

ICOM CODE OF ETHICS FOR MUSEUMS

INTRODUCTION

This edition of the *ICOM Code of Ethics for Museums* is the culmination of six years' revision. Following a thorough review of the ICOM's *Code* in the light of contemporary museum practice, a revised version, structured on the earlier edition, was issued in 2001. As envisaged at that time, this has now been completely reformatted to give it the look and feel of the museum profession and is based on key principles of professional practice, elaborated to provide general ethical guidance. The *Code* has been the subject of three periods of consultation with the membership. It was approved at the 21st General Assembly of ICOM, Seoul in 2004 with acclamation.

The whole ethos of the document continues to be that of service to society, the community, the public and its various constituencies, and the professionalism of museum practitioners. While there is a changed emphasis throughout the document resulting from the new structure, the accentuation of key points and the use of shorter paragraphs, very little is totally new. The new features will be found in paragraph 2.11 and the principles outlined in sections 3, 5 and 6.

The *Code of Ethics for Museums* provides a means of professional self-regulation in a key area of public provision where legislation at a national level is variable and far from consistent. It sets minimum standards of conduct and performance to which museum professional staff throughout the world may reasonably aspire as well as a providing a statement of reasonable public expectation from the museum profession.

ICOM issued its *Ethics of Acquisition* in 1970 and a full *Code of Professional Ethics* in 1986. The present edition – and its interim document of 2001 – owe much to that early work. The major work of revision and restructuring, however, fell on the current members of the Ethics Committee and their contribution in meetings – both actual and electronic – and their determination to meet both target and schedule is gratefully acknowledged. Their names are listed below.

Like its precursors, the present *Code* provides a global minimum standard on which national and specialist groups can build to meet their particular requirements. ICOM encourages the development of national and specialist codes of ethics to meet particular needs and will be pleased to receive copies of them. These should be sent to the Secretary-General of ICOM, Maison de l'UNESCO, 1 rue Miollis, 75732 Paris Cedex 15, France. E-mail: secretariat@icom.museum

Geoffrey Lewis
Chair, ICOM Ethics Committee

ICOM Ethics Committee for the period 2001-2004

Chair: Geoffrey Lewis (UK)
Members: Gary Edson (USA); Per Kåks (Sweden); Byung-mo Kim (Republic of Korea); Pascal Makambila (Congo) – from 2002; Jean-Yves Marin (France); Bernice Murphy (Australia) – to 2002; Tereza Scheiner (Brazil); Shaje'a Tshiluila (Democratic Republic of Congo); Michel Van-Praët (France).

PREAMBLE

Status of the Code of Ethics for Museums

This *Code of Ethics for Museums* has been prepared by the International Council of Museums. It is the statement of ethics for museums referred to in the ICOM Statutes. This *Code* reflects principles generally accepted by the international museum community. Membership of ICOM and the payment of the annual subscription to ICOM is an affirmation of this *Code of Ethics*.

A Minimum Standard for Museums

This *Code* represents a minimum standard for museums. It is presented as a series of principles supported by guidelines of desirable professional practice. In some countries certain minimum standards are defined by law or government regulation. In others, guidance on and assessment of minimum professional standards may be available in the form of 'Accreditation', 'Registration' or similar evaluative schemes. Where such standards are not defined, guidance can be obtained through the ICOM Secretariat, the National Committee of ICOM, or the appropriate International Committee of ICOM. It is also intended that individual nations and the specialised subject organisations connected with museums should use this *Code* as a basis for developing additional standards.

Translations of the Code of Ethics for Museums

The ICOM *Code of Ethics for Museums* is published in three versions: English, French and Spanish. ICOM welcomes the translation of the *Code* into other languages. However, a translation will be regarded as "official" only if it is endorsed by at least one national committee of a country in which the language is spoken, normally as the first language. Where the language is spoken in more than one country it is preferable that the national committees of these countries should also be consulted. Attention is drawn to the need for linguistic as well as professional expertise in providing official translations. The language version used for the translation and the names of the national committees involved should be indicated. These conditions do not restrict translations of the *Code*, or parts of it, for use in educational work or for study purposes.

SECTIONS

- 1. Museums preserve, interpret and promote aspects of the natural and cultural inheritance of humanity.**
 - **Institutional standing**
 - **Physical resources**
 - **Financial resources**
 - **Personnel**

- 2. Museums that maintain collections hold them in trust for the benefit of society and its development.**
 - **Acquiring collections**
 - **Removing collections**
 - **Care of collections**

- 3. Museums hold primary evidence for establishing and furthering knowledge.**
 - **Primary evidence**
 - **Museum collecting & research**

- 4. Museums provide opportunities for the appreciation, enjoyment, understanding and management of the natural and cultural heritage.**
 - **Display and exhibition**
 - **Other resources**

- 5. Museum resources provide opportunities for other public services and benefits.**
 - **Identification services**

- 6. Museums work in close collaboration with the communities from which their collections originate as well as those they serve.**
 - **Origin of collections**
 - **Respect for communities served**

- 7. Museums operate in a legal manner.**
 - **Legal framework**

- 8. Museums operate in a professional manner.**
 - **Professional conduct**
 - **Conflicts of interest**

GLOSSARY

<i>Appraisal</i>	The authentication and valuation of an object or specimen. In certain countries the term is used for an independent assessment of a proposed gift for tax benefit purposes.
<i>Conflict of interest</i>	The existence of a personal or private interest which gives rise to a clash of principle in a work situation, thus restricting, or having the appearance of restricting, the objectivity of decision making.
<i>Dealing</i>	Buying and selling items for personal or institutional gain.
<i>Due diligence</i>	The requirement that every endeavour is made to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an item offered for acquisition or use before accepting it.
<i>Conservator-Restorer</i>	Museum or independent personnel competent to undertake the technical examination, preservation, conservation and restoration of cultural property. For further information see <i>ICOM News</i> 39 (1), pp 5-6 (1986)
<i>Cultural Heritage</i>	Any thing or concept considered of aesthetic, historical, scientific or spiritual significance.
<i>Governing Body</i>	The persons or organisations defined in the enabling legislation of the museum as responsible for its continuance, strategic development and funding.
<i>Income-generating activities</i>	Activities intended to bring financial gain or profit for the benefit of the institution.
<i>Legal title</i>	Legal right to ownership of property in the country concerned. In certain countries this may be a conferred right and insufficient to meet the requirements of a due diligence search.
<i>Minimum Standard</i>	A standard to which it is reasonable to expect all museums and museum personnel to aspire. Certain countries have their own statements of minimum standards.
<i>Natural Heritage</i>	Any natural thing, phenomenon or concept, considered to be of scientific significance or to be a spiritual manifestation.
<i>Museum</i>¹	A museum is a non-profit making permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, the tangible and intangible evidence of people and their environment.
<i>Museum professional</i>¹	Museum professionals consist the personnel (whether paid or unpaid) of museums or institutions as defined in Article 2, paras. 1 and 2, of the Statutes, who have received specialised training, or possess an equivalent practical

experience in any field relevant to the management and operations of a museum, and independent persons respecting the ICOM Code of Ethics for Museums and working for museums or institutions as defined in the Statute quoted above, but not persons promoting or dealing with commercial products and equipment required for museums and museum services.

Non-profit organisation A legally established body, corporate or unincorporated, whose income (including any surplus or profit) is used solely for the benefit of that body and its operation. The term *Not for profit* has the same meaning.

Provenance The full history and ownership of an item from the time of its discovery or creation to the present day, from which authenticity and ownership is determined.

Valid title Indisputable right to ownership of property, supported by full provenance of the item from discovery or production.

¹ It should be noted that the terms "museum" and "museum professional" are interim definitions for use in interpreting the *ICOM Code of Ethics for Museums*. The definitions of "museum" and "professional museum workers" used in the *ICOM Statutes* remain in force until the revision of that document has been completed.

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

Principle: *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.*

INSTITUTIONAL STANDING

1.1 *Enabling documentation*

The governing body should ensure that the museum has a written and published constitution, statute or other public document, in accordance with national laws which clearly states the museum's legal status, mission, permanence, and non-profit nature.

1.2 *Statement of the Mission, Objectives, and Policies*

The governing body should prepare, publicise and be guided by a statement of the mission, objectives, and policies of the museum and of the role and composition of the governing body.

PHYSICAL RESOURCES

1.3 *Premises*

The governing body should ensure adequate premises with a suitable environment for the museum to fulfil the basic functions defined in its mission.

1.4 *Access*

The governing body should ensure that the museum and its collections are available to all during reasonable hours and for regular periods. Particular regard should be given to those persons with special needs.

1.5 *Health and Safety*

The governing body should ensure that institutional standards of health, safety, and accessibility apply to its personnel and visitors.

1.6 *Protection Against Disasters*

The governing body should develop and maintain policies to protect the public and personnel, the collections and other resources, against natural and man-made disasters.

1.7 *Security Requirements*

The governing body should ensure appropriate security to protect collections against theft or damage in displays, exhibitions, working or storage areas, and while in transit.

1.8 *Insurance & Indemnity*

Where commercial insurance is used for collections, the governing body should ensure that the cover is adequate and includes objects in transit or on loan and other items currently the responsibility of the museum. When an indemnity scheme is in use, it is necessary that material not in the ownership of the museum is adequately covered.

FINANCIAL RESOURCES

1.9 *Funding*

The governing body should ensure that there are sufficient funds to carry out and develop the activities of the museum. All funds must be accounted for in a professional manner.

1.10 Income-generating Policy

The governing body should have a written policy regarding sources of income that it may generate through its activities or accept from outside sources. Regardless of funding source, museums should maintain control of the content and integrity of their programmes, exhibitions and activities. Income-generating activities should not compromise the standards of the institution or its public (See 6.6).

PERSONNEL

1.11 Employment Policy

The governing body should ensure that all action concerning personnel is taken in accordance with the policies of the museum as well as the proper and legal procedures.

1.12 Appointment of the Director or Head

The director or head of the museum is a key post and when making an appointment, governing bodies should have regard for the knowledge and skills required to fill the post effectively. These qualities should include adequate intellectual ability and professional knowledge, complemented by a high standard of ethical conduct.

1.13 Access to Governing Bodies

The director or head of a museum should be directly responsible, and have direct access, to the relevant governing bodies.

1.14 Competence of Museum Personnel

The employment of qualified personnel with the expertise required to meet all responsibilities is necessary. (See also 2.18; 2.24; 8.12).

1.15 Training of Personnel

Adequate opportunities for the continuing education and professional development of all museum personnel should be arranged to maintain an effective workforce.

1.16 Ethical Conflict

The governing body should never require museum personnel to act in a way that could be considered to conflict with the provisions of this *Code of Ethics*, or any national law or specialist code of ethics.

1.17 Museum Personnel and Volunteers

The governing body should have a written policy on volunteer work which promotes a positive relationship between volunteers and members of the museum profession.

1.18 Volunteers and Ethics

The governing body should ensure that volunteers, when conducting museum and personal activities, are fully conversant with the *ICOM Code of Ethics* and other applicable codes and laws.

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

Principle: *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, permanence, documentation, accessibility and responsible disposal.*

ACQUIRING COLLECTIONS

2.1 Collections Policy

The governing body for each museum should adopt and publish a written collections policy that addresses the acquisition, care and use of collections. The policy should clarify the position of any material that will not be catalogued, conserved, or exhibited (See 2.7; 2.8).

2.2 Valid Title

No object or specimen should be acquired by purchase, gift, loan, bequest, or exchange unless the acquiring museum is satisfied that a valid title is held. Evidence of lawful ownership in a country is not necessarily valid title.

2.3 Provenance and Due Diligence

Every effort must be made before acquisition to ensure that any object or specimen offered for purchase, gift, loan, bequest, or exchange has not been illegally obtained in or exported from, its country of origin or any intermediate country in which it might have been owned legally (including the museum's own country). Due diligence in this regard should establish the full history of the item from discovery or production.

2.4 Objects and Specimens from Unauthorised or Unscientific Fieldwork

Museums should not acquire objects where there is reasonable cause to believe their recovery involved the unauthorised, unscientific, or intentional destruction or damage of monuments, archaeological or geological sites, or species and natural habitats. In the same way, acquisition should not occur if there has been a failure to disclose the finds to the owner or occupier of the land, or to the proper legal or governmental authorities.

2.5 Culturally Sensitive Material

Collections of human remains and material of sacred significance should be acquired only if they can be housed securely and cared for respectfully. This must be accomplished in a manner consistent with professional standards and the interests and beliefs of members of the community, ethnic or religious groups from which the objects originated, where known (See also 3.7; 4.3).

2.6 Protected Biological or Geological Specimens

Museums should not acquire biological or geological specimens that have been collected, sold, or otherwise transferred in contravention of local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

2.7 Living Collections

When the collections include live botanical and zoological specimens, special considerations should be made for the natural and social environment from which they are derived as well as any local, national, regional or international law, or treaty relating to wildlife protection or natural history conservation

2.8 Working Collections

The collections policy may include special considerations for certain types of working collection where the emphasis is on preserving cultural, scientific or technical process rather than the object, or where objects or specimens are assembled for regular handling and teaching purposes (See also 2.1).

2.9 Acquisition Outside Collections Policy

The acquisition of objects or specimens outside the museum's stated policy should only be made in exceptional circumstances. The governing body should consider the professional opinions available to them, and the views of all interested parties. Consideration will include the significance of the object or specimen including its context in the cultural or natural heritage, and the special interests of other museums collecting such material. However, even in these circumstances, objects without a valid title should not be acquired (See also 3.4).

2.10 Acquisition by Members of the Governing Body and Museum Personnel

Special care is required in considering any item, either for sale, as a donation or as a tax-benefit gift, from members of governing bodies, museum personnel, or the families and close associates of these persons.

2.11 Repositories of Last Resort

Nothing in this *Code of Ethics* should prevent a museum from acting as an authorised repository for unprovenanced, illicitly collected or recovered specimens and objects from the territory over which it has lawful responsibility.

REMOVING COLLECTIONS

2.12 Legal or Other Powers of Disposal

Where the museum has legal powers permitting disposals, or has acquired objects subject to conditions of disposal, the legal or other requirements and procedures must be complied with fully. When the original acquisition was subject to mandatory or other restrictions these conditions must be observed unless it can be shown clearly that adherence to such restrictions is impossible or substantially detrimental to the institution and, if appropriate, relief obtained through legal procedures.

2.13 Deaccessioning from Museum Collections

The removal of an object or specimen from a museum collection must only be undertaken with a full understanding of the significance of the item, its character (whether renewable or non-renewable), legal standing, and any loss of public trust that might result from such action.

2.14 Responsibility for Deaccessioning

The decision to deaccession should be the responsibility of the governing body acting in conjunction with the director of the museum and the curator of the collection concerned. Special arrangements may apply to working collections (See 2.7; 2.8).

2.15 Disposal of Objects Removed from the Collections

Each museum should have a policy defining authorised methods for permanently removing an object from the collections through donation, transfer, exchange, sale, repatriation, or destruction, and that allows the transfer of unrestricted title to the receiving agency. Complete records must be kept of all deaccessioning decisions, the objects involved, and the disposition of the object. There will be a strong presumption that a deaccessioned item should first be offered to another museum.

2.16 Income from Disposal of Collections

Museum collections are held in public trust and may not be treated as a realisable asset. Money or compensation received from the de-accessioning and disposal of objects and

specimens from a museum collection should be used solely for the benefit of the collection and usually for acquisitions to that collection.

2.17 Purchase of Deaccessioned Collections

Museum personnel, the governing body, or their families or close associates, should not be permitted to purchase objects that have been deaccessioned from a collection for which they are responsible.

CARE OF COLLECTIONS

2.18 Collection Continuity

The museum should establish and apply policies to ensure that their collections (both permanent and temporary) and associated information, properly recorded, are available for current usage and will be passed on to future generations in as good and safe a condition as practicable, having regard to current knowledge and resources.

2.19 Delegation of Collection Responsibility

Professional responsibilities involving the care of the collections should be assigned to persons with the appropriate knowledge and skill or who are adequately supervised (See also 8.11).

2.20 Documentation of Collections

Museum collections should be documented according to accepted professional standards. This documentation should include a full identification and description of each item, its associations, provenance, condition, treatment and present location. Such data should be kept in a secure environment and be supported with retrieval systems providing access to the information by the museum personnel and other legitimate users.

2.21 Protection Against Disasters

Careful attention should be given to the development of policies to protect the collections during armed conflict and other man-made and natural disasters

2.22 Security of Collection and Associated Data

The museum should exercise control to avoid disclosing sensitive personal or related information and other confidential matters when collection data are made available to the public.

2.23 Preventive Conservation

Preventive conservation is an important element of museum policy and collections care. It is an essential responsibility of members of the museum profession to create and maintain a protective environment for the collections in their care, whether in store, on display or in transit.

2.24 Collection Conservation and Restoration

The museum should carefully monitor the condition of collections to determine when an object or specimen may require conservation-restoration work and the services of a qualified conservator-restorer. The principle goal should be the stabilisation of the object or specimen. All conservation procedures should be documented and as reversible as possible, and all alterations should be clearly identifiable from the original object or specimen.

2.25 Welfare of Live Animals

A museum that maintains living animals should assume full responsibility for their health and well-being. It should prepare and implement a safety code for the protection of its personnel and visitors, as well as the animals, that has been approved by an expert in the veterinary field. Genetic modification should be clearly identifiable.

2.26 Personal Use of Museum Collections

Museum personnel, the governing body, their families, close associates, or others should not be permitted to expropriate items from the museum collections, even temporarily, for any personal use.

3. Museums hold primary evidence for establishing and furthering knowledge.

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

PRIMARY EVIDENCE

3.1 Collections as Primary Evidence.

The museum collections policy should indicate clearly the significance of collections as primary evidence. The policy should verify that this is not governed by current intellectual trends or museum usage.

3.2 Availability of Collections

Museums have a particular responsibility for making collections and all relevant information available as freely as possible, having regard to restraints arising for reasons of confidentiality and security.

MUSEUM COLLECTING & RESEARCH

3.3 Field Collecting

Museums undertaking field collecting should develop policies consistent with academic standards and applicable national and international laws and treaty obligations. Fieldwork should only be undertaken with respect and consideration for the views of local communities, their environmental resources and cultural practices as well as efforts to enhance the cultural and natural heritage.

3.4 Exceptional Collecting of Primary Evidence

In very exceptional cases an item without provenance may have such an inherently outstanding contribution to knowledge that it would be in the public interest to preserve. The acceptance of such an item into a museum collection should be the subject of a decision by specialists in the discipline concerned and without national or international prejudice (See also 2.11).

3.5 Research

Research by museum personnel should relate to the museum's mission and objectives and conform to established legal, ethical and academic practices.

3.6 Destructive Analysis

When destructive analytical techniques are undertaken a complete record of the material analysed, the outcome of the analysis, and the resulting research, including publications, should become a part of the permanent record of the object.

3.7 Human Remains and Material of Sacred Significance

Research on human remains and materials of sacred significance must be accomplished in a manner consistent with professional standards and taking into account the interests and beliefs of the community, ethnic or religious groups from whom the objects originated where these are known (See also 2.5; 4.3).

3.8 Retention of Rights to Research Materials

When museum personnel prepare material for presentation or to document field investigation there must be clear agreement with the sponsoring museum regarding all rights to the work.

3.9 Shared Expertise

Members of the museum profession have an obligation to share their knowledge and experience with colleagues, scholars and students in relevant fields. They should respect and acknowledge those from whom they have learned and should pass on such advancements in techniques and experience that may be of benefit to others.

3.10 Co-operation Between Museums & Other Institutions

Museum personnel should acknowledge and endorse the need for co-operation and consultation between institutions with similar interests and collecting practices. This is particularly so with institutes of higher education and certain public utilities where research may generate important collections for which there is no long term security.

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

Principle: *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.*

DISPLAY & EXHIBITION

4.1 Displays, Exhibitions and Special Activities

Displays and temporary exhibitions, physical or electronic, should be in accordance with the stated mission, policy and purpose of the museum. They should not compromise either the quality or the proper care and conservation of the collections.

4.2 Interpretation of Exhibits

Museums should ensure that the information they present in displays and exhibitions is well-founded, accurate and gives appropriate consideration to represented groups or beliefs.

4.3 Exhibition of Sensitive Materials

Human remains and materials of sacred significance must be displayed in a manner consistent with professional standards and, where known, taking into account the interests and beliefs of members of the community, ethnic or religious groups from whom the objects originated. They must be presented with great tact and respect for the feelings of human dignity held by all peoples.

4.4 Removal from Public Display

Requests for removal from public display of human remains or material of sacred significance from the originating communities must be addressed expeditiously with respect and sensitivity. Requests for the return of such material should be addressed similarly. Museum policies should clearly define the process for responding to such requests.

4.5 Display of Unprovenanced Material

Museums should avoid displaying or otherwise using material of questionable origin or lacking provenance. They should be aware that such displays or usage can be seen to condone and contribute to the illicit trade in cultural property.

OTHER RESOURCES

4.6 Publication

Information published by museums, by whatever means, should be well-founded, accurate and give responsible consideration to the academic disciplines, societies, or beliefs presented. Museum publications should not compromise the standards of the institution.

4.7 Reproductions

Museums should respect the integrity of the original when replicas, reproductions, or copies of items in the collection are made. All such copies should be permanently marked as facsimiles.

5. Museum resources provide opportunities for other public services and benefits.

Principle: *Museums use a wide variety of specialisms, skills and physical resources which have a far wider application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities. They should be organised in such a way that they do not compromise the museum's stated mission.*

IDENTIFICATION SERVICES

5.1 Identification of Illegally or Illicitly Acquired Objects

Where museums provide an identification service, they should not act in any way that could be regarded as benefiting from such activity, directly or indirectly. The identification and authentication of objects that are believed or suspected to have been illegally or illicitly acquired, transferred, imported or exported should not be made public until the appropriate authorities have been notified.

5.2 Authentication and Valuation (Appraisal)

Valuations may be made for the purposes of insurance of museums collections. Opinions on the monetary value of other objects should only be given on official request, from other museums, or competent legal, governmental or other responsible public authorities. However, when the museum may be the beneficiary, appraisal of an object or specimen must be undertaken independently.

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

Principle: *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.*

ORIGIN OF COLLECTIONS

6.1 Co-operation

Museums should promote the sharing of knowledge, documentation and collections with museums and cultural organisations in the countries and communities of origin. The possibility of developing partnerships with museums in countries or areas that have lost a significant part of their heritage should be explored.

6.2 Return of Cultural Property

Museums should be prepared to initiate dialogues for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national and international legislation, in preference to action at a governmental or political level.

6.3 Restitution of Cultural Property

When a country or people of origin seek the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country's or people's cultural or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to co-operate in its return.

6.4 Cultural Objects From an Occupied Country

Museums should abstain from purchasing or acquiring cultural objects from an occupied territory and respect fully all laws and conventions that regulate the import, export and transfer of cultural or natural materials.

RESPECT FOR COMMUNITIES SERVED

6.5 Contemporary Communities

Where museum activities involve a contemporary community or its heritage, acquisitions should only be made based on informed and mutual consent without exploitation of the owner or informants. Respect for the wishes of the community involved should be paramount.

6.6 Funding of Community Facilities

When seeking funds for activities involving contemporary communities, their interests should not be compromised (See 1.10).

6.7 Use of Collections from Contemporary Communities

Museum usage of collections from contemporary communities requires respect for human dignity and the traditions and cultures that use them. Such collections should be used to promote human well-being, social development, tolerance, and respect by advocating multi-social, multicultural and multilingual expression (See 4.3).

6.8 *Supporting Organisations in the Community*

Museums should create a favourable environment for community support (eg Friends of Museums and other supporting organisations), recognise its contribution and promote a harmonious relationship between the community and museum personnel.

7. Museums operate in a legal manner.

Principle: *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.*

LEGAL FRAMEWORK

7.1 *National and Local Legislation.*

Museums should conform to all national and local laws and respect the legislation of other states as they affect their operation.

7.2 *International Legislation*

Museum policy should acknowledge the following international legislation which is taken as a standard in interpreting the *ICOM Code of Ethics*:

Unesco Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention, First Protocol, 1954 and Second Protocol, 1999);
Unesco Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970);
Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973);
UN Convention on Biological Diversity (1992);
Unidroit Convention on Stolen and Illegally Exported Cultural Objects (1995);
Unesco Convention on the protection of the Underwater Cultural Heritage (2001);
Unesco Convention for the Safeguarding of the Intangible Cultural Heritage (2003).

8. Museums operate in a professional manner.

Principle: *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.*

PROFESSIONAL CONDUCT

8.1 *Familiarity with Relevant Legislation*

Every member of the museum profession should be conversant with relevant international, national and local legislation and the conditions of their employment. They should avoid situations that could be construed as improper conduct.

8.2 Professional Responsibility

Members of the museum profession have an obligation to follow the policies and procedures of their employing institution. However, they may properly object to practices that are perceived to be damaging to a museum or the profession and matters of professional ethics.

8.3 Professional Conduct

Loyalty to colleagues and to the employing museum is an important professional responsibility and must be based on allegiance to fundamental ethical principles applicable to the profession as a whole. They should comply with the terms of the *ICOM Code of Ethics* and be aware of any other codes or policies relevant to museum work.

8.4 Academic and Scientific Responsibilities

Members of the museum profession should promote the investigation, preservation, and use of information inherent in the collections. They should, therefore, refrain from any activity or circumstance that might result in the loss of such academic and scientific data.

8.5 The Illicit Market

Members of the museum profession should not support the illicit traffic or market in natural and cultural property, directly or indirectly.

8.6 Confidentiality

Members of the museum profession must protect confidential information obtained during their work. In addition, information about items brought to the museum for identification is confidential and should not be published or passed to any other institution or person without specific authorisation from the owner.

8.7 Museum and Collection Security

Information about the security of the museum or of private collections and locations visited during official duties must be held in strict confidence by museum personnel.

8.8 Exception to the Obligation for Confidentiality

Confidentiality is subject to a legal obligation to assist the police or other proper authorities in investigating possible stolen, illicitly acquired, or illegally transferred property.

8.9 Personal Independence

While members of a profession are entitled to a measure of personal independence, they must realise that no private business or professional interest can be wholly separated from their employing institution.

8.10 Professional Relationships

Members of the museums profession form working relationships with numerous other persons within and outside the museum in which they are employed. They are expected to render their professional services to others efficiently and to a high standard.

8.11 Professional Consultation

It is a professional responsibility to consult other colleagues within or outside the museum when the expertise available is insufficient in the museum to ensure good decision-making.

CONFLICTS OF INTEREST

8.12 Gifts, Favours, Loans, or Other Personal Benefits

Museum employees must not accept gifts, favours, loans, or other personal benefits that may be offered to them in connection with their duties for the museum. Occasionally

professional courtesy may include the giving and receiving of gifts but this should always take place in the name of the institution concerned.

8.13 Outside Employment or Business Interests

Members of the museum profession, although entitled to a measure of personal independence, must realise that no private business or professional interest can be wholly separated from their employing institution. They should not undertake other paid employment or accept outside commissions that are in conflict with, or may be viewed as being in conflict with the interests of the museum.

8.14 Dealing in Natural or Cultural Heritage

Members of the museum profession should not participate directly or indirectly in dealing (buying or selling for profit), in the natural or cultural heritage.

8.15 Interaction with Dealers

Museum professionals should not accept any gift, hospitality, or any form of reward from a dealer, auctioneer, or other person as an inducement to purchase or dispose of museum items, or to take or refrain from taking official action. Furthermore, a museum professional should not recommend a particular dealer, auctioneer, or appraiser to a member of the public.

8.16 Private Collecting

Members of the museum profession should not compete with their institution either in the acquisition of objects or in any personal collecting activity. An agreement between the museum professional and the governing body concerning any private collecting must be formulated and scrupulously followed.

8.17 Use of the Name and Logo of ICOM

Members of ICOM may not use of the words "International Council of Museums", "ICOM" or its logo to promote or endorse any for-profit operation or product.

8.18 Other Conflicts of Interest

Should any other conflict of interest develop between an individual and the museum, the interests of the museum should prevail.