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Panel 3. The Ethical/Legal/Political Framework  
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THE NATIONAL MUSEUMS OF WORLD CULTURE, SWEDEN
RICH, VARIED AND GLOBAL COLLECTIONS
VISION
A wider, more humane, more inclusive world
BUILD AND SHARE KNOWLEDGE
IN DIALOGUE WITH OTHER
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.
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 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
“Guidelines for Museums in Return and Repatriation”
“Guidelines for Management of Human Remains in Museum Collections”
Coming report
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
WOMEN’S HISTORY MUSEUM OF ZAMBIA
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
The Swedish government expresses the Swedish museums practice regarding the return and management of human remains to be exemplary from an international perspective.
• 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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