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CASE NOTE

Decolonization in action: Lessons from the *Musée d'ethnographie de Genève*

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Abstract

In recent years, there has been a growing recognition of the colonial legacies that shape Western cultural institutions. Such public engagement, however, risks falling prey to oversimplification and becoming empty. Museums, in particular, have faced a deep crisis of legitimacy in connection to the growth of the public awareness over past lootings and other cultural misappropriations. If this popular momentum runs ashore in its *pars destruens*, however, it will lose its potential to inspire profound societal change. Against this backdrop, the present case note offers an in-depth analysis of the experience of the *Musée d'ethnographie de Genève (MEG)*, which has recently reopened its doors to the public with a new mission of decolonization. This case note investigates how a museum—especially one with a problematic past, such as an ethnographic institution—can critically confront its colonial heritage while keeping the public informed and actively involved in the process.

Keywords: Decolonization; critical museology; ethnographic museum; restitution; cultural property

Introduction

In 2024, the *Musée d'ethnographie de Genève* (MEG)'s permanent exhibition, *The Archives of Human Diversity*, remained closed for months for conservation reasons.[1] The replacement of approximately one-third of the objects on display offered the opportunity to rethink this space in light of the museum's strategic goal of decolonization.[2] Such operation resulted in the creation of a *Dialogue Pathway* within the permanent collection and the inauguration of a new exhibition prologue, *Encounters*.[3] Around the same time, the temporary exhibition *Remembering* tackled the role of the MEG's geographical context within the colonial world.[4]

The author owes a debt of gratitude to Dr. Antonia Waltermann for her insightful contributions to the understanding of sovereignty.

[1] The *Musée d'ethnographie de Genève* was founded by the city of Geneva in 1901. Its initial collection comprised objects from the Archaeological Museum, the Ariana Museum, the Museum of Art and History, and the Museum of the Society of Evangelical Missions of Geneva. In 2014, the MEG moved from Villa Plantamour to its current location in Boulevard Carl-Vogt 67. It presently holds more than 75,000 objects and 200,000 books and documents in its collections. Since 2022, Carine Ayélé Durand is the MEG's director.

[2] MEG 2026c.

[3] MEG 2026a.

[4] MEG 2026b.

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This paper argues that the MEG offers an interesting case study for the development of a socio-legal approach to the decolonization of cultural property, based on four reasons. First, the recent spike of efforts to address the museum's colonial heritage creates fertile ground for testing interdisciplinary methodologies. Second, this museum has a longstanding history of engagement with the question of decolonization. The MEG was in fact the first institution in Geneva to return objects from its collection to the National Museum of New Zealand Te Papa Tongarewa in Wellington.[5] This multiannual experience can provide helpful indications on how to approach restitution, in particular, as a mean of decolonization. Third, the museum's decolonization program is directly led by its director, Carine Ayélé Durand, who possesses an extensive background working with issues concerning the rights of Indigenous people. Finally, as an ethnographic institution the MEG offers an ideal case study to develop decolonization practices that can offer inspiration to other museums. Some authors have been skeptical toward the feasibility of actually decolonizing museums due to the ingrown nature of the colonial mindset within these institutions.[6] The colonial heritage of ethnographic museums, however, has been analyzed and normatively targeted by commentators at least from the 1970s (and then increasingly from the 1990s).[7] Their very function of connecting objects to the knowledge that surrounds them, combined with their potential to enable conversations, offers a fertile ground for decolonization.[8] Moreover, unlike lawyers, anthropologists have a long tradition of criticizing their own authority.[9] From this perspective, ethnographic museums are in the ideal position to lead the way in a broader process of museum decolonization that has only just started.

This paper analyzes the MEG case study in order to explore strategies and challenges that characterize its decolonization policies. Such inquiry rests on the premise that observing practical experience is essential for developing and circulating new perspectives, and to contribute addressing the question: "What does it mean to decolonize a museum?"[10] This study incorporates insights from unstructured interviews conducted in November 2024 with Dr. Carine Ayélé Durand, director of the MEG, and Dr. Roberta Colombo Dougoud, curator of the Oceania Department of the same museum. The interviews took place within the museum and lasted between one and two hours. The subject matter is approached from the perspective of a white, able-bodied, cisgender, European female researcher entering the museum as a visitor. While the case study provides an in-depth view, it also reflects the limitations inherent in a single-site, qualitative inquiry carried from a non-Indigenous perspective.

The text is divided into six sections: Section 1 briefly contextualizes museum practices of decolonization; Section 2 focuses on the MEG's policies concerning new acquisitions and the right to access its collections; Section 3 analyses MEG's practices for the reactivation of cultural objects and their display; Section 4 deals with the relationship between intellectual property law and decolonization of cultural property; Section 5 discusses restitution. Finally, Section 6 suggests a theoretical conceptualization for the MEG's operation of reframing. Roppola described framing as the element that "makes a museum a museum and not a library or a theme park."[11] By reframing itself, the MEG leads the way toward a fundamental reinterpretation of the role of the museum in modern society.

[5] See *infra*, Section 5.

[6] Vergès 2024; Kassim 2017. Kasibe famously described anthropological museums as "crime scenes": Kasibe 2020, 46.

[7] Rowlands, Stanley, and Were 2025, 5; Shelton 1997, 42; Berger 2021, 85; Broekhoven 2019, 3; Grechi 2021.

[8] On this point, *cf.* Bolton 2023, 320 et seq.; *cf.* in general Sandell 2007.

[9] Mallon 2025, 92.

[10] In this sense, see also Ariese and Wróblewska 2021; Rowlands, Stanley, and Were 2025. As observed by Lee 2022, 21, there is no "blueprint for museums looking to reach institutional decolonial liberation."

[11] Roppola 2014, 3.

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Decolonization practices

Drawing on critical heritage studies and postcolonial theory,[12] an increasing number of museums in recent years have engaged in practices aimed at decolonizing their collections and exhibition spaces.[13] At the core of this process lies the deconstruction of the museum as an autonomous site of authority divorced from the sociohistorical conditions that shaped its emergence.[14] The myth of the universal museum, imbued with cultural internationalism, has become irretrievably outdated.[15] Ethnographic museums, in particular, have come under scrutiny for their role in providing scientific and aesthetic justification for an imperialistic culture of spoliation and the subjugation of the "other."[16] The reconceptualization of colonialism as a structure rather than an event has set these museums on a path of continuous decolonization.[17]

The decolonization of museums starts from the application of critical museology. To use Shelton's definition, this discipline identifies the process of critically interrogating the field of "practical" or operational museology, with all its rules, protocols, and organizational structures.[18] Decolonization is thus an inherently multifaceted process, involving a variety of actions by museums, starting with the recognition of a culture of coloniality within museums.[19] Such operation might lead to the restitution of cultural property – a concept particularly popular with the public opinion,[20] but also entails a polyhedric palette of *in museo* practices and approaches. It concerns, among others, the manner in which cultural property is handled, labeled, researched, catalogued, and showcased; the conditions under which it can be accessed; the museum's acquisition practices, its operations of public engagement and marketing, as well as staffing and budgeting patterns.[21] In certain cases, it can lead to an institutional change of name.[22] It certainly has a lot to do with language, not only through the use of the proper idioms and Indigenous terminologies but also in terms of graphic choices: Sāmoan author and Professor Albert Wendt, for example, suggests avoiding italicizing Indigenous words and definitions, so as to not treat them as "foreign" to the objects to which they refer.[23]

Against this background, the MEG's decolonization plan sets the goal of engaging in a "translocal dialogue" and "fair exchanges" with descendants of the colonized communities. To this end, it identifies three guiding principles that look, respectively, toward the past, present, and future of the institution: (1) the continuous study of the museum's collections, of the objects' provenance and their acquisition, (2) the reestablishment of a link with the

[12] See, among others, Said 1978; Forsdick 2001; Chakrabarty 2008; Harrison 2013; Stahn 2023.
[13] Bolton 2023, 329 et seq.
[14] Duarte 2024, 635.
[15] McAuliffe 2021, 678. On cultural nationalism and internationalism, see in general Merryman 1986; Peters 2020.
[16] Lee 2022, 87–134.
[17] Wolfe 2006, 388; Lee 2022, 22.
[18] Shelton 2013, 8.
[19] Gerstenblith 2023, 227; Macdonald 2022, 10.
[20] Curry et al. 2023.
[21] Mohammed 2025; Broekhoven 2019, 4.
[22] Chwatal 2018. The San Diego Museum of Man, for example, was renamed in 2020 the Museum of Us; see Macdonald 2022, 11. Under the input of the previous director, Boris Wastiau, this discussion also entered the MEG in 2021, with a campaign titled "MEG is changing," where participants could submit name proposals. Underlying this campaign was the rejection of ethnography as a discipline that is "a relic of a colonial past," as still indicated on the museum's website (under the heading "Your museum is changing"). The current director Durand has proved more nuanced to the question of a name change. Instead of rejecting the term "ethnographie," she questioned its ability to convey the complexity and interdisciplinarity that inhabits the museum today, leaving however the question open. See Durand and Larsen 2024, 356.
[23] Mallon 2025, 100–01.

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"source communities,"[24] and (3) the encouragement of creative exchanges with artists, researchers, audience, and culture bearers.[25] The museum's *Collection Management Policy* (CMP) translates these statements of principles into practical guidelines governing MEG's activities.[26]

Acquisition and access

The first item addressed by the CMP is the museum's acquisition policy.[27] The criteria embedded therein aim to ensure that, should the MEG wish to acquire objects to complete its collections, such purchases are not only legally and ethically valid[28] but also align with the museum's decolonization program. Accordingly, the CMP identifies as a fundamental acquisition principle the traceability requirement, to be checked at the time of purchase. It also clarifies that provenance research should be carried in collaboration with the representatives of Indigenous peoples and local communities. This additional requirement, as Durand explains, is a necessary response to the curators' lack of the specific knowledge possessed by source communities regarding objects that are sacred, should not be purchased, or should not be displayed. In addition, the CMP preemptively identifies a category of "sensitive objects," which are typically the subject of restitution: human remains, ritual and sacred objects, and archaeological objects (which are often the product of illegal excavations). While the MEG does not actively acquire human remains, it continues to collect objects from the other two categories. Finally, the CMP identifies a limited number of priority themes for the museum's purchases that speak to its Western colonial heritage of ethnographic violence.[29] Framing the acquisition policy within a defined narrative can serve as an active tool of decolonization, not only by directing research efforts and highlighting specific themes but also by preventing the acquisition of objects that would be more appropriately situated in a different context. The same however was not done with respect to the disposal policy regulating the transfer of collection objects.[30] While this is presented as "complementary" to the acquisition policy, it remains detached from decolonization considerations. This is partly explained by the existence of a separate section dedicated to the restitution and return of cultural property. However, this approach appears to leave a gap with respect to problematic objects that cannot be addressed through restitution— for instance, when restitution is materially impossible, or when source communities do not wish for a particular object to reenter their possession. In such cases, alternative solutions are required.

[24] The term "source communities" broadly designates the communities from which museum collections originate. For a discussion of the concept, see Peers and Brown 2003, 1–13.

[25] MEG 2026c.

[26] MEG 2022.

[27] MEG 2022, 7–13.

[28] In line with the *Loi fédérale sur le transfert international des biens culturels du 20 juin 2003 (Etat le 3 mai 2005)* and the bilateral agreements concluded by the federal council with Italy, Egypt, Greece, Colombia, China, Cyprus, Peru, and Mexico; and the ICOM Code of Ethics for Museums.

[29] More specifically:

> 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.
>
> MEG 2022

[30] MEG 2022, 14–16.

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Yet the guidelines currently contemplate the delivery or destruction of collection objects solely in connection with considerations of scientific coherence, storage optimization, object deterioration, or health risks.

Next to the acquisition policy, the right of access to the museum's collection is another crucial step in the decolonization process, both in its positive (facilitating access) and negative dimension (limiting access where necessary).[31] This is a particularly good parameter to measure how things have changed in Europe during the last 25 years. Durand recalls that when she first started working in a museum, access to collections was only granted to researchers with a traditional academic background. Artists and members of the source communities seeking to reconnect with their ancestors' heritage were denied access in the overwhelming majority of cases. This restrictive approach reinforced the elitist control over museum collections, strengthening their exclusionary nature.[32] The CMP, on the contrary, clearly states that the MEG's collections are available for consultation *in particular* to the members of the source communities, as well as students, researchers, and artists embarked on a cross-cultural creative approach.[33] Consultations follow a specific procedure, which entails the presence of the collection's manager. Roberta Colombo, curator of the MEG's Oceania Department, explains that she makes the conscious choice to welcome descendants of the source communities by clarifying that it is *their* objects that they are going to see. Along the same lines, the CMP states that "[t]he MEG encourages the indigenous peoples to visit the museum and to look at *their* cultural property" (emphasis added).[34] Restoring access represents the first step to understanding decolonizing initiatives as a necessarily collective practice.[35] Importantly, the right of access also entails the right to exclude objects and contents from public availability. The CMP addresses this aspect by providing a disclaimer that clarifies how certain information from the MEG's database might not be available to the public because it concerns ritual or ceremonial activities that, according to the communities of origin, should not be accessed based on age, gender, initiation, or status.[36] For a Western sensibility, such limitations appear arbitrary and potentially discriminatory; its understanding requires a substantial shift of perspective and the embracement of an alternative relational paradigm to the objects in the collections.

Reactivation and display

One of the most innovative aspects of the CMP is arguably the guidance it provides with respect to the reactivation of the museum's collections.[37] Objects from colonized communities are bearers of meanings and spiritualities that often were severed by the violence that marked their initial acquisition.[38] In *Encounters*, journalist and analyst Kanyana Mutombo, born in the Democratic Republic of Congo, denounces that many of the objects he encountered in the museum had been deactivated, or chose to deactivate themselves. Importantly, he observes that "what has fallen asleep can reawaken."[39] In a similar way, artist Deneth Piumkshi Veda Arachchige from Sri Lanka laments that the Nāga-Kanyā kolam theater mask from the MEG's collections has been silenced and imprisoned behind a glass box. The mask

[31] *See* Bolton 2023, 331–32.
[32] On museums and inclusivity, see Ariese and Wróblewska 2021, 37–50.
[33] MEG 2022, 20.
[34] MEG 2022, 27.
[35] Macdonald 2022, 15.
[36] MEG 2022, 21.
[37] MEG 2022, 24-25.
[38] Snickare 2022, 25.
[39] Colombo Dougoud and Berlamont-Equey 2024, 41.

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"needs to breathe", yet its permanence within the museum has caused it to become disconnected from the daily life of its people.[40] These and other testimonies from *Encounters* highlight one of the fundamental paradoxes of ethnographic institutions engaged in decolonization, as they attempt to consciously manage objects that were not created nor imagined to sit in a museum.[41] Durand's suggestion to address this paradox is to view these objects not only in space but also in time. When seen in the context of an ongoing process, the discomfort caused by their presence in the museum can be attenuated by recognizing that they might not remain there permanently or that their meaning and status might eventually be resolved with guidance from the source communities and their representatives. In this perspective, the CMP acknowledges the relational nature of such objects and sanctions their interaction with groups or individual members of the source communities, as well as artists or interpreters. Moreover, it recognizes that an object's meaning is realized through its association with the intentions of its intended users. Nevertheless, these guidelines continue to frame the preservation of the physical integrity of the objects as the ultimate constraint on such interactions. Here, the paradox emerges once more as the museum imposes its own standards and assessment on the risk analysis of damage or destruction. This tension reflects the challenge of reconciling moral and ethical responsibilities toward source communities with Western constructs of due diligence and a duty of care, which traditionally bind museums primarily to their own reference communities.[42] Yet, this conservationist paradigm ultimately promotes the blunt reification of objects, which may have been intended to serve a very different cultural function.[43]

The display and visibility of these objects also play an important role in their reactivation. Present narratives are often botched, due to an original disjuncture between collectors and curators,[44] and need rethinking. In this context, the voices from the communities of origin prove once again crucial. The act of display concerns not only the placement and arrangement of objects but also the museum's atmosphere(s), which Bjerregaard defines as "the in-betweenness of objects and subjects."[45] Crucial to this aspect are the choices of topics that the museum decides to address.[46] *Remembering*, for example, focused on Geneva in the colonial world. Visitors were greeted by questions printed in imposing letters on the walls, such as "how did the museum profit from colonial violence?" The exhibition set clear and specific goals, developed through selected themes such as the fight against collection anonymity, the hypocrisy of "civilization," and the roots of current systems of wealth distribution. This path involved objects from the museum's collection as well as contemporary artistic perspectives in order to investigate the role and authority of museums in times of decolonization. Blick Bassyan's art installation "Le Casque décolonial," for example, presented 11 helmet-calabashes, each bearing a poem-message, which embody "a journey from roots to rebirth through resistance."[47] *Remembering* also invited visitors to reflect upon their own relationship to slavery. An interactive installation introduced various words (*activism*, *discomfort*, *humiliation*, *indifference*, *hate*, etc.) that formed a circle; four lines of thread of different colors hang underneath it, each corresponding to a specific personal situation: "my ancestors were enslaved," "my ancestors took part directly or indirectly in

[40] Colombo Dougoud and Berlamont-Equey 2024, 29.

[41] With respect to the Benin Bronzes in Western museums, Hicks 2020, 5 denounces: "[t]he silence and stillness are not natural conditions for the displaced objects on display here."

[42] Gould 2021, 190.

[43] On this point see Yu 2022, 306–07 discussing the case of the Igbo mbaris in Nigeria.

[44] Rowlands, Stanley, and Were 2025, 3–4.

[45] Bjerregaard 2015, 75.

[46] Ariese and Wróblewska 2021, 22.

[47] MEG 2024.

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slavery," "I don't feel directly concerned by this history," and "I don't know what my links to slavery are." Visitors were asked to use the thread that corresponded to their situation and, starting from the center of the circle, connect it to the words that resonated with them. This piece not only rendered visitors active creators in the exhibition but also provided an increasingly rich perspective on the audience of the museum, as participants became themselves the object of the exhibition's study. The active engagement of visitors in the discussion on decolonization constitutes a fundamental practice of decolonization in its own right. The structural entrenchment of colonial narratives within modern societies requires museums to solicit an active public engagement, thereby triggering what Macdonald defines as a form of "critical self-reflexivity."[48] In this regard, temporary exhibitions provide a fertile space for praxiological museology,[49] although permanent collections, such as the MEG's *The Archives of Human Diversity*, should remain central to this process of restructuring.

Decolonization and intellectual property

In Durand's view, intellectual property (IP) constitutes a crucial tool for reframing the contrasting entitlements to the museum's collection. This perspective opens the door to a reconsideration of ownership, access, and ethical responsibilities in museum practices. From a legal perspective, the operationalization of this approach is still ongoing and depends largely on the reconceptualization of IP rights within the framework of human rights law.[50] Existing international law instruments create an initial infrastructure for the recognition and enforcement of the source communities' IP rights, although national implementation remains limited. Article 27(1) of the *Universal Declaration of Human Rights*, for example, protects the right to take part in the cultural life of the community and to enjoy the arts, while Article 27(2) recognizes the right to the protection of the moral and material interests resulting from one's own scientific, literary, or artistic production. The 2007 *United Nations Declaration on the Rights of Indigenous Peoples*' Articles 11 and 12 codify – among others – the Indigenous people's rights to maintain, protect, and develop "manifestations of their cultures," such as artefacts and designs, and the right to use and control their ceremonial objects. The 2003 United Nations Educational, Scientific and Cultural Organization (UNESCO) *Convention for the Safeguarding of the Intangible Cultural Heritage* recognizes the cultural value of knowledge and traditions and the importance of individual and group participation for their management and transmission. Since 2000, the World Intellectual Property Organization (WIPO) also hosts an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. These instruments however are not designed with the aim of addressing (physical or intellectual) proprietary claims on tangible cultural objects, but rather protect Indigenous heritage in its broader form, spanning from traditional knowledge to genetic material.[51]

The interaction between IP rights and the actual control of cultural objects therefore remains problematic.[52] Pursuing decolonization through IP requires an expansive interpretation of this branch of the law that fundamentally alters its original rationales,[53] coupled with a targeted and clearly delineated application. The CMP, on the contrary, simply

[48] Macdonald 2022, 8.

[49] Shelton 2013, 7.

[50] See, in general, Yu 2007.

[51] They problematize, in particular, the industrial exploitation of "indigenous knowledges"; on this point, see in general Jajj 2018.

[52] Torsen and Anderson 2010, 13–15.

[53] Boyle and Jenkins 2024, 1–42. Several IP rules, such as the exceptions carefully tailored to traditional IP rationales, would also require adaptation, as observed by Torsen and Anderson 2010, 43–45.

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envisions a "right to be consulted" operating in favor of the source communities; the museum's duty to obtain prior consent before using or authorizing the use of Indigenous cultural property; the prohibition against knowingly making available cultural material that is secret or sacred without the explicit consent of the relevant Indigenous representative(s); the Indigenous peoples' right to derive financial benefits from the marketing of products based on their cultural property – although no further specifications regarding rates or conditions are provided.[54] With the exception of the last point, these provisions resemble what in IP law are defined as moral rights. This section of the CMP, however, shifts in and out of IP terminology, leaving it confused and markedly underdeveloped. While it promotes the source communities' participation in how their cultural heritage is displayed and shared with the public, it fails to realize full Indigenous sovereignty over the museum's collections, since the museum's director retains the final say in cases of disagreement.[55] From a legal perspective, a more ambitious project would require the creation of new ad hoc IP rights, which should be rooted in the determinations of Indigenous communities and exempt from time limitations.[56] Such a project entails the radical reconceptualization of the museum's right of ownership, perhaps through its transformation in detentorship or in a form of guardianship. According to Durand, inspiration for the creation of such new categories of law might come from the experiences of source communities in the United States, Canada, and New Zealand. The Museum of New Zealand Te Papa Tongarewa, for example, implements the Māori concept of Mana Taonga, acknowledging the spiritual and cultural connections communities have to collection items. This framework creates a truly shared authority over the taonga, or cultural treasures.[57]

Restitution

Decolonization of cultural property may require its restitution.[58] In mainstream media, the term has become somewhat of a buzzword, particularly following the publication of the Sarr-Savoy Report, which advocated for the return of thousands of artworks from an institutional standpoint.[59] This practice, however, continues to be viewed with some suspicion within the museum community, which in large part still suffers from the "empty showcase syndrome" – the fear that any individual restitution might trigger a snowball

[54] MEG 2022, 26–28.

[55] MEG 2022, 27. On the concept of Indigenous sovereignty, see Walter et al. 2019.

[56] Yu 2022, 305. On the conceptual relation between the public domain and the intergenerational nature of traditional cultural expressions, see Torsen and Anderson 2010, 37–38.

[57] Mallon 2025, 91.

[58] In the museum context, this operation is defined by a series of terms – restitution, repatriation (or rematriation), return – that are often used interchangeably, despite their distinct legal meanings. In the absence of consensus regarding their cultural connotations, and to avoid confusion, this paper consistently employs the term "restitution" to denote the transfer of ownership from a museum or other institution to the source community (or its representatives).

[59] Sarr and Savoy 2018. This report was commissioned by French President Emmanuel Macron, following a speech he gave in November 2017 at the University of Ouagadougou in Burkina Faso, in which he emphasized the need to renew attention to African cultural objects held by French and European institutions, making the issue "particularly public"; Bolton 2023, 319–20. In recent years, the debate around restitution seems to have penetrated into popular culture: the 2018 Marvel blockbuster *Black Panther*, for example, introduced the character of Killmonger as he retrieves an artefact looted in Benin but originally manufactured in the fictional state of Wakanda from an equally fictional Museum of Great Britain. In 2024, the documentary film *Dahomey*, which follows the restitution of 26 royal treasures from Paris to present-day Benin, won the Golden Bear at the Berlin Film Festival. In 2025, game developer Nyamakop announced the release of a video game titled *Relooted*, which centers on a museum heist in which players retrieve African artefacts from Western museums; Yasmin 2025.

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effect, ultimately leaving the museum empty.[60] Nevertheless, major international museums have come under significant pressure to return art that was looted or otherwise acquired as part of colonial occupations.[61] In Durant's view, museums should instead engage with provenance research in a proactive manner, reaching out to source communities to jointly discuss restitution options.[62] From this perspective, the mere digitalization and online publication of museum collections is often insufficient to spark a genuine discussion on restitution, as such information may never reach the source communities. Moreover, the MEG's practice is not to contact state representatives directly but rather to first engage with local communities or national museums. This happens through the curators' networks, as well as through the help of nongovernmental organizations such as Local Contexts, which provides copies of the museums' database to the communities concerned.[63] This protocol allows the MEG to avoid the risk of failing to establish a direct relationship with the Indigenous people themselves.

From an administrative perspective, restitution is rarely a straightforward process. In the case of the MEG, it requires the involvement of both the administrative council and the municipal council of the City of Geneva, making it inevitably subject to political will. In this context, loan agreements can offer a handy alternative to the transfer of ownership, at least on a temporary basis. Some commentators have been quite critical toward the idea of a loan in lieu of legal restitution, regarding it as a form of disrespect toward the traditional owners.[64] While each restitution case is unique, such a position seems to rely on an overly formalistic approach that fails to recognize the pragmatic benefits of this instrument, which museums can implement autonomously through direct engagement with source communities. The MEG for example adopted such a solution as early as 1992, at a time when the idea of restitution was far from its current understanding. In order to return a Momokai (Māori head) to New Zealand, the museum granted a permanent loan to the National Museum of New Zealand Te Papa Tongarewa, eventually transforming into a transfer of ownership in 2014.[65]

Recently, the idea of digital restitution has also gained traction.[66] The unitary treatment of this concept is complicated by the multiplicity of tools it may involve, ranging from photographs and audio recordings to 3D scans, virtual reality experiences, and online databases.[67] In addition, this practice has raised some pressing concerns of "museum washing," insofar as it might be used as a shortcut to avoid or avert attention from the genuine restitution of physical objects.[68] It also stirs the age-old debate based on Benjamin's

[60] van Beurden 2024, 13.

[61] Subotic 2023, 33.

[62] According to Durand and Colombo, the museum's experience illustrates that sometimes source communities might not want restitution at all on the basis of religious or traditional considerations.

[63] Local Contexts 2026. The museum also makes use of its position at the heart of Geneva, working in connection with WIPO and the Office of the High Commissioner for Human Rights. To contact the Marshall Islands, the MEG reached out to their Permanent Missions to the United Nations.

[64] See, for example, Moustaira 2025. According to the definition provided by the "Collection Management Policy," the "traditional owners" are the people who have the right, by virtue of custom and tradition, to be recognized as legitimate owners. MEG 2022, 30.

[65] Wastiau 2020, 35.

[66] Lixinski 2020, 65.

[67] Mohammed 2025.

[68] Mohammed 2025; Oruc 2023; Roodt 2022; Picci 2025. The expression "museum washing" borrows from the term "greenwashing," used to identify some companies' practice of manufacturing a false impression of the environmental impact or benefits of their products and processes in order to project a virtuous image while avoiding addressing environmental concerns. It is essential to recognize that the risk of dilution and "domestication" of decolonization is an issue that concerns the process of museum decolonization as a whole and, more in general, the progressive adoption and appropriation of this concept by Western scholarship. See Tuck and Yang 2012.

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position over the aura of objects mechanically reproduced.[69] Furthermore, from an IP perspective it might actually end up creating additional problems, as it poses the thorny question of the originality of the copies.[70] Digital restitution, however, may constitute a valid means of returning objects from the musical archives.

A crucial aspect, and indeed a *conditio sine qua non* for this new practice, lies in obtaining the prior consent of source communities to the process of digitalization. Moreover, Western institutions should not retain use of digital items once they have been returned, so as not to perpetuate a form of "digital colonialism" that would completely frustrate the purpose of the entire operation.[71] The MEG's experience provides a practical litmus for these considerations: After returning two sacred objects to a source community in the United States, the museum was asked to erase the digital images of the returned objects from its database. By enforcing this kind of "right to be forgotten,"[72] the MEG addressed one of the main concerns associated with digital restitution – namely, that it often fails to entail a genuine shift of power.

Finally, any discussion of restitution by museums should also engage with the local diasporas. These communities might have an interest – and a right – to oppose restitution. This dynamic was recently highlighted by the US case *Farmer-Paellmann v. Smithsonian Institution*,[73] where a New York nonprofit dedicated to securing justice for the transatlantic enslavement of African people fought in court against the return of 29 Benin Bronzes to Nigeria from the Smithsonian Institution in Washington, DC. In Durand's experience, however, diaspora communities initially interested in safeguarding their relationship with the museum objects end up agreeing to their restitution. When this operation is contextualized within a framework that transcends the mere transfer of ownership, and is viewed instead as a form of remedy for past injustices or as the reactivation of the sacred nature of these objects, their loss becomes less painful.

Reframing the museum

The analysis of the MEG's experience highlights some recurring themes that characterize its process of decolonization. First of all, the management of the collections pays particular attention to the role of emotions. In a 2016 study of the collections' importance, for example, the assessment method not only considered the historical, artistic, or scientific value of the objects but also their emotional value and importance for the source communities.[74] The access policy warns visitors that the database contains names of deceased people, which can cause painful feelings.[75] The CMP also acknowledges that the museum's use of objects from its collections might cause anxiety in Indigenous people, who therefore should be recognized with an active role in the management decisions.[76] Recognizing emotions as part of the collection management enables the creation of "affective encounters" that contribute to the process of reparation of historical injustices.[77] As highlighted by Saab, emotions have a role

[69] Benjamin 1969, 217–251; for a critical analysis of the intertemporality of this argument, however, see Vassilev 2023.

[70] Oruc 2023.

[71] Mohammed 2025.

[72] MEG 2018.

[73] *Farmer-Paellmann v Smithsonian Institution*, 2022 WL 17976505 (United States District Court, District of Columbia, 2022).

[74] MEG 2022, 9.

[75] MEG 2022, 21.

[76] MEG 2022, 26.

[77] Bolton 2023, 331.

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to play in the creation and evolution of law;[78] decolonization of cultural property might particularly benefit from a structural exploration of this interaction, in order to rebuild a relationship of trust with source communities.[79]

Second, the MEG focuses its attention on the issue of consent. The CMP uses the principle of prior consent as a guiding criterion to ensure that uses of cultural properties from the collections do not perpetuate colonial dynamics and to rebuild Indigenous sovereignty over their objects.[80] Consent is also one of the main themes of *Encounters*. For this space, Amel Merabet, a Swiss lawyer of Algerian descendant, selected a photograph from the MEG's archive that is purposefully not shown to the visitors. The photograph in question depicts a young woman from a camp un Tunisia, whose image was captured without her consent in the name of "scientific" progress. The choice to introduce this photograph through its absence highlights the violence, racism, and sexism it represents.[81] Putting the focus on consent, rather than legality, also allows circumventing positivist arguments concerning the formal validity of transfers of ownership under the laws in place at the time of the initial acquisitions of these objects.[82] From this perspective, Durand views favorably the association between the discussion on the restitution of colonial cultural property and that of Nazi-looted art. In the latter context, it is widely acknowledged that, although some transfers were cloaked in a veneer of legality, their underlying nature was profoundly illicit.[83]

Finally, the MEG engages in what Ariese defines as "decentering":[84] a shift of narratives and processes that triggers reflections, both within the museum and in its audience. As illustrated, this process takes a variety of forms and can, at times, cause discomfort.[85] Ultimately, it relies on what sociologist Niklas Luhmann described as "second-order observing," which is predicated on the observation of the observers.[86] Such process allows identifying the colonial epistemological biases of the ethnographic museum and proceeding with their deconstruction.

Conclusions

In contemporary discourse, museums are increasingly regarded not as neutral actors but as central agents within the decolonization movement. Ethnographic institutions, in particular, are compelled to confront the colonial structures of knowledge production and power appropriation that they contributed to create. Against this backdrop, the MEG represents an interesting case study for the decolonization of cultural property, and its practical experience offers numerous insights into the actual functioning of a museum dealing with a tangible and intangible colonial heritage. Through the CMP, this museum attempts to operationalize the general principles adopted by the *Strategic Plan 2020–2024*. From the acquisition policy to restitution processes, and encompassing issues of collection access,

[78] See Saab 2021; Bianchi and Saab 2019.

[79] Macdonald 2022, 10.

[80] MEG 2022, 27.

[81] Colombo Dougoud and Berlamont-Equey 2024, 54.

[82] This argument is already under attack by part of the modern scholarship: see LeGall and Machona 2022; Danda 2024; Goldmann 2024.

[83] Switzerland is currently in the process of establishing an independent commission for cultural property "au passé problématique," which is set to address questions concerning both Nazi-looted art and objects of colonial provenance. See Federal Council 2023. "Le Conseil fédéral institue une commission indépendante pour le patrimoine culturel au passé problématique." November 22, 2023. Accessed April 30, 2025. https://www.news.admin.ch/fr/nsb?id=98818.

[84] Ariese and Wróblewska 2021, 51–66.

[85] Decolonization entails unsettlement and cannot be expected to be "easy, feel-good work," as put by Lee 2022, 22.

[86] Luhmann 1993.

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display, and reactivation, the CMP enacts a deliberate shift in the narratives surrounding the cultural objects in its care. This intervention, however, is not without limitations, particularly in its conceptualization of Indigenous intellectual property rights over the collection. Nevertheless, the CMP's operationalization of elements such as human emotions, the principle of consent, and marginalized narratives can inspire legal scholars to develop nontraditional approaches to the regulation of cultural property informed by its decolonization.

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Bibliography

Ariese, Csilla, and Magdalena Wróblewska. 2021. *Practicing Decoloniality in Museums: A Guide with Global Examples*. Amsterdam: Amsterdam University Press.

Benjamin, Walter. 1969. *Illuminations: Essays and Reflections*. New York: Schokenbooks.

Berger, Martin E. 2021. "Between Policy and Practice. The Impact of Global Decolonization on the National Museum of Ethnology, Leiden. 1960–1970." In *Museums, Collections and Society*, edited by H. O'Farell and P. J. ter Keurs, 81–96. Leiden: Sidestone Press.

Bianchi, Andrea, and Anne Saab. 2019. "Fear and International Law-Making: An Exploratory Inquiry." *Leiden Journal of International Law* 32(3): 351–66.

Bjerregaard, Peter. 2015. "Dissolving Objects: Museums, Atmosphere and the Creation of Presence." *Emotion, Space and Society* 15: 74–81.

Bolton, Lissant. 2023. "Objects, Knowledge, and Museums: Reflections on the Endangered Material Knowledge Programme." In *Ownership of Knowledge: Beyond Intellectual Property*, edited by D. Schäfer, A. Mamidipudi, and M. Buning, 319–42. Cambridge, Massachusetts: The MIT Press.

Boyle, James, and Jennifer Jenkins. 2024. *Intellectual Property: Law & the Information Society—Cases & Materials; An Open Casebook*. Accessed 30 April 2025. https://law.duke.edu/cspd/openip.

Broekhoven, Laura Van. 2019. "On Decolonizing the Museum in Practice." *Journal of Museum Ethnography* 32: 1–10.

Chakrabarty, Dipesh. 2008. *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton, NJ: Princeton University Press.

Chwatal, Christoph. 2018. "Decolonizing the Ethnographic Museum." *Art Papers*. Accessed 30 April 2025. https://www.artpapers.org/decolonizing-the-ethnographic-museum/.

Colombo Dougoud, Roberta, and Laurence Berlamont-Equey. 2024. *Encounters. Exhibition Brochure*. Geneva: Musée d'ethnographie de Genève.

Curry, Andrew, Matthew W. Chwastyk, Richard Barnes, and Ryan Morris. 2023. "Going Home— Returning Treasures to Where They Came From Isn't Closing Museums. It's Opening New Doors." *National Geographic*. Accessed 30 April 2025. https://www.nationalgeographic.com/photography/article/behind-the-cover-march-repatriation-artifacts.

Danda, Clemens. 2024. "Restitution of African Cultural Heritage: Revisiting Natural Law Concepts of Statehood and Property in the Context of Colonial Spoliation." *International Journal of Cultural Property* 31(1): 102–23.

Duarte, Alice. 2024. "Can We Accept Today That the Museum Continues to Convey Colonial Ideology? An Analysis of Two Fundamental European Instruments to Decolonize Museums." *Collections: A Journal for Museum and Archives Professionals* 20(4): 617–42.

Durand, Carine Ayélé, and Peter Bille Larsen. 2024. "Decolonializing a Museum of Ethnography? A Conversation with Carine Ayélé Durand, Director of the Museum of Ethnography in Geneva." *American Anthropologist* 126(2): 355–57.

Forsdick, Charles. 2001. "Travelling Concepts: Postcolonial Approaches to Exoticism." *Paragraph* 24(3): 12–29.

Gerstenblith, Patty. 2023. *Cultural Objects and Reparative Justice: A Legal and Historical Analysis*. Oxford: Oxford University Press.

Goldmann, Matthias. 2024. "The Ambiguity of Colonial International Law: Three Approaches to the Namibian Genocide." *Leiden Journal of International Law* 37(3): 580–607.

Gould, Emily. 2021. "The Deaccession Debate in Uncertain Times." *Art Antiquity and Law* 3: 189–213.

Grechi, Giulia. 2021. *Decolonizzare Il Museo. Mostrazioni, Pratiche Artistiche, Sguardi Incarnati*. Milano: Mimesis.

Harrison, Rodney. 2013. *Heritage: Critical Approaches*. Milton Park, Abingdon: Routledge.

Hicks, Dan. 2020. *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution*. London: Pluto Press.

https://doi.org/10.1017/S0940739126100320 Published online by Cambridge University Press

Jajj, Mandeep. 2018. "'Indigenous Knowledges': Issues of Commodification, Privatization, and Intellectual Property Rights." In *Indigeneity and Decolonial Resistance*, edited by G. J. S. Dei and C. Jaimungal, 95–110. Bloomfield: Myers Education Press.

Kasibe, Wandile. 2020. "*Museums and the Construction of Race Ideologies: The Case of Natural History and Ethnographic Museums in South Africa*." PhD diss., University of Cape Town.

Kassim, Sumaya. 2017. "The Museum Will Not Be Decolonised." *Media Diversified*. Accessed 30 April 2025. https://mediadiversified.org/2017/11/15/the-museum-will-not-be-decolonised/.

Lee, Shimrit. 2022. *Decolonize Museums*. New York: OR Books.

LeGall, Yann, and Gwinyai Machona. 2022. "Possessions, Spoils of War, Belongings. What Museum Archives Tell Us About the (Il)Legality of the Plunder of African Property." *Verfassungsblog*. Accessed 30 April 2025. https://verfassungsblog.de/possessions-spoils-of-war-belongings/.

Lixinski, Lucas. 2020. "Digital Heritage Surrogates, Decolonization, and International Law: Restitution, Control, and the Creation of Value as Reparations and Emancipation." *Santander Art and Culture Law Review* 6(2): 65–86.

Local Contexts. 2026. "Local Contexts." Accessed April 30, 2025. https://localcontexts.org/.

Luhmann, Niklas. 1993. "Deconstruction as Second-Order Observing." *New Literary History* 24: 163–782.

Macdonald, Brandie. 2022. "Pausing, Reflection, and Action: Decolonizing Museum Practices." *Journal of Museum Education* 47(1): 8–17.

Mallon, Sean. 2025. "'We hate ethnography …': curating beyond description in a post-colonial museum." In *Reframing the Ethnographic Museum: Histories, politics and futures*, edited by M. Rowlands, N. Stanley, and G. Were, 92–114. University College London Gower Street London: UCL Press.

McAuliffe, Padraig. 2022. "Complicity or Decolonization? Restitution of Heritage from 'Global' Ethnographic Museums." *International Journal of Transitional Justice* 15(3): 678–89.

Merryman, John Henry. 1986. "Two Ways of Thinking About Cultural Property." *The American Journal of International Law* 80(4): 831–53.

Mohammed, Ahmad. 2025. "Beyond Access: Rethinking Ownership, Justice, and Decolonization in Digital Repatriation Initiatives." *The Heritage Management Organization*. Accessed 30 April 2025. https://heritagemanagement.org/beyond-access-rethinking-ownership-justice-and-decolonization-in-digital-repatriation-initiatives/.

Moustaira, Elina. 2025. "The Contribution of Postcolonial Theory to the Cross-Border Protection of Indigenous Cultural Heritage." Paper presented at Workshop on Cross-Border Protection of Cultural Property, 28 February 2025.

Musée d'ethnographie de Genève (MEG). 2018. "Everything You Need to Know About the 'Right to Be Forgotten.'" *GDPR.Eu*. Accessed 30 April 2025. https://gdpr.eu/right-to-be-forgotten/.

———. 2022. "Collection Management Policy." 30 Accessed April 2025. https://www.meg.ch/en/research-collections.

———. 2024."The Decolonial Helmet." Accessed 30 April 2025. https://colonialgeneva.ch/le-casque-decolonial.

———. 2026a. "Encounters." Accessed 30 April 2025. https://www.meg.ch/en/exhibitions/encounters.

———. 2026b. "Remembering. Geneva in the Colonial World. Temporary Exhibition. 3 May 2024 - 5 January 2025." Accessed 30 April 2025. https://colonialgeneva.ch/accueil-en.

———. 2026c. "Strategic Plan 2020–2024." Accessed 30 April 2025. https://www.meg.ch/en/about-us/strategic-plan-2020-2024.

Oruc, Pinar. 2023. "Who Holds Copyright in 3D Copies of Repatriated Cultural Heritage?" *Kluwer Copyright Blog*. Accessed 30 April 2025. https://copyrightblog.kluweriplaw.com/2023/01/05/who-holds-copyright-in-3d-copies-of-repatriated-cultural-heritage/.

Peers, Laura L., and Alison K. Brown. 2003. *Museums and Source Communities: A Routledge Reader*. London: Routledge.

Peters, Robert. 2020. "Nationalism Versus Internationalism: New Perspectives Beyond State Sovereignty and Territoriality in the Protection of Cultural Heritage." In *Intersections in International Cultural Heritage Law*, edited by A.-M. Carstens and E. Varner, 364–88. Oxford: Oxford University Press.

Picci, Giulia. 2025. "The Promises and Perils of Virtual Repatriation." *The Berkeley Art Law and Finance Project Blog*. Accessed 30 September 2025. https://www.law.berkeley.edu/research/business/art-law-finance-project/blog/.

Roodt, Christa. 2022. "The Role of Digital Technology in the Restitution of Cultural Artifacts." *Georgetown Journal of International Affairs*. Accessed 30 April 2025. https://gjia.georgetown.edu/2022/07/18/the-role-of-digital-technology-in-the-restitution-of-cultural-artifacts/.

Roppola, Tiina. 2014. *Designing for the Museum Visitor Experience*. New York: Routledge.

Rowlands, Michael, Nick Stanley, and Graeme Were. 2025. *Reframing the Ethnographic Museum: Histories, Politics and Futures*. University College London Gower Street London: UCL Press.

Saab, Anne. 2021. "Emotions and International Law." *ESIL Reflections* 10(3). Accessed 30 April 2025. https://esil-sedi.eu/esil-reflection-emotions-and-international-law/.

Said, Edward W. 1978. *Orientalism*. London: Penguin Books.

Sandell, Richard. 2007. *Museums, Prejudice and the Reframing of Difference*. London: Routledge.

https://doi.org/10.1017/S0940739126100320 Published online by Cambridge University Press

Sarr, Felwine, and Bénédicte Savoy. 2018. *The Restitution of African Cultural Heritage: Toward a New Relational Ethics. Report to the President of the French Republic.* Accessed 30 April 2025. http://restitutionreport2018.com.
Shelton, Anthony Alan. 1997. "The Future of Museum Ethnography." *Journal of Museum Ethnography* 9: 33–48.
———. 2013. "Critical Museology: A Manifesto." *Museum Worlds: Advances in Research* 1: 7–23.
Snickare, Mårten. 2022. "The Spaces of Colonial Objects: The Colonial World and the Kunstkammer." In *Colonial Objects in Early Modern Sweden and Beyond*, edited by Mårten Snickar, 25–38. Amsterdam University Press.
Stahn, Carsten. 2023. *Confronting Colonial Objects: Histories, Legalities, and Access to Culture*. Oxford: Oxford University Press.
Subotic, Jelena. 2023. "Scholars and the Politics of International Art Restitution." *Contemporary European History* 32(1): 33–37.
Torsen, Molly, and Jane Anderson. 2010. *Intellectual Property and the Safeguarding of Traditional Cultures: Legal Issues and Practical Options for Museums, Libraries and Archives*. Geneva: World Intellectual Property Organization.
Tuck, Eve, and K. Wayne Yang. 2012. "Decolonization Is Not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1: 1–40.
van Beurden, Jos. 2024. *The Empty Showcase Syndrome: Tough Questions About Cultural Heritage from Colonial Regions.* Amsterdam: Amsterdam University Press.
Vassilev, Kiril. 2023. "The Aura of the Object and the Work of Art: A Critical Analysis of Walter Benjamin's Theory in the Context of Contemporary Art and Culture." *Arts* 12 (2): 59.
Vergès, Françoise. 2024. *A Programme of Absolute Disorder*. Northampton, England: Pluto Press.
Walter, Maggie, Vanessa Lee, Tahu Kukutai, and Ray Lovett. 2019. "Delivering Indigenous Data Sovereignty." Accessed 30 April 2025. https://aiatsis.gov.au/publication/116530.
Wastiau, Boris. 2020. "La longue décolonisation des collections Du Musée d'ethnographie." *CAMPUS* 140: 35–39.
Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8(4): 387–409.
Yasmin, Shahana. "New Video Game Lets You Steal Back African Artefacts from Museums that Took Them," *Independent*, 28 June 2025. https://www.independent.co.uk/arts-entertainment/art/relooted-video-game-steal-african-artifacts-museums-b2778222.html.
Yu, Peter K. 2007. "Reconceptualizing Intellectual Property Interests in a Human Rights Framework." *UC Davis Law Review* 40: 1047–75.
———. 2022. "Intellectual property, cultural heritage, and human rights." In *Research Handbook on Intellectual Property and Cultural Heritage*, edited by I. A. Stamatoudi, 295–311. Cheltenham, UK: Edward Elgar Publishing Limited.

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