

## COMMENTS BY CANADA ON THE “DRAFT RECOMMENDATION CONCERNING THE PROTECTION AND PROMOTION OF MUSEUMS, THEIR DIVERSITY AND THEIR ROLE IN SOCIETY”

Canada is pleased to offer the following comments on the current draft text of this proposed normative instrument:

General comments:

- 1. General approach:** Canada would like to recall the *Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the UNESCO Constitution*. Those Rules of Procedure describe Recommendations as 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” (Article 1 (b)). With that in mind, the present draft text, for the most part, does not resemble such a normative instrument: the first two-thirds of the current draft consists entirely of general declarative statements about museums and their role in society, and while important ideas, not normative in nature. Canada considers this to be indicative of the overly rapid timeline set for this initiative, and suggests that more time is necessary to develop a legitimate normative instrument that will have the desired impact, and that there is simply insufficient time to arrive at such a draft for possible adoption by the 2015 General Conference.
- 2. Title** - It should be noted that while ICOM has been consulted on the drafting of the text, as representing the perspective of the museum community, the proposed normative instrument would be a UNESCO document and its content will ultimately be determined by Member States, not the museum community. Canada considers that it is therefore inappropriate for the title of the proposed Recommendation to be changed “on ICOM’s initiative”, excluding an explicit reference to collections when General Conference Resolution 37 C/43 invited the Director-General to prepare the text of an instrument “on the protection and promotion of various aspects of the role of museums *and collections*”. In order to address any concerns over vagueness in a reference to “collections” in the title and which collections are those being referenced, Canada suggest that an appropriate compromise would be for the title to refer to “.....Museums and *Their Collections*...”
- 3. Scope** – Further to the above, Canada contests the characterization that the Recommendation is not intended “to provide detailed guidance on specific issues, which are covered by the ICOM Code of Ethics”. In Canada’s view, the fact that a particular issue is included in the ICOM Code of Ethics, which seeks to provide professional guidance to museums and museum workers, should not, in itself, be a reason to exclude such an issue from the Recommendation. Such an instrument would provide a valuable opportunity to provide guidance to States on how they may best approach their related

role, and thus create consistency between the approaches of governments and museum communities.

#### 4. Exclusions on the basis of “lack of consensus”

- Canada regrets that certain subjects have been excluded from the draft text “because they do not meet consensus among the international museum community”. As the proposed Recommendation would be directed almost exclusively to Member States, it is *consensus among those states that is required, with respect to the appropriate role to be played, if any, by them in the issues in question*. Whether consensus exists in the museum community is not, for this purpose, the most relevant consideration. Canada recommends that these exclusions be reconsidered.
- Similarly, to say that issues regarding ownership or classifying of collections are excluded because they are subjects on which “a consensus could not be reached among Member States” is puzzling. It is unclear when, and in what way, UNESCO Member States have had a formal opportunity to examine such issues, and such exclusions seem to preclude the intergovernmental meeting of experts from being the forum where such consensus is, rightly, pursued. Canada considers this to be a further illustration of the disadvantages of the unacceptably fast timeline imposed on this initiative for reasons that remain unclear.
- Canada continues to disagree with the exclusion of indigenous issues from the text, and reiterates its view (already expressed in its input on the Preliminary Report) that the Recommendation should address, in some fashion, the role advocated for states with respect to the relationship between museums and indigenous communities represented in their collections. Canada questions the suggestion that it is a subject that “deserves specific attention in a form other than this text”, unclear as to what other form is envisaged, and reiterates its position that this is, in fact, an ideal place for such attention. Further, the fact that it is an issue “amply discussed” in the ICOM Code of Ethics is, again, not a relevant point in that the Code refers to the conduct of museums and museum professionals, whereas the Recommendation should address the role to be played by states on the issue. Canada’s proposal for a paragraph on this subject is contained below.

**With respect to current version of the draft text**, Canada makes the following recommendations:

- **Preamble**, second to last paragraph: the phrase “Desiring to supplement and extend the application of the standards and principles laid out in existing international instruments referring to the role of museums” should be changed to “Desiring to complement existing international instruments referring to the role of museums”. This accurately reflects the wording of the General Conference Resolution and avoids any confusion about the nature of the non-binding Recommendation and its content, and legal obligations that states may have as States Parties to those existing instruments.

- Paragraph 3:** Unsubstantiated, unreferenced generalizations that may be acceptable in a policy narrative are inappropriate in a normative instrument unless they are part of a Preamble. As a result, Canada challenges the statement that “from time immemorial, humanity” has selected objects, studies and presented them to current and future generations. The basis for this statement is unclear, given that museums are, relatively speaking, a recent occurrence. Canada recommends the following alternate formulation:

“Humanity has maintained a specific relationship with reality by collecting, studying and preserving objects for the future.”
- Paragraph 4:** similarly, the source of the statement that the number of museums “has practically tripled in a half-century” is unclear, and unless referenced, should be removed.
- Paragraph 8:** the definition presented for “collection” is confusing and problematic when it states that the different elements of a collection cannot be “separated without damaging the coherence of the set” and that “a museum collection is a collection whose objects are included in the museum inventory”. This is an unnecessary and convoluted statement and Canada suggests removing the definition of “collection” altogether.
- Paragraph 13:** the assertion that an increase in income generating activities by museums could detrimentally affect their primary functions is a biased statement, and the way in which the paragraph is formulated is confusing, in that it concludes that income-generating activities imply seeing the benefits of the primary functions of museums in solely financial terms. This confuses the legitimate benefits of diversification of museum funding sources and the contribution that such diversity can make to long-term sustainability. It also ignores the potential for revenue-generating activities to build audiences and public engagement. An increased emphasis on revenue generation should not be confused with over commercialization or commodification of museums, which may be the intended focus of this paragraph. Canada suggests the alternative formulization:

“In order to diversify their sources of revenue and increase self-sustainability, many museums have, by choice or necessity, increased their income-generating activities. Museums should approach such activities in a way that does not jeopardize their primary functions, or appears to suggest that they exist for commercial purposes.”
- Paragraph 15:** This paragraph states the ideal that museums “address all classes of society” as if that were currently the case. Sadly, this is not currently true. Canada suggests inserting the word “can” before “address” to clarify that this is the potential role museums can and should play, even if that role is not always being fulfilled at the present time.
- Paragraph 17 (English version only):** the reference to “curative” conservation (as contrasted with preventative conservation) is not a word usually employed in English to describe the concept involved. Canada recommends that it be replaced by the word “remedial”.

- **Paragraph 22:** In a way similar to Paragraph 15, this paragraph seems to state the ideal as if it were a description of the present situation. To be more realistic and avoid gross generalizations, Canada suggests inserting the word “should” after the word “policies”, and replacing the phrase “are conducted” with “should be conducted”, in keeping with the aspirational nature of the Recommendation.
- **Paragraph 25:** In describing the role of states in relation to the resources needed by museums for them to function, Canada suggests replacing “should take all appropriate measures” with “should take appropriate measures”. Canada also suggests changing, in view of the different constitutional powers of national governments, particularly in federal states, the phrase “by supporting and developing those institutions” to “by supporting and developing, or facilitating the development of, those institutions”.
- **Paragraph 26:** The meaning of this paragraph is unclear, particularly the statement that diversity of museums “should be taken into account when museums carry out their primary functions”. It is unclear how the “diversity of museums” referred to in the first sentence of the paragraph, which appears to describe diversity of *types* of museums and how they conduct themselves, relates to the second sentence of the paragraph, which appears to be addressed to the internal operations of individual museums. Canada encourages clarification of this paragraph but, not fully understanding its meaning, cannot propose specific alternate wording.
- **Paragraphs 28 and 30:** These paragraphs should be revised to acknowledge the varying jurisdictional roles and powers of government from state to state. In Paragraph 28 the phrase “ensure that” should be replaced by “encourage”. In Paragraph 30 the phrase “should ensure that museums in the territory under their jurisdiction employ qualified personnel” should be replaced by “should take appropriate measures to facilitate the employment of qualified personnel by museums in the territory under their jurisdiction”.
- **Paragraph 31:** Canada acknowledges the benefit of new technologies to museums, and urging Member States to provide them with full access to those technologies, is entirely appropriate for this proposed Recommendation. However, urging Member States to also provide that full access to individuals, while a laudable idea, is outside the scope of the proposed instrument, and Canada recommends removing the phrase “and individuals” from the end of this paragraph.
- **New Paragraph:** Canada recommends adding the following new paragraph after Paragraph 15:

In instances where the cultural heritage of indigenous peoples is represented in museum collections, Member States should take appropriate steps to encourage and facilitate dialogue and the building of relationships between those museums and indigenous peoples concerning the management of those collections.