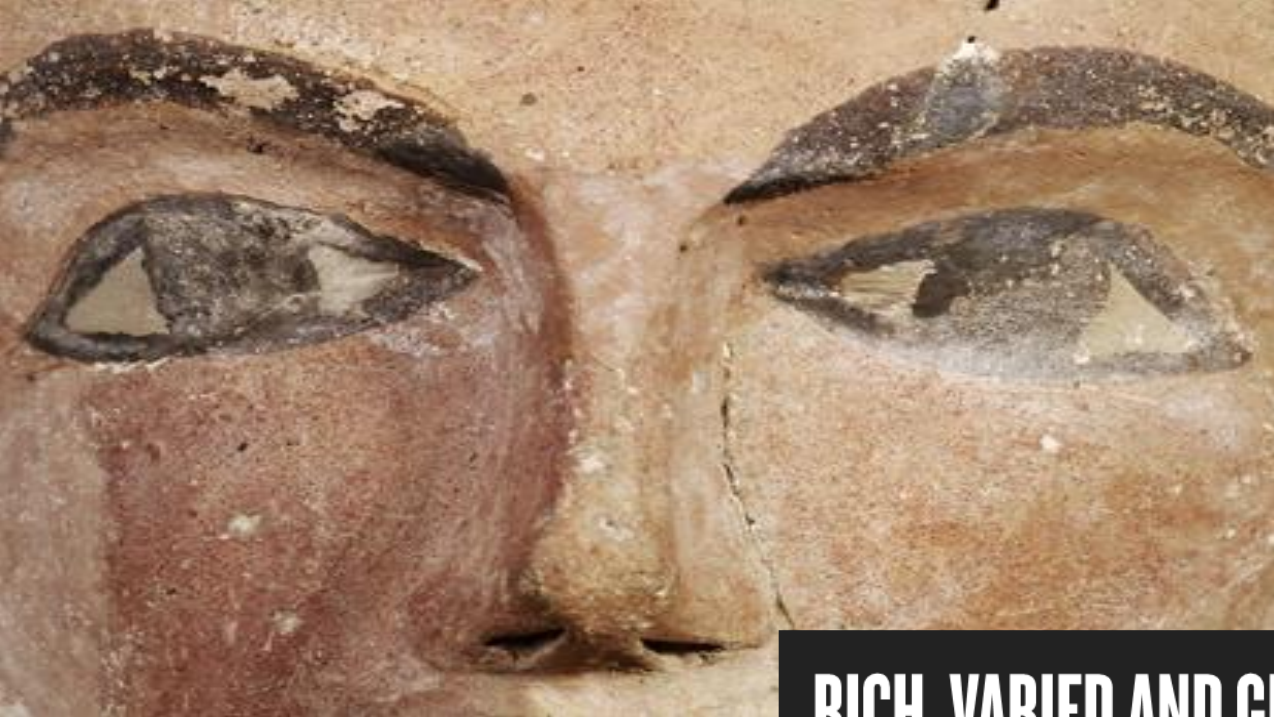
MUSEUM OF MEDITERRANEAN



MUSEUM OF ETHNOGRAPHY



MUSEUM OF WORLD CULTURE



RICH, VARIED AND GLOBAL COLLECTIONS



VISION

**A wider,
more humane,
more inclusive world**



A photograph showing three individuals in a laboratory or museum setting. They are gathered around a table covered with various biological specimens, including what appear to be dried plants, fungi, and other natural objects, each with a small white label. The woman on the left has long brown hair and is wearing a dark jacket. The woman in the middle has long blonde hair and is wearing glasses and a dark top. The man on the right is bald, wearing glasses, a dark suit jacket, and a red tie. He is leaning over the table, wearing white gloves and holding a small yellow object. The background features large windows with a grid pattern, allowing natural light into the room. A sink and some laboratory equipment are visible on a counter in the background.

**BUILD AND SHARE KNOWLEDGE
IN DIALOGUE WITH OTHER**



TENST
MUSEUM



CURRENT POLITICAL LANDSCAPE

Swedish law, national and international policies and guidelines

THE SWEDISH MUSEUM ACT

A new law from 2017

Museum's overall objective to contribute to society and its development through the promotion of knowledge, experience, culture and freedom of opinion.

Responsibility to ensure long-term and professional collection management.

Arm's length distance.

Opportunity to transfer objects to other Swedish museums.



DECISION PROCESS OF REPATRIATION

- The Swedish Museum Act states that **museums** are themselves **responsible for their collection management** and are instructed to assess if there is reason to dispose of items by repatriation.
- Following an official request by an external party regarding claims for return (or self-initiated), the museum makes its **assessment based on both legal and professional criteria**.
- If the museum considers that a return should be carried out, the museum sends a **petition** to the Ministry of Culture.
- After the case is prepared by the **Ministry of Culture**, the **Swedish government** (or if procured with state funds the **Swedish Parliament**) decides whether or not the object should be returned (see Budget Act, Ordinance on the transfer of the state's movable property and the Capital Regulation).
- If the government approves the request, the **museum may decide** to return the item.

INTERNATIONAL CONVENTIONS

- Convention for the Protection of Cultural Property in the Event of Armed Conflict, UNESCO 1954 - **ratified**
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, UNESCO 1970 – **ratified in Sweden 2003**
- Convention on Stolen or Illegally Exported Cultural Objects, UNIDROIT 1995 – **ratified in Sweden 2011**
- United Nations Declaration on the Rights of Indigenous Peoples – 2007 – **signed**

ICOM CODE OF ETHICS FOR MUSEUMS

ICOM CODE OF ETHICS FOR MUSEUMS

ICOM Code of
ETHICS
for Museums

FOR MUSEUMS

THE SWEDISH NATIONAL HERITAGE BOARD GUIDELINES ON COLLECTION MANAGEMENT PRACTICE

“Guidelines for Museums in Return and Repatriation”

“Guidelines for Management of Human Remains in Museum Collections”

Coming report

– on the Washington Conference Principles on Nazi-Confiscated Art, 1998 and The Terezin Declaration, 2009

PROCESS REPATRIERING

PROCESS OF REPATRIATION

- a case can both be self-initiated and initiated by external claimants

- Receive a formal, legal claim
- Open a case
- Activate the internal Repatriation Council
- Investigate the history of the object and the acquisition circumstances - conduct thorough provenance research
- Investigate the recipient's legitimacy. Find out if there are more eligible recipients. Is there agreement on a possible return?
- Document the significance and the future of the object in case of return - be part of a religious ceremony, buried or similar.
- Take decision – by the Government or Parliament after petition from the agency
- Implement a possible return- agreement on conditions. Apply for export permit, CITES certificate etc.
- If appropriate, celebrate the return with a ceremony
- If burial – apply for permission according to local legislation
- Close the case. Document for record and archive. Evaluate

CASE BY CASE

**TRANSPARENT, EFFICIENT AND CORRECT PROCESS
IN ORDER TO CONTRIBUTE TO A GOOD DIALOGUE**

PROMPTLY AND WITH SENSITIVITY AND RESPECT

DILEMMAS #1

DIFFERENT KIND OF DILEMMAS

- Often very complex cases
- Incomplete documentation could make it difficult to investigate acquisition circumstances and who is a legal claimant
- Several recipients who are judged to have legitimate grounds for claim
- Several legitimate claimants with different opinions on what should happen to the object
- Legal considerations vs ethical
- When the laws, conventions and ethical guidelines do not support each other

PREVIOUS REPATRIATION FROM THE NATIONAL MUSEUMS OF WORLD CULTURE

1990 - New Zealand – a toi moko, a tattooed Māori head, accessioned in the 1830s

1997 – Australia – a human skull, accessioned in 1908

2004 – Australia – human remains, accessioned in 1911

2009 – New Zealand – human remains, accessioned in 1841

1994 – Guatemala – lower part of a stela, accessioned in the 1960s

2006 – Canada - G'psgolox totem pole, accessioned in 1929



TOTEM POLE OF G'PSGOLOX



Accessioned in 1929 – Returned 2006

OTHER CURRENT SOLUTIONS

SAMI COLLECTION – ÁJTTE MUSEUM



WOMEN'S HISTORY MUSEUM OF ZAMBIA



7

Djur, fyrbent, svart, rött och vitt.

Längd: 17,0 cm.

Höjd: 7,0 cm.

Zambia

Afrika

KIRIBATI, PACIFIC OCEAN



THE BENIN DIALOGUE GROUP



DILEMMAS #2

DIFFERENT KIND OF DILEMMAS

- Geographical mobility, national boundaries that are changing
- Political instability in a country makes repatriation difficult or even impossible
- There is no counterparty due to the political situation
- The views and perspectives on cultural heritage are constantly changing

PROACTIVE REPATRIATION

The Swedish government expresses the Swedish museums practice regarding the return and management of human remains to be exemplary from an international perspective.

MOVING FORWARD...

- Provenance research on our collections
- Identify human remains and open up for proactive repatriation
- Adjust our repatriation policy and guidelines according to the National Heritage Board's recommendations for repatriation and in management of human remains in museum collections.
- Collaborate on international level and learn from other organizations who have come further
- New, stricter Acquisition policy
- Continue the debate to update Swedish law
- Continue an active dialogue with several communities
- Continue the dialogue in general
- Digitizing the collections to make them available, continue to share and build knowledge together

Thank you!
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Sweden

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