

MEG
Musée d'ethnographie
de Genève

Collection
management policy

Collection management policy

Table of Contents

Editorial	3	Methods of access and of consultation of the collections	20
The MEG, a hundred year old museum in constant evolution	5	Preamble	20
Acquisition policy	7	1 The methods of consultation	20
1 Legislative and ethical framework	7	Research policy	22
2 The development of collections and the decolonial perspective	8	Preamble	22
3 The general criteria for the assessment of an acquisition	8	1 Statement of general principles	22
4 The criteria inherent in the choice of objects which might complete the collections	10	2 Fundamental principles of the policy	22
5 The methods of acquisition	12	Guidelines for the reactivation of the collections	24
6 Intellectual property clause	13	Preamble	24
7 Traditional knowledge and traditional cultural expressions	13	1 Statement of general principles	24
Disposal policy	14	2 Application procedures	24
Preamble	14	3 General guidelines	25
1 Statement of general principles	14	4 Technical guidelines	25
2 The disposal process	14	Guidelines relating to the indigenous cultural and intellectual property	26
3 The motivations	15	Preamble	26
4 The methods of disposal	15	1 Statement of general principles	26
Policy of return and restitution of cultural property	17	2 Basic principles	27
Preamble	17	Glossary	29
1 Statement of general principles	17	Documents, guidelines and associated legal texts	32
2 Procedure to be followed in the case of request for return or restitution	18	Appendices	33

Editorial

In the course of the last forty years, in North America and in the Pacific initially then more recently in Europe, museums have recognised the potential for collections to take an active part in a decolonial review. Whilst the decolonial approach scarcely applies in a proactive way in the countries which, like Switzerland, have not possessed colonies as such, we hear it said that decolonisation concerns all countries, regions and institutions where the citizens of the country have pursued colonial practices, sometimes even after declarations of independence. From this perspective, we would like to make our public and partners aware of the colonial aspects of the institution and of the history of Switzerland. One of the main aims of the MEG, therefore, consists of initiating, from our Swiss standpoint, a dialogue with the descendants of those who were colonised.

So, we pursue our missions of public service in research, conservation, interpretation and exposure of the tangible and intangible heritage by offering to our public varied experiences in education, reflection and sharing of knowledge. Our ambition is also to implement a decolonial initiative which has already been successfully applied to, among others, Canada, the United States, Australia, Aotearoa New Zealand and in several British museums and which consists of inviting the source communities to actively contribute to the development of our scientific and cultural programmes (events, exhibitions, research into inventories and in the archives, etc.). Moreover, this approach contributes to strengthening the revitalisation of spiritual practices within the cultures of origin and to support the innovating educational projects which participate in the economic development of the source communities.

The decolonial perspective which the MEG supports regarding the management of collections centres around four specific principal aims :

To address in a transparent and respectful way the questions of dispossession, exclusion, obliteration and violence, both historic and current.

This aim is pursued by examining the provenance of the collections and by addressing more precisely the history of the collections deemed “sensitive” which show the mismatch of discussions between the old collectors and the producers, men and women, of property kept at the MEG.

To respect the aspiration for self-determination of the peoples and cultures represented.

This aim is pursued by strengthening the links between the collections and the source communities. The decolonial approach adopted highlights the increasing number of viewpoints and encourages every reuse or reactivation of the objects in the collections initiated by the source communities or by the MEG for scientific, cultural and/or spiritual purposes.

To adopt a proactive position within the context of questions of return or of restitution of cultural property as well as the question of access to collections in all its forms.

This aim is pursued by initiating or joining networks which have the objective of facilitating the dialogue between states, museums and source communities.

To inspire creation by supporting fair discussions in all their forms.

This aim is pursued by initiating or participating in projects which gather together around the collections, creators, carriers of culture, professionals of MEG and the public generally.

The decolonial approach of the MEG aims, finally, to develop a network of relationships involving researchers, graduate and post-doctoral students, so as to strengthen, on the one hand, the collaborations of the MEG with its partners in the academic world (universities, hautes écoles) and on the other hand, offer to its partners the opportunity to develop tools to promote knowledge for which the MEG can claim to have expertise. This network of relationships will also allow us to develop our skills in welcoming scientists and in the organisation of symposiums and conferences dealing with questions of colonial reviews.

Carine Ayélé DURAND
Director

The MEG, a hundred year old museum in constant evolution

The MEG (Ethnography museum in Geneva) is an institution of Geneva City which is part of the Department of culture and digital transition.

It includes a collection of more than 74,000 objects of various types (archaeology, religious objects, everyday objects, contemporary art, crafts...) and more than 300,000 documents (books, photographs, iconographic documents, sound and music recordings) relating to some 1500 cultures distributed over the five continents.

Founded by the City in 1901 using private and public collections, coming particularly from the Archaeological Museum, the Ariana Museum, the Museum of Art and History, and the Museum of the Society of Evangelical Missions of Geneva, the MEG was newly created on the site of Carl-Vogt, with a new building opened on 31st October 2014. The positioning of the Museum as defined in the "Management Plan 2009-2014" aimed to transform the MEG into "an institution of reference in the field of anthropology" by producing some "critical exposures" and by developing "a culture of excellence and boldness".

Five years after the opening of the new museum, the MEG has attained most of the aims set out in the first Management Plan. Moreover, today it is one of the most renowned museums in Switzerland and in Europe in its field of expertise. It won the prestigious Prix du Musée européen in 2017 (EMYA) for the quality and originality of its cultural bid and has, since its reopening, attracted more than 800,000 visitors to its exhibitions and public activities. However, like all the museums in Geneva, Switzerland and in the world, the MEG must continue to face the great demographic, environmental, economic, technological and cultural changes to come if it wishes to keep its relevance and influence.

From this perspective, the museum has reflected deeply on its history, its missions and its responsibilities and it has started on a new process of strategic planning so as to pave the way for the years 2020-2024.

This plan must meet the following five aims :

1 To decolonise the Museum.

Decolonisation concerns all countries, regions and institutions where the citizens have pursued colonial practices, even sometimes after declarations of independence. From this perspective, the MEG wishes to make its public and partners aware of the colonial roots of its collections, of the knowledge that it has produced and of its museology. The general aim is to create, from our Swiss and European standpoint, a dialogue and fair exchanges with the descendants of persons formerly colonised. This dialogue rests on three foundations.

The first consists of shedding light on the history of the museum's collections by finding out more about the provenance of objects, in particular the motive for and method of acquisition. The MEG undertakes to inform the carriers of culture of the presence of sensitive objects in its collection.

The second consists of reestablishing the link between the "source communities"¹ from the five continents, and the collections or archives which concern them with the aim of recovery of heritage. Here we mean coming together around the collections to listen to the voices of the descendant(s) of those who have created the museum's objects, to build together new forms of knowledge and new interpretations.

The third consists of promoting discussions with the creators with the aim of generating new artistic creations and of encouraging the researchers, and also the carriers of culture and the public to look towards the future and shape with many hands a decolonial future.

¹ Popularised by Laura Peers and Alison K. Brown in their work *Museums and Source Communities* (2003), the term "source community" or source communities means the communities of origin of the tangible and intangible heritage kept and exhibited in the museum. The term "community of origin" may sometimes be used as a synonym and signifies also the relationship which these communities have with their objects seen as traditional entitlements. To see all definitions present in the foot-notes of this document, consult also the glossary on page 38.

2 To strengthen the role of the Museum as a platform and partner for local and international collaboration. The museum seeks to establish a partnership policy with regard to the strategic aims defined here. These partnerships are based on the following priority areas : education, research, social inclusion and the promotion of arts and culture.

3 To diversify and include new members of the public. The main challenge consists in keeping up the interest of the public who generally visit the museum including new members of the public who rarely visit museums. These new visitors may include :

Artists and designers, who are looking for inspiration to create art, design or music. The expert researchers and students, who are developing an appreciation of a specific project, for their studies or as an interest. The communities of origin who are seeking to identify themselves with a culture community. The people who are stimulated by new ideas and who identify themselves with the international community in Geneva.

4 To inspire creative processes. The MEG aims to encourage creations associated with the museum and its collections in five artistic areas each year (visual arts, performing arts, literature, music and design). These creations are put at the public's disposal in the halls and on the museum's website.

5 To become a museum of reference with respect to sustainability. Since 1995, the City of Geneva has pursued an active policy on sustainable development. The MEG wishes to contribute to this in all its areas of activity and expects to strengthen its social and inclusive commitment in the future, particularly through the decolonisation process and through co-construction initiatives, but also by establishing for itself precise objectives in terms of the reduction of carbon footprint of its activities and by adopting an ecological policy in staging its exhibitions.

To achieve these five aims, the MEG has launched nine strategic programmes in the fields of museology and exhibition planning, of the management of collections and of collaborative research with the source communities, of social inclusion and local partnerships, of the reconfiguration of public spaces, of digital transition, of durability, of verbal and visual identity and of musical experimentation. These programmes, designed by the museum's teams, are interdependent and meet the objectives of decolonisation of the strategic plan; each one of them must take into account and engage the indigenous peoples² and the local communities.

The programme containing the present policy for managing collections has the title "Decolonise the collections: a renewed dialogue with the cultures of origin for fair exchanges"

All the policies and guidelines assembled in this document are intended to meet this objective and formalise the commitments of the MEG in the following fields : acquisition, management and disposal of the collections, return and restitution of cultural property and human remains, means of access and of consultation about collections, research into collections, reactivation of collections, cultural and intellectual indigenous ownership.

² In the wider context of the United Nations Declaration on the Rights of Indigenous Peoples, the indigenous peoples most often define themselves as peoples whose lands and territories have been invaded and occupied by others. These are peoples who may have cultures, languages, ways of life, livelihood and social organisations distinct from those of the society in which they find themselves. They are not dominant and are generally facing exclusion and discrimination. In spite of their cultural differences, the indigenous peoples of the world share common worries concerning the recognition of their collective rights to keep their identity, their culture and their way of life as distinct peoples.

Acquisition policy

1 Legislative and ethical framework

1.1 Reminder of the legislative and ethical framework in which the acquisition policy of the MEG is embedded

As a member of the Association of Swiss Museums (Association des musées suisses (AMS)) and member of the International Council of Museums (membre du Conseil international des musées (ICOM)), the MEG undertakes, in developing its acquisition policy, to follow scrupulously the recommendations of the code of ethics of the ICOM (2006 version) whose interpretation is standardised according to international legislation and treaties, and to act in accordance with the Swiss federal law on the transfer of cultural property (LTBC) passed in June 2005 and not retroactive. It is also supported by the reference document for the “Acquisition policy of patrimonial institutions of the City of Geneva” adopted by the administrative council in 2014 and revised in 2022.

1.2 Application of international legislation and agreements

1.2.1 LTBC

The LTBC, a federal law on the transfer of cultural property, regulates the implementation for Switzerland of the UNESCO agreement of 1970. It regulates the import into Switzerland of cultural property, its transit and export, the return of cultural property found in Switzerland and the control measures to combat its illegal transfer. Through this law, the Confederation intends to contribute to the protection of man’s cultural heritage and prevent theft and pillage as well as the illegal export and import of cultural property. This law, passed in 2005, is not retroactive. As far as the MEG collections are concerned, particular attention shall be given to article 15, Transfer of cultural property to institutions of the Confederation :

The institutions of the Confederation must neither acquire nor exhibit cultural property :

- which has been stolen, whose owner has been divested without his permission or which is the result of illegal excavations.
 - which form part of the cultural heritage of another State and which has been illegally exported from it.
 - The institutions of the Confederation to whom such property is offered inform immediately the specialist department (Federal Office of Culture (Office fédéral de la culture (OFC)), a specialist department for the international transfer of cultural property).

1.2.2 Bilateral agreements

In accordance with the LTBC, the federal council may, so as to safeguard the interests resulting from the cultural policy and from the external policy, as well as to ensure the protection of the cultural heritage, conclude international treaties (bilateral agreements) concerning the import and return of cultural property with the States who have ratified the UNESCO Agreement of 1970. These bilateral agreements have the aim of stopping the illegal traffic of cultural property between the two State parties.

The federal council has already concluded such agreements with Italy (came into force in April 2008), Egypt (came into force in February 2011), Greece (came into force in April 2011), Colombia (came into force in August 2011), China (came into force in January 2014), Cyprus (came into force in February 2014), Peru (came into force in October 2016) and Mexico (came into force in July 2018).

1.2.3 Impact of the LTBC on Swiss museums

Regarding acquisition, the LTBC contains stipulations applicable to the Swiss museums. These obligations largely correspond to the code of museum professional ethics, adopted on 4th November 1986 by the ICOM. Eventually, the increased vigilance exercised during the acquisition of cultural property will ensure that the cultural property, whose doubtful origin may become a handicap for collections and their reputation, is not included in public collections.

The possibility of obtaining a guarantee of restitution for the cultural property which has temporarily entered Switzerland for exhibition purposes could be the answer to a great concern of the Swiss museums, for whom international discussions of cultural property are vital.

(Extract from the Message of the federal council relating to the UNESCO Agreement of 1970 and to the federal law on the international transfer of cultural property, 21st Nov. 2001; paragraph 3.4.2.2)

In this matter, in the case of litigation concerning cultural property, the MEG shall have as first negotiator, the federal office of culture (l'Office fédéral de la culture (OFC)) whose specialist department Transfer International of cultural property represents Switzerland before foreign authorities in questions arising from the transfer of cultural property.

2 The development of collections and the decolonial perspective

The acquisition policy of the MEG is part of a proactive process of decolonisation of its practices and of the history of its collections. From this perspective, the development of the MEG collections will comply with the following general aims :

- To give a voice to those who were colonised, discriminated against or marginalised in Switzerland and abroad
- To become a museum which has the confidence of the source communities at the origin of the collections and of the minorities within its boundaries
- To promote access to collections as well as to the archives
- To facilitate dialogue and debate on the question of returns or restitutions
- To establish an international reputation in the field of critical museology, particularly concerning the museums in decolonisation
- To establish regular contact with institutions in other towns and countries
- To include the theme of sustainability and social responsibility (RSO) in the contents of all sizeable projects

3 The general criteria for the assessment of an acquisition

In March 2016, the MEG carried out an in-depth study of its collections to determine their importance. This analysis was carried out in collaboration with two specialists from the Dutch agency for cultural heritage³ who have developed an assessment method identifying the value of a collection for its future use.

³ <https://english.cultureelerfgoed.nl/publications/publications/2014/01/01/assessing-museum-collections>

The value given may also include not only the historical, artistic or scientific value of an object but also its emotional value or its social importance for the community⁴. An object will have for example an historic value if it is associated with an important historical character, a place or a period. It is the sum of all these values which is the basis of “the importance” of an object or collection.

This methodical analysis allows a museum to communicate the importance of its collections and to better carry out its professional role of manager of collections for the future. This assessment also makes the history of the constitution of the collections accessible, which may reinforce the commitment of the public and explain more clearly why the objects kept need care and protection.

At the end of the assessment process, the MEG has pinpointed several high value sets and a minority of low value subsets or indeterminate value which do not figure in the principal mission of the museum.

MEG’s acquisition policy must help to consolidate the development of collections identified as being of high value so as to support the work of scientific research and the exhibition programme, bearing in mind that the collections are both work tools and objects for study.

A first principle means that the new acquisitions are preferably carried out within the scope of research and exhibition projects which represent a fulfilment of the general objectives of the MEG’s strategic plan 2020-2024.

A second principle concerns the importance of continuing research efforts on the provenance of objects offered before their acquisition is considered. That will include a process of dialogue with the representatives of indigenous peoples and local communities to identify their collective rights with respect to traditional knowledge (ST)) and traditional cultural expressions (ECT) and the objects relating to their cultures which should not be displayed to the public.

A third principle consists of defining a limited number of priority themes which have a scientific significance. These themes will be the subject of active research and will be highlighted at public events at the MEG.

Certain priority themes highlighted in the strategic plan 2020-2024 include notably :

- the relationships of power, the principles of authority and the privileges inherited and exercised during the colonial and post-colonial period,
- the problems of historic and present dispossession, exclusion, cancellation and violence,
- To show the violent and unequal history of colonial and neocolonial collections,
- To respect the aspiration for self-determination of the peoples and cultures represented,
- To support fair exchanges in all their forms,
- To support the contemporary cultural and artistic creativity of the descendent(s) of people who were colonised, discriminated against and marginalised in Switzerland and abroad.

For all proposals of acquisition, it is necessary to assess if, on the one hand, the object or collection in question corresponds to MEG’s acquisition policy as described above, and on the other, if this object or this collection would not be better kept, studied and more useful for the achievement of exhibition projects in other museums, at local level, then national and international.

⁴ Any group of people who share a common character and/or common interests. A community may also be a group of people based on a given geographical area and which share the same demographic characteristics or else a social group who shares the same interests without taking account of their geographical situation within a country.

From such a perspective, when an acquisition offered to the MEG does not figure at the centre of its acquisition policy, the latter must necessarily take into account the acquisition policies of other museums of societies, world cultures and ethnography. This cooperation, this sharing of skills and this capacity for conservation form an integral part of the recommendations of the code of professional ethics of the ICOM.

4 The criteria inherent in the choice of objects which might complete the collections

The collections of the MEG come from all historical periods. They are mostly artisanal or unique artistic objects. One of the principal aims of the programme “to decolonise the collections: a renewed dialogue with the cultures of origin for fair exchanges” consists of identifying sensitive objects so as to operate a process of ethical reparation to the populations to whom they belong. The principal categories of sensitive objects in our collections are human remains, ritual and sacred objects⁵, and archaeological objects.

- The human remains: legally they are comparable to objects when the indigenous peoples and local communities demand that for this purpose the museums undertake an active process of re-humanisation so as to shed light on their biography, retrace their ascendant(s) and hold a burial in their community of origin.
- The ritual and sacred objects: by their nature, the indigenous peoples and local communities insist on the fact that these objects should come back to their community of origin to restore health, culture or any other power which has been invested in these objects.
- The archaeological objects: they refer most often to illegal extractions with as an irreparable consequence the loss of information on their original context.

The museum also keeps collections of photographs, iconography, archives and sound recordings which relate to the collective rights and interests of indigenous peoples and local communities in the form of traditional knowledge and traditional cultural expressions.

The management of collections is organised according to 7 collection sets:

1. Europe (more than 20,000 objects);
2. Africa (more than 17,000 objects);
3. Asia: (more than 14,000 objects);
4. Americas (more than 12,000 objects);
5. Oceania (about 5,000 objects);
6. Ethnomusicology (about 2,300 objects and about 21,000 audio recording media from collections of International Archives of Popular Music (Archives Internationales de Musique Populaire AIMP);
7. Visual anthropology (about 100,000 pieces of photographic material).

The MEG possesses a two-dimensional iconographic collection (about 8,000 objects) which follows the same acquisition criteria and procedures as the collection sets mentioned above. The iconographic documents are the responsibility of the curators.

The curator responsible for each of the collections ensures its conservation, documentation, study, development and accessibility for research and exhibitions.

⁵ The sacred objects refer to objects of contemporary religious and ceremonial importance endowed with a particular cultural value for the indigenous peoples concerned. The sacred objects have been or still are traditionally subject to restrictions and protocols concerning their access and use.

The objects which could complete the collections of the MEG will be assessed according to the following criteria :

- The traceability of each new object must be established. Every effort will be made to have access to complete documentation regarding provenance, original method of collection, transfer of copyright and image rights.
- The qualities which must be identified and documented before considering the acquisition of a collection object include, among other things, the documentary and historical value, the people involved directly or indirectly in the technical process, the place of provenance, the representation, the tools, procedures and techniques of execution, the style, the support, the form, the knowledge and savoir-faire on which depends the production of the object, the identification and documentation of vernacular terms, the limitations imposed by the community of origin regarding the conservation, manipulation or access to the object or collection etc. These qualities can only be documented in a systematic manner by initiating a dialogue with the actors and actresses (collectors, donors, artisan(s), artists and representative(s) of the community concerned) during the manufacturing or collection process or subsequently decontextualized.
- To satisfy one of the aspects of its project which is to look towards the future and to tackle contemporary social phenomena, the MEG must also be able to acquire objects produced during the contemporary period, including those described as “contemporary art”. The MEG proposes, therefore, to acquire works of art, craftsmanship and contemporary productions which must fully subscribe to the development programme of each of the collections and to the exhibitions programme.
- The volume and state of new acquisitions must allow for them to be kept in the museum according to a rationale of sustainable development for the institution and in optimal conditions (risk prevention, preservation, assessment).
- Largely present in university and museum collections, the human remains give rise to numerous legal and ethical questions and are the subject of cultural claims brought by several states and communities, particularly in Oceania and in the Americas, so that the sacred values attached to them may be taken into account. The MEG states that it does not actively acquire human remains.

GLOSSARY

Iconography

The iconographic documents are two-dimensional objects which are at present the responsibility of several curators depending on their geographic provenance. The criteria for quality and scientific interest are identical to those applied to objects.

The proposals for acquisition of the two-dimensional objects will be examined taking into account the collections of iconographic documents kept in other institutions in the City of Geneva, in particular the Genevan Centre for iconography.

Photographs

Only the originals or sets of originals whose digitalisation seems suitable for the MEG collections as a whole can be considered as priorities for acquisition, in contrast to copies and archived ones in the other institutions.

The suitability of the development of a collection of original audiovisual documents will be assessed based on real needs, expertise, and technical and budgetary resources of the MEG.

Paper archives

As the MEG does not have qualified personnel and infrastructure for recording, the inventory, the conservation and use of paper archives, the acquisition of new archive collections must be considered with caution.

In accordance with the law, the existing historical archive collections have been transferred to the Archives of the City of Geneva to be catalogued and to facilitate their accessibility for researchers.

Sound archives

The MEG has kept the International archives of popular music (Archives internationales de Musique populaire (AIMP)), established in the Museum since 1944. The acquisition policy of the AIMP must subscribe to the continuity of what has gone before, and adapt to the missions of ethnomusicology collections of the MEG: contribute to the development of this resource to make it a collection of reference by strengthening its fields of excellence and by addressing certain shortcomings.

The priority for acquisitions goes to the original and documented field recording, for which the producer is able to transfer the exclusive rights to the MEG.

Concerning the acquisition of public recordings, the MEG shall pay particular attention to analysing the state of conservation of the devices as well as the scientific and artistic interest of the phonograms. The MEG shall take care to verify that the phonograms offered are not present, moreover, in other centres of sound recording conservation in Geneva.

5 The methods of acquisition

Every new offer of acquisition must be written by a curator of collections and presented to the museum director by way of an ad hoc acquisition form. The essential information concerning the object and its history as well as a detailed and reasoned description of the choice of acquisition must be included.

Each acquisition file must include various documents of ownership relating to the object itself (archives, analyses).

The necessary investigations making clear an official title of ownership must be led by the managers of the collections concerned using a check list detailed below.

The MEG cannot keep on its premises objects for which the acquisition has not been formalised.

The present Swiss agreements with third countries and embargos in force may be checked on the internet site of the federal office of culture (OFC). The customs formalities (forms, etc.) are included in the section "Non-customs legislative acts" of the federal administration of customs. The traders and auction houses are legally bound to inform their customers of the current regulations regarding import and export.

If the provenance and conditions of ownership of an object are not clearly established, its acquisition or acceptance should not be considered.

Documentation after acquisition

All verifications given regarding due diligence and all the documents relating to the acquisition shall be physically kept in the archives of the museum's management.

6 Intellectual property clause

All donation agreements must include an intellectual property clause as recorded below.

Intellectual property

All intellectual property rights, patrimonial or moral, resulting from the execution of the present contract are transferred by the service provider who declares that he is the holder of them, to the City of Geneva, that is the MEG on its behalf, after payment of the agreed price and without further remuneration.

Nevertheless, the service provider allocates to the City of Geneva and the MEG on its behalf a right to photograph and/or reproduce (on paper and/or digital format) all or part of the works carried out with a view to promotion or information on the activities of the MEG (e.g. the application Geneva in Summer, website of the City of Geneva and other communication media).

The service provider also allocates to the City of Geneva and the MEG on its behalf a right to reproduce or freely adapt the allocation or its concept, by the personnel of the MEG for presentations to MEG's public. No further remuneration to the service provider is planned in this case.

The service provider guarantees that he has the intellectual property rights necessary to sign the present contract and to ensure appropriate execution of it, and that the execution of this contract does not conflict with nor violates intellectual property rights of third parties.

The service provider undertakes to address all requests from third parties concerning a violation of intellectual property rights through the goods or services supplied, and to take responsibility for all the costs resulting from such a violation, including here the possible damages and interests. He undertakes, if necessary, to replace, at his own expense, the goods and services supplied to the City of Geneva and the MEG on its behalf with other goods and services which do not carry such a violation.

The service provider guarantees the City of Geneva and the MEG on its behalf against all recourse or action of any person who, although not having participated directly or indirectly in the conception or the fulfilment of the service would be likely to oppose some right or other to the exercise by the City of Geneva and the MEG on its behalf of some rights specified in the present contract.

The MEG undertakes to inform immediately the service provider of any claim for compensation by a third party by reason of a violation of the intellectual property rights as well as to furnish him with all documents necessary for his defence, subject to the obligation to respect the secret.

7 Traditional knowledge and traditional cultural expressions

In the matter of its policy for managing collections, the City of Geneva and the MEG on its behalf formally recognises the collective rights of the indigenous peoples and local communities concerning their traditional knowledge and associated traditional cultural expressions. If need be, a questionnaire will accompany all offers of acquisition so as to determine the nature of the collective rights of indigenous peoples and local communities concerned regarding traditional knowledge and traditional cultural expressions.

Disposal policy

Preamble

Disposal is legally defined as a transfer (delivery or destruction) of collection objects. It has the result of taking away a heritage property from the owner.

In the case of the MEG, it consists, with the agreement of the administrative council, and if necessary the municipal council, in officially taking an object from the collections of the City of Geneva and giving up its legal title.

Provided that the requirements are correct and within the strict guidelines of legal and ethical prescriptions, disposal is not only justified but it can also be necessary for the responsible preservation of a collection.

It focuses on the long term objective which consists of holding and keeping a representative selection of relevant exhibits. A disposal implies the careful and discerning examination of the existing collection looking at the overall concept, just as one regulates the addition of new objects. The policy of disposal is complementary in that respect to the acquisition policy.

1 Statement of general principles

- 1.1 Before any disposal, the MEG will examine other methods of transfer or cession of collections, such as exchange, long term loan, storage etc. Disposal should only be considered as a last resort.
- 1.2 Before any disposal, the MEG will confirm that it has the right to part with a selected item. It will act in accordance with the code of the ICOM's professional ethics and with the law on transfer of cultural property when transferring abroad. All agreements made as a prerequisite in private law conventions or with donors will be taken into account.
- 1.3 The MEG shall not be able in any event to sell an item or group of items that it has received as a donation.
- 1.4 The MEG undertakes to document all disposal processes in full transparency.
- 1.5 The disposal of an item or group of items may not in any event be carried out with a view to making a profit. The funds resulting from the disposal of an item or group of items shall be used exclusively for the conservation of items at the MEG or for the acquisition of new items.
- 1.6 The disposal of human remains falls within the ambit of the directives and recommendations set out in the return and restitution policy for cultural property.

2 The disposal process

- 2.1 The motivations and criteria for deciding to dispose of any selected item must be established beforehand by the curator in charge using a disposal form (cf. document appended).
- 2.2 The choice of disposing of an item or group of items must be justified by at least two of the disposal criteria set out in the disposal form which supports the disposal policy of the MEG.

- 2.3 The documentation of an item selected for disposal shall be completed (description, history, conditions of collection) and kept in the MEG's archives.
- 2.4 The disposal decision shall be taken by the director on the recommendation of external consultants if necessary.
- 2.5 The commission for professional ethics for museums and patrimonial institutions may be referred to if necessary.
- 2.6 The advice of internal and external experts tasked with assessing the selected items for disposal shall be given in writing and archived in the disposal file of the item or of the group of items chosen.
- 2.7 The disposal of an item or group of items may only be submitted to the administrative council of the City of Geneva on the decision of the director of the MEG.
- 2.8 The disposal decision must be approved by the administrative council, and if necessary the municipal council of the City of Geneva who alone are authorized to assume the responsibility for the disposal of an item.
- 2.9 The decision to dispose of an item or a group of items shall be communicated with full transparency to all the parties concerned.

3 The motivations

- 3.1 The disposal of an item or group of items must be justified by the wish to reinforce the scientific coherence of the collections at the MEG.
- 3.2 The disposal of an item or group of items may be justified by the wish to optimise the storage space of the collections and its uses.
- 3.3 The disposal of an item or group of items may be justified through the agreement of the administrative council and the municipal council of the City of Geneva for the return or restitution of cultural property through an official process of disposal of collections.
- 3.4 The disposal of an item or group of items may become necessary in the case of objects which have deteriorated too far to be restored, used or shown to advantage in whatever way in one of the Museum's areas of activity.
- 3.5 The disposal of an item or group of items may become necessary because of the risks - to the health of the personnel or to the rest of the collection – induced by the constituent materials or a process of deterioration of one or more items.

4 The methods of disposal

The methods of disposal chosen by the MEG are donation, sale and destruction.

- 4.1 The MEG prefers the options which allow for the item or group of items to be transferred to public collections and private collections which are recognised as being in the public interest (in Switzerland and abroad). The curator responsible for the item or group of items involved with the disposal process contacts directly the institutions which they know may show a certain interest in the chosen item or items.
- 4.2 In the case where the above option is unsuccessful, the item or group of items are offered as a donation or sale to other scientific and associated bodies such as research laboratories, universities and training centres or professional associations.
- 4.3 The MEG does not have the authority to give or sell to individuals objects which have formed part of the collections.

- 4.4 In the case where the item or group of items involved with the disposal process cannot find a taker (neither for profit or free of charge) with the public collections or private collections which are recognised as being in the public interest (in Switzerland and abroad), it will be possible to destroy them. In the case of the destruction of a work of art, the MEG must obtain the agreement of its author beforehand, according to the 2018 recommendations of the AMS.
- 4.5 The destruction of an item or group of items is an immediate option when the deterioration of the objects is too advanced or when the objects present an acknowledged danger (for the MEG's personnel and all of its other collections) because of materials it is made of or because of their state of conservation.
- 4.6 The MEG undertakes to ensure the destruction of the item or group of items whose constituent materials present an acknowledged risk to human and environmental health according to the current cantonal and federal safety standards.
- 4.7 The MEG undertakes to document and archive all the destruction processes concerned.

Policy of return and restitution of cultural property

Preamble

The present policy has the aim of establishing general principles governing the return and restitution⁶ of human remains, grave goods and sacred objects as well as any other cultural property.

This policy confirms the commitment of the City of Geneva and the MEG to undertake consultations with the communities concerned in order to retrace in detail the history of the acquisition and everything which concerns the ownership of the cultural property. The MEG recognises, moreover, the responsibility it bears to provide appropriate care to human remains, grave goods, and sacred objects, as well as any other cultural property present in the collections.

1 Statement of general principles

The MEG aims to establish a collaborative relationship with the applicants, taking into account, among other things, the rights reaffirmed in the United Nations Declaration on the rights of indigenous peoples, particularly the articles 11, 12 and 31. Moreover, the MEG recognises the fundamental right for prior consent, freely given and in full knowledge of the facts (CPLCC) of the indigenous peoples enshrined in international law. The MEG undertakes to facilitate the unconditional return of human remains, grave goods and sacred objects to their legitimate owners.

1.1 The MEG shall examine the requests for the return and restitution of human remains, grave goods, sacred objects and any other part of the heritage kept at the MEG. Each case shall be examined according to its validity, taking into account the three following criteria:

1.1.1 The questions of legality

The request about the object shall be assessed according to the legal title of the City of Geneva, that is the MEG on its behalf, from the normative and legal frameworks current at the time of the acquisition, from the legal and ethical rights of the applicant(s) as well as the legal rights of other potential applicants.

1.1.2 The separation without prior consent

The request shall be assessed taking into account the question of knowing if the object would have been considered as inalienable by the traditional owners⁷ at the time when the object was collected.

⁶ The intergovernmental committee "Return and restitution" under the aegis of UNESCO establishes a distinction between return and restitution. The term restitution is most often used in the case of illegal appropriation. The term return refers to all types of cultural property independently of the context of their appropriation whether legal or illegal. Moreover, according to UNESCO's definitions, the return is the process by which cultural objects are returned to a nation or state on the request of a government, while the restitution is the process by which cultural objects are returned to an individual or community. It will thus have a more reconciliatory and restorative nature than the return.

⁷ The "traditional owners" are the people who have the right, by virtue of custom and tradition, to be recognised as legitimate owners.

1.1.3 The cultural value

The request shall be assessed taking into account the question of knowing if the sacred function of the cultural object(s) makes them unsuitable for public exhibition and for scientific research. The request shall be assessed taking into account the cultural value conferred on these objects to ensure the well-being of the communities concerned.

- 1.2 The cultural property which is the subject of a request for return or restitution included in films, photographs, manuscripts and sound recordings shall normally be restored in the form of copies of the cultural property, but the requests for return or restitution of the object itself shall be examined.
- 1.3 The MEG shall supply all available information on the collections to the communities and traditional owners concerned.
- 1.4 The inevitable deficiencies and ambiguities may exist because of the nature of the museum's documentation and the identified historical witnesses. The principle of reasonable doubt (see glossary) may apply to the requests which cannot be documented in detail according to the criteria stated above.
- 1.5 When the provenance of human remains is not recorded, the MEG shall work in collaboration with the community representatives and organisations as well as the governmental organisations concerned to facilitate the formulation of solutions allowing for a return or a culturally appropriate restitution.
- 1.6 The identification of sacred objects shall be carried out in consultation and in collaboration with the appropriate traditional owners. External researchers could be involved in the identification of sacred objects after receiving the support of the traditional owners.
- 1.7 The MEG recognises that the traditional owners may wish the museum to keep the guardianship of the human remains, grave goods, sacred objects and other cultural property.

2 Procedure to be followed in the case of request for return or restitution

- 2.1. The requests for return or restitution must be addressed officially in writing to the director of the MEG.
- 2.2 The requests must state the nature of the request, including the inventory numbers of the cultural property requested, as well as all the evidence and relevant arguments to support the request.
- 2.3 Following the reception of the request, the director acknowledges receipt in writing and has a copy sent to the magistrate in charge of the department of culture and digital transition (Département de la culture et de la transition numérique (DCTN)) of the City of Geneva.
- 2.4 Following the reception of a written request for return or restitution, the MEG shall consult the states and/or communities concerned to determine the legitimate owners. In the case of disputed claims, the museum shall inform the parties concerned and shall encourage them to negotiate and find a mutually acceptable solution. If necessary, the museum shall endeavour to help with the ruling of these claims. The museum may defer the decisions concerning return and restitution until the parties have come to an agreement.
- 2.5 Only the administrative council and the municipal council of the City of Geneva have the authority to grant the return or restitution of cultural property using an official process for the disposal of the collections.

- 2.6 Once the administrative council, and if necessary the municipal council, has approved the return or restitution, the MEG shall keep the ownership of the transferred property and ensure its care until the traditional owners are ready to receive it.
- 2.7 The MEG shall keep a complete documentation of all the decisions of return or restitution and of the activities arising from this.

Methods of access and of consultation of the collections

Preamble

The MEG wishes to offer to as many as possible the opportunity to consult its collections⁸, in particular the members of the source communities, students, researchers affiliated to museums and universities, as well as artists embarked on a cross-cultural creative approach.

1 The methods of consultation

1.1 **A request for consultation** must be submitted at least four weeks before the intended date of the visit to the MEG to the manager of the collections concerned (<https://www.meg.ch/fr/recherche-collections/consulter-collections>).

This request will be accompanied by the following information :

- a description of the aim of the visit (showing the reason for the request)
- the approximate dates of the visit which will be discussed with the people responsible
- the list of the objects for consultation and their MEG inventory number. The collection can be consulted on line here
- the affiliation of visitors with a source community, a museum or a research organisation if necessary.

All requests will be examined and the MEG will contact the applicant again as soon as possible.

- 1.2 The accessibility to all requested objects at the time of the visit is not guaranteed. Objects may be deployed by research and restoration projects or loaned to another institution.
- 1.3 All consultations are accompanied by the manager of the collections concerned. The information exchanged concerning the history, the significance and the use of objects, as well as the issues and remarks relating to their use, to their exhibition and their storage in reserve will be put in writing.
- 1.4 The visitors must carry their identity card if the consultation takes place in the museum's stores which are off site.
- 1.5 The consultation of objects takes place in the areas reserved for this purpose. For reasons of preventive conservation and security, drink, food, coats and bags are not allowed there.
- 1.6 If the procedure justifies the handling of objects from the collections, this will be accompanied by recommendations given by the museum personnel.
- 1.7 The photographic documentation is authorised for research purposes or for non-commercial use only, unless there is another prior agreement. The photographs taken for publication or exhibition purposes must be subject to a consent form.

⁸ The collections at the MEG include 3D objects, graphic works, photographic materials, sound recordings (AIMP) and the documentation of the collections.

- 1.8 It is possible that the viewing of secret or sacred objects may not be authorised if a community of origin is opposed to it.
- 1.9 The museum library is open to the public and offers a specialised collection in social and cultural anthropology as well as multimedia supports associated with the museum's collection. It is open from Tuesday to Friday from 11.00 a.m. to 6.00 p.m. with the exception of public holidays.

DISCLAIMER

- It is possible that the data base contains information and photographs of objects associated with ritual or ceremonial activities which are not in the public domain. In certain communities of origin, there may be prohibitions relating to age, gender, initiation and to the ceremonial status of the clan of the person who can see them.
- The data base contains names of deceased people which can cause painful feelings, particularly for those who are relatives of these people.
- Certain objects may contain traces of biocide applied in the past to preserve the materials from the risk of insect infestations. Gloves are provided for the consultation and it is recommended to wash hands before and after every handling.

Research policy

Preamble

This policy gives directives on the development and management of the research activities of the MEG personnel. The research activity at the MEG reflects an interdisciplinary collaboration focusing 1) on the collections and 2) on the commitment of the public and source communities.

The research policy has the aim of informing and engaging the public while stimulating the interest of our visitors in the collections. The research aims also to determine the best way to study and interpret the collections by adopting an original view and an in-depth analysis to tackle major contemporary issues from a decolonial perspective.

The research policy aims to define also the conditions of accessibility and distribution of research results, particularly through exhibitions, publications and digital media, university education, educational programmes, conferences, seminars and creative workshops.

1 Statement of general principles

The research activity at the MEG adds to the understanding of the cultural, historical and contemporary context of its collections, as well as to the commitment of the public when the programmes intended for them are prepared. In the execution of its mission, the museum can:

- 1.1 Undertake research and give the results.
- 1.2 Make its facilities available to allow qualified people to use and study the collections.
- 1.3 Give exposure to the collections and all other elements regarding museology and the cultural mediation of the museum in Switzerland and abroad by any means of communication and appropriate education.
- 1.4 Establish and encourage links with all other organisations with a similar vocation in Switzerland and abroad.

2 Fundamental principles of the policy

- 2.1 Research focusing on the collections, led by the curators of the Museum is a permanent activity, carried out as soon as an item is acquired. It includes the assessment as well as the study of its provenance, its significance and its cultural, historical and scientific importance.
- 2.2 Particular attention shall be given to the research into the provenance of the items whose history of acquisitions includes gaps, particularly during the period of formal colonial domination, meaning between 1410 and today⁹.
- 2.3 Apart from the research carried out by the managers of collections, other sections of the Museum, particularly the Laboratory and conservation and restoration workshop, the Library, the Exhibitions section and the Mediation section, take on research responsibilities.

⁹ Data coming from the “formal colonial domination seen as a whole” of the guide for the handling of property from collections from colonial contexts, the Association allemande des musées (Deutscher Museumsbund e. V.), Berlin, October 2018, pp. 120-139.

- 2.4 The 2020-2024 strategic plan encourages research focused on interdisciplinary projects which must expand the area of knowledge about a period, a contemporary challenge or a particular cultural phenomenon, thanks to the exhibitions, the educational programmes and traditional and digital publications financed in whole or in part by the museum. The members of the project may come partly from the personnel from various departments of the museum and partly from external partners.
- 2.5 All research focused on the strategic projects must be authorised by the management and the PMO¹⁰ so as to then be incorporated into the 2020-2024 strategic plan.
- 2.6 The personnel carries out documentary research to meet the demands of the general public and professional colleagues who wish to obtain information on anthropological discipline in general, on the collections in general, on certain specific objects, on the conservation and/or reactivation of objects, on the MEG's publications, on the works of the library, and all connected documents relating to anthropology, history, history of art and sustainability.
- 2.7 The accessibility and delivery of the search results are assured by the many various public programmes, particularly exhibitions, digital media, educational programmes and through the organisation of conferences, seminars and creative workshops.
- 2.8 The research results may also be sent to researchers, members of the source communities concerned and to the professional community through independent academic publications.
- 2.9 The management shall work towards creating a framework focusing on training and exchange agreements to increase research skills and to support individual and team projects.
- 2.10 Recognising the importance of the sharing of ideas and experience, the Museum shall encourage collaborative projects within the current agreement framework with the University of Geneva and with the external partners in the City of Geneva.
- 2.11 The assignment and authorisation of the time necessary for research assume great importance in an institution like the MEG where the curators and restorers in charge of the greatest part of the research activities also take part in numerous aspects of the management of the collections and the development of the cultural programmes. The annual SMART objectives decided with the superiors of each employee shall include the allocation of sufficient research time.
- 2.12 The premises, equipment and technical support as well as the allocations for travel necessary for research shall be determined by the management based on the priorities of the 2020-2024 strategic plan and existing resources.

¹⁰ The PMO (Project Management Office) composed of the manager and the director of the MEG defines the processes relating to the management of the project. It standardises and optimises the responsibilities by identifying the communal tasks in the implementation of the programmes and the projects of the 2020-2024 strategic plan.

Guidelines for the reactivation of the collections

Preamble

The MEG wishes to give the opportunity to interact with its collections through interaction with the objects considered as living or by reactivation¹¹ of functions or powers which they hold, to interest groups, members of the source communities or use of the collections concerned, as well as to artists or interpreters embarked on a cross-cultural creative strategy.

1 Statement of general principles

- 1.1 The MEG takes into account the approaches upheld by the representatives of source communities regarding the living status of objects or groups of objects, and the claims of populations or individuals which may gain a cultural or spiritual benefit from this.
- 1.2 The MEG recognises that certain populations consider that the objects hold an intrinsic power of action over the individuals and the society, and wishes to be able to restore it to them by encouraging exchanges which may give them the means to exercise it.
- 1.3 Mindful that it should adopt a colonial approach to the collections for which it holds physical and moral responsibilities, the MEG recognises that the individuals having cultural and spiritual links to an object may have the skill to reactivate its powers of action and feel a legitimate need for a reciprocal interaction with it.
- 1.4 Conscious that a reciprocal power may be brought to bear on the object in the form of an interaction¹² with it, and considering that the object depends on the intentions given to it, the MEG wishes to assist the interactions with it from the perspective that, without compromising its physical state, the movements of the touch and of the activation of its functions are contributors to its good treatment¹³.

2 Application procedures

- 2.1 Every request for reactivation of an object must be submitted at least 6 months before the desired date of the project. An exception is possible if the interaction is contained in the scheme of a current collaboration project. This will be accompanied by the following information:
 - a brief description of the project and of the intended ways of working involving an interaction with one or more objects in the collection
 - the approximate dates of the project which will be discussed with the people responsible
 - the list of the objects concerned and their MEG inventory number. The online collection can be viewed here: <https://www.meg.ch/fr/recherche-collections/catalogue-collections>

¹¹ Refers to the recovery of an object and the restitution of its power of action, through an interaction involving movements between an individual or group of individuals and the latter, and being able to have reciprocal consequences for their physical and spiritual well-being.

¹² Refers to any reciprocal action of an individual or group of individuals and an object.

¹³ Denotes an active approach to the object, respectful of its rights, liberty and integrity, in a balanced and non-dominant relationship. It is the opposite of the physical and moral ill-treatment, of the use of constraints and of all the passive carelessness which could be applied to the object.

- the link between the applicants and a source community if necessary
- the savoir-faire and experiences relating to the reactivation of the object(s) if necessary

3 General guidelines

- 3.1 All interactions with an object are accompanied by a member of the Collections Department of the museum. The information exchanged about the history and the significance of the function of the objects, as well as the statements relating to their reactivation shall be recorded in writing in the museum's database.
- 3.2 The interaction with objects in the collection shall be subject to recommendations intended to ensure their good treatment.
- 3.3 The guidelines apply to the whole of the project resulting from the request, that is to say the time of the reactivation of an object by an individual or group of individuals, and also the movements applied to the object before and after the interaction, and the possible public communications relating to this.
- 3.4 The audio-visual documentation is authorised for research purposes or for non-commercial use only, unless there is another prior agreement.

4 Technical guidelines

- 4.1 The provision of all the objects requested is not guaranteed. Certain ones may be deployed through research and restoration projects or loaned to another institution. Objects may show a fragility which causes an undue risk in the case of handling or activation of a mechanical function.
- 4.2 The selection of objects must be fine-tuned before the project is accomplished, so that only the objects which will participate in it shall be provided. The reactivation of an object shall be subject to the analysis of its state before validation, and may be subject to specific procedures.
- 4.3 In the case of physical risks proved by the fragility of the object, a risk-benefit analysis of its reactivation shall be carried out and submitted for collective decision. If the request for reactivation is validated, the decision and reasons for it shall be documented in the inventory file of the object.
- 4.4 The project shall not endanger the integrity of the object through the use of intermediary tools which risk causing marks and which are not appropriate for a respectful use of its values.
- 4.5 The relocation of an object from the museum shall be avoided if the project may be conducted in its location. In the case of relocation to an external site which is necessary for the demands of the project, the conditions of transport, use and storage of the object in situ shall be subject to discussion. The environment in which the object will be used shall be respectful of the conditions which ensure its physical stability.
- 4.6 Adjustments or modifications to the structure of the object shall only be made with the agreement of the museum.

DISCLAIMER

Certain objects may contain traces of biocide applied in the past to preserve the materials from the risk of insect infestations. Gloves are provided and it is recommended to wash hands before and after every physical interaction with an object.

Guidelines relating to the indigenous cultural and intellectual property

Preamble

The cultural expressions and traditional knowledge of indigenous peoples are often considered as falling under the “public domain” through the conventional right of intellectual property. The indigenous peoples are standing up today against the unauthorised exploitation and improper use of their cultural and traditional expressions. They are claiming the right to be consulted so as to know if, how and under what conditions the items from their non-physical cultural heritage may be studied, recorded, reused and represented by the museums (principle of prior consent, freely given and in full knowledge of the facts (CPLCC), United Nations Declaration on the Rights of Indigenous Peoples, 2007).

A subject of particular concern for the indigenous peoples concerns the management, in the museums, of sensitive cultural items representing secret or sacred ceremonial practices. In reply to these problems and challenges, the policy of indigenous cultural and intellectual property¹⁴ has a double objective. First of all it wishes to deal with the consequences which the museum’s practices have left to the indigenous peoples. It also expects to establish the terms and conditions so that the indigenous peoples and other source communities may in the future, study, record and reuse the items from their cultural heritage kept at the MEG so as to completely remove from it all the resulting cultural and economic advantages.

1 Statement of general principles

The MEG undertakes to promote a respectful use of the indigenous cultural and intellectual property. The MEG recognises and respects the right of indigenous peoples to access their cultural heritage, to keep and manage and take advantage of it in accordance, inter alia, with articles 11, 12 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

- 1.1 The MEG interacts with the indigenous cultural material in several ways, particularly by:
 - the acquisition of indigenous cultural property for its collections;
 - the exhibition of indigenous cultural property sourced from the Museum’s collections and from the material borrowed from other institutions and/or individuals
 - the research, documentation and interpretation of human remains, grave goods, sacred material and all other indigenous cultural property;
 - the conservation and manipulation in storage of indigenous cultural property
 - the development of programmes and public events
 - the production of educational resources and other online information on the indigenous history and cultures.
- 1.2. In all its activities, the museum recognises that the indigenous representative(s) concerned are anxious about the way the museum uses their cultural material.

¹⁴ Refers to the rights of indigenous peoples to have access to their cultural heritage, including traditional knowledge, cultural expressions and objects, to manage and keep it. The indigenous cultural and intellectual property incorporates all the aspects of knowledge (sciences, plants and animals, histories, drawings, symbols and rituals), the objects, performances (ceremonies, dance and song), human remains and includes all sacred cultural property.

- 1.3. The museum takes care to respect the best practices regarding management, conservation, research and exhibition so as to ensure that its collections are preserved in a quality environment and in total security.

2 Basic principles

- 2.1 The MEG recognises that the intellectual and cultural property rights of the indigenous cultural assets which it acquires, interprets and exhibits, belong to the indigenous communities and nations.
- 2.2 In recognising the indigenous cultural and intellectual property rights, the MEG aims to involve the indigenous representatives(s) concerned in the use of their cultural heritage by the museum.
- 2.3 The MEG encourages the indigenous peoples to visit the museum and to look at their cultural property. The museum supplies information on the collections at the request of the indigenous representative(s) concerned. The museum also encourages the online access to its collections via the website.
- 2.4 The indigenous peoples have the right to be consulted on the use of their cultural and intellectual property.
- 2.5 With regard to its consultations with the indigenous peoples on the subject of their cultural heritage, the MEG undertakes to make sure that these consultations are respectful, well founded, ethical and appropriate.
- 2.6 The MEG undertakes to seek prior consent, freely given and in full knowledge of the facts from the indigenous representative(s) concerned before using and authorising the use of the indigenous cultural and intellectual property from the cultural assets kept by the museum.
- 2.7 With regard to a request for consent before the public circulation of cultural property, the MEG shall initiate consultations with the indigenous representative(s) concerned before making a formal decision. The MEG shall supply to the indigenous representative(s) concerned clear and detailed information on the intended use of the cultural material, particularly:
 - the proposed use of the cultural assets or any other item bound by the indigenous cultural and intellectual property;
 - the intended public
 - the size and scale of the project
 - the medium or type of project
 - the third parties or partner organisation(s) involved
 - the intended or probable results of utilisation.

The scale of these consultations shall be determined by the scale of the project in question. The MEG shall ensure that it allocates sufficient time to the indigenous representative(s) to assess the possibility of using their cultural and intellectual property and to make a decision in full awareness of the facts. If it is not possible to come to a mutual agreement between possible parties involved in dispute, the question shall be submitted to the director of the museum to decide which procedure to adopt.

- 2.8 For practical reasons, the MEG follow the principle that consent, once given, is permanent, unless they receive explicit notice to the contrary. If the MEG receives an explicit notice that the consent has been withdrawn, it will make enquiries into the cause of the withdrawal and will examine the possibilities of obtaining the consent again.

- 2.9 The MEG recognises the right of indigenous peoples to contribute to the interpretation of their own culture.
- 2.10 The MEG recognises that certain indigenous cultural expressions are secret or sacred and/or are not intended for the general public. It undertakes never to knowingly make available cultural material which it knows is secret or sacred, without the explicit consent of the indigenous representative(s) concerned.
- 2.11 With regard to its activities, the MEG may acquire, archive or keep cultural property which is restricted or private in character. If the MEG learns that the cultural material is restricted or private, it will register this information in the data base and ensure that access to the cultural property in question and to its archives is limited to the museum's personnel and to the identified parties who need it to complete their tasks.
- 2.12 In the cases where the MEG wishes or has to share information concerning cultural property whose use is restricted with any other persons or organisations, it will ensure that a confidentiality agreement is signed by the third party with a view to protecting the knowledge contained in these documents.
- 2.13 The MEG refers to indigenous authors when they are known, regarding the exhibition of any cultural property at the museum or on its website, according to the wishes of this person.
- 2.14 When this person is deceased, the MEG shall consult, if possible, the community and the family of the author to decide on the appropriate reference entry. The MEG respects also the right of the indigenous representative(s) concerned not to be named publicly.
- 2.15 The MEG also recognises that, in certain cases, it does not hold information on the author of the cultural property or on the community where an object comes from. For such cultural property, including when it appears on the museum's website, the MEG invites the possible beneficiaries of the indigenous cultural and intellectual property rights to send a request to discuss the terms of the entry which must accompany the cultural property in question.
- 2.16 The MEG recognises the right of indigenous peoples to benefit from the use of their cultural property. The advantages may include:
- facilitating access to cultural property and to the corresponding information kept in the museum's collections.
 - facilitating the dialogue on the return or restitution of indigenous human remains and cultural sacred property.
 - invitations to take part in the design of exhibitions, to public events and to speak at them.
 - the promotion of works and indigenous culture at international level.
 - financial advantages arising from the authorised marketing of products derived from cultural property, such as merchandising.
- 2.17 The MEG recognises that the rights of indigenous peoples in regard to their cultural heritage are permanent. The MEG undertakes to maintain its commitment to the indigenous representative(s) to recognise and enforce this principle today and in the future.

Glossary

Acquisition policy

Community

Any group of people who share a common character and/or common interests. A community may also be a group of people based on a given geographical area and which share the same demographic characteristics or else a social group who shares the same interests without taking account of their geographical situation within a country.

Source community

Popularised by Laura Peers and Alison K. Brown in their work, *Museums and Source Communities* (2003), the term “source community” or source communities means the communities of origin of the tangible and intangible heritage kept and exhibited in the museum. The term “community of origin” may sometimes be used as a synonym and signifies also the relationship which these communities have with their objects seen as traditional entitlements.

Disposal policy

Disposal

Disposal, following the decision of the administrative council and, if necessary, the municipal council of the City of Geneva, consists of officially taking an object from the collections of the City of Geneva and giving up its legal title.

Policy of return and restitution of cultural property

Human remains or human vestiges

A title which groups together the human corpses, vestiges, skeletons, fragments of skulls, heads or human bones. This title does not include cultural objects composed of hair or other material sourced from the human body.

Grave goods

The grave goods are objects clearly associated with the burial of specific human remains.

Cultural property

Includes the objects, images, archives, and any form of cultural expression which are kept in MEG’s collections and are subject to cultural and intellectual property rights.

Return and restitution

The intergovernmental committee “Return and restitution” under the aegis of UNESCO establishes a distinction between return and restitution. The term restitution is most often used in the case of illegal appropriation. The term return refers to all types of return of cultural property independently of the context of their appropriation whether legal or illegal. Moreover,

according to UNESCO's definitions, the return is the process by which cultural objects are returned to a nation or state on the request of a government, while the restitution is the process by which cultural objects are returned to an individual or community. It will thus have a more reconciliatory and restorative nature than the return. The return and restitution aim for the unconditional return of cultural property to its legitimate owners.

Sacred objects

The sacred objects refer to objects of contemporary religious and ceremonial importance endowed with a particular cultural value for the indigenous peoples concerned. The sacred objects have been or still are traditionally subject to restrictions and protocols concerning their access and use.

Traditional owners

The "traditional owners" are the people who have the right, by virtue of custom and tradition, to be recognised as legitimate owners.

Reasonable doubt

The principle of reasonable doubt exists when no other explanation may be drawn from the established facts and when there exists no reasonable replacement to the conclusions drawn.

Research policy

Research means the entirety of the works and intellectual activities which complement one's knowledge through the painstaking study of a subject and which aims to discover new data or information.

Guidelines for the reactivation of the collections at the MEG

Interaction

Refers to any reciprocal action of an individual or group of individuals and an object.

Reactivation

Refers to the recovery and restitution of a power of action to an object through an interaction involving movements between an individual or group of individuals and the latter, and being able to have reciprocal consequences for their physical and spiritual well-being.

Good treatment

Denotes an active approach to the object, respectful of its rights, liberty and integrity, in a balanced and non-dominant relationship. It is the opposite of the physical and moral ill-treatment, of the use of constraints and of all the passive carelessness which could be applied to the object.

Guidelines relating to the indigenous cultural and intellectual property

Indigenous cultural and intellectual property

Refers to the rights of indigenous peoples to have access to their cultural heritage, including traditional knowledge, cultural expressions and objects, to manage and keep it. The indigenous cultural and intellectual property incorporates all the aspects of knowledge (sciences, plants and animals, histories, drawings, symbols and rituals), the objects,

performances (ceremonies, dance and song), human remains and includes all sacred cultural property.

Indigenous peoples

In the wider context of the United Nations Declaration on the Rights of Indigenous Peoples, the indigenous peoples most often define themselves as peoples whose lands and territories have been invaded and occupied by others. These are peoples who may have cultures, languages, ways of life, livelihoods and social organisations distinct from those of the society in which they find themselves. They are not dominant and are generally facing exclusion and discrimination. In spite of their cultural differences, the indigenous peoples of the world share common worries concerning the recognition of their collective rights to keep their identity, their culture and their way of life as distinct peoples.

Indigenous representative(s)

Refers to :

- an indigenous person
- an indigenous group or community
- an indigenous organisation
- which has a direct link with the museum's collections in general or with a specific project.

Author

Means the author(s), creator(s) or artist(s) of a cultural property bound by indigenous cultural and intellectual property rights.

Documents, guidelines and associated legal texts

Document of the MEG

- 2020-2024 strategic plan

Document of the City of Geneva

- “Policy for acquisition of patrimonial institutions of the City of Geneva” adopted by the administrative council in 2014 and revised in August 2022.

External documents

- The federal law of 9th October 1992 on copyright and the associated rights (Statement 1st January 2022)
- Agreement on the protection and promotion of the diversity of cultural expressions, 2005
- United Nations Declaration on the rights of indigenous peoples, 2007
- Code of ethics for museums, International council of museums (ICOM), 2004 (Re-examination scheduled for 2021-2022)

Appendices

Listed here are the electronic links for the various forms in use at the MEG :

Acquisition policy

Acquisition and donor agreement forms

<https://intranet.ville-ge.ch/intrameg/>

Guidelines for the reactivation of the collections at the MEG

Request form for interaction with the collections at the MEG

https://www.meg.ch/sites/default/files/2022-02/20220218_formulaire_interaction_collections.pdf

Methods of access and of consultation of the collections

Forms for access and consultation of the collections at the MEG

https://www.ville-ge.ch/meg/pdf/acces_collections.pdf