



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-first session

191 EX/8

PARIS, 15 March 2013
Original: English

Item 8 of the provisional agenda

PRELIMINARY STUDY ON THE TECHNICAL, LEGAL AND MUSEOLOGICAL ASPECTS RELATING TO THE DESIRABILITY OF A STANDARD-SETTING INSTRUMENT ON THE PROTECTION AND PROMOTION OF MUSEUMS AND COLLECTIONS

SUMMARY

In accordance with the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, and pursuant to 190 EX/Decision 11, the Director-General presents to the Executive Board for examination a preliminary study for a possible standard-setting instrument for the protection and promotion of museums and collections, accompanied by two independent experts' studies on the technical, legal and museological aspects thereof. The Executive Board is invited to provide its observations and to decide on the advisability of including this item in the provisional agenda of the General Conference at its 37th session.

Any financial and administrative implications would be borne by additional extrabudgetary resources as appropriate.

Action expected of the Executive Board: proposed decision in paragraph 17.

I. INTRODUCTION

1. The Executive Board at its 190th session discussed the possibility of preparing a new standard-setting instrument for the protection and promotion of museums and collections (190 EX/11). The Board took note of the results of the Expert Meeting on the Protection and Promotion of Museums and Collections, held in Rio de Janeiro, Brazil, from 11 to 14 July 2012, which noted “the lack of adequate human, technical, and financial resources to protect museums and collections from a variety of threats” (Final Conclusions and Recommendations Adopted) and the need for recognition of museums’ role in promoting social inclusion, peace and development.

2. By 190 EX/Decision 11, the Executive Board requested, *inter alia*, “the Director-General to conduct consultations, in close cooperation with Member States and the International Council of Museums (ICOM), and to undertake an independent preliminary study, with extrabudgetary resources, on the desirability, the technical and legal aspects, and the scope, rationale, added value, and administrative and financial implications of a standard-setting instrument on the protection and promotion of museums and collections, for examination by the Executive Board at its 191st session, with a view to inscribing this item on the agenda of the 37th session of the General Conference”.

3. Following the request of the Executive Board, two independent expert studies were conducted, in collaboration with ICOM, so as to enable the Executive Board to provide its observations and decisions thereon and to decide whether this matter should be included in the provisional agenda for the 37th session of the General Conference. The first study is concerned with the legal and technical aspects, whereas the second one analyses the museological aspects. These two studies, together with their summaries, are presented to the Members of the Executive Board [\[http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/museums/museum-projects/a-new-standard-setting-instrument-for-the-protection-and-promotion-of-museums-and-collections/\]](http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/museums/museum-projects/a-new-standard-setting-instrument-for-the-protection-and-promotion-of-museums-and-collections/)

4. In accordance with the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, and pursuant to 190 EX/Decision 11, the Director-General presents to the Executive Board for examination the results of a preliminary study for the desirability of a standard-setting instrument concerning the protection and promotion of museums and collections. The Executive Board is invited to provide its observations and decisions on the proposal and on the advisability of including this item in the provisional agenda of the General Conference at its 37th session.

II. NEW CHALLENGES – THE EVOLUTION OF THE ROLES OF MUSEUMS

5. The studies further recall that over the last four decades museums have undergone a number of important changes, which have opened up new challenges. The number of museums has increased from 22,000 in 1975 to 55,000 at present, attracting a more numerous and diverse public. In many instances, museums adapt their exhibitions, the choice of objects and their presentation to respond to the demands and needs of the public. Many museums today have marketing departments whose importance is growing. This often dramatically boosts the attractiveness of the museums for the public and results in increased visitor flows, which frequently generate management difficulties. In order to welcome the new flow of visitors, many museums are changing from within to adapt to their success and their new roles. The flow of objects and collections should be viewed in the context of globalization and extensive growth of the prices on the international art market in recent years and an increasing number of international exhibitions, both enhancing the licit and illicit traffic of objects. Museum professionals have also become increasingly mobile, contributing to the spread of best practices and information. The circulation of information has radically evolved with the development of the Internet and social networks encouraging museums to invest in communication tools and interactive programmes to respond to the new audiences on the Web.

6. The social and economic role of museums has also undergone significant changes. The link between the museums and the creative economy at local levels has grown exponentially and the opening of large contemporary institutions has contributed to regional regeneration in many countries. Over the past three decades, there has been a considerable rise in tourism: from 277 million in 1980 to 990 million in 2011.¹ In this context museums play a leading role in bolstering the creative economy and attracting tourists and revenues. There is a need for policy guidelines to address the tensions between economic development and the protection of cultural heritage. Such guidelines, could, *inter alia*, emphasize the importance of taking into account the needs of directly affected populations and communities to promote sustainable tourism and highlight the fundamental responsibility to preserve cultural heritage.

7. Museums are also increasingly present in the social sphere, acting as platforms for debate and discussion, tackling complex societal issues and encouraging public participation. This implies the development of education and research departments and additional resources for the preparation of temporary exhibits and participative forums. As acknowledged in the Santiago de Chile Declaration in 1972, the growing importance of museums within the social sphere should be further emphasized. It is also necessary to underscore the need to develop a harmonious relation between the social and economic roles of museums.

III. CONCLUSION OF THE INDEPENDENT EXPERT STUDIES

8. The non-exhaustive list of standard-setting instruments, national legislations and other relevant texts adopted under the auspices of UNESCO and other intergovernmental organizations and nongovernmental meetings, and examined by the authors of the study can be found at the following weblink: [Protection and Promotion of Museums and Collections](#).

9. The only existing standard-setting instrument directly concerning museums adopted by UNESCO is the 1960 Recommendation concerning the Most Effective Means of Rendering Museums Accessible to Everyone, which focuses on the issue of access to museums. This instrument does not address the economic and social role of museums, and the related issues of funding, staffing, information management and educational outreach.

10. The experts stressed that the legal instruments elaborated and implemented by UNESCO and its partners mainly reflect the concern for the preservation and protection of cultural property. They suggested that existing instruments, legislations and texts are therefore insufficient to cope with the new challenges faced by museums and that a new standard-setting instrument for the protection and promotion of museums and collections is necessary, and that it should take the form of a Recommendation.

11. In accordance with the Article I.1(b) of the Rules of Procedure referred to in paragraph 4, recommendations are instruments “in which the General Conference formulates principles and norms for the international regulation of any particular question and invites Member States to take whatever legislative or other steps may be required – in conformity with the constitutional practice of each State and the nature of the question under consideration – to apply the principles and norms aforesaid within their respective territories”. A Recommendation would in particular enhance international cooperation and assist many countries in reinforcing their national legislations and policies for museums.

12. The experts suggest that a new Recommendation should *inter alia* encourage governments to ensure that museums benefit from appropriate legal structures and legislation. The issue of accessibility should be addressed anew, especially in the context of democratization and the question of free access, in order to reinforce the general principles underlying the 1960 Recommendation, which advises that museums be “accessible to all without regard to economic or social class”. In particular, it shall encourage the promotion and development of museums and

¹ Latest figures available from World Tourism Organization.

collections so that they can properly play their role in society, especially taking into account educational content.

IV. CONSULTATIONS WITH THE MEMBER STATES

13. In accordance with 190 EX/Decision 11 that the Director-General undertake close consultations with Member States, the two independent expert studies were circulated to all Member States by email on 16 January 2013. The observations of the seven Member States who had replied as of 6 February may be found at the following weblink: [Protection and Promotion of Museums and Collections](#)

V. PROPOSED WORKING METHOD AND TIMETABLE

14. In conformity with the relevant provisions of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Executive Board is invited to make observations on this preliminary study and to consider the desirability of placing on the agenda of the 37th session (November 2013) of the General Conference an item concerning the proposal to regulate internationally the question of the protection and promotion of museums and collections by means of a Recommendation. Should the Executive Board decide to include the question in the provisional agenda of the General Conference, the Director-General, in accordance with Article 5 of the above-mentioned Rules of Procedure, will send to Member States a copy of the preliminary study and the text of the Executive Board's observations and decisions thereon at least 70 days before the opening of the 37th session of the General Conference, that is by mid-August 2013.

15. Pursuant to Article 6 of the above-mentioned Rules of Procedure, the General Conference will be invited, after examining this study and the Executive Board's observations thereon, to decide whether the question should be regulated internationally and, if so, in what form.

16. With regards to the financial implications, the Secretariat has carried out a careful evaluation of the implications and costs that would be incurred for the preparation of a new standard-setting instrument, should the Executive Board decide to include this item in the provisional agenda of the General Conference at its 37th session. Anticipating two 2-day meetings in 2014/2015 – one for experts invited in their personal capacity (category VI) and the other for Member States (intergovernmental experts meeting, category II) – the cost would be approximately US \$135,000, covered entirely by extrabudgetary sources that have been pledged by two Member States. The exact number and types of meetings will depend on the decisions of the Executive Board and the General Conference. In terms of human resources, this will require one existing staff member working part time on this process and an additional staff support paid under extrabudgetary funds.

VI. PROPOSED DRAFT DECISION

17. Bearing in mind the above considerations, the Executive Board may wish to consider the following decision:

The Executive Board,

1. Recalling 190 EX/Decision 11,
2. Having examined document 191 EX/8, presenting the preliminary study of the technical, legal and museological aspects of the desirability of regulating internationally, through a new standard-setting instrument, the question of the protection and promotion of museums and collections,

Option 1:

3. Taking into consideration the new challenges that have emerged and the new approaches concerning the protection and promotion of museums and collections,
4. Taking note of the conclusions of the experts that the existing legal instruments do not adequately address the matter,
5. Decides to include this item on the provisional agenda of the 37th session of the General Conference;
6. Invites the Director-General to submit to the General Conference at its 37th session the above-mentioned preliminary study together with the relevant observations and decisions of the Executive Board thereon;
7. Recommends that the General Conference at its 37th session invite the Director-General to prepare a preliminary text of a new standard-setting instrument for the protection and promotion of museums and collections, in the form of a recommendation entitled “Recommendation on the Protection and Promotion of Museums and Collections”;

Option 2:

3. Decides not to include this item on the provisional agenda of the 37th session of the General Conference.