

CHECKLIST ON ETHICS OF CULTURAL PROPERTY OWNERSHIP

(especially concerning museum collections)

Ethics and the changing museum world

Nationally and internationally, questions concerning ethics in the museum world have grown in importance during recent years. Worldwide interest has sharpened, for example, around topics related to the impact of colonisation on subjects peoples and collections built through the expansion of empires historically, repatriation claims by indigenous peoples, looted art, trophy art, and illicit trafficking (including as a result of armed conflicts).

To assist museums in these matters, in a co-operative effort with UNESCO dating back to 1970 and the pivotal UNESCO Convention of that year, the International Council of Museums (ICOM) developed in the 1980s a comprehensive code of ethics for museums ("ICOM Code"). This code sets minimum standards of professional practice and performance for museums and their staff, grounded in the fundamental ethical disposition of museums towards public

service and social development. The ICOM Code reflects principles generally accepted by the international museum community as base-line standards for the museum sector worldwide. The ICOM Code does not seek to aim above national codes; rather, it sets down the internationally accepted foundations that should underpin all other, sometimes more specialised, codes. The ICOM Code was first adopted by the 15th General Assembly of ICOM in 1986; a restructured, condensed and more clearly set out Code was ratified as the *ICOM Code of Ethics for Museums* by the 21st General Assembly of ICOM in 2004.

Considering the complexity of the ethical questions affecting the work of museums today, the present Checklist is a tool for two purposes: (A) it sets out the 8 organising principles that shape the detailed articles of the ICOM Code, as well as providing orientation and support in dealing with these complex topics; and (B) it offers a list of contacts for further advice on particular questions.

Compiled by the International Council of Museums (ICOM) and the Stiftung Deutsches Zentrum Kulturgutverluste



THE PRINCIPLES OF THE ICOM CODE OF ETHICS FOR MUSEUMS

1. Museums preserve, interpret and promote the natural and cultural inheritance of humanity

Museums are responsible for the tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to protect and promote this heritage as well as the human, physical and financial resources made available for that purpose.

2. Museums that maintain collections hold them in trust for the benefit of society and its development

Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, provenance, permanence, documentation, accessibility and responsible disposal.

3. Museums hold primary evidence for establishing and furthering knowledge

Museums have particular responsibilities to all for the care, accessibility and interpretation of primary evidence collected and held in their collections.

4. Museums provide opportunities for the appreciation, understanding and promotion of the natural and cultural heritage

Museums have an important duty to develop their educational role and attract wider audiences from the community, locality, or group they serve. Interaction with the constituent community and promotion of their heritage is an integral part of the educational role of the museum.

5. Museums hold resources that provide opportunities for other public services and benefits

Museums utilise a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities. These should be organized in such a way that they do not compromise the museum's stated mission.

6. Museums work in close collaboration with the communities from which their collections originate as well as those they serve

Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such they have a character beyond that of ordinary property which may include strong affinities with national, regional, local, ethnic, religious or political identity. It is important therefore that museum policy is responsive to this possibility.

7. Museums operate in a legal manner

Museums must conform fully to international, regional, national, or local legislation and treaty obligations. In addition, the governing body should comply with any legally binding trusts or conditions relating to any aspect of the museum, its collections and operations.

8. Museums operate in a professional manner

Members of the museum profession should observe accepted standards and laws and uphold the dignity and honour of their profession. They should safeguard the public against illegal or unethical professional conduct. Every opportunity should be used to inform and educate the public about the aims, purposes, and aspirations of the profession to develop a better public understanding of the contributions of museums to society.

CONTACTS AND FURTHER INFORMATION

If museum colleagues or general inquirers need any special assistance concerning collection items or have particular questions that have arisen on which help could be beneficial (e.g. practical examples of diverse claims and the variety of possible outcomes concerning the restitution of looted art – including mediation options), the following agencies may be of assistance:

- ICOM Ethics Committee, Chairperson,
c/o ICOM (International Council of Museums),
1, rue Miollis, 75732 Paris Cedex 15, France,
e-mail: ethics@icom.museum
- ICOM (International Council of Museums),
1, rue Miollis, 75732 Paris Cedex 15, France;
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Tel: +33 (01) 47 34 05 00,
Fax: +33 (01) 43 06 78 62,
e-mail: secretariat@icom.museum
- Your local ICOM representatives (see list of ICOM's National Committees at <http://icom.museum/nationals.html>)
- For many translations of the *ICOM Code of Ethics for Museums*, see <http://icom.museum/ethics.html>