

# ICOM Code of Ethics Second Survey Analysis Final Report

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## **INTRODUCTION.**

The purpose of this report is to review and report upon the comments received from a survey conducted with ICOM members, from March 2022 through January 2023, to ascertain the degree of revision that may be required for the ICOM Code of Ethics (the “Code”). The survey was **not** designed to ascertain quantitatively the will of ICOM members about whether to or how to revise the Code of Ethics. Instead, the survey was designed and used as a tool to solicit and aggregate the comments of individual ICOM members relating to the need to revise the current Code on Principle-by-Principle basis. Therefore, the survey was qualitative in nature and represents a collection of ideas by ICOM members in responding to survey questions. This report is a summary of the comments and ideas articulated in survey responses and additional emailed comments from ICOM members.

Readers should have the Code handy so that they can refer to the Code, its Principles and detailed paragraphs while reading this report. This is particularly important when reviewing the comments made on a per Principle basis. The Code may be accessed [here](#).

## **PART I METHODOLOGY.**

The survey was designed to request substantive input from ICOM members about the existing Code, and to what extent revisions might be required on a per-Principle basis. The survey was not designed to be quantitative in nature. Therefore, response rates and data points were not weighed in preparing this report.

The questions were designed to review the degree of relevancy of each Principle in the Code, whether they represented contemporary practices and values of ICOM's global membership and to what extent and for what purposes any of the Principles required revision or, in fact, a new direction. The ICOM members who responded appeared very engaged in this exercise and were guided to provide emailed comments in addition to responding to the survey questions. National Committees were asked to encourage their members to respond to the survey. Several responded by providing aggregate responses and others had their members respond to the survey individually. Individual responses were anonymized by the survey platform to respect responders' confidentiality.

Finally, the survey was conducted on a platform designed to aggregate quantitative survey data but not to aggregate or summarize free text fields. The real value of the survey is, therefore, found in the free text fields that are represented in this report. Any data analysis derived from this survey should be undertaken with caution since sample size, response rates, and responses represented as binary (yes/no/amend) data points may lead to inaccurate representations of the views of ICOM's membership concerning the Code. Nevertheless, ETHCOM members requested that the data relating to Question 1 be represented in this report. Question 1 relates to the number of responders to the survey who wished to revise the Code. More detail concerning the data, and in particular, the data derived from Question 1 of the survey, is discussed in greater detail below. A full list of survey questions may be found in the Appendix attached.

This report will cover the following topics:

- Supporting Revision
- General observations and Trends
- Comments per Principle
- New Ideas and Suggestions
- Suggested Next Steps.

## **PART II SUPPORTING REVISION.**

While this survey was not conducted quantitatively, there is one data point that can provide a certain measure of comfort in supporting the revision of the Code. ICOM members appear, from the numerous emailed comments received concerning the revision of the Code, as very committed to standards of professionalism and invested in the role that the Code plays in this regard. None of the emailed comments, nor the National Committee reports received, argued in favor of the status quo. Of the total survey responses received, 92% were in favor of revision, according to answers received to the first question in the survey. Of the 8% of respondents that sought to maintain the status quo in the Code, none provided any substantive reasons supporting their response.

While a vast majority of respondents to the survey answered affirmatively to the first question that the Code requires revision, respondents also expressed the desire to be prudent and cautious in approaching revision. For example, only one respondent to the survey expressed the need to delete a Principle in the Code and even then, only expressed the need to delete the Principle as a last resort, failing revision. Many of the Principles were identified as foundational to museum professional practice and representing museological values. One thoughtful respondent summarized their views on the revision of the Code as, “*quieta non movere*”, i.e., “do not move settled things”. That is a legal Principle that invokes precedent and counsels a conservative approach to reform. Based on the surveys, revisions to the Code should be undertaken while keeping in mind the precedential value of the existing Code.

Despite the comments that respondents want the Code to be revised prudently, taking a conservative approach, the Code revision is expected by most respondents, based on the vast majority responding affirmatively to the first question in the survey and in emailed comments expecting change. The key to revision will be found in an approach that modernizes the existing Code to represent contemporary practices and transitioning values while at the same time recognizing the foundational importance of the existing Principles as well as the role of legacy.

## **PART III GENERAL OBSERVATIONS AND TRENDS.**

Eleven observations and trends were identified in the responses received to the survey or in emailed comments:

1. Consistency with the new museum definition
2. Structure and terminology inconsistencies in the Code
3. Data, privacy and confidentiality
4. Diversity, inclusion and accessibility
5. Integrating and addressing the digital
6. Intangible cultural heritage
7. Decolonization of collections
8. Scope and role of “sustainability” in museum ethics
9. The human factor
10. Museums in zones of conflict
11. The commodification of collections

### **1. Consistency with the new museum definition.**

Respondents identified the connections between the Code and the museum definition. At the time the Second Survey was undertaken, a ICOM’s new definition of “museum” was not yet chosen and two options were under consideration. Some respondents to the survey remarked that revisions to the Code will be dependent on how museums are defined. Others remarked that the definition of museum is found in the Glossary of the existing Code and therefore the two, being the museum definition and the Code, are interdependent. Notwithstanding the timing of the Second Survey, many of the comments and the values represented in the survey responses and emailed comments are, in fact, represented in the new museum definition, which was chosen at the 26<sup>th</sup> ICOM General Conference on August 24, 2022.

“A museum is a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. They operate and communicate ethically, professionally and with the participation of

communities, offering varied experiences for education, enjoyment, reflection and knowledge sharing.”

Clearly, as ICOM settles into working with its new definition, the amendments to the Code will need to be reconciled with it.

## **2. Structure and terminology inconsistencies in the Code of Ethics.**

Structurally, the Code has a Preamble, eight titles relating to eight Principles, detailed paragraphs relating to each Principle, and a Glossary. None of the respondents commented that the framework of the Code needed to change. Comments were received about the inconsistencies in how each Principle was presented and the implications of their numeric sequence. From the comments received, the way each Principle is presented in the current Code has led to a misperception of the weight accorded to each of the Principles. For example, Principle 1 includes 18 detailed paragraphs while Principle 7 has only two. This is a structural issue that needs to be addressed in modernizing the Code. Respondents are recommending that while different issues may lead to a greater or lesser number of detailed paragraphs, a base range should be determined structurally and then presented consistently throughout the Code. If detailed paragraphs listed in a Principle are numerous, a substantive review of the Principle may be warranted because it suggests that too many issues are being addressed under the same heading.

In addition, if the issues presented in the detailed paragraphs are repeated multiple times in the Code under different Principles, it may be that they are referencing a dominant issue that should be, at a minimum, reorganized or perhaps elevated and presented as a new Principle. For example, paragraph 1.14, pursuant to Principle 1, is also related to paragraphs 2.19, 2.24, and all of Principle 8. When this occurs, consideration should be given to elevating the issues addressed repeatedly in paragraphs as potentially representing a new Principle.

Respondents also mentioned that that the numeric sequencing of the Principles suggests a list of Principles that declines in importance. Consideration should be given to clarifying in the Preamble that each Principle is given equal weight and importance to minimize this perception.

Respondents also suggested that attention should be given to the terminology used in the Code to ensure that terms retain their meaning over the short, medium and long term. The concerns voiced here relate to the unintended consequences of trying to address immediate and contemporary issues in the Code that do not transition well over the medium or long term. Certain respondents suggested that consideration should be given to describing activities rather than using contemporary terminology where meaning may shift over time or where meaning may reflect considerable regional distinctions. Translation magnifies the issue because certain terms do not translate accurately, and the Code requires multiple translations because of ICOM’s international scope. This issue makes the Glossary an important and necessary feature of the Code because terms can be defined to provide greater precision and clarity.

Finally, inconsistencies and repetition in terminology were also identified between the title, the Principle relating to the title and then in the detailed paragraphs found in each Principle. For example, the title of Principle 1 refers to the “natural and cultural inheritance of humanity” but this

phrase is not referenced in Principle 1, itself, nor is it referenced in the corresponding detailed paragraphs.

### **3. Data, privacy and confidentiality.**

How data information is managed, to what degree it can be maintained as confidential and how to manage this information may give rise to both legal and ethical concerns and several respondents suggested that these legal and ethical issues should be addressed more fully in order to modernize the Code.

For example, several respondents addressed a new and emerging issue concerning the aggregation and use of patron and/or member data. How patron or member data is used, with or without the permission of the patron or member, has become an issue for consideration, both legal and ethical. Respondents flagged as emerging ethical issues the aggregation and use of patron and member data for museum purposes and activities as well as the protection and anonymity of such data.

In addition, many museums are subject to requests for access to information, also known as freedom of information requests. The requests may be related to either patron data or the sensitive and confidential nature of information held in a collection and in the curatorial research relating to it. (It is noted here that archives have long managed this issue and archival codes of ethics may assist in addressing this issue). How museums manage these requests for information have also been flagged by respondents as an ethics issue that may warrant consideration in a revised Code.

### **4. Integrating and Addressing the Digital.**

The creation, stewardship, management and use of both digital and digitized objects and materials constituted a vast number of respondents' comments concerning the modernization of the Code. To clarify, digital and digitized objects are distinct. A digitized object is a digital copy of an original work. A digital object refers to a work born digital, such as a web-based work, work of digital art or a work supported by a technology platform. A significant number of respondents commented that a revised Code should address the digital in relation to the preservation of collections, and in the management of remote access to collections in the online environment.

With respect to preservation, respondents noted that current provisions relating to the responsibility of museums to preserve collections only addressed the physical. For example, the detailed paragraphs in Principle 2 refer to preservation activities relating only to the physical and do not consider that digitization is now considered a form of preservation. In addition, given that digital and digitized objects now form part of a collection, reference alone to physical objects and materials in the Code is insufficient. For example, Principle 1 referencing the responsibility to provide the public with access to collections again presumes that museum collections are only accessed *in situ* as physical objects. The experience of museums in the pandemic certainly proved otherwise.

Two additional issues were identified by respondents as needing attention in relation to the preservation of and access to objects in collections that are either digitized or born digital. A significant number of respondents were concerned about authenticity and integrity of digital

images, given facile alteration technologies. By authenticity, it is meant as authenticity of source, that is, who created the digital image? By integrity, it is meant as being an unmanipulated and truthful representation of the original. Museums go to great lengths to ensure that reproductions are exact representations of the original and employ considerable skill, time and effort in doing so. Nonetheless, the digitized reproduction of the original is, as respondents noted, just a reproduction. Respondents provided that the integrity of the museum's work may be in question if digital reproductions are altered and thus a commitment should be made in the Code to make every effort to represent objects in collections that are either born digital or, if digitized, being slavish to the original.

In addition, the authenticity of the digital image is directly related to its provenance in the online environment. This is a scholarly preoccupation similar to citation and confirms that the digital image or digitalized object was created or curated by a trusted authority. The issue of authenticity also arises when contemplating the origins of the born digital object or digitized image and contextualizes them by connecting them to original physical objects in a collection. Finally, a museum's authority position and dedication to representing the original object as slavishly as possible provides a patron with a measure of comfort that the digital reproduction of the original obtained from a museum or viewed on a museum website is as an exact representation of the original. For these reasons, respondents were of the opinion that a revised Code should identify both the integrity and authenticity in the use and management of objects born digital or that have been digitized.

## **5. Diversity, inclusion and accessibility**

The new definition of "museum" provides that a museum is both inclusive and accessible. emailed comments received concerning the revision of the Code call for a reformulation, not only in keeping with the new museum definition but to reflect the call for accessibility, inclusion and diversity in the broadest sense. That is, museums are expected to address and reflect diversity, not only in its mission-driven substantive work, but as part of its governance, leadership and even hiring practices. Diversity was identified in email comments as the diversity of cultures, religious and political beliefs, values and behaviors. In addition, museums are expected to provide accessibility to exhibitions and collections by removing as much as practically possible sensory, cognitive, social and economic barriers. Diverse and inclusive practices should therefore be reflected in a revised Code so that it underscores everyone's right to participate in knowledge-sharing, an expectation now also reflected in the new museum definition.

## **6. Intangible cultural heritage**

A vast number of respondents indicated that the current Code does not address intangible cultural heritage adequately, nor does it address how intangible cultural heritage is connected to museum collections, and how it may be managed ethically as part of a collection in current contemporary contexts. Many of the comments received from respondents suggested that they were preoccupied with how the decolonization movement has shifted collections management practices in the preservation and curation of collections whose objects represented and embodied intangible cultural heritage of traditional communities. This is a considerable shift in museum preoccupations, purpose, values and practices and speaks to an inclusive approach to collection building and curation. It will, therefore, necessitate considerable and careful attention.



The following issues, in particular were noted:

- The Code requires the express identification of intangible cultural heritage when comprising part of museum collections, as well as the stewardship and curation practices applicable to such heritage. In addition, communities themselves may hold an authoritative voice in identifying and managing their intangible cultural heritage associated with objects and materials found in collections. These dual authoritative voices and roles need to be acknowledged.
- Detailed paragraphs concerning the management of collections that are connected to traditional communities and their intangible cultural heritage are found peppered throughout the current Code. For example, reference is found in the detailed paragraphs found in Principles 2, 3, 4, and 6. Given how pervasive the issue appears as part of the current Code, respondents suggested that the issue should be raised to the level of a Principle in its own right.

## **7. Decolonization of collections**

Many of the comments received from respondents suggested that they were preoccupied with how the decolonization movement has shifted collections management practices in the preservation and curation of collections where objects represented the cultural heritage of traditional communities, whether tangible or intangible. This is also considerable shift in museum values and practices and speaks to a collaborative approach to collection building and curation. Notwithstanding, consideration should be given to whether the term “decolonization” should be referenced in the Code. The decolonization movement has given rise to differing interpretations of the term, subject to regional distinctions, practices and community expectations. These differences may give rise to different interpretations of the Code. As a result, one definition of “decolonization” if placed in the Glossary, may not satisfy or address these distinctions. An alternative approach to using the term “decolonization of collections” may be to describe how collections connected to intangible cultural heritage may be stewarded or managed ethically.

## **8. Scope and role of “sustainability” within the Code.**

Sustainability within the breadth and scope of museum purpose and activities has been an often-discussed issue of late. Respondents reflected this preoccupation in their comments in the survey and emailed comments. Sustainability as a point of discussion appears to be very broad and in an exploratory phase. How museums contribute to the sustainable development agenda, Agenda 2030, and the Sustainable Development Goals proposed by the United Nations are ongoing preoccupations. How museums preserve collections to ensure their long-term sustainability in the face of threats such as human conflict, climate change and the impact of pandemics, and how museums and their professionals carry out activities sustainably, whether financially or with the requisite expertise and knowledge to carry out their responsibilities capably, were all identified as being part of the discussion surrounding sustainability.

For these reasons, it was suggested that before “sustainability” is incorporated into the Code, an ICOM framework for sustainability in museums should be established and then reflected in a

revised Code. Given that ICOM has yet to establish this framework and, indeed, given the number of times the term “sustainability” was connected to comments concerning the individual Principles in the Code, it may be optimal to examine, at a minimum, each Principle distinctly to see if sustainability issues arise and then ensure that the detailed paragraphs attempt to address those issues. A more detailed discussion concerning sustainability will be examined in greater detail under Principle 5, as suggested by certain respondents.

## **9. The Human Factor.**

A number of respondents suggested that the Code needed to address a requirement as a matter of ethics that museums should invest in their people, that is their professionals, to support their professional expertise, their autonomy in making curatorial decisions and their capability. In addition, ICOM members suggested that museum ethics should ensure that a museum has the requisite financial stability to operate purposefully and with excellence. Respondents were of the opinion that the Code needed to acknowledge that it is the people in a museum that are the most important factor in achieving purpose.

In addition, according to respondents, the Code should emphasize the human factor by recognizing its public purpose mission in a more dominant way. That is, emphasis should be placed on the people that the museum serves and the communities connected to them. Referencing noted scholar Stephen Weil and his book, *Making Museums Matter*, one respondent noted that museums do not just collect objects and materials but in fact do so to serve their public purpose mission, that is, in service of its people. The Code, it was recommended, should be written through this lens. Principle 8 addresses the human factor and one suggestion was made to elevate Principle 8 within the Code so that it is recited first in an attempt to underscore the importance of this factor.

## **10. Museums in zones of conflict and war**

The role that museums play in zones of war or conflict, the duty of care to safeguard collections in such times, the responsibilities of museum professionals to fulfill this duty of care when they are also a resident in a war zone, and the use of museum collections as communications tools by governments in times of conflict and social unrest have surfaced recently as problematic ethical issues. In particular, the duty of care to safeguard collections may include the need to pre-emptively preserve and document collections more systematically so that they include digital representations of the objects and materials found within them. The question is whether such practices should be identified as necessary in carrying out a museum’s duty of care in a contemporary context, given the increasing hazards of climate change, global health crises and human conflict. That is, pre-emptive preservation practices that include digitization and systematic recordation, including robust metadata practices may be necessary to ensure that a record is made of the collections in the event that collections may be threatened by falling in harm’s way.

If the expectations of museums and museum professionals to carry out their duty of care to safeguard collections give rise to distinct issues relating to war, social unrest and zones of conflict, then consideration should be given to adding a principle that addresses these distinctions. This

appeared to be a pervasive issue raised in emailed comments received during the latter part of the second survey period.

## 11. The commodification of collections

The commodification of collections, that is, the monetization of collections by museums, has long been an ethical preoccupation. It was identified as early as 2004<sup>1</sup>, then again in 2013<sup>2</sup> and most recently in 2016 in an ICOM-related publication edited by Bernice L. Murphy entitled, *Museums, Ethics and Cultural Heritage*.<sup>3</sup> Most recently, ICOM members have raised the issue of the application of non-fungible tokens or NFTs to objects and materials in collections. The opportunities and challenges afforded to museums in managing commercial, revenue generating and monetary opportunities are very much related to digitization, digital copies and ownership in the digital copy, whether as a form of intellectual property or as holding exclusive rights to access, use and benefit from the digital, as is the case with an NFT. As explained in the Murphy publication, museums are not precluded from raising funds and managing assets but both legal and ethical issues arise when museums use their collections to do so. The current Code addresses de-accessioning for this very reason. Comments from ICOM members now strongly suggest that the Code should address the commodification of collections expressly as an ethical pre-occupation. The question will be whether this issue is addressed within the context of managing digital issues or whether it should, instead, be addressed in the same principle as the duty of care to steward and manage collections in trust for the public.

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<sup>1</sup> Tanner, Simon. (2004). Reproduction Charging Models & Rights Policy for Digital Images in American Art Museums: A Mellon Foundation Study. See [https://www.researchgate.net/publication/265357075\\_Reproduction\\_charging\\_models\\_rights\\_policy\\_for\\_digital\\_images\\_in\\_American\\_art\\_museums\\_A\\_Mellon\\_Foundation\\_study](https://www.researchgate.net/publication/265357075_Reproduction_charging_models_rights_policy_for_digital_images_in_American_art_museums_A_Mellon_Foundation_study) accessed December 12, 2022

<sup>2</sup> Pantalony, Rina Elster, Managing Intellectual Property for Museums, A Guide; World Intellectual Property Organization; Geneva 2013; p.p. 44-46; See <https://www.wipo.int/publications/en/details.jsp?id=166> accessed December 12, 2022

<sup>3</sup> Pantalony, Rina Elster; “Dances with Intellectual Property”, *Museums, Ethics and Cultural Heritage*; Murphy, Bernice L.; Routledge Press; London; 2016; ch.8 p.p. 70-78.

## **PART IV PRINCIPLE BY PRINCIPLE COMMENTS.**

This part of the report examines comments received on each Principle of the Code, based upon survey responses, emailed comments, and National Committee reports. In addition, the purpose of this part of the report is to address certain details found in the individual Principles themselves.

First, the text to the entire Preamble is provided in the text below for ease of reference. Conversely and second, each Principle is identified in the text by title together with a link to the ICOM Code of Ethics. In addition, the texts of each Principle are also provided for in Appendix B to this report so that it is not necessary to review the report online. The text of the Glossary is not provided since it is voluminous and the comments are of a general nature and do not reference specific definitions. Finally, it is essential to review the title, principle and articles of each Principle in their entirety to understand the context of the comments provided below.

### **[The Preamble](#)**

**The ICOM Code of Ethics for Museums has been prepared by the International Council of Museums. It is the statement of ethics for museums referred to in the ICOM Statutes. The Code reflects principles generally accepted by the international museum community. Membership of ICOM and the payment of the annual subscription to ICOM are an affirmation of the ICOM Code of Ethics for Museums.**

**The ICOM Code presents a minimum standard for museums. It is presented as a series of principles supported by guidelines for desirable professional practice. In some countries, certain minimum standards are defined by law or government regulation. In others, guidance on and assessment of minimum professional standards may be available in the form of ‘Accreditation’, ‘Registration’, or similar evaluative schemes. Where such standards are not defined, guidance can be obtained through the ICOM Secretariat, a relevant National Committee of ICOM, or the appropriate International Committee of ICOM. It is also intended that individual nations and the specialized organizations connected with museums should use this Code as a basis for developing additional standards.**

**The ICOM Code of Ethics for Museums was first published in the three official languages of the organization: English, French and Spanish. ICOM welcomes the translation of the Code into other languages and has set translation guidelines that can be obtained through its General Secretariat.**

### **Comments on the Preamble**

The first sentence of the second paragraph of the Preamble provides that the Code presents a set of minimum standards for museums. The last sentence of that paragraph suggests that the Code should be used as a basis for the development of national or organizational standards. The Preamble also acknowledges that certain ethical standards may also be included in applicable laws or included in accreditation or registration requirements. The text of the Preamble presumes that laws governing museums or accreditation or registration standards may be different than provisions in the Code. The Preamble provides that in the event of confusion or a potential conflict

between standards and the Code, ICOM members are invited to consult with the ICOM Secretariat to resolve inconsistent or conflicting interpretations.

Respondents to the survey identified confusion between law and ethics and a need to facilitate clarity. The Preamble creates even greater confusion in this regard. Law and ethics, while connected from time to time, are distinct subject matter and should be treated as such. While the ICOM Secretariat may assist in interpreting the Code, no one at the Secretariat should be providing legal advice to a museum about how to apply their own applicable laws, registration or accreditation requirements but this is precisely what is suggested in the Preamble.

The Code should remain confined to ethics and should not suggest that it is somehow connected to laws. The Code represents the ethical values of the professional museum community globally and it may prove influential in the interpretation of statutory or other legal requirements domestically. If this is the intention of the Preamble, then it needs to be redrafted to state this intention more clearly.

Other comments suggested that there was a need to identify and address global museum concerns and that domestic or national concerns or preoccupations should not figure prominently in the Code. Including a statement in the Code about its international perspective and reach may, therefore, be warranted. While this comment was likely made in the context of amending the Code more generally, it is worth noting that the Preamble does not state expressly that the Code has been established to identify global museum ethical values.

## Principle 1

**Museums preserve, interpret and promote the natural and cultural inheritance of humanity.**

### **Comments on Principle 1**

As mentioned previously, the title to Principle 1, uses the phrase “natural and cultural inheritance of humanity” that is not clarified in meaning in the Principle itself nor is it found in its detailed paragraphs. What does this phrase mean? Should it and does it lend meaning to the Principle or the paragraphs? If it does not add meaning, then it should be deleted and replaced with terminology that is connected to the Principle. If there is actual meaning, then its meaning should be clarified so that the title assists in the interpretation of the Principle and its subsequent detailed paragraphs.

Principle 1 includes a statement that museums are responsible for promoting the heritage found in their collections. There appears to be confusion, however, about what is meant in this instance by the term “promote”. It is suggested that the phrase is too ambiguous. Careful consideration should be given to what museums do. That includes, providing public access, interpretation, curation, exhibition of collections etc. and the language in the Principle should be chosen to more carefully capture those activities. Given that the term “promote” is one often used in marketing and advertising, it is an unfortunate choice in terminology, potentially suggesting some sort of commercial activity.

Several respondents wanted to see stewardship reflected in this Principle. The Principle also was criticized as being too “property” or collections focused, as opposed to stewardship focused. As mentioned previously, when presenting the human factor thematically in Part III of this report, the Code should, in the eyes of respondents, be revised to reflect that museums are institutions in service of the public and to their communities. Several comments received about Principle 1 suggested that the Principle needs to be aligned more closely with museum mission, thus supporting this perspective.

Respondents also raised the issue of responsible and transparent governance, which is a subject that appears to fall under the current Principle 1. The CIMAM/INTERCOM Museum Watch Governance Management Project (ICOM 2022)<sup>4</sup> calls specifically for the inclusion of clauses of governance to protect and support museums and their staff, particularly in times of crisis. The idea is to foster cross-museum support and solidarity whether within a country or outside. Specifically, the Museum Watch project calls for transparency in the appointment of museum leadership, the identification and formulation of a governing body, and that governance instruments, including policies, should clearly outline the roles, authorities, responsibilities, and accountability of museum leaders relating to the fulfilment of a museum’s mission. The notion of “good governance” is identified as the pervading purpose for a clause such as this one, within a revised Code.

Finally, Principle 1 and its detailed paragraphs speak predominantly to museum physical collections and respondent comments identified the need to update it to include express references

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<sup>4</sup> De Baere, Bart, Horjan, Goranka, Eds.; Museum Watch Governance Management Project; ICOM; Paris; 2022.

in the Principle and detailed paragraphs to address intangible cultural heritage and digital and digitized objects and materials.

## Principle 2

**Museums that maintain collections hold them in trust for the benefit of society and its development.**

### **Comments on Principle 2**

Principle 2 is particularly problematic. Once more, the title to Principle 2 appears to respondents to be ambiguous or, as stated by one respondent, “meaningless”. Questions arose about the meaning of the phrase “in trust for the benefit of society and its development” and, in particular, the term “its development” was identified by one respondent, as holding little if any meaning whatsoever.

Principle 2 also references law and attempts to speak to collections that have a certain legal prominence. What is meant by the phrase “special position in law”? Does it mean that museums that are not identified as having a “special position in law” are not also subject to Principle 2? In addition, the phrase, “inherent in this public trust is the notion of stewardship” appears to cause confusion. Is it, instead, that inherent in stewardship is the notion of holding collections in trust for the public?

Finally, from a drafting perspective, respondents identified inherent conflicts in paragraphs 2.11, 2.4 and 2.6 and these conflicts needed to be addressed. Specifically, paragraphs 2.4 and 2.6 provide that museums should not acquire objects whose recovery is subject to questionable field practices. Paragraph 2.11 then provides that nothing shall prevent a museum from acquiring objects whose provenance is questionable. If objects recovered subject to questionable field practices are, as a result, considered as having questionable provenance then it is true that the detailed paragraphs provide conflicting guidance. This confusion needs to be addressed.

In addition, from a substantive perspective, respondents once more identified the need to integrate the notion of stewardship and museum mission more directly in the Principle. While stewardship is referenced in the Principle, as mentioned above, its meaning in the context of this Principle is unclear and the detailed paragraphs do not clarify its meaning, nor do they address stewardship directly.

Several respondents identified preservation practices referenced in the detailed paragraphs as being outdated. In particular, it was noted that preservation provisions should consider the need for respect for intangible cultural heritage and decolonization practices. For example, treating objects in collections connected to traditional communities in ways that ignore respect for their normative values or in ways that violate handling practices needs to be addressed in a revised Code.

Finally, Principle 2 and its detailed paragraphs need to be updated to reference both objects born digital and digitized images of objects and materials in collections.



### Principle 3

#### **Museums hold primary evidence for establishing and furthering knowledge.**

#### **Comments on Principle 3**

Several respondents focused on the phrase “primary evidence” that appears in Principle 3 and mentioned that the phrase does not adequately reflect the purpose of the Principle. Respondents suggest instead that the Principle should reference the museum’s integrity and authenticity as core preoccupations in that integrity and authenticity speak to the value that museums bring to the public in stewarding collections.

In addition, respondents referenced the need to address the values of authenticity and integrity museums contribute when battling misinformation both in their physical spaces and in the online environment. This appears to be particularly important in the use of social media. If revised accordingly, the Principle will reflect a more contemporary view of museums than as providers of “primary evidence”.

As mentioned in Part III of this report, in section 4 that references “Addressing and Integrating the Digital”, the commitment to representing collections as slavishly as possible in digitized reproductions reinforces both the integrity and authenticity of the museum as a primary source of information while at the same time combating misinformation more generally in the online environment.

## **Principle 4**

**Museums provide opportunities for the appreciation, understanding and management of the natural and cultural heritage.**

### **Comments on Principle 4**

Some respondents suggested that this Principle should be largely left the same with little revision, other than correcting structural inconsistencies. Others noted that the relational connections between the museum, the communities and the public that they serve needs to be reflected in the Principle more clearly, citing the need to integrate the human factor into this Principle.

Respondents also noted that the Principle needs to address intangible cultural heritage. Others, yet again, noted that respect for others that hold rights and interests in the objects and materials comprising collections needs to be reflected in this Principle. For example, the interests of traditional communities relating to collections that include intangible cultural heritage and those of contemporary artists whose works, of primary importance to contemporary art museums, are protected by copyright law.

## Principle 5

**Museums hold resources that provide opportunities for other public services and benefits.**

### **Comments on Principle 5**

One particular respondent suggested that if museums cannot commit to having the requisite resources to ensure meeting the minimum standards reflected in this Principle, then at best, the Principle should be simply deleted. Given the comments received about Principle 5, there is considerable frustration within the ICOM community concerning the issue of resources and investment to meet the requirements articulated in paragraph 5.1.

Respondents have tied Principle 5 directly to a museum's ability to ensure its own professional sustainability, in terms of finances, capacity and capability. Its bar is high and requires that museums commit to an investment in its people and the need for ongoing professional development so that they can contribute meaningfully to the communities they serve. Because of these preoccupations, respondents have suggested that Principle 5 should be reconsidered by directing museums to prioritize authenticity activities **and** corresponding resources needed to ensure that museum professionals are able to maintain and sustain a museum's capability and capacity to meet the important values provided for in Principle 5.

Once more, it was suggested that this Principle be redrafted from the perspective of the museum professional, emphasizing "the human factor".

## **Principle 6**

**Museums work in close collaboration with the communities from which their collections originate as well as those they serve.**

### **Comments on Principle 6**

Respondents noted that the title to Principle 6 needs significant revision to reflect contemporary views. The title states that museums work in close collaboration with the communities from which their collections originate as well as those that they serve. The title suggests that communities of origin are not included in the communities that the museum serves as part of its mission. This is very problematic within the context of decolonization of collections, particularly in certain global regions.

Respondents noted the repetitive nature of the current Code, and within that context, suggested that the provisions reflected in Principle 6 should be more closely aligned and connected to Principles 2, 3 and 4. Therefore, the comments already made about Principles 2, 3 and 4 relate to Principle 6, as well. In other words, as mentioned in Part III section 5 concerning intangible cultural heritage and decolonization of collections, consideration should be given to reorganizing the paragraphs and Principles addressing these issues as a standalone Principle that addresses them specifically.

At a minimum, Principle 6, it has been suggested, needs to be revised to reflect contemporary practices relating to the management of collections comprising intangible cultural heritage and to the decolonization of collections. Communities of origin are significant stakeholders in the management of collections that comprise both their objects and intangible cultural heritage and are, in contemporary practice, considered partners in the responsible and ethical management of collections.

## Principle 7

### **Museums operate in a legal manner.**

#### **Comments on Principle 7**

Again, the title in Principle 7 does not reflect the preoccupation of the Principle since the phrase “Museums Operate in a Legal Manner” holds little meaning, given that one cannot operate “in a legal manner.” One can, however, operate lawfully.

In addition, the comments made about the Preamble concerning the need for distinction and clarification between ethics and law are relevant here, as well. Principle 7 requires that museums must comply fully with all laws and regulations. Principle 7 also lists treaties to which there must be full compliance, according to the language of the Principle.

The language used in this Principle is more suggestive of a regulatory provision rather than a provision in a Code of Ethics since it requires mandatory full compliance with all laws, regulations and the listed treaties. In addition, the mandatory nature of the Principle could be considered to conflict with the Preamble that provides that the Code presents a set of minimum standards. In other words, Principle 7 provides not a floor but a ceiling in the way it has been drafted.

In addition, museums are stakeholders in the preservation and management of cultural heritage but, at the same time, they may exist in jurisdictions that have not ratified all the treaties listed in Principle 7. While they may commit to the Principles found in the international treaties listed in Principle 7, they are also subject to the decisions of their own governments to ratify specific international treaties. If ICOM is to reflect its own global membership and take an inclusive approach, some thought should be given to revising Principle 7 accordingly. Notwithstanding, ICOM can recommend a list of conventions and treaties in keeping with Principle 7 and this list may form part of an appendix to the Code of Ethics.

Finally, one respondent suggested that the Principle should be redrafted to simply state that museums commit to operating lawfully, subject to applicable local, national and international laws. Consideration should be given to this approach.

## Principle 8

**Museums operate in a professional manner.**

### **Comments Relating to Principle 8**

Principle 8 is, according to a number of respondents, the heart of the Code and as already noted, it has been suggested that Principle 8 should be the first Principle listed in a revised Code. Principle 8 speaks directly to museum professionals that are the members of ICOM. Respondents, however, suggested that the notion of “professionalism” within the context of the Code should be better defined and that Principle 8 should expressly provide that its purpose is to establish criteria for museum professionalism. Indeed, some respondents suggest, even further, that Principle 8 in the Code should establish an actual framework for professionalism and professional autonomy. Other respondents suggested that ICOM publish case reports to address their need to better understand standards of professionalism in stewarding collections so as to avoid the unintended consequences that can arise notwithstanding the best of intentions.

Finally, respondents acknowledged that Principle 8 needs to be revised to reflect practices relating to both digital and digitized objects and materials. In that respect, respondents suggested that Principle 8 address the need for authenticity and integrity in the digitized copies of museum collections, and the stewardship and curation of both digital and digitized objects and materials. These comments are related directly to the comments made concerning Principle 3.

## [The Glossary](#)

### **Comments Relating to the Glossary**

The Glossary will not be copied into this report as it is voluminous and the comments below reflect general comments that pertain to all terms defined in it. The Glossary may be found on pages 28-29 of the current ICOM Code of Ethics.

As stated by one respondent, careful consideration will be required to ensure that any terms defined in the Glossary are up to date and accurate. For example, the current museum definition appears in the Glossary and it will require revision once ICOM settles on a new one.

Some consideration should be given to over-defining terms to enable some flexibility in how the Code is interpreted over time. As stated by one thoughtful respondent, consideration has to be given to changes and their impact in the short, medium and long term as the Code undergoes revisions.

## **PART V SOME NEW IDEAS.**

Respondents were quite willing to provide new ideas to enable the Code to reflect current preoccupations and practices. Below is a short list of ideas that were suggested in emails and in the body of survey responses:

- Include a new Principle that broadly acknowledges people are at the heart of all museum endeavors and include in that Principle respect for human rights, indigenous rights, artists rights, and intellectual rights
- Include guidelines that require governance and staff to reflect the community in which the museum is situated and the communities that the museum serves
- Integrate human values as driving museum mission and ethics
- Address museum ethics as contextualized by human rights and sustainability
- Examine museum ethics as a reflection of social and societal structure within the context of the Sustainable Development Goals (SDGs)
- Address and develop norms of practice for museums concerning the safeguarding and management of collections that include intangible cultural heritage.
- Consideration should be given to establishing an annual report for the Code that includes case reports.



## **PART VI NEXT STEPS.**

The following represents a suggested approach to revising the Code, understanding that certain steps may have to be reorganized or proceed on tandem tracks:

1. The revisions suggested are both structural and substantive. In revising the Code, ETHCOM should first settle on a structure for the Code that is applied consistently.
2. ETHCOM should tackle the Preamble next since it is the overarching provision that will guide readers and provide greater context to all the Principles articulated in the Code.
3. Once the Preamble is settled upon, ETHCOM should review the general observation and trends in Part III of this report to ascertain whether existing Principles may be revised to adequately reflect them or whether new Principles will be required to address them.
4. After a thematic review, ETHCOM should undertake a mapping exercise to reorganize and, if needed, elevate concepts into new Principles so that duplication is avoided.
5. Once the mapping exercise has been completed, each Principle should be addressed in detail, examining and addressing the ambiguities and revising the language to reflect a contemporary context, while ensuring that the Principles' precedential value is not lost.
6. Finally, the Glossary should be reviewed to ensure that the terms used are accurately defined.

## Appendix A

### Survey Questions

#### CONSULTATION CONCERNING THE ICOM CODE OF ETHICS FOR MUSEUMS

*Each question should be followed by a text box for comments, half a page in size (250 word limit).*

Do you think that the ICOM Code of Ethics should be revised to reflect contemporary issues and standards?

Yes

No

If you answered 'yes' to the first question, please complete the remainder of the questions with specific comments on the current Code of Ethics.

(Links will be provided to the ICOM Code of Ethics for Museums as well as to the items suggested in the survey conducted in 2021)

**Principle 1.** Museums Preserve, interpret and promote the natural and cultural inheritance of humanity.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 2.** Museums that maintain collections hold them in trust for the benefit of society and its development.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 3.** Museums hold primary evidence for establishing and furthering knowledge.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 4.** Museums provide opportunities for the appreciation, understanding and management of the natural and cultural heritage.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 5.** Museums hold resources that provide opportunities for other public services and benefits.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 6.** Museums work in close collaboration with the communities from which their collections originate as well as those they serve.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 7.** Museums operate in a legal matter.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

**Principle 8.** Museums operate in a professional manner.

Should this principle of the Code remain the same? Yes/No

If you answered 'yes,' why?

If you answered 'no,' should the principle be removed or amended?

If it should be removed, why?

If it should be amended, how would you recommend it be changed?

Are there missing concepts that need to be added?

Do you have suggestions of principles that should be added to the Code of Ethics?

## CONSULTATION CONCERNANT LE CODE DE DEONTOLOGIE DE L'ICOM POUR LES MUSÉES

*Chaque question doit être suivie d'une zone de texte pour les commentaires, avec un maximum de 250 mots.*

Pensez-vous que le Code de déontologie de l'ICOM devrait être révisé pour refléter les questions et les normes contemporaines ?

- Oui
- Non

Si vous avez répondu "oui" à la première question, veuillez compléter les autres questions ci dessous par des commentaires spécifiques sur l'actuel Code de déontologie.  
(Des liens vers le Code de déontologie de l'ICOM pour les musées ainsi que vers les points suggérés dans l'enquête menée en 2021 vous seront fournis).

**Principe 1.** Les musées préservent, interprètent et mettent en valeur le patrimoine naturel et culturel de l'humanité.

- Ce principe du Code doit-il rester le même ? Oui/Non
  - Si vous avez répondu "oui", pourquoi ?
  - Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?
    - S'il doit être supprimé, pourquoi ?
    - S'il doit être modifié, comment recommandez-vous qu'il le soit ?
- Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 2.** Les musées qui conservent des collections les détiennent pour le bénéfice de la société et de son développement.

- Ce principe du Code doit-il rester le même ? Oui/Non
  - Si vous avez répondu "oui", pourquoi ?
  - Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?
    - S'il doit être supprimé, pourquoi ?
    - S'il doit être modifié, comment recommandez-vous qu'il le soit ?
- Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 3.** Les musées détiennent des preuves primaires pour établir et faire progresser les connaissances.

- Ce principe du Code doit-il rester le même ? Oui/Non
  - Si vous avez répondu "oui", pourquoi ?
  - Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?
    - S'il doit être supprimé, pourquoi ?
    - S'il doit être modifié, comment recommandez-vous qu'il le soit ?
- Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 4.** Les musées offrent des possibilités d'appréciation, de compréhension et de gestion du patrimoine naturel et culturel...

Ce principe du Code doit-il rester le même ? Oui/Non

Si vous avez répondu "oui", pourquoi ?

Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?

S'il doit être supprimé, pourquoi ?

S'il doit être modifié, comment recommandez-vous qu'il le soit ?

Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 5.** Les musées détiennent des ressources qui permettent d'offrir d'autres services et avantages publics.

Ce principe du Code doit-il rester le même ? Oui/Non

Si vous avez répondu "oui", pourquoi ?

Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?

S'il doit être supprimé, pourquoi ?

S'il doit être modifié, comment recommandez-vous qu'il le soit ?

Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 6.** Les musées travaillent en étroite collaboration avec les communautés d'où proviennent leurs collections ainsi qu'avec celles qu'ils servent..

Ce principe du Code doit-il rester le même ? Oui/Non

Si vous avez répondu "oui", pourquoi ?

Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?

S'il doit être supprimé, pourquoi ?

S'il doit être modifié, comment recommandez-vous qu'il le soit ?

Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 7.** Les musées fonctionnent dans un cadre juridique légal.

Ce principe du Code doit-il rester le même ? Oui/Non

Si vous avez répondu "oui", pourquoi ?

Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?

S'il doit être supprimé, pourquoi ?

S'il doit être modifié, comment recommandez-vous qu'il le soit ?

Y a-t-il des concepts manquants qui doivent être ajoutés ?

**Principe 8.** Les musées fonctionnent de manière professionnelle.

Ce principe du Code doit-il rester le même ? Oui/Non

Si vous avez répondu "oui", pourquoi ?

Si vous avez répondu "non", ce principe devrait-il être supprimé ou modifié ?

S'il doit être supprimé, pourquoi ?

S'il doit être modifié, comment recommandez-vous qu'il le soit ?

Y a-t-il des concepts manquants qui doivent être ajoutés ?

Avez-vous des suggestions de principes qui devraient être ajoutés au Code de déontologie ?

## CONSULTA SOBRE EL CÓDIGO ÉTICO DEL ICOM PARA LOS MUSEOS

*Cada pregunta debe ir seguida de un cuadro de texto para comentarios, de media página de tamaño (250 palabras).*

¿Cree que el Código de Ética del ICOM debería revisarse para reflejar los problemas y estándares actuales?

Sí  
No

Si respondió "sí" a la primera pregunta, complete el resto de las preguntas con comentarios específicos sobre el Código de Ética vigente.

(Se proporcionarán enlaces al Código de Ética para Museos del ICOM, así como a los elementos sugeridos en la encuesta realizada en 2021)

**Principio 1.** Los museos garantizan la protección, documentación y promoción del patrimonio natural y cultural de la humanidad. (as it appears in the code),

*Los museos preservan, interpretan y promueven el patrimonio natural y cultural de la humanidad. (literal translation)*

¿Debería seguir siendo el mismo este principio del Código?

Sí  
No

Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?

Si se debe enmendar, ¿cómo recomendaría que se cambie?

¿Hay conceptos faltantes que deben agregarse?

**Principio 2.** Los museos que poseen colecciones las conservan en beneficio de la sociedad y su desarrollo. (as it appears in the code)

*Los museos que mantienen colecciones las conservan en fideicomiso en beneficio de la sociedad y su desarrollo. (literal translation)*

¿Debería seguir siendo el mismo este principio del Código?

Sí  
No

Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?

Si se debe enmendar, ¿cómo recomendaría que se cambie?

¿Hay conceptos faltantes que deben agregarse?

**Principio 3.** Los museos poseen testimonios esenciales para crear y profundizar conocimientos. (as it appears in the code)

*Los museos poseen evidencia primaria para establecer y promover el conocimiento. (literal translation)*

¿Debería seguir siendo el mismo este principio del Código?

Sí

No

Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?

Si se debe enmendar, ¿cómo recomendaría que se cambie?

¿Hay conceptos faltantes que deben agregarse?

**Principio 4.** Los museos contribuyen al aprecio, conocimiento y gestión del patrimonio natural y cultural. (as it appears in the code).

*Los museos brindan oportunidades para la apreciación, comprensión y gestión del patrimonio natural y cultural. (literal translation).*

¿Debería seguir siendo el mismo este principio del Código?

Sí

No

Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?

Si se debe enmendar, ¿cómo recomendaría que se cambie?

¿Hay conceptos faltantes que deben agregarse?

**Principio 5.** Los museos poseen recursos que ofrecen posibilidades para otros servicios y beneficios públicos. (as it appears in the code).

*Los museos poseen recursos que brindan oportunidades para otros servicios y beneficios públicos. (literal translation).*

¿Debería seguir siendo el mismo este principio del Código?

Sí

No

Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?  
Si se debe enmendar, ¿cómo recomendaría que se cambie?  
¿Hay conceptos faltantes que deben agregarse?

**Principio 6.** Los museos trabajan en estrecha colaboración con las comunidades de las que provienen las colecciones, así como las comunidades a las que prestan servicio. (as it appears in the code).

*Los museos trabajan en estrecha colaboración con las comunidades de las que proceden sus colecciones, así como con aquellas a las que sirven. (literal translation)*  
¿Debería seguir siendo el mismo este principio del Código?

Sí  
No

Si respondió 'sí', ¿por qué?  
Si respondió "no", ¿debería eliminarse o modificarse el principio?  
Si debe ser eliminado, ¿por qué?  
Si se debe enmendar, ¿cómo recomendaría que se cambie?  
¿Hay conceptos faltantes que deben agregarse?

**Principio 7.** Los museos actúan ateniéndose a la legalidad. (as it appears in the code)

*Los museos funcionan en materia legal. (literal translation).*  
¿Debería seguir siendo el mismo este principio del Código?

Sí  
No

Si respondió 'sí', ¿por qué?  
Si respondió "no", ¿debería eliminarse o modificarse el principio?  
Si debe ser eliminado, ¿por qué?  
Si se debe enmendar, ¿cómo recomendaría que se cambie?  
¿Hay conceptos faltantes que deben agregarse?

**Principio 8.** Los museos actúan con profesionalidad. (as it appears in the code).

*Los museos funcionan de manera profesional. (literal translation).*  
¿Debería seguir siendo el mismo este principio del Código?

Sí  
No



Si respondió 'sí', ¿por qué?

Si respondió "no", ¿debería eliminarse o modificarse el principio?

Si debe ser eliminado, ¿por qué?

Si se debe enmendar, ¿cómo recomendaría que se cambie?

¿Hay conceptos faltantes que deben agregarse?

¿Tiene sugerencias de principios que deberían agregarse al Código de Ética?

## **Appendix B**

### **ICOM Code of Ethics Principles**

#### **Principle 1**

**Museums preserve, interpret and promote the natural and cultural inheritance of humanity.**

#### **Principle:**

**Museums are responsible for the tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to protect and promote this heritage as well as the human, physical and financial resources made available for that purpose.**

#### **Institutional standing**

1.1 Enabling Documentation The governing body should ensure that the museum has a written and published constitution, statute, or other public document in accordance with national laws, which clearly states the museum's legal status, mission, permanence and non-profit nature.

#### 1.2 Statement of the Mission, Objectives and Policies

The governing body should prepare, publicize and be guided by a statement of the mission, objectives and policies of the museum and of the role and composition of the governing body.

#### **Physical resources**

#### 1.3 Premises

The governing body should ensure adequate premises with a suitable environment for the museum to fulfill the basic functions defined in its mission.

#### **1.4 Access**

The governing body should ensure that the museum and its collections are available to all during reasonable hours and for regular periods. Particular regard should be given to those persons with special needs.

#### 1.5 Health and Safety

The governing body should ensure that institutional standards of health, safety and accessibility apply to its personnel and visitors.

## **1.6 Protection Against Disasters**

The governing body should develop and maintain policies to protect the public and personnel, the collections and other resources against natural and human-made disasters.

## **1.7 Security Requirements**

The governing body should ensure appropriate security to protect collections against theft or damage in displays, exhibitions, working or storage areas and while in transit.

## **1.8 Insurance and Indemnity**

Where commercial insurance is used for collections, the governing body should ensure that such cover is adequate and includes objects in transit or on loan and other items that are the responsibility of the museum. When an indemnity scheme is in use, it is necessary that material not in the ownership of the museum be adequately covered.

## **Financial resources**

### **1.9 Funding**

The governing body should ensure that there are sufficient funds to carry out and develop the activities of the museum. All funds must be accounted for in a professional manner.

### **1.10 Income-generating**

Policy The governing body should have a written policy regarding sources of income that it may generate through its activities or accept from outside sources. Regardless of funding source, museums should maintain control of the content and integrity of their programmes, exhibitions and activities. Income-generating activities should not compromise the standards of the institution or its public (see 6.6).

## **Personnel**

### **1.11 Employment Policy**

The governing body should ensure that all action concerning personnel is taken in accordance with the policies of the museum as well as the proper and legal procedures.

### **1.12 Appointment of the Director or Head**

The director or head of the museum is a key post and when making an appointment, governing bodies should have regard for the knowledge and skills required to fill the post effectively. These qualities should include adequate intellectual ability and professional knowledge, complemented by a high standard of ethical conduct.

### **1.13 Access to Governing Bodies**

The director or head of a museum should be directly responsible, and have direct access, to the relevant governing bodies.

#### **1.14 Competence of Museum**

Personnel The employment of qualified personnel with the expertise required to meet all responsibilities is necessary (see also 2.19; 2.24; section 8).

#### **1.15 Training of Personnel**

Adequate opportunities for the continuing education and professional development of all museum personnel should be arranged to maintain an effective workforce.

#### **1.16 Ethical Conflict**

The governing body should never require museum personnel to act in a way that could be considered to conflict with the provisions of this Code of Ethics, or any national law or specialist code of ethics.

#### **1.17 Museum Personnel and Volunteers**

The governing body should have a written policy on volunteer work that promotes a positive relationship between volunteers and members of the museum profession.

#### **1.18 Volunteers and Ethics**

The governing body should ensure that volunteers, when conducting museum and personal activities, are fully conversant with the ICOM Code of Ethics for Museums and other applicable codes and laws.

## **Principle 2**

**Museums that maintain collections hold them in trust for the benefit of society and its development.**

### **Principle:**

**Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal.**

### **Acquiring collections**

#### **2.1 Collections Policy**

The governing body for each museum should adopt and publish a written collections policy that addresses the acquisition, care and use of collections. The policy should clarify the position of any material that will not be cataloged, conserved, or exhibited (see 2.7; 2.8).

#### **2.2 Valid Title**

No object or specimen should be acquired by purchase, gift, loan, bequest, or exchange unless the acquiring museum is satisfied that a valid title is held. Evidence of lawful ownership in a country is not necessarily valid title.

#### **2.3 Provenance and Due Diligence**

Every effort must be made before acquisition to ensure that any object or specimen offered for purchase, gift, loan, bequest, or exchange has not been illegally obtained in, or exported from its country of origin or any intermediate country in which it might have been owned legally (including the museum's own country). Due diligence in this regard should establish the full history of the item since discovery or production.

#### **2.4 Objects and Specimens from Unauthorized or Unscientific Fieldwork**

Museums should not acquire objects where there is reasonable cause to believe their recovery involved unauthorized or unscientific fieldwork, or intentional destruction or damage of monuments, archaeological or geological sites, or of species and natural habitats. In the same way, acquisition should not occur if there has been a failure to disclose the finds to the owner or occupier of the land, or to the proper legal or governmental authorities.

## **2.5 Culturally Sensitive Material**

Collections of human remains and material of sacred significance should be acquired only if they can be housed securely and cared for respectfully. This must be accomplished in a manner consistent with professional standards and the interests and beliefs of members of the community, ethnic or religious groups from which the objects originated, where these are known (see also 3.7; 4.3).

## **2.6 Protected Biological or Geological Specimens**

Museums should not acquire biological or geological specimens that have been collected, sold, or otherwise transferred in contravention of local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

## **2.7 Living Collections**

When the collections include live botanical or zoological specimens, special consideration should be given to the natural and social environment from which they are derived as well as any local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

## **2.8 Working Collections**

The collections policy may include special considerations for certain types of working collections where the emphasis is on preserving cultural, scientific, or technical process rather than the object, or where objects or specimens are assembled for regular handling and teaching purposes (see also 2.1).

## **2.9 Acquisition Outside Collections Policy**

The acquisition of objects or specimens outside the museum's stated policy should only be made in exceptional circumstances. The governing body should consider the professional opinions available to it and the views of all interested parties. Consideration will include the significance of the object or specimen, including its context in the cultural or natural heritage, and the special interests of other museums collecting such material. However, even in these circumstances, objects without a valid title should not be acquired (see also 3.4).

## **2.10 Acquisitions Offered by Members of the Governing Body or Museum Personnel**

Special care is required in considering any item, whether for sale, as a donation, or as a tax-benefit gift, from members of governing bodies, museum personnel, or the families and close associates of these persons.

## **2.11 Repositories of Last Resort**

Nothing in this Code of Ethics should prevent a museum from acting as an authorized repository for unprovenanced, illicitly collected or recovered specimens or objects from the territory over which it has lawful responsibility.

## **Removing collections**

### **2.12 Legal or Other Powers of Disposal**

Where the museum has legal powers permitting disposals, or has acquired objects subject to conditions of disposal, the legal or other requirements and procedures must be complied with fully. Where the original acquisition was subject to mandatory or other restrictions these conditions must be observed, unless it can be shown clearly that adherence to such restrictions is impossible or substantially detrimental to the institution and, if appropriate, relief may be sought through legal procedures.

### **2.13 Deaccessioning from Museum Collections**

The removal of an object or specimen from a museum collection must only be undertaken with a full understanding of the significance of the item, its character (whether renewable or nonrenewable), legal standing, and any loss of public trust that might result from such action.

### **2.14 Responsibility for Deaccessioning**

The decision to deaccession should be the responsibility of the governing body acting in conjunction with the director of the museum and the curator of the collection concerned. Special arrangements may apply to working collections (see 2.7; 2.8).

### **2.15 Disposal of Objects Removed from the Collections**

Each museum should have a policy defining authorized methods for permanently removing an object from the collections through donation, transfer, exchange, sale, repatriation, or destruction, and that allows the transfer of unrestricted title to any receiving agency. Complete records must be kept of all deaccessioning decisions, the objects involved, and the disposal of the object. There will be a strong presumption that a deaccessioned item should first be offered to another museum.

### **2.16 Income from Disposal of Collections**

Museum collections are held in public trust and may not be treated as a realizable asset. Money or compensation received from the deaccessioning and disposal of objects and specimens from a museum collection should be used solely for the benefit of the collection and usually for acquisitions to that same collection.

### **2.17 Purchase of Deaccessioned Collections**

Museum personnel, the governing body, or their families or close associates, should not be permitted to purchase objects that have been deaccessioned from a collection for which they are responsible.

## **Care of collections**

### **2.18 Collection Continuity**

The museum should establish and apply policies to ensure that its collections (both permanent and temporary) and associated information, properly recorded, are available for current use and will be passed on to future generations in as good and safe a condition as practicable, having regard to current knowledge and resources.

### **2.19 Delegation of Collection Responsibility**

Professional responsibilities involving the care of the collections should be assigned to persons with appropriate knowledge and skill or who are adequately supervised (see also 8.11).

### **2.20 Documentation of Collections**

Museum collections should be documented according to accepted professional standards. Such documentation should include a full identification and description of each item, its associations, provenance, condition, treatment and present location. Such data should be kept in a secure environment and be supported by retrieval systems providing access to the information by the museum personnel and other legitimate users.

### **2.21 Protection Against Disasters**

Careful attention should be given to the development of policies to protect the collections during armed conflict and other human-made or natural disasters.

### **2.22 Security of Collection and Associated Data**

The museum should exercise control to avoid disclosing sensitive personal or related information and other confidential matters when collection data is made available to the public.

### **2.23 Preventive Conservation**

Preventive conservation is an important element of museum policy and collections care. It is an essential responsibility of members of the museum profession to create and maintain a protective environment for the collections in their care, whether in store, on display, or in transit.

### **2.24 Collection Conservation and Restoration**

The museum should carefully monitor the condition of collections to determine when an object or specimen may require conservation-restoration work and the services of a qualified conservator-restorer. The principal goal should be the stabilization of the object or specimen. All conservation procedures should be documented and as reversible as possible, and all alterations should be clearly distinguishable from the original object or specimen.



## **2.25 Welfare of Live Animals**

A museum that maintains living animals should assume full responsibility for their health and well-being. It should prepare and implement a safety code for the protection of its personnel and visitors, as well as of the animals, that has been approved by an expert in the veterinary field. Genetic modification should be clearly identifiable.

## **2.26 Personal Use of Museum Collections**

Museum personnel, the governing body, their families, close associates, or others should not be permitted to expropriate items from the museum collections, even temporarily, for any personal use.

### **Principle 3**

**Museums hold primary evidence for establishing and furthering knowledge.**

#### **Principle:**

**Museums have particular responsibilities to all for the care, accessibility and interpretation of primary evidence collected and held in their collections.**

#### **Primary evidence**

##### **3.1 Collections as Primary Evidence**

The museum collections policy should indicate clearly the significance of collections as primary evidence. The policy should not be governed only by current intellectual trends or present museum usage.

##### **3.2 Availability of Collections**

Museums have a particular responsibility for making collections and all relevant information available as freely as possible, having regard to restraints arising for reasons of confidentiality and security.

#### **Museum collecting and research**

##### **3.3 Field Collecting**

Museums undertaking field collecting should develop policies consistent with academic standards and applicable national and international laws and treaty obligations. Fieldwork should only be undertaken with respect and consideration for the views of local communities, their environmental resources and cultural practices as well as efforts to enhance the cultural and natural heritage.

##### **3.4 Exceptional Collecting of Primary Evidence**

In exceptional cases an item without provenance may have such an inherently outstanding contribution to knowledge that it would be in the public interest to preserve it. The acceptance of such an item into a museum collection should be the subject of a decision by specialists in the discipline concerned and without national or international prejudice (see also 2.11).

##### **3.5 Research**

Research by museum personnel should relate to the museum's mission and objectives and conform to established legal, ethical and academic practices.

##### **3.6 Destructive Analysis**

When destructive analytical techniques are undertaken, a complete record of the material analyzed, the outcome of the analysis and the resulting research, including publications, should become a part of the permanent record of the object.

### **3.7 Human Remains and Materials of Sacred Significance**

Research on human remains and materials of sacred significance must be accomplished in a manner consistent with professional standards and take into account the interests and beliefs of the community, ethnic or religious groups from whom the objects originated, where these are known (see also 2.5; 4.3).

### **3.8 Retention of Rights to Research Materials**

When museum personnel prepare material for presentation or to document field investigation, there must be clear agreement with the sponsoring museum regarding all rights to such work.

### **3.9 Shared Expertise**

Members of the museum profession have an obligation to share their knowledge and experience with colleagues, scholars and students in relevant fields. They should respect and acknowledge those from whom they have learned and should pass on such advancements in techniques and experience that may be of benefit to others.

### **3.10 Cooperation between Museums and Other Institutions**

Museum personnel should acknowledge and endorse the need for cooperation and consultation between institutions with similar interests and collecting practices. This is particularly so with institutes of higher education and certain public utilities where research may generate important collections for which there is no long-term security.

## **Principle 4**

**Museums provide opportunities for the appreciation, understanding and management of the natural and cultural heritage.**

### **Principle:**

**Museums have an important duty to develop their educational role and attract wider audiences from the community, locality, or group they serve. Interaction with the constituent community and promotion of their heritage is an integral part of the educational role of the museum.**

## **Display and exhibition**

### **4.1 Displays, Exhibitions and Special Activities**

Displays and temporary exhibitions, physical or electronic, should be in accordance with the stated mission, policy and purpose of the museum. They should not compromise either the quality or the proper care and conservation of the collections.

### **4.2 Interpretation of Exhibitions**

Museums should ensure that the information they present in displays and exhibitions is well-founded, accurate and gives appropriate consideration to represented groups or beliefs.

### **4.3 Exhibition of Sensitive Materials**

Human remains and materials of sacred significance must be displayed in a manner consistent with professional standards and, where known, taking into account the interests and beliefs of members

of the community, ethnic or religious groups from whom the objects originated. They must be presented with great tact and respect for the feelings of human dignity held by all peoples.

#### **4.4 Removal from Public Display**

Requests for removal from public display of human remains or material of sacred significance from the originating communities must be addressed expeditiously with respect and sensitivity.

Requests for the return of such material should be addressed similarly. Museum policies should clearly define the process for responding to such requests.

#### **4.5 Display of Unprovenanced Material**

Museums should avoid displaying or otherwise using material of questionable origin or lacking provenance. They should be aware that such displays or usage can be seen to condone and contribute to the illicit trade in cultural property.

#### **Other resources**

#### **4.6 Publication**

Information published by museums, by whatever means, should be well-founded, accurate and give responsible consideration to the academic disciplines, societies, or beliefs presented. Museum publications should not compromise the standards of the institution. 4.7 Reproductions Museums should respect the integrity of the original when replicas, reproductions, or copies of items in the collection are made. All such copies should be permanently marked as facsimiles.

## **Principle 5**

**Museums hold resources that provide opportunities for other public services and benefits.**

### **Principle:**

**Museums utilize a wide variety of specialisms, skills and physical resources that have a far broader application than in the museum. This may lead to shared resources or the provision of services as an extension of the museum's activities. These should be organized in such a way that they do not compromise the museum's stated mission.**

### **Identification services**

#### **5.1 Identification of Illegally or Illicitly Acquired Objects**

Where museums provide an identification service, they should not act in any way that could be regarded as benefiting from such activity, directly or indirectly. The identification and authentication of objects that are believed or suspected to have been illegally or illicitly acquired, transferred, imported or exported, should not be made public until the appropriate authorities have been notified.

#### **5.2 Authentication and Valuation (Appraisal)**

Valuations may be made for the purposes of insurance of museum collections. Opinions on the monetary value of other objects should only be given on official request from other museums or competent legal, governmental or other responsible public authorities. However, when the museum itself may be the beneficiary, appraisal of an object or specimen must be undertaken independently.

## **Principle 6**

**Museums work in close collaboration with the communities from which their collections originate as well as those they serve.**

### **Principle:**

**Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such, they have a character beyond that of ordinary property, which may include strong affinities with national, regional, local, ethnic, religious or political identity. It is important therefore that museum policy is responsive to this situation.**

### **Origin of collections**

#### **6.1 Cooperation**

Museums should promote the sharing of knowledge, documentation and collections with museums and cultural organizations in the countries and communities of origin. The possibility of developing partnerships with museums in countries or areas that have lost a significant part of their heritage should be explored.

#### **6.2 Return of Cultural Property**

Museums should be prepared to initiate dialogue for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national and international legislation, in preference to action at a governmental or political level.

#### **6.3 Restitution of Cultural Property**

When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country's or people's cultural

or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to cooperate in its return.

#### **6.4 Cultural Objects from an Occupied Country**

Museums should abstain from purchasing or acquiring cultural objects from an occupied territory and respect fully all laws and conventions that regulate the import, export and transfer of cultural or natural materials.

#### **Respect for Communities Served**

#### **6.5 Contemporary Communities**

Where museum activities involve a contemporary community or its heritage, acquisitions should only be made based on informed and mutual consent without exploitation of the owner or informants. Respect for the wishes of the community involved should be paramount.

#### **6.6 Funding of Community Activities**

When seeking funds for activities involving contemporary communities, their interests should not be compromised (see 1.10).

#### **6.7 Use of Collections from Contemporary Communities**

Museum usage of collections from contemporary communities requires respect for human dignity and the traditions and cultures that use such material. Such collections should be used to promote human well-being, social development, tolerance, and respect by advocating multi social, multicultural and multilingual expression (see 4.3).

#### **6.8 Supporting Organizations in the Community**

Museums should create a favorable environment for community support (e.g., Friends of Museums and other supporting organizations), recognise their contribution and promote a harmonious relationship between the community and museum personnel.



## **Principle 7**

**Museums operate in a legal manner.**

### **Principle:**

**Museums must conform fully to international, regional, national and local legislation and treaty obligations. In addition, the governing body should comply with any legally binding trusts or conditions relating to any aspect of the museum, its collections and operations.**

### **Legal framework**

#### **7.1 National and Local Legislation**

Museums should conform to all national and local laws and respect the legislation of other states as they affect their operation.

#### **7.2 International Legislation**

Museum policy should acknowledge the following international legislation that is taken as a standard in interpreting the ICOM Code of Ethics for Museums:

- Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention (“The Hague Convention” First Protocol, 1954, and Second Protocol, 1999);
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO, 1970);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973); • Convention on Biological Diversity (UN, 1992);
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (UNIDROIT, 1995);
- Convention on the Protection of the Underwater Cultural Heritage (UNESCO, 2001);
- Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003).

## **Principle 8**

**Museums operate in a professional manner.**

### **Principle:**

**Members of the museum profession should observe accepted standards and laws and uphold the dignity and honor of their profession. They should safeguard the public against illegal or unethical professional conduct. Every opportunity should be used to inform and educate the public about the aims, purposes, and aspirations of the profession to develop a better public understanding of the contributions of museums to society.**

### **Professional conduct**

#### **8.1 Familiarity with Relevant Legislation**

Every member of the museum profession should be conversant with relevant international, national and local legislation and the conditions of their employment. They should avoid situations that could be construed as improper conduct.

#### **8.2 Professional Responsibility**

Members of the museum profession have an obligation to follow the policies and procedures of their employing institution. However, they may properly object to practices that are perceived to be damaging to a museum, to the profession, or to matters of professional ethics.

#### **8.3 Professional Conduct**

Loyalty to colleagues and to the employing museum is an important professional responsibility and must be based on allegiance to fundamental ethical principles applicable to the profession as a whole. These principles should comply with the terms of the ICOM Code of Ethics for Museums and be aware of any other codes or policies relevant to museum work.

#### **8.4 Academic and Scientific Responsibilities**

Members of the museum profession should promote the investigation, preservation, and use of information inherent in collections. They should, therefore, refrain from any activity or circumstance that might result in the loss of such academic and scientific data.

#### **8.5 The Illicit Market**

Members of the museum profession should not support the illicit traffic or market in natural or cultural property, directly or indirectly.

#### **8.6 Confidentiality**

Members of the museum profession must protect confidential information obtained during their work. In addition, information about items brought to the museum for identification is confidential

and should not be published or passed to any other institution or person without specific authorization from the owner.

### **8.7 Museum and Collection Security**

Information about the security of the museum or of private collections and locations visited during official duties must be held in strict confidence by museum personnel.

### **8.8 Exception to the Obligation for Confidentiality**

Confidentiality is subject to a legal obligation to assist the police or other proper authorities in investigating possible stolen, illicitly acquired, or illegally transferred property.

### **8.9 Personal Independence**

While members of a profession are entitled to a measure of personal independence, they must realize that no private business or professional interest can be wholly separated from their employing institution.

### **8.10 Professional Relationships**

Members of the museum profession form working relationships with numerous other persons within and outside the museum in which they are employed. They are expected to render their professional services to others efficiently and to a high standard.

### **8.11 Professional Consultation**

It is a professional responsibility to consult other colleagues within or outside the museum when the expertise available in the museum is insufficient to ensure good decision-making.

### **Conflicts of interest**

### **8.12 Gifts, Favors, Loans, or Other Personal Benefits**

Museum employees must not accept gifts, favors, loans, or other personal benefits that may be offered to them in connection with their duties for the museum. Occasionally professional courtesy may include the giving and receiving of gifts, but this should always take place in the name of the institution concerned.

### **8.13 Outside Employment or Business Interests**

Members of the museum profession, although entitled to a measure of personal independence, must realize that no private business or professional interest can be wholly separated from their employing institution. They should not undertake other paid employment or accept outside commissions that are in conflict, or may be viewed as being in conflict, with the interests of the museum.

#### **8.14 Dealing in Natural or Cultural Heritage**

Members of the museum profession should not participate directly or indirectly in dealing (buying or selling for profit) in the natural or cultural heritage.

#### **8.15 Interaction with Dealers**

Museum professionals should not accept any gift, hospitality, or any form of reward from a dealer, auctioneer, or other person as an inducement to purchase or dispose of museum items, or to take or refrain from taking official action. Furthermore, a museum professional should not recommend a particular dealer, auctioneer, or appraiser to a member of the public.

#### **8.16 Private Collecting**

Members of the museum profession should not compete with their institution either in the acquisition of objects or in any personal collecting activity. An agreement between the museum professional and the governing body concerning any private collecting must be formulated and scrupulously followed.

#### **8.17 Use of the Name and Logo of ICOM**

The name of the organization, its acronym or its logo may not be used to promote or endorse any for-profit operation or product.

#### **8.18 Other Conflicts of Interest**

Should any other conflict of interest develop between an individual and the museum, the interests of the museum should prevail.