



United Nations
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With the support of the UNESCO Office in Moscow
for Armenia, Azerbaijan, Belarus,
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Cultural Cooperation



INTERNATIONAL COUNCIL OF MUSEUMS
CONSEIL INTERNATIONAL DES MUSEES

ГОСУДАРСТВЕННЫЙ
ЭРМИТАЖ
The State Hermitage Museum

DEVELOPMENT OF MUSEUM LEGISLATION AS A BASIS FOR NATIONAL AND INTERNATIONAL MUSEUM POLICY AND A FACTOR FOR MUSEUM PRACTICE DEVELOPMENT

POLICY BRIEF



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DEVELOPMENT OF MUSEUM LEGISLATION AS A BASIS FOR NATIONAL AND INTERNATIONAL MUSEUM POLICY AND A FACTOR FOR MUSEUM PRACTICE DEVELOPMENT

Moscow, 2014

This publication is prepared by the Russian Committee of the International Council of Museums in consultation with the State Hermitage Museum and with the participation of experts from the Commonwealth of Independent States, as part of the UNESCO/IFESCCO Pilot Project «Running a Museum – XXI Century: Thematic Regional Capacity-building UNESCO/ICOM Trainings and Expert Meetings for CIS Countries» (2011–2014).

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Moscow, 2014

Produced with the financial support of the UNESCO Moscow Office and Intergovernmental Foundation for Educational, Scientific and Cultural Cooperation (IFESCCO).

The authors are responsible for the choice and the presentation of the facts contained in this publication and for the opinions expressed therein, which are not necessarily those of UNESCO and IFESCCO and do not commit the Organizations.

This publication is a gift edition and its distribution shall be free.

ISBN 978-5-93322-082-4

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THE CONTEXT AND THE SIGNIFICANCE OF THE ISSUE

Within the last forty years museums have experienced a number of significant changes, which pose new tasks and challenges in their management related to the strategy of development, policy, practice and the legislative basis of museum activities. According to the report «New Possible Standard-Setting Instrument for the Protection and Promotion of Museums and Collections», which was made on UNESCO request in 2012, worldwide museum number grew from 22,000 in 1975 to 55,000 presently. They continue to carry out their main function of preservation, study and promotion of collections at a new level.

More and more emphasis in museum practice at the national and international levels and in the practice of inter-museum and cross-sectoral interaction is put on issues of the origin and history of cultural property not only in terms of the development of scholarly knowledge about the objects, but also in terms of following legislative and ethical norms. The above concerns relate to such issues as confirmation of legality of trade in the objects, legitimate possession and inclusion of cultural property in museum and private collections, the conscientiousness of specialists, experts, collectors and dealers in their work with available sources of information, their following of professional ethical codes, and other aspects.

The growth in the number of museums, the development of museum practice and social activism of museums, and their technical equipment and concomitant leisure infrastructure contributes to the attraction of a larger and more diverse audience, real and virtual visitors of various ages, knowledge levels, sophistication, and of different ethnic and religious backgrounds.

Museums are compelled by circumstances to adapt their program, their permanent and temporary exhibitions, the forms of presentation of museum objects, and the language of their communication with the public to the new realities and expectations of the audience. For example, the organization of open storage, and the large-scale presentation of museum collections and images of museum objects and information about them on the web, are becoming the norm. In order to cope with the growing flow of visitors, museums take different measures: they work seven days a week, introduce lengthened workdays, organize various events such as Museum Nights, Night of the Arts, special events in their neighbourhoods, etc.

The right to, and increase in the forms of access by citizens to cultural heritage does not diminish, but strengthens the museums' own responsibility for providing for the safety and integrity of collections and, what is no less important, the safety

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36th session of the World Heritage Committee,
Saint-Petersburg, Russia, 2012

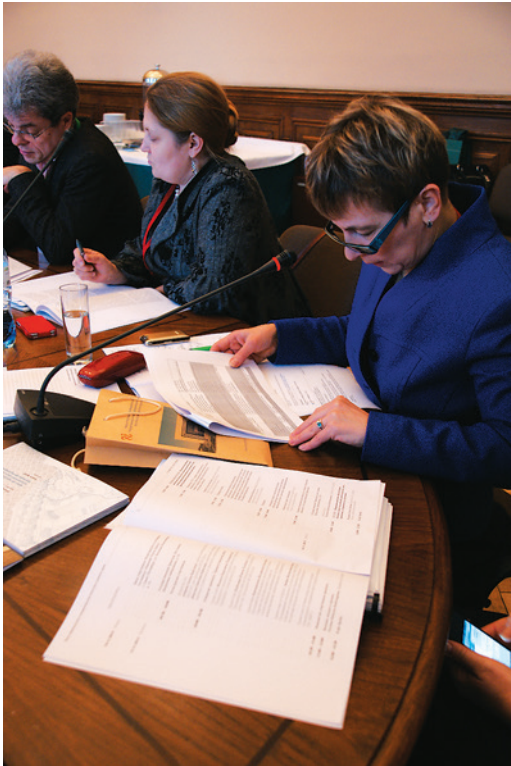
of visitors themselves, and also for informing the public about norms and rules the disregard of which results in administrative or even more severe sanctions.

Globalization, the development of various means of transmission, and improvement of logistics lead to an increase in international museum contacts such as exhibitions and conducting at the international level joint research and restoration work involving the temporary export and import of cultural property. The development of such activities results in the fact that more and more museums face such issues as proper insurance coverage, completion of customs formalities, and dealing with the requisite paperwork in compliance with the standards of the legislation of the countries involved in these exchanges that affect these issues.

Cultural property is continually subject to both legal and illegal trade, and one of the factors that drive this trade is the steady rise in the prices of antiques and lately also of contemporary art objects in the international legal and illegal art markets. Museums are assigned a significant role in the prevention of illegal trade and detection and return of the illegally exported and imported cultural property.

Issues whose solution lies not only with legislative enactments, but also in the realm of inter-museum ethics are becoming more and more urgent. Among them is the issue of returning to the country of its origin a cultural property that is already part of the museum's collection, in cases in which the question of the legality of its export and import cannot be answered categorically. Knowledge of the international legal enactments of the UN, UNESCO, Interpol, and UNIDROIT, of national legislation, and of specific precedents related to the aforementioned issues has an important practical significance for the necessary legal proceedings, and in some cases for making special decisions.

Museums have changed a lot in the last years, many of them having taken on a larger role and greater responsibility in the life of society, aspiring to be cultural leaders in the community. The preservation



of tangible and intangible cultural heritage is one of the main functions of museums. However, contemporary museums also have many other functional tasks. While preserving heritage, they transmit the memory and knowledge of different generations, and thus determine contemporary man's cultural perception of the world and shape his cultural behavior. Museums organize social activity and encourage creative activity, integrate and unite through culture various communities, combine various fields of knowledge in cross-sectoral projects, convey information, and offer various services.

Museums attract new audiences and use new forms of communication, contemporary languages, and new media-resources. Their innovative activity changes the way museums are perceived by society, provides better access to museum collections, develops knowledge about heritage, and strengthens their role in the area of education and leisure education. Museums strengthen cultural identity, promoting regional values in the time of globalization, support social unity and serve as mediators in the field of intercultural interaction, all tasks of vital importance under conditions of economic instability and the threats caused by crises.

Museums provide great benefit to society, educating, rendering services, and creating new resources for the local, regional, and

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national levels of the economy. They not only generate knowledge and offer educational services, but also provide income and create new jobs. Museums and heritage sites are significant factors in attracting tourists and contribute to the development of tourism, the fastest-growing sector of the economy in all countries. Investing in museums and their activities and personnel is an effective way to develop cultural tourism and improve its quality. During the last thirty years, according to the mentioned report, there has been a considerable growth of tourism in the world: from 277 million in 1980 to 990 million in 2011. In this context, museums play a leading role in the development of the economy, in attracting tourists, and in the growth of income.

Taking into account this immense growth in cultural tourism, it is necessary to develop guiding principles for a well-balanced approach to providing economic growth (through encouraging sustainable tourism with due consideration of interests of different categories of the population), which ensure preservation of cultural objects and cultural heritage as a whole.

During the last few decades, museums have been manifesting more and more actively a tendency toward a well-grounded «territorial supremacy» on the scale of cities, regions, and even countries, shaping their cultural identity and acquiring

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political authority. At the same time, the funding of the museum sector is subject to reconsideration, and government budget funding is being reduced, which leads to the necessity to seek charitable and sponsor support. Legislative instruments for raising funds and stimulating the support of culture by the private sector, and the moral encouragement of philanthropists can help museums in raising additional resources for their activities and development.

Increasingly often, museums face challenges occasioned by the media and Internet. This situation is related to the fact that the dissemination of information has undergone radical changes due to the development of the Internet and social networks. Museums use these media, develop new means of communication, and carry out various virtual projects. This, in its turn, causes museums more and more often to face issues of licensing, copyright protection, and the anti-piracy campaign.

The main aim of this Policy Brief is to analyze international law practice and special laws of the CIS countries in museums and culture heritage sector, to propose the recommendations in the development of the potential of museums of the CIS countries in the field of museum legislation.

ANALYSIS OF THE CURRENT SITUATION IN MUSEUM LEGISLATION OF CIS COUNTRIES

The basic international laws regulating museum activity are rather numerous: the regulatory instruments of the UN, UNESCO, European community, a number of global, international and European organizations concerning related fields of activities, international intergovernmental and bilateral agreements, and already enacted laws and draft laws of the CIS member states.

The essential international legal document directly regulating museum activities was adopted by UNESCO as early as 1960 – the Recommendations concerning the Most Effective Means of Rendering Museums Accessible to Everyone. This document was intended to regulate the accessibility of museums and their collections for different strata of society.

In addition, since 1960 a wide range of documents has been adopted, whose separate provisions are related to different areas of museums' activities in the preservation, protection, study, and promotion of cultural heritage. The following such documents can be mentioned: the Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property (1964); the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private works (1968); the Recommendation concerning

the Protection, at National Level, of the Cultural and Natural Heritage (1972); the Recommendation concerning the International Exchange of Cultural Property (1976); the Recommendation for the Protection of Movable Cultural Property (1978), etc. These regulatory instruments are advisory in nature.

The following international conventions aimed at preventing illicit trade of cultural property are of greatest importance in terms of ensuring the preservation of museum property: the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954); the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970); the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972); the World Customs Organization (WCO) International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (Nairobi, 1977); the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001), and a whole range of UNESCO recommendations.

The Convention on Stolen or Illegally Exported Cultural Objects (1995) of the International Institute for the Unification of Private Law (UNIDROIT), which complemented the 1970 UNESCO

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General Conference of the International Council of Museums (ICOM) in Rio de Janeiro, Brazil, 2013

conventions in terms of private law and became one of the chief documents used by law-enforcement agencies in combating illegal trade in cultural property, deserves special mention. The UNIDROIT Convention is characterized by a unified approach to the return of the stolen and illegally exported cultural property, private persons can be claimants, and any stolen cultural property is subject to the convention. This convention implies that cultural property coming from illicit excavations should be considered stolen (i.e., subject to restitution), and also illicitly exported cultural property is subject to restitution, if the plaintiff country has established that the property is of significant cultural importance to it.

The acuteness and importance of combating illicit trade in cultural property is demonstrated by the fact that the «black market» in cultural property remains in third place after illegal trade of arms and drugs, and the annual turnover in this market reached 6 billion euros in the 2000s. Such a situation led to the inclusion of these issues in the United Nations Palermo Convention against Transnational Organized Crime (2000) and the United Nations Convention against Corruption (2003). The adoption of these documents decisively demonstrated that the international community realizes the importance of combating illicit trade in cultural property and is ready to undertake measures against it at the level of intergovernmental interaction, coordinating the activities of various agencies on this front.

One of the informal ways of developing standards and norms of museum activities, including those related to their role in the area of preventing illicit trade of cultural property, is through codes of professional ethics. As examples, the following can be mentioned: the Code of Ethics for Museums of the International Council of Museums (ICOM) and the Code of Ethics for Dealers in Cultural Property (1999). These documents not only recommend the procedures for museum professionals and participants in the art market during the purchase and sale of antique objects and cultural property, and in lending, receiving, and exhibiting objects on temporary loan, but also provide practical recommendations

in case of discovering an instance of illicit export or stealth of cultural property. In spite of the advisory character of these documents, they have already demonstrated their effectiveness – quite a number of illegal deals have been prevented and a whole range of illicitly traded objects returned to their original owners.

Legislation on museums and cultural heritage preservation in the CIS member states is developed to different extents. However, the common legislative environment that previously existed guarantees that the tendency toward unification of legislation will prevail in the process of improving the standards that regulate the issues of export, import and transfer of ownership of cultural property, and also the standards related to providing protection of museum property in the CIS region.

Work on the unification of the legislation of the CIS countries is also carried out by the CIS Interparliamentary Assembly, which has adopted a number of model laws, for example, «On Cultural Heritage Sites» (adopted at the fifteenth plenary session of the Interparliamentary Assembly of the CIS member states on June 13, 2000, resolution № 15–12), and «On Culture» (adopted by the Interparliamentary Assembly of the CIS member states on December 4, 2004, resolution № 24–6).

The greatest progress in the intergovernmental interaction of the CIS member states has been achieved specifically in the area of combating illicit trade in cultural property. The adoption of the following documents was an important step forward in this field: the Agreement on Cooperation of Customs Services Concerning Detention and Return of Illegally Exported and Imported Cultural Property (1994), and the Decision on the Regulation of the Procedure for Return of Illegally Exported and Imported Cultural Property, approved by the heads of state of the CIS member states, the Intergovernmental Agreement on Import and Export of Cultural Property (2001), and the Agreement of Cooperation of the Member Nations of the Commonwealth of Independent States in Preventing the Theft of Cultural Property and in Ensuring Its Return (2007). All of these documents taken together with national laws permit the creation of a rather effective system of combating the illegal trade in cultural property.

The legislation of the Russian Federation in this area fully conforms to international standards and in some cases is even ahead of them. The basic documents are: Fundamental Principles of Legislation on Culture (1992), the Federal Law on Export and Import of Cultural Property (1993), and the Law on Museum Property of the Russian Federation (1995), and also the recent law «On the Introduction

of Amendments to Individual Legislative Enactments of the Russian Federation with Regard to the Suppression of Illegal Activities in the Field of Archeology» (2013) that could become a model law for all CIS member states, as the issue of preventing and combating the practice of illegal archeological excavations remains relevant for all CIS member states.

One of the most effective measures of preventing the illicit trade in cultural property is the introduction and improvement of systems of documentation of cultural objects (this fact is set forth in Resolution № 2 of the ICOM General Conference in Rio de Janeiro in August of 2013). At present, in their practical work, museums in all CIS countries rely on the Instruction on the Documentation and Storage of Museum Property in the State Museums of the USSR, which was approved as early as 1985 by the USSR Ministry of Culture and was a model document, but is now considerably outdated. The synchronized modernization by the CIS countries of this outdated document can help the Commonwealth member nations avoid mistakes that our colleagues in European countries could not avoid in developing their documenting systems at different times.

Another very serious challenge is the absence of a State Digital Catalogue of Museum Property of the CIS member states. The work on the catalogue is being carried out in the

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Official web-site of the State Catalogue of Museum Fund of Russian Federation
www.goskatalog.ru

Russian Federation, Kazakhstan, and Moldova, but is far from being completed. The development of such catalogues is one of the key elements in the control over the transfer of cultural property. When designing the catalogue, it is reasonable to use recommendations and best practices of the International Committee for Documentation, and at the very least the standard of museum object description in the ObjectID digital format. Moreover, it is important at the legislative level to spell out the necessity to match the State Catalogues with the databases of the law enforcement agencies of the CIS member states.

Issues related to the transfer of cultural property are not limited to the problems of preventing illicit trade. National governments should also provide access to museum collections and cultural property for all citizens, including citizens of foreign countries (the right of access to culture is secured in the Universal Declaration of Human Rights) while preserving the security of museum property and of citizens themselves. These standards are elaborated in more detail in the Declaration of Principles of International Cultural Cooperation (1966) and in the UNESCO Recommendation Concerning the International Exchange of Cultural Property (1976). In the second document, the member states are recommended to «adapt existing statutes or regulations or adopt new legislation or regulations regarding inheritance, taxation and customs duties and take all other necessary measures in order to make it possible or easier to carry out the following operations solely for the purposes of international exchanges of cultural property between cultural institutions:

(a) definitive or temporary import or export as well as transit of cultural property;

(b) transfer of ownership or derestriction of cultural property belonging to a public body or a cultural institution».

It should be noted that legal aspects of transfer of cultural property, both from the CIS countries and from foreign countries,



International Council of Museums (ICOM) and the World Intellectual Property Organization (WIPO) collaborate on the management of intellectual property issues, and on a mediation programme for the settlement of disputes in the area of cultural heritage and museums. www.wipo.int

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for the most part are the same, except Belarus and Kazakhstan, with which the Russian Federation has a common customs space (see – Customs Code of the Customs Union). However, in comparison to European countries the exchange of exhibitions between the museums of the CIS countries and Russia is far less. One of the factors causing this situation is difficulty in complying with all necessary requirements, formalities and paperwork (obtaining permission of the federal executive branch authority that supervises the cultural institution for it to lend out a museum object, getting immunity from seizure, compliance with special requirements concerning the physical preservation of the work of art, an indemnity policy covering the artworks for the entire loan period, etc.). However, the main obstacle is often a financial one; along with providing necessary transport equipment and transportation itself, the most expensive component is usually connected with the restoration and insurance of objects.

In this respect, the state guarantee of the preservation and timely return of cultural property and of indemnification are a generally recognized mechanism assisting the protection of cultural property and its more unhindered lending for temporary loans between museums both within and outside of the member states.

This principle was already stated in the aforementioned 1976 UNESCO Recommendations: «Member States should give special attention to the problem of covering the risks to which cultural property is exposed throughout the duration of loans, including the period spent in transport, and should, in particular, study the possibility of introducing government guarantee and compensation systems for the loan of objects of great value, such as those which already exist in certain countries».

Museums of the CIS member states do not encounter issues and problems related to copyright as often as it happens in Western Europe and the USA. However, even at the international level the interests of museums in this area are not protected as well as they should be. Thus, during the session of the World

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Intellectual Property Organization (WIPO), John McAavity, Chair of the ICOM Standing Committee on Legal Affairs, emphasized that copyright plays a more and more significant role in the life of museums, which encounter hundreds of cases of illegal dissemination of information. The number of disputed issues and lawsuits will gradually grow, and museums even now must look for ways to resist the unlawful use of images of objects from their collections, and the unauthorized reproduction of texts authored by museum employees. Estate-museums face the problem of guides who are not employed there and work without any license. All these issues, as well as issues of the relations between museums and international videographic data banks related to granting the right to use images of museum objects and museum collections, are regulated by national laws, which are very similar to each other and

are often close to international legislation. In practice, the problem is that museums of the CIS member states often do not have their own staff lawyer, and if they do, their lawyer does not specialize in copyright issues.

On the whole, differences in the legislation related to museum activities are beginning to gradually diminish, which is caused by the adoption by the CIS member states of a number of legal standards in recent years, and also by the ratification by individual countries of the UNESCO international conventions, which required these states to bring their national legislation into compliance with international law. Examples include the International Convention for the Safeguarding of Intangible Cultural Heritage (2003) and the Convention on the Protection of the Underwater Cultural Heritage (2001).

TASKS AND PROSPECTS OF THE DEVELOPMENT OF MUSEUM LEGISLATION AND THE MUSEUM COMMUNITY

One of the chief focus areas in the development of museum legislation worldwide is drafting a new UNESCO legal document aimed at ensuring the preservation and promotion of museums and their collections. This is necessary for the codification of the changes that have occurred in society, in the museum sector, and in the interaction between museums and society during the 50 years since the UNESCO Recommendations concerning the Most Effective Means of Rendering Museums Accessible to Everyone were adopted. The development of this document has already started; it is desirable for all the member states to begin active work and to formulate their attitudes to this document's provisions, and it is also necessary to involve museum specialists in this work.

The drafting of this legal document, which will correspond to contemporary reality, will help considerably improve the legal status of museums and collections in developing countries, and will also help standardize to the greatest possible extent the aspects of museum life that demand a unified approach.

As far as the fight with illicit trade in cultural property is concerned, several issues must be kept in mind when improving the legislation:

1. Improving the documentation and control over the collections and objects registered as belonging to the country's museum property, including timely inventorying and improving documentation systems, developing an effective system of marking museum objects, and maintaining at the national level unified universal registers of museum objects and cultural property based on international standards.

2. Providing outdoor security through improving safety systems for exhibiting objects, increasing the safety level of museum buildings and storage facilities, increasing the level of control and security systems for access of visitors and researchers to the museum building and its storage facility, and providing security for the sites of archeological excavations.

3. Ensuring internal security through training future museum professionals and retraining current employees (both in curatorial work and in working with catalogues and databases), including in the job responsibilities of museum specialists a knowledge of the basic legal documents, such as the basic international laws (UNESCO and UNIDROIT Conventions, ICOM Code of Ethics) and of the law as applied, and increasing control over the access to and work in collection storage facilities for museum personnel.



4. The legal base – participation in the improvement of the national and international legislation, improving instructions on the documentation and storage of museum objects, developing minimal standards of museum activity, and the detailed reworking of agreements for exhibition loans.

5. Conducting investigations through involving museum experts in the discovery of missing and stolen cultural property, and property being illegally traded; study of the origin and history of museum objects and cultural property offered to museums for purchase, temporary exhibition or for rendering expert opinions, etc.

6. Dissemination of information through developing the exchange of information and access to databases of law enforcement agencies for professionals, interacting with various entities and creating appropriate networks of information exchange at the national and international levels, interacting with the community of antiquarians and dealers, and monitoring information related to trade in antique objects.



For the development of new legislative enactments in the combating of illicit trade in cultural property at the national level, the experience of the Russian Federation on the development of Federal Law № 245 «On the Introduction of Amendments to Individual Legislative Enactments of the Russian Federation with Regard to the Suppression of Illegal Activities in the Field of Archeology» can be used.

In the process of improving customs legislation it is necessary to try and take account of the following: to provide benefits to the institutions of culture concerning reduced customs charges and taxes when artworks are returned after their restoration abroad, and in the case of small changes in the condition of the cultural property, to be able to transport the objects abroad for restoration as «temporarily loaned.» It is also necessary to regulate the transit and exchange of cultural property in such a way that it would enable museums of the CIS member states to have exhibitions in

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neighboring countries at minimal financial costs. It can be organized by means of simplifying or lessening the rates of customs procedures (or cancelling altogether the charges for cultural property), which will help in the future to create a common cultural space in the CIS region.

Bilateral and multilateral agreements between the states that provide protection of the cultural property sent to be exhibited at institutions of contracting states against any forms of seizure, arrest etc., during the period when the artworks are exhibited in the contracting state (i.e., immunity from seizure) are also important.

Measures of introducing state indemnity, namely, the legislative recognition in the national legislation of the CIS member states of the provision of state indemnity in case of damage of cultural property during the organization and implementation of exhibitions, should become an important instrument.

With regard to copyright, the following tasks should become a priority: bringing countries' national legislation into

compliance with international law, and increasing the awareness of museum employees about regulations concerning copyright issues, organizing capacity-building courses on this subject for museum specialists, and introducing the course «Copyright and Allied Rights» into professional training in museology. The opinion was expressed that it could be appropriate to create a center or a network of centers that could provide legal consultations and support to regional museums.

At the international level, the CIS member states should join the process that was launched at the latest meeting of the WIPO Standing Committee for Copyright and Related Rights concerning special research by WIPO concerning the museum sector. Based on the results of the research, recommendations will be developed to permit inclusion of the museum sector in a future international agreement on the exclusions and limitations concerning copyright and related rights. In addition, all ICOM members can take part in the work of the special working group for copyright of the ICOM Legal Affairs Committee.



RECOMMENDATIONS
DEVELOPMENT OF MUSEUM
LEGISLATION AS A BASIS
FOR NATIONAL
AND INTERNATIONAL
MUSEUM POLICY
AND AS A FACTOR
FOR MUSEUM PRACTICE
DEVELOPMENT

These recommendations are based on the results of the Policy Brief preparation and expert discussion during the Special Session «**Development of Museum Legislation as a Basis for National and International Museum Policy and a Factor for Museum Practice Development**», which took place on November 15–18 in St. Petersburg as part of the UNESCO/IFESCO Pilot Project «**Running a Museum – XXI Century: Thematic Regional Capacity-building UNESCO/ICOM Trainings and Expert Meetings for CIS Countries**».

The recommendations in the development of the potential of museums of the CIS countries in the field of museum legislation, museum management, information and communications technologies, and museology are designed with participation by leading specialists in museum legislation, museum management, and information and communication technologies who were invited as trainers and experts, and also with the participation of representatives of museums in the project's target countries: Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Uzbekistan, and Ukraine.

The recommendations are sent to the Ministries of Culture and to competent representatives of the museum community and to non-governmental profile organizations of the CIS member states.

Participants in the Special Session «Development of Museum Legislation as a Basis for National and International Museum Policy and a Factor for Museum Practice Development»,

Noting the growing role of museums in society and their responsibility for the preservation of collections and their augmentation, and also for the communication of knowledge about the historical and cultural heritage kept in museum collections, and for providing broad access to museum collections;

Understanding the importance of legislative recognition, both at the national and international levels, concerning the position and role of museums in the contemporary world;

Being aware of the fact that the museum should occupy a central place in the cultural and spiritual life of the local, regional, national and international community;

Relying on the experience of the International Council of Museums, including its experience in compiling the «Red Lists» of endangered cultural heritage objects;

Emphasizing the importance of spreading knowledge about the UNESCO Conventions, international law, national legal standards, and practices resulting from them;

Being aware of the legal implementation difficulties and social and economic

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barriers impeding the development of cultural and inter-museum connections between the CIS member countries;

Recognizing the necessity of improving international and national museum legislation for the development of the dialogue between cultures, inter-museum cooperation and exchange, the furthering of partnership relations between museums, the interaction of museums and the public, and for museum services as a whole, including access to cultural heritage and museum objects, for the provision of safety of museum property and visitors, the provision of information to a broad range of users, and its protection against illegal, incorrect, or unethical use,

RECOMMEND:

To recognize the necessity and effectiveness of the partnership between museums of CIS countries and their cooperation with international museum community, in particular with consideration of the results of the UNESCO/IFESCO Pilot Project «Running a Museum – XXI Century: Thematic Regional Capacity-building UNESCO/ICOM Trainings and Expert Meetings for CIS Countries».

To assist the development of interdisciplinary contacts and interaction of museums and museum professionals with specialists in related areas, including the legislative and legal ones.

To contribute to the expansion of the audience of thematic trainings, actively involving representatives of different types of museums, upper- and medium-level managers, and rank-and-file employees in the system of professional retraining, including by means of conducting trainings in the countries and regions where the museums that are participants in the Special Session are located.

To assist the further development of international contacts of museums within ICOM and its international committees, the organization of professional study tours with the aim of broadening the informational horizons and knowledge of museum





specialists, of bringing the activities of museums and museum professionals into compliance with international professional standards, and also with the aim of dissemination of information about the regional cultural experience and heritage on a European scale and worldwide.

To use the materials of the thematic trainings and special sessions as a tool for the analysis and diagnosis of the current situation in the museum sector at the national and regional levels. The information received from the participants in the trainings and special sessions should be considered as a guide to establishing priorities and making decisions in the process of planning the development and improving the system of management of national museums.

To address to the Ministries of Culture and Ministries of Foreign Affairs a request to join the process of the development and adoption of a new UNESCO regulatory instrument on the protection and promotion of museums and collections, active work on which will start after the 37th Session of the UNESCO General Conference.

To contact the Ministries of Culture and the Ministries of Home Affairs and to begin the work on the «Red Lists» of endangered cultural heritage objects.

Submit for the consideration

of the Ministries of Culture of the CIS member states the issue of the possible elaboration of measures to overcome legal implementation difficulties and social and economic barriers impeding the development of cultural and inter-museum relations between the CIS member countries.

To address to the Ministries of Culture of the CIS member states a proposal to begin the development of a system of intergovernmental interaction at the level of joint development and introduction of a single standard of museum documentation, using the experience of European countries.

To propose to the Ministries of Culture of the CIS member countries to have the ICOM Code of Ethics for Museums translated into the national languages and to use the provisions of the Code for the development of minimum standards of museum activity, including the standards of ethical aspects of the activity and behavior of museum directors and employees.

To increase the awareness of the public and to attract the attention of professionals and decision-makers to the significance of cultural property located on dry land and underwater.

To use the information base of UNESCO about the national legislation of the CIS member states, and practical experience in

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the fields of protection of cultural heritage, the prevention of illegal trade, and the return of stolen and illegally exported cultural property. To address to the Ministries of Culture of the CIS member countries the offer to initiate and support the printing of publications about national experience in this area.

To take actions at the national level to increase the awareness of the public about the serious character of the issues of illegal archeological excavations and theft and illicit trade in cultural property, including the development of educational programs and conducting information campaigns, to be carried out jointly with the National Commissions of UNESCO and the National Committees of ICOM.

To address to the Ministries of Culture of the CIS member states a proposal to develop at the national level programs ensuring the safety of museum property and cultural heritage.

To design, in cooperation with experts in this field, specialized educational programs in the field of the protection of cultural property for employees of law enforcement agencies with the aim of training employees

of those agencies in methods of practical identification of such objects and in their handling of them.

To draw the attention of the Ministries of Culture of the CIS member countries to the necessity of preparing, in cooperation with institutions of higher education, specialists in legal aspects of museum activity, including in the international law in the field of culture.

To conduct a series of UNESCO/ICOM training workshops on museum legislation, legal support for museum activities, including with due consideration of current issues of copyright protection.

To address to the ICOM National Committees of the CIS member countries a proposal that they consider the viability of creating an international agency intended to consult with and represent the interests of museums in the protection of their copyright.

To address to the ICOM National Committees of the CIS member countries a proposal that they consider the possibility of carrying out legal consultations online.



Participants of the Special Session «Development of Museum Legislation as a Basis for National and International Museum Policy and as a Factor for Museum Practice Development» express their gratitude to UNESCO and IFESCCO for the long-term project «Running a Museum – XXI Century: Thematic Regional Capacity-building UNESCO/ICOM Trainings and Expert Meetings for CIS Countries» (2011–2014) and emphasize the importance of the UNESCO/ICOM Trainings and Expert Meetings holding for CIS museum community.

THE MAIN GOALS OF THE UNESCO/IFESCO PILOT PROJECT «RUNNING A MUSEUM – 21ST CENTURY»

The New Global Partnership for Museums, intended to recruit museums and other related institutions as vital partners as part of the process of introducing cultural policy for sustainable development, should be based also on administration of the international legislation and partners' awareness about features of the national legislation in the museum sphere and culture heritage preservation for adjustment of the inter-governmental relationships in mentioned spheres.

It could be promoted by means of exchange of best practices, improvement of communication, and effective museum management in the member countries. This activity will help mobilize the main stakeholders in the field of cultural heritage in order to promote and increase the role of museums as social, educational, and economic actors.

In light of the new UNESCO program «Heritage and Dialogue,» this project helps develop new approaches to complex issues of cultural heritage management by means of creating a regional expert team working to promote the educational potential of museums, in particular intercultural dialogue and social unity. Participants exchange professional information and experience in the field of cultural heritage

policy and museum management, and also raise issues that arise from the practice of protecting and promoting cultural heritage at the regional and national levels.

The realization of the project contributes in every possible way:

- to the increased role of museums as actors in social, educational, and economic activities;
- to the increased potential of museum professionals of the CIS countries in heritage protection, and increased awareness of cultural diversity and of economic endeavors in the field of traditional crafts and the cultural and cultural tourism industries;
- to providing the participants with necessary knowledge and skills for the implementation of national trainings in their respective countries based on the UNESCO/ ICOM Museum Studies Training Package;
- to the strengthening of networking and partnership between museums in the CIS countries;
- to the development of museum practice in the CIS countries taking into account international experience.

USEFUL LINKS

Legal Instruments of UNESCO –

http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html

UNESCO/IFESCCO Pilot Project «Running a Museum – 21st century» –

<http://www.unesco.org/new/en/moscow/culture/the-unescoifescoco-project-running-a-museum-21st-century/>

Commission of the Russian Federation for UNESCO – <http://unesco.ru/ru/>

International Council of Museums (ICOM) – <http://www.icom.museum>

Website of the International Confederation of Antique and Art Dealers. Code of Professional Ethics of Antique and Art Dealers – www.icaad.ru

Implementation of the Basic Measures concerning Cultural Property Being Offered for Sale over the Internet, drafted in 2007 by Interpol in cooperation with ICOM:

<http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf>

Website of the CIS Executive Committee – www.Cis.minsk.by

Delegation of the European Union to Russia – www.Delrus.ec.europa.eu

Website of the United Nations Office on Drugs and Crime – <http://www.unodc.org/unodc/en/index.html>

Recommendations of CIDOC – <http://network.icom.museum/cidoc/resources/cidoc-standards-guidelines/>

Principles of Museum Documentation –

http://network.icom.museum/fileadmin/user_upload/minisites/cidoc/DocStandards/principles6_2.pdf

Standard of museum object description in the digital format Object ID – <http://archives.icom.museum/objectid/>

Standard of the integration of cultural information CIDOC-CRM (conceptual suggested model) –

<http://www.cidoc-crm.org/activities.html>

Thesauruses: http://www.getty.edu/research/conducting_research/vocabularies/aat/

Interpol database of stolen artworks: <http://www.interpol.int>

Art Loss Register (ARL) – <http://www.artloss.com/>

Russia – ERPAS – Digital Database for registration of instances of the loss or theft of cultural property:

<http://mkrf.ru/deyatelnost/informatsionnye-sistemy/detail.php?ID=251230;>

Registry of Information on Looted Cultural Property: www.lootedart.com

Consolidated catalogue of cultural property stolen and lost during World War II:

<http://www.lostart.ru/en/index.php>

UNESCO Model document for the export of cultural property, in Russian:

<http://unesdoc.unesco.org/images/0013/001396/139620R.pdf>

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Boguslavsky M. M. Cultural Property in International Trade. Legal Aspects. Moscow, 2005.

Legal and Practical Measures against Illicit Trafficking in Cultural Property. UNESCO Handbook, 2006.

Proceedings of the international conference «UNESCO Conventions in the Field of the Protection of Cultural Heritage and National Legislation of the CIS Countries». Minsk, 2007.

Pratt L. (ed) 2009. Witness to history: a compendium of documents and writings on the return of cultural objects. Paris, UNESCO Publications.

Moving Art. A guide to the Export and Import of Cultural Goods between Russia and the European Union. 2007.

Crime in the Art and Antiquities World. Illegal Trafficking in Cultural Property. Ed. by S. Manacorta, D. Chappell. Springer 2011.

ICOM. Bibliographie muséologie. Centre de documentacion. 2012.

Visual Arts and the Law. A practical Guide for Professionals. Judith B. Prowda. Humphries 2013.

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Galina Andreeva

State Laureate of Russia, Visiting Fellow of Cambridge (1990–1991) and Yale Universities (2003). Member of international committees on cultural and museum management.

Had key positions: at the State Tretyakov Gallery (Research & Perspective Projects, 1998–2006), the Pushkin State Museum of Fine Arts (Head of PR, Development, Perspective International Projects, 2006–2008), and the Ministry of Culture of the Russian Federation (Deputy Director, International cooperation, 2010–2012). Currently – Chief Adviser to the Russian Decorative Arts Museum, Moscow and Member of the Advisory Committee on International Cultural Cooperation, London.

Active member of ICOM (ICFA/ICOM Board member - 2007 up now; ICOM Russia Executive Director, 2008 – 2010, ICOM Russia Board member - 2008 – up now). Member of the Union of Artists, Moscow.



Afanasy Gnedovsky

ICOM Russia Executive Director since 2011. ICOM member since 2010. Historian, specialist on Spanish history, culture and literature of XIX century. Participated in different projects, realized by ICOM Russia in Russian Federation and abroad. Since 2013 – member of the expert council of the Standing committee

Jury member of a number of museum and arts competitions, including the Russian Union of Artists, the International museum festival INTERMUSEUM; Potanin foundation contests; «Art and Sport», Tretyakov prize for young artists, and others.

Presented Russia (from 1994 as a key speaker and a few times as the delegation head) on the world conferences, congresses and forums, held by UNESCO, UN, ICOM, ASEM and other international organizations.

Over 25 years specializing on international arts relations and museum cooperation. Dr. Andreeva has written and edited some thirty books, catalogues and albums, published more than one hundred articles and surveys, and curated more than 30 grand scale projects.

Awarded by medal of the Order for the Merits to Motherland (Second class), order Star of Italy (cavalier), Golden Medal of the Russian Academy of Arts.

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Policy Brief «Development of Museum Legislation as a Basis for National and International Museum Policy and a Factor for Museum Practice Development» was prepared in the framework of the UNESCO/IFESCCO Pilot Project «Running a Museum – XXI Century: Thematic Regional Capacity-building UNESCO/ICOM Trainings and Expert Meetings for CIS Countries» (2011–2014).

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Translation: Elena Petrova
English Editor: Patrick Murphy
Design of the cover: Varvara Urova
Lay-out: Maria Belaya

Edition: 100 copies