

Guidelines of the Karl May Foundation For the Care of Human Remains and Material of Sacred Significance in the Collection of the Karl May Museum

The Board of Directors (*Vorstand*) of the Karl May Foundation (*Karl-May-Stiftung*) and the management of the Karl May Museum set forth the following guidelines for the care of human remains and material of sacred significance in the collection of the Karl May Museum.

These guidelines have been approved by the Board of Trustees (*Kuratorium*) of the Foundation and are published on the websites of the Karl May Foundation and the Karl May Museum.

1. Recognition of museum recommendations

- With respect to the care of human remains and material of sacred significance in its collection, the Karl May Foundation shall act in accordance with the “Recommendations for the Care of Human Remains in Museums and Collections” of the German Museums Association and the “Code of Ethics for Museums” of the International Council of Museums (ICOM).
- The Karl May Foundation commits to the 2007 United Nations Declaration on the Rights of Indigenous Peoples, which Germany has ratified.
- The Karl May Foundation acknowledges the international legislation presented in section 7.2 of the ICOM “Code of Ethics for Museums”¹ as a standard for its own museum work.

2. Obligation to preserve cultural heritage

- According to the ICOM “Code of Ethics for Museums,” museum collections are a significant public inheritance, have a special position in law and are protected by international legislation.²

¹ ICOM “Code of Ethics for Museums,” 2006, p. 11

² *Ibid.*, p. 5.

- The Karl May Foundation, as the proprietor of the collection of Karl May Museum, manages the tangible and intangible cultural artifacts under its care and is responsible for protecting this cultural heritage for posterity.
- As a contribution to the protection of natural, cultural and scientific heritage, the Karl May Museum shall undertake to document, preserve, and communicate its collection and to develop it further in accordance with the Karl May Foundation.

3. Obligation to care for human remains in a professional manner

In the definition of human remains, the Karl May Foundation orients itself to section 2.2 of the German Museums Association's "Recommendations for the Care of Human Remains in Museums and Collections."³

This section defines human remains as "all physical remains belonging to the biological species *Homo sapiens*."

Included in this definition are "all unprocessed, processed or preserved forms of human bodies and parts thereof." Also included are "all (ritual) objects into which human remains as defined above have been knowingly incorporated."

Not included are "moldings of human bodies or body parts, death masks, audio recordings of human voices, anthropological photographs" or "(ritual) objects associated with human remains, such as, for example, burial objects."

- The Karl May Foundation and the employees of the museum are aware at all times that the human remains in the collection are remains of people and are as special collection holdings to be treated with the greatest sensitivity and the highest respect.

³ "Recommendations for the Care of Human Remains in Museums and Collections," ed. German Museums Association, 2013, p. 9.

- Such sensitive collection holdings are cared for in an appropriate and dignified manner with due regard to preservation measures and in accordance with the museum's spatial capacities.
- In accordance with section 4.3 of the ICOM "Code of Ethics for Museums," the Karl May Foundation shall undertake to "[take] into account the interests and beliefs of members of the community, ethnic or religious groups from whom the objects originated" and present the objects "with great tact and respect for the feelings of human dignity held by all peoples."⁴
- In accordance with section 4.4 of the ICOM "Code of Ethics for Museums," the Karl May Foundation shall undertake to address requests from the originating communities for removal from public display of human remains or material of sacred significance with respect and sensitivity and to seek dialogue with these groups.⁵

4. Obligation to engage in gradual research of human remains

- Researching the origin (provenance) of sensitive artifacts in the collection is a high priority for the Karl May Foundation. The Foundation therefore states as an important goal the clarification, gradually and within the scope of its capabilities, of the origin of all human remains in its collection in order to clear up production and acquisition processes unambiguously and to examine the possibility of a context of injustice.
- Because the phrase "context of injustice" is not a legal term, the Karl May Foundation orients itself to the statements regarding this matter in the "Recommendations for the Care of Human Remains in Museums and Collections."⁶
- In accordance with section 3.7 of the ICOM "Code of Ethics for Museums," the Karl May Foundation shall undertake to carry out research on human remains and material of sacred significance "in a manner consistent with professional standards" and with the utmost care, and in doing so to take

⁴ "Code of Ethics for Museums," p. 8.

⁵ Ibid.

⁶ Cf. "Recommendations for the Care of Human Remains in Museums and Collections," p. 9 et seqq.

into account the interests and beliefs of the community, ethnic or religious groups from whom the objects could have originated.⁷

- In the event that it becomes apparent through research into the origin of an object that the acquisition occurred under circumstances that clearly violate the ethics of the Karl May Foundation, the Foundation shall undertake to make a responsible decision about the further care of the respective human remains.
- The Karl May Foundation shall undertake to document its research findings in a transparent manner and to make these findings available for scientific exchange.

5. Obligation to engage in cooperation

- The Karl May Foundation shall strive to research the origins of its sensitive collection holdings in cooperation with the community, ethnic or religious groups from whom the objects could have originated.
- In the case of requests for the return of sensitive artifacts from its collection, the Karl May Foundation shall undertake to enter into dialogue with possible descendants or communities of origin and their officially authorized representatives, and to make a decision on a case-by-case basis and taking into account all of the aspects of the case specified in section 6 of the present guidelines.
- In accordance with section 6.2 of the ICOM “Code of Ethics for Museums,” the Karl May Foundation shall undertake to conduct dialogue in an impartial manner based on “scientific, professional and humanitarian principles as well as applicable local, national and international legislation.”⁸
- In the case of a request for return of sensitive artifacts of unclear origin or acquisition, the Karl May Foundation shall strive to resolve these issues together with the complainants and to examine the possibility of a context of injustice.

⁷ ICOM “Code of Ethics for Museums,” p. 7.

⁸ *Ibid.*, p. 22.

- The dialogue is to be conducted between the Karl May Foundation and the direct complainants internally and without the involvement of third parties, and the media is to be excluded from this dialogue until its final clarification. The outcome may be published by mutual agreement with the complainants.

Should the claimant violate this provision, the Karl May Foundation reserves the right to suspend the dialogue until a common basis for negotiations is resolved.

6. Procedure in individual cases

- In the case of a request for return of sensitive artifacts from the collection of the Karl May Museum, the identity and legitimacy of the claimant are, in the common interest of the claimant and the Karl May Foundation, first to be verified through the presentation of written authorization.
- Individual persons and communities of origin that can demonstrate a direct relationship to the claimed object through scientifically verifiable information are considered legitimate claimants.
- The Board of Directors of the Foundation, which strives to process such requests in a timely manner within the bounds of its capabilities, is considered the contact partner for requests for return of collection items from the holdings of the Karl May Foundation. The Board of Directors makes decisions only in consultation with the Board of Trustees of the Karl May Foundation.
- Should the legitimacy of a claimant's claim be initially unable to be substantiated, the determination of potential claims to the object through clarification of its provenance in dialogue with the claimant is nonetheless recommended.
- Ideally, research on the provenance of the object should result in the most complete possible documentation of an object and its ownership situation from the time of its discovery or creation to the present day, as well as verification of its authenticity and of legal claims to ownership.

- In verifying the origins of the object for which a claim for return has been made, the Karl May Foundation orients itself to the following items listed in the “Recommendations for the Care of Human Remains in Museums and Collections” of the German Museums Association:⁹
 - The age of the human remains;
 - Their origin and how they were acquired (provenance);
 - Their legal status in the museum/collection;
 - The scientific, educational and historical value of the human remains to the museum/collection, i.e. their use to date in the museum/collection;
 - Whether similar resolved or ongoing cases exist.

- The steps in researching the provenance of items in the collection for which a claim for return has been made are to be coordinated with the claimants and documented in writing.

- If, after the examination of all relevant concerns that were agreed upon with the claimant and after the conclusion of all research, a clear attribution of the object to direct descendants or to a community of origin can be made, the Karl May Foundation shall undertake to make a responsible decision about the further care of the object together with the legitimate claimants and taking all interests into account, and to document this decision in writing.

- The return of a claimed object is possible after the conclusion of all research with the result of a clearly verifiable attribution of the object to a legitimate individual person or community of origin. This is also true of objects for which a concrete context of injustice can be determined with consideration of all ethical aspects of the case.

- As the Karl May Foundation commits to the preservation of the cultural artifacts entrusted to it, alternatives to return (e.g. permanent loan, joint ownership, joint research projects, exchange objects, joint depository) are to be sought jointly with the claimants in the case that clearly verifiable descendants are ascertained.

⁹ Cf. “Recommendations for the Care of Human Remains in Museums and Collections,” p. 65 et seqq.

- If after consideration of all of the aforementioned aspects the Karl May Foundation decides jointly with the claimants to return an object, all further steps are to be arranged in writing with the claimant and the exact process of return as well as the future safeguarding of the object are to be clarified in advance of the return.

As guided by the “Recommendations for the Care of Human Remains in Museums and Collections” of the German Museums Association, the following questions are to be taken into consideration here:¹⁰

- Which parties exactly are responsible for and are organizing the handover?
 - Are other interested parties involved in addition to the parties to the handover?
 - What credentials do these other interested parties have and how are they to be involved?
 - To what extent are political institutions to be involved in the negotiation and implementation of the handover by the two sides?
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- If after the conclusion of all research and after weighing all of the ethical aspects of the situation, no concrete claim by a legitimized claimant for the return of an object from the collection of the Karl May Museum can be substantiated, the Karl May Foundation as the owner of the collection is to continue to exercise its preservation duties toward the object with the greatest sensitivity and the highest respect.

This may include appropriate safekeeping in a separate space within the capabilities of the Karl May Museum.

¹⁰ Cf. “Recommendations for the Care of Human Remains in Museums and Collections,” p. 67.