



## **ReInHerit**

**Redefining the Future of Cultural Heritage, through a disruptive model of sustainability**



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## Contents

<b>1. Introduction</b>	<b>6</b>
<b>2. Basic Premises for and Basic Notions of Cultural Heritage Management</b>	<b>8</b>
A. Introduction	
B. What is Cultural Heritage Management	
C. Vision, Mission, Values, Scope and Aims	
D. Beneficiaries	
E. Issues that a Cultural Management Plan should address	
F. Tools and Application	
G. Conclusions	
<b>3. Museum and other Cultural Institutions' Collections</b>	<b>33</b>
A. Introduction	
B. Collections Management	
C. Due diligence for Museums and other cultural institutions	
D. Provenance search for museum and other cultural institutions collections	
E. Dealing with restitution/repatriation claims	
F. Display and Exhibitions	
G. Cataloguing and collection database	
H. Digitising the museum collections	
I. Shipping, installation, storage, and conservation	
J. Insurance	
K. Conclusions	
<b>4. Intellectual Property (IP) Management</b>	<b>77</b>
A. Introduction	
B. Types of IP relevant for Museums, Cultural Heritage (CH) Institutions and Sites	
C. IP Management	
D. Conclusions	
<b>5. Audience and local communities' engagement</b>	<b>113</b>
A. Introduction	
B. Culture and Tourism	
C. Audience outreach	
D. Young People	
E. Local communities' engagement	
F. Social Inclusion	
G. Conclusions	
<b>6. Environmental Concerns and Climate Change</b>	<b>171</b>
A. Introduction	
B. Cultural sector and climate change	
C. Cultural sites, conservation and climate change	
D. Green museums, other cultural institutions and sites	
E. Conclusions	
<b>7. New 'Business' Models and Financing</b>	<b>185</b>
A. Introduction	
B. New 'Business' Models and Financing	
C. Conclusions	
<b>8. Marketing and Branding</b>	<b>199</b>
A. Introduction	
B. Marketing and Branding for cultural heritage sector	
C. Conclusions	
<b>9. Conclusions</b>	<b>207</b>

## **Executive Summary**

This Literature Review is an essential step of the ReInHerit project. The aim of the Literature Review is to outline the relevant scientific literature on Cultural Heritage management and position the project within it. It constitutes a systematic attempt to describe and analyze academic literature and research reports examining specifically the communication modes between museums and cultural heritage sites, thus identifying bottlenecks and opportunities at the same time. The trends identified in the literature emphasize the Cultural Heritage sector needs, challenges and gaps concerning new technologies, materials, management tools, legal solutions, IPR management, financing instruments and visitors' and community involvement. The data deriving from this output will be used in order to cover these needs with tools developed consequently in the ReInHerit project.

## 1. Introduction

In a constantly changing world, where rapid transformations (economic, social, technological, environmental) occur, cultural heritage sector as a whole has a pivotal role to play. In the following years, museums, other cultural institutions and heritage sites need to reposition themselves more strongly and visibly in order to play a relevant role in this context. As such, the ongoing ReInHerit project intends to create a model of sustainable heritage management which will foster a digital dynamic European network of heritage stakeholders. This literature review is an essential step of the ReInHerit project. It is a critical deliverable (D2.2) that derives from Work Package 2 in month 5 and it is of immense importance for the next phases of the ReInHerit project (Toolkit-WP3, Digital Hub-WP4, Travelling and Digital Exhibitions-WP6, and Dissemination, Exploitation and Communication activities-WP7).

The aim of the Literature Review is to outline the relevant scientific literature on Cultural Heritage Management and position the project within it. It constitutes a systematic attempt to describe and analyze academic literature and research reports examining specifically the communication mode between museums and heritage sites, thus identifying bottlenecks and opportunities at the same time. The trends identified in the literature emphasize on the Cultural Heritage sector needs, challenges and gaps concerning new technologies, materials, management tools, legal solutions, IPR management, financing instruments and visitors' and community involvement. In a nutshell, this document aims to provide an overview on the current state-of-affairs of professional practice in the Cultural Heritage sector across Europe and offer clear and concise information on the Cultural Heritage sector needs, challenges, and bottlenecks. It does not intend to provide measures in the form of practical recommendations that need to be taken into account so as to develop long-term cultural policies and strategies. This is the aim of the D2.6: State-of-the-art report on a sustainable model of Cultural Heritage Management, which is based on the primary and the secondary research. In the pages of this Literature Review (D2.2), the leaders of the next work packages of ReInHerit will find useful state of the art information to incorporate into the design of the following phases of the project.

The literature review has been carried out by the research team of the School of Law of the University of Nicosia (WP2 leader). The survey places emphasis on a broad and diverse list of publications, such as monographs, collective volumes, dissertations, conference proceedings, articles in peer-reviewed journals, online articles or posts, reports, guidelines, and codes made over the past three decades. In order to achieve a holistic approach an effort was made to ensure diversity both as regards the geographic and scientific scope. The main bulk of the collected publications was made within the EU. However, the survey also includes references from other countries or regions, such as USA, Africa and Asia, in order to give a global perspective. At the same time, the reviewed bibliography encompasses studies from various disciplines (archaeology,

anthropology, conservation, management, technology, marketing, legislation, etc.) in order to meet the interdisciplinary nature of the Cultural Heritage sector.

Due to the fact that contemporary literature on Cultural Heritage is vast covering an extremely wide range of subjects, and due to time constraints posed by the project's operation plan, the organization of the literature review research was originally divided among seven main topics corresponding to an equal number of chapters. More specially, it includes seven key aspects related to: a) Basic Premises for and Basic Notions of Cultural Heritage Management, b) Museum and other Cultural Institutions' Collections, c) Intellectual Property (IP) Management, d) Audience and local communities' engagement, e) Environmental Concerns and Climate Change, f) New 'Business' Models and Financing, and g) Marketing and Branding. Each topic was further divided into subtopics. These issues are aligned with many different and rapidly evolving key challenges that the ReInHerit project identifies as the key challenges facing the Cultural Heritage sector today (i.e., the environment - climate change and sustainability -, public health, digital technology, economic challenges, and communities). The analysis of these issues will assist the ReInHerit consortium to create the conditions for the development of a model of sustainable heritage management. They are also related to a variety of beneficiaries within the Cultural Heritage sector, such as museums and galleries, archaeological sites, folklore sites, monuments, libraries and archives, historic sites, religious sites, local cultural and/or historical associations, municipalities, non-profit cultural organizations.

Covering every possible issue of the vast literature related to the Cultural sector is not a feasible task within the framework of the ReInHerit project. As such, on the one hand, this rich thematic and interdisciplinary approach allows us to select a wide range of significant and important themes without sacrificing important time periods. On the other hand, the selected themes follow the current scientific discourse and represent the basis upon which a model of sustainable heritage management, which will foster a digital dynamic European network of heritage stakeholders, can be created. The analysis takes into account the most recent level of knowledge and development achieved in the Cultural Heritage sector (state-of-the-art).

## 2. Basic Premises for and Basic Notions of Cultural Heritage Management

### A. Introduction

The aim of this introductory chapter is to look into some basic premises for and basic notions of Cultural Heritage Management. It defines fundamental notions, such as ‘Cultural Heritage’, ‘Cultural Heritage Management’ and ‘Sustainability’, based on the state-of-the-art literature. These notions are crucial for the purposes of the ReInHerit project. It also presents how Cultural Heritage Management relates to the vision, mission and values of a museum, other cultural institution and site, and what are the main issues it should address. The chapter also deals with the aims of Cultural Heritage Management presenting a wide range of available tools, actions and policies to accomplish them. In general terms, this chapter sets a solid theoretical base upon which the ReInHerit project can create a model of sustainable heritage management, which will build a digital dynamic European network of heritage stakeholders. It provides a solid ground for defining the conditions for sustainable management of cultural heritage, providing a kind of checklist or roadmap for management issues that is useful both for the ReInHerit project and for cultural heritage professionals in general.

### B. What is Cultural Heritage Management

#### *Defining Cultural Heritage*

On a global level, the valued past of humanity has gained growing significance particularly during recent decades. This is clearly reflected on the increasing emphasis on the different expressions of cultural heritage and the cognition of its multiple positive effects (social, economic, environmental, etc.) to society and human development. Due to its great impact, cultural heritage has been considered as an important resource for modern human societies across the world. It embraces various natural, historical, architectural, archaeological, anthropological, geological and social values. On a European level, the EU seeks to bring Europe’s shared cultural heritage and its diversity to the fore. European cultural heritage is unique and diverse and serves to bridge the gaps between people, communities and nations.<sup>1</sup>

Cultural heritage as a term appeared in the 1969 European Convention on the Protection of Archaeological Heritage, the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage and the 1985 Convention for the Protection of the Architectural Heritage of Europe. In the decades that followed the adaptation of the 1972 Convention, it became evident that UNESCO’s vision of cultural heritage has

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<sup>1</sup> 2018 declared European Year of Cultural Heritage: [https://europa.eu/cultural-heritage/european-year-cultural-heritage\\_en.html](https://europa.eu/cultural-heritage/european-year-cultural-heritage_en.html). See also Pasikowska-Schnass 2018, 6-7; European Union 2018.

constantly evolved.<sup>2</sup> Thus, UNESCO provides the most detailed categorization of types that cultural heritage includes.<sup>3</sup> In this context, cultural heritage refers to: a) Tangible cultural heritage – i.e. movable cultural heritage (paintings, sculptures, coins, manuscripts), immovable cultural heritage (monuments, archaeological sites, and so on), and underwater cultural heritage (shipwrecks, underwater ruins and cities) –; b) Intangible cultural heritage – i.e., oral traditions, performing arts, rituals –; c) Natural heritage – i.e., natural sites with cultural aspects such as cultural landscapes, physical, biological or geological formations –; d) cultural heritage endangered by destruction and looting in armed conflicts.<sup>4</sup> Aligned with this wide categorization, UNESCO defines broadly cultural heritage as: *“the legacy of physical artefacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations”*.<sup>5</sup> Following the same line of thought, an interesting definition is also given by ICOMOS: *“Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage”*.<sup>6</sup> Furthermore, in the Council of Europe Framework Convention on the Value of Cultural Heritage for Society cultural heritage is defined as *“a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time”*.<sup>7</sup>

Although these broad descriptive demarcations provide a basis for understanding cultural heritage, a closer look at the recent literature makes it clear that many difficulties in defining the concept of cultural heritage exists.<sup>8</sup> Cultural heritage is described as a notion that is characterised by dynamism, complexity, diversity, elasticity, inclusion and multiplicity. It is approached as a dynamic rather than a static concept, which is constantly changing as a result of complex historical, political, social and environmental processes. The content of the term has been considered open-ended

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<sup>2</sup> Pasikowska-Schnass 2018, 6-7.

<sup>3</sup> The main categories of heritage that cultural heritage encompasses are drawn from a number of legal instruments (i.e., Conventions) adopted under the auspices of UNESCO, i.e. the Convention Concerning the Protection of World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of Intangible Cultural Heritage (2003), the Convention on the Protection of the Underwater Cultural Heritage (2000), and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

<sup>4</sup> <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/>. See also UNESCO 2014, 132-133.

<sup>5</sup> <http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dakar/pdf/CULTURALHERITAGE.pdf>.

<sup>6</sup> ICOMOS 2002: <https://www.icomos.org/en>.

<sup>7</sup> Faro Convention, 2005, article 2, p. 2.

<sup>8</sup> Although it is beyond the scope of this chapter to provide an exhaustive presentation of the evolution of the term of cultural heritage, some general outlines can be drawn. For more about the definition of the term ‘cultural heritage’ see, Blake 2000, 62-65; Loulanski 2006, 208-206; Gillman 2006; Vecco 2010; Stamatoudi 2011, 7-8; Elia & Ostovich 2011; Winter 2013; Winter & Waterton 2013; Aman & Cervantes-Poco 2016; Pasikowska-Schnass 2018, 6-7. Čeginskas & Kaasik-Krogerus 2019).

and fungible and, nowadays, has become inclusive and extensive. The growing interest in cultural heritage is expressed by a wide range of groups such as local communities, governments, academics, owners, business entities, developers, managers, tourists, etc., identified as stakeholders,<sup>9</sup> users,<sup>10</sup> or markets of heritage. As such cultural heritage constitutes a complex field that consists of interrelated ecosystems, stakeholders and users. The following extensive literature review will reveal cultural heritage sector's current needs for new technologies, materials, management tools, legal solutions, IPR management, financing instruments and visitors' and community involvement, and facilitate ReInHerit project to produce a heritage management approach that will sustain these stakeholders and create an effective ecosystem through a digital hub.

As Loulanski correctly points out, the involvement of a large number of groups in cultural heritage resulted in the creation of various “*viewpoints, opinions, definitions, and attitudes to heritage, which has further complicated its concept and field of study and increased the number of relevant issues to deal with in theory as well as practice*”.<sup>11</sup> All these views, approaches and trends has resulted in a varying range of research focuses (i.e. built heritage, living heritage, industrial heritage, intangible heritage, heritage protection, heritage management, economy, marketing, etc.) and can only partially define the inherent broadness and diversity of the concept.

In this context, heritage studies developed as an interdisciplinary and heterogeneous field addressing a wide range of topics related to various disciplines (art history, archaeology, architecture, history, conservation studies, museology, anthropology, ethnology, memory studies, cultural and political geography, tourism studies, sociology, law, human rights, ecology, education, economics, etc).<sup>12</sup> Apart from the variations in how different disciplines and individual researchers have understood cultural heritage, there are many differences in how cultural heritage has been conceptualized in different European countries, something that affected the evolution of the term.<sup>13</sup>

In the last two decades in particular, debates on the nature of cultural heritage have been emphasized on the reformulation of the term. In this context, the so-called ‘critical

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<sup>9</sup> According to OSCE, a stakeholder is “*an individual or a group who has legitimate ownership or interest and can influence the conservation and management of the site, as well as anyone who expresses interest for the cultural heritage that does not have to be based on the property rights or directly benefit from heritage*”: OSCE 2020: 36-40. This includes people who influence a cultural heritage decision as well as those affected by it. More specifically, stakeholders can be: museums, heritage sites, cultural institutions, curators, audience, policy makers, professionals, academics, public users (e.g. visitors, commercial users, such as the tourism industry), entrepreneurs, public institutions, owners, developers, NGOs, communities, cultural groups that live near a heritage asset or are attached to it culturally, schools and universities that use it as a resource, government heritage authorities that may be responsible for managing it. See also Mckercher & du Cros 2002, 57-58. Hereinafter stakeholders.

<sup>10</sup> Visitors, future generations, local communities, tourists, professionals, citizens, etc. Hereinafter users.

<sup>11</sup> Loulanski 2006, 207-208.

<sup>12</sup> For more about the birth of heritage studies and the key debates that have influenced the contemporary field of heritage studies see European Union 2018, 15-27.

<sup>13</sup> European Union 2018, 15.

heritage studies' tradition plays a dominant role.<sup>14</sup> It is a theoretical approach that questions the received wisdom of what heritage is and understands cultural heritage “*as an inherently dissonant social construct, produced by various actors according to political, economic and social interests*”.<sup>15</sup> A key aspect of this approach is the perception of cultural heritage as a dynamic and social process.<sup>16</sup> The researchers of the critical heritage studies, although they follow the works of heritage studies classics (David Lowenthal and Françoise Choay), they approach heritage as a social, cultural and political construct, emphasizing on its role to form identities, memory and social hierarchies.<sup>17</sup> Smith approaches cultural heritage as a social and cultural process that involves various agents (ranging from public institutions to tourists) rather than a list of material artefacts from the past that must be conserved and restored.<sup>18</sup> She argues that heritage is a ‘discursive construction’ with material consequences.<sup>19</sup> According to Gentry and Smith, equity, power and well-being are central concerns within critical heritage studies.<sup>20</sup>

Additionally, in recent years there has been a marked increase in people-centered approaches that see cultural heritage “*as having the potential to play an active role in communities and bring benefits to people, thereby demonstrating that heritage is meaningful to society, as well as gaining society’s support for its on-going use and protection*”.<sup>21</sup> In the future, people-centered approaches to cultural heritage should be further developed in order to ensure the relevance of cultural heritage to contemporary society.

### *Defining Cultural Heritage Management*

Until 1970s, archaeological techniques and conservation practices were the only tools adopted in order to protect cultural heritage.<sup>22</sup> However, parameters such as the immense significance of cultural heritage, the threats posed by globalization, urbanization, industrialization, conflicts, climate change, and pollution, the intense pressure from tourism development and the rapid transformations (economic, social, technological, etc.) that are taking place in a global scale, brought to the forefront the need for professionalization, efficient management, protection and enhancement of cultural heritage as well as opening up to the public. As such, from the 1970s onwards the idea of managing cultural heritage gradually emerged as a response to these increasing needs. As Cleere notes, until the early 1980s international debate on heritage

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<sup>14</sup> Winter 2013; Winter & Waterton 2013; Harrison 2013; Gentry & Smith 2019, 2-8. See also <https://www.criticalheritagestudies.org/>.

<sup>15</sup> Čeginskas & Kaasik-Krogerus 2019, 1.

<sup>16</sup> For more see Patiwaël *et al.* 2019.

<sup>17</sup> Gentry & Smith 2019.

<sup>18</sup> Smith 2006, 44-48.

<sup>19</sup> *Id.*, 11-13.

<sup>20</sup> Gentry & Smith 2019.

<sup>21</sup> Niglio 2021, 9-16.

<sup>22</sup> Cantero 2016; Yilmaz & El-Garmil 2018, 69.

management issues was extremely limited while heritage issues were largely organized by each country's laws, administrative traditions, and procedures.<sup>23</sup> At the end of the 20<sup>th</sup> century, however, global discussion of various aspects related to the Cultural Heritage Management became an important issue, especially in Europe and the United States.<sup>24</sup> Cultural Heritage Management is rooted in international agreements of the Council of Europe and UNESCO Conventions.<sup>25</sup> Although, in 1980s the Operational Guidelines for the Implementation of the World Heritage Convention referred sporadically to management issues, it was only in the 1990s when the ICOMOS International Committee for the Management of Archaeological Heritage (ICAHM) published the Charter for the protection and management of Archaeological Heritage, which it dealt with the principles for Archaeological Heritage Management.<sup>26</sup> It was in this Charter that the term Archaeological Heritage Management was used for the first time. In the same decade, the first ICOMOS guidelines and the cultural division of UNESCO Guidelines for the Management of World Cultural Heritage Sites have been issued.

It is worth noting that many variations in terminology have appeared in the extant literature concerning the management of culture in the broad sense of the concept, i.e., Arts Management, Arts Administration, Cultural Management, Archaeological Heritage Management, Cultural Heritage Management, Heritage Management and Cultural Resources Management, reflecting differences in geography, political history, professional practices and academic traditions. Understanding the differences between these terms is beyond the scope of this literature review, however, it must be stressed out that they all deal with the management of various aspects of culture (cultural organizations, cultural activities, projects, creative and cultural industries, archaeological sites, museums, archives, historic buildings, intangible resources, etc.).<sup>27</sup> ReInHerit project uses the term Cultural Heritage Management, which is the more widely recognized term.<sup>28</sup> In order to clarify ReInHerit's project approach to Cultural Heritage Management we search through the broad literature related to all these terms. The term Cultural Resources Management is used in the United States and encompasses traditional and historic culture, as well as current culture, including progressive and innovative culture.<sup>29</sup> In Australia, there was a change from Cultural Resource Management to Cultural Heritage Management that, according to Burke and Smith, indicates "*a shift in attitude about the purposes of management and the outcomes of managing a system largely composed of someone else's heritage*".<sup>30</sup>

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<sup>23</sup> Cleere 1989; 1984.

<sup>24</sup> For an overview of the early literature on cultural heritage issues see Messenger & Smith 2010, 1.

<sup>25</sup> For more see Interreg 2020, 16.

<sup>26</sup> CULTEMA, 3031.

<sup>27</sup> For more on Arts Management and Arts Administration see Chong 2010. For more on Cultural Management see DeVereaux 2009. For more on Cultural Resources Management (CRM) see Miller *et al.* 2010.

<sup>28</sup> Mckercher & du Cros 2002, 44.

<sup>29</sup> See Davis 2010.

<sup>30</sup> Burke & Smith 2010, 28.

Nowadays, the wide field of Cultural Heritage Management is steadily growing, since museums, cultural institutions and sites (public or private, local, regional or international) adopt various approaches, methods and practices in order to redefine themselves in a constantly changing world.<sup>31</sup> Dealing with the inclusive and extensive concept of cultural heritage, the field of Cultural Heritage Management became itself very broad whilst any explicit delimitation has not been established. At the same time, it also became interdisciplinary since it crosses the boundaries of many disciplines and fields (social sciences, humanities, architecture, law, management, marketing, economics, restoration, conservation, curatorship, ICT, museology, etc.). As such, despite the increasing acceptance and importance of Cultural Heritage Management for modern societies, there is still not a clear and a widely accepted definition. It is true that cultural heritage managers and scholars are paying considerable attention to the analysis of the concept of cultural heritage, and cultural policy, rather than deal with Cultural Heritage Management as a discipline or occupation. At the same time, the involvement of several disciplines in Cultural Heritage Management, all of them with different interest areas related to cultural heritage, has provided a wide range of definitions and perspectives (archaeological heritage management, historical buildings and sites managing, monitoring and evaluation of historical sites, museum management, arts management, etc.). Modern studies have shown a great variation on all levels, making generalization difficult.<sup>32</sup> The diverse and fragmented nature of Cultural Heritage Management makes it difficult to define a specific set of characteristics common to all cases. However, as Howard points out, *“Heritage, or Heritage Management, can be best regarded as a discipline in its own right, and studied as a whole [...]. Heritage is not a branch of archaeology, architecture, art history, history, geography or ecology, all of which are concerned, at least in part, with the study of phenomena often considered heritage.”*<sup>33</sup>

In this broad and diverse context, the research survey of Rueda and Andrés has correctly identified that the concept of Cultural Management has been defined in the literature through various models with different main drivers, advantages and disadvantages.<sup>34</sup> The **first model** is formulated by the professionals, and especially the managers (professionalisation). It is based on education and training, professional profiles, the social acceptance of managers and similar topics. Although this approach supports the professional profile of the managers and increases their visibility, it contains the risk of being narrow-minded. The **second model** concerning Cultural Management puts the broad field of action (political, social, cultural, etc.) at the center of attention. According to this model the management of cultural heritage focuses on the region, the facilities, the provision of services or the commercial production of cultural services and products. A potential advantage of this approach is specialization, which can be a source of effectiveness. Instead, fragmentation of professional practice can be regarded as a

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<sup>31</sup> Mabulla 2000; Willems 2010.

<sup>32</sup> Ngulube 2018; Devereaux 2009.

<sup>33</sup> Howard 2003, 14.

<sup>34</sup> González Rueda & Andrés 2016.

disadvantage. The **third model** defines Cultural Management through a wide set of tools and instruments used in professional practice. It embraces a wide range of practices such as production, programming, project management, human resources management, communication, economics, monitoring, evaluation and strategic management. Although this model can be proved effective, it can be overly technocratic. The **fourth model** is based on the artistic sector and responsibilities. It can be subdivided into particular systems that contain management of heritage, the performing arts, the visual arts, cultural tourism, theatrical management, contemporary art management, music production, etc. In some cases, this model can offer social recognition. However, its approach is rather fragmented. The **fifth model** pertains to an economic approach, which is largely based on the relationship between economics and culture.<sup>35</sup> An important advantage of this approach is that it stretches the importance of cultural heritage in the field of development (local, national, and international). Yet, there is a possibility that this model may result in losing the creative, aesthetic and social values of cultural heritage.

Taking into account the discussed above issues, it becomes apparent that all these different approaches and perspectives can only define partially the broad nature of Cultural Heritage Management. Since our understanding of cultural heritage is changing in space and time, and the involvement of various disciplines and fields in Cultural Heritage Management is extensive, the way in which we manage the various types of cultural heritage is still being defined and shaped. A short definition of Cultural Heritage Management is given by Mckercher & du Cros as ‘*the systematic care taken to maintain the cultural values of cultural heritage assets for the enjoyment of present and future generations*’.<sup>36</sup> A more analytical definition of the term is provided by Bradshaw *et al.* as: “*generally accepted practices for the conservation of cultural heritage, founded on proven principles and carried out in a way that integrates indigenous, community, professional, technical and administrative activities so that the importance of cultural heritage features is taken into account in actions that might affect them or their context*”.<sup>37</sup> They also point out that “*Cultural Heritage Management involves the actions taken to identify, assess, decide and enact decisions regarding cultural heritage. It is undertaken to actively protect culturally significant places, objects and practices in relation to the threats they face from a wide range of cultural or natural causes. It may result in the documentation, conservation, alteration or even loss of cultural heritage. It can also include working with communities to protect and enhance their culture and its practices*”.<sup>38</sup> Additionally, a general definition of the term Heritage Management as “*a field that engages with the identification, excavation, recording, documentation, protection, conservation, restoration, interpretation, enhancement and promotion, presentation, dissemination of cultural heritage for the sake of present and future generations*”, can be found at the Handbook of Cultural and

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<sup>35</sup> See also Throsby 2001.

<sup>36</sup> Mckercher & du Cros 2002, 44.

<sup>37</sup> Bradshaw *et al.* 2011, 122.

<sup>38</sup> *Id.*, 17.

Heritage Management.<sup>39</sup> According to OSCE [Organization for Security and Co-operation in Europe], Cultural Heritage Management can be summarized in the famous perpetually spinning wheel symbolizing sustainable development. In a nutshell, the four steps that are taken are: understanding the cultural heritage, value it, protect it and enjoy it.<sup>40</sup>

If we want to give a working definition for the needs of the ReInHerit project, we can stress that: **Cultural Heritage Management refers to a complex and changeable process through which we can manage the diverse aspects of cultural heritage, using a wide set of tools and practices including identification, excavation, recording, documentation, protection, conservation, restoration, interpretation, enhancement, promotion, presentation, dissemination of cultural heritage production, distribution, exhibition, education, communication, economics, monitoring, marketing, evaluation, strategic management, ICT, risk management, law, etc.** Intangible aspects of heritage, such as traditional skills, cultures and languages, are equally considered. The Cultural Heritage Management should guarantee the long-term protection of cultural heritage considering its sustainability (see next paragraph) and taking into account the current needs of the public. It includes many different types of engagement of community with cultural heritage. It is the way to manage the past and current culture of humanity for the sake of the present and future generations. This complex process contains approaches about what actually is cultural heritage, how can be used, protected and interpreted, by who and for whom.<sup>41</sup> It increases public awareness on European cultural heritage through co-creative and participatory digital practices. The perspective of Cultural Heritage Management must not be limited to provide tools only for the protection and preservation of cultural heritage. Instead, it should expand its horizons in order to offer the necessary tools for the development of cultural heritage building a sustainable ground for the well-being of humanity.

In this context, the role of heritage experts is crucial to the success of the Cultural Heritage Management. Recent literature identifies heritage experts as integral parts of modern societies arguing that without them we cannot really manage cultural heritage.<sup>42</sup> Hølleland and Skrede “*believe that more fully embracing the opportunities for ‘studying up’, conducting more empirical research on the making of national as well as international heritage politics, policies and legislation, will put us in a much better position to address the complexities involved in ‘democratising heritage’ than if we dismissed heritage experts*”.<sup>43</sup>

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<sup>39</sup> The handbook is the output of the project Digital Educational Network for Cultural Projects’ Implementation and Direction (DEN-CuPID): <http://edu.den-cupid.eu/mod/book/view.php?id=24&chapterid=39>

<sup>40</sup> OSCE 2020, 17.

<sup>41</sup> Avrami *et al.* 2000, 7.

<sup>42</sup> For more on this see Silberman 2014; Hølleland & Skrede 2019.

<sup>43</sup> *Id.*, 833.

Central to ReInHerit’s approach to Cultural Heritage Management is the concept of sustainability that currently dominates the global discussion in the cultural heritage sector. Generally, sustainable development is defined by the Brundtland Report of the World Commission on Environment and Development as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”.<sup>44</sup> As Wróblewski *et al.* note: “*The idea of sustainability and culture working together and their envisioned role in future-proofing society and human development captured the imagination of cultural commentators, policy makers and practitioners alike, keen to fulfil these principles ‘out there’; in cultural organizations and events mega and small, in cities and regions, local and global*”.<sup>45</sup> Thus, in the cultural heritage sector, sustainable cultural heritage is about both preserving cultural heritage for future generations, and balancing and coordinating the cultural heritage needs and the needs of people who would like to experience it.<sup>46</sup> The concept of sustainability acts as a framework for developing long-term strategic cultural policies and rethinking about patterns of consumption and current practices, modes of operation and managerial organization through a comprehensive approach that includes care for the environment and public health, develops practices for using new technologies and brings the concept of social awareness to the forefront.

International organizations have effectively explored the implications of practical approaches to sustainability by creating networks (museums, Cultural Heritage organizations, etc.) that take the form of a forum for discussion and idea exchange (such as NEMO).<sup>47</sup> These partnerships have encouraged cooperation in Europe and have enhanced trust and reliability among the museum personnel, boosted by digital technologies. Sustainability also acts as a framework to clarify and articulate the long-term impact and importance of Cultural Heritage organizations actions as these networks have defined long-term strategies to create a rationale for conservation, use and management of collections (shared sustainable practices dependent on strong leadership, good governance and effective communication). Sustainable practices of disposal and flexibility work particularly well in countries such as the UK, the Netherlands and the USA. Tourism has been linked with sustainability in museums as it allows Cultural Heritage organizations to be developed and expanded through increasing their visibility and income and can become a way of life. As Wróblewski *et al.* point out: “*sustainable cultural management might be aptly described in terms of the deployment of responsible management practices and policies with the goal to fulfill these outcomes and, more generally, to sustain a thriving future*”.<sup>48</sup>

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<sup>44</sup> Brundtland 1987.

<sup>45</sup> Wróblewski *et al.* 2019, 1. For more about various theories concerning the relationship between Sustainability and Culture see Campolmi 2013; Dessein *et al.* 2015; Throsby 2017; Portolés & Dragicevic-Sešic 2017.

<sup>46</sup> Interreg 2020, 8-9.

<sup>47</sup> <https://www.ne-mo.org/>.

<sup>48</sup> Wróblewski *et al.* 2019, 2.

There is not a perfect system of Cultural Heritage Management, given the fact it must adapt to changes in the economic, political, social and physical environment.<sup>49</sup> The COVID-19 pandemic is being the most recent example.<sup>50</sup> However, some general guidelines, offered by this literature review, can provide a more comprehensive basis upon which a sustainable cultural management plan can be designed in the context of the ReInHerit project. Museums, other cultural institutions and sites, play a fundamental role and their management is of great importance. These heritage management institutions are complex entities given the fact that they acquire, access, arrange, describe, preserve and make accessible their collections and holdings in order for them to be available for current and future generations.<sup>51</sup> However, according to Högberg *et al.*, despite the fact that the future is mentioned in aims and missions of the cultural heritage sector and it is an important drive in the daily work of heritage professionals, “*it remains generally unclear precisely how an overall commitment to the future can best inform specific heritage practices. The future tends to remain implicit in daily heritage practice which operates in a continuing, rolling present*”.<sup>52</sup> They suggest that cultural heritage professionals should discuss thoroughly “*how specific perceptions of the future inform heritage practices and which impact on the future archaeological heritage can, and indeed should, have*”.<sup>53</sup>

A current instrument in the Cultural Heritage Management is the Integrated Heritage Management.<sup>54</sup> It provides the practices for an effective management of museums, cultural institutions and sites and their cultural heritage in order to achieve their sustainable safeguarding and foster their development to attractive, competitive and multifunctional places. Integrated Heritage Management takes into account the needs of cultural heritage, the manifold ‘users’ and all relevant stakeholders of museums, cultural institutions and sites. It seeks to design an appropriate strategy, objectives, actions and management structures with an overall aim to establish cultural heritage as a development asset.

The very existence of cultural heritage is largely based on the multiple values that people attached to it.<sup>55</sup> As a result, it is important to note that cultural heritage belongs to the societies that value it.<sup>56</sup> In this respect, in the recent years Cultural Heritage Management approaches tend to transform from the ‘conventional approach’ to the

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<sup>49</sup> Hall & McArthur 1998, 220

<sup>50</sup> ICOM has published three reports in 2020 and 2021 in order to assess the major trends of the crisis brought about by the pandemic and its perception by museum professionals. For more see <https://icom.museum/en/covid-19/surveys-and-data/survey-museums-and-museum-professionals> ; <https://icom.museum/en/covid-19/surveys-and-data/follow-up-survey-the-impact-of-covid-19-on-the-museum-sector> ; [https://icom.museum/wp-content/uploads/2021/07/Museums-and-Covid-19\\_third-ICOM-report.pdf](https://icom.museum/wp-content/uploads/2021/07/Museums-and-Covid-19_third-ICOM-report.pdf). In addition, NEMO has published in 2021 a report on the impact of the COVID-19 pandemic on museums in Europe. For more see <https://www.ne-mo.org/advocacy/our-advocacy-work/museums-during-covid-19.html>.

<sup>51</sup> Ngulube 2018.

<sup>52</sup> Högberget *al.* 2018, 6.

<sup>53</sup> *Id.*

<sup>54</sup> Hall & McArthur 1998. Scheffler 2010.

<sup>55</sup> Hall & McArthur 1998, 220.

<sup>56</sup> Pearson & Sullivan 1999, 33.

‘human’ or ‘integrated approach’. In other words, the focus has been directed from the resource itself to both the resource and the ‘users’. It is an attempt to ensure the quality of the visitor experience, following, at the same time, the preservation practices and principles at the heritage property.<sup>57</sup>

Heritage managers around the globe are implementing a form of management that emphasizes on working with various stakeholders, interested and affected parties, relevant actors, in an attempt to identify the varied values understood by these parties.<sup>58</sup> Central to this ‘significance-based heritage management’ is the need to maintain and enhance the significances of a cultural heritage institution or site. In this respect, cultural heritage management has moved towards a management of social values rather than objects and places in order to bridge the divide between heritage managers and community interests. According to Duval *et al.*, the way in which heritage managers identify and categorize values is crucial in this process.<sup>59</sup>

### C. Vision, Mission, Values, Scope and Aims

#### *Vision, Mission and Values*

Each museum, cultural heritage institution and site need to set up their vision and mission that would in fact run the entire institution’s system in the short- and long-term.

A vision is a statement that gives the museums, cultural heritage institutions and sites direction, mapping out where they are headed. It describes their future and should be audacious, ambitious, and yet entirely achievable. It clearly states what they aspire to be or hope to achieve in the long-term. Questions for a compelling vision statement are:

- How museums, cultural heritage institutions and sites see their role in the future world and how they place themselves?
- Where are they going moving forward?
- What do they want to achieve in the future?
- What are their hopes and dreams?
- What problem are they solving for the greater good?
- What are in a nutshell the aims they want to attain?
- Who and what are they inspiring to change?
- How they plan to inspire?
- What kind of future society do they envision?

A mission statement is the heart and foundation for any museum, cultural heritage institution and site and drives everything they do (vision, policy-making, planning,

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<sup>57</sup> Yilmaz & El-Garmil 2018, 71-72.

<sup>58</sup> Duval *et al.* 2019, 17.

<sup>59</sup> *Id.*

operations, etc.).<sup>60</sup> It should give its visitors, employees, administrators, and stakeholders a clear idea of its values and goals. As such, it conveys an important message, at the core of which are the organizational values, i.e., the common beliefs and acceptable standards, which govern the behavior of individuals within an organization. Questions for an inspiring mission statement are:

- What museums, cultural heritage institutions and sites want to achieve today?
- What makes them different?
- Whom do they serve (e.g., the public, preserving and keeping safe the world's important historical and cultural artifacts, etc.)?
- How do they serve them?
- What are they trying to accomplish?
- What impact do they want to achieve?

According to Skrabanek: “A *vision statement focuses on tomorrow and what an organization wants to ultimately become. A mission statement focuses on today and what an organization does to achieve it. Both are vital in directing goals*”.<sup>61</sup> In a nutshell, mission is purpose and vision is future.<sup>62</sup>

The values statement for any museum, cultural heritage institution and site presents its core principles and ideas. On the one hand, it serves as a pilot to inform and direct the decisions and behaviors of all those that are working for these organizations. On the other hand, it shows to the external stakeholders what is more significant for the museums, cultural heritage institutions and sites. A values statement should be memorable, actionable and timeless.<sup>63</sup> It also describes the benefits audiences gain from visiting or engaging with these organizations.<sup>64</sup> Questions for values statement are:

- What do museums, cultural heritage institutions and sites stand for?
- How will they conduct their activities to achieve their mission and vision?
- How do they treat members of their own organization and community?

### *Scope*

The scope of collections statement for museums, cultural heritage institutions and sites is a stand-alone planning document that briefly describes the purpose of their collection holdings at the present and for the future.<sup>65</sup> It is related to the mission statement given

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<sup>60</sup> The American Alliance of Museums as published a guide for ‘Developing a Mission Statement’: <https://www.aam-us.org/wp-content/uploads/2018/01/developing-a-mission-statement-final.pdf>.

<sup>61</sup> Skrabanek 2018.

<sup>62</sup> An interesting example that illustrates the importance of the vision and mission statement is the ‘House of European History’ in Brussels: <https://historia-europa.ep.eu/en/mission-vision>.

<sup>63</sup> Mitchell *et al.* 2021.

<sup>64</sup> For more see Faherty 2019.

<sup>65</sup> For more about this important issue see MHI 2003, 2:3-2:4.

the fact that it mainly derives from it, as well as from laws and regulations mandating the preservation of collections. Each museum, cultural heritage institution and site need to have a scope of collections statement since it provides a solid basis for managing its collections (objects, archives, etc.). It facilitates these organizations to shape their collections through acquisitions and manage those objects that contribute directly to their mission. It also clearly states the types of objects the organization can acquire and maintain in order to fulfill its mission. Additionally, it considers collection use and restrictions.

### *Aims*

The list of the aims of Cultural Heritage Management in order to support museums, cultural heritage institutions and site is quite long. Among the aims of Cultural Heritage Management, the ones that surface the most in literature, are:<sup>66</sup>

- to safeguard the cultural heritage of a place and link it where appropriate with the local communities' or national identity
- to present cultural heritage and disseminate its values to the general public
- to increase the awareness of cultural values, cultural identity and support the sustainability in the world of globalization
- to document, study, preserve, conserve and maintain authentic, provenanced and legal cultural heritage
- to develop and ensure appealing, competitive and multifunctional museums, cultural institutions and sites
- exploit collections and sites in such a manner and form so as on the one hand, to respond to the social role of museums and sites and, on the other hand, raise funds to finance its purposes
- to balance and manage the demands and needs of the tangible and intangible cultural heritage and of the 'users' of the museums, cultural institutions and sites, using a management approach (e.g., inform, educate, etc.)
- to encompass all the many possible ways in which people interact with their cultural heritage (raising awareness, reaching out for the public, engaging local communities in planning and decision making, etc.)
- to involve and coordinate all stakeholders
- to manage and balance conflicting uses/functions and the different demands of 'users' of museums, cultural institutions and sites
- to create a sustainable environment for cultural heritage and promote its role as a means for sustainable development (financial viability of heritage assets and cultural projects, etc.) both in normal times and in times of crises
- to maintain and enhance the significances of the site.

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<sup>66</sup> Feildan & Jokilehto 1998, 23-34; UNESCO *et al.* 2013, 122-145; Bradshaw *et al.* 2011, 47-57, 122; Duval *et al.* 2019, 17.

#### D. Beneficiaries

The field of Cultural Heritage Management is continuously evolving. As such, it is related to a variety of beneficiaries within the cultural heritage sector, such as:

- museums and art galleries
- archaeological sites
- folklore sites
- monuments
- libraries and archives
- historic sites
- religious sites
- local cultural and/or historical associations
- municipalities
- non-profit cultural organizations

#### E. Issues that a Cultural Management Plan should address

Management planning, and the management plans that it produces, is increasingly gaining recognition throughout the world as a strategic and operative tool concerning the protection and enhancement of cultural heritage. Each museum, cultural heritage institution, site or protected area need to set up a Cultural Heritage Management Plan. It is important to note that paragraph 108 of the Operational Guidelines 2019 of the World Heritage Convention points out that “*each nominated property should have an appropriate management plan or other documented management system which should specify how the outstanding universal value of a property should be preserved, preferably through participatory means*”.<sup>67</sup>

A Cultural Heritage Management Plan is a succinct document that explains management issues, approaches and requirements relating to museums, cultural heritage institutions, sites or protected areas and sets a framework for decision making over a given period of time.<sup>68</sup> It should be sufficiently flexible, clear, simple, management oriented and easily understood. It is interesting to note that UNESCO provides an extensive list of recommendations regarding the purpose, role, and content of management plans.<sup>69</sup> According to UNESCO the Cultural Heritage Management Plan: “*determines and establishes the appropriate strategy, objectives, actions and implementation structures to manage and, where appropriate, develop cultural heritage in an effective and sustainable way so that its values are retained for present*

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<sup>67</sup> Operational Guidelines 2019.

<sup>68</sup> For a definition of the term Cultural Heritage Management Plan see Feildan & Jokilehto 1998, 23-34; UNESCO *et al.* 2013, 122-145; Bradshaw *et al.* 2011, 47-57, 122.

<sup>69</sup> UNESCO *et al.* 2013, 122-145.

*and future use and appreciation” and “balances and coordinates the cultural heritage needs with the needs of the ‘users’ of the heritage and the responsible governmental and/or private/community bodies”.*<sup>70</sup> As such, a wide range of aspects and processes should be taken into account, such as: legislation, identification, assessment, statutory protection, conservation (preservation, restoration, reconstruction, adaptation), rehabilitation and revitalization, use, maintenance, guarding, interpretation, presentation, monitoring, control, and research.<sup>71</sup> As Thomas and Middleton note: *“Plans may be more or less prescriptive, depending upon the purpose for which they are to be used and the legal requirements to be met. The process of planning, the management objectives for the plan and the standards to apply will usually be established in legislation or otherwise set down for protected area planners”.*<sup>72</sup> Cultural Heritage Management Plans are directly connected with the host Heritage Management System.<sup>73</sup>

The overall objectives of the Cultural Heritage Management Plan are: a) to protect the values of the cultural heritage for present and future generations, and b) to promote effective sustainability practices. Due to the fact that cultural heritage is a broad concept, and the Cultural Heritage Management involves various disciplines and approaches, the cultural management plan must adapt to changes in the economic, political, social and physical environment.<sup>74</sup> It is worth noting that there are considerable variations in the context and character of a Cultural Heritage Management Plan, depending on the type of property. For example, drafting a management plan for an archaeological site, a museum or an urban centre, would be definitely a complex procedure. Instead, drafting a management plan for a single historic building can be simpler. However, there are some major issues that almost every cultural management plan should address.<sup>75</sup>

The major issues that surface the most in literature are:<sup>76</sup>

- **A thorough understanding of the character of the cultural heritage** (tangible or intangible) that wants to manage (collections of museums and cultural institutions, digital museums, archives, libraries, cultural sites, etc.). It is important to outline the cultural heritage characteristics, the state of

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<sup>70</sup> *Id.*, 124.

<sup>71</sup> OSCE 2020, 20.

<sup>72</sup> For more details about Management Plan see Thomas & Middleton 2003, 1-13.

<sup>73</sup> For more about Heritage Management Systems see UNESCO *et al.* 2013, 53-121.

<sup>74</sup> Hall & McArthur 1998, 220

<sup>75</sup> The Handbook of Cultural and Heritage Management presents a set of crucial questions that help towards the specification of the needs and planning process: <http://edu.dencupid.eu/mod/book/view.php?id=24&chapterid=22>. The Cultural Heritage Integrated Management Plans of Hero identifies important issues in order to describe the status-quo of the historic urban area and the cultural heritage: Scheffler 2010, 6. For aspects of management planning for Cultural World Heritage see Makuvaza 2018 and Abdel-Moneim 2010. For aspects of management planning for Archaeological Sites see Teutónico & Palumbo 2000.

<sup>76</sup> Some indicative literature: Feildan & Jokilehto 1998, 23-34; Thomas & Middleton 2003; Ringbeck 2008; Bradshaw *et al.* 2011, 47-57, 122; UNESCO *et al.* 2013, 122-145; English Heritage 2014; Interreg 2020, 81-82; OSCE 2020; FEUP/CITTA Team 2020.

preservation, the significance and the multiple values that contains, and to know the dangers, the threats and the problems that it faces (possible or real).

- **An excellent knowledge of the wide set of legal instruments** (hard and soft law ones) **for safeguarding cultural heritage**, i.e., international conventions and charters, national law, regional law (e.g., EU legislation) local regulations, codes of conduct and codes of practice, guidelines, best practices models, model legislation, Recommendations, Resolutions, etc.
- **A clear orientation towards the concept of sustainable development.** The plan should have intended to attain sustainable economic and social prosperity, and to ensure the protection of heritage and environmental protection in the local community.
- **The realization of policies, strategies, plans (local, regional, national, international), and forecasts (e.g., demographic growth or decline, economic factors, motor traffic projections and industrial zoning).** This facilitates the identification of important management issues, objectives and priorities, including co-management aims and community perspectives. This integrated approach will also ensure that the Cultural Heritage Management Plan should contribute to the achievement of local, regional, national, and international development goals.
- **The knowledge of the relevant key stakeholders that are involved in the protection and development of the cultural heritage.** This holistic approach is essential to establish a dynamic dialogue with the different stakeholders in order to understand and define their roles, responsibilities and needs towards the cultural heritage. This fosters the active involvement of the relevant stakeholders in the sustainable management of the cultural heritage through organisational and operational structures and procedures (e.g., how to engage with locals in order to make them positive stakeholders).
- **The application of a standardized concepts, methods, tools, plans, actions, etc.,** which are of relevance to museums, cultural institutions and sites and their cultural heritage.
- **The knowledge of all resources, both human and financial.**

## F. Tools and Application

A wide range of tools, actions and policies are available to accomplish the goals of the Cultural Heritage Management Plan and ensure its effective implementation:

- **Strategy:** Setting up strategies accompanied by clear policies, guidelines and possibly a road map on strategies implementation and resource allocation can facilitate the success of Cultural Heritage Management process. Some examples are:
  - A **Communication strategy**, specifically social media policies, must be agreed and adopted. It is important to acknowledge the different

demands of internal and external information-sharing and must be regularly tuned to meet changing needs. Various communication tools, some of them borrowed from other sectors, can facilitate the effective implementation of the Cultural Heritage Management Plan.<sup>77</sup>

- An **Intellectual Property strategy**, with an emphasis on copyright, reinforces cultural heritage as an asset, ensures that no third-party IP assets are infringed, and contributes towards the effectiveness of the Cultural Heritage Management Plan. As WIPO has convincingly argued, copyright protection is above all one of the means of promoting, enriching, and disseminating national cultural heritage.<sup>78</sup>
- Finally, setting up an **Environment strategy** is also important in order to ensure sustainable green development, which is an important concern of.<sup>79</sup>
- **Education, Training, and Skills:** To ensure the effectiveness of the Cultural Heritage Management Plan, a wide basis of professional and scientific knowledge and skills are required.<sup>80</sup> The operation's responsibility is to train and induct all employees in cultural heritage matters in order to avoid mistakes and failures in the implementation of the Cultural Heritage Management Plan. Training gives heritage practitioners the opportunity to increase their operational efficiency and the effectiveness of heritage management practice. In this respect, tools such as marketing plans, business plans, strategic plans, project management software helps practitioners to work more efficiently. Furthermore, cultural awareness training is a process that can inform and educate people about key issues related to cultural heritage with the intention of influencing their attitudes, behaviours and beliefs, towards the achievement of a defined goal. This can, subsequently, facilitate the success of the Cultural Heritage Management Plan.
- **Organogram - Distributing responsibility:** Setting up an organogram is also important in order to show hierarchical relationships between managers and the people who report to them, as well as departments. As UNESCO *et al.* clearly state: "*Achieving the results desired from the implementation phase depends on the good definition, implementation and maintenance of procedures, roles, responsibilities and decision-making mechanisms and the flexibility to amend them as requirements change during the implementation stages. A clear*

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<sup>77</sup> UNESCO *et al.* 2013, 89.

<sup>78</sup> WIPO 2004, 41.

<sup>79</sup> <https://ec.europa.eu/culture/cultural-heritage/cultural-heritage-eu-policies/sustainability-and-cultural-heritage>.

<sup>80</sup> The great importance of education, training and skills in cultural sector is reflected on the ongoing research project entitled Cultural Heritage Actions to Refine Training, Education and Roles (CHARTER), the new European Cultural Heritage Skills Alliance. It brings together and represents the whole range of the cultural heritage sector in Europe. The project strives to make clear the value of cultural heritage and create a resilient and responsive sector. It works to create a comprehensive and lasting strategy to ensure that Europe has the necessary cultural heritage expertise to support sustainable societies and economies: <https://charter-alliance.eu/>.

*assignment of personal responsibility to all individuals involved is particularly important to ensure accountability and also transparency”.*<sup>81</sup> In addition, effective implementation of management planning also depends on coordinating the contribution of all relevant stakeholders and this requires particular skills.

- **Evaluation process and Monitoring:** Evaluation process is also of paramount importance for the successful implementation of Cultural Heritage Management Plan. It concerns self-evaluation and external evaluation that should take place on a regular basis. Furthermore, monitoring is an important instrument of reviewing given the fact that when a Cultural Heritage Management Plan comes to practice changes must be expected.<sup>82</sup> Monitoring is defined by Gosling & Edwards as *“the systematic and continuous collecting and analyzing of information about the progress of a piece of work over time, to identify strengths and weaknesses and to provide the people responsible for the work with sufficient information to make the right decisions at the right time in order to improve its quality”.*<sup>83</sup>
- **Broad participation – Interdisciplinarity:** Due to its interdisciplinary nature, Cultural Heritage Management must be based upon **effective collaboration and communication between professionals from various disciplines.** Synergies and networks may be valuable in this respect. It also requires the involvement of government authorities, academic researchers, universities, research institutions and the general public. Effective implementation of management planning largely depends on supervision by an interdisciplinary team of specialists from all disciplines relevant to the problems being addressed. This team can deliver appropriate responses to new needs during implementation.<sup>84</sup>
- **Digital Technologies:** Digital technologies are offering solutions to successfully implement a Cultural Heritage Management Plan. For example, the use of innovative tools can facilitate the targeting of audiences and the understanding of their needs (e.g., tourists).
- **Codes of conduct:** Implementing codes of conduct can ensure that any targets are pursued and any tasks are implemented taking into account ethics and deontology.

## G. Conclusions

Taking into consideration the topics discussed above, the ReInHerit project should adopt a people centered and environmentally friendly approach to Cultural Heritage

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<sup>81</sup> UNESCO *et al.* 2013, 89.

<sup>82</sup> For a detailed analysis of the importance of monitoring in the implementation of a Cultural Heritage Management Plan see Scheffler 2010, 16-21.

<sup>83</sup> Gosling & Edwards 1995, 4.

<sup>84</sup> UNESCO *et al.* 2013, 89.

Management with a particular emphasis on important issues such as inclusivity, accessibility, democratisation, sustainability, resilience, ethics, diversity, professionalism, cooperation, and community participation. These concepts should be at the core of a sustainable Cultural Heritage Management model in order for museums and heritage sites to respond effectively to the pressing and changing needs of the cultural heritage sector. Museums and heritage sites should focus not just on how they care for their collection but also how they care for people (audience, users, stakeholders, employees, etc.). ReInHerit's anthropocentric approach to Cultural Heritage Management aligns with the new definition of a museum recently adopted by ICOM<sup>85</sup> and facilitates the work of cultural heritage professionals in fulfilling their mission to serve society.

ReInHerit should pay considerable attention to the strong relation between Cultural Heritage Management and museums' vision and mission. Having strong and clear vision and mission helps museums to pursue their aims, understand their obligations, and redefine themselves their role in society taking into account the high legal, ethical and professional standards. Furthermore, the project should highlight the importance for each museum to develop a CHM plan that explains management issues, approaches and requirements relating to museums and sets a framework for decision making over a given period of time.

The ReInHerit project can benefit from a wide range of tools, actions and policies available to accomplish its goals. For example, digital technologies offer solutions to successfully implement a Cultural Heritage Management plan.<sup>86</sup> Innovations and technologies can be the main vehicle for the ReInHerit project to make cultural heritage accessible to a broader audience. The immersive performances (WP4: Digital Hub), the exhibitions (WP6: Pilot Phase tested through Digital & Travelling Exhibition), the educational apps and story-based games, the interactive maps and digital material such as the Good Practices Guide and the Toolkit (WP3: ReInHerit Toolkit) that will be produced by the ReInHerit project are perceived as highly disruptive ways to attract people to museums and cultural heritage sites, who would otherwise never have approached them.

Furthermore, recent literature points out that professional and scientific knowledge and skills ensure the effectiveness of the CHM plan. Therefore, the ReInHerit project should build on this by offering webinars for cultural heritage professionals on issues related to Cultural Heritage Management (e.g., IPR). It will also invest on designing courses and syllabi for the main technologies and practices identified in WP3: ReInHerit Toolkit. Finally, due to its interdisciplinary nature, the Cultural Heritage Management

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<sup>85</sup> According to the new ICOM definition: “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”. For more see <https://icom.museum/en/news/icom-approves-a-new-museum-definition/>.

<sup>86</sup> For more on digital technologies see Chapter 5.

must be based upon effective collaboration, communication and transfer knowledge between professionals from various disciplines. The ReInHerit project will build more on this by creating an innovative Digital Hub (WP4), which will disrupt the current status quo of communication, collaboration, and innovation transfer between museums, cultural heritage sites, cultural heritage professionals, and relevant stakeholders.

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### 3. Museum and other Cultural Institutions' Collections

#### A. Introduction

The goal of this chapter is to deal with key issues concerning the proper collection management of museums, cultural institutions and sites. Due to the fact that the relevant literature is vast, it does not aim to be comprehensive or exhaustive since this would require a separate independent work and much more time. More specifically, it places particular emphasis on aspects, such as due diligence, provenance search, restitution/repatriation claims, display and exhibitions, cataloguing and collection database, digitizing the museum collections, shipping, installation, storage, and conservation, and insurance, that constitute needs and challenges of the cultural heritage sector at the same time. Collection management has been recognized as an important aspect of cultural heritage management and as a necessity for every museum or other cultural institution and site. As such, on the one hand, this chapter aims to assist cultural heritage professionals in the multiple challenges they face concerning the ways in which their institutions look after cultural objects and their associated information. On the other hand, this research will set the basis for WP6 Travelling and Digital Exhibitions and WP3 Toolkit (apps, webinars and training course/syllabi) hosted and presented in the Digital Hub (WP4). The ReInHerit project will develop a Digital Hub (WP4), which will be structured to serve two user segments, cultural heritage professionals and visitors of museums and heritage sites. The segment for the professionals will consist of the ReInHerit Toolkit and webinars (WP3), and resources on cultural heritage management (WP2 and WP5). The ReInHerit Toolkit will provide guidelines and prototypes for developing technology-assisted immersive performances (WP4), digital exhibitions (WP6), and educational (WP3) and smart tourism (WP7) applications. With respect to the section for the visitors, there will be information on and links to the ReInHerit activities, Cultural Hackathon, digital applications and exhibitions including an e-shop (WP7), where items will be available. These tools will be developed having as their principal goal to create a digital ecosystem that will address specific needs of the sector, as identified by the ReInHerit primary and secondary research, and, thus, enable communication and sustainability of museums and heritage sites.

#### B. Collections Management

Literature stresses the need for the development of professional practice concerning the ways in which museums and other cultural institutions look after cultural objects and their associated information. In recent decades collections management has become an

internationally recognized term in the cultural heritage sector. It is an aspect of cultural heritage management and a necessity for every museum or other cultural institution.<sup>87</sup>

Collections management is an absolute essential process for museums or other cultural institutions of all sizes and types regardless of whether their collection is small or large, public or private.<sup>88</sup> It encompasses a wide range of activities, including acquisition, accountability, inventory, documentation, digitization, preservation, conservation, protection, care, storage, movement, exhibitions, loan and use of cultural objects. It is worth noting that managing collections also encompasses making objects available in digital form to the public as a long-term planning. According to Matassa, collections management “provides owners and managers of cultural collections with the information they need in order to locate and care for the objects entrusted to them and to plan strategically for the future”.<sup>89</sup> As National Park Service (NPS) clearly states, “the goal of collections management is to make museum collections available to the user for exhibit and study while preserving them for future generations”.<sup>90</sup> According to Ladkin, “managing collections effectively is critical to ensuring that the collections support the museum’s mission”.<sup>91</sup> Museums and other cultural institutions, which hold different types of collections, should establish a collections management policy (also known as Collections Development Policy, Collections Management Policy, Museum Collections Policy, etc.) that outlines the scope of their collection, explains how they care for it and make collections available to the public, and clearly defines the roles of the parties responsible for managing their collections.<sup>92</sup>

It is clear that collections management is a quite broad topic. Given its wide scope, this review highlights the most significant trends and challenges faced by museums and other cultural institutions concerning this topic, as they are presented in the literature.

### C. Due diligence for Museums and other cultural institutions

#### *Defining due diligence*

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<sup>87</sup> Roberts 1988; HCC 1998; ICOM 2004; NPS 2006, 1:2-3; Globber 2006, 48-50; BSI 2009; Hillhouse 2009; Matassa 2011.

<sup>88</sup> For the definition the history of collection management see also Globber 2006, 13-50.

<sup>89</sup> Matassa 2011, 3.

<sup>90</sup> NPS 2006, 1:3.

<sup>91</sup> Ladkin 2004, 17.

<sup>92</sup> For more on this see the Ethics, Standards, and Professional Practices of the American Alliance of Museums: <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/collections-management-policy/>. See also the Collection Trust: <https://collectionstrust.org.uk/wp-content/uploads/2016/10/Collections-Management-Policies.pdf>. Some illustrative examples in Europe are: the Museum of London: [https://www.museumoflondon.org.uk/application/files/7115/5240/9439/Collections\\_Development\\_Policy\\_2018\\_final\\_formatted\\_v1.0\\_EXTERNAL.pdf](https://www.museumoflondon.org.uk/application/files/7115/5240/9439/Collections_Development_Policy_2018_final_formatted_v1.0_EXTERNAL.pdf); the university of Edinburgh Collections: [https://www.ed.ac.uk/files/atoms/files/uc\\_collections\\_management\\_policy\\_final\\_approved\\_22\\_june\\_2015-0.pdf](https://www.ed.ac.uk/files/atoms/files/uc_collections_management_policy_final_approved_22_june_2015-0.pdf); and the Toledo Museum of Art: [https://www.toledomuseum.org/sites/default/files/collections\\_management\\_policy\\_tma\\_2015.pdf](https://www.toledomuseum.org/sites/default/files/collections_management_policy_tma_2015.pdf).

The International Council of Museums (ICOM) Code of Ethics for Museums defines due diligence for cultural heritage as “*the requirement that every endeavour is made to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an item offered for acquisition or use before acquiring it*”.<sup>93</sup> It is a practice that encompasses a set of required verification concerning the legal provenance of a cultural object or specimen offered for purchase, gift, loan, bequest, or exchange. Due diligence precedes the acquisition and intends to clarify the full history and ownership of the cultural item looking back from the time of its discovery or production to the present day. It includes rights of disposal, third party rights, authenticity and, finally, the price of the cultural object.<sup>94</sup>

### *Legal and ethical framework*

There is a framework of conventions and international codes of ethics or conduct relating to due diligence in the cultural sector.<sup>95</sup> As early as 1970, the *Convention on the Means of Prohibiting and Preventing the Illicit* adopted by UNESCO deals indirectly with issues related to due diligence. According to article 6 of the Convention, the State Parties are required “*to introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized*”. In article 7 the State Parties are invited “*to take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned*”. Finally, in article 10, the State Parties are required to “*oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject*”. Later in 1995 the practice of due diligence became one of the key concepts of the UNIDROIT Convention on stolen or illegally exported cultural objects. In article 4.4. it is clearly mentioned that “*in determining whether the possessor exercised due diligence, regard shall be had to all the circumstances of the acquisition, including the character of the parties, the price paid, whether the possessor consulted any reasonably accessible register of stolen cultural objects, and any other relevant information and documentation which it could reasonably have obtained, and whether the possessor consulted accessible agencies or took any other step that a reasonable person would have taken in the circumstances*”. Due diligence is also mentioned as “*due care and attention*” in the Directive 2014/60/EU of the European Parliament and of the Council.

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<sup>93</sup> ICOM 2017, 9 and Glossary. See also <https://www.obs-traffic.museum/due-diligence-good-faith>.

<sup>94</sup> Christ & von Selle 2012, 12.

<sup>95</sup> For a detailed analysis see Stamatoudi 2011, 51, 83, 86-89, 99-100, 108, 111, 154-155, 160, 163-166, 173, 203, 223-226, 239, 250-251.

Finally, a set of international codes of ethics or conduct include provisions on due diligence providing more or less details.<sup>96</sup>

### *The important role of due diligence*

The literature related to due diligence highlights the significance of this practice for cultural heritage sector. As Adams argues, “*from acquisitions to loans, due diligence is vital to many areas of collections work in museums*”.<sup>97</sup>

For anyone involved in cultural heritage, due diligence is important for various reasons. First of all, in recent years, there is an increasing number of high-profile restitution claims for cultural objects that are hosted in the collections of museums in Europe and the United States.<sup>98</sup> As will be discussed in the following sub-chapter, museums and other cultural institutions need to deal with this reality and maintain their credibility, ensuring that they exist in an ethical and moral environment. Furthermore, due diligence plays a vital role as an effective process against illicit trade of cultural heritage, a trade with ties to international terrorism and other illegal activities.<sup>99</sup> According to the Department for Culture, Media and Sport of the United Kingdom, museums, libraries and archives “*should avoid giving tacit support to the market in unprovenanced material through their acquisition activities*” and they “*must take precautions to ensure that they acquire, or borrow, only ethically acceptable items and reject items that might have been looted or illegally exported*”.<sup>100</sup> Finally, acquisitions of ethically acceptable items through due diligence research can strengthen the profile of museums and other cultural institutions, give them an impetus for a sustainable development, attract new audience, and inspire older visitors. As such, recent literature points out that applying high ethical standards of due diligence should be a priority for individuals, museums and other cultural institutions that engaged with transactions concerning cultural objects. However, even today, as is mentioned by the ICOM International Observatory on Illicit Traffic in Cultural Goods “*many heritage professionals and art dealers are not made aware on due diligence concept and requirements, and its ethical framework*”.<sup>101</sup>

### *Principles, guidelines procedures concerning due diligence (acquisitions - borrows - loans)*

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<sup>96</sup> The ICOM Code of Ethics for Museums, the UNESCO International Code of Ethics for Dealers in Cultural Property, the AIAD Code of Conduct, the Rules of the IADAA, the CINOA Code of Ethics or the ILAB Code of Ethics. See also <https://www.obs-traffic.museum/ue-diligence-good-faith>.

<sup>97</sup> Adams 2000.

<sup>98</sup> Reed 2013, 363.

<sup>99</sup> Amineeddoleh 2013, 229.

<sup>100</sup> DCMS 2005, 2.

<sup>101</sup> See <https://www.obs-traffic.museum/ue-diligence-good-faith>.

Recent literature has stressed the need for clear and practical guidelines that are based on ethical principles.<sup>102</sup> This is reflected on the development of international guidelines on due diligence by several organizations such as ICOM International Observatory on Illicit Traffic in Cultural Goods, International Association of Dealers in Ancient Art (IADAA), the International Foundation for Art Research (IFAR), the Basel Institute on Governance, Association of Art Museums Directors (AAMD), the United Kingdom's Department of Culture, Media and Sport or the Ministry for the Arts of the Australian Government. The basic principle according to these organizations as well as the academic literature is that museums and other cultural institutions should acquire, borrow or lend cultural objects with an undisputed and uninterrupted provenance history and proven authenticity.<sup>103</sup> They should conduct due diligence and reject a cultural item if there is any doubt as to its legal ownership or provenance. For example, an item that has been illegally excavated or illegally exported since 1970 cannot be accepted. As such, museums and other cultural institutions will not offer an indirect support to the market in unprovenanced material through their activities.

As confirmed by literature, when due diligence applied to acquisitions, borrows and loans, three criteria are important for any object entering the collection:<sup>104</sup>

- **Valid title.** According to ICOM Code of Ethics for Museums, it is an *“indisputable right to ownership of property, supported by full provenance of the item since discovery or production”* while *“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”*.<sup>105</sup>
- **No outstanding claim.** It is important to make sure that no other person or institution is claiming ownership of the object.
- **Good provenance.** It is necessary to establish the full history of the item, which ensures that it is not connected with looting, theft or illegal export.

Although the various normative instruments offer an unequal level of details, they provide common standards and widely accepted guidelines to be followed concerning the procedure of due diligence research before acquisition or loan.<sup>106</sup> According to the ICOM International Observatory on Illicit Traffic in Cultural Goods, these *“guidelines should help buyers be ensured that they acquire and borrow items only if they are legally and ethically sound, and reject illicit material. They should be used in conjunction with other national and international standards and rules”*.<sup>107</sup> The most

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<sup>102</sup> Potts 2006, 131.

<sup>103</sup> See DCMS 2005; Matassa 2011, 41, 175; Christ & von Selle 2012, 12; AAMD 2013, 5-7; Australian Government 2015, 12-22; NGA 2020, 10-12. ICOM International Observatory on Illicit Traffic in Cultural Goods: <https://www.obs-traffic.museum/ue-diligence-good-faith>.; International Association of Dealers in Ancient Art (IADAA): <https://iadaa.org/about-us/>.

<sup>104</sup> Matassa 2011, 39.

<sup>105</sup> ICOM 2017, 9 and Glossary.

<sup>106</sup> DCMS 2005; Matassa 2011, 41; Christ & von Selle 2012, 12; AAMD 2013, 5-7; Australian Government 2015, 12-22; NGA 2020, 10-12. ICOM International Observatory on Illicit Traffic in Cultural Goods: <https://www.obs-traffic.museum/ue-diligence-good-faith>.; International Association of Dealers in Ancient Art (IADAA): <https://iadaa.org/about-us/>.

<sup>107</sup> See <https://www.obs-traffic.museum/ue-diligence-good-faith>.

important steps identified in the relevant literature that are needed to be taken by museums, other cultural institutions, art market operators, or even dealers in cultural objects are the following:

### **First step – Initial evaluation and documentation:**

- **Verifications concerning the price of the object and the identity of the seller.** Require donor/vendor (or their representative) to verify the market price, to provide his name and address, his qualification, and the reliability of his organization, as well as to sign and date a form identifying the item for sale and confirming that the item is the unencumbered property of the donor/vendor, who has authorized the representative to sell or donate it. This information will help the purchaser decide whether the vendor/donor's story is convincing.<sup>108</sup>
- **Check the provenance of the item.** In cases of acquisitions, it is necessary to ask the donor/vendor for a complete documented ownership history of the object. Some reliable evidence are: Export license from (actual) country of origin (and not solely from the last country where it was found); Publication in a reputable source, or at a date that proves its legitimate subsequent permanent export from country of origin; Photographic evidence; Family correspondence; Auction catalogue; Excavation field notes.<sup>109</sup>

In case of loans, the lenders must be asked to prove and guarantee that they are the legal owner, via a clause in the loan form. Furthermore, ask the lenders to provide information regarding any possible claim for the object now or in the past.<sup>110</sup>

### **Second step – Further examination:**

- **Due Diligence research.** In the case that the donor/vendor/lender is not able to provide acceptable documentary evidence of the object's provenance or there are any areas where there could be doubt, then the organization needs to undertake independent due diligence.<sup>111</sup> It must be able to establish where an item came from, and when and how it left its country of origin and any intermediate country, how it was acquired (identify the chain of transactions), before deciding its course of action. Important steps that are needed to be taken are:<sup>112</sup>
  - ✓ A thorough physical examination of the object at first hand (if this is possible) to determine if the object has been illegally excavated, restored, taken from a larger item, from another collection or a storage room. Otherwise, inspect detailed descriptions and photos to assess its physical condition and authenticity.

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<sup>108</sup> According to ICOM International Observatory on Illicit Traffic in Cultural Goods, “*the greatest precaution is recommended against fake documents, as well as the consultation of relevant authorities in the country of transaction and/or the country of origin in case of doubts, and the refusal of any suspicious document*”: <https://www.obs-traffic.museum/due-diligence-good-faith/>; See also International Association of Dealers in Ancient Art (IADAA): <https://iadaa.org/about-us/>.

<sup>109</sup> DCMS 2005, 5-6; AAMD 2013, 6; Association of Art Museums Directors (AAMD): <https://aamd.org/sites/default/files/document/AAMD%20Guidelines%202013.pdf>.

<sup>110</sup> Matassa 2011, 40.

<sup>111</sup> DCMS 2005, 7; Matassa 2011, 40.

<sup>112</sup> DCMS 2005, 8-9; Matassa 2011, 40; ICOM International Observatory on Illicit Traffic in Cultural Goods: <https://www.obs-traffic.museum/due-diligence-good-faith/>.

- ✓ A consideration of the type of item and the likely place of origin, given the fact that there are certain areas subjected to illicit traffic, such as Afghanistan, SE Asia and Iraq. The ICOM Red Lists will facilitate this stage of research.<sup>113</sup>
- ✓ Taking advice from specialists from several individuals, institutions or organizations, depending on their field of expertise about the object's category: experts, museums, universities, embassies, ICOM, UNESCO, national authorities, legal advisers, etc. They can provide reliable information about geographical areas, particular types of items and possible sources of evidence of provenance, especially in problematic cases.
- ✓ A thorough examination of further sources, such as museum records, exhibition catalogues, auction catalogues, other published sources, family/friends of donor/lender for information, the International Criminal Police Organization (INTERPOL) and other databases of stolen cultural objects.<sup>114</sup>
- ✓ Check whether the export of the item was in accordance with the legal framework of the country of origin (ratification of international conventions, bilateral agreements and national legislation), and other cultural property legislation applicable at the time the item was exported.
- ✓ Contact the country of origin of the object to find out whether it has left the country legally or for any additional information.
- ✓ Assessment of the chain of transaction and the documentation pertaining to the provenance of the object provided by the vendor/donor/lender.

### *Criticism on the guidelines*

Despite the great importance of these general guidelines for museums and other cultural institutions, modern literature has pointed out that some aspects discussed in these documents need more clarification and consistency. In this respect, Pott's comments on the due diligence guidelines of the United Kingdom's Department of Culture, Media and Sport are important to take the global discussion one step further.<sup>115</sup> Although, he recognizes the increasing need for guidance, he raises some questions that are not clearly answered by this guide and may cause confusion. Pott's harsh criticism, however, brought to the fore the need for constant re-assessment of the guidelines in order to meet the current needs of museums within a rapidly changing world. Constructive criticism will improve the guidelines and will subsequently help the museums and other cultural institutions to set a more effective due diligence policy.

### *Setting a due diligence policy*

Recent literature suggests that museums and other cultural institutions around the world need to set up clear acquisitions policy and to meet the highest standards of due

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<sup>113</sup> See <https://www.obs-traffic.museum/fr/international-council-museums>.

<sup>114</sup> Stamatoudi 2011, 184.

<sup>115</sup> Potts 2006.

diligence and transparency. The due diligence policy can be part of the broader collections management policy or a standalone text.<sup>116</sup> In this way, they should specify how their collections are defined and what type of cultural objects they intend to collect. Additionally, they should clarify that they have an ethical acquisitions policy in accordance with international codes of ethics such as the ICOM Code of Ethics and will not accept any illegally obtained item. This process will allow them to consider a wide range of factors that are of great importance when exercising due diligence research, including: the type and complexity of the collection they want to release, the size and resources of the museum or other cultural institution, and the stakeholders involved. In this context, many museums and other cultural institutions, in Europe and the United States in particular, have published on their web sites policy explicitly stating that they will undertake due diligence research.<sup>117</sup> Museums and other cultural institutions should develop guides with details about the necessary procedures in order to facilitate their staff when undertaking due diligence research. As the *Australian Best Practice Guide to Collecting Cultural Material* points out, “procedures should ensure staff are familiar with legal obligations and current best practice standards. All staff, including those making decisions about acquisitions, should be trained in due diligence obligations”.<sup>118</sup>

#### *Control of due diligence procedure*

It is also worth noting that literature stresses the need for more rigorous due diligence searches with strict commitment to high ethical standards, by presenting characteristic cases studies of antiquities, which seem to be illicit and which were offered for sale at famous auction houses.<sup>119</sup> Tsirogiannis correctly points out important dangers concerning the due diligence procedure. He is wondering “*whether the ‘due diligence’ process (much advertised by the antiquities market) is producing an incomplete result due to incapable provenance researchers, or is, rather, a process that selectively removes or disguises tainted sections in the true collecting histories of illicit antiquities coming up for auction*”.<sup>120</sup> In any case, these due diligence searches, either being products of incapable researcher or results of highly unethical selective collecting history, support the illicit market in any way, directly or indirectly. As such, there is a need for control in order to ensure that all parties involved are engaged in proper due diligence. As Stamatoudi mentions, “*there are also antiquities for which there is a*

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<sup>116</sup> Kisluk 1998; Phelan 2000, 633; Gerstenblith 2003, 460-462; Matassa 2011, 202-203; Amineddoleh 2013, 229 and 254.

Australian Government 201, 8.

<sup>117</sup> Some illustrative examples in Europe are: the British Museum: <https://www.britishmuseum.org/sites/default/files/2019-10/Due-diligence-procedures-08-04-03.pdf> and the National Portrait Gallery in London: <https://www.npg.org.uk/about/corporate/gallery-policies/due-diligence-policy>.

<sup>118</sup> Australian Government 2015, 13.

<sup>119</sup> Gill 2014; Stamatoudi 2011, 224; Tsirogiannis 2015.

<sup>120</sup> Tsirogiannis 2015, 28.

*presumption that they could not have been legitimately offered for sale (Apulian vases and Cycladic figurines, for example)”*.<sup>121</sup>

Unfortunately, as the ICOM International Observatory on Illicit Traffic in Cultural Goods states: “*due to the lack of control and overview of objects acquisition and lending procedure by competent State authorities, the variety of documentation required from each state for object acquisition and lending, and the unequal transposition of Code of Ethics and international conventions into national laws, due diligence still remains a practice based on the good will, despite the existing legal and ethical framework*”.<sup>122</sup> Furthermore, as Amineddoleh has stated “*to ensure that museums engage in proper due diligence, it is necessary to enact mandates that effectively deter inappropriate acquisition practices. The government must also aggressively monitor museum representatives and prosecute those engaging in underhanded dealings. Additionally, existing statutes should increase penalties to include heavier fines and incarceration as criminal sentences may be the only true deterrent*”.<sup>123</sup>

#### *Due diligence in the COVID-19 pandemic*

The rapid outbreak of the COVID-19 presents an alarming health crisis that creates a number of challenges for museums and other cultural institutions. According to a recent survey conducted by the American Alliance of Museums (AAM), it is quite possible that the one-third of the museums of the country is expected to close without external funding in the following years.<sup>124</sup> In this context, a discussion has opened in the United States regarding whether museums and other cultural institutions will be tempted to stop due diligence searches.<sup>125</sup> As Campbell correctly states “*the current crisis is forcing museums to adapt. Those that do so with a transparent commitment to ethics, reimagining their approaches to their employees and objects, are more likely to garner support from the public and from their own staff. Such investment in ethical practices is not merely a luxury for flush times. It is essential for long-term viability*”.<sup>126</sup> This statement is not only valid for the context of the United States but also for Europe and the rest of the world. European museums and other cultural institutions are highly recommended to continue uninterruptedly their commitment to ethics and transparency despite major obstacles faced by the current pandemic.

#### D. Provenance search for museum and other cultural institutions collections

A main strategic issue that is identified in the relevant literature revolves around the provenance search for collections of museums and other cultural institutions, which is

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<sup>121</sup> Stamatoudi, 2011, 224 and footnote 43.

<sup>122</sup> See <https://www.obs-traffic.museum/fr/international-council-museums>.

<sup>123</sup> Amineddoleh 2013, 254.

<sup>124</sup> Kenney 2020.

<sup>125</sup> Campbell 2020.

<sup>126</sup> *Id.*

an integral part of collections management.<sup>127</sup> This practice is of great significance in order for these organizations to maintain their credibility and ensure that they operate in an ethical and moral environment. The International Foundation for Art Research (IFAR) has developed Provenance Guide as a primer on conducting such search.<sup>128</sup> A large number of important museums in Europe and the United States have received restitution claims for cultural objects in their collections. As such, many of them have undertaken provenance search on the history of their collections with a commitment to publishing any areas of doubt. Their goal is to resolve long-dormant ownership issues they may confront. For example, the Louvre in Paris is currently dealing with this key issue in an attempt to maintain its credibility in the following years.<sup>129</sup> As Matassa argues provenance search is particularly important for many areas such as: “1) *Archaeological items which may have been illegally excavated or exported*; 2) *Ethnographic and biological samples that may have been illegally sourced or removed*; 3) *Works of art which were in any country under occupation by an external power and may have been looted, stolen, or removed under duress. The main focus is Europe 1933–45*”.<sup>130</sup>

#### E. Dealing with restitution/repatriation claims

The extent of the literature related to repatriation/restitution claims is indicative of the subject growing importance as well as its complexity.<sup>131</sup> Repatriation/restitution is closely related to various issues, such as the contemporary identity processes, including the debates about right to culture and right to difference. According to Stutz, “*it resonates with debates about post-colonial identity politics, but it transcends the theoretical discussions as it also constitutes a practical transaction with concrete consequences, as permanence is imposed on the scientific interpretations regarding affiliation and cultural significance of the items that are returned*”.<sup>132</sup>

Academic studies point out the variety of circumstances in which the claims of restitution/repatriation of cultural property arise (trafficking, wartime plunder, or appropriation or trades between dealers in times of colonization or occupation, etc.) as well as the complex issues that these efforts face.<sup>133</sup> This process requires collaboration between government, law enforcement, museums and other cultural institutions, and antiquity dealers while the subject is covered both by local and international laws. Additionally, as confirmed by literature, the actors involved in repatriation/restitution

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<sup>127</sup> Matassa 2011, 40; Reed 201.

<sup>128</sup> See <https://www.ifar.org/provenance.php>.

<sup>129</sup> See <https://www.theartnewspaper.com/news/louvre-provenance-research-collection-website> and <https://collections.louvre.fr>.

<sup>130</sup> Matassa 2011, 40.

<sup>131</sup> The relevant literature spans a wide spectrum of many disciplines such as philosophy, law, archaeology, anthropology, management, etc.

<sup>132</sup> Stutz 2013, 17-18.

<sup>133</sup> Cornu & Renold 2010; Roehrenbeck 2010.

claims are many and varied: states, other public and private law entities, regional or territorial government authorities, museums, and indigenous communities.<sup>134</sup>

The most debated and controversial issue that is related to repatriation/restitution claims is the notion of ‘cultural property’. As Stamatoudi notes: “*Cultural property is a notion which differs according to the point of view taken, to the legal instrument applied and to the intended result. It is also a notion, which is subject to evolution, whilst in bilateral or multilateral relations it forms the subject of mutual agreement or compromise respectively. Therefore, the definition of a state’s cultural property varies according to whether it is the state itself which defines that property, or whether it is defined by another state involved in a claim for return or restitution*”.<sup>135</sup> The literature on this point is wide and diverse. Yet, it is beyond the scope of this literature review to provide a more extensive analysis on the issue.

### *Defining repatriation and restitution*

As Stamatoudi notes, “*cultural property law uses a variety of terms to indicate claims of relocation of cultural property at the request of a prior possessor, be it the state of origin or other entity or person. The terms used are ‘return’, ‘recovery’, ‘retrieval’, ‘recuperation’, ‘restitution’ and ‘repatriation’*”.<sup>136</sup> The concepts of ‘repatriation’ and ‘restitution’ are the most widely occurred in literature while the others are occasionally used and sometimes overlap the two main terms.<sup>137</sup> Although repatriation and restitution are frequently used interchangeably, academic studies have identified important differences between them based on particular legal connotations.<sup>138</sup>

The term ‘repatriation’ was initially used during the 1980s and 1990s in the United States and Australia in relation to return claims of human remains and sacred objects to indigenous communities.<sup>139</sup> A simple definition of the term can be found at the Stanford Encyclopedia of Philosophy: “*repatriation concerns the return of material heritage or human remains from museums, universities, or other institutions to their culture, nation, or owner of origin*”.<sup>140</sup> As Stamatoudi argues the key principle of repatriation is not based on ‘ownership’, but instead on cultural integrity and territoriality, putting at the center of attention the return of human remains and cultural objects to their place of origin.<sup>141</sup> Repatriation is not only related to the return of cultural objects between

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<sup>134</sup> For more on this see Cornu & Renold 2010, 4.

<sup>135</sup> The literature regarding the term “cultural property” is extensive. For an overview on this controversial discussion see Stamatoudi 2011, 4-14; Matthes 2017, 932-935.

<sup>136</sup> Stamatoudi 2011, 14-15.

<sup>137</sup> It is beyond the scope of this literature review to provide exhaustive definitions of all these terms (‘return’, ‘recovery’, ‘retrieval’, ‘recuperation’, ‘restitution’, and ‘repatriation’). For more extensive definitions see Greenfield 2007, 65; Prott 2009; Whitby-Last 2010, 36-37; Skrydstrup 2010, 61-66; Myles 2010, 54; Cornu & Renold 2010, 2-3; Stamatoudi 2011, 14-19; Zimmerman 2014, 6301; Pickering 2020, 11, 13-15.

<sup>138</sup> Stamatoudi 2011, 15.

<sup>139</sup> Bienkowski 2015, 432.

<sup>140</sup> <https://plato.stanford.edu/entries/ethics-cultural-heritage/#Repa>.

<sup>141</sup> Stamatoudi 2011, 17.

two countries or two institutions from two different countries, but also to intrastate relocation of cultural objects.<sup>142</sup> It also includes the return of objects to sub-state groups, such as indigenous communities. According to Whitby-Last, repatriation applies in cases where the claim is considered as being ethical rather than legal.<sup>143</sup>

Unlike the term ‘repatriation’, ‘restitution’ is a rather controversial concept. Some general definitions of the term are given by the English Oxford Dictionary: “i) *The restoration of something lost or stolen to its proper owner; ii) Recompense for injury or loss; iii) The restoration of something to its original state*”.<sup>144</sup> Restitution means a remedy and it is based on the principle that an unlawful act has taken place, which has created an injury that needs to be restored.<sup>145</sup> According to Stamatoudi, “if this is transposed to cultural objects, alienated from their countries of origin (especially during periods of colonisation or under dubious legal circumstances), restitution should mean that the object should either be returned to the dispossessed owner or (where this is not possible) an object identical or equivalent should be given back”.<sup>146</sup> The *Guideline for the Use of the ‘Standard Form concerning Requests for Return or Restitution* states that restitution should be used in case of illicit appropriation, which depends on national legislation in accordance with the 1970 UNESCO Convention.<sup>147</sup> Bienkowski defines restitution as the “return to legitimate owner, based on property rights”.<sup>148</sup> Barkan defines restitution as the attempts to remedy historical injustices including return of confiscated, stolen or seized belongings, reparation with material compensations for objects which cannot be returned, etc.<sup>149</sup> Kowalski argues that the term restitution is used for the return of property looted in times of war and should be distinguished from the term ‘reparations’.<sup>150</sup> The current trend highlighted by the academic literature related to restitution of cultural heritage is that the cultural property law places considerable emphasis on justice rather than on ownership, despite the fact that in many national systems the term ‘restitution’ is closely linked to ownership.<sup>151</sup> As such, the concept of restitution moves beyond its narrow legal context, encompassing ethical values and principles.

### *Categories of repatriation claims*

Literature provides a diverse picture regarding the categorization of the claims for restitution/repatriation. There is no agreement among the scholars concerning the number and the context of the proposed categories.

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<sup>142</sup> Prott 2009; Stamatoudi 2011, 17.

<sup>143</sup> Whitby-Last 2010, 36.

<sup>144</sup> <https://www.lexico.com/definition/restitution>.

<sup>145</sup> Gerstenblith 2001, 197; Stamatoudi 2011, 15.

<sup>146</sup> Stamatoudi 2011, 15.

<sup>147</sup> Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, & ICOM 1986.

<sup>148</sup> Bienkowski 2015, 433.

<sup>149</sup> Balkan 2009.

<sup>150</sup> Kowalski 2009.

<sup>151</sup> Prott 2009; Stamatoudi 2011, 16.

Gerstenblith has distinguished three main categories of cultural objects that could have been subject to claims of restitution:

- Works of art, which were initially produced for their aesthetic value and, thus, they were always destined for sale as art works. These types of cultural items can be found in collections (private or public).
- Archaeological material that either unearthed from archaeological sites or was an integral part of architectural monuments. This broad category contains objects that in the past either had primarily aesthetic value or utilitarian function. All these objects have now aesthetic, scientific, historic, and cultural value.
- Ethnographic objects with cultural or religious value to non-industrialized, indigenous communities.<sup>152</sup>

On a rather different note, Simpson, identifies three main types of material that can be the subject of a repatriation claim:

- *“Property that was legally obtained or collected but where the circumstances of collection breach traditional beliefs or ethical principles*
- *Property that has been legally obtained but disposed of illegally*
- *Property that has been illegally obtained or collected but is legally held”*.<sup>153</sup>

Each of these categories is sub-divided into smaller categories.

Bienkowski’s categorization includes eight categories:

- *“Objects looted or wrongfully removed during colonial occupation. Such repatriation is sometimes referred to as reparation, defined as “substantive redress” in the sense of effectively realizing justice, especially in the colonial context of the loss of indigenous cultural heritage*<sup>154</sup>
- *Illegal acquisition, including Holocaust art*
- *Trophy art*
- *Symbols of cultural identity.*
- *Belonging to community (the link between people, land, and objects, and ancestral remains)*
- *Border changes*
- *Reunification of objects*
- *Claims by individuals against the state over objects”*<sup>155</sup>

### *Objection against repatriation/restitution claims*

Literature stresses that the processes of the return of cultural property are frequently adversarial and divisive. As Bienkowski notes, restitution/repatriation processes *“are also long-winded, and inequitable in so far as they are stacked in favor of the holding institution rather than the claimant”*.<sup>156</sup> Many claims have been treated with skepticism by museums and other cultural institutions, which believe that restitution/repatriation should be the exception rather than the rule. Literature presents a wide range of

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<sup>152</sup> Gerstenblith 2001, 197-198.

<sup>153</sup> Simpson 2009, 1-2.

<sup>154</sup> For more on this see Lenzerini 2008, 8-13; Vrdoljak 2008, 213-20.

<sup>155</sup> Bienkowski 2015, 433.

<sup>156</sup> *Id.*, 431.

arguments that are used by museums and other cultural institutions in order to resist claims for restitution and repatriation, such as:<sup>157</sup>

- They claim that they have legal titles, which means that the objects were acquired legally by the institution and thus the institution is legally prevented from being able to return the claimed objects.
- The objects do not belong to any particular community, given the fact that they are part of the national heritage or even the global heritage of humanity.
- They invoke problems with claimants such as they challenge the legitimacy of claimants or when there are multiple claimants they are relied on the fact that conflicting claims cannot be adequately addressed through return.
- They challenge the continuity of cultural groups over time, and thus it is not clear to whom these objects should be repatriated.
- They use any limitation on the knowledge of the conditions under which such objects were acquired rendering the justice of their acquisition unclear and potentially undermining the legitimacy of claims for repatriation.
- They express doubts about whether museums are obliged to repatriate at all, especially given countervailing considerations concerning their institutional mission.
- They fear of setting a precedent for further returns, since this may have had a negative impact on their collection management as well as their reputation.
- They claim that the claimants are no able to house and conserve these objects.
- They invoke the fragility of the objects.
- They claim that collections are needed for research.
- They argue that objects in major museums are more accessible to a broader audience.
- Also limitations considerations, i.e. that the claims -if there are any- have been statute-barred.
- Illegality is established according to foreign law and not the law of the country where the institution is based.
- They belong to the national cultural heritage of the country where the museum is based or of the country in general.
- They need to be preserved for the sake of delivering services of a universal museum.

The declaration on the Importance and Value of Universal Museums issued in 2002 by 18 major European and North American museums is aligned with these arguments.<sup>158</sup> The declaration recognizes repatriation of objects that have belonged to museum collections for many years as an important issue. Nevertheless, it clearly states that *“although each case has to be judged individually, we should acknowledge that museums serve not just the citizens of one nation but the people of every nation. Museums are agents in the development of culture, whose mission is to foster knowledge by a continuous process of reinterpretation. Each object contributes to that process. To narrow the focus of museums whose collections are diverse and multifaceted would therefore be a disservice to all visitors”*. This approach is supported

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<sup>157</sup> Bienkowski 2015, 434; Matthes 2017, 932; Stamatoudi 2011; 2016; 2020.

<sup>158</sup> For the concept of universal museums see Cuno 2006; 2009. [https://www.hermitagemuseum.org/wps/portal/hermitage/news/news-item/news/1999\\_2013/hm11\\_1\\_93/](https://www.hermitagemuseum.org/wps/portal/hermitage/news/news-item/news/1999_2013/hm11_1_93/).

by the theory of Cultural Internationalism. The adherents of this theory support the view that cultural property belongs to the international community and thus the country having the best resources to care for another country's cultural property, should retain the possession.<sup>159</sup> The debate among scholars regarding the universal museums is controversial while the concept as well as the declaration itself has been challenged in many ways. According to Bienkowski, criticism to the universal museums falls into three groups: philosophical, responses to particular issues, and an alternative model.<sup>160</sup> In this context, the universal holding rights of these museums have been challenged,<sup>161</sup> their collections are not considered in fact representative of the world's cultures,<sup>162</sup> while 'cultural equity' has been proposed an alternative model.<sup>163</sup> In this line of thought, the theory of Cultural Nationalists supports the idea that cultural property belongs to the nation that has produced it, focusing on national interests, values and pride.<sup>164</sup> However, reality dictates that these two theories, cultural internationalism and cultural nationalism, are not cast on stone, whilst modern thinking seems to combine the two worlds. Even in the Universal Museum Declaration there is reference both to the nation's cultural heritage (where the museums at issue are based) as well as to the heritage of mankind.<sup>165</sup>

#### *The role of museums and other cultural institutions concerning repatriation/restitution claims*

The number of the successful returns and ongoing claims is steadily increased, reflecting a significant shift in the policy of several museums and other cultural institutions towards a more legitimate and morally correct attitude. This is also a trend that has been reflected into cultural heritage law.<sup>166</sup> When museums and other cultural institutions enter in conflict, this alone contradicts their mission and vision while it also adversely affects their profile and role within the constantly changing modern world. Recent literature stresses the need that museums and other cultural institutions, when dealing with restitution/repatriation claims, should foster a fruitful and trusting dialogue as well as a mutual understanding with claimant communities, rather than create conflicts and tensions.<sup>167</sup> Regardless the results of the claim, this process will develop sustainable relationships between communities, cultures, museums and other cultural institutions. Matthes has supported the view that "*rather than thinking that the aims*

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<sup>159</sup> For more on the theory of Cultural Internationalism see Stamatoudi 2011, 4-14, 19-30.

<sup>160</sup> Bienkowski 2015, 435.

<sup>161</sup> Grrrenfield 2007, 87-93.

<sup>162</sup> Clair 2006, 94-95.

<sup>163</sup> Besterman 2011.

<sup>164</sup> For more on the theory of Cultural Nationalism see Stamatoudi 2011, 19-30.

<sup>165</sup> "*Over time, objects so acquired-whether by purchase, gift, or partage - have become part of the museums that have cared for them, and by extension **part of the heritage of the nations which house them***" and at the same time "*we should acknowledge that museums serve not just the citizens of one nation but **the people of every nation***". [Emphasis added]. Stamatoudi 2020, 521.

<sup>166</sup> Stamatoudi 2011, 216 seq. and Stamatoudi 2016a, 446; 2016b, 153.

<sup>167</sup> Bienkowski 2015, 435.

*and values of museums are contrary to repatriation claims, [.....], coupled with principles of distributive justice, they actually entail the need for repatriation as part of a wide redistribution of cultural goods”.* He also stresses the need that “*museums and cultural institutions have the power to take substantial steps in pursuit of justice in cultural goods*”.<sup>168</sup>

#### *Strategies for repatriation or restitution (practices and methods)*

Claims for repatriation/restitution of cultural heritage can become either uncontroversial or controversial. Modern literature stresses the need for designing effective strategies that take into account each repatriation/restitution claim individually, given the fact that all claims for different types of objects should not be treated the same.<sup>169</sup> Despite the extensive bibliography as well as the numerous international conventions, committees, and panels dealing with the return of cultural property<sup>170</sup> there are still not clear and specific patterns as well as strategies for a successful repatriation/restitution. However, academic literature stresses that the global debate on repatriation/restitution issues has encouraged the development of various practices and methods in this field:<sup>171</sup>

- Negotiations/bilateral treaties between governments (e.g., Peace Agreements)
- Negotiations between institutions
- Legal enforcement by courts or government agencies
- Adoption of Special Laws or Unilateral Decisions
- Voluntary returns by institutions or individuals
- Repatriation within a country
- Restitution Accompanied by Cultural Cooperation Measures
- Compensation or compromise agreements by museums and other cultural institution.
- Stolen and returned by individuals
- Buying back at auction or return through auction houses
- Private purchase by individuals
- Arbitral awards or mutually agreed mediation and conciliation outcomes
- Formal recognition of the importance to cultural identity
- Loans (short-term, long-term, continuously renewable)
- Donations
- Setting up special ownership regimes (joint ownership, trusts, sharing of exhibition times between the institutions, retain ownership and allow possession, and others).
- Exchange
- The production of replicas

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<sup>168</sup> Matthes 2017, 950.

<sup>169</sup> Simpson 2009, 1-2. For an overview of reported good practices in the restitution of stolen or spoliated cultural property see UNESCO 2019, 45. Arts Council England appoints Institute of Art & Law to develop new guidance on restitution/repatriation: <https://ial.uk.com/arts-council-england-appoints-ial-to-develop-new-guidance-on-restitution-and-repatriation/>.

<sup>170</sup> Vrdoljak 2006, xx–xxviii.

<sup>171</sup> For more details about mechanisms for repatriation or restitution accompanied by examples see Bienkowski 2015, 435. See also Prott 1995; Cornu & Renold 2010; Vrdoljak 2011; Stamatoudi 2016.

- Sharing ceremonial access to iconic objects
- Visual repatriation/restitution
- Virtual repatriation/restitution

Virtual or digital repatriation/restitution, deserves a special mention given the fact that it is increasingly in use. According to Pickering, the term digital repatriation/restitution “refers to the providing of copies of documentation and/or images to communities of origin. It does not include the original materials”.<sup>172</sup> Literature has raised many doubts about this practice. As Bienkowski states “virtual repatriation does return something significant to source communities, in that it is an opportunity to reconnect to past and culture. Sometimes, though, use of new technologies can be interpreted as a cynical replacement for repatriation, denying the necessity for a real return”.<sup>173</sup>

In any case, as Adams suggests, there is a pressing need for further guidance on restitution/repatriation and the cultural sector “has a responsibility to take a much deeper look at these sensitive issues as the debate moves forward”.<sup>174</sup>

#### *Minorities and indigenous peoples*

Cultural and intellectual property rights of indigenous peoples are enshrined in the Indigenous and Tribal Populations Convention of 1957 (which was amended in 1989 and renamed the Indigenous and Tribal Peoples Convention). There is a growing amount of literature (monographs, collective volumes, articles, handbooks, etc.) in regard to the worldwide movement of repatriation of human remains and cultural heritage from museums and other cultural institutions to minorities and indigenous population.<sup>175</sup> The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 in the United States is the beginning of the repatriation movement.<sup>176</sup> According to UNESCO, “the Australian Government recognises that repatriation helps promote healing and reconciliation for Aboriginal and Torres Strait Islander peoples and, through the Indigenous Repatriation Program, provides funding to facilitate the repatriation of Australian Indigenous ancestral remains from overseas collecting institutions and private collectors”.<sup>177</sup> Ancestral remains are held in many collections around the world, including Europe. Indigenous peoples all over the world may autonomously exercise rights over their heritage. A number of recently published handbooks and guidelines intend to assist with pursuing the return of these objects.<sup>178</sup> However, there is a debate in the literature concerning “the nature and intensity of those rights, which vary from one instrument to another, and the determination of what cultural property is covered”.<sup>179</sup> In any case, as has been suggested by Stutz,

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<sup>172</sup> Pickering 2020, 10, 13.

<sup>173</sup> Bienkowski 2015, 436.

<sup>174</sup> Adams 2020.

<sup>175</sup> Turnbull & Pickering 2010; Cornu & Renold 2010, 5-7; Stutz 2013.

<sup>176</sup> <https://nagpra.umich.edu/>.

<sup>177</sup> <https://en.unesco.org/creativity/policy-monitoring-platform/international-repatriation>.

<sup>178</sup> For good examples see Collison *et. al.* 2019; NMAI 2020; Pickering 2020.

<sup>179</sup> For more on this see Cornu & Renold 2010, 6-7.

*“repatriation has greatly improved the relationships between archaeologists and anthropologists and indigenous people and minorities. It remains an important tool for reconciliation, emancipation and democratization”*.<sup>180</sup>

## F. Display and Exhibitions

### *Defining exhibitions*

The academic literature related to cultural collections highlights that public displays and exhibitions are the most popular parts of museums and other cultural institutions.<sup>181</sup> It has been recognized as the major mean of interaction between museums or other cultural institutions with their audience. As the International Museum Academy correctly states, *“in the 21st century, it is expected that Museums can deliver a comprehensive view of how humans have come to understand the world. They are required to explore new ways of drawing knowledge from the collections making displays and exhibitions relevant to wider audience”*.<sup>182</sup>

Definition of the term ‘exhibition’ varies according to country and language. An interesting definition is provided by Herreman as *“a communication medium based on objects and their complementary elements, presented in a predetermined space, that uses special interpretation techniques and learning sequences that aim at the transmission and communication of concepts, values and /or knowledge”*.<sup>183</sup> He also proposes that the term ‘permanent exhibition’ (meaning long-term) should be replaced by the term ‘core exhibition’, given the fact that it is *“part of a core concept structure, storyline or discourse within a museum”*.<sup>184</sup> In terms of design, literature stresses the need that these exhibitions should not tire the visitor, should not look old-fashioned and should use material that will endure time.<sup>185</sup> They can last from ten to fifteen years. Furthermore, many museums or other cultural institutions either do not have ‘permanent/core’ exhibitions preferring to present thematic collections that may last less than one to three years, or together with their ‘permanent/core’ exhibitions, they organize smaller periodic exhibitions. Beicher has divided these ‘temporary exhibitions’ into three categories: i) ‘short-term’ (one to three months), ii) ‘medium-term’ (three to six months), and iii) ‘long-term’ (expected to last for an indefinite period).<sup>186</sup> According to Herreman, *“in terms of design, they may use more contemporary and innovative materials and presentation systems, indulge in more attractive and fashionable solutions, but without diminishing the object”*.<sup>187</sup> Finally, literature identifies a wide category of exhibitions, i.e., the ‘travelling exhibitions’. They are developed in order to be circulated within the boundaries of a single country

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<sup>180</sup> Stutz 2013, 19.

<sup>181</sup> Belcher 1991; NPS 2001; Herreman 2004, 90; Matassa 2011, 201; IMA 2017.

<sup>182</sup> IMA 2017, 9.

<sup>183</sup> Herreman 2004, 91. For other definitions see Verhaar & Meeter 1989; Burcaw 1997.

<sup>184</sup> Herreman 2004, 91.

<sup>185</sup> Herreman 2004, 91.

<sup>186</sup> Belcher 1991, 44-47.

<sup>187</sup> Herreman 2004, 91.

or between different countries in an attempt to reach a larger and more diverse audience.<sup>188</sup> Other types of exhibitions mentioned in the literature are:<sup>189</sup>

- single venue
- school exhibits
- free-standing exhibits
- table-top exhibits
- recent acquisition exhibit

### *Design process of cultural exhibitions*

The relevant literature revolves around a wide range of strategic issues concerning the design of exhibitions for museums and other cultural institutions. Current scholarship has been identified the following tasks in the design process of cultural exhibitions:<sup>190</sup>

- Planning
- Research/Interpretation
- Development/Design
- Production
- Installation

The International Museum Academy provides a valuable toolkit that facilitates museums and other cultural institutions about “*how to plan a temporary exhibition, refresh, permanent collection displays, deliver effective museum interpretation and implement strategies that improve accessibility*”.<sup>191</sup> Furthermore, the toolkit “Developing Exhibitions”, developed by D. Houtgraaf and M. Negri, and published by European Museum Academy (EMA), describes an extensive in-depth methodology and practical framework on the development and production of exhibitions.<sup>192</sup> The concept of sustainability should be at the center of attention when preparing all the stages of an exhibition.<sup>193</sup>

The academic literature related to planning an exhibition is rich and vast. Academics, managers, curator and designers have thoroughly analyzed a wide range of relevant issues.<sup>194</sup> First of all, it is important to note that exhibition planning is an interdisciplinary process that combines methods and practices from other disciplines such as architecture, conservation, industrial process management, computer programming, etc. Therefore, the participation of different specialists with skills,

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<sup>188</sup> SITES is an interesting example in the United States: <https://www.sites.si.edu/s/>.

<sup>189</sup> NPS 2001, 7:8.

<sup>190</sup> There are only minor differences. NPS identifies four tasks: planning, development and design, production, installation: NPS 2001, 7:1. ICOM proposes five stages: planning, research/Interpretation, design, production, installation: Herreman 2004, 94. See also Smithsonian Institution 2002, 24-26.

<sup>191</sup> IMA 2017.

<sup>192</sup> <https://www.developingexhibitions.info>.

<sup>193</sup> See MA 2008.

<sup>194</sup> It is beyond the scope of this vast literature. A selected bibliography concerning planning issues is: Baker 1981; Dean 1996; McLean 1996; Lord & Lord 2002; Herreman 2004; Dernie 2006; DeSilvey 2006; Marstine 2006; Serrel 2011; McKenna-Cress & Kamien 2013; Wells *et al.* 2013.

knowledge, expertise and experience is suggested.<sup>195</sup> Herreman urges that in the beginning it is important for museums and other cultural institutions to create a small planning team including the specialist curator or curators, the designer, the conservator and the education officer and assign tasks according to each member's expertise.<sup>196</sup>

Despite different approaches, it is widely accepted in the relevant literature that exhibition planning helps:

- to determine the aims and feasibility of the desired project,
- to organize the exhibition process taking into account available human, technical and economic resources as well as timelines and cost estimates.<sup>197</sup>

The most essential step is to specify the objectives and goals of the exhibition, i.e., what we want to achieve with it. This may range from delivering an aesthetic and enjoyable experience for the audience to achieving educational purposes. Thus, it is of paramount importance in the designing process to identify the target group or groups (e.g., local communities, students, tourists, visitors, minorities and indigenous peoples, Special Needs Groups, etc.).<sup>198</sup> This is not an easy task given the diversity that characterizes any of these groups. Many variables must be taken into account such as differences in ages, levels of education, tastes, interests, and people's prior knowledge of the subject. However, it is not possible to satisfy equally all different people that belong to these groups.

In addition, knowing the audience facilitates the designing of the plan of the necessary circulation spaces and clearances, as well as rest spaces.<sup>199</sup> This is extremely important during the COVID-19 pandemic and, particularly, the post-COVID-19 era when museums and other cultural institutions plan to reopen. New exhibitions should be designed (or existing exhibitions should be redesigned) according to strict health and safety protocols and to promote measures for staff, volunteers, and visitors. In this context, ensuring physical distancing and using protective panels are crucial. Other measures that need to be taken into account in designing or redesigning an exhibition are: promoting frequent hand washing, providing protective equipment, face coverings, etc.<sup>200</sup>

The planning team should produce a written document (the Planning or Exhibition Brief) in order to specify a wide range of issues such as exhibition's objectives and goals, concept, target audience, working team and method of working, feasibility study results, description of the planning process, timing and a draft budget, etc.<sup>201</sup>

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<sup>195</sup> NPS 2001, 7:9.

<sup>196</sup> Herreman 2004, 96. He also provides some practical advices that can be followed by medium and small size museums.

<sup>197</sup> *Id.*, 94.

<sup>198</sup> NPS 2001, 7:14-16. See also Dean 1996, 19-31.

<sup>199</sup> Dean 1996, 53-55; Herreman 2004, 95.

<sup>200</sup> Museums may be able to reuse exhibition materials such as Plexiglas vitrines to create barriers. See the considerations for Museum Reopenings of the American Alliance of Museums: <https://www.aam-us.org/programs/about-museums/covid-19-resources-information-for-the-museum-field/>.

<sup>201</sup> Herreman provides details about the Planning or Exhibition Brief: Herreman 2004, 97.

At the following stages, the exhibition team will do research and collect information that will be used in the exhibit design, and finally, will proceed to the design and development of the exhibition. Literature stresses the need for:<sup>202</sup>

- Identify the exhibit topic
- Read background information on the topic
- Find the right slice of the story to tell
- Make it relevant. Give visitors a reason to care about your subject
- Research the most current scholarship (consulting with a librarian or an archivist, using the World Wide Web to track down information on the exhibit and related themes, conducting a search of library and exhibit catalogs, bibliographies, sources and materials, reading the pertinent literature, visiting virtual museum exhibits on the World Wide Web, etc.)
- Develop exhibit sub-themes
- Identify appropriate objects in the collection
- Study object documentation
- Discuss the proposed topic with curators of similar collections and exhibits
- Consult with subject matter specialists
- See museum exhibits and historic house installations
- Obtain materials analysis where necessary
- Study collections at other institutions
- In cases of loans into the exhibition, determine what they will and how they will exercise the highest standards of care in securing and looking after the objects
- Appoint a working group that includes diverse points of view, especially those who have a stake in the exhibit

The final steps concerning the production and installation of an exhibition can be divided into:<sup>203</sup>

- building works (masonry and brickwork, plasterwork, basic electrical, video and audio installation, wiring and fixed furniture manufacturing)
- specialized production works (graphics, reconstructions, model-making, artwork, etc.)

Some practical issues are also identified in relation to careful handling, good environmental conditions, and the safety and security of both people and artefacts. As Matassa points out, “*knowledge of best practice in handling and display methods is critical to ensuring the safety and security of items at all times*”.<sup>204</sup>

The academic literature related to designing exhibitions strongly recommends the engagement of local communities and other stakeholders in all tasks discussed above.<sup>205</sup> It also suggests the evaluation of the exhibition using recognized methods.<sup>206</sup> Most evaluation methods are conducted as soon as possible after the opening in order to

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<sup>202</sup> NPS 2001, 7:13-14, 7:17-23 with specific planning, design, preservation and protection strategies as well as collection management priorities. See also “A guide to exhibit development” of Smithsonian Institution: <http://exhibits.si.edu/wp-content/uploads/2018/04/Guide-to-Exhibit-Development.pdf>. See also Matassa 2011, 201.

<sup>203</sup> Herreman 2004, 99. See also Smithsonian Institution 2002, 26; NPS 2001, 7: 24-27.

<sup>204</sup> Matassa 2011, 201.

<sup>205</sup> NPS 2001, 7:17.

<sup>206</sup> Herreman 2004, 99-100; See also Dean 1996, 91-102; Smithsonian Institution 2002, 22.

identify quickly mistakes or problems. For example, if there are circulation difficulties necessary modifications can be carried out to resolve the problem. Nevertheless, there is also a method according to which the evaluation is taking place during the exhibition installation.<sup>207</sup> This method can identify and correct mistakes or problems before the exhibition opens to the public.

Finally, the new museum exhibits and cultural heritage site layouts are recently designed to enhance extended and mixed experiences, centered on ‘multi-tasking’ visitors, immersed simultaneously in the physical and digital dimensions. It uses digital tools to interact with museum collections and contents and to create new narratives, during, after, and before the visit. Digital technology combined with effective scenography offer the opportunity to expand the modes of visitor engagements, creating an emotional relationship between collections, museum and visitors. A new trend of the ‘emotional museum’ is focusing on integrated multidisciplinary practice that excites audience as well as the various professional actors, who contribute to its design, implementation and management.<sup>208</sup>

#### G. Cataloguing and collection database

Cataloguing is an absolutely essential part of collections management for museums and other cultural institutions. It is worth noting that major activities that are taking place in museums and other cultural institutions, such as research, interpretation, conservation, risk management, exhibition development, and publications, are dependent on up-to-date collection information either simple or more detailed.<sup>209</sup>

A number of manuals have been published in order to facilitate museums and other cultural institutions in cataloguing objects and image collections. An interesting example is the *Small Museums Cataloguing Manual*, published by Australian Museums and Galleries Association (AMaGA) Victoria.<sup>210</sup> Among other cases, advices for best practice for cataloguing are also provided by the Spectrum, the British museums Object

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<sup>207</sup> Screven 1985.

<sup>208</sup> Recent studies outline that museum experience is not linear but cyclical, with emotions playing a critical role at each stage. The last report published by LEM– the Learning Museum Working Group of NEMO explores the role that emotions play in supporting the learning museum experience. Relevant museums are not only exhibition spaces, but also places for research, learning, improving wellbeing by exchanging ideas and socializing. “*Analyzing Emotions in the context of museum visiting and learning, concluding that they play a role at every stage of the museum experience, starting from the decision to visit to the post-visit take-away, and that the emotional involvement of visitors is a precondition for effective and authentic learning. This implies that museums must acknowledge that the people coming through their doors should not be considered as an undifferentiated audience, but as individuals different from one another, with different needs and expectations, moved by rational as well as emotional drivers*”: Mazzanti 2021; Falk 2021.

<sup>209</sup> For more see the website of the Museum & Galleries of NSW: <https://mgnsw.org.au/sector/resources/online-resources/collection-management/cataloguing/>. See also AMaGA 2009; 11; Matassa 2011, 77; Ekosaari *et al.* 2015, 9.

<sup>210</sup> AMaGA 2009.

Names Thesaurus – Collections Trust,<sup>211</sup> the U.S. Department of the Interior,<sup>212</sup> the American Library Association (CCO: Cataloging Cultural Objects),<sup>213</sup> and the CIDOC Conceptual Reference Model (CRM).<sup>214</sup> Cataloguing worksheets are also provided by many relevant publications.<sup>215</sup>

In literature a number of issues have surfaced relating to cataloguing:<sup>216</sup>

- Establish the logical focus of each record.
- Follow published rules (e.g., CCO, etc.).
- Set a clear terminology, which must be consistent in its application.<sup>217</sup>
- Be consistent in all aspects of cataloguing.
- Classification (e.g., Type of collection: natural history, scientific, archaeological, etc. - Materials: metal, wood, paper, oil on canvas, etc. - Date: classical, medieval, renaissance, modern, contemporary - Geographical source: Africa, Europe, etc.).
- Numbering objects. A unique number (ID) should be given to any item that first enters a collection. This ID should never be changed or assigned to another object.
- The use of the proper workspace, equipment, and manual tools.
- The use of available cataloguing software.
- Handle objects (when it is necessary) as infrequently as possible in order to reduce the risk of damage and deterioration.
- Managing digital files (storage capacity).
- Establish rules for what should be done when information is unavailable.
- Ensure that your underlying data structure, including relationships, is compliant with (or mappable to) established metadata standards.
- Any museum or other cultural institution that holds collections is responsible to fully document each object. Documentation is the information gathered, recorded, preserved and increased about the objects of any collection. The role of documentation is vital because it makes sure that the museum or the cultural institution fulfills the requirements of collections care, contributes to its credibility and public accountability, and provides proof of title. In other words, good documentation can replace (or support) due diligence and provenance research. By following good documentation practices museums and other cultural institutions can secure the future of their collections and facilitate current and new uses of the objects.

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<sup>211</sup> The British Museum Object Names Thesaurus – Collections Trust helps museums capture and share the information that gives their objects meaning: <https://collectionstrust.org.uk/spectrum/procedures/cataloguing-spectrum-5-0/>.

<sup>212</sup> The U.S. Department of the Interior: [https://www.doi.gov/sites/doi.gov/files/uploads/museum\\_cataloging\\_guidance\\_march\\_2016\\_fnl.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/museum_cataloging_guidance_march_2016_fnl.pdf).

<sup>213</sup> <http://www.ala.org/alcts/events/ac/2006/ccobootcamp>.

<sup>214</sup> <https://www.cidoc-crm.org/>.

<sup>215</sup> AMaGA 2009, 66-77; Museums & Galleries of NSW: <https://mgnsw.org.au/sector/resources/online-resources/collection-management/cataloguing/>.

<sup>216</sup> Matassa 2011, 67-82; AMaGA 2009; Ekosaari *et al.* 2015, 9; Harpring 2019.

<sup>217</sup> For published terminologies for museum objects see: the Getty Art and Architecture Thesaurus: [www.getty.edu/research/tools/vocabularies/index.html](http://www.getty.edu/research/tools/vocabularies/index.html), and the British Museum Object Names Thesaurus – Collections Trust: <https://collectionstrust.org.uk/terminologies/>.

## H. Digitizing the museum collections

In 2019 the EU Member States signed the *Declaration of cooperation on advancing digitisation of cultural heritage*, which is based on three pillars of action:

- “A pan-European initiative for 3D digitisation of cultural heritage artefacts, monuments and sites.
- Re-use of digitised cultural resources to foster citizen engagement, innovative use and spill-overs in other sectors.
- Enhancing cross-sector and cross-border cooperation and capacity building in the sector of digitised cultural heritage”.<sup>218</sup>

Literature related to collections management identifies digitization as a growing trend that has a significant impact on the concept of museums and other cultural institutions, especially in times of crisis.<sup>219</sup> Digitization of collections is still an ongoing process, and thus, the current debate points out the relevant benefits without, at the same time, ignoring important difficulties and challenges. In any case, literature suggests that digitization is a new way for museums and other cultural institutions to redefine their role within the constantly changing world. It is true that cutting-edge technologies have changed the way the modern humanity experience museums and other cultural institutions. The recent evolution in technology has resulted in the development of various methods of digitizing a collection ranging from flat prints and paintings, which are the simplest ways to digitize with just scanning the actual image, to 3-D models, which are more complicated ways to capture the detail of every angle of the cultural object. Literature provides advice, tips and tools to consider when deciding the museums’ digitization and cataloging projects.<sup>220</sup> It also identifies the following advantages associated with the digitization of museums’ and other cultural institutions’ collections.<sup>221</sup>

- It facilitates and fosters academic research.<sup>222</sup> Especially, objects that are extremely vulnerable and are in danger of disappearing can be accessible to scholars in digital form.
- It is a new way to engage people with collections ensuring that collections can be accessible to everyone. Through websites museums can reach various audiences around the world. This is more relevant in the COVID-19 pandemic during which mobility restrictions have been imposed in many countries.

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<sup>218</sup> For the declaration see <https://digital-strategy.ec.europa.eu/en/news/eu-member-states-sign-cooperate-digitising-cultural-heritage>. In 2021 the European Commission has published a recommendation on a common European data space for cultural heritage. The aim is to accelerate the digitisation of cultural heritage assets: <https://digital-strategy.ec.europa.eu/en/news/commission-proposes-common-european-data-space-cultural-heritage>.

<sup>219</sup> Hughes 2004; Parry 2010; Avila et al. 2011; Cameron 2012; Gessner 2015; Ekosaari et al. 2015, 9; Working Group of EU Member States’ Experts 2017, 20-22; Shelmon 2018; Pennisi 2019; BCoN Report 2019; Woody 2019; Navarrete 2019, 207-210; 2020. See also: <https://www.digitizationpolicies.com/#DMC> and <https://www.smithsonianmag.com/smithsonian-institution/what-digitization-will-do-for-the-future-of-museums-2454655/>.

<sup>220</sup> See Avila et al. 2011; Woody 2019.

<sup>221</sup> Shelmon 2018; Woody 2019. See also <https://digital-strategy.ec.europa.eu/en/news/world-tourism-day-2020-digital-cultural-heritage-promoting-tourism>.

<sup>222</sup> For an example see Woolley et al. 2018.

Although, of course, it cannot replace the physical interaction between humans and objects in the environment of an exhibition hall, the production of high-resolution copies can provide an interesting viewing experience for the user including text, videos, related information, etc.

- Objects that are not displayed in museums' or other cultural institutions' exhibitions and are in storage can have at least digital presence.
- Restructuring in the wake of fires, earthquakes, or intentional damage (e.g., fire-damage Notre Dame cathedral in Paris).<sup>223</sup>

These benefits have been challenged, given the fact that the high accessibility of enhanced digital copies of art could lead to loss of appeal of the actual physical pieces. This probably may cause lower overall visitor traffic, lower visitor density, and lower operating income in many museums. Nevertheless, as Ridge correctly points out *“digitised material seems to increase people’s desire to come and ‘see the real thing’, and hopefully it also increases scholarly attention and gets people telling more stories about collections”*, while *“for small museums, digitising and sharing collections might help people realise they exist or remind them to visit, but it does depend on the quality of the overall user experience and whether people can find the website in the first place!”*.<sup>224</sup>

In the recent NEMO’s survey (Network of European Museum Organizations) a number of issues have surfaced relating to digitization and copyright. The survey intends to identify challenges that museums in Europe encounter when digitizing their collections and establishing online access to them.<sup>225</sup> The overall aim is to offer recommendations to EU policy makers and to facilitate national museum organizations and museums on their way to digitalized collections. The results of this report brought to the fore:

- the persistent financial difficulties faced by museums,
- the several legal uncertainties (copyright and licensing laws can be complicated), and
- a clear need of adequate skill development.<sup>226</sup>

Another important issue of NEMO’s report is that less than 20% of the collections of responding museums are available online. This means that less than half of the digitized objects are available to the public.<sup>227</sup> The report also points out the absence of a

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<sup>223</sup> For Notre Dame see [https://ec.europa.eu/info/news/eu-funded-project-could-form-foundation-notre-dame-reconstruction-efforts-2019-jun-12\\_en](https://ec.europa.eu/info/news/eu-funded-project-could-form-foundation-notre-dame-reconstruction-efforts-2019-jun-12_en).

<sup>224</sup> Murphy, A. (March 3, 2016). Digitizing Collections – breaking through the museum walls and opening up collections to the world. Interview with Mia Ridge digital curator, Western Heritage Collections at the British Library and chair of the Museums Computer Group and present four case studies: <https://advisor.museumsandheritage.com/features/digitising-collections-breaking-museum-walls-opening-collections-world/>.

<sup>225</sup> The findings and recommendations have been gathered in a report, which is published today on 15 July 2020. See NEMO 2020: <https://www.ne-mo.org/news/article/nemo/nemo-report-on-digitisation-and-copyright-challenges-of-making-museum-collections-accessible-online.html>.

<sup>226</sup> In the same line, Ridge has stressed the need for a more balanced spread of digital skills and experiences across the cultural heritage sector in order to reduce the risk of some technology-led projects being inappropriate to meet audience-focused or collections-led goals: <https://advisor.museumsandheritage.com/features/digitising-collections-breaking-museum-walls-opening-collections-world/>.

<sup>227</sup> NEMO 2020.

mechanism to track the digitization process and the online accessibility in many museums as well as a lack of communication between stakeholders involved in the cultural heritage digitization process, in terms of operational or legal issues.

NEMO's report stresses the need that the European decision-makers should place particular emphasis on ensuring a legal (IPR, copyright: see next chapter) and technological framework, which will help museums (and other cultural institutions) to fully understand and realize their opportunities in the digital environment. Regarding the stakeholders, it suggests allocation of resources and increase capacity building for museums. This will help museums (and other cultural institutions):

- to receive more resources to digitize their collections,
- to require access to capacity building opportunities and training of staff to digitize collections.

The main strategic issues that are identified by NEMO's survey are:

- Museums (and other cultural institutions) should be well-informed of the network of supportive national, regional, and international organizations (via communication strategies, conferences, etc.).
- Museums (and other cultural institutions) should be considered and treated as enablers of innovation in funding policies that target the digital transformation in general. They can benefit from the EU's planned funding programs such as Horizon Europe, Digital Europe, the Investment EU Program, and the European Structural and Investment Funds.

Considering that the modern world is characterised by a mixed environment, the "offline" and "online" digital world, the key message is that the technology that determines our behaviour can support the sustainability of the cultural heritage sector in multiple ways.

Finally, the *Report on the implementation of the UNESCO 2015 Recommendation on Museums & Collections* provides some good practices as regards inventory and digitization.<sup>228</sup>

Recently, the Expert Group on Digital Cultural Heritage and Europeana (DCHE) has been proposed some basic principles, recommendations and tips on how to digitize cultural heritage using 3D technologies. This study is available online in order to be accessible by any cultural heritage professional.<sup>229</sup>

#### *Digitisation during the COVID-19 pandemic*

It is widely accepted that the cultural heritage sector has been severely affected by restrictive measures imposed by governments around the world due to the COVID-19

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<sup>228</sup> UNESCO 2016, 37-38.

<sup>229</sup> For the basic principles and tips for 3D digitisation of cultural heritage see: <https://digital-strategy.ec.europa.eu/en/library/basic-principles-and-tips-3d-digitisation-cultural-heritage>.

pandemic.<sup>230</sup> According to Zuanni, as a response to this unprecedented situation several museums and other cultural institutions “*promoted a broad range of digital projects and activities to continue supporting access to cultural heritage and maintain a relationship with their audiences*”.<sup>231</sup> A current trend in several museums around the world is the implementation of projects that intend to digitize their entire collections in order to elevate their digital presence.<sup>232</sup> Several museums had already started digitization some years ago and they just continue it with more intensity while for many others this process was triggered by the COVID-19 pandemic.<sup>233</sup> At the same time, there is a growing amount of posts and online publications that provide ideas for digital engagement in the time of COVID-19.<sup>234</sup> Among these ideas are online collections, 360° tours, virtual museums,<sup>235</sup> online publications, digital exhibitions<sup>236</sup>, virtual tours of galleries via streaming platforms (e.g. Twitter), etc.<sup>237</sup> All these new ways to promote museums’, other cultural institutions’ and cultural sites’ content in accessible and engaging formats will have impact on future digital practices in the cultural sector.<sup>238</sup> Zuanni provides an interesting map that collects and shows digital activities developed and promoted by museums during the COVID-19 pandemic.<sup>239</sup> All these best practices

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<sup>230</sup> On 23 July 2020, UNESCO and ICCROM organized a webinar on *Museums after the Pandemic* that gathered experts from different regions of the world: <https://en.unesco.org/news/unesco-and-iccrom-analyze-museum-trends-during-and-after-pandemic>.

<sup>231</sup> Zuanni 2020, 15-16: <https://pro.europeana.eu/post/mapping-museum-digital-initiatives-during-covid-19>. See also UNESCO 2020.

<sup>232</sup> According to the report of the Working Group of EU Member States’ Experts “*institutions that lack a digital presence risk losing their market share because decisions on leisure time activities are more and more based on information easily available on the internet*”: Working Group of EU Member States’ Experts 2017, 19.

<sup>233</sup> Individual museums or consortium of museums post their collections online through open source content allowing users to download and make edits to any digitized art available. The project entitled Van Gogh Worldwide, for instance, is conducted by a group of Dutch museums which presents a digital collection of over 1,000 of the artist’s masterpieces. See the website of the project: <https://vangoghworldwide.org/>. See also the digitization of Smithsonian Collections in the United States <https://www.si.edu/newsdesk/factsheets/digitization-smithsonian-collections>. For examples of museums, art galleries, sites and projects that have made exciting virtual tours and 3D images of their art and cultural heritage treasures see <https://digital-strategy.ec.europa.eu/en/news/cultural-heritage-home>.

<sup>234</sup> For example see: Evans & van der Linden 2020: <https://pro.europeana.eu/post/ideas-for-digital-engagement-in-the-time-of-covid-19>; Zuanni 2020. See also: <https://mcn.edu/8-essential-things/> and [https://cuseum.com/blog/2020/3/24/4-ways-museums-can-successfully-leverage-digital-content-and-channels-during-coronavirus-covid-19?utm\\_source=Social&utm\\_medium=Twitter&utm\\_campaign=MT](https://cuseum.com/blog/2020/3/24/4-ways-museums-can-successfully-leverage-digital-content-and-channels-during-coronavirus-covid-19?utm_source=Social&utm_medium=Twitter&utm_campaign=MT).

<sup>235</sup> For interesting examples see <https://www.nga.gov/features/raphael-virtual-tour.html>; <https://www.rijksmuseum.nl/en/masterpieces-up-close>; <https://www.louvre.fr/en/online-tours>; <https://www.britishmuseum.org/>; <https://naturalhistory.si.edu/>; <https://www.interregeurope.eu/policylearning/good-practices/item/82/virtual-tour-of-the-tribuna-degli-uffizi/>.

<sup>236</sup> See <https://www.europeana.eu/en/exhibitions> and <https://merl.reading.ac.uk/explore/discover/>. See also <https://www.smithsonianmag.com/history/top-ten-online-exhibitions-2020-180976655/>.

<sup>237</sup> UNESCO 2020, 15-16. For examples of museums, art galleries, sites and projects that have made exciting virtual tours and 3D images of their art and cultural heritage treasures see <https://digital-strategy.ec.europa.eu/en/news/cultural-heritage-home>

<sup>238</sup> [https://www.interregeurope.eu/policylearning/news/9060/digital-technologies-and-museums-post-pandemic-experiences/?no\\_cache=1](https://www.interregeurope.eu/policylearning/news/9060/digital-technologies-and-museums-post-pandemic-experiences/?no_cache=1).

<sup>239</sup> For the map see: <https://digitalmuseums.at/>.

aimed at offering the visitors the possibility to better appreciate the artworks before and even after the visit.

Europeana, which empowers the cultural heritage sector in its digital transformation, provides useful information to museums and other cultural institutions about how they can share their collection data through this network.<sup>240</sup> It has also brought together a number of initiatives and resources from across the sector, aiming at offering inspiration, support and guidance to museums and other cultural institutions to adopt a digital approach to the crisis (e.g. a series of webinars on the theme ‘Culture from home’, a special series of workshops on ‘Digital Transformation in the time of COVID-19’).<sup>241</sup> These initiatives provide a sense of a shared understanding about the meaning of digital transformation in practice for museums or other cultural institutions and their diverse needs with regards to capacity building. They also facilitate cultural heritage professionals to understand what interventions would be needed to support digital transformation in their museums or other cultural institutions, in an inclusive way. Europeana has also created the website ‘Discovering Europe Professional’ that provides cultural heritage professionals with ideas and inspiration on how to digitize the content.<sup>242</sup> In addition, The Report ‘TPTI 2020 Research Project Museums and the Web at the Times of Covid-19: In search of lasting museological innovations during the pandemic’, published by European Museum Academy Foundation, collected European experience during the COVID-19 pandemic, showing how corona crisis has been and will continue to be an accelerator in the adoption of new digital products, partnership and relationship between museums and their audience.<sup>243</sup> Finally, Google Arts and Culture offers more than 2,500 free virtual tours of cultural organizations across the world.<sup>244</sup>

## I. Shipping, installation, storage, and conservation

### *Collection Storage*

Many museums and other cultural institutions have more items in their collections than they can exhibit. In other words, there are more objects in store than on display. As such, academic literature points out the essential role played by good storage in terms of safekeeping and preservation of all types of collections.<sup>245</sup>

According to NPS Museum Handbook, storage can be seen both as a physical space, used for “*storing museum objects, natural history specimens and archival materials*”, and as an “*ongoing process of containing, organizing and caring for the collection*”

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<sup>240</sup> <https://pro.europeana.eu/share-your-data/process>.

<sup>241</sup> For more see <https://digital-strategy.ec.europa.eu/en/news/world-tourism-day-2020-digital-cultural-heritage-promoting-tourism> and <https://digital-strategy.ec.europa.eu/en/policies/europeana-digital-heritage-expert-group>.

<sup>242</sup> For more see <https://pro.europeana.eu/page/discovering-europe>.

<sup>243</sup> EMAF 2020.

<sup>244</sup> <https://artsandculture.google.com/project/streetviews>.

<sup>245</sup> Matassa 2011, 123. See also Ekosaari *et al.* 2015, 11.

*while it is in storage*".<sup>246</sup> Successful collection storage requires a good dealing with both of these issues equally. Many museums and other cultural institutions, however, due to lack of economic and/or human resources, cannot support both issues.

Starting with the storage as an ongoing process, it is worth noting that a continuous care is required from museums and other cultural institutions in order to constantly improve the condition and long-term preservation of their collections through the evaluation and implementation of relevant strategies and techniques.

Regarding storage as physical space, literature highlights not only the variety of building types, but also the different systems that cultural objects can be stored.<sup>247</sup> It also stresses the need that these buildings and ways of storage must be designed and upgraded "*to meet high standards and requirements for the preservation, protection, and accessibility of the collection*".<sup>248</sup> Although, most museums or other cultural institutions have storage areas close to their exhibition galleries (in cupboards or basements), recent literature suggests the creation of modern, purpose-built storage facilities away from the main museum building, which could host all the necessary facilities and equipment related with collection care (conservation and photography studios, laboratories, workshops, etc.).<sup>249</sup> Storage rooms can be parts of a standalone storage building or within the main facilities of the museum, but, in any case, they must be isolated and only accessible by staff.

Some important issues stressed by the literature are:<sup>250</sup>

- Security (fire, earthquakes, etc.)
- Maintenance of stable or specific environmental conditions depending on the type of objects that are in store (temperature, relative humidity, light, air quality)
- Electrical safety
- Maintenance of the building itself and its equipment
- Access considerations

A well-organized collection storage space requires a proper collection storage system. According to National Park Service Museum Handbook, a multi-layered collection storage system consisting of "*successive layers of protective envelopes or enclosures, from the building itself to the equipment and containers that surround an object*" is a successful way to protect cultural object in store.<sup>251</sup> It calls for evaluation of each layer of the system in order to be adapted to meet each collection's preservation and protection needs.

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<sup>246</sup> NPS 2012, 7:1.

<sup>247</sup> Matassa 2011, 123-124.

<sup>248</sup> NPS 2012, 7:1. For more details see the pages 7:3-18 of this handbook.

<sup>249</sup> For a more detailed analysis see Matassa 2011, 123-124. See also NPS 2012, 7:18-21.

<sup>250</sup> *Id.*, 125-126, 132-136.

<sup>251</sup> For more on the multi-layer collection storage see NPS 2012, 7:1-3, fig. 7.1.

National Park Service Museum Handbook also provides the following checklist that facilitates museums and other cultural institutions to determine their collection storage needs:<sup>252</sup>

- facility and space requirements
- protection requirements (physical security and fire protection)
- environmental requirements
- museum equipment and container requirements
- housekeeping requirements
- Integrated Pest Management (IPM) requirements<sup>253</sup>

### *Conservation and collections care*

The academic literature related to collections management highlights the key role of conservation and preservation for museums and other cultural institutions.<sup>254</sup> The International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) stresses the crucial role of collections and their conservation in sustainable development. The ICCROM's 'Our Collections Matter' project intends "*to accelerate, increase and amplify activity in support of sustainable development through use, development and conservation of heritage collections*".<sup>255</sup>

As Michalski points out, the relevant literature is "*dominated by huge (and ultimately unachievable) lists of things to do*" and, thus, practitioners "*become so busy following parts of this good advice that there is never time to stand back to see if this really is the best way to achieve the fundamental objective of preserving the collection*".<sup>256</sup> Collection conservation is a vital, continuous and intensively practical process for every museum or other cultural institution that possesses cultural objects. Instead of providing one more exhaustive list of detailed practical advices this literature review focuses on the impact of the ongoing COVID-19 pandemic on the collection conservation.<sup>257</sup> ICOM has recently published in its web site "*a series of 'pandemic guidelines' on how to deal with conservation during the emergency, putting employee safety first*", clearly stating that, despite the COVID-19 pandemic, "*museums cannot fail to fulfill their primary function of conserving the material and immaterial heritage of humanity*".<sup>258</sup> In the context of close down until the threat from COVID-19 is no longer an issue, the highlights of these guidelines are:

- Among the essential staff of the institution, security, engineering, and the occasional conservator or collections manager should also be included.

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<sup>252</sup> *Id.*, 7:2-3.

<sup>253</sup> For IPM see also Patassa 2011, 140-142.

<sup>254</sup> Ladkin 2004, 27. Michalski 2004; Ekosaari *et al.* 2015, 11.

<sup>255</sup> See <https://www.iccrom.org/news/our-collections-matter>.

<sup>256</sup> Michalski 2004, 51.

<sup>257</sup> For a recently developed way of viewing the preservation and conservation of collections as a whole, before focusing in on the details see Michalski 2004. See also Caple 2011.

<sup>258</sup> See <https://icom.museum/en/covid-19/resources/conservation-of-museum-collections/>. See also the ICOM Committee for conservation: <http://www.icom-cc.org/home/#.YKTX-KgzblU>.

- Establish collaborations with nearby museums or similar institutions to make necessary staff replacement or arrangements in the case staff members of one museum get infected.
- Undertake more frequent cleaning of areas where people have access on a daily basis.
- Consider changing the filters in HVAC systems. Where HVAC systems are not installed, consider other type of regular controlled ventilation of collection and storage areas.
- In the case of documented infections, quarantine the relevant area(s) for at least ten days.

ICOM takes a further step towards conservation measures in the context of reopening.

Concerning exhibitions:

- Meticulous dusting and cleaning of all rooms and surfaces before opening to the public.
- For vitrines and similar surfaces, water, soap and disinfectant spray (i.e., 70% iso-propyl alcohol or ethanol) can be applied as long as they are not used on objects on display. Beware of certain materials and coatings that are susceptible to alcohol (Plexiglas, shellac varnishes, etc.).
- Train the cleaning staff.
- Only trained and experienced conservators or collection professionals must clean objects on display.
- Deny access to facilities and spaces that cannot be cleaned or disinfected completely and/or after each use.
- As increased vigilance for the proper conservation of the works and security is necessary, it may be considered to adapt the number of security staff in the museum spaces.

Regarding storage and work areas (without public access):

- Easy access to hand wash facilities with hot water and soap, disinfection gel, and disposable gloves.
- Limited number of people can work in the same room and maintain a safe distance from one another.
- Divide up larger groups of staff on alternate days (same team members can work the same days).
- Frequently wash and disinfect hard surfaces, handles, doorknobs, light switches, and coffee-machines.
- Wear masks.
- Postpone any activity that would not be indispensable for the proper conservation of the works (meetings, acquisition committees, group activities, yards, assemblies).
- Limit handling of collections.
- Consider extending your loans as long as the works are safe to avoid transport and handling. The presentation of the permanent collections will be given priority over temporary exhibitions until the health situation returns to normal.
- Museums should have a quarantine area for objects. This area should have empty shelves, cabinets, boxes, where invested objects with a minimum of touching/handling can be separated from the main collection, as well as an easy marking system indicating the dates, what, why, and by whom the objects have been put in quarantine.

Similar guidelines concerning the activities, policies and general information about the preservation and conservation for museums and cultural institutions have been published by many organizations around the world such as the Preservation and Conservation at Yale University Library,<sup>259</sup> the Institute of Conservation (ICON) in the United Kingdom,<sup>260</sup> the American Institute for Conservation and the Foundation for Advancement in Conservation work in the United States,<sup>261</sup> the Government of Canada,<sup>262</sup> etc.

The Institute of Conservation (ICON) guidelines contains the following issues that museums and other cultural institutions need to take into account during the COVID-19 pandemic or the post COVID-19 era.<sup>263</sup>

- Information for insect pest that cause damage to collections
- Information for rodent pest that cause damage to collections
- Dust
- Water Ingress
- Mould
- Bird and Bat Droppings
- Light exposure
- Gaseous pollutants
- Unstable environments

### *Shipping policy*

Packing and shipping collections' objects are challenging activities that many museums and other cultural institutions are frequently dealing with. As illustrated by the literature, these activities contain high risk of damage and, thus, the methods should be carefully selected on the basis of the individual requirements of the objects being shipped.<sup>264</sup> The first step is the evaluation of the objects in terms of stability. The most stable ones should be selected for shipping. The second step is to conduct a risk assessment, especially in the cases that the objects are fragile or complex. The risk assessment should take into account the individual requirements of the object, the packing process, the journey and the destination.

The proper shipping method should be selected in relation to the needs of the objects, the risks associated with each method and the distance of the destination<sup>265</sup>:

- Shipping by road and by air are frequently preferred because they offered safety and stability.

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<sup>259</sup> <https://guides.library.yale.edu/preservationandconservation/COVID19>.

<sup>260</sup> [https://guides.library.yale.edu/ld.php?content\\_id=55217481](https://guides.library.yale.edu/ld.php?content_id=55217481).

<sup>261</sup> <https://www.culturalheritage.org/resources/emergencies/collections-care-amid-covid-19>.

<sup>262</sup> <https://www.canada.ca/en/conservation-institute/services/conservation-preservation-publications/canadian-conservation-institute-notes/caring-heritage-collections-covid19.html>.

<sup>263</sup> With lists and more information as well as methods to manage these situations and damages: [https://guides.library.yale.edu/ld.php?content\\_id=55217481](https://guides.library.yale.edu/ld.php?content_id=55217481).

<sup>264</sup> Ladkin 2004, 27-28. Matassa 2011, 110-118, 214.-215; Dawson & Hillhouse 2011, 36.

<sup>265</sup> For more details about the types of transport see Matassa 2011, 113-118.

- Rail shipping is not very common due to the high risks associated with this method (increased shock and vibration).
- Shipping by sea is preferred for very large and stable objects, although transit time is long and climate control in a shipping container difficult.

It is also necessary in many cases to select a transport agent according to the following criteria:

- The agent must be experienced in international air and sea freight for high security objects, acquiring the necessary equipment, skills and training to do the job.
- It must understand international customs and excise regulations.

Additionally, the use of suitable packing materials can be proved very important for the protection of the objects from most of reasonably anticipated risks associated with these shipping methods. Packing should ensure that the objects are secure in order to minimize movement. In packing process, the staff needs to take into account the details of the objects (weight, dimensions, and fragility), its vulnerability to fluctuations in temperature and relative humidity (RH), the duration of the journey, and the shipping method.<sup>266</sup>

### *Installation*

As confirmed by literature, installation is an important process.<sup>267</sup> At the time when the object(s) will arrive at the final destination the installation staff should be very well informed about all required details. Needless to say, that the members of the staff should be experienced in similar situations. Professionalism, precision in movements, full concentration and co-operation, are the most required skills. Selecting the proper hanging and fixing equipment is another crucial step. In any case, security for both the staff and the object is of paramount importance. Finally, as Matassa points out, “*if objects are to go into display cases, the cases should be ready, with lighting in place and mounts or stands inside*”.<sup>268</sup>

## J. Insurance

### *Insurance for collections*

The academic literature related to collection management stresses the necessity of insurance for cultural objects. Although every cultural object is unique with important values and cannot be replaced, as Matassa points out, “*the loss of a unique artefact would be eased if it could be replaced by the purchase of something similar, although of course, it could never be identical*”.<sup>269</sup> As Ladkin argues, “*insurance of collections is generally regarded as an integral part of risk management, which is a term used to*

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<sup>266</sup> For more details about how to choose packing see Matassa 2011, 111-113.

<sup>267</sup> *Id.*, 205-206.

<sup>268</sup> *Id.*, 206.

<sup>269</sup> See Matassa 2011, 47-55.

*describe the process of reducing the likelihood of damage or loss of collections by eliminating or at least minimizing hazards”.*<sup>270</sup>

Where the use of commercial insurance is permitted for museums and other cultural institutions, academic literature shows many variations about the types of insurance, what can be insured and against what risk, the different reasons for obtaining insurance for cultural collections, where and under what circumstances the insurance applies, and how claims are handled.<sup>271</sup>

### *Commercial insurance for collections*

Starting with insurance for collections, some important options are the following:

- Individual insurance of those objects that are the most valuable ones in the collection and their loss will affect the reputation of museums and other cultural institutions.
- Insurance for all objects for a single sum under a ‘blanket’ policy. This option does not specify the value of its object that belonged to the collection, but instead it marks the total value of the entire collection.
- A combination of both options above mentioned.
- Insurance only for the objects that move from the facilities of the museum or other cultural institution for purposes of loan or conservation.

Literature stresses the need to have a specialist and clear policy with a broker who is familiar with cultural collections understanding the specific needs.<sup>272</sup> This policy should be updated annually. A closer look at what is to be covered (loss, damage, etc.) and at the exclusion clause (exclusions for damage sustained during conservation work, etc.) in the policy is also important.

### *Commercial insurance for loans in exhibitions*

Literature also stresses the need for insuring objects that have been loaned in a museum or other cultural institution for various reasons (conservation, appraisal, research, potential acquisitions, long-term loan or exhibition loan, etc.), regardless of whether the latter has insured its permanent collection.<sup>273</sup> In many cases, lenders to exhibitions require insurance to be in place before sending their objects. Risks usually covered for loans are: accidental damage, loss, total loss, vandalism, fire, flood, theft, damage resulting from war or terrorism. Insurance policies will not cover: damage as a result of conservation, any flaw already existing in the work (inherent vice), negligence by the borrowing institution.

Other important issues mentioned in the literature are:

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<sup>270</sup> Ladkin 2004, 27.

<sup>271</sup> Ladkin 2004, 27; Matassa 2011, 48; Dawson & Hillhouse 2011, 55-57.

<sup>272</sup> Matassa 2011, 48.

<sup>273</sup> *Id.*, 49.

- Museums and other cultural institutions should not agree to a waiver of insurance even if they trust the borrower.
- In cases of long-term loans in, the lender specifies the value of the object(s) and should ensure that the value has not changed.
- In cases of exhibition loans, the lender supplies the valuation (and should be prepared to justify it) and the borrower pays the premium.
- Policy and practice in relation to the use of insurance differs greatly from country to country and indeed museum to museum within the same country.

### *Government or state indemnity*

Insurance while in the ‘home’ premises is not always necessary or affordable for national museums or cultural institutions.<sup>274</sup> Many state-owned national collections are not insured due to the fact that their objects are of such value that to insure them at all times would be financially prohibitive or the government cannot insure itself or its property. This risk can be mitigated by establishing security systems and high standards of care.<sup>275</sup>

However, in cases of temporary or long-term loans to national museums or other public institutions, an alternative way, which is suggested by literature, for cultural objects to be insured is the government or state indemnity.<sup>276</sup> Although, it operates in the same way as commercial insurance, according to Matassa “*the difference is that this is not backed by commerce but by a guarantee that the government will bear the risk, should a payment be required. States wish to support the free exchange of cultural goods for exhibition, much of which would not otherwise be possible because of high insurance premiums*”.<sup>277</sup>

### K. Conclusions

This chapter of the literature review, which deals with key issues concerning the proper collection management of museums, other cultural institutions and sites, can be proven very useful for the ReInHerit project in multiple ways.

First of all, due to their special place within modern societies and their duty to collect, preserve and disseminate tangible and intangible cultural heritage taking into account high legal, ethical and professional standards, museums are expected to play a decisive role in combating illicit trafficking of cultural property and facilitating its return and restitution in its countries of origin. However, there are many differences between museums in how they respond to the issue of illicit trafficking of cultural goods, as well as to claims for return and restitution. This chapter helps the ReInHerit project to present a common ground on which museums can build strategies to face this challenge, to actively engage in solutions and to develop policies that foster trust and transparency

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<sup>274</sup> Matassa 2011, 47-55.

<sup>275</sup> For more on security see Jirasek 2004, 177-196.

<sup>276</sup> Ladkin 2004, 27; Matassa 2011, 51-53.

<sup>277</sup> Matassa 2011, 51-53.

through processes such as collection management, due diligence, provenance research, cooperation with law enforcement agencies, international cooperation and networking, education, training and dispute resolution.<sup>278</sup>

Furthermore, the chapter also contains practical information on display and collection, cataloguing and collection database, shipping, installation, storage, conservation, and insurance that will facilitate the ReInHerit project to design the travelling exhibition in the context of the WP6. It will help the team of curators that will work on finding the presentation tools and methods of each exhibition. According to the DoA, the exhibition should be designed in a way that it is easily transferable, with a selection of flexible and compact material. Finally, the rich material on digitising the museum collections will both facilitate ReInHerit to communicate with various audiences, especially the young people, and provide interesting material for the digital exhibition in the context of the WP6.

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<sup>278</sup> An article by Irini Stamatoudi and Konstantinos Roussos entitled "Cultural Heritage Management for Museums and the Illicit Trade in Cultural Objects" 2022 Santander Art and Culture Law Review (in print). It presents some results of the ReInHerit project on how museums should act in the context of CHM to fulfil their role as key actors in combating illicit trafficking of cultural property and facilitating its return and restitution in its countries of origin.

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## 4. Intellectual Property (IP) Management

### A. Introduction

The aim of this chapter is on the one hand to explain what intellectual property (IP) is, what are the basic types of IP that are relevant to museums, cultural heritage institutions and cultural heritage sites (hereinafter institutions), and on the other hand to look into some IP Management issues that are key to the proper management of such institutions and constitute needs and challenges at the same time.<sup>279</sup> They also reflect the basic practices in the area of IP Management. It does not aim to be comprehensive or exhaustive since this would require a separate independent work and much more time. This chapter aims to assist professionals in the challenges they face in the IP management of their institutions based on the state-of-the-art literature in the area.<sup>280</sup>

### B. Types of IP relevant for Museums, Cultural Heritage (CH) Institutions and Sites

Although there is a variety of IP rights where one would need an extensive study to describe all of them, this literature review for the purposes of the ReInHerit project, will limit itself to those types of IP that are most relevant to museums, CH institutions and sites. These are a) copyright and related rights, b) industrial designs, c) trademarks, d) patents and e) trade secrets. These rights will be described in a nutshell based on EU law so that stakeholders are in a position to understand their relevance and importance for the management of their institution or site.

#### *i. The notion of IP*

Intellectual Property Rights (IPRs) refer to the legal rights recognized by a State with the aim to protect the fruits of the human intellect or else the creations of the mind in the field of industry, literature, art and science. These rights include copyright (i.e. literary and artistic works) and related rights (i.e. rights of the performers, sound and film producers, broadcasting organisations, database makers, publishers, etc) and industrial property rights (i.e. patents and utility models, industrial designs, trademarks, trade secrets, etc.).<sup>281</sup> In some instances there are also sui generis/tailor-made rights for

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<sup>279</sup> “It [is] identified that intellectual property in museums generally serves two functions which must be balanced: (i) the greatest possible social diffusion ensuring the copyright and (ii) the commercial exploitation of intellectual property, in order to ensure the survival of the cultural institution.”: Vilorio & Rodríguez-Garnica 2016.

<sup>280</sup> Other areas of law may be equally important as publicity rights or privacy rights, but they fall outside the scope of this chapter.

<sup>281</sup> WIPO 2020. A broader IP list is Trademarks, Patents, Registered Designs/Unregistered Designs, Copyright & Related Rights, Databases (sui generis right), Integrated circuits or Semiconductor chips, Geographical indications and appellations of origin, Trade Secrets and know-how, Domain Names, Utility Models, Plant Varieties Protection (International Convention for the Protection of New Varieties of Plants), Microorganisms (Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure), Genetic Resources, Folklore and Traditional Knowledge.

particular subject matter, depending on the jurisdiction, such as the EU database right,<sup>282</sup> genetic resources, traditional knowledge, and traditional cultural expressions.<sup>283</sup> These legal rights (in their majority) are absolute and exclusive rights meaning that they belong to their rightholders and can only be exercised by them. In some instances, initial rightholders can only be natural persons as the case is with copyright creators/authors in some jurisdictions.<sup>284</sup> That means that any use of subject matter that is protected by IPRs is restricted unless there is the rightholder's consent and usually the payment of a fee. Yet, protected content can be used in certain instances on the basis of an exception or limitation provided by the law or as a matter of a balancing act between the clash of two, for example, fundamental rights, which however is ultimately assessed by the courts.<sup>285</sup> When IP protection expires, content falls into the public domain and can be used freely by anyone.<sup>286</sup>

IPRs -through the granting of a legal monopoly/exclusivity to the rightholder- a) give statutory expression to the moral<sup>287</sup> and economic rights of creators and inventors in their creations and inventions respectively and to the rights of the public in accessing those creations and inventions. These rights are limited in time (with the exception of trademarks<sup>288</sup> and trade secrets<sup>289</sup>) and b) promote, as a deliberate act of Government policy, creativity, innovation and the dissemination and application of its results and encourage fair trading, which contributes to economic, cultural, and social development.

IP rights are intangible rights and should therefore be distinguished from the physical or digital carrier on which they are embodied. That means that one should distinguish between the canvas of a painting and the image depicted on it, or the paper and ink of a book and the story incorporated in it. It is the latter only (i.e., the image and the story) that attract copyright protection) and not the media that carry them (i.e., the canvas and the paper respectively). According to the principle of territoriality applying to IPRs by reason of the international conventions in the area, the scope of protection of an IP right is limited to the territory of the State where the right is granted/acknowledged.<sup>290</sup> This means that although IPRs differ from country to country (e.g., copyright laws are different in the US and in Greece) or from country to region (e.g., Canadian patent and European patent), and are independent from each other, they co-exist alongside each

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<sup>282</sup> Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, *OJ L 77, 27.3.1996*, pp. 20–28.

<sup>283</sup> <https://www.wipo.int/tk/en/>. See also Blakeney 2016.

<sup>284</sup> This is especially so, in civil law jurisdictions such as Greece, France and Germany.

<sup>285</sup> Geiger *et al.* 2021.

<sup>286</sup> There is a reservation here concerning moral rights in copyright. Some of them, e.g., the right of paternity and the right of integrity (in some jurisdictions), do not expire even after the expiration of the economic rights in the work.

<sup>287</sup> Moral rights are essentially provided in copyright.

<sup>288</sup> Trademarks are initially protected for 10 years, and they can be renewed for bunches of 10 years as long as fees are paid to the relevant IP office.

<sup>289</sup> Trade secrets are protected for as long as they remain secret.

<sup>290</sup> This principle is embedded in all national legal systems in compliance with the TRIPs Agreement and EU law. See Dinwoodie 2009, 711ff.; Peukert 2012, 194ff.; Torremans 2012, 23ff.

other on the same immaterial good (e.g., if one has authored a book, one has separate copyrights in each country recognizing the right and having ratified the relevant international conventions).

Thus, IPRs are absolute and exclusive (property) rights, relating to intangible subject matter, limited in time, and with the aim on the one hand, to safeguard the interests of the rightholders (both pecuniary and non-pecuniary), and on the other hand, to encourage fair trading and incentivise further creation and innovation for the benefit of society, culture, and the economy. They also aim at regulating access to knowledge and information either through mechanisms of disclosure (as the case is with patents) or after their expiration (as they then fall into the public domain). IPRs are also subject to exceptions and limitations, which allow certain uses of the relevant subject matter without the need of obtaining any authorisation.<sup>291</sup>

## *ii. Copyright and related rights*

### *Copyright*

Copyright protects ‘literary and artistic works’<sup>292</sup> meaning every original creation in the field of literature, art or science, expressed in any form. Ideas are not protected because their purpose is to ensure their free propagation and circulation. What can be protected is the specific way in which the idea is specified and shaped into a particular expression created by the author to the extent that it is original. Originality varies between the different jurisdictions. However, according to the EU case law a work is original if it is *its author’s own intellectual creation*, i.e., the author should have a) made free and creative choices and b) have stamped the work with his personal touch.<sup>293</sup>

Particular types of works or subject matter are excluded from copyright protection (depending on the jurisdiction) on the basis of international conventions and EU law. Such examples are official texts expressive of the authority of the State (notably legislative, administrative or judicial texts), expressions of folklore (since their authors are unknown and their term of protection has usually expired), news information or simple facts and data, mathematical formulas, procedures and methods as well as works whose protection has expired.<sup>294</sup>

Under EU law copyright protection is automatic upon creation and is not subject to any formalities such as registration, the bearing of a mark (e.g., ©), etc. Also, some jurisdictions (those belonging to the civil law rather than the common law tradition) do not even require that a work is fixated in order to be protected. In this sense also oral works can be protected. What is crucial is that a work is expressed in such a manner

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<sup>291</sup> Firth & Pereira 2016; Gendreau 2016.

<sup>292</sup> Article 2 Berne Convention 1886 (1971, 1979) for the Protection of Literary and Artistic Works: “*The expression ‘literary and artistic works’ shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression*”.

<sup>293</sup> Stamatoudi 2017, 57.

<sup>294</sup> Stamatoudi & Koumantos 2014.

and form so that is perceived by the human senses (e.g., in the form of text, sound, or image). Protection is not dependent on literary or artistic merit, on whether the creator is a professional or an amateur, an adult or a child, and takes place irrespective of the value, material, destination, or investment made.

Examples of works that can be protected (since any enumeration is indicative and by no means exhaustive taking into account that all original creations of the mind can be protected) are:

- written or oral texts (literary works)
- musical compositions (not sounds found in nature, e.g., of animals, plants, etc., unless they are combined)
- theatrical plays
- choreographies, pantomimes
- audiovisual works
- works of the visual arts, works of the applied arts/designs, architectural works (plans and buildings), and photography
- computer programs and their preparatory design material
- new technology works such as video games, websites, virtual reality shows, multimedia works, 3D printing, augmented reality shows, etc.
- translations, adaptations, customizations and other modifications of folklore creations or expressions
- encyclopedias, collections and databases, if the selection or arrangement of their content is original

One needs to note here that it is not only works made from scratch that are protected but also derivative works (works based on preexisting works to the extent that they themselves contain original elements/are creative) as well as collections of prior or newly made works or data, such as encyclopedias, any type of collections, and databases.

Copyright protects a derivative work or a collection on its own merit, even if there are no authorizations for using parts of the prior work or the materials that go into the collection. The sanctions for infringement -for example, where the derivative work is made without the consent of the owner of copyright in the prior underlying work- do not include precluding the author of the derivative work from obtaining protection against third parties. Still, any exploitation or further modification of the derivative work is subject, not only to the consent of its author, but also to the consent of the author of that prior, underlying work. To that extent, any infringement of the copyright in the derivative work usually constitutes an infringement of the copyright in any underlying work, too. However, derivative works must be distinguished from cases where a work takes an earlier work as a simple source of inspiration and displays so many differences with it that it does not, strictly speaking, derive from it. Thus, the later work would not

infringe any copyright in the earlier one. A picture inspired by a poem is one instance of such a case.<sup>295</sup>

National laws usually provide special type of protection for special types of works such as audiovisual works, computer programs, databases, and so on. Their definition and protection may differ between jurisdictions unless this type of works has been harmonized on the basis of an EU Directive. Computer programs and databases constitute such examples. In particular databases in the EU are defined as “*collections of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means*”.<sup>296</sup>

Authors, that are natural persons and not legal entities, are beneficiaries of copyright, unless they have transferred or licensed their rights to a third party (natural or legal person) or copyright has been transferred to their employer by reason of operation of the law or on the basis of contractual provisions. Once copyright or part of it is transferred to a third party, this third party is called a ‘rightholder’. If the work is authored by two or more authors is called a work of joint authorship. National laws provide for different types of works of joint authorship based in the form of collaboration between them (e.g., collective works, composite works, and so on).

Copyright protection in the EU lasts for the author’s lifetime plus seventy (70) years after his death, starting on January 1st of the year following the one when the author died.

Copyright is divided into two types of rights: a) economic rights, which allow the author to make a living from her/his work and b) moral rights, which protect the personal interests of the author in her/his work.

Economic copyright is the exclusive right to exploit or make public uses of a work, subject to specifically enumerated exceptions. EU law does not expressly formulate criteria for a taking sufficient to trigger copyright liability. A taking is considered prejudicial if it copies parts of the originality of the work. Thus, the criterion is one of quality rather than one of quantity.<sup>297</sup> Minimal takings that do not put in jeopardy the economic or other interests of authors or that only incorporate ideas or other unprotectible subject matters, are not actionable. A taking is considered to be minimal

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<sup>295</sup> Nicholas *et al.* 2009, 261–286.

<sup>296</sup> Derclaye 2021.

<sup>297</sup> Words as such are not protected (since they do not constitute elements covered by protection nor are they the intellectual creation of the author who employs them). It is only through the choice, sequence and combination of these words that the author may express his creativity in an original manner and achieve a result, which is an intellectual creation. Certain isolated sentences, or even certain parts of sentences in a text, may be suitable for conveying to the reader the originality of a publication, such as a newspaper article, by communicating to that reader an element which is, in itself, the expression of the intellectual creation of the author of that article. Such sentences or parts of sentences may therefore be protected. Case C-5/08 *Infopaq International A/S v Danske Dagblades Forening* [2009], judgment of 16 July 2009 ECR I-656.

when assessed on the grounds of quantity or of quality, and decisions in this regard are reached on a case-by-case basis.

Economic rights provide for specific uses that the author or other holder of copyright may authorize or prohibit. We usually find in national laws the following rights:

- (a) fixation and reproduction
- (b) translation
- (c) the making of new versions, adaptations, and other modifications
- (d) distribution
- (e) rental and public lending
- (f) public performance
- (g) broadcasting, rebroadcasting, and satellite or cable transmission
- (h) communicating to the public; making available to the public
- (i) the importing of copies produced abroad without consent
- (j) resale right

If any of the above acts is performed by a party who is not the rightholder and who acts without the rightholder's consent is considered an infringing act.

Apart from economic rights, copyright also includes moral rights. Moral rights reflect the personal relationship between the author and his work. They usually consist of two rights, i.e., the right of paternity and the right of integrity. Yet, some jurisdictions, and in particular civil law jurisdictions contain more than two moral rights. A characteristic example in this respect is Greece. Greek Copyright Act (Article 4 of Law 2121/1993) provides for:

- The right of divulgation/publication, i.e., the right to decide if, when and how the work will be made available to the public.
- The paternity right, i.e., the right to recognize the authorship on the work and especially the authority to mention the author's name on the copies of his work and in every public usage or even his right to retain his anonymity or to use an alias.
- The integrity right, i.e., the right to maintain the integrity of the work, i.e., to prohibit any distortion, abridgement or other modification of the work.
- The right of access, i.e., the authority of the author to have access to his work, even if the work's economic right or ownership belongs to a third person, in which case access must be granted in a way that causes the minimum possible annoyance to the rightholder.
- The right of repudiation, which gives the author the right to repudiate contracts of transfer or exploitation of literary or scientific works, if this is necessary for the protection of his personality, due to changes in his beliefs or circumstances,

and with the obligation to compensate the counter party for his positive damages.

The peculiarity of the moral right does not lie only in the fact that it is independent from the economic right, but also in that it cannot be transferred or waived (at least in civil law jurisdictions). In common law jurisdictions usually, moral rights need to be asserted, they can be waived, and they are limited in scope compared to their civil law counterparts.

The economic rights of authors are subject to certain exceptions and limitations, which are either expressly provided by or arise from the broader legal system of a country. These restrictions in the copyright legislation are either in favor of the scientific progress or the information of the community and in a broader aspect in favor of the whole. These are cases where usually a license from the author/rightholder and a fee payment are not necessary although there may be cases where this is not so (e.g., in the cases of payment of equitable remuneration for the copying of works for private purposes). In EU law (in conformity with international conventions in the area) all exceptions are subject to the ‘three step test’, i.e., apply in certain special cases only, which do not conflict with the normal exploitation of the work, and do not unreasonably prejudice the legitimate interests of the rightholder.<sup>298</sup>

Although exceptions and limitations have been harmonized in EU law by reason of the Information Society Directive<sup>299</sup> still inconsistencies remain between the different jurisdictions by reason of the fact that the Information Society Directive follows a system according to which EU Member States can pick and choose from a list of exceptions and limitations and in addition the scope of each exception and limitation chosen -as has been implemented into national law- may vary from country to country. Some of the exceptions found in the laws of the EU Member States, which are relevant to our purposes, are the following:

- (a) use for teaching or scientific research
- (b) uses for the benefit of people with a disability<sup>300</sup>
- (c) reproductions by the press
- (d) quotations for purposes such as criticism or review
- (e) use for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings
- (f) use of political speeches as well as extracts of public lectures or similar works

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<sup>298</sup> Geiger *et al.* 2021.

<sup>299</sup> Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, O.J. L167, 22/06/2001 (Information Society Directive).

<sup>300</sup> Lewinski 2016.

- (g) use during religious celebrations or official celebrations organised by a public authority
- (h) use of works, such as works of architecture or sculpture, made to be located permanently in public places
- (i) incidental inclusion of a work or other subject-matter in other material
- (j) use for the purpose of advertising the public exhibition or sale of artistic works, to the extent necessary to promote the event, excluding any other commercial use
- (k) use for the purpose of caricature, parody or pastiche
- (l) use in connection with the demonstration or repair of equipment
- (m) use of an artistic work in the form of a building or a drawing or plan of a building for the purposes of reconstructing the building
- (n) use for the purpose of research or private study
- (o) uses of computer programs and databases
- (p) use of orphan works<sup>301</sup>

According to the Digital Single Market Directive (DSM Directive)<sup>302</sup> other exceptions and limitations that are relevant to our purposes are the following:

- (q) text and Data Mining (art. 3 and 4 DSM Directive)
- (r) use of works and other subject matter in digital and cross-border teaching activities (art. 5 DSM Directive)
- (s) preservation of cultural heritage (art. 6 DSM Directive)

Museums, cultural heritage institutions and sites, may either generate their own copyright works or use third party works. In these cases, it is important to know that they need to secure via contracts with freelance generators of content (such as photographers, advertising companies, producers of software and databases, designers of sites, etc.) and employee agreements, the content that they want to use according to their mission and strategic goals.

Also, laws contain provisions on transfer of rights/licensing and ownership, but it is advisable that institutions have detailed contracts so that they do not need to have recourse to default provisions (i.e., rules that come into play if the parties have not made a provision for a particular matter such as the duration of a contract, territory of application, etc.). Default rules, of course, vary according to the jurisdiction.

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<sup>301</sup> Janssens & Tryggvadóttir 2016. See the advice sheets/a practical introduction to and guidance in the management of IPR and cultural assets in museums and were originally developed as part of a Renaissance Yorkshire programme on the Effective Management of Intellectual Property Rights and Cultural Assets in 2010-11) <https://southeastmuseums.org/resource-library/mdy-ipresources/>.

<sup>302</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

Copyright in a work may be transferred as a whole: such a transfer conveys all rights or interests in economically exploiting the work. Distinct rights included within copyright may also be separately transferred: for example, the right to publish a work as a book may be granted to one person; the right to translate the work, to another; the right to perform it publicly, to still another; and so on. Besides this separate transfer of different rights, the transfer of copyright may also be made contractually subject to different limitations, for example, as to the duration of the transfer, its geographical reach, etc.

### *Related Rights*

Related rights are afforded to natural or legal persons that make a substantial contribution/investment to the public performance, reproduction, propagation, dissemination or production of certain copyright works. Due to the technical ability to record and the ease of multiplication of the copyright works, these contributions need to be protected, so that they are not subjected to appropriation and unfair exploitation by third parties. They look in scope like copyright (although they are much more limited in comparison to it), that's why they are called related (or neighboring)<sup>303</sup> rights.

The basic types of related rights found in the laws of EU Member States are:

- rights of performers or performing artists
- rights of producers of audio and/or video media
- rights of broadcasting organizations
- rights of publishers
- rights of database makers
- rights to previously unpublished creations

According to the DSM Directive a new type of related right is introduced: rights for press publishers in their press publications concerning online uses (art. 15 DSM Directive). According to it press publishers established in the EU will have for two years from the date of publication of the relevant press publication the right to license the online use of their publications to information society service providers. In this sense, the press publishers' right is a B2B right, in that it is not enforceable against individual users in relation to non-commercial uses of press publications. The right does not cover linking, nor does it extend to individual words or 'very short' extracts.<sup>304</sup>

We shall now explain who the beneficiaries of related rights are and what the content of such rights in general terms is.

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<sup>303</sup> Neighbouring rights is a term mainly used in the US.

<sup>304</sup> Rosati 2019.

Performing artists are actors, musicians, singers, chorus singers, dancers, puppeteers, shadow-theater actors, variety or circus actors, mimes, etc. They are granted both economic and moral rights.

Performers' economic rights entitle them to authorize or to prohibit the following acts: any recording of their performance or any use of it other than that agreed upon, the broadcast of the illegal recording of their performance, and the putting into circulation of any recording of their performance. In the case of any secondary use of their legally recorded performances, such as a broadcast or public performance of the recording - depending on the jurisdiction- they have the right to equitable remuneration that is to be administered by a collecting society.

Producers of sound or video recordings are usually any natural or legal person who initiates and bears the responsibility for the realization of a first fixation of a series of sounds only or of images with or without sound, as the case may be.

Such producers are granted the right to allow or to prohibit any reproduction of their recordings, any further use of illegally reproduced recordings, or the importation of recordings produced abroad without their consent. When an import is from a country outside the European Union, a producer may also prohibit it if the recording was put into circulation pursuant to a clause reserving the right of importation.

Publishers are granted the right to authorize or to prohibit the reproduction of the typesetting and layout of their published editions by photocopying, electronic means, or any other method for commercial purposes.

Article 45A of the Copyright Act grants a *sui generis* right to the maker of the database. This right complements copyright and relates to the contents of the database rather than its structure or selection. It is granted to the maker of the database irrespective of the fact whether the database itself attracts copyright protection or not.

The 'maker' of the database is the natural or legal person who takes the initiative and undertakes the risk of the investment regarding the compilation of the database. The maker of the database has to show that there has been, qualitatively or quantitatively, a substantial investment in either the obtaining, verification, or presentation of the database contents to be protected. On that showing, the maker has the right to prevent extraction or re-utilization of the whole or a substantial part, again evaluated qualitatively or quantitatively, of the contents of the database. He also has the same right to prevent the repeated and systematic extraction or re-utilization of insubstantial parts of database contents that conflicts with the normal exploitation of the database or that unreasonably prejudices his legitimate interests.

The lawful user of a database may extract or re-utilize insubstantial parts of the contents of a database but may not perform acts that conflict with the normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database. The lawful user can only extract or re-utilize substantial parts of the contents in a pair of cases:

- (a) extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved; and
- (b) extraction or re-utilization for the purposes of public security or an administrative or judicial procedure.

The right is enjoyed by any maker of a database (a) who is a national of an EU member-state, (b) who has its habitual residence in such a member-state, or (c) that is a company or firm formed in accordance with the law of such a state and has its central administration, principal place of business, or registered office in such a state. In the latter case the company's operations must be genuinely linked on an ongoing basis with the economy of an EU member-state.

The right in the database contents is enforced by the courts in the same way as copyright. Copyright and related rights are enforced on the basis of a variety of sanctions (e.g., administrative, civil and penal sanctions) but also Technological Protection Measures (TPMs) can in practice restrict their unauthorized use or facilitate their management (e.g., Digital Rights Management (DRM)).

The liability of Internet Service Providers has also been reinforced by EU law, especially on the basis of article 17 DSM Directive that is a special provision in comparison to the E-Commerce Directive<sup>305</sup> that provides for the use of protected content by online content-sharing service providers.

Finally, open initiatives such as Free and Open-Source Software (FOSS) and Creative Commons (CC), allow rightholders to share content online with more permissive terms compared to traditional copyright and proprietary rights, or even waive most of their rights (even all of them where the law allows it) in the content, to make it available to all for free. Still though the terms of those licences should be fully respected otherwise one may infringe their copyright or related rights in the work.

Copyright is the most relevant IP right for cultural heritage institutions and sites since it protects things such as websites, publications, musical works, works of architecture, audiovisual works, computer programs, video games, multimedia works, virtual reality works, designs, works of the applied arts, photographs, paintings, collages, sculptures, video art, installations, maps, databases (an exhibition may also be protected as a database), postcards, posters, and generally any original creation of the mind in the field of literature, art or science.

### *Industrial Designs*

An industrial design protects the looks of a product. In other words, it protects the outward visible appearance of the whole or part of a product resulting from its specific features such as the lines, shape, color, texture, materials, contours or any type of

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<sup>305</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

ornamentation. It may consist of a) three-dimensional features, such as the shape of a product, b) two-dimensional features, such as patterns, lines or color of a product; or c) a combination of one or more such features.

Industrial designs are relevant to a wide variety of products varying from technical and medical instruments to handicrafts, watches, jewelry, household products, toys, furniture to architectural structures and textile designs. Industrial design is also important in relation to packaging, containers and ‘get-up’ of products. It may also protect the internal decoration of buildings, electronic desktop icons generated by computer codes, typefaces, the graphic display on computer monitors as well as mobile telephones.

Concerning museums and cultural heritage institutions and sites industrial designs can be relevant to the external and internal architecture of buildings, waiting rooms, cafes, shops, etc., the items sold in a (e-)shop (e.g., T-shirts, mugs, handbags, jewelry), the packaging of those items, the institution’s websites, and so on.

What cannot be protected as an industrial design are the functions of a product, any item that does not comply with the definition of a design (e.g., lack of outward or visible appearance or not an industrial or handicraft item), and computer programs.

Design rights can be either registered or unregistered.

Registered design rights can be obtained by registering the design with an IP office. Unregistered design rights are obtained through disclosure to the public and use. Unregistered design rights can be useful for those types of products that have an exceptionally short lifespan, where the registration process might take too long compared with the length of time for which the design will be valuable.

In order for designs to be protected they need to be new and have an individual character.

A design is deemed new if no identical design has been made available to the public at an earlier date and no other designer or undertaking have made an identical design available to the public earlier that is before the application date. Designs differing in ‘immaterial’ details only are considered identical designs.

The relevant date for assessing novelty differs depending on the type of design in question. For registered designs, it is the date of filing of the application or the priority date (which is the date on which a design has been originally filed in another country). For unregistered designs, it is the date on which the design was disclosed to the public.<sup>306</sup> The disclosure of a design to a third party under a condition of confidentiality does not destroy the novelty of the design.

Concerning the individual character of a design we mean that the design must create a different overall impression from any other designs disclosed earlier. ‘Overall impression’ means that the designs must be compared globally, while considering the

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<sup>306</sup> See EPO – IP Teaching Kit <https://www.epo.org/learning/materials/kit.html>.

way in which the product is used by the informed user<sup>307</sup> and the comparative weight this user attributes to the different features of the designs.

Design protection lasts for 5 years and can be renewed 5 times. That comes up to a total of 25 years.

Designs can also be protected by copyright law, provided that they are original. Design rights and copyright can therefore co-exist for the same product.

There are three options for protecting designs: a) national (registration with the relevant national IP office), b) EU (this is a unitary right that is registered with EUIPO and is valid throughout the EU), and c) international registration: international applications are filed directly with the World Intellectual Property Organisation (WIPO) under the Hague system. Applicants must make sure that they designate in their applications all the countries in which they want to obtain protection, as, because of the novelty requirement, it is not possible to add more countries later. The result is a bundle of different nationally or regionally registered designs and is not a unitary right.

Registered designs afford on their rightholders the exclusive right to use the design. The protection is against the unauthorized use of the design. It therefore covers the design itself that is the appearance of the product, no matter what product it is applied to. This includes the making, offering, putting on the market, importing, exporting or using of a product in which the design is incorporated or to which it is applied. Any of these actions relating to a product into which the design is incorporated or to which it is applied needs the authorization of the rightholder. The exclusive right also covers the stocking of such a product for any of these purposes.<sup>308</sup>

### *Trademarks*

Cultural heritage institutions and sites often opt to make their existence known and promote their products and services based on trademarks.

A trademark is any sign that individualizes the goods of a given enterprise and distinguishes them from the goods of its competitors. In that sense trademarks are very useful for an institution to build its identity and brand its image, promote its purposes and goals, and sell goods in its shop or e-shop in order to acquire a revenue.

Trademarks have a dual function. On the one hand, they indicate the source and quality of a product or service distinguishing it from other products and services and thus help enterprises to market and trade their products/services and on the other hand, they help consumers distinguish between the same or similar products and services. In the case of cultural heritage institutions trademarks help them become recognizable for what

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<sup>307</sup> The 'informed user' is an intermediate character, situated somewhere between a designer or a technical expert and an average consumer. His level of attention and awareness of prior designs is relatively high. *Ibidem*.

<sup>308</sup> *Ibidem*.

they do and offer and allow visitors to distinguish their services and products from those offered by other institutions.

Trademarks are registered rights. That means they need to be registered with a national or regional IP office in order to confer on their rightholders absolute and exclusive rights. According to the principle of territoriality (applicable to all IP rights), in the case of registered rights, one gets a right only in the country where the trademark is registered. At EU level there is also an EU Trademark, which is a unitary right, can be registered with the European Union Intellectual Property Office (EUIPO) and is protected -once registered- in the whole of the EU.<sup>309</sup> That means that protection is acquired automatically upon registration throughout the EU and if annulled, is annulled for the whole of the EU. It cannot be limited to a few EU countries only. Institutions can also register such a right according to the Madrid system, which is an international registration system and confers protection to those countries that are states parties to this Convention and that the applicant has selected them upon his application with WIPO.<sup>310</sup> Yet, international registration may not very relevant for museums and cultural heritage institutions that are active in one country only unless they fear that other institutions in other countries may trespass their goodwill and reputation by using their names. Yet, in these cases, if museums, cultural heritage institutions and sites are well known by their names they may get the protection afforded in the EU to famous trademarks or make use of the provisions of national unfair competition laws.

Signs that may serve as trademarks are the following:

“- *Words*: This category includes names, surnames, forenames, geographical names and any other words or sets of words, whether invented or not, and slogans.

- *Letters and Numerals*: Examples are one or more letters, one or more numerals or any combination thereof.

- *Devices*: This category includes fancy devices, drawings and symbols and also two-dimensional representations of goods or containers.

- Combinations of any of those listed above, including logotypes and labels.

- *Colored Marks*: This category includes words, devices and any combinations thereof in color, as well as color combinations and color as such.

- *Three-Dimensional Signs*: A typical category of three-dimensional signs is the shape of the goods or their packaging. However, other three-dimensional signs such as the three-pointed Mercedes star can serve as a trademark.

- *Audible Signs (Sound Marks)*: Two typical categories of sound marks can be distinguished, namely those that can be transcribed in musical notes or other symbols and others (e.g., the cry of an animal).

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<sup>309</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2018.104.01.0001.01.ENG&toc=OJ:L:2018:104:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.104.01.0001.01.ENG&toc=OJ:L:2018:104:TOC).

<sup>310</sup> <https://www.wipo.int/madrid/en/>.

- *Olfactory Marks (Smell Marks)*: Imagine that a company sells its goods (e.g., writing paper) with a certain fragrance and the consumer becomes accustomed to recognizing the goods by their smell.

- *Other (Invisible) Signs*: Examples of these are signs recognized by touch”.<sup>311</sup>

One may also choose *shape marks, position marks, pattern marks, motion marks, multimedia marks, and hologram marks*.<sup>312</sup> Trademarks need to be distinctive and non-deceptive. There is no longer the need to be graphically represented.

In recent years national IP offices take a rather broad and relaxed stance as to what may be considered a trademark. Even the interior decoration of retail apple stores’ design has qualified as a trademark given its distinctive character.<sup>313</sup>

All marks last for an initial period of 10 years and can be renewed indefinitely for periods of 10 years. That means that as long as fees are paid, they can be protected indefinitely.

As we already mentioned the basic characteristic for registering a sign as a trademark is for it to be distinctive and not deceptive or misleading. Trademarks are rejected essentially on two basic grounds. The first one is called absolute grounds of refusal and contains, for example, descriptive terms (e.g., chairs for the trade of chairs), deceptive terms (e.g., biological bread for non-biological bread), marks contrary to public order or morality as well as flags, armorial bearings, official hallmarks and emblems of states and international organizations. The second grounds of refusal are called relative grounds of refusal, and these are the cases where a mark conflicts with prior trademark rights. The aim is to avoid situations where consumers are confused and misled because a trademark is the same or very similar to an existing trademark for the same type of goods or services.

Registration, under the relevant trademark law, gives one the exclusive right to prevent others from trading and marketing identical or similar products or services under the same or a confusingly similar mark.

### *Patents*

Patents are usually not very relevant for museums, cultural heritage institutions and sites. Yet, we cannot preclude those instances where an employee may come up with an invention that is relevant to an institution’s purposes. An example in this respect is

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<sup>311</sup> WIPO 2004.

<sup>312</sup> <https://euipo.europa.eu/ohimportal/en/trade-marks-examples>.

<sup>313</sup> In the case C-421/13, [Apple Inc. v Deutsches Patent- und Markenamt](#), *CJEU* held that the possibility of protection for the ‘packaging of goods’ also extends to the presentation of the establishment in which a service is provided. As a result, *the representation, by a design alone, without indicating the size or the proportions, that depicts the layout of a retail store by means of an integral collection of lines, curves and shapes, may be registered as a trade mark provided that the sign is capable of distinguishing the services of the applicant for registration from those of other undertakings, and, that registration is not precluded by any of the grounds for refusal as set out in 2008/95 Directive.*

a technology developed by the J.P. Getty Museum based in Los Angeles, which serves as a basis for statues that is equipped with a seismic isolator that stabilizes artworks during an earthquake.<sup>314</sup> Patents may be relevant for technologies or innovative technical solutions used for the preservation or conservation of artefacts and sites as well as regarding excavations, and so on.

In simple terms one could argue that an invention is a new and inventive solution to a technical problem. An invention may relate to a product or a process. It may relate to the creation of an entirely new device, product, method or process, or may simply be an incremental improvement to a known product or process. Merely finding something that already exists in nature does not qualify as an invention because there is no inventiveness involved unless this is combined with other ingredients or materials on the basis of which a novel product emerges.

In fact, a patent is a document, issued, upon application, by a government office (or a regional office acting for several countries), which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent.<sup>315</sup> The protection conferred by the patent is limited in time (20 years from application).

Patents confer absolute and exclusive rights upon their rightholders, i.e., the right to prevent others from making, using, offering for sale, selling or importing infringing products in the country where the patent was granted, the right to assign, sell or license these rights. There are also exceptions for non-commercial purposes such as private use and academic research.

Patentable subject matter is established by statute and is usually defined in terms of the exceptions to patentability, the general rule being that patent protection shall be available for inventions in all fields of technology.<sup>316</sup>

Subject matter which *may* be excluded from patentability includes the following:<sup>317</sup>

- discoveries of materials or substances already existing in nature
- scientific theories or mathematical methods
- plants and animals other than microorganisms, and essentially biological processes for the production of plants and animals, other than non-biological and microbiological processes
- schemes, rules or methods, such as those for doing business, performing purely mental acts or playing games

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<sup>314</sup> <https://news.artnet.com/art-world/getty-greece-earthquake-mitigation-1230341>.

<sup>315</sup> WIPO 2004.

<sup>316</sup> See Article 27.1 of the TRIPS Agreement.

<sup>317</sup> See also Article 27.3 of the TRIPS Agreement.

- methods of treatment for humans or animals, or diagnostic methods practiced on humans or animals (but not products for use in such methods)

The TRIPS Agreement (Article 27.2) further specifies that Members *may* exclude from patent protection certain kinds of inventions, for instance inventions the commercial exploitation of which would contravene public order or morality.<sup>318</sup>

An invention must meet several criteria if it is to be eligible for patent protection:

- one needs to ensure that one deals with patentable subject matter
- the invention must be new (be novel)
- it must exhibit a sufficient ‘inventive step’ (be non-obvious)
- it must be industrially applicable (be useful)
- the disclosure of the invention in the patent application must meet certain standards

An invention is new if it is not part of the state of art (i.e., it is not anticipated by the prior art).

‘Prior art’ is, in general, all the knowledge that existed prior to the relevant filing or priority date of a patent application, whether it existed by way of written or oral disclosure. It is ‘inventive’ when it is not obvious to the person skilled in the art in view of the state of the art. The inclusion of a requirement like this in patent legislation is based on the premise that protection should not be given to what is already known as part of the prior art, or to anything that the person with ordinary skill could deduce as an obvious consequence thereof. ‘Applicability’ and ‘industrial applicability’ are expressions reflecting, respectively, the possibility of making and manufacturing in practice, and that of carrying out or using the invention in practice.

Patent protection means that the invention cannot be commercially made, used, distributed or sold without the patent owner's consent. These patent rights are usually enforced in a court, which, in most systems, holds the authority to stop patent infringement. Conversely, a court can also declare a patent invalid upon a successful challenge by a third party.

Protection can either be territorial in nature, if a patent application is filed with a national IP office, regional (e.g., EU) or a patent may be filed internationally. Currently and for the region of Europe there are the following choices. One may apply to the European Patent Office (EPO) in Munich<sup>319</sup> and get a European patent in 38 countries that are states parties to the European Patent Convention (EPC) or apply for an EU patent. The latter is a unitary right valid throughout the EU without the possibility to limit it to certain EU countries only.<sup>320</sup> This system is not yet in force and is expected

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<sup>318</sup> WIPO 2004.

<sup>319</sup> <https://www.epo.org/>.

<sup>320</sup> <https://www.epo.org/>.

to enter into force in 2022.<sup>321</sup> Lastly there is the Patent Cooperation Treaty (PCT)<sup>322</sup> that is administered by WIPO where one through a centralized international registration system can select the countries-states parties to the PCT where one wishes to register her/his invention. These applications reviewed by each country separately whilst protection also runs separately and independently for each country. This is a bundle of national rights/patents and not a unitary right as the EU unitary patent.<sup>323</sup>

For one not to jeopardize the protection of a potential invention, one should make sure that does not disclose her/his patent before applying for protection. For example, one should not make her invention known by publishing articles, press releases, giving papers or posting online and should not sell any products or offer services incorporating the invention before one files her application. Yet, if one needs to disclose some information to possible entrepreneurs or investors, it is always advisable to sign non-disclosure or confidentiality agreements and seek professional advice at an early stage. It is also vital that one files before someone else does.

In a number of countries, inventions are also protectable through registration under the name of ‘utility model’ or ‘short-term patent’, also known as ‘petty patents’. The requirements are somewhat less strict than for patents in respect of the ‘inventive step’ (in some countries this is not a requirement, i.e., it suffices that a utility model is new and industrially applicable), they apply to 3 dimensional products or utensils only,<sup>324</sup> and in comparison with patents the fees are lower, and the duration of protection is shorter. Otherwise, the rights under the utility model or short-term patent are similar to those for patents.

### *Trade Secrets*

Trade secrets is a separate type of IP right although there is also the view that it does not come within the scope of IP rights because it does not confer absolute and exclusive rights on its rightsholders.

The EU has quite recently enacted legislation for trade secrets (Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure)<sup>325</sup> that has been implemented by EU member states.

According to it any information that can help enterprises/institutions perform better, faster or at lower cost may qualify as a trade secret. Such knowledge can include new manufacturing processes, improved recipes, know-how, blueprints, formulae, instructions, specifications, process management skills, market intelligence, quality

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<sup>321</sup> [https://ec.europa.eu/growth/industry/policy/intellectual-property/patents/unitary-patent\\_en](https://ec.europa.eu/growth/industry/policy/intellectual-property/patents/unitary-patent_en).

<sup>322</sup> <https://www.wipo.int/pct/en/>.

<sup>323</sup> <https://www.wipo.int/pct/en/>.

<sup>324</sup> Depending on the jurisdiction.

<sup>325</sup> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1–18).

control techniques, or information on whom to buy from and whom to sell to. Information protected through a trade secret can be *strategic, long-term* (for example, a recipe or a chemical compound), or *short-lived* (for example, the results of a marketing study, the name, price and launch date of a new product, or the price offered in a bidding procedure). Subject matter capable of being patented can also form the subject of a trade secret if it is not already registered or otherwise disclosed.

The main characteristics of trade secrets are that a) there are not registered with a registry (national, regional or otherwise), protection lasts as long as the information stays secret and it is either not revealed or found out (i.e., reverse engineered), the duration of protection depends solely on the whether the information is kept secret or not, and there is no geographical limitation.

In order for a judge to be convinced that one is entitled to trade secret protection, s/he needs to also be convinced that this information confers a competitive advantage on the person claiming it and that this person has taken active steps to maintain its confidentiality through, for example, substantive covenants imposed on employees, suppliers, subcontractors, etc. or the conclusion of non-disclosure and confidentiality agreements, by labelling documents as confidential, restricting access to confidential information, train accordingly employees, including sanctions for breaching confidentiality, etc.

Trade secret protection is far less expensive and time consuming compared to patent or utility models protection. Yet, it is desirable only if one believes that the subject matter at issue can remain secret and cannot be reverse engineered.

The holder of a trade secret does not have an exclusive right over its creation. He cannot prevent competitors from copying and using the same solutions – reverse engineering (the process of discovering the technological principles of a device, object or system through analysis of its structure, function and operation) is entirely lawful. Trade secrets are infringed in instances where someone has obtained the confidential information by illegitimate means (e.g., through spying, theft or bribery).<sup>326</sup>

Trade secrets may be relevant for cultural heritage institutions in all those instances mentioned under patents and utility models, as well as with regard to techniques for setting up and securing exhibitions, marketing and communication skills, research studies, suppliers' information, etc.

### C. IP Management

Even if cultural institutions are non-profit organizations or do not want to engage in business opportunities, IP management is essential for them to accomplish their aims and mission.<sup>327</sup> IP management is not only relevant to business and profit making but

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<sup>326</sup> [https://ec.europa.eu/growth/industry/policy/intellectual-property/trade-secrets/faq\\_en](https://ec.europa.eu/growth/industry/policy/intellectual-property/trade-secrets/faq_en).

<sup>327</sup> Gilmore & Rentschler 2002.

also if one is not to infringe third party rights and intends to avoid liability for IP infringement. The main issues we will be touching upon in this section are:

1. The IP Inventory/IP Audit
2. The IP Policy
3. Licensing Strategy
4. Digital Rights Management and New Business Models
5. IP Culture
6. Dispute Resolution

### *The IP Inventory and Audit*

*“If you don’t measure it, you can’t manage it”<sup>328</sup>*

For a cultural heritage institution to be able to manage its IP assets, it needs to first list and inventory them.<sup>329</sup> That has a dual aim. On the one hand, it allows the institution to realize how much of the necessary rights (e.g., in its collections) it has acquired (which also means what further needs to be acquired) and on the other hand, it allows it to make provision as to how not to infringe third party IP rights and escape liability. That is usually done on the basis of an IP Inventory or an IP Audit.<sup>330</sup>

An IP Inventory is an inventory of the IP assets held by the institution, whether by creation, acquisition, or license. *“An IP Audit can be crucial to understand what it is that you’ve got, and what you may have soon, as once the assets are identified their importance and value can be determined and a strategy put in place to ensure that the [institution] is leveraging as much value as possible out of its, often under-utilized or undervalued, assets”.*<sup>331</sup>

According to Pantalony, *“The two most important fields of information in an inventory provide the reviewer with the immediate knowledge that the rights to the work in question are either owned by the museum or that the IP rights associated with the object or work in question have expired. Other fields of information seminal to the inventory are, if known, the duration of any IP rights still protecting the work and the contact information for those individuals or companies administering these rights. Finally, the inventory should record any limitations on the use of the works. For example, if an artist does not wish to license the reproduction and distribution of his work on the*

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<sup>328</sup> WIPO 2006.

<sup>329</sup> See [https://southeastmuseums.org/wp-content/uploads/PDF/06\\_Carrying\\_out\\_an\\_IPR\\_audit.pdf](https://southeastmuseums.org/wp-content/uploads/PDF/06_Carrying_out_an_IPR_audit.pdf); <http://lehmannstrobels.com/articles/museum-intellectual-property-audits/>; and Falk & Sheppard 2006, 129.

<sup>330</sup> For Cultural Heritage Inventories see Guidelines on Cultural Heritage, Technical Tools for Heritage Conservation and Management, Program funded by the European Commission and the Council of Europe, September 2012: <https://rm.coe.int/16806ae4a9>; ICOM 2004, 17seq.

<sup>331</sup> <https://www.definitionip.com/service/consultancy-advice/>.

*Internet, this information should be recorded in the inventory. The recommendation, therefore, is to determine the most important type of information required by your museum based on need and specialty and be consistent in providing the same information for every IP interest identified. Several experts in the field suggest that the inventory should record past fees paid, fees earned and known risks in reproducing and distributing the content without permission. Fees and risk information represent an overall valuation of the IP assets. [...] [It is also] recommended that where limitations on use have been identified in prior agreements or where particular sensitivities have been recorded in correspondence with rightholders, these limitations should be recorded in the IP inventory”.*<sup>332</sup>

Other legal and ethical considerations should also be included such as privacy rights, personal data, and publicity rights, open data and re-use of public sector information,<sup>333</sup> use of open initiatives or waivers of rights (such as Free and Open Source Software and Creative Commons Licences) as well as ethical considerations,<sup>334</sup> whether for example artifacts form part ethnographic collections, are liturgic and religious instruments, belong to indigenous communities, have fallen into the public domain, are considered traditional cultural expressions,<sup>335</sup> form part of a database or collection, or have any legal or other weight based on special agreements and contract law. All these should be appropriately recorded as they affect the use, licensing and disposal of an artifact.

“An IP audit can often act as a springboard to:

- *build new revenue streams*
- *ensure current revenue streams are protected*
- *mitigate any identified risks*
- *improve or maximise the valuation of an [institution] – particularly useful during fundraising*
- *identify assets as security in financial transactions*
- *determine where assets should be held in an [institution] restructuring*
- *develop an ongoing IP strategy”*<sup>336</sup>

Such an inventory makes an institution understand the need for clear and succinct contracts between e.g., authors, publishers, sub-publishers, donators, lenders, employees, creative and advertising companies, and the institution). It should be designed based on the general inventory of collections (which should be integrated in it) and it should engage -if possible- all departments of the institution. For example, a

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<sup>332</sup> Pantalony 2013, 24.

<sup>333</sup> The Directive on open data and the re-use of public sector information, also known as the ‘Open Data Directive’ ([Directive \(EU\) 2019/1024](#)) entered into force on 16 July 2019. It replaces the Public Sector Information Directive, also known as the ‘PSI Directive’ ([Directive 2003/98/EC](#)) which dated from 2003 and was subsequently amended by the [Directive 2013/37/EU](#) ([more about the process](#) of this revision).

<sup>334</sup> Nicholas *et al.* 2010.

<sup>335</sup> Graber & Burri-Nenova 2008; Farah & Tremolada 2015; Geismar 2005.

<sup>336</sup> *Ibidem.* See also Zorich 2003.

representative of each one of them should participate to be able to identify the IP assets concerning her/his own department.

The drafting of a template could facilitate things as everyone would work on the same page. Besides the team that would run this project, one or two people from the management team should be responsible for the result. This list should be reviewed regularly because new assets may need to be added or rights in some of the assets may expire or may need renewal (trademarks, domain names, patents industrial designs, etc.). It is advisable that the result is reviewed by a lawyer that has expertise in IP law.

For an inventory to be complete several documents are required:

1. Acquisition documents that indicate what rights the institution has acquired. These could be contracts on the basis of which a purchase or a donation have been made as well as any documents accompanying an item in a collection indicating the status under which it has been acquired, terms and conditions, possible reservations and so on.
2. Exhibition agreements or loan contracts. These are the terms under which items were either given, loaned/borrowed, or received for an exhibition for a limited amount of time or a prescribed period.
3. Former and current licensing and assignment agreements. These are helpful to see what are the practices that the institution follows so far (that also helps one realise whether something needs to change), the fees requested, and so on. Usually these should be subject to a general IP Strategy followed in the circumstances.
4. Employment and independent contractor agreements. This is to identify the extent of transfer of ownership of IP rights to the institution by employees or contractors.
5. Collaboration agreements, R&D grants and special programmes. This is to identify if special rules on ownership apply regarding the institution's participation in special programs or collaboration agreements.<sup>337</sup>
6. Other agreements. Any other type of agreement that may be relevant such as technology transfer, or know how, or technical assistance agreements, design and development agreements, settlement agreements, franchise agreements, royalty agreements, marketing agreements, media agreements, distribution agreements, sales representative agreements, consulting or management agreements, outsourcing agreements, maintenance and repair agreements, programming agreements, source code escrow agreements (in connection with software), database licenses listings of computer software used by the company, including all versions and source and object code, flow charts and other software development documents.<sup>338</sup>

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<sup>337</sup> Goral 2015.

<sup>338</sup> *Ibidem*.

7. Any documentation found in the institution's administrative files or archives that may convey information on items in its collections (e.g., letters, e-mails, and correspondence in general) that may work as evidence on the intention of parties, if formal contracts are not there.

The collection of documents needs to be as exhaustive as possible.

In summary we could say that the IP Inventory makes the institution realise:

- a) How the IP assets are used, underused, or unused.
- b) Whether the IP assets used by the institution are owned by the institution or by others
- c) Whether these IP assets are infringing the rights of others or others are infringing on these rights
- d) And determine, in the light of all this information, what actions are required to strengthen the institution's IP assets, save it from liability, and assist it in accomplishing its goals.<sup>339</sup>

Once the IP assets have been identified and recorded/catalogued, **ownership and legal status should be determined**. In fact, it should be determined whether they are owned by the institution or third parties, whether they are protected by an IP right, or what steps need to be taken to be protected by an IP right. This helps the institution realize whether there are inconsistencies in the system, gaps, or failures, to **take measures to amend them**. Based on this information **infringement of IP rights is also detected**. This has a dual aim: a) the institution can find out whether its IP assets have been infringed and it then needs to decide whether to proceed with enforcing its rights or not and b) realize whether itself infringes third party rights so that it refrains from doing so or, if that is no longer possible, take measures to escape liability.

It should be noted here that national IP laws provide for certain exceptions and limitations for cultural heritage institutions and if a use falls within such an exception and limitation, it should be properly recorded so that an institution knows what the boundaries are and to what extent it may perform acts without clearing rights and paying royalties.

### *The IP Policy*

It is advisable that an institution drafts an IP Policy to assist its personnel to deal with IP issues in a principled manner.<sup>340</sup> The Policy may also replace what businesses call an IP strategy, which is a plan that is created to align a company's business goals and is an integral part of a company's overall business strategy.<sup>341</sup> Since institutions are not

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<sup>339</sup> WIPO 2010.

<sup>340</sup> Zorich 2003.

<sup>341</sup> An IP Strategy is divided into the Internal IP Strategy and the External IP Strategy. The Internal IP Strategy consists of a) an IP Audit, b) an IP Policy and c) IP acquisition and Maintenance Strategies and

that much into business and profit-making, it's more important to have an IP Policy rather than an IP Strategy, without precluding instances where both may co-exist.

The IP Policy may take the form of principled statements that work as guidelines to the institution administrators faced with decisions that involve IP issues. Some examples in this respect are statements for avoiding liability, ownership and use of self-generated IP, terms of acquisition of collections, use of trademarks and logos, terms of donations, online licensing, digitization of works, terms of access to the works/collections as well as more specialized ones by reason of the institution's specific goals. For example, if a library, standardized terms for photocopying, lending, dealing with out of commerce books, orphan works, etc. The IP Policy may also contain due diligence steps and 'safe harbour right statements' to avoid liability.<sup>342</sup>

An IP Policy is also necessary in the light of the fragmented legislative copyright regime of protection within the EU. According to Janssens "*it remains extremely difficult for CHIs, to design a policy that optimizes access to in-copyright works in their collections with a sufficient degree of legal certainty. Rights clearance [...] remains burdensome and costly. This situation may reduce the effectiveness of their public-interest mission on promoting access to culture and information, restricting at the same time the possibilities of the re-use of works and thus, limiting further innovation and creativity*".<sup>343</sup> An IP Policy may bring certainty to those who deal with the institution where different national legal regimes apply in different EU Member States since copyright law in the EU has not been fully harmonized.

An IP Policy should meet the 5 C's.<sup>344</sup> It should be:

- Clear

(simple, succinct, and to the point. It needs to convey the message without the need of 'interpreting'. It is advisable that it is in writing and sent to all personnel)

- Coherent

(All statements need to be coherent with each other)

- Cohesive

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an External IP Strategy consist of a) Enforcement Strategy, b) Competitive Intelligence Strategy and c) Public Policy Issues. WIPO Academy, DL450 IP Management Course.

<sup>342</sup> Policy paper on the digitization of museum collections <https://www.digitizationpolicies.com/medias/Policy-Paper-on-Digitization-of-Collections.pdf>, authored by Anne Laure Bandle, Art Law Foundation Yaniv Benhamou, Art-Law Centre, University of Geneva Sarah Burkhalter, Swiss Institute for Art Research (SIK-ISEA) Justine Ferland, Art-Law Centre, University of Geneva Lucie Guibault, Schulich School of Law, Dalhousie University Mathilde Heaton, Phillips Elisabeth Logeais, UGGC Avocats Marc-André Renold, Art-Law Centre, University of Geneva Sandra Sykora, Independent Legal Counsel and Art Historian Vanessa Vuille, Art-Law Centre, University of Geneva, 2020, p. 22.

<sup>343</sup> Janssens 2020.

<sup>344</sup> Stamatoudi 2019: Extract from her presentation in Egypt concerning IP and cultural heritage, IP Management in Museums in Egypt organized by the World Intellectual Property Organization (WIPO) and the National Museum of Egyptian Civilization (NMEC) in collaboration with the Ministry of Foreign Affairs of the Arab Republic of Egypt, Cairo, Egypt, 17-19 March 2019.

(All statements should work towards a common mission/goal)

- Consistent

(No contradictory statements. The same criteria should be applied to all)

- Compatible

(...with each other. Contradictory statements defy the purpose of an IP Policy)

Statements also need to:

- mitigate risk
- clarify issues before disputes arise
- make provision once disputes arise
- address issues of organization and ensure organization-wide quality
- reviewed on a regular basis and in any case when new circumstances arise (e.g., change of the law)
- not only address ‘business’ but also ethics (e.g., do you accept all donations or you need to be strict on provenance? How do you use the results of research by public funds? Do you provide open access to your collections?)
- include forward thinking (institution’s vision)

An IP Policy should be continuously reviewed and monitored, and it should be effectively communicated to all the employees.<sup>345</sup>

There are also some tips for setting up and implementing a successful IP Policy:

- do it as soon as possible (don’t wait for a pitfall to come up!)
- cover as much as possible (acquisition and lending of artifacts, making copies for preservation, digitization of collections, selling of images/photographs/pictures, the making of publications, outsourcing creative content, use of the institution’s collections by third parties, use of the institution’s trademarks and logos, etc.)
- engage the right people (staff responsible for acquisitions, registrations, reproductions, education, etc.)
- tie it in to the IP Audit and the needs of the institution as they arise from it
- tie it in to Institution’s mission and goals
- tie it in to Ethics and Values
- communicate it, train employees to have it as a reference when performing their tasks
- enforce it

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<sup>345</sup> An example of an IP Policy can be found at Isherwood & Woodward 2019.

In a Report published in 2020, the idea of a museum code of conduct for a “*safe harbor right statement*” has been expressed. According to it “[t]his code of conduct applies to museums as users of copyrighted assets. [...] museums may also be copyright owners. Different rules will apply to artworks over which museums hold copyright or other intellectual property rights”.<sup>346</sup> The following steps have been put forward:

1. *“identify whether the work in question is a protected work*
2. *identify the purpose of digitization*
3. *identify the rights holder*
4. *do not use if you do not know for sure*
5. *add all available copyright information*
6. *always make sure to properly attribute credit*
7. *other copyrights and other IP rights (such as trade marks) may be also be affected”*.

### *Licensing Strategy*

If the institution decides to engage in commercial/profit-making activities, it needs to follow a licensing strategy. This strategy may implement in more detail aspects of the institution’s IP Policy.

Some examples where a fully-fledged Licensing Strategy is required are the following:

- charge visitors for guided tours, taking pictures, videos, etc.
- operate a shop with products incorporating the image/design of items in its collections and other products
- use of images/photographs of items in its collections by private parties, companies, other institutions, online platforms, etc.
- selling of books with pictures of items in its collection and generally making publications, selling postcards, posters, copies of items in its collections
- use of its trademarks and logos
- rent some of its premises for conferences together with the use of logos or for social events

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<sup>346</sup> Policy paper on the digitization of museum collections <https://www.digitizationpolicies.com/medias/Policy-Paper-on-Digitization-of-Collections.pdf>, authored by Anne Laure Bandle, Art Law Foundation Yaniv Benhamou, Art-Law Centre, University of Geneva Sarah Burkhalter, Swiss Institute for Art Research (SIK-ISEA) Justine Ferland, Art-Law Centre, University of Geneva Lucie Guibault, Schulich School of Law, Dalhousie University Mathilde Heaton, Phillips Elisabeth Logeais, UGGC Avocats Marc-André Renold, Art-Law Centre, University of Geneva Sandra Sykora, Independent Legal Counsel and Art Historian Vanessa Vuille, Art-Law Centre, University of Geneva, 2020, p. 22. Museum Code of Conduct for a ‘Safe Harbor Right Statement’ <https://www.digitizationpolicies.com/#DMC>.

- run a restaurant, a café, etc.

It needs to have a clear strategy on objectives and revenue streams such as what shall be offered for exploitation, what shall be the package of services and facilities accompanying it, for how long, to whom, and for what uses.

### *Digital Rights Management and New Business Models*

In an era of digitization, a cultural heritage institution or site needs to conform and adapt its services. This has been especially so after the pandemic where physical visits were no longer possible for an extended period and where the institutions opened, were no longer accessible under the terms and conditions applicable until then (i.e., before the pandemic). The institutions realized that in order to keep up with the general pace and the augmenting needs of offering as much as possible to the public without the constraints of time or geography, they had to make at least their collections visitable. Thus, an institution's strategic decisions include going digital: i.e., digitize collections, offer virtual tours, maintain a website with pictures and information, introduce licences for digital materials, 'advertise' their collections through world-known platforms such as Europeana and Google Arts, and so on.

*“Digitalisation offers museums numerous opportunities. It not only makes exhibits accessible to everyone, it addresses the lack of physical space to display all objects in a museum's possession. Objects and stories dormant in depots and archives, become accessible and visible to the general public and available for research. Digitalisation connects new audiences by offering “visits” online, creating new spaces for exchange and enabling participation. This also provides an interactive approach to cultural heritage for different audiences”.*<sup>347</sup> It also increases the museum's visibility.<sup>348</sup>

Yet, digital materials run the risk of being copied at no cost, at excellent quality, quickly, efficiently, and sometimes with no trace. The law in most cases provides adequate provisions in terms of legal recourse. Yet, recourse to courts or to alternative dispute resolution is not always an option because it requires time, expenses, restitution or redress are not immediate whilst all information needed in order to take action is not always there. For example, infringing acts may have taken place through servers or individuals based in another country, who cannot be easily located and whose details are not known. Private international law issues such as which court decides and what law applies should also be added to that.<sup>349</sup>

In these cases, EU copyright laws have made provision with regard to Digital Rights Management (DRM), i.e., systems that control the use of a work online. Digital Rights Management could be a) Technological Protection Measures (TPMs) and b) Rights Management Information (RMI), i.e., information embedded in a work that allows its

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<sup>347</sup> NEMO 2020, 2.

<sup>348</sup> *Ibidem*.

<sup>349</sup> Chechi 2017/2018.

licensing online (data on ownership, use, duration, fees, etc.).<sup>350</sup> This technology allows the licensing of a work online easily, effectively and with equal, objective and transparent terms for all users. It also prevents infringement. The Technological Protection Measures (TPMs) are technical means to protect works against potential copyright infringements (e.g., encryption, watermarks, identification keys, passwords, recognition technologies) and these provisions are based on the 1996 WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.<sup>351</sup>

A number of States have introduced into their laws on the basis of the WIPO Copyright Treaty 1996 (WCT) and the WIPO Performances and Phonograms Treaty 1996 (WPPT) provisions prohibiting acts of tampering with electronic rights-management information, that is, the removal or alteration of such data or acts of disseminating protected works and media productions with such data removed or altered, if such acts are made with the knowledge or reasonable grounds to know, that they contribute to infringement. Equivalent provisions have been introduced into EU law.<sup>352</sup>

For cultural heritage institutions and sites to be on the safe side and avoid having third parties infringing their protected content or not knowing how to handle it, they need to place online clear Terms and Conditions for the Use of their Content providing for issues such as what can and cannot be copied, whom to contact for permissions, the terms under which permissions are given, how the institution will proceed in case of unauthorized use of materials, whether it operates an open licensing strategy (e.g. makes content available under Creative Contents Licences (CC) and which specific ones), issues of use of works by researchers, people with disabilities and charity, use of content on social media, how to use credits, use and re-use of images, use in commercial or non-commercial activities and how to distinguish between the two, the degree of the institution's liability, issues for linking and framing, competent courts, applicable law and generally issues of dispute resolution. In addition to any Terms and Conditions, the institution may opt to make use of TPMs that will practically refrain third parties from engaging to unauthorized uses of its content since it is very difficult for the institution to try to keep track of unauthorized uses in any conventional manner or form.

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<sup>350</sup> Zorich 2003.

<sup>351</sup> WCT Article 11 and WPPT Article 18: “Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by [authors][performers or producers of phonograms] in connection with the exercise of their rights under [this Treaty or the Berne Convention][this Treaty] and that restrict acts, in respect of their [works][performances or phonograms], which are not authorized by [the [authors][the performers or the producers of phonograms] concerned or permitted by law.”

<sup>352</sup> Such measures are also provided in the following EU Directives: a) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, O.J. L167, 22/06/2001 (Information Society Directive), b) Directive 2009/24/EC of the European Parliament and the Council of 23 April 2009 on the Legal Protection of Computer Programs, O.J. L111, 16, 05/05/2009 (Software Directive), c) Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access, OJ L320, 28/11/1998 (Conditional Access Directive).

If the institution or site is interested in licensing uses of content online, then RMI forms the ideal solution as this technology allows third parties to license the content they are interested in whilst the system allows the use of content in the format that the institution prefers (containing all necessary credits and data), tracks down types of use, duration, and payment. In this manner access to content becomes easier and cheaper surpassing any material constraints as language, geography, and time.

Many institutions around the world have opted for these new business models, which however need to be accompanied by clear, simple, and consistent Terms and Conditions, where users/visitors/consumers have easy access to them as well as with the appropriate technology that allows the implementation of what has been agreed or authorized between the parties.<sup>353</sup>

### *IP Culture*

The creation of an IP culture is usually the goal of the implementation of an IP Strategy. Since an institution does not necessarily have an IP Strategy, an IP Policy should aim at the cultivation within the institution of an IP Culture where all employees are informed/educated/trained as to how to deal with creative content (generated within the organization, outsourced, or belonging to third parties) and be aware and motivated to apply the institution's IP Policy concerning their part of work or role. They need to develop a culture as to how to handle IP issues according to the institution's policies and guidelines.

The IP culture must be part and parcel of the institution's vision and mission. Most importantly, the IP culture must be embedded in the institution on a horizontal level across all functionalities. It must also be practiced by all employees on a day-to-day basis irrespective of the level of engagement.

### *Dispute Resolution*

Engaging in exploitation make give rise to disputes. Disputes may also arise from the breach of any type of contract or agreement where the institution is a contracting party irrespective of whether this is for commercial benefit or not. It could simply be an exhibition agreement. Disputes may also arise from tortious behaviour such as the infringement of IP rights.

The institution needs to take decisions on the resolution of disputes whether, for example, it will resort to litigation or to Alternative Dispute Resolution (ADR) (arbitration, mediation, conciliation, negotiations, etc.).<sup>354</sup> Generally, art or cultural

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<sup>353</sup> Iannella & Higgs 2003.

<sup>354</sup> Policy paper on the digitization of museum collections <https://www.digitizationpolicies.com/medias/Policy-Paper-on-Digitization-of-Collections.pdf>, authored by Anne Laure Bandle, Art Law Foundation, Yaniv Benhamou, Art-Law Centre, University of Geneva, Sarah Burkhalter, Swiss Institute for Art Research (SIK-ISEA) Justine Ferland, Art-Law Centre, University of Geneva, Lucie Guibault, Schulich School of Law, Dalhousie University, Mathilde Heaton,

heritage disputes coupled with IP concerns require expertise and may also involve “sensitive non-legal issues of a commercial, cultural, ethical, historical, moral, religious, or spiritual nature. Parties in such disputes are often from different jurisdictions and cultural backgrounds. As a cost- and time-efficient, flexible and confidential mechanism, ADR allows consideration of such issues and helps parties to adopt sustainable, interest-based solutions that may go beyond monetary relief (e.g., compensatory provision of art works, long-term loans, co-ownership)”.<sup>355</sup>

Dispute resolution may be part of the institution’s IP Policy so that there is a uniform stance as to how one handles such situations. Especially when the other party involved is not domiciled or established in the same country as the institution and given the fact that private international law issues (such as what court decides and which law applies) are not always clear cut,<sup>356</sup> it may be better in the circumstances for specific types of ADR to be opted for, if the other parties to the dispute also agree. To that the particularities of the nature of the disputes of cultural heritage institutions should also be added since they dictate a more consensual and discreet type of approach capable of also considering ethical and moral issues.<sup>357</sup>

*“These procedures do not only offer the general advantages of consensus-based ADR like speed, cost-control, confidentiality and the guiding hand of an expert. They also offer creative settlement possibilities which can be built into and thus preserve the existing business relationship of the parties.”<sup>358</sup> In addition, such forms of ADR allow for the resolution of cross-border disputes in a single forum where cross-cultural aspects may be taken into account, which is of increasing importance in the area of online exploitation”.*

The EU Mediation Directive<sup>359</sup> allows for mediation in cross-border civil and commercial matters.

*“Arbitrability and public policy issues play a particular role in the enforcement of an arbitral award. Under Article V(2) of the New York Convention, the enforcement of an award may be refused in the country where recognition or enforcement is sought because:*

- (a) the subject matter of the dispute is not capable of settlement by arbitration under the law of that country; or*

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Phillips, Elisabeth Logeais, UGGC Avocats Marc-André Renold, Art-Law Centre, University of Geneva, Sandra Sykora, Independent Legal Counsel and Art Historian, Vanessa Vuille, Art-Law Centre, University of Geneva, 2020, p. 22. For ADR proposals see: <https://www.digitizationpolicies.com/#DMC>.

<sup>355</sup> Lindner forthcoming.

<sup>356</sup> Chechi 2017/2018.

<sup>357</sup> Stamatoudi 2011, 189seq; 2016b, 433; Torremans 2021.

<sup>358</sup> Margellos *et al.* 2018, 54-61.

<sup>359</sup> Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, on certain aspects of mediation in civil and commercial matters (the Mediation Directive). The directive, together with Directive 2013/11/EU on alternative dispute resolution and Regulation (EU) No 524/2013 on online dispute resolution, is one of the European legal acts on alternative dispute resolution mechanisms.

- (b) *the recognition or enforcement of the arbitral award would be contrary to the public policy of that country.*

*[...] Similar grounds of refusal may be found in Article 5(2) of the new Singapore Convention on Mediation. Prior risk-assessment is therefore particularly required in moral rights cases in order to avoid disappointment at the stage of enforcement”.*<sup>360</sup>

There are specialized ADR services in this respect such as, for example, the ICOM-WIPO Art and Cultural Heritage Mediation<sup>361</sup> as well as specialized rules such as the 2010 UNESCO Mediation and Conciliation Rules.<sup>362</sup>

At international level there is also the Court of Arbitration for Art (CAFA) whose aim is ‘to resolve disputes in the wider art community through mediation and arbitration’,<sup>363</sup> and the IFTA Arbitration, an initiative by the Independent Film and Television Alliance, whose focus is on the resolution of international disputes arising out of entertainment-related production, finance, and distribution agreements.<sup>364</sup>

At the national level dispute resolution services in copyright and related sectors are often offered by public or private institutions.<sup>365</sup>

#### D. Conclusions

The next phases of the project will deal with creative materials. Prime examples of these are the Toolkit, the Digital Hub, the Educational Games, the Immersive Performances, the E-Shop and so on. That means that a) designers, creators, producers, and artists need to identify what their creations/productions are and how best to protect them. They also need to have clear-cut agreements with their institutions or companies as to who holds the rights in those creations/productions. For example, in relation to the Digital Hub one needs to see how and what people are creatively involved, ensure that there are contracts at place that provide who holds the rights according to the terms and conditions of the Grant Agreement and whether the final outcome merits (or not)/qualifies for protection. For creative elements copyright and designs are the best placed protection. At the same time creators must make sure that they do not infringe third party rights, i.e., use third part materials without their authorization (e.g., graphics, text, images, music, audiovisual works, photographs, etc.). The IPR forms should also

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<sup>360</sup> Lindner forthcoming.

<sup>361</sup> <https://www.wipo.int/amc/en/center/specific-sectors/art/icom/>.

<sup>362</sup> <http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/mediation-and-conciliation/>

<sup>363</sup> <https://www.cafa.world/>.

<sup>364</sup> <https://ifta-online.org/ifta-arbitration/>.

<sup>365</sup> By way of example: UK Intellectual Property Office Mediation Service (<https://www.gov.uk/guidance/intellectual-property-mediation>); AMAPA, a French association for dispute settlement in the audiovisual sector (<https://lamapa.org>); IP Panel at the Hong Kong International Arbitration Center (<https://www.hkiac.org/news/panel-arbitrators-intellectual-property-disputes>). See also the information in the Arbitration Country Guides published by the International Bar Association at [https://www.ibanet.org/LPD/Dispute Resolution Section/Arbitration/Arbcountryguides.aspx](https://www.ibanet.org/LPD/Dispute%20Resolution%20Section/Arbitration/Arbcountryguides.aspx) as referred to by Lindner forthcoming.

be filled in so that all contributors know where they stand regarding ownership of rights allocation.

It does not seem that the ReInHerit Project will involve technology that may result in patents or utility models. Trade secrets may also not be relevant unless there is special information, know how or techniques that the partners may be using in the course of the prescribed deliverables. Yet, in order for this information to qualify as a trade secret it needs to be secret, give the enterprise a competitive advantage because it is secret, whilst the enterprise needs to take active steps to keep it secret. This does not seem to be the case in this project unless something comes up in the course of its evolution.

Overall, the chapter on IP rights allows the people that will be involved in the project from a technological or creative point of view to a) protect their work and b) make sure they do not infringe third parties' work. It also allows cultural heritage institutions to come up with a mapping and a plan as to what to protect, how best to protect it and how their actions would not put them in jeopardy with regard to third party rights.

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## 5. Audience and local communities' engagement

### A. Introduction

The aim of this chapter is to look into some key issues regarding the audience and local communities' engagement, which are of paramount significance for the cultural heritage management. It does not aim to be comprehensive or exhaustive since this would require a separate independent work and much more time. More specifically, it deals with the following aspects: cultural heritage tourism, audience outreach (audience development, using digital and technological tools in audience development, engaging existing and new audience, etc.), local communities' engagement, and social inclusion, that constitute needs and challenges of the cultural heritage sector at the same time. This chapter will give an overview on the current state of affairs of professional practice in the cultural heritage sector across Europe (how professionals address the radical transformation of the field, regarding audience reach, co-creation of cultural content, use of digital media). It examines the initiatives of cultural heritage institutions that support communication between cultural heritage professionals and their various audiences. It addresses specific needs of the sector based on the state-of-the-art literature in the area and will facilitate the development of guidelines on how to reach the different types of audiences, on the effective uses of digital media and 4.0 Industrial Revolution, and on physical and digital tourists. This chapter sets a solid base for the following WPs of ReInHerit, and especially for the content that will inform the Digital Hub and the topics to be proposed in its networking hub.

### B. Culture and Tourism

#### *Cultural Tourism: the dynamic convergence between tourism and culture*

The sector of cultural tourism is new, since it emerged during the 1980s and 1990s.<sup>366</sup> In recent decades, there is a growing amount of literature in regard to cultural tourism reflecting its increasing importance, complexity and development. Modern literature points out the uncertainty and diversity in defining cultural tourism, which derives from the dynamic convergence between two complex concepts, 'culture' and 'tourism'.<sup>367</sup> The nature of cultural tourism has become broad including handicrafts, language, gastronomy, art and music, architecture (monuments), cultural sites, festivals and events, heritage resources, the nature of the work environment and technology, religion, education, ways of life, creativity, and 'everyday culture'. As such, it has been further evolved into a number of sub-sectors, such as heritage tourism, archaeological tourism, arts tourism, festival tourism, gastronomic tourism, film tourism, creative tourism, etc.

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<sup>366</sup> For early publications on cultural tourism see Moulin 1990; Jamieson 1994; Light 2015, 145-148.

<sup>367</sup> For more on definitions of cultural tourism see Jamieson 1994; McKercher & du Cros 2002; Richards 2003; Isaac 2008, 16-21; Csapó 2012; Mousavi *et al.* 2016; UNWTO 2018, 70-79; ECCE 2020, 15-16.

The use of these terms without a solid framework specifying their differences or similarities further complicates the discussion.<sup>368</sup>

Recently, however, the United Nations World Tourism Organization (UNWTO) has provided a new operational definition of cultural tourism. According to UNWTO cultural tourism is “*a type of tourism activity in which the visitor’s essential motivation is to learn, discover, experience and consume the tangible and intangible cultural attractions/products in a tourism destination. It also adds that “these attractions/products relate to a set of distinctive material, intellectual, spiritual and emotional features of a society that encompasses arts and architecture, historical and cultural heritage, culinary heritage, literature, music, creative industries and the living cultures with their lifestyles, value systems, beliefs and traditions”*.”<sup>369</sup> Richards claims that this new definition reflects “*the development of the production and consumption of cultural tourism, as well as the development of academic research on cultural tourism*”.<sup>370</sup>

The UNWTO’s report on *Tourism and Culture Synergies* underlines that the relationship between tourism and culture is dynamic and, thus cultural tourism is a continually and rapidly evolving sector.<sup>371</sup> In the same line UNESCO urges that “*it has also become an increasingly complex phenomenon - taking on greater political, economic, social, educational and ecological dimensions*”.<sup>372</sup> A series of parameters, such as changes in lifestyles, new forms of culture and creativity, traditional and digital innovation, technological advances, and global or regional crises can transform the character of cultural tourism sector. Furthermore, in recent years more stakeholders are involved in the sector while the role of local communities as integral part of cultural tourism experience has expanded. It is also worth noting that tourists themselves are also playing a role in the creation of their own cultural experiences.<sup>373</sup> At the same time, cultural tourism revolves around a wide range of accepted practices, such as research, site development, design, planning, construction, interpretation, visitor services, marketing, product development, and promotion.

### *International organizations engaged with cultural tourism*

As a result of the increasing significance of cultural tourism in a global scale and the challenges faced by policy makers and practitioners, a large number of international organizations promote cultural tourism:<sup>374</sup>

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<sup>368</sup> Richards 1999.

<sup>369</sup> UNWTO 2018, 11, 70-79; 93; 2019, 30.

<sup>370</sup> Richards 2018, 13.

<sup>371</sup> UNWTO 2018, 10, 65-69. See also <https://www.unwto.org/tourism-and-culture>.

<sup>372</sup> UNESCO 2021.

<sup>373</sup> UNWTO 2018, 10, 65-69. See also <https://www.unwto.org/tourism-and-culture>.

<sup>374</sup> For more details see ECCE 2020, 17-20.

- The Council of Europe
- The European Commission
- The United Nations Educational, Scientific and Cultural Organization (UNESCO)
- UNWTO
- International Council on Monuments and Sites (ICOMOS).

*Cultural tourism: principles and objectives*

According to the Yogyakarta Declaration on National Cultures and Universal Tourism, cultural tourism should be based on basic principles such as:<sup>375</sup>

- sustainability
- protection of natural environments
- the creation of harmony between the needs of the visitor, the place and the community
- broad community support with a proper balance between economic, social, cultural, and human objectives
- a recognition of the importance of the relationship of government, the host communities, and the tourism industry.

The International Cultural Tourism Charter ‘Managing Tourism at Places of Heritage Significance’ (1999) adopted by the ICOMOS sets some important principles:<sup>376</sup>

- *“Since domestic and international tourism is among the foremost vehicles for cultural exchange, conservation should provide responsible and well managed opportunities for members of the host community and visitors to experience and understand that community's heritage and culture at first hand.*
- *The relationship between Heritage Places and Tourism is dynamic and may involve conflicting values. It should be managed in a sustainable way for present and future generations.*
- *Conservation and Tourism Planning for Heritage Places should ensure that the Visitor Experience will be worthwhile, satisfying and enjoyable.*
- *Host communities and indigenous peoples should be involved in planning for conservation and tourism.*
- *Tourism and conservation activities should benefit the host community.*
- *Tourism promotion programmes should protect and enhance Natural and Cultural Heritage characteristics.”*

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<sup>375</sup> The declaration produced in the context of the International Conference on Cultural Tourism held at Gadjah Mada University in Yogyakarta, Indonesia, on November 24-26, 1992. See also Jamieson 1994.

<sup>376</sup> For more details on these principles see [https://www.icomos.org/charters/tourism\\_e.pdf](https://www.icomos.org/charters/tourism_e.pdf).

### *Cultural tourism as a field of academic research*

Cultural tourism has been significantly developed in recent decades as an object of academic research, with special focus on the fields of cultural consumption, cultural motivations, heritage conservation, cultural tourism economics, anthropology and the relationship with the creative economy.<sup>377</sup> The extent of the literature related to cultural tourism with different theoretical and methodological approaches is indicative of the subject's growing importance as well as its complexity.<sup>378</sup> According to Richards, who conducted in 2018 the first review covering the cultural tourism field as a whole, academic literature has paid considerable attention to the following topics:<sup>379</sup>

- cultural tourism as a form of cultural consumption
- motivations for cultural tourism
- the economic aspects of cultural tourism
- the relationship between tourism and cultural heritage
- the growth of the creative economy
- the links between anthropology and cultural tourism.

Given the fact that world has altered since 2018 with most important change being the appearance of the COVID-19 pandemic, a number of new issues have surfaced relating to cultural tourism such as:

- The impact on cultural tourism on local communities in particular
- Bringing cultural tourism back in the game
- Explore new ways to connect with people and attract new audience
- The development of new skills
- The support of the world's transition to the new conditions

### *The impact and challenge of cultural tourism*

Cultural tourism has diverse impact around the world. As Mousavi *et al.* argue it is widely accepted that culture constitutes a key component of tourism product and it has a great impact on the competitiveness and effectiveness of tourism destinations.<sup>380</sup> UNWTO's global survey highlights the significant role of cultural tourism in the tourism policy of many countries around the world and its potential for further development.<sup>381</sup>

There are many benefits generated from cultural tourism that span a wide development spectrum ranging from economy and society to environment. More specifically,

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<sup>377</sup> For a recent review of the development of cultural tourism as a field of research see Richards 2018, 12-13.

<sup>378</sup> Selected bibliography: Boniface 1995; Picard 1996; Boniface & Fowler 2003; Richards 2007; Richards & Munster 2010; Falk *et al.* 2012; Korstanje 2012; Richards & Smith 2013; Du Cros & McKercher 2014; Noonan & Rizzo 2017.

<sup>379</sup> Richards 2018, 13.

<sup>380</sup> Mousavi *et al.* 2016, 74.

<sup>381</sup> UNWTO 2018, 26-42.

literature discusses the role of cultural tourism in the sustainable development of countries and local communities as well as museums, cultural institutions and sites, highlighting the following benefits:<sup>382</sup>

- It allows them to differentiate themselves in an increasingly crowded marketplace by diversifying tourism products and experiences.
- It improves a community's quality of life by contributing to its economic development.
- It expands business and job opportunities.
- It can help to safeguard traditional cultures, traditional jobs and crafts, attract talent, develop new cultural resources and products, create creative clusters, and boost the cultural and creative industries.
- It supports education of both locals and tourists about culture. It can raise the educational and cultural level of the region since it encourages locals' appreciation of and pride in local heritage. The locals can acquire competence and skill for participating in heritage conservation, heritage tourism and the effective management of their cultural assets. In this way they respect local intellectual property and learn the 'know-how' of heritage as tourism resource.
- It supports local, regional and national identities.
- It provides the necessary financing to rehabilitate and interpret heritage resources.
- It can also work as a vehicle for transforming the intangible cultural heritage practices from generation to generation.
- It contributes to the long-term environmental sustainability.
- It can ensure ongoing conservation activities for built and natural heritage.
- It can drive inclusive community development to foster resiliency, inclusivity, and empowerment.
- It can provide a much-needed boost to museums' or other cultural institutions' and sites' finances, especially in periods when most of them are struggling to survive.

Literature also points out that the growth of cultural tourism has reshaped urban landscape on a global scale during recent decades:<sup>383</sup>

- It has driven new urban regeneration or city branding strategies.
- It has also impacted planning decisions, encouraging coastal development in some areas, while reviving inland settlements in others.
- It has changed the physical appearance of some urban landscapes with urban infrastructure development through both public and private investments (i.e., transportation, restoration of historic buildings and areas, rehabilitation of public spaces, etc.).

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<sup>382</sup> See UNWTO 2018, 81-85; Weidenfeld 2018; UNESCO: <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>; the *Handbook of Cultural and Heritage Management* of the project Digital Educational Network for Cultural Projects' Implementation and Direction (DEN-CuPID): <http://edu.den-cupid.eu/mod/book/view.php?id=24&chapterid=46>. See also Jamieson 1994; Robinson & Picard 2006; Redrana 2013.

<sup>383</sup> <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>.

Nonetheless, literature identifies negative effects of cultural tourism on local, regional and global scale:<sup>384</sup>

- Rapid and uncontrolled tourism growth can have multiple negative impacts, such as:
  - pressure on local communities and infrastructure from ‘over tourism’ during peak periods
  - the quality of life and well-being can be substantially worse for local residents
  - environmental risks (e.g., waste problems, global greenhouse gas emissions, etc.).
- High visitor numbers to cultural heritage sites can override their natural carrying capacity. This can undermine conservation efforts and affect both the integrity and authenticity of these sites.
- Over-commercialization and dollarization of intangible heritage practices (e.g., traditional dances, local cuisine). There is a high risk of inadvertently changing the nature of these practices over time.
- In many cases, there are large commercial interests that monopolize the benefits of tourism, and thus local communities cannot benefit from them.
- Over-dependency on tourism may result in localized monoeconomies. As such, a sustainable development with diversification and alternative economic models is not promoted. Monoeconomies are more vulnerable to crises.
- The distortion of the local identity of communities given the fact that the concept of tourism development implies that tourism 'products' should be consumed by tourists in exchange of economic benefits. As a result of the process of commodification, cultural tourists consume the commodified cultural products while local communities selling their identity, exhausting cultural resources and living a life expected from them by tourists.

The challenge for museums, other cultural institutions and sites as well as host communities is to offer a unique, special, and participatory cultural tourist experience that will bring with it most of the benefits discussed above, while, at the same time, will avoid all negative effects. According to Jamieson, achieving a sustainable economic development through cultural tourism is not an easy task, and cultural manager should take into consideration a series of parameters such as “*the need to preserve the character of the community and its cultural resources, offer an authentic experience, respect the social and cultural way of life of the host community all the while ensuring the sustainability and authenticity of the tourist product*”.<sup>385</sup>

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<sup>384</sup> Mousavi *et al.* 2016, 74; Richards 2018, 12. See also <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>.

<sup>385</sup> Jamieson 1994.

### *Identifying different types of cultural tourists: profiles, motivations and behavior*

From 1990s until today, literature related to cultural tourism has been particularly eager to understand the cultural tourism audience.<sup>386</sup> Interesting classifications and typologies are found in the literature either based on or taking into account a wide range of criteria, such as the depth and purposefulness of cultural motivation, visits to attractions and events, the degree of mixing or ‘omnivorousness’ in cultural tourism behavior, the types and depth of cultural experiences, the centrality of purpose and the holiday types.<sup>387</sup> Modern research has taken many further steps from the simple classification of cultural tourists as ‘general’ (those who consume culture as a general holiday experience) and ‘specialized’ (those who travel in order to experience some aspects of the culture of the destination).<sup>388</sup> For example, Mckercher has identified five different types of cultural tourists taking into account the relationship between centrality of purpose and depth of experience: the purposeful cultural tourist, the sightseeing cultural tourists, the casual cultural tourist, the incidental cultural tourist and the serendipitous cultural tourist.<sup>389</sup>

However, all proposed typologies suffer from weaknesses and have been criticized.<sup>390</sup> They overlook the fact that individuals often shift between categories, depending on changes in interest, different types of holidays or locations. They are descriptive and thus do not help in understanding the behavior of cultural tourists. They ignore natural cultural differences. As has been suggested by Richards, the complex nature of cultural tourism participation requires multi-disciplinary and multi-dimensional approaches.<sup>391</sup> Stylianou-Lambert has sought to explain why certain tourists fall into one category or another.<sup>392</sup> She argues that tourists visiting art museums perceive them in different ways, using different types of ‘perceptual filters’. Some researchers use Multiple Correspondence Analysis (MCA) working with multidimensional data in order to model the nature of the cultural tourism experience more closely. This kind of analysis can be “*used to visualize different groups of cultural tourists using data related both to the form of culture consumed and the type of attractions visited*”.<sup>393</sup> Richards and van der Ark, for example, identify dimensions of cultural consumption in cultural tourism.<sup>394</sup> They suggest that cultural motivation or interest may differ between

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<sup>386</sup> For an overview see Light 2015, 150-153.

<sup>387</sup> Bywater 1993; Silberberg 1995; McKercher 2002; Pulido-Fernandez & Sanchez-Rivero 2010; Barbieri & Mahoney 2010; Stylianou-Lambert 2011; Falk 2011; Richards & van der Ark 2013; Bonet 2013; Du Cros & McKercher 2014. Mousavi *et al.* 2016, 72; See also UNWTO 2018, 77-78.

<sup>388</sup> Richards 1996, 265, 271. Stebbins 1997.

<sup>389</sup> McKercher 2002, 32-33.

<sup>390</sup> For reviews of the current typologies of cultural tourism see Isaac 2008, 83-100; Richards 2018, 13-14.

<sup>391</sup> For more see Richards 2018, 13-14.

<sup>392</sup> Stylianou-Lambert 2011.

<sup>393</sup> UNWTO 2018, 78.

<sup>394</sup> Richards & van der Ark 2013.

different groups of cultural tourists while, at the same time, they can consume different forms of culture when travelling.

All these types of cultural tourists include a physical visit to a museum. In recent years, the growing significance of new technologies, the ongoing digitization process, and the spread of digital media has brought to the forefront the concepts of ‘digital tourism’, ‘smart tourism’, ‘e-tourism’, or ‘m-tourism’.<sup>395</sup> These new concepts, which are used interchangeably, reflect new tourist trends, modern tourist demands and a relationship between digital revolution and the tourist experience. Recent studies, which deal with how digital technologies impact tourists’ consumption experiences, point out that the increasing adoption of new technologies, such as virtual reality and artificial intelligence, has altered the behavior of tourists in collecting information, evaluating tourism products, and purchasing tourism products.<sup>396</sup> In the context of cultural tourism, this situation has changed the way that tourists access cultural offer of available destinations. Recently, the concept of ‘digital heritage tourist’ has been emerged. Navarrete provides an interesting and thorough definition of this new term. According to her:<sup>397</sup>

- the digital heritage tourist “*exists independently of the physical location to explicit and voluntary come in contact with the museum’s goods and services online, not necessarily involving direct payment*”,
- “*visits the museum remotely to enjoy the vast information services related to the collection, which can include viewing an online catalogue on the museum’s website, watching videos on the museum’s YouTube channel, or sharing images from the museum’s Instagram profile*”,
- “*will not intent to visit or actually visit the actual physical museum within the year of visiting the museum online*”,
- while “*an individual can be considered a digital tourist when consumption takes place within the museum website, social media profiles and joint collaborations including the portals such as Europeana, Google Art Project, or Wikipedia.*”

This concept is particularly relevant due to the impact of the COVID-19 pandemic on the cultural heritage sector. Literature stresses the importance of taking into consideration the needs, the behavior and the motivation of ‘digital heritage tourists’ as well as the current dynamics of tourism communication, technology and human levels, when museums, other cultural institutions and sites design sustainable and strategic planning activities.<sup>398</sup> In this way, they can gain added value and competitive advantage. According to Booth *et al.*, “*today’s online fans could be tomorrow’s*

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<sup>395</sup> For the association of a digital tourist with digital technology to enhance the physical tourist experience see Benyon *et al.* 2013; Munar *et al.* 2013; For the use of digital technology and the Internet for marketing and business models Baggio & del Chiappa 2014; For a digital culture for a smart tourism see Di Meo 2017. See also Isfandyari-Moghaddam 2012.

<sup>396</sup> See Pencarelli *et al.* 2020, 170 with relevant bibliography. See also Di Meo 2017.

<sup>397</sup> Navarrete 2019, 201, 202-203.

<sup>398</sup> Booth *et al.* 2015, 92; Di Meo 2017.

*tourists*".<sup>399</sup> Digital tourists represent a potentially significant target group, and thus museums, other cultural institutions and sites can provide them with the opportunity to experience virtually their collections. According to the European Commission, during the lockdown "*cultural heritage professionals have made heroic efforts digitising the treasures allowing people to enjoy culture online when travel was no longer possible, enticing new and old visitors to come in person once the situation allows*".<sup>400</sup>

According to UNESCO, "culture and diversity are among the principal motivations for travel".<sup>401</sup> Millions of people travel around the world "*to discover and visit places of historical significance or spiritual meaning, to experience different cultures, as well as to learn about, exchange and consume a range of cultural goods and services*".<sup>402</sup> It is, then, crucial for cultural heritage management to understand motivations of different types of tourists visiting museums or cultural sites. This facilitates cultural managers to respond to tourists' needs.<sup>403</sup> Literature related to cultural tourism has identified that tourists visiting museums or cultural sites have different perspectives, attitudes and motivations.<sup>404</sup> Studies on motivation are based on marketing perspective as well as on psychology and consumer behaviors. Literature points out that the most important reason for cultural tourists to travel is learning.<sup>405</sup> According to Packer and Ballantyne, it is important for cultural tourism sector to interact with visitors in dynamics and powerful ways by offering transformative learning experiences, not only during but also after their visit.<sup>406</sup> Technology and social media can ensure that tourists will benefit long after their visit. Motivations of cultural tourism are also associated with satisfaction, intention to return and identity (how tourists see themselves).<sup>407</sup>

### *Cultural Tourism and COVID-19 pandemic*

A number of recent studies, surveys, online articles and posts, guides and reports by international organizations, are seeking to understand the pandemic's multiple impacts on cultural tourism. In many cases they take it one step further by proposing immediate response to manage the crisis and mitigate the impacts on the cultural tourism sector.

Prior to the COVID-19 pandemic, cultural tourism was experiencing a considerable flourishing period, accounting for an estimated 40% of all tourism worldwide.<sup>408</sup> This picture has dramatically changed in the situation caused by COVID-19 pandemic (i.e.,

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<sup>399</sup> Booth *et al.* 2015, 92.

<sup>400</sup> See <https://digital-strategy.ec.europa.eu/en/news/world-tourism-day-2020-digital-cultural-heritage-promoting-tourism>.

<sup>401</sup> UNESCO 2020b, 4.

<sup>402</sup> <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>.

<sup>403</sup> Isaac 2008, 103.

<sup>404</sup> For an overview see Isaac 2008, 100-106; Richards 2018, 14.

<sup>405</sup> Richards 2020, 38; 2018, 14.

<sup>406</sup> Packer & Ballantyne 2016.

<sup>407</sup> Richards 2002, 38; 2018, 14.

<sup>408</sup> <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>.

social distancing measures, travel restrictions and prohibition of large gatherings of people) with the majority of museums and other cultural institutions or sites having closed down for many months. Cultural tourism is experiencing an unprecedented drop while a recent report by the Joint Research Centre of the European Commission estimates that over 7 million cultural and creative jobs in Europe are at risk due to the crisis.<sup>409</sup> Furthermore, as UNESCO argues, the impact of COVID-19 on cultural tourism places further pressure on heritage conservation in the cultural sector, as well as on revenues of local communities (e.g. indigenous people and ethnic groups) and of museums and other cultural institutions or sites.<sup>410</sup> At the same time, users of cultural products are changing, either by their own decision or because health circumstances force them to do so.<sup>411</sup> According to the UNWTO, the percentage of people around the world that seeks for travel and cultural experiences from their home has been considerably increased.<sup>412</sup> This clearly underlines the key role of culture not only in normal and favorable conditions but also in periods of crisis. It also highlights the pressing and increasing need for digital access to museums or other cultural institutions and sites.

The UNWTO Ethics, Culture and Social Responsibility Department in collaboration with its international partners with competence in culture and tourism has been prepared some valuable recommendations and policies for museums and other cultural institutions and site to facilitate their immediate response to the current COVID-19 outbreak. These recommendations and policies focus on:<sup>413</sup>

- a better communication and information sharing between tourism and cultural sector
- the use of new technologies and social media to develop and promote cultural experiences
- the creation of market strategies in cultural tourism
- the development of new skills that will help the professional in culture and tourism to take part in the recovery
- the strengthening of governance structures for better coordination and information sharing, and
- the attraction of new audiences.

All the aforementioned recommendations should be absolutely essential steps to understand the pandemic's multiple impacts and foster solutions for cultural tourism survival. Nevertheless, they are still rather descriptive and general and, thus, it is necessary to become more specific and analytical. This will allow for more focused mitigation plans to respond to different needs and replicate good practices.

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<sup>409</sup> Montalto *et al.* 2020. See also <https://wtcc.org/News-Article/More-than-197m-Travel-Tourism-jobs-will-be-lost-due-to-prolonged-travel-restrictions> and OECD 2020.

<sup>410</sup> UNESCO 2020b, 4.

<sup>411</sup> [https://www.mdpi.com/journal/sustainability/special\\_issues/tourism\\_post-COVID-19#info](https://www.mdpi.com/journal/sustainability/special_issues/tourism_post-COVID-19#info).

<sup>412</sup> <https://www.unwto.org/cultural-tourism-covid-19>.

<sup>413</sup> *Id.*

### *Rebuilding cultural tourism in the post COVID-19 era: Sustainability and Resilience*

Now, as museums, other cultural institutions and sites are struggling to reopen, international organizations, policymakers, managers and practitioners attempt to bring cultural tourism back in track. As many international organizations correctly point out, this crisis can be seen as an unprecedented opportunity to create new partnerships and collaboration between the tourism and culture in order to transform the entire cultural tourism sector. In this respect, the concepts of resilience and sustainability feature prominently in post Covid-19 recovery planning, on a multinational, national, regional or local level.<sup>414</sup> The most recent literature places at the center of the ongoing discussion the ability to recover from crisis and the sustainable use of resources. According to UNESCO, it is an “*opportunity to experiment with new models to shape more effective and sustainable alternatives for the future*”.<sup>415</sup> Following this line of thought, UNWTO argues that “*cultural tourism has an important role to play in promoting sustainable and inclusive economic growth, fostering innovation and providing benefits and empowerment for all*”.<sup>416</sup> According to Smith and Ripp, the current crisis offers an opportunity to move away from international mass tourism towards a more sustainable and local tourism based on cultural heritage.<sup>417</sup> In this respect, local and regional governments in collaboration with their communities as well as with museums and other cultural institutions or sites, can play a decisive role in creating a common vision that provides a more sustainable and resilient future for cultural tourism.

A wide range of activities are currently taking place in this direction:

- Virtual meetings for policymakers are organized by the EU (or other international organizations).<sup>418</sup>
- Interesting texts and online articles are posted in international organizations websites.<sup>419</sup>
- Special issues of international, cross-disciplinary, scholarly, peer-reviewed and open access journals are planned to be published.<sup>420</sup>

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<sup>414</sup> Smith & Ripp 2020, 2-4 with short definitions of both terms (sustainability and resilience). See also UNESCO 2020a, 5-6.

<sup>415</sup> <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>.

<sup>416</sup> UNWTO 2021, 3.

<sup>417</sup> Smith & Ripp 2020, 1.

<sup>418</sup> For example, on 23 July 2020, the Policy Learning Platform (Interreg Europe) “*organised an online meeting for local and regional policymakers with the objective to explore the synergies between sustainable tourism and Cultural and Creative Industries and to trigger the exchange of good practices from different EU regions how to best support these sectors in the context of the Covid-19 crisis*”: <https://www.interregeurope.eu/policylearning/news/9407/tourism-and-cultural-and-creative-industries-in-the-post-covid-19-period/>.

<sup>419</sup> For example, see the UNESCO’s online article entitled “*Cutting Edge | Bringing cultural tourism back in the game*” (01/03/2021): <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>. See also the post in the UNWTO’s site entitled “*Cultural Tourism & COVID19*”: <https://www.unwto.org/cultural-tourism-covid-19>.

<sup>420</sup> For example, international, cross-disciplinary, scholarly, peer-reviewed and open access journal *Sustainability* is planning to publish a special issue entitled “*Tourism, Culture and Heritage as Dynamic*”.

- Landmark reports are published by international organizations.<sup>421</sup>
- Funding opportunities for interdisciplinary research projects with an impact on cultural heritage sector are offered by the EU,<sup>422</sup> such as ReInHerit.
- Individual studies are published.<sup>423</sup>

An important number of recommendations, priorities, policies and guidelines have been derived from most of these initiatives in order to facilitate the creation of new paths and directions for cultural tourism, emphasizing on resilience and sustainable development. Current discussion has identified the following trends:<sup>424</sup>

- A comprehensive, integrated approach to the cultural sector is needed to ensure more sustainable cultural tourism patterns. This requires the following steps:
  - developing a rigorous position statement (to establish the key cultural assets of the place, the current profile of tourism to the place, the social, economic and political factors shaping attitudes towards tourism, and regional, national and international tourism trends)
  - objectives and policies
  - processes
  - delivery and action
  - a basis for appraisal.
- Promoting synergies today will strengthen the cultural tourism of tomorrow. Collaboration between decision-makers, professionals and different stakeholders, in particular joint activities between entrepreneurs, public bodies, cultural partners, local communities and the business community. There is a need all parties involved to agree and act upon a shared vision for their cultural

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*Factors in a Post-COVID-19 Intelligent Society*". It aims "to bring light and knowledge to this new global tourism paradigm, but with individual interpretations and experiences, where we can interact through different devices (cell phones, tablets, laptops, and even by phone and in person) through different media and supports, such as social networks, official and sectorial websites, services based on location or geolocation, internet of things, smart cities, adapted mobile services or gamification, among others": [https://www.mdpi.com/journal/sustainability/special\\_issues/tourism\\_post-COVID-19#info](https://www.mdpi.com/journal/sustainability/special_issues/tourism_post-COVID-19#info).

<sup>421</sup> See UNESCO 2020b: The "Policy Brief: COVID-19 and Transforming Tourism", issued recently by the United Nations Secretary-General, describes the severe, negative effects of the pandemic on global tourism, including cultural implications. It also emphasizes the need to rebuild tourism based on the five priorities: <https://www.un.org/en/commentary-policy-brief-covid-19-and-transforming-tourism>.

<sup>422</sup> <https://ec.europa.eu/culture/cultural-heritage/funding-opportunities-cultural-heritage>.

<sup>423</sup> Toudes *et al.* 2021.

<sup>424</sup> UNWTO and UNESCO have collaborated to produce a set of new guidelines focusing on the responsible restart of cultural tourism. The result of this collaboration is the *UNWTO Inclusive Recovery Guide, Issue 2: Cultural Tourism* that analyses the impact of the COVID-19 pandemic and proposes solutions for cultural tourism to recover again, under the principles of shared responsibilities and greater inclusion. See UNWTO 2021, 3-6, and <https://www.e-unwto.org/doi/book/10.18111/9789284422579>. See also UNESCO 2020b, 4-5; Smith & Ripp 2020; <https://www.interregeurope.eu/policylearning/news/9407/tourism-and-cultural-and-creative-industries-in-the-post-covid-19-period/>; <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>; <https://www.unwto.org/cultural-tourism-covid-19>; [https://www.mdpi.com/journal/sustainability/special\\_issues/tourism\\_post-COVID-19#info](https://www.mdpi.com/journal/sustainability/special_issues/tourism_post-COVID-19#info); <https://moderndiplomacy.eu/2021/04/12/bringing-cultural-and-creative-industries-back-in-the-game/>; <https://www.interregeurope.eu/ecoc-sme/news/news-article/9009/transforming-tourism-after-the-pandemic/>; <https://www.oecd.org/coronavirus/policy-responses/culture-shock-covid-19-and-the-cultural-and-creative-sectors-08da9e0e/>; <http://edu.den-cupid.eu/mod/book/view.php?id=24&chapterid=46>; <https://visitworldheritage.com/en/eu/cultural-tourism-policy-guidelines-declaration/4e7f53f1-b395-43de-99d0-254b8af8aa2d>.

destination and enhance competitiveness. A priority should be placed on the empowerment of women, youth & indigenous peoples, groups that are heavily affected by the COVID-19 outbreak.

- Exchange of good practices and lessons learned can enhance responses and recovery.
- Collaborations and alliances between countries and international organizations (e.g., UNESCO, UNWTO and OECD) to support and strengthen regional initiatives in cultural tourism. For example, UNESCO has increased work in cultural tourism (surveys, reports, etc.), in an attempt to support its Member States and strengthen regional initiatives.
- Harnessing technology makes cultural tourism more competitive. It is important to diversify cultural tourism products. Create new experiences, services and niche cultural products with the application of new information and communication technologies (ICT) for the development of intelligent tourism.
- Invest in digital infrastructure that can amplify advances in cultural sector. Develop expertise in distribution and promotion. Consolidate alliances with technology and media partners. Finally, provide advance digital information to visitors to plan their visit effectively.
- Building a more resilient tourism and culture workforce through the digital transition (e.g., Build-back-better with decent employment models, training and professional up skilling, support digital access and digital literacy and promote the rights of cultural creators).
- Shift from quantity towards quality. Emphasis should be placed on qualitative indicators and visitors' profile as well as on resilience policies, new priorities with the new measurement values, and tailor-made marketing strategies. Cultural tourism can be offered from an innovative perspective that adapts to the taste of each visitor.
- Sustain investment in the Cultural and Creative Sector on all levels (EU, national, regional and local) to avoid collapse.
- Search for EU funding opportunities with an impact on cultural tourism.
- Boost domestic tourism. Domestic tourism is expected to recover quicker than international travel, playing a crucial role in economic and social recovery from the COVID-19 pandemic.
- Fostering community-based tourism through living heritage. Raise awareness of the important role of communities and cultural practitioners and their living heritage on the sustainable development of tourism. Ensure that communities and practitioners are main beneficiaries and have a leading role in tourism management. Develop community-centered tourism initiatives that actively engage practitioners of local and traditional knowledge. Actively involve communities and cultural practitioners in tourism strategies and management planning.
- Adapting general practices and policies to local needs, in an attempt to promote and enhance local cultural assets. Develop a clear plan of action relevant to local circumstances.<sup>425</sup>
- Develop new local strategies, policies and solutions for cultural tourism. The key role of local actors in cultural tourism should be supported and developed. Local authorities are aware of the needs of local populations and can respond

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<sup>425</sup> For an example see the Loire Valley between Sully-sur-Loire and Chalonnes: <https://en.unesco.org/creativity/publication/culture-urban-future>.

more efficiently by providing innovative ideas and avenues for policy experimentation.

- Customize cultural offer for international visitors.
- Make cultural tourism accessible to all. Respect diversity and meet the needs of persons with disabilities, minority groups, seniors and families with small children, locals, and visitors alike, etc.
- Protecting nature in order to safeguard culture. Ensure the protection of natural heritage and biodiversity in cultural tourism destinations. Educate visitors to be respectful and mindful of both the natural and cultural values properties and protected areas they visit.
- Harnessing cultural tourism as a vehicle to achieve a range of strategic aims (e.g., cultural diplomacy to build dialogue between peoples and bolster foreign policy, the development of cultural routes, etc.).
- Develop iconic cultural landmarks to attract visitors, as part of ‘destination tourism’ strategies.
- Strengthening the revival of urban and rural experiences (e.g., Foster urban tourism through culture, trigger interest in rural destinations, reinforce urban–rural connectivity, etc.). Environment-based solutions support integrated approaches to deliver across the urban-rural continuum and enhance visitor experiences by drawing on the existing features of a city. In rural areas, crafts can support strategies for cultural and community-based tourism.
- Develop indigenous tourism (indigenous arts, handicrafts, culture and traditions).
- Ensure an objective marketing and media exposure aiming at potential cultural tourists who have interest in visiting museums and other cultural institutions and sites for their inherent qualities. Integrate sustainability principles in tourism promotion and marketing.
- Given the fact that new crises may occur in the future, include an understanding of factors and mechanisms to effectively respond to potential crises.
- Monitor and evaluate the impacts of cultural tourism development.

The *UNWTO Inclusive Recovery Guide, Issue 2: Cultural Tourism* provides information about resources and good practices.<sup>426</sup>

Another interesting issue that derives from the recent literature is the changes in the priorities of tourists as a result of the COVID-19 pandemic. According to UNESCO, there is an increasing awareness among tourists concerning their carbon footprint, energy consumption and the use of renewable resources.<sup>427</sup> Finally, an important issue that the COVID-19 crisis has highlighted is the crucial role played by museums, other cultural institutions and sites in the well-being, health, education and the economy.

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<sup>426</sup> UNWTO 2021, 7-8.

<sup>427</sup> See <https://en.unesco.org/news/cutting-edge-bringing-cultural-tourism-back-game>. The UNESCO Sustainable Tourism Pledge launched in partnership with Expedia Group focuses on promoting sustainable tourism and heritage conservation: <https://unescosustainable.travel/>. See also Travalyst report: [https://travalyst.org/the-re-emergence-of-travel/?mc\\_cid=eea324dff7&mc\\_eid=cf3b67c486](https://travalyst.org/the-re-emergence-of-travel/?mc_cid=eea324dff7&mc_eid=cf3b67c486).

## *Conclusions*

Museums, other cultural institutions and sites play a key role in cultural tourism, being part of almost every visitor trip, especially in countries such as Greece, Cyprus, Spain, and Italy. In recent years cultural tourism has evolved into an experience industry that provides many opportunities for museums and heritage sites of all types and sizes to further engage with the tourism market. This can help them to increase their audiences and revenues, as well as enhance their social role. In this context, it is important for museums and heritage sites to redefine their relationship with different types of tourists (digital or physical, domestic, international, etc.) on a more sustainable basis. It is, then, crucial for Cultural Heritage Management to understand needs and motivations of different types of tourists visiting museums, other cultural institutions and sites.

The secondary research points out that the physical cultural tourists' main need is to learn, discover, experience and consume the tangible and intangible cultural heritage in a tourism destination. At the same time, it stresses the importance of taking into consideration the needs, the behavior and the motivation of 'digital heritage tourists' as well as the current dynamics of tourism communication, technology and human levels, when museums and heritage sites design sustainable and strategic planning activities. They need to come in contact with the museum's goods and services online, as well as to enjoy the vast information services related to the collection, which can include viewing an online catalogue on the museum's website, watching videos on the museum's YouTube channel, or sharing images from the museum's Instagram profile.

Furthermore, the secondary research also showed that digital technologies impact digital and physical tourists' consumption experiences, pointing out that the increasing adoption of new technologies, such as virtual reality and artificial intelligence, have altered tourist behavior in collecting information, evaluating and purchasing tourism products. In the context of cultural tourism, this situation has changed the way that digital and physical tourists access cultural offer or services. It is, then, important for the ReInHerit project to interact with visitors in dynamics and powerful ways by offering transformative learning experiences, not only during but also after their visit. This is particularly important for designing the exhibitions (WP6), the smart tourism app (WP7) and the communication/exploitation activities of the project (WP7).

### C. Audience outreach

#### *Audience Development*

In recent decades, literature related to cultural heritage management identifies as a strategic issue the process of 'audience development'. Museums and other cultural

institutions or sites are asked to redefine their role in modern society.<sup>428</sup> This brought to the forefront the need for them to re-approach their relationship with their audiences by offering them a range of educational experiences and by making themselves open and accessible to all. According to Walth, a research in the United States and United Kingdom, concerning the main reasons why potential visitors are visiting a museum, highlights as key factors the environment and the interaction with the collection rather than the quality of the collection.<sup>429</sup> As such, there is an increasing need for museums and other cultural institutions or sites to understand the motivation, interests, barriers and wants of existing or potential audience, to reach new audiences and to achieve greater visitor satisfaction.<sup>430</sup> All these are more relevant during the COVID-19 and post COVID-19 era. As Ayalla *et al.* point out audience development was the response to this need while museums and other cultural institutions or sites have adopted this practice to place audience at the center of their activity.<sup>431</sup> In this respect, an effective audience development is of paramount importance for any museum and other cultural institution or site in order to be able to respond to the challenges and possibilities of a new era. The success of the audience development largely depends on the level of professionalism of organizations' management as well as on the training and skills of the staff.<sup>432</sup> As a result of the increasing significance of audience development for cultural heritage management in a global scale, a number of international organizations have dealt with this broad issue offering a wide range of guidelines, tools and recommendations.<sup>433</sup> Furthermore, at least two literature reviews have been conducted aiming at identifying current issues, main thematic areas and challenges within this field.<sup>434</sup>

The Audience Agency, defines audience development as “*a planned, organisation-wide **approach** to extending the range and nature of relationships with the public, it helps a cultural organisation to achieve its mission, balancing social purpose, financial sustainability and creative ambitions*”.<sup>435</sup> According to the Heritage Lottery Fund (HLF): “*Audience development is about taking **action** to put people centre-stage. It involves making an effort to understand what they want and presenting your heritage site, collection or activity in a way which is accessible, inviting and meaningful for them; and it involves building on-going relationships to encourage participation and support from as broad a range of people as possible for the long-term*”.<sup>436</sup> Finally, the

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<sup>428</sup> See Black 2012.

<sup>429</sup> Walth 2006, 2.

<sup>430</sup> Carnwath & Brown 2014; Falk 2016.

<sup>431</sup> Ayalla *et al.* 2019, 1-2.

<sup>432</sup> For the relevant bibliography see Ayalla *et al.* 2019, 6.

<sup>433</sup> HLF 2010; Torreggiani & Pfrommer 2014; British Council 2017; Bolo *et al.* 2017; The Audience Agency 2020.

<sup>434</sup> Cerquetti 2016; Ayalla *et al.* 2019.

<sup>435</sup> Torreggiani & Pfrommer 2014, 4. The Audience Agency is funded by the Arts Council England, as a Sector Support Organization, to lead on supporting cultural organizations to gain a deeper understanding of current and potential audiences: <https://www.theaudienceagency.org/>. [emphasis added]. For more definitions see Walth 2006, 3; The Audience Agency 2020, 33.

<sup>436</sup> HLF 2010, 5 [emphasis added].

European Commission defines audience development as “*a strategic, dynamic and interactive **process** of making the arts widely accessible. It aims at engaging individuals and communities in experiencing, enjoying, participating in and valuing the arts through various means available today for cultural operators, from digital tools to volunteering, from co-creation to partnerships*”.<sup>437</sup>

Comparing these definitions, it becomes apparent that audience development is considered to be either an approach or an action or a process. This diversity highlights the complexity, and perhaps the fluidity, of the field, since it requires the collaboration of many disciplines (museology, management, marketing, programming, communication, arts education, cultural policy, sociology or the leisure studies, etc.) and it is fueled by various theories.<sup>438</sup> Literature has also pointed out many differences between some European countries on how they approach the concept of audience development.<sup>439</sup> In any case, audience development describes the management of the relationship between audiences and museums and other cultural institutions or sites.

It goes without saying that in these definitions the term ‘audience’ is at the centre of the attention. It is a universal term which is used to “*describe people that engage with the work of arts and cultural organizations*”.<sup>440</sup> According to Wallis, audience can be defined as “*anyone who can physically, digitally or tangentially interact or engage with*” museums and other cultural institution or sites.<sup>441</sup> Audience has broad meaning and, according to Elkasrawy, contains a wide range of types such as:<sup>442</sup>

- Visitors (from local or other communities)
- Domestic and international tourists
- Researchers, educators, students or post students
- Online visitors (onsite or virtual ones)
- Volunteers
- Media
- Institutions
- Donors
- Sponsors
- Friends
- Potential audience.

Central to the scientific debate concerning the audience development for museums and other cultural institutions or sites is the social dimension. Audience development should

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<sup>437</sup> European Commission 2012, 2 [emphasis added].

<sup>438</sup> Cuenca-Amigo & Cuenca 2019.

<sup>439</sup> For more on the relevant bibliography on this see Ayalla *et al.* 2019.

<sup>440</sup> The Audience Agency 2020, 33.

<sup>441</sup> Wallis 2019, 7.

<sup>442</sup> Elkasrawy 2016, 2947. See also HLF 2010, 4.

response to museums, other cultural institutions and sites challenging needs which are the following.<sup>443</sup>

- To understand their audience (cultural and demographic diversity, motivations, interests, experiences and perceived barriers). Literature identifies that this is an absolutely essential step that helps the resilience of cultural organizations. To gain more knowledge about organizations' audiences it is necessary to undertake some research, consult, listen, analyze and respond. Primary research, secondary research, quantitative research, qualitative research and segmentation are important approaches that could work together.<sup>444</sup>
- To promote social participation in museums, other cultural institutions and sites in such a way that people are not only visitors, but also potential agents with whom to interact, work and co-create within and outside those organizations
- To attract more audience
- To increase audience engagement and loyalty
- To improve communication
- To promote and diversify cultural offer through cultural marketing strategies
- To incorporate new technologies in order to establish new channels of communication, marketing, engagement and participation
- To foster the educational role of cultural organizations towards a diverse audience
- To be relevant to all the different community groups
- To ensure that audience will benefit from the cultural offer of each organization

Literature highlights that audience development facilitates museums and other cultural institutions or sites to:<sup>445</sup>

- Move closer to society
- Increase the commitment of existing visitors
- Increase the number of visitors
- Increase the number of people that are engaging more frequently, or get involved more actively
- Attract new and broader audience, engaging people for the first time
- Develop and offer more enriching and meaningful experiences that cover the needs of all audiences.

An effective audience development:<sup>446</sup>

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<sup>443</sup> For an overview of the relevant bibliography see Ayalla *et al.* 2019, 3. Selected bibliography: Kawashima 2000; McCarthy & Jinnett 2001; Waltl 2006, 3; Kotler & Kotler 2008; Wilkening & Chung 2009; Simon 2010; Falk & Dierking 2012; Rentschler & Hede 2013; López-Sintas *et al.* 2014.

<sup>444</sup> The recently published *Success Guide: Understanding Your Audiences* by the Association of Independent Museums looks at how museums can best understand their audience and use their insights to deliver their strategic goals and make their organization more resilient: Parsons 2020, 3-4. The literature identifies the segmentation of society as an ever increasing need for museums and other cultural institutions or sites in order to better understand the needs and interests of their audiences. For audience segmentation see also British Council 2017, 04; Bollo *et al.* 2017. Lister 2020, 7; Parsons 2020, 4. See also <https://www.museumsgalleriesscotland.org.uk/advice/evaluation/understanding-your-audiences-through-evaluation/>.

<sup>445</sup> HLF 2010, 5; Artan 2011; Dinapoli-Algarra 2015; Martin & Jennings 2015; Pegoraro & Zan 2017.

<sup>446</sup> British Council 2017, 01.

- Involves the entire organization and is driven by leadership
- It is a carefully planned and targeted management process, which flows from organizational objectives
- It is about talking and listening to audiences – not making assumptions
- It builds ongoing and long-term relationships
- It has a clear return on investment – social, cultural or financial

Central to the process of audience development is:<sup>447</sup>

- the will to make all necessary changes and try new things;
- the good knowledge of visitors’ needs and interests, which allows the presentation of a heritage collection, site or activity in an accessible, attracting and meaningful way for them;
- the establishment of on-going relationships to encourage participation and support from as broad a range of people as possible for the long-term.

According to the British Council, “*the philosophy of valuing audiences and bringing them closer to the centre of your organization*” and the “*practical tools to reach and engage them*” are the two basic components of audience development.<sup>448</sup>

As Watl points out, the goals of a sustainable audience strategy are to:<sup>449</sup>

- *“refine and enhance communication with visitors*
- *achieve an attainable and sustainable audience*
- *turn non visitors into visitors, visitors into repeat visitors and regular museum goers into supporters*
- *enhance access*
- *offer multiple experiences*
- *engage visitors (hands on & minds on)*
- *establish an active network with special target groups”.*

In order to achieve all these goals, it is necessary for museums and other cultural institutions or sites to set out an audience development plan.<sup>450</sup> According to the Audience Agency, “*an audience development plan is an explicit, suitably detailed plan for usually bringing about some kind of change and achieving a range of audience aims. These might be social, financial, creative and/or education*”.<sup>451</sup> It includes programming, marketing and communications, educational and environmental activities. An audience development plan sets the context for all these activities as well as informs a delivery plan. It requires the involvement, collaboration, and support of all relevant departments of museums and other cultural institutions or sites. Therefore, the plan must be clearly articulated and communicated consistently across the organization. The Audience Agency has recently published an introductory guide to audience

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<sup>447</sup> Watl 2006, 3; HLF 2010, 5.

<sup>448</sup> British Council 2017, 01.

<sup>449</sup> Watl 2006, 3-4.

<sup>450</sup> The Audience Agency 2018, 13.

<sup>451</sup> For a definition of the audience development plan see The Audience Agency 2020, 33.

development planning.<sup>452</sup> In this guide audience development plan is considered as “*a forward-looking statement of intent and key to delivering public purpose, to staying relevant and resilient*”.<sup>453</sup>

According to the most recent literature, an audience development plan contributes to:<sup>454</sup>

- Define a well-framed purpose
- Guide all activities, ensure that they are coherent, and that they align to work towards the same objectives
- Prioritize activities
- Create a shared understanding of what ‘success’ would look like and a route-map to achieve it
- Create a framework for collaboration between everyone involved in the audience offer, from programming to customer welcome
- Allocate resources, budgets, people, tools, and skills, to all activities according to their priority
- View the plan as an ongoing and evolving process, not a single campaign, project, or transaction
- Understand audiences in a differentiated or ‘segmented’ way

Literature points out some important aspects concerning the audience development plan:<sup>455</sup>

- There is not a unique, right way to create an audience development plan that fits to any organization.
- Different cultural organizations try to reach different types of audience, for different purposes and in different ways.
- Diversities are observed among the different organizations regarding the level of the available resources, the professional profile of each organization’s management, the training and skills of their staff. As such, each audience plan should be adjusted to the scale, resources, personality and purpose of each organization.
- Collecting real, quantitative and qualitative evidence rather than untested assumptions is crucial to the success of an audience plan. It is not possible to fully understand the needs of the audiences without asking their opinion or tracking their habits. As such, conducting audience research is of crucial importance.<sup>456</sup> Data about the current audience and their motivations, the annual and monthly number of visitors, the analysis of changes in these numbers, audience’s demographic and socioeconomic information (age, socio-economic

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<sup>452</sup> The Audience Agency 2020.

<sup>453</sup> The Audience Agency 2020, 2.

<sup>454</sup> Torreggiani & Pfrommer 2014, 4; British Council 2017, 01; The Audience Agency 2020, 2-4.

<sup>455</sup> Torreggiani & Pfrommer 2014, 4; Elkasrawy 2016, 2948; Oleniczak 2016; White 2016; British Council 2017, 01, 03; The Audience Agency 2020, 9; Working Group of EU Member States’ Experts 2017, 23-29. See also <https://museum-id.com/write-audience-development-plan-quick-guide-ben-gammon/>.

<sup>456</sup> For an overview of the literature on audience research studies see Ayalla *et al.* 2019, 10. See also Nechita 2014, 270-271; Wallis 2019. See also <https://mgns.w.org.au/sector/resources/online-resources/visitor-experience/how-conduct-audience-research/> ; <https://museum-id.com/digital-audience-research-understanding-visitors-by-elena-villaespesa/>.

status, ethnicity, etc.), audience's satisfaction, and audience needs, and barriers is important. Before seeking to find out new evidence, specify what the organization already knows about its visitors. Build on existing knowledge.<sup>457</sup>

- Different organizations need different types of evidence.
- Audiences' needs, motivations, preferences and expectations should be met with organization's aims, objective and structure as described in the audience development plan.
- It is important to avoid conflicts between the needs and expectations among different audience groups.
- Only a few museums and other cultural institutions or sites that have a long-term audience development plan. This can be an obstacle in the process of growing and diversifying audiences.

The literature also highlights some steps all organizations can take to implement an audience development plan. Given the fact that there is not a unique and right way to create audience development plan diversities can be observed.<sup>458</sup> The recent introductory guide to audience development planning from the Audience Agency offers a detailed planning process overview.<sup>459</sup> Museums and other cultural institutions or sites can adjust the following process to their specific needs:<sup>460</sup>

- **Mission:** Identify the main audience goals (social, educational, experiential, reputational/creative, financial). What does an organization want to achieve?
- **Analysis:** Understand what the organization does or might do in the future in order to engage and adjust the goals to the needs of audiences. At this stage it is important that each organization understands its own situation and identifies strengths and opportunities. It is necessary to analyze aspects such as: current activities and their success; trends, patterns of engagement, knowledge of needs of the current audiences; who does similar things, opportunities and threats, changing environment; location, profiles, preferences and barriers/ motivations of potential audiences. A recommended toll is the audience segmentation that involves thinking about audiences as distinct groups.<sup>461</sup>
- **Strategies:** Choose the proper approaches to maintain existing audience, to deepen those relationships, to engage new audience and to reach new and

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<sup>457</sup> For more information about research methods see British Council 2017, 03. See also <https://museum-id.com/write-audience-development-plan-quick-guide-ben-gammon/>. See also The Audience Agency 2018.

<sup>458</sup> HLF 2010, 9-11; The Audience Agency 2020, 13-30; Elkasrawy 2016, 2948; Working Group of EU Member States' Experts 2017, 17. See also <https://museum-id.com/write-audience-development-plan-quick-guide-ben-gammon/>. In this article Gammon recognizes four sections in the writing of an audience development plan: "*an assessment of your museum's position; a description of the goals of the audience development process and why they are important to the organisation; a strategy for how you are going to achieve those goals; and a description of how you are going to measuring your progress towards achieving those goals*". For strategies to build audiences see also Smithsonian Institution 2001, 15-18.

<sup>459</sup> The Audience Agency 2020, 13-30.

<sup>460</sup> According to the Audience Agency aspects of this process can be covered by the overall strategic planning of some organizations and thus it is not always necessary to complete each step and in this order: The Audience Agency 2020. 13.

<sup>461</sup> For audience segmentation see also British Council 2017, 04; Bollo *et al.* 2017; Lister 2020, 7; Parsons 2020, 4.

diverse audiences. It is recommended to use the Ansoff Matrix, which is a tool to analyze and plan strategies for growth. The selected strategies might include:

- Adapting or continuing key aspects of programming
- Developing new experiences for existing audience
- Creating new platforms or channels
- Creation/opening of new premises or facilities
- Developing opportunities for greater people participation (e.g., curating, making or exploring your work, volunteering, advocacy, membership, dialogue, etc.)
- Added value – from priority booking to volunteering
- Communicating different benefits, in the context of new campaigns
- Change pricing structure
- **Objectives:** Set more specific, measurable, achievable, relevant, and timetabled objectives. What will success look like? How can you measure it? Objectives might include the following aspects:
  - Number of people involved in different aspects of organization's services.
  - Types of people from specific segments, catchment areas or profiles.
  - Audience response, satisfaction, willingness to recommend, subjective response, etc.
  - Profile and peer response.
  - Audience behavior: e.g., frequency and range of engagement.
  - Website and social media statistics on content engagement.
  - Learning/experiential impact.
  - Economic or social impact in the wider community.
  - Revenue - from tickets, café or shop, crowd funding, etc.
- **Action:** Set an action plan (Budget, timeline, responsibilities, partners and collaborations, staff with relevant skills and capacity). It is important what you do, and when.
- **Review, evaluate, adapt:** Is it working? What do you need to change?

Other strategies that are listed in the literature are:<sup>462</sup>

- Develop new permanent exhibitions and/or redesign current exhibitions
- Develop temporary or thematic exhibitions
- Develop events, especially at night
- Extend the opening hours e.g., late night opening for adults
- Create a set of outreach activities targeted at local schools and communities to promote the organization
- Redesign and update the brand, logo, slogan of the museum
- Run press, publicity and marketing campaigns to promote the profile of the organization and clarify what it has to offer
- Collaborate and work with social and political agents in order to design jointly strategies. This requires the understanding of the community and implementing

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<sup>462</sup> Elkasrawy 2016, 2948; Ayallaet *al.* 2019, 7-8, 11-12; See also <https://museum-id.com/write-audience-development-plan-quick-guide-ben-gammon/>; CPAMO Toolkit: Evidence-based Strategies to Promote Pluralism in the Arts by Smith, C.: <https://sites.google.com/site/cpamotoolkit/5-the-strategies-and-practices/iv-audience-development>.

the changes within the organizations. Some of the social agents are: school-age children, young people and emerging artists, families, older people, groups of people with disabilities, etc.

- Adopt staff training strategies in order to acquire skill to better connect and communicate with audiences
- Crowdsourcing of heritage material<sup>463</sup>

Other objectives that are listed in the literature are:<sup>464</sup>

- Increase the number of visitors
- Improve the degree of satisfaction and enjoyment
- Develop and enhance access to organization's exhibition, programs and services
- Reflect cultural diversity in collections and programs
- Help audience to understand the role of the organization and to access its resources
- Encourage existing and potential audiences to use the organization's facilities and programs
- Involve volunteers in running and promoting the organization to visitors.
- Increase connections with cultural tourism.

#### *Using digital and technological tools in audience development*

A major issue identified in the relevant literature is the use of new technologies and digital means in audience development programs. Literature is already extensive and diverse dealing with a wide range of themes. The number of museums and other cultural institutions or sites entering the digital and technological world is steadily growing due to reducing budgets and raising expectations of visitors.<sup>465</sup> Beyond any doubt, the implementation of new technologies and digital means has altered their structure, as well as has a great impact on the way they engage with their audiences and on the way audiences approach their culture and its context.<sup>466</sup> However, a recent report of the Working Group of EU Member States' Experts has pointed out that the majority of museums and other cultural institutions or sites are not able to follow this evolution.<sup>467</sup> It stresses the need "*to be a recalibration within organisations and institutions*". The report also recognizes the multiple impact of the digital shift on audience development in terms of people (creators, curators and audience), products, production and services, promotion and distribution, payment and property, and processes.<sup>468</sup> Literature stresses the need to clearly understand the target audience and their needs in order to effectively

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<sup>463</sup> Crowdsourcing in cultural heritage is "*asking the public to help with tasks that contribute to a shared, significant goal or research interest related to cultural heritage collections or knowledge*"; Working Group of EU Member States' Experts 2017, 17.

<sup>464</sup> Elkasrawy 2016, 2948.

<sup>465</sup> Nechite 2014, 272.

<sup>466</sup> Anderson *et al.* 2010; Bakhshi & Throsby 2012; Van Vliet & Hekman 2012; Karp 2014; Jewitt 2014; AXIELL 2016; Liestøl 2019; 2020; Liestøl & Hadjidaki 2020.

<sup>467</sup> Working Group of EU Member States' Experts 2017.

<sup>468</sup> *Id.*, 8-29.

use new technologies and digital means.<sup>469</sup> Technologies have altered audience behavior quickly and radically, and people are not passive recipients of the cultural offer.

According to the literature, the main aims of the use of modern technology by museums and other cultural institutions and sites are:<sup>470</sup>

- create a sense of ‘playfulness’ and exploration
- inspire creativity
- avoid offering a rigid didactic experience
- offer multiple voices from informal to authoritative
- exploit the tactile nature of the device.

The literature also lists a number of important benefits for museums and other cultural institutions or sites by the use of modern technologies. They:<sup>471</sup>

- Offer multiple new ways to connect with people and reach out to more diverse audiences by overcoming what used to be considered as barriers of physical, mental or social nature
- Enable museums and other cultural institutions or sites to redesign traditional products and promote new cultural experiences by involving a worldwide network of potential visitors
- Increase focus and interest on organizations’ collections
- Offer the ability to engage audience within the organization’s wall or beyond
- Provide users with high learning value (participatory learning)
- Offer users to add their own social meaning
- Provide a truly immersive experience for all, including users with disabilities, minorities, young and old people, people from an immigration background, people who are unemployed, people who are economically or geographically disadvantaged, etc.
- Promote dialogue between the user and the organization (a new relationship based on collaborative and strong interaction)
- Foster promotion and distribution of cultural content, products and activities online
- Provide personalized services
- Foster communication mode between museums and cultural heritage sites
- Help organizations to deal with the lack of exhibition spaces, considerable exhibition costs, and the fragility of some artifacts

A major issue that literature highlights concerning the use of digital means by museums and other cultural organizations or sites is related to communication.<sup>472</sup> Literature highlights both the benefits and the limitations that social networks and websites

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<sup>469</sup> <https://museum-id.com/museum-apps-audiences-go-charlotte-sexton-elena-lagoudi/>.

<sup>470</sup> For more see C. Sexton and E. Lagoudi article in Museum-id.com: <https://museum-id.com/museum-apps-audiences-go-charlotte-sexton-elena-lagoudi/>.

<sup>471</sup> Patias *et al.* 2014; Nechita 2014, 272; Elkasrawy 2016, 2948; Working Group of EU Member States’ Experts 2017; Jewitt 2014. See also <https://museum-id.com/museum-apps-audiences-go-charlotte-sexton-elena-lagoudi/>;

<sup>472</sup> Ayalla *et al.* 2019, 13.

present in relation to cultural heritage.<sup>473</sup> As many studies point out, an increasing number of museums and other cultural institutions use social networks and websites with the intention: a) to attract and engage more audiences, frequent visitors and non-visitors, virtual visitors, online communities, b) to build loyalty with the existing audiences, and c) to build sustainable relations around cultural heritage.<sup>474</sup> In some cases they seek to pursue a specific audience, such as youth, and adjust to their needs so as to improve the transmission of the cultural message.<sup>475</sup> Furthermore, technology has diverse and growing applications in the museum and other cultural institution or site ecosystem that can enhance the dissemination of content and user experience.<sup>476</sup>

An important theme in the literature review constitutes the latest technologies being integrated in the museum environment. The most recent trends identified in the literature are:<sup>477</sup>

- Personalization/Wearable Devices (create a more powerful connection between the visitor and the story)
- Augmented Reality/Virtual Reality/Mixed reality (bringing exhibits and artifacts to life in new and immersive ways creating multisensory and multimodal experience)
- Gesture Technology/Non-touch Interactives (In the post COVID-19 era touchless technologies and proximity sensors will likely gain popularity)
- Haptic technologies
- Internet of Things (IoT) technology
- Mobile Technologies (web and hybrid Wi-Fi apps, mobile apps, tour-based apps, that enrich the exhibit content, mobile ticketing technology, etc.)
- Indoor GPS tracking systems (track movement within the facility, which allows them to confirm how well a storyline works)
- Artificial Intelligence
- LED/Laser Projection Technologies (creating powerful, immersive museum environments)
- Virtual Touring

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<sup>473</sup> Vassiliadis & Belenioti 2015; Turner 2020; See also “How Museums Can Work With Social Media Influencers”: <https://www.museumnext.com/article/how-museums-can-work-with-social-media-influencers/>.

<sup>474</sup> Soren & Canadian Heritage Information Network 2005; Menard *et al.* 2010; Wilson 2011; Marakos 2014; Caerols-Mateo *et al.* 2017; Forbes & Fresa, 3-4.

<sup>475</sup> Fomichova & Fomichov 2003; Kampouropoulou *et al.* 2013.

<sup>476</sup> Anderson *et al.* 2010; Caarls *et al.* 2009; Liestøl 2019; 2020; Liestøl & Hadjidaki 2020; For successful implementations of technology in the cultural sector see <https://www.museumnext.com/article/how-technology-is-bringing-museums-back-to-life/>.

<sup>477</sup> For more see Hawkey 2004; Lagoudi & Sexton 2011; Alexandri & Tzanavara 2014; Nechita 2014, 273-274; Pantile *et al.* 2016; Alfandari 2015; Foqahaa 2016; Ciecko 2018; Nechita & Rezeanu 2019; López-Martínez *et al.* 2020; Corre 2020; Ioannou *et al.* 2021; Mansfield and Sollogub’s “The Future of Technology in Museums”: <https://www.cambridgeseven.com/about/news/the-future-of-technology-in-museums/>; <https://museum-id.com/museum-apps-audiences-go-charlotte-sexton-elena-lagoudi/>. See ; also <https://cuseum.com/blog/2020/2/3/top-technology-trends-for-2020-what-it-means-for-museums-and-nonprofits> ; <https://www.canada.ca/en/heritage-information-network/services/other-heritage-research-tools/museum-knowledge-workers-21st-century/future-technology-museums.html>. ; <https://www.lamasatech.com/blog/the-most-exciting-emerging-museum-tech-trends/>. ; <https://www.cyens.org.cy/en-gb/research/projects/the-future-of-technologies-in-museums/>.

- Holographic representations
- Flexible Technology Exhibit Platforms (developing software and designing exhibits that can not only accommodate content flexibility but also allow exhibits to easily change)
- Augmented Reality Selfie-Moments

There is a growing amount of literature concerning the game design as learning activity in cultural organizations.<sup>478</sup> Gamification and games are increasingly used by museums and other cultural organizations or sites to create more interactive and engaging experiences.<sup>479</sup> According to Yiannoutsou *et al.*, games design “*can offer rich learning experiences which reserve for the visitor the role of collaborator and partner and entail the creation of an enduring relationship with the museum*”.<sup>480</sup> A recent literature review has identified three trends in research of gamification in museums context: Game-based-learning, add-on games and motivation.<sup>481</sup> It indicates a growing focus on creating digital game add-ons to existing exhibitions and at the same time, the lack of studies that emphasize on the implementation of gamification into an exhibition design creating a holistic exhibition. Finally, it points out the need of more elaborate methods or frameworks for gamifying a museum.<sup>482</sup> Serious games approach is a current trend in the literature related to gamification focusing on education in the context of entertainment.<sup>483</sup> Marshall correctly points out that if gamification is not pursued thoughtfully and with specific and clear goals, then, it risks being ineffective resulting in a waste of organizations’ time and money.<sup>484</sup> She also offers some guidelines for cultural organizations to avoid ‘gamification’ pitfalls. As Du notes, the current COVID-19 pandemic has changed the gamification usage in museums and other cultural institutions.<sup>485</sup> He suggests that in the future, forms of online gamification will be more widely applied while gamification will be combined more with technology, such as Augmented Reality and Virtual Reality, in order to create more immersive experiences.

A major issue for museums and other cultural institutions or sites is the management of the digital tools and systems. The use of technologies requires skills and attitudes to deal with metadata, big data, open data and the management of data all along the digital life cycle.<sup>486</sup> In addition, the use of technology, in many cases, requires that cultural organizations need to collaborate with major companies of IT (information

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<sup>478</sup> For a state-of-the-art review until 2010 see Anderson *et al.* 2010. For a more recent critical literature review see Madsen 2020. For gamification examples see Corre 2020. See also Sharpe *et al.* 2010; de Freitas & Maharg 2011; Nicholson 2012; Ferdig & de Freitas 2012; Döpker *et al.* 2013; Pappas 2014; Ioannides *et al.* 2017; López-Martínez *at al.* 2020; Styx 2020; Corre 2020; Tayara & Yilmaz 2020.

<sup>479</sup> For a definition of gamification see <https://www.gamify.com/what-is-gamification>.

<sup>480</sup> Yiannoutsou *et al.* 2012, 48.

<sup>481</sup> Madsen 2020.

<sup>482</sup> *Id.*

<sup>483</sup> Susi *et al.* 2008; Konstantinov *et al.* 2018, 8445-8446.

<sup>484</sup> Marshall 2020.

<sup>485</sup> Du 2021.

<sup>486</sup> For more on this issue see Working Group of EU Member States’ Experts 2017, 14-15.

technologies) sector (Microsoft, Google, IBM, Oracle) in order to have the necessary processing capacity at a limited cost.<sup>487</sup>

At the same time, literature recognizes dangers associated with the widespread use of technologies and digital means in culture. According to the report of Working Group of EU Member States' Experts:<sup>488</sup>

- *“The development of the semantic web together with big data, which allows organisations to predict the interests of a particular person and target marketing towards them, also creates a filter bubble. This means that information is pre-filtered by algorithms that, rather than broadening the potential outreach, limit it to a narrow group of interest defined through prior use”.*
- As a result of the extensive use of new technologies variations in digital knowledge and skills across the organization are observed. This can create an imbalance and challenge to traditional hierarchies.

Recently, the Policy Learning Platform of Interreg Europe organized an online meeting with the objective to discuss digital technologies and museums. An interesting output was the recognition of the need *“to find a balance between the human factor and further uptake of technological developments”* and the statement that *“the technology is not a goal itself, but it is a way to make the visitor understand and learn more”*.<sup>489</sup>

### *Engaging Existing and new Audience*

Literature points out that existing audience should be the starting point in the process of audience development. According to the Audience Development toolkit of the British Council, museums and other cultural institutions or sites have a wide range of options at their disposal in order to engage existing audience.<sup>490</sup>

- **Refresh the offer by providing something new and exciting that is worth a return visit.** Activities: Organizing events programs that target your different audiences, set a specific time limit for holding temporary or visiting exhibitions, acquire new objects to the existing collections, promote an exciting ‘object of the month’ to entice visitors to learn more.
- **Maintain a relationship with the audience at a regular base.** Use social media and regular email newsletters in order to build a two-way conversation with the audience.<sup>491</sup>

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<sup>487</sup> Nechita 2014, 272.

<sup>488</sup> Working Group of EU Member States' Experts 2017, 13-14, 19.

<sup>489</sup> [https://www.interregeurope.eu/policylearning/news/9060/digital-technologies-and-museums-post-pandemic-experiences/?no\\_cache=1](https://www.interregeurope.eu/policylearning/news/9060/digital-technologies-and-museums-post-pandemic-experiences/?no_cache=1).

<sup>490</sup> British Council 2017, 25-26.

<sup>491</sup> For a literature review concerning the use of social media by museums and cultural heritage see Vassiliadis & Belenioti 2015.

- **Promote membership schemes in order to foster loyalty and ensure return visits.**

At the same time, engaging new and wider audience is an absolutely essential step for establishing cultural organizations as dynamic and inclusive places. Museums and other cultural institutions or sites can engage with heritage groups that are under-represented in their audience profile (on the basis of social class, ethnicity, age, gender, sexual orientation, disability, etc.) reflecting the diversity within the local community. Furthermore, they can involve people and communities in regions beyond their geographic area.<sup>492</sup> According to the Audience Development toolkit of the British Council, engaging new audience is a complex process that contains various steps before, during and after the visit. It is important for cultural organizations to:<sup>493</sup>

- make their offer visible to the visitors (aware)
- weighing up alternative options and looking at what choosing their offer will mean (choose and decide)
- help their visitors to get to, find the organization and welcome them to their facilities (journey and arrive)
- provide them an enjoyable and meaningful experience through their cultural offer (enjoy)
- offer them a visitor's experience of leaving (departure)
- ensure that the experience will continue after the visit (memories).

In parallel with the use of technologies, which has been presented in the previous section, literature provides a wide set of recommendations to help museums and other cultural institutions to attract and engage new audience:<sup>494</sup>

- They should stop present themselves as experts, but instead as 'smart friends'
- They should bring their personality and opinion into the interactions with their visitors
- Make it passionately personal by allowing your love of organization to drive your interactions
- They should consider entertainment as a means to engagement. They should work to re-position themselves on the basis of education-through-entertainment
- They should invite inside some behaviors from outside
- They should use transformative and engaging cultural experiences
- They can use Ansoff Matrix, which is a model used in strategic marketing planning, to attract new audience
- Issues of respect and duty are critical to building a stable and long-lasting relationship with new audience

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<sup>492</sup> HLF 2010, 5.

<sup>493</sup> British Council 2017, 27-30 with interesting tools to improve visitors' journey.

<sup>494</sup> <https://museumhack.com/wp-content/uploads/2017/04/Museum-Tested-Audience-Approved-How-to-Attract-More-Visitors-and-Engage-Millennials-by-Museum-Hack.pdf>; See also Kershaw 2013-2014, 3; Perry *et al.* 2017; O'Neill 2020; Lister 2020, 8-9.

In the process of engaging new audience with museums, other cultural institutions or sites, there might be some problems such as, physical access, attitudes of staff, ability to interpret and comprehend displays, familiarity with organization behavior and etiquette, language and cultural barriers, etc.<sup>495</sup> However, according to Rozen, the big challenge for museums is “*the balance between traditional museum activity and the social and participatory demands from new younger audiences*”.<sup>496</sup>

#### D. Young people

Although young people are an age group that is included in many categories of audiences, such as tourists, local people, minorities, people with disabilities, etc., it is important for museums and heritage sites to record them as a distinct group. The ReInHerit project stresses the need that young people should appear as an important target visitor group in a wide range of activities included in CHM, such as audience development, collection management, marketing, digitisation, exhibition, etc. In recent years, cultural heritage professionals are particularly eager to make cultural heritage more relevant to young people, attract and convince them to attend museums and heritage sites.<sup>497</sup>

According to the literature, museums are facing many problems in attracting young people from the time when youths leave school (i.e. 18 years old). Secondary research identifies obstacles in the engagement of young people with cultural heritage<sup>498</sup>:

- Young people are not a homogeneous group and differentiation is needed. For example, there are differences between young people in urban environments and young people in the countryside or between young people in different countries. Furthermore, this age group includes many adolescents and children in developed countries who are considered digital natives and use computers, social networking services and text messaging as their main means of communication and learning. Digital natives consume fast and in visual formats. They not only choose their content but also produce audiovisual content. This reflects society: everybody has become a producer or co-creator of content.

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<sup>495</sup> Kershaw 2013-2014, 3.

<sup>496</sup> <https://museum-id.com/social-museums-need-understand-future-adam-rozan/>.

<sup>497</sup> For more see Kelly 2009; Madgin et al. 2016; Drotner 2017; Rowland 2018; Tranta *et al.* 2021; See also <https://www.aam-us.org/2021/02/24/attracting-youth-to-museums-4-ways-to-get-gen-z-through-your-doors/> ; <https://mgns.w.org.au/sector/resources/online-resources/exhibition/how-engage-young-people/> ; <https://www.britishmuseum.org/learn/young-people> ; <https://ich.unesco.org/en/engaging-youth-for-an-inclusive-and-sustainable-europe-01051> ; <https://www.youthlinkscotland.org/media/2888/hlf-how-to-involve-young-people-in-heritage-projects.pdf> ; <https://www.tate.org.uk/research/research-centres/tate-research-centre-learning/young-peoples-motivation>.

<sup>498</sup> See above.

- There are conflicting views between cultural heritage professionals & young people on the nature of cultural heritage. Many young people perceive cultural heritage as something boring and museums and heritage sites as boring spaces.
- Younger generations are reluctant to learn about the history of their region or about the cultural heritage of another country. Living in a globalised world, they have lost touch with their own roots, and they do not see the need to re-connect.
- The inevitable shift towards digital technologies has a serious drawback when looking at the age group of 12 years and above (including teenagers). No matter how good the digital medium that museums are developing, it has not reached the sophistication and artistry and refinement already found in commercial digital media through games and other types of digital encounters. On many occasions museums and sites need to compete with commercial/state of the art technology.
- The relationship between young people and the cultural heritage cannot be seen as a mere matter of enjoyment. The interest in cultural heritage is not usually a stand-alone interest. It is also linked to history, education, ethics, personal development and fostering a culture in young people to respect and preserve cultural heritage for future generations.

#### E. Local communities' engagement

The ICOM (International Council of Museums) *Code of Ethics for Museums* dedicates a chapter (VI) to the close collaboration between the museums and the communities “*from which their collections originate as well as those they serve*”.<sup>499</sup> This strategic issue is also identified in the relevant literature which revolves around the engagement of local communities with cultural heritage.<sup>500</sup> The discussion was ongoing in the recent years while it continued with more intensity during the current COVID-19 pandemic.<sup>501</sup>

Today, putting an exhibition and wait for visitors to arrive, is not enough for most of the museums and other cultural institutions or sites in order to serve their mission.<sup>502</sup> Literature identifies as an ever increasing need for museums and other cultural institutions or sites the establishment of deep connection and relationship with their local communities in order to increase the sustainability of their organizations.<sup>503</sup> The importance of the social value of museums in parallel with the value of their collections, exhibitions, research, conservation, preservation and educational programs has been

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<sup>499</sup> ICOM 2017, 33-34.

<sup>500</sup> Watson 2007; Golding & Modest 2013; Morse & Munro 2015; Kim *et al.* 2016; Golding & Walklate 2018; Kadoyamma 2018; Ayala *et al.* 2019, 7-10.

<sup>501</sup> For a detailed literature review before the COVID-19 pandemic see Ayala *et al.* 2019, 7-10.

<sup>502</sup> Carlsson 2020.

<sup>503</sup> OMAAMO 2015, 5; Mackay 2021.

recognized.<sup>504</sup> It is clear that community<sup>505</sup> support is of vital importance for the survival of most of the cultural organizations.<sup>506</sup> A growing number of cultural organizations are constantly looking for strategies and new ways to play crucial roles in the lives of their communities and establish themselves as relevant and valuable asset to their communities.<sup>507</sup> In many cases, these attempts are the product of collaboration between cultural organizations and the social and political agents involved.<sup>508</sup> Literature highlights some important steps that are necessary for the successful engagements of the local communities with the museums and other cultural institutions or sites:<sup>509</sup>

- Internal look at the organization: learning about themselves in order to implement changes needed within the museum and other cultural institution or site
- External look at the community: understand the communities, taking into consideration that most communities today are constantly changing
- Develop a Community Involvement Action Plan that brings together all this information.

These steps include:<sup>510</sup>

- Improve physical accessibility
- Accept the difficulties that these changes entail
- Adapt information to different levels
- Improve the training of professionals working in museums
- Involvement of everyone in the organization since community involvement is labor intensive
- Understand that learning about communities is a continual process
- Think out of the box in order to serve the interests of various groups within the community (e.g., Fun Palaces, which aims at supporting local people and encouraging them to co-create their own cultural and community events)

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<sup>504</sup> Kershaw 2013-2014, 3; Dinapoli-Algarra 2015; Ernst *et al.* 2016. See also a toolkit that provides practitioners with guidance on how social values can be assessed and brought into decision making as part of heritage management and conservation projects: <https://wrestlingsocialvalue.org/2021/06/07/new-toolkit/>.

<sup>505</sup> For more on the notion of ‘community’ within the field of heritage and the varied ways in which tensions between different groups and their aspirations arise and are mediated, see Waterton & Smith 2010.

<sup>506</sup> Mackay 2021. See also <https://en.unesco.org/news/unesco-and-iccrom-analyze-museum-trends-during-and-after-pandemic>.

<sup>507</sup> Kershaw 2013-2014, 3; Ayala *et al.* 2019, 7-8; Carlsson 2020; Mackay 2021.

<sup>508</sup> For the relevant bibliography see Ayala *et al.* 2019, 8.

<sup>509</sup> See Kadoyamma 2018, 59-132; For the relevant bibliography see Ayala *et al.* 2019, 8. See also the *Community & Audience Engagement Assessment* by the American Alliance of Museums: <https://www.aam-us.org/programs/accreditation-excellence-programs/community-engagement-assessment/>,

<sup>510</sup> Kadoyamma 2018, 59-132; For the relevant bibliography see Ayala *et al.* 2019, 8; See also Carlsson 2020.

Literature lists important social impacts from local communities' engagement with cultural organizations:<sup>511</sup>

- Engage groups that are less easy to reach, such as young people, disadvantaged communities, ethnic minority groups, etc.
- Provide a creative focus to explore local issues and aspirations
- Create new, meaningful and diverse cultural experiences
- Create a sense of association, belonging and pride in cultural identity
- Provide participants with new skills and work opportunities

As confirmed by literature, museums, other cultural institutions and sites are seeking to offer opportunities for community participation.<sup>512</sup> This participation can take many forms. According to the guide of the International Association for Public Participation (IAP2) the spectrum of community participation contains six levels: **Inform** (to provide the public with balanced and objective information), **Consult** (to obtain community feedback on analysis, alternatives and/ or decisions), **Involve** (to work directly with communities throughout the process to ensure their aspirations and concerns are understood and considered), **Collaborate** (to partner with communities in each aspect of the decision including the development of alternatives and identifying the preferred approach), and **Empower** (to place final decision making in the hands of the community).<sup>513</sup>

Many museums and cultural institutions around the world have set Community Involvement Action Plans (or Community Engagement Strategies).<sup>514</sup> These plans need to:

- be relevant to the community
- cover a three- to five-year period
- be aligned with the organization's mission and overall strategic plan

Literature offers important guidelines and tools in order to facilitate museums and other cultural organizations in planning and designing community engagement.<sup>515</sup>

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<sup>511</sup> Kershaw 2013-2014, 3. See also Scott's "Active Participation: Museums Empowering the Community": <https://museum-id.com/active-participation-museums-empowering-community-marilyn-scott/>.

<sup>512</sup> For literature reviews concerning participation see Wills 2007, 30-101; Ayala *et al.* 2019, 8-9.

<sup>513</sup> [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).

<sup>514</sup> See Kadoyamma 2018, 119-132. For an interesting example see the – National Museum Wales: <http://ourmuseum.org.uk/wp-content/uploads/Community-Engagement-Strategy-2015-20-1.pdf>.

<sup>515</sup> Kadoyamma 2018, 120-124; Western Museum Association: <https://westmuse.org/articles/engaging-senior-audiences-%E2%80%93-part-ii-community-action-plan>; See also *the Engaging your Community: A Toolkit for Museums*, which "is a process through which individual museums can work with their communities to assess their relevance and create a plan to deepen their relationship with the community, in turn increasing the sustainability of the museum. *Engaging your Community: A Toolkit for Museums is not a strategic planning process; it is a community engagement and self-assessment process. It is a process that can inform the creation of a new strategic plan or the implementation of a current one.*": OMAAMO 2015; Although they are not focusing on cultural heritage see also the following guides: <https://www.communityplanningtoolkit.org/sites/default/files/Engagement.pdf> ; <https://www.epa.gov/sites/production/files/2017->

Community Involvement Action Plans should include the following areas: strategic objectives, aims and values, administration, development/funding areas, curatorial and collection management, exhibitions, programming, marketing and publicity, and challenges.<sup>516</sup>

Literature contains a number of initiatives, activities, programs, strategies and ways for museums and other cultural institutions to deepen their relationship with the community:<sup>517</sup>

- Use of social media
- Exhibition advertisements
- Use creative museum marketing ideas
- Tell the history in a way that is relevant to the local community
- Engage volunteers, create the sense that museums and other cultural institutions or sites belong to the local communities and work in partnership.
- Give audience a role in the decision-making process of museums and other cultural organizations or sites
- Organize community-curated exhibitions
- Invite local collectors to display their own collections in the way they want to
- Give floor to local interest groups to present their own topic, providing new interests and variety for the visitors
- Launch off-site programs (e.g., in schools, community organizations, etc.)
- Use technologies
- Invest to community engagement programs, projects and services aiming at encouraging engagement with local audience
- Fill historic gaps in the collections or histories
- Become a communal reflection space (e.g., ask from communities for photos of any subject and create an exhibition)
- Highlight under-represented voices
- Translate maps, promotional materials, educational guides, and exhibition labels into the languages spoken in the local communities
- Engage the local communities in telling their own stories

Literature also points out that when museums and other cultural institutions or sites are working with local communities they are facing many challenges:<sup>518</sup>

- Demographics are changing faster than ever, making societies more racially and ethnically pluralistic. Therefore, engaging local communities is more

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[03/documents/tribalswcommunityengagementstrategy508.pdf](#) -  
<https://barnsleymbc.moderngov.co.uk/documents/s18438/Appendix%201.pdf>.

<sup>516</sup> For more see Kadoyamma 2018, 120-124.

<sup>517</sup> Kershaw 2013-2014, 3; Kadoyamma 2018, 123-127; Ayala *et al.* 2019, 8-9. Carlsson 2020; Mackay 2021; See also <https://www.museumnext.com/article/creative-museum-marketing-ideas/> - Scott's "Active Participation: Museums Empowering the Community": <https://museum-id.com/active-participation-museums-empowering-community-marilyn-scott/>; <https://eriksen.com/arts-culture/engaging-culturally-linguistically-diverse-communities/>; CPAMO Toolkit: Evidence-based Strategies to Promote Pluralism in the Arts by Smith, C.: <https://sites.google.com/site/cpamotoolkit/5-the-strategies-and-practices/community-engagement>.

<sup>518</sup> Kershaw 2013-2014, 3; OMAAMO 2015; Kadoyamma 2018, 135-140. See also <https://eriksen.com/arts-culture/engaging-culturally-linguistically-diverse-communities/>.

complex. Since the ‘local community’ is defined as a group of interacting people who share an environment, museums, other cultural institutions and sites should be open to all members of the community they serve, regardless of their multiple identities, religions, customs, etc.

- Specific resources and skills are required within the organization.
- Organization’s mission, its strategic plan as well as leadership team and staff need to be committed to this type of work.
- At the same time, it is necessary to understand its complexity and ensure it is properly resourced and supported.
- Commitment from everyone involved to think critically about what the organization does and an open mind to see opportunities and new ways of operating.
- Time dedicated to think, discuss and plan.
- Excellent relations building skills are required.
- Mutual respect and trust must be built.

The COVID-19 pandemic was a challenging period particularly for the local communities’ engagement with museums and other cultural institutions and sites. Literature stresses the pressing need for museums and other cultural institutions to reconnect with local communities.<sup>519</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) have recently organized a webinar on *Museums after the Pandemic*.<sup>520</sup> The organizers highlighted the following pressing needs of the museum sector in the current and post COVID-19 context:

- It is necessary for museums to reposition themselves within the constantly changing world and demonstrate their full potential as agents of change.
- It is important for museums, to recognize their role in society, to work together with the communities, to exchange experience and to promote solidarity. Museums must turn towards communities, develop educational programs and answer fundamental questions.
- Emphasis should be placed on the recognition of the value of museums in society, so that the entire sector attracts and benefits from funding, an absolutely essential step for its survival.

Most recent studies point out that museums and other cultural institutions or sites are “powerful catalysts for ushering social changes in their communities”.<sup>521</sup> The ICOM recommends museums to:<sup>522</sup>

- Find alternative ways and revise traditional ways of conducting activities
- Monitor development and change societal needs by listening to their communities and determining how they can help
- Keep in close contact with partners, collaborators and community initiatives

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<sup>519</sup> Crooke 2020; Mackay 2021.

<sup>520</sup> For the webinar see <https://en.unesco.org/news/unesco-and-iccrom-analyze-museum-trends-during-and-after-pandemic>.

<sup>521</sup> Choi & Kim 2021, 2.

<sup>522</sup> ICOM 2020b.

- “*Documenting and exhibiting the crisis, its impact, and the various ways people are coping with trauma may enrich your collections and give them a new meaning, while also preserving knowledge and memories for future generations*”

During COVID-19 pandemic many museums and other cultural institutions around the world have responded to the crisis with new, mainly digital, strategies of engagement with their local communities. They have stepped up during the pandemic to help address needs in their communities.<sup>523</sup> A number of ideas and ways that museums and other cultural institutions can use to connect with their community are presented.<sup>524</sup> The preliminary report of the Design & Creative Practice Platform (RMIT University, Australia) has identified three general categories of digital engagement:<sup>525</sup>

- **Virtual exhibitions, curatorial talks, viewing rooms, and tours** of current collections, art fairs, and touring exhibits
- **Education and engagement** through remote learning, including drawing and photography classes
- **Programming and events**, often interactive and based on specialty or demographic (for example museums asking people to recreate paintings from their collection at home or visual diaries from artists who are working in isolation)

As is suggested by Choi and Kim, “*the solidarity of local communities using online media contributes to the sustainability of museums, in that it presents an opportunity to continuously expand the participants of museum management*”.<sup>526</sup> Finally, most recent literature points out that all these changes will have a long-term impact and act to establish deeper and long-lasting links between museums and other cultural institutions or sites, and the communities they serve.<sup>527</sup> According to Crooke, “*we need to get even closer to our communities, demonstrating new ways museums have value and impact in a world going through major change*”.<sup>528</sup>

## F. Social Inclusion

As ICOM points out “*proactively addressing inequalities and exclusion becomes essential for museums when fulfilling their mission to serving society*”.<sup>529</sup> In the same line, the American Alliance for Museums (AAM) clearly states that “*inclusion is*

<sup>523</sup> Kreuger 2021. See also <https://www.nytimes.com/spotlight/museums-special-section>.

<sup>524</sup> Evans & van der Linden 2020; ICOM 2020a; 2020b; See also <https://aaslh.org/10-ways-museums-can-connect/>; <https://eriksen.com/arts-culture/covid-19-programming-museums/>.

<sup>525</sup> Design & Creative Practice Platform 2020. See also Crooke 2020.

<sup>526</sup> Choi & Kim 2021, 5.

<sup>527</sup> Mackay 2021; Kreuger 2021.

<sup>528</sup> Crooke 2020, 308.

<sup>529</sup> <https://icom.museum/en/our-actions/museums-society/cultural-democracy-and-inclusion/>.

*central to the effectiveness and sustainability of museums” and “empowered, inclusive leadership is essential at all levels of an organization”.*<sup>530</sup>

Recent literature points out that the impact of ‘social inclusion theory’ has become increasingly prominent on the field of cultural heritage management. The meaning of ‘social inclusion’ and its antithetic term ‘social exclusion’ are diverse and broad.<sup>531</sup> Dodd and Sandell have sought to approach the diverse meanings of social inclusion as well as its application in the field of museums.<sup>532</sup> As is mentioned in this publication *“definitions of social inclusion are evolving and complex and that museums need to respond in ways that are appropriate to their own circumstances”.*<sup>533</sup> Sandell in his publications in the end of the 20<sup>th</sup> and the beginning of the 21<sup>st</sup> century highlighted the social roles and responsibilities of museums stressing the need for research in the field of museums and social inclusion, and calling for the measurement of the social changes as a result of museum’s influence.<sup>534</sup> He, therefore, stressed the need for *“a paradigmatic shift in the purpose and role of museums in society, and concomitant changes in working practices”* in order for museums to become effective agents for social inclusion.<sup>535</sup> Sandell designed a typology for socially inclusive museums in order to *“illustrate a change in museums – an increasing desire to make clear the museum’s social purpose and the value it provides in relation to addressing contemporary social issues”.*<sup>536</sup> This typology distinguishes three types of museums with different goals, methods and levels of transparency: *“the inclusive museum,” “the museum as agent of social regeneration” and “the museum as vehicle for broad social change”.*<sup>537</sup> According to Coleman, however, *“museums will be better equipped to fulfill their societal purpose if an application of this typology is enacted to define the level of social inclusivity and provide pathways for the measurement of social inclusion”.*<sup>538</sup>

As a response to the pluralistic and diverse societies, the Network of European Museum Organizations (NEMO) has published a supporting tool for museums (and other cultural institutions or sites) that intend to engage more with social inclusion and integration.<sup>539</sup> Taking as an example Germany, a society with a high level of immigration, it proposes to move towards *“participative museums that encourage involvement from all social groups and that understand integration as a two-way process”.*<sup>540</sup> The guide recommends strategies that museums and other cultural

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<sup>530</sup> Ivy 2018.

<sup>531</sup> For an overview of the definitions of the terms ‘social inclusion’ and ‘social exclusion’ see Davey & Gordon 2017, 1-3. See also GLLAM 2000, 11-12. For a definition of the term ‘inclusion’ see the AAM: <https://www.aam-us.org/programs/diversity-equity-accessibility-and-inclusion/facing-change-definitions/>.

<sup>532</sup> Dodd & Sandell 2001, 7-22.

<sup>533</sup> *Id.*, iv.

<sup>534</sup> Sandell 1998.

<sup>535</sup> Sandell 1998; 2003.

<sup>536</sup> Sandell 1998, 415.

<sup>537</sup> *Id.*, 416.

<sup>538</sup> Coleman 2015.

<sup>539</sup> NEMO 2016.

<sup>540</sup> *Id.*, 4.

institutions can follow concerning collecting (including conservation and research), exhibiting and outreach. Many museums around the world have taken on the commitment to get involved with programs of social inclusion.<sup>541</sup> However, there is still a lot of work that needs to be done. As Ng *et al.* point out, “*museum leaders must analyze their institutional compositions, identifying the gaps, and recruiting board members from local community organizations, businesses, and sectors to ensure that their team reflects the diversity of the communities in which they are situated*”.<sup>542</sup>

In addition, an interesting issue, which recent literature related to social inclusion highlights, is the lack of diversity at the leadership of museums and other cultural institutions or sites. According to Westermann, “*historically underrepresented minorities still lack a clear pathway toward leadership within museums*” (February 22, 2017).<sup>543</sup> As Jennings and Jones-Rizzi believe “*internal, systemic progress toward greater diversity in our museums is difficult if not impossible if there is not increased diversity at the top. We are referring not only to the upper management of individual museums but also to the leadership of our museum associations*”.<sup>544</sup> Finally, Taylor demonstrates “*how an organization can create sustainable internal change by providing learning opportunities for museum staff to acquire inclusive skills and develop inclusive attitudes and behaviors that in turn embed inclusion throughout the daily work of museums*”.<sup>545</sup>

### *Minorities and Indigenous Peoples cultural heritage*

Minority and indigenous peoples can have a sense of belonging, if their culture is represented in museum and other cultural institutions exhibitions, or if they can be involved as part of the staff. As Xanthaki, has pointed out “*the effective participation of minorities and indigenous peoples in the design of policies and practices that protect their cultures are important procedural guarantees for the protection of their rights more broadly*”.<sup>546</sup> She has recently argued, however, that there is a gap in the protection of the cultural heritage of minorities in the European Union, despite the fact that the latter recognizes cultural heritage of minorities and their contribution.<sup>547</sup> This is a result of the particular attention placed by the European Union on the common EU culture rather than on the cultures of the sub-national groups.

The United Nations Declaration on the Rights of Indigenous People clearly states that “*Indigenous peoples have the right to maintain, control, protect and develop their*

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<sup>541</sup> For an interesting example see the Museum Picasso: <https://www.blogmuseopicassobcn.org/2020/02/the-museum-as-a-tool-of-social-inclusion/?lang=en>.

<sup>542</sup> Ng *et al.* 2017.

<sup>543</sup> <https://aamd.org/for-the-media/press-release/mellon-foundation-to-fund-a-series-of-case-studies-on-diversity-to-guide>.

<sup>544</sup> Jennings & Jones-Rizzi 2017, 68.

<sup>545</sup> Taylor 2017.

<sup>546</sup> Xanthaki 2016, 26.

<sup>547</sup> Xanthaki 2019.

*cultural heritage, traditional knowledge and traditional cultural expressions*” and “*the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions*” (article 31.1). Furthermore, the declaration suggests that “*in conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights*” (article 31.2).<sup>548</sup> According to Carr-Locke, in the context of the role of modern museums and other cultural institutions this article of the declaration suggests that cultural heritage “*housed and presented in state-run museums should be managed in consultation with Indigenous people*”.<sup>549</sup>

In recent decades, the debate about the responsibility of museums to respect indigenous peoples’ rights is growing.<sup>550</sup> Presenting and managing Indigenous cultural heritage in museums has become a global issue. However, states such as Canada, the United States, Australia, New Zealand, and South Africa, are more active in this field.<sup>551</sup> In recent years indigenous peoples have been actively involved as key stakeholders in the management of their tangible and intangible cultural heritage. There is a growing amount of literature (monographs, collective volumes, articles, handbooks, dissertations, etc.) that explores curatorial practices and how indigenous communities are involved in creating museum exhibitions and managing their cultural heritage. Literature points out that the way museums and other cultural institutions or sites manage the cultural heritage of Indigenous peoples have great impact on public perception of Indigenous peoples and may influence governmental social policy.<sup>552</sup> As such, museums and other cultural institutions or sites can play a key role by promoting information about Indigenous peoples’ role in society.<sup>553</sup>

Some studies dealt with the ways in which Indigenous people run museums following the so-called ‘decolonizing’ methodologies in order to serve their agendas and present their culture.<sup>554</sup> Other studies focused on museums suggest that the representations of indigenous peoples’ cultural heritage is only one task among many others.<sup>555</sup> The former approach collaborations with Indigenous people as a decolonizing practice at these museums or a way to avoid many of the pitfalls associated with representing indigenous cultures, while the latter consider these complex relationships as part of ethical museum practice, which treats Indigenous stakeholders and their culture respectfully taking into account their input. Carr-Locke introduced the concept of “Indigenous museology” in order to describe “*the management and subsequent*

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<sup>548</sup> United Nations 2007, 22-23.

<sup>549</sup> Carr-Locke 2015, 3.

<sup>550</sup> See Kelly & Gordon 2002; Butts 2002.

<sup>551</sup> See <https://nagpra.umich.edu/>; <https://heritagebc.ca/resources/first-peoples-heritage/>; <https://www.environment.gov.au/heritage/about/indigenous-heritage/>; <https://www.aboriginalheritagecouncil.vic.gov.au/aboriginal-heritage/>; <https://www.aboriginalheritage.org/museum/>.

<sup>552</sup> See Davidson 2001. See also Carr-Locke 2015, 3.

<sup>553</sup> Simpson 2009; 2010.

<sup>554</sup> See Vermeylen & Pilcher 2009; Lonetree 2012; Perkins 2018, 6-7.

<sup>555</sup> Carr-Locke 2015.

*presentation of Indigenous heritage in museums through an examination of the process of collaboration and the content of the resulting museum exhibits”.*<sup>556</sup> Another important issue presented in the literature, is that museum with indigenous perspective can differentiate themselves from other tourist sites. As such, in parallel with the benefits that they provide to local communities, they also support cultural tourism.<sup>557</sup>

Many museums around the world have set out Indigenous Cultural Rights and Engagement Policy in order to guide how the organizations engage with Indigenous stakeholders. An interesting example is the National Museum of Australia, which set out a policy “*in response to the Museum’s commitment to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and recognition of Australia’s Indigenous people’s rights to their cultural heritage*”.<sup>558</sup>

### *Special Needs Groups (SNGs)*

A major issue in the literature concerning the social inclusion and museums (and other cultural institutions or sites) revolves around the cultural accessibility of Special Needs Groups. Although, SNG contains many categories, most of the literature emphasizes on the broad and diverse group of people with disabilities. A large number of articles and books deal with the study of the effects of learning and teaching programs in museums on children with special needs.<sup>559</sup> In addition, there is a growing literature dealing with the issue of the disability representation in museum sector.<sup>560</sup> According to Niciu, even today disability is not an integral part of museums, and it is important to understand why this happens and how it can change.<sup>561</sup> Another major issue in the relevant literature is the enhancement of visitors with disabilities experience through active involvement in programming and interactive exhibits. Many articles are placing particular attention on certain groups, such as the Autism Spectrum Disorder (ASD), Vision Impairments, etc.<sup>562</sup> Some studies are dealing with individual-centered design programs focusing on the individual<sup>563</sup> while some others are emphasizing on the implementation of technologies to create more accessible atmosphere for disabled persons.<sup>564</sup> More recently, important studies are dealing with how multisensory

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<sup>556</sup> *Id.*, 5-6.

<sup>557</sup> Perkins 2018, 2-3.

<sup>558</sup> <https://en.unesco.org/creativity/policy-monitoring-platform/national-museum-australias>.

<sup>559</sup> Baldino 2012; Antoniou *et al.* 2013; Deng 2015.

<sup>560</sup> For a literature review see Dodd *et al.* 2013.

<sup>561</sup> Niciu 2018.

<sup>562</sup> Tyler 2015.

<sup>563</sup> Freed-Brown 2010; Schwartz 2013.

<sup>564</sup> Langa *et al.* 2013; Clarke 2016; Garcia-Carrizosa *et al.* 2020. See also <https://www.artprocessors.net/articles/how-accessible-technology-can-improve-museum-experience-people-disabilities>; <http://www.artbeyondsight.org/dic/module-3-effective-communication-and-interacting-with-people-with-disabilities/adaptive-technologies-for-people-with-disabilities>; <https://www.nearit.com/nearit-supports-accessible-museums/>; <https://www.archimuse.com/mw2001/papers/kirk/kirk.html>.

museum experiences prompted the re-evaluation of physical access to museums' collections.<sup>565</sup> Lisney *et al.* article provides museums with a disabled person's point of view, which could help in inspiring improvements for the future.<sup>566</sup>

Finally, the most recent literature is discussing threats posed by the COVID-19 pandemic to the experience of disabled people given the fact the current situation creates new barriers to access museums and other cultural institutions or sites. These studies call museums and other cultural institutions or sites to “identify the long-term positive and negative effects of the pandemic on the physical and digital museum experience of disabled visitors”, stressing the need to work hard in order to ensure that “new embodied and digital practices become long-term opportunities to enhance accessibility and inclusion, rather than another insurmountable barrier for disabled people”.<sup>567</sup> The Museums Association published seven inclusive principles for supporting disabled people during COVID-19 pandemic (using the equality act, understanding the social model of disability, consulting disabled people, providing clear information, customer journey mapping, supporting disabled artists, and supporting disabled workers).<sup>568</sup>

## G. Conclusions

Over the coming years, museums, other cultural institutions and sites are called to successfully respond to the rapidly changing reality and act timely and effectively in such a manner and form so as to respond to their social role, responsibilities and the challenges arising. In this context, as shown by this chapter, it is of immense important for them to re-approach their relationship with their various audiences by offering them a truly immersive experience and by making themselves open and accessible to all. Museum and heritage sites should turn their attention to promote connections between people and heritage as well as to foster intercultural dialogue and understanding, sustainability and well-being. In this way, they will better harness the full potential of cultural heritage to support sustainable development. The secondary research points out that there is an increasing need for museums and heritage sites to understand the motivation, interests, barriers and wants of existing or potential audiences, to reach new audiences and to achieve greater visitor satisfaction. Audience development is the response to this need while museums and heritage sites have adopted this practice to place audience at the centre of their activity.

One of the proposed strategies enabling to reach this goal is democratization of knowledge and an inclusive and a people centered approach. Democratization, social

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<sup>565</sup> Ginley 2013; Levent *et al.* 2013; Levent & Pascual-Levone 2014; Classen 2017; Cicilia 2021b.

<sup>566</sup> Lisney *et al.* 2013.

<sup>567</sup> Cecilia 2021a. See also [https://massivart.com/news\\_post/the-future-of-accessible-and-inclusive-museums-during-post-covid-19/](https://massivart.com/news_post/the-future-of-accessible-and-inclusive-museums-during-post-covid-19/).

<sup>568</sup> For more see <https://www.museumsassociation.org/campaigns/advocacy/covid-19/seven-inclusive-principles-for-working-with-disabled-people-during-covid/>.

inclusion, and people centered approaches to cultural heritage should be further developed in the context of the ReInHerit project in order to ensure the relevance of cultural heritage to contemporary society. This should also be taken into account in the next phases of the project, especially those related to the development of the various tools that will comprise the ReInHerit innovative Toolkit (WP3 - ReInHerit Toolkit), the creation of an innovative Digital Hub (WP4 - Digital Hub), and the organization of the Digital & Travelling Exhibition (WP6 - Pilot Phase tested through Digital & Travelling Exhibition).

Taking into consideration all the discussed above, the ReInHerit research identified young people, local communities and cultural tourists, as key categories of audiences<sup>569</sup>. Engaging them is a complex process given the fact that there are major diversities in motivation, interests, barriers, experiences, and needs. Furthermore, technological achievements and the recent COVID-19 pandemic changed audience behavior, and this change requires new policies that meet these needs. The common line for all categories is the urgent requirement to achieve relevance, active participation, and cocreation in Cultural Heritage Management.

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<sup>569</sup> For specific recommendations on how to reach different types of audience based on the primary and secondary research of the ReInHerit project see D2.6: A sustainable model of CH management state of the art report (Chapter 2: Communication between CH professionals and their various audiences)

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## 6. Environmental Concerns and Climate Change

### A. Introduction

The aim of this chapter is to highlight how the cultural heritage sector deals with important issues that are related to climate and environmental concerns. It illustrates the response of the cultural heritage sector to the evolving environmental emergency pointing out that cultural heritage institutions are now encouraged to play a leading role globally acting as agents of positive change. The chapter presents innovative sustainability and climate action practices that can be integrated into various aspects of museums, other cultural institutions and sites work. It stresses the need for the creation of networks of communication that facilitate the museums, cultural institutions and sites to expand and refine their climate work. Furthermore, it highlights the importance of energy management in museums and other cultural institutions, which should operate in a more ‘eco-conscious’ manner. Central to this discussion is the concept of ‘energy efficient’, ‘sustainable’ or ‘green’ museums. Finally, the chapter places emphasis on the impact of climate change on monuments, archaeological sites and historical buildings. It aims to assist professionals in the challenge they face in their climate action based on the state-of-the-art literature in the area. It also aims to facilitate the ReInHerit consortium to adopt a Green strategy which will strengthen the quality of the environmental assessment procedure, align that procedure with the principles of smart regulation, and enhance coherence and synergies with EU legislation and policies.

### B. Cultural sector and climate change

In the previous chapters of this literature review, we dealt with various issues related to the social role of museums, cultural institutions and sites. Further to this discussion, the most recent literature points out the responsibility of these institutions to consider climate change as a crucial issue of their commitment towards society and to support improved solutions and new approaches for environmental sustainability.<sup>570</sup>

Sustainable development, climate change, environmental pollution, sustainable water management, etc., are crucial and complex environmental issues that the international community is addressing given their social and economic dimensions. Modern world is currently facing a climate crisis and a pandemic which are radically changing human lifeways and ecosystems. The EU recognized climate change as an emergency in November 2019, which makes it a systemic problem that needs to be addressed in all

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<sup>570</sup> Hebda 2007; Adger 2013; Janes 2015; Sutton *et al.* 2017; Newell *et al.* 2017; Dorfman 2018; Sutton 2018; Styx 2020. See also F. Adorno’s “Stronger Than the Storm: Museums in the Age of Climate Change”: <https://westmuse.org/articles/stronger-storm-museums-age-climate-change>.

sectors. The European Parliament “*approved a resolution declaring a climate and environmental emergency in Europe and globally*”.<sup>571</sup>

A landmark on efforts to tackle evolving climate change is *the Paris Agreement* which was signed in 2016 within the United Nations Framework Convention on Climate Change (UNFCCC).<sup>572</sup> The agreement sets out a global framework to avoid dangerous climate change. The article 12 of the Agreement states that “*parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement*”.<sup>573</sup> Since the sign of the Agreement, there is an ongoing global discussion concerning how the museums’ sector can contribute to *the Paris Agreement* building on these six elements, i.e. education, training, public awareness, public access to information, public participation and international co-operation. Many scholars and professionals have supported the view that museums and other cultural institutions and sites have a lot to offer to help humanity meet the challenge of climate change.<sup>574</sup> According to McGhie “*this package of activity is referred to informally as Action for Climate Empowerment, or ACE*”.<sup>575</sup>

Literature has identified the slow response of museums, cultural institutions and sites to the evolving climate emergency. As many studies highlight, museums became less neutral on issues related to environmental concerns and climate change only during the last decade.<sup>576</sup> Some researchers believe that cultural sector’s climate action is still a potential rather than a reality.<sup>577</sup> As Sutton *et al.* have pointed out in a recently published article “*museums flirt extensively with ideas of environment and climate rather than*

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<sup>571</sup> European Parliament, 28/11/2019, para. 01: [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0078\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0078_EN.html).

<sup>572</sup> For *the Paris Agreement* see: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>.

<sup>573</sup> For the article 12 of the Paris Agreement see: [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf). These are also the six elements of Article 6 of the original United Nations Framework Convention on Climate Change: <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change> ; [https://unfccc.int/files/essential\\_background/background\\_publications\\_htmlpdf/application/pdf/convention.pdf](https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/convention.pdf).

<sup>574</sup> Sutton 2017; McGhie 2018; 2020b; See also <https://www.mocc.cuhk.edu.hk/en-gb/news/2021/742-sdg-forum-series-green-museums-and-the-paris-agreement> ; <https://www.amnh.org/calendar/paris-agreement>.

<sup>575</sup> McGhie 2020b. In the context of the Doha Work Programme, a programme of activity to support ACE ran from 2012-20, survey run to gather views from museums and museum workers on how they have been working with the six elements of the *Action for Climate Empowerment*. For more about the Doha Work Programme see <https://unfccc.int/sites/default/files/528.pdf> ; <https://unfccc.int/resource/docs/2012/sbi/eng/147.pdf> ; <https://www.youthpolicy.org/blog/sustainability/article-6-a-double-win-for-young-people/>.

<sup>576</sup> As has been suggested a ‘neutral’ approach presents a false choice. See Janes 2015; Lyons & Economopoulos 2015; Decker 2020, 2; Sutton 2020, 7-8.

<sup>577</sup> Janes & Sandell 2019; Newell *et al.* 2019.

*truly engaging with them*".<sup>578</sup> This does not alter the fact that a growing number of museums and other cultural institutions around the world have already successfully responded to the challenge of climate change. As Sutton suggests "*the bright spots in our universe of museums-and-climate-action can and should inspire every other museum to embrace climate change in exhibits, public education and engagement, as well as operations and research, as valuable practice for their wellbeing and that of their communities*".<sup>579</sup>

Museums, cultural institutions and sites are now encouraged to play the key role of change makers and leaders globally in order to better respond to the change that confronts the communities they serve. They are called not only to be relevant to the visitor and their interests, but also to be relevant participants in the world.<sup>580</sup> As has been suggested, "*as climate change will impact everywhere and all aspects of life, all museums are relevant to climate change, and climate change is relevant to all museums*".<sup>581</sup> It is important to become socially engaged spaces in their communities acting as agents of positive change. According to Decker, "*this may be the last chance for museums to earn the trust of their audiences on the key issues of our day: climate, racial justice, systemic change*".<sup>582</sup>

Until recently, the International Council of Museums (ICOM) was absent from global discussion on climate change<sup>583</sup> despite the fact that the Committee for Conservation (ICOM - CC) has published in 2014 the following environmental guidelines concerning the sustainability and management of museums and other cultural institutions:

- "*The issue of museum sustainability is much broader than the discussion on environmental standards, and needs to be a key underlying criterion of future principles.*
- *Museums and collecting institutions should seek to reduce their carbon footprint and environmental impact to mitigate climate change, by reducing their energy use and examining alternative renewable energy sources.*
- *Care of collections should be achieved in a way that does not assume air conditioning (HVAC). Passive methods, simple technology that is easy to maintain, air circulation and lower energy solutions should be considered.*
- *Risk management should be embedded in museum management processes*".<sup>584</sup>

According to Sutton, the full range of museum types across the world (arts and humanities museums, science and natural history museums, children's and nature museums, archaeological and historical museums, etc.) has an important role to play

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<sup>578</sup> Sutton *et al.* 2017, 153.

<sup>579</sup> Sutton 2020, 1.

<sup>580</sup> See Lyons & Bosworth 2019, 177.

<sup>581</sup> <https://curatingtomorrow236646048.wordpress.com/2020/09/01/how-have-museums-been-contributing-to-the-paris-agreement/>.

<sup>582</sup> Decker 2020, 2.

<sup>583</sup> Sutton 2018.

<sup>584</sup> See "Environmental Guidelines ICOM-CC and IIC Declaration": <http://www.icom-cc.org/332/-icom-cc-documents/declaration-on-environmental-guidelines/#.YNxPKugzbIV>.

concerning climate action.<sup>585</sup> Literature presents the following crucial roles that museums, cultural institutions and sites, as trusted bodies, can play in their communities:<sup>586</sup>

- provide trusted information and knowledge
- present lessons from the past
- navigate the presence
- pose questions about the future
- provide inspiration for the future
- take step to close the gap between climate change and climate justice
- build concern and empathy for people, cultures, places and wildlife beyond where people live themselves, and support them to make and take personal and local actions for a sustainable future
- bring together the public, policy workers, researchers and others, to shape and implement locally relevant and effective strategies and plans for climate change mitigation and adaptation

The most recent literature suggests that sustainability and climate action practices can be integrated into various aspects of museums, other cultural institutions and sites work. Some of these innovative ways are the following:<sup>587</sup>

- Adopt a broader view founded on realistic thinking. As Janes argues they should become “*more involved in the broader world by embracing a sense of urgency and seeing things as they really are in terms of the challenges to our collective well-being*”.<sup>588</sup>
- Disseminate a culture of sustainability, climate change and environmental justice. Museums, cultural institutions and sites as educational bodies can include in their mission to convey the important message of environmental concerns in order to inspire people and activate individual and collective agency. They can raise awareness and practices responses that can be useful not only on local but also on global scale. They can help local communities in particular to understand the impact of climate change on their lives. The

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<sup>585</sup> Sutton 2020, 1.

<sup>586</sup> Decker 2020, 2; Sutton 2020; McGhie 2020b; See also the results of the *Hot Science, Global Citizens: the agency of the museum sector in climate change interventions*, a project “*that interrogated the roles of museums and science centers in climate change as places to provide information, activate and broker discussions, and decisions around climate change issues, locally and transnationally*”: Cameron *et al.* 2013.

<sup>587</sup> Cameron *et al.* 2013; Janes 2015; Sutton *et al.* 2017; Sutton 2017; 2018; 2020; Decker 2020; Styx 2020. See also F. Adorno’s “Stronger Than the Storm: Museums in the Age of Climate Change”: <https://westmuse.org/articles/stronger-storm-museums-age-climate-change>. See also H. Jennings’ “Connecting with communities around environmental concerns”: <https://happymuseumproject.org/connecting-with-communities-around-environmental-concerns/> ; National Museums Directors’ Conference (NMDC), “NMDC Guiding Principles for Reducing Museums’ Carbon Footprint”: [https://www.nationalmuseums.org.uk/media/documents/what\\_we\\_do\\_documents/guiding\\_principles\\_reducing\\_carbon\\_footprint.pdf](https://www.nationalmuseums.org.uk/media/documents/what_we_do_documents/guiding_principles_reducing_carbon_footprint.pdf).

<sup>588</sup> Janes 2015, 7.

intensity of the message depends on the specific features of each museum, cultural institution and site (type, size, collection, funding support, etc.).

- Create collections, exhibitions, and education programs as well as undertake a variety of campaigns and community engagement activities (e.g., indigenous and traditional populations). These activities can be used as a vehicle to:
  - raise awareness
  - inspire climate action
  - build and share knowledge about human impacts on environment and climate as well as teach skills
  - co-create positive responses
  - foster community discussions that help communities craft better carbon-reducing approaches for energy, water, waste, and infrastructure
  - help local communities plan to become more climate-resilient
- Find new ways of telling the story of their locals, their places and people. These stories should be in context with what modern world knows and experience today.
- Redefine and expand their definition of knowledge. They need to exploit local and indigenous people's understanding, skills and philosophies that have been developed during their long interaction with their natural environment. This, on the one hand, will facilitate museums, cultural institutions and sites to inform decision-making about environmental issues. On the other hand, will help them to achieve, what has already been discussed in the previous chapter, i.e., the local communities' engagement.
- Engage artists and designers in order to find more creative responses to climate crisis and propose solutions for how humanity might shape the future.
- Conduct climate related research (community-based for action, audience-focused for heightened awareness and engagement, or technologically innovative for problem solving).
- Reduce energy consumption. Determine institution's annual carbon footprint.
- Arrange for an energy audit from their utility.
- Stop promoting single-use plastics and select goods and materials with low environmental and climate impacts.

In the International Symposium on Museums and Climate Change held April 10-13 2018 in Manchester (UK) some museum professionals reported that they felt isolated or undervalued in their climate work.<sup>589</sup> This conference brought to the forefront the need for the creation of networks of communication that facilitate the museums, cultural institutions and sites to expand and refine their climate work.<sup>590</sup> Museums and museum workers are in need of support to build knowledge, confidence and networks.<sup>591</sup> It is,

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<sup>589</sup> For this conference see Sutton 2018 and <https://www.museumsforclimateaction.org/mobilise/book>. See also Sutton 2020, 12-13. See also McGhie 2018.

<sup>590</sup> Sutton 2018.

<sup>591</sup> For synergies with green policies, practices, and networks see Brophy & Wylie 2013.

therefore, important for museums, cultural institutions and sites to know ‘who’ and ‘how’ can help them to learn and move forward. A growing number of networks are strengthening museums’ and other cultural institutions’ contributions towards climate change education and action:

- The Museums and Climate Change Network (Australia)<sup>592</sup>
- The Coalition of Museums for Climate Justice (Canada)<sup>593</sup>
- We Are Still In (United States)<sup>594</sup>

The creation of similar network for European museums will definitely facilitate their role in building public awareness, mitigation and resilience in the face of climate change.

Given the fact that individually museums cannot accomplish significant change, Sutton *et al.* call “museums, historic sites, zoos, gardens, parks, and aquariums to join or create cooperative efforts for significant, scaling impact that curtails – and wherever possible, eliminates – human contributions to global climate change”.<sup>595</sup> In this context, literature stresses the need for the establishment of common standards. According to Sutton, although there are good efforts to establish shared approaches, none has resulted in significant change.<sup>596</sup> These efforts are the following:

- the *Sustainable Development Guide for Canada’s Museums* of the Canadian Museums Association<sup>597</sup>
- the *Green Museums Initiative* of the California Association of Museums<sup>598</sup>
- the *Sustainability and museums: Your chance to make a difference* of the Museums Association (United Kingdom)<sup>599</sup>
- the *Museums and Sustainability Policy for 2003–2012* of the Australian Museums and Galleries Association<sup>600</sup>
- the Environment and Climate Network of the American Alliance of Museums<sup>601</sup>

A further step was taken in 2019 at the ICOM conference in Kyoto. The membership overwhelmingly supported a resolution ‘On Sustainability and the Implementation of

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<sup>592</sup> <https://mccnetwork.org/about-us>.

<sup>593</sup> <https://cmcj.ca/about/#about>.

<sup>594</sup> <https://www.wearestillin.com/we-are-still-declaration>. According to Sutton: “this is a coalition of U.S. organizations that are committed to supporting the Paris agreement and its goals, regardless of the nation’s official relationship with the Agreement”: 2020, 12.

<sup>595</sup> Sutton *et al.* 2017, 170. See also Environment and Culture Partners: <https://sustainablemuseums.net/>. It creates “relationships and leads collaborations that blend the cultural sector with broader climate action” and “projects and partnerships among leaders and innovators, providing intellectual and strategic support as cultural institutions plan to create change and thrive in the process”.

<sup>596</sup> Sutton 2020, 12-13.

<sup>597</sup> <https://www.museums.ca/client/document/documents.html?categoryId=361>.

<sup>598</sup> <https://www.calmuseums.org/GreenMuseumsInitiative>.

<sup>599</sup> [https://www.museumsassociation.org/app/uploads/2020/06/sustainability\\_web\\_final.pdf](https://www.museumsassociation.org/app/uploads/2020/06/sustainability_web_final.pdf).

<sup>600</sup> [https://www.amaga.org.au/sites/default/files/uploaded-content/website-content/About\\_Us/museums\\_and\\_sustainability\\_policy\\_2003-2012.pdf](https://www.amaga.org.au/sites/default/files/uploaded-content/website-content/About_Us/museums_and_sustainability_policy_2003-2012.pdf).

<sup>601</sup> McGraw 2013.

Agenda 2030, Transforming Our World’, drafted by the Sustainability Working Group and proposed by ICOM Norway and ICOM UK. The resolution aligns museums’ work with the United National Sustainable Development Goals (SDGs). These goals are “*an amazing opportunity for museums, museum workers and museum networks, and if they seize this opportunity, they will benefit greatly from playing their part in this ambitious agenda*”.<sup>602</sup> According to Sutton, “*these 17 goals address climate mitigation approaches and areas of concern, providing a roadmap for museums’ participation in broader climate action. This is significant as the field appears to have made some important changes in operations and practices, but has stopped short of making similar changes on public-facing actions*”.<sup>603</sup>

### C. Green museums, other cultural institutions and sites

Furthermore, recent studies have indicated the importance of energy management in museums and other cultural institutions which should operate in a more ‘eco-conscious’ manner.<sup>604</sup> Central to this discussion is the concept of ‘energy efficient’, ‘sustainable’ or ‘green’ museums.<sup>605</sup> Museums and other cultural institutions are encouraged “*to reconcile old behaviors and new opportunities showing the field what good green work is already happening*”.<sup>606</sup>

As pointed out, most existing museums and other cultural institutions buildings are not energy efficient therefore not sustainable.<sup>607</sup> According to Lee, “*museums possess many building characteristics different from other public assembly buildings such as performance halls, convention centers or libraries*”.<sup>608</sup> Due to their high performance standards and their architectural and structural features, they present high energy demands in heating, cooling, ventilation and lighting while temperature and humidity must be strictly controlled.<sup>609</sup> In the context of sustainable development and climate change measures, Faheem and Abduraheem suggest that improving the energy efficiency and sustainability of existing museums building should be a key priority.<sup>610</sup>

Some challenges that museums and other cultural institutions face are the following:

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<sup>602</sup> McGhie 2020a.

<sup>603</sup> Sutton 2020, 12.

<sup>604</sup> Sala & Gallo 2007; Mueller 2013; Brophy & Wylie 2013; Luocchi 2018; Sharanya *et al.* 2018; Faheem & Abduraheem 2021.

<sup>605</sup> For a definition of green building, site and operations see Brophy & Wylie 2013, chapter ‘What Makes Buildings, Sites, and Operations Green’. See also Mueller 2013; Sharanya *et al.* 2018.

<sup>606</sup> Brophy & Wylie 2013. See also the Green Museum Initiative (GMI) which “*was established by the California Association of Museums (CAM) Board of Directors in 2006. Its mission is to inspire California museums to develop green business practices, eco-friendly facility management, and sustainable programming*.”: <https://www.calmuseums.org/GreenMuseumsInitiative>.

<sup>607</sup> Faheem & Abduraheem 2021.

<sup>608</sup> Lee 2017.

<sup>609</sup> Mueller 2013; Lucchi 2018.

<sup>610</sup> Faheem & Abduraheem 2021.

- *“Museums may not have adequate facility staff or the budget to handle aging infrastructure or deferred maintenance.*
- *Not all museum staff may be aware of the benefits of energy and water efficiency.*
- *Lack of building systems zoning control may point to degrees of waste.*
- *Unexpected visitor surge could add burden to systems designed for different parameters.*
- *Due to collection care requirements, many museums need to maintain a regulated range of temperature and humidity around the clock.*
- *Energy efficient, quality artificial lighting and daylighting inside galleries and public areas are moving beyond nascent practices.*
- *Green tenant leases could help overall performance”.*<sup>611</sup>

The literature lists the following activities that facilitate museums and other cultural institutions to focus on managing their operations and collections in energy efficient and sustainable ways as well as on building sustainability into their long-term plans:<sup>612</sup>

- Good ventilation.
- Lights, unnecessary computers, printers, and laboratory equipment should be turned off overnight and when not in use during the day.
- Replace dead light bulbs with energy-efficient alternatives in needed places. Use also natural light.
- Use air-conditioning less.
- All printers should be default set to print on both sides of the paper and reuse paper when possible.
- Increase electronic communication.
- Institution should regularly conduct an energy audit. The energy audit should be regularly analyzed to determine the carbon footprint of conservation activities. As a respond to the energy audit recommendations the museums can set an action plan.
- Rinsing treatments should be revised to assess water flow, duration, and potential for reuse of rinse water. Use sensors and low-flow fixtures for fixtures, gray and black water reuse practices, and rainwater harvesting.
- Temperature settings should accord to human comfort.
- Environmental standards for collections should be reviewed to identify potential energy savings.
- Timers or motion sensors for lights should be placed where possible.
- Adaptations should be made to the building to reduce energy loss, such as insulation and draft reduction.
- Alternative sources of green energy production and heat generation should be regularly investigated. Utilize green materials and technologies.

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<sup>611</sup> Lee 2017.

<sup>612</sup> See D. Martin’s, “Sustainability Checklist” (Museums Association), <http://www.museumsassociation.org/sustainability/sustainability-practice>; De Silva & Henderson 2011; Brophy & Wylie 2013; Faheem & Abduraheem 2021.

The current trend in the literature for the design and construction of new museum buildings is to find the balance between high quality construction and low environmental impact.<sup>613</sup> It is important for new cultural institutions to be able to combine material and processes to maximize efficiencies, resilience and savings (thermal control, light control, water management, etc.).

Museums and other cultural institutions are requested to adhere to environmental certification systems, such as Leadership in Energy and Environmental Design (LEED), BREEAM (Building Research Establishment Environmental Assessment Method), etc., in order to lowering their impacts on the environment.<sup>614</sup> According to the LEED project dataset, the number of museums around the world that have earned LEED green building certification or have registered to go green is growing.<sup>615</sup> As Sutton notes, “*LEED’s energy efficiency expectations include a museum category, but the field lacks a clear path for sector benchmarking*”.<sup>616</sup>

In the EU and the United Kingdom, where funding for culture is dominated by governmental sources, political leadership has either expectations or requirements that institutions manage their energy use for climate impact mitigation. Museums and other cultural institutions are required to publish their annual energy scorecards. According to Sutton, “*museums everywhere would do well to follow the European model of requiring action while providing funds and technical support for achieving results that benefit institutional missions and global emissions*”.<sup>617</sup>

#### D. Cultural sites, conservation and climate change

In addition, literature places emphasis on the impacts of climate change on monuments, archaeological sites and historical buildings. Climate change has been identified as a major risk for any cultural heritage site around the world. Due to the climate crisis the vulnerability of these sites to climate changes has been increased. They present major threats to their value, integrity and authenticity. Literature stresses the need to understand, monitor and respond better to climate change threats to cultural heritage sites.<sup>618</sup> A set of actions are required to increase the resilience of cultural and natural heritage sites. In this line, the *Policy document on the impacts of climate change on World Heritage properties*, adopted by the 16<sup>th</sup> General Assembly of States Parties to the World Heritage Convention, “*touches on synergies between conventions on the issue, identification of future research needs in this area, legal questions on the role of*

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<sup>613</sup> Sharanya *et al.* 2018. See also Mueller 2013.

<sup>614</sup> For recent examples of museums that have successfully lower their impact on the environment see Sutton 2020, 3.

<sup>615</sup> For more see <https://www.buildup.eu/en/explore/links/leadership-energy-and-environmental-design-leed-0>. See also Sutton Lee 2015; 2020, 3-4; Faheem & Abduraheem 2021.

<sup>616</sup> Sutton 2020, 3.

<sup>617</sup> *Id.*, 5.

<sup>618</sup> For World Heritage Sites see UNEP & UNESCO 2016.

*the World Heritage Convention with regard to suitable responses to Climate Change, and linkages to other UN and international bodies dealing with the issues of climate change*".<sup>619</sup> The 2006 Strategy to Assist States Parties to the Convention to Implement Appropriate Management Responses is also helpful.<sup>620</sup>

The *Manual for cultural heritage managers containing mitigation and adaptation strategies to face up future climate change pressures* of Interreg offers managerial and technical recommendations for protection of cultural heritage in a changing environment.<sup>621</sup> Additional recommendations are also provided by the report of the United Nations Environment Programme (UNEP) and the United Nations Education Scientific and Cultural Organization (UNESCO) entitled *World Heritage and Tourism in a Changing Climate*.<sup>622</sup>

Finally, taking into consideration that conservation practices, like many other human activities, could have some negative environmental consequences, literature also supports actions for conservators to increase their environmental sustainability in the form of benchmarks. Article 9 of the European Confederation of Conservator–Restorer Organisation (ECCO) Professional Guidelines (II) indicates that the conservator-restorer “*should also be compatible with the materials of the cultural heritage and be as easily and completely reversible as possible*”.<sup>623</sup> According to De Silva and Henderson, “*to fulfill sustainability goals, changes in both the application of conservation and the mentality of conservators is required*”.<sup>624</sup> They have proposed the following environmentally sustainable benchmarks in collections care:<sup>625</sup>

- *“compliance with regulations, targets and best practice*
- *waste management*
- *sustainable procurement*
- *energy management and use of other natural resources*
- *pollution management*
- *staff involvement*
- *visitor involvement and communication*
- *review of the success of sustainability efforts”*

To conclude, literature suggests that the sustainable museums, cultural institutions and sites of the 21<sup>st</sup> century should be energy-efficient, sustainably managed, and raise public awareness of environmental issues and climate change. According to the Ki Book: “*Social sustainability is all about people: their relationships with each other and the environment. It’s about taking a people centered approach, caring for others,*

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<sup>619</sup> <https://whc.unesco.org/en/news/441> ; <https://whc.unesco.org/en/climatechange/>.

<sup>620</sup> <https://whc.unesco.org/document/6671>.

<sup>621</sup> Bonazza *et al.* 2018.

<sup>622</sup> UNEP & UNESCO 2016, 27-32.

<sup>623</sup> [http://www.ecco-eu.org/fileadmin/user\\_upload/ECCO\\_professional\\_guidelines\\_II.pdf](http://www.ecco-eu.org/fileadmin/user_upload/ECCO_professional_guidelines_II.pdf).

<sup>624</sup> De Silva & Henderson 2011, 5-6.

<sup>625</sup> *Id.*, 8-13. See also Brophy & Wylie 2013.

*considering a multitude of interconnected perspectives, and creating an equitable future for everyone. Ethics and morals are central to social sustainability, and the process of becoming socially sustainable requires us to advocate for empathy, accountability, and solidarity”.*<sup>626</sup>

## E. Conclusions

The information discussed above seems more relevant now, as humanity faces a new energy and cost of living crisis that followed the war in Ukraine (2022). As far as the cultural heritage sector is concerned, this new challenge tends to be even worse than the COVID-19 pandemic. Once again, the cultural heritage sector is on crisis mode. Most of the museums and heritage sites have high fixed energy cost around collection care, while at the same time they have to manage energy inefficient buildings or open spaces. This makes them extremely vulnerable to unprecedented cost increases following a period of declining revenues during the pandemic. Cultural heritage professionals currently feel that they have limited options and guidance to address this challenge.<sup>627</sup> As a result, many museums and heritage sites will not be able to keep their doors open for at least a few days a week in order to save on energy costs.

Tackling this energy and climate crisis is a global challenge that requires immediate action and a radical and urgent approach in the context of Cultural Heritage Management. There is a need for cultural heritage professionals to find sustainable funding to pay their energy bills, to revisit and adapt environmental plans, to reduce energy consumption, to improve sustainability of their buildings, to find alternative energy sources and to have guidance on how to address the energy and cost of living crisis. As such, the ReInHerit project should present realistic ideas on how the whole heritage sector will face this challenge by showing resilience.<sup>628</sup> As stated in the DoA (part B, p.7), with regard to the Climate and Environmental Emergency, the ReInHerit project proposes “*to move beyond the concept of digital preservation sustainability (integrity of digital assets in a fiscally responsible way) to the concept of environmental digital sustainability*”. The next phases of the project should build on this by using the useful material provided by this chapter in order to facilitate museums and heritage sites to expand and improve their sustainability and climate (neutral) work.<sup>629</sup> The Digital

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<sup>626</sup> Ki Book 2021, 7.

<sup>627</sup> <https://adventure.com/energy-crisis-threatens-public-institutions/> ; <https://www.museumsassociation.org/museums-journal/news/2022/08/spiralling-energy-costs-leave-museums-facing-a-bleak-winter/> ; <https://www.museumsassociation.org/museums-journal/news/2022/08/plea-for-government-support-for-museums-as-cost-of-living-impacts-grow/>.

<sup>628</sup> Recently recommendations published by the German Museums Association including general recommendations, museum-specific suggestions, and concrete tips for energy, heating and lighting. For more see <https://www.ne-mo.org/news/article/nemo/energy-savings-recommendations-for-museums.html>.

<sup>629</sup> As part of D2.4: Focus Groups Report Phase II and D3.1: National Surveys Report further research/discussion with professionals on how this can be conducted in 4.0 Industry and how we can develop our outputs for this end was carried out.

Hub that will host a variety of digital content (WP4), the e-shop that can facilitate museums to increase their income, a training course on how to use the digital tools (WP3), a webinar on how to design an environmental policy and plan (WP3), the development of strategies and tools for a sustainable smart tourism (WP7) and the presentation of best practices on alternative energy sources (WP5) constitute important steps to this direction. Furthermore, the development of hub for professionals within the ReInHerit's platform will enable meaningful exchanges of knowledge, experiences and best practices on how to address energy crisis in the context of Cultural Heritage Management.

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## 7. New ‘Business’ Models and Financing

### A. Introduction

The aim of this chapter is to deal with issues related to new ‘business’ models and financing in the cultural sector. More specifically, it offers an overview of the literature related to ‘business models’, ‘digital business model’ and ‘business model innovation’ in the cultural heritage sector. It identifies some major challenges that museums, other cultural institutions and sites are facing in shaping sustainable business models. This chapter discusses the impetus to invent new digital business models as a result of the trend towards the use of digital technologies in the cultural heritage sector. It also deals with the current issue of the relationship between museums, NFTs and blockchain technology. The chapter aims to assist the ReInHerit consortium in achieving project’s objective to foster museums and heritage sites to implement co-creation processes, seek the participation of other social agents, such as public institutions, the business sector and different community groups, in order to ensure their sustainable development. Through the ReInHerit ecosystem cultural heritage organizations (small and medium size or those suffering from budget cuts), which are key players in the realization of cultural industries growth, will be provided with support (Cultural Hackathon, webinars, onsite training, Digital Hub, e-shop) to increase their capabilities and cooperation; and will be helped them to deal with the increasing precariousness of the professional heritage sector.

### B. New ‘Business’ Models and Financing

In recent decades a series of parameters, such as the global financial crisis and the current COVID-19 pandemic, has resulted in considerable cuts of private or public funding and support for museums, other cultural institutions and sites. In this context, both cultural activities and cultural consumption have been reduced. To deal with this situation, the entire cultural sector has found itself in the challenging position of exploring new ways of management and financing as a way to reduce its dependence on public grants.<sup>630</sup> In recent years, the need for finding new business models and funding systems becomes more urgent. Given the fact that challenges will become greater in the coming years, museums, other cultural institutions and sites are called to develop new behaviors in order to achieve sustainability and resilience. They are encouraged to rethink and explore new ways of how they can operate and create value as well as how they can enhance and transform the way they are managed.<sup>631</sup> According to Schiuma *et al.*, “*it is widely recognised of the importance to better understand and*

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<sup>630</sup> Especially in Europe, where many museums, other cultural institutions and sites are heavily dependent on the public funding. See also Rodriguez 2016, 8.

<sup>631</sup> Schiuma *et al.* 2016, 10; Nikiel 2019, 124.

*support business model management and innovation of cultural organisations in order to make their value creation capacity more sustainable and impactful”.*<sup>632</sup>

In the literature related to business management the concept of ‘business models’ is crucial. Business models are a complex, multi-dimensional and constantly evolving concept. There isn’t still a clear and a widely accepted definition of the term ‘business models’.<sup>633</sup> Different authors with different perspectives have proposed a wide range of definitions for this term. As a result, business models have been considered as a statement, a description, a representation, an architecture, a conceptual tool, a model, a structure template, a method, a pattern, and a set.<sup>634</sup> For example, according to Amit and Zott, business models are “*the content, structure, and governance of transactions designed so as to create value through the exploitation of business opportunities*” and “*a system of interdependent activities that transcends the focal firm and spans its boundaries*”.<sup>635</sup> Osterwalder *et al.* defines business model as a “*conceptual tool that contains a set of elements and their relationships and allows expressing the business logic of a specific firm*”.<sup>636</sup> Johnson *et al.* has identified the main four elements of the business model, i.e. customer value proposition, profit formula, key resource and key process.<sup>637</sup> Li in his recent article points out that many previous studies have placed particular emphasis on the notion of value in business models, such as value creation, value capture, whilst he stressed the need for value sensing and value distribution.<sup>638</sup> Despite diversity in the definition of business models, it is widely accepted that their main purpose is to create and deliver value to customer.<sup>639</sup> According to Teece (and if we were to apply this theory to cultural institutions), the aim of business models is to provide a structure and framework on which institutions could create and deliver value to the visitor, attract visitors to ‘pay’ for this value (or we argue ‘engage’) and convert those ‘payments’ (or ‘engagements’) to profit (or benefit).<sup>640</sup>

In recent decades the growing use of digital technologies in products and services has brought to the forefront the concepts of ‘digital business model’ and ‘business model innovation’. According to Russo-Spena *et al.*, “*as technology evolves, both researchers and policymakers must deal with rapid changes in the development of business models*”.<sup>641</sup> Recent publications have focused on the investigation of the business models in the digital transformation era as well as the ways in which new technologies

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<sup>632</sup> Schiuma *et al.* 2016, 10.

<sup>633</sup> See also Rodriguez 2016, 12-13.

<sup>634</sup> It is beyond the scope of this literature review to provide an exhaustive discussion concerning the various definitions of business models. Recent studies have offered detailed literature reviews on the studies related to business models: See Massa *et al.* 2017; Nikiel 2019, 125-128; Li 2020; Russo-Spena *et al.* 2021, 41-43. See also Müller *et al.* 2011; Shafer *et al.* 2005.

<sup>635</sup> Amit & Zott 2001, 216.

<sup>636</sup> Osterwalder *et al.* 2005, 3.

<sup>637</sup> Johnson *et al.* 2005.

<sup>638</sup> Li 2020.

<sup>639</sup> Schiuma *et al.* 2016, 11.

<sup>640</sup> Teece 2010. What is into parentheses, is our interpretation of Teece’s theory.

<sup>641</sup> Russo-Spena *et al.* 2021, 39.

can favour the emergence of new business models.<sup>642</sup> It is widely accepted that digital business models are relevant to enterprises operating in the internet, or, more broadly, using ICT technologies, which support more fruitful business collaborations, and create added value.<sup>643</sup> According to Massa & Tucci, business model innovation is “*the activity of designing — i.e., creating, implementing and validating — a new BM and suggest that the process of [Business Model Innovation] BMI differs if an existing BM is already in place vis-à-vis when it is not*”.<sup>644</sup> A novel business model applies mostly in newly forming organizations while a reconfigured business model is a shift with different degrees of novelty, from an existing model to a new one.<sup>645</sup>

Researchers have suggested different components for a business model based on their own perception and definition of the term.<sup>646</sup> One of the most popular, especially in the cultural sector, is the Business Model Canvas proposed by Osterwalder and Pigneur.<sup>647</sup> It is a strategic management tool used for developing new business models and documenting existing ones. It consists of nine building blocks, i.e., Customer Segment, Value Proposition, Channel, Customer Relationships, Revenue Streams, Key Activities, Key Resources, Key Partners, and Cost Structure. Using this canvas facilitates companies to have insights about the customers they serve, what value propositions are offered through what channels, and how the company makes revenue.

Literature related to business models in cultural sector is not developed so much as it is in the business sector.<sup>648</sup> Much of the attention was given to business models in commercial sectors, including wide cultural and creative institutions dealing with publishing, music, and others. The key question related to museum sector is to clarify how business models can be successfully incorporated into museums, cultural institutions and sites. What is interesting is a difference between Europe, the United States and the United Kingdom concerning the orientation of museums, cultural institutions and sites towards business models. In Europe, many museums, other cultural institutions and sites still largely depend on funding from governments or donors and they are less entrepreneurial.<sup>649</sup> Instead, in the United States and United Kingdom, museums, even though they are considered non-profit, they are mainly based on business models and maintain commercial activity.<sup>650</sup>

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<sup>642</sup> Frank *et al.* 2019; Li 2020; Spieth *et al.* 2019. For a general review see Lazzeretti & Sartori 2016, 946-949; Russo-Spena *et al.* 2021, 43-46.

<sup>643</sup> For more see Nikiel 2019, 126-127; Russo-Spena *et al.* 2021, 43-46. See also Timmers 1998; Rappa 2004; Weill & Vitale 2001; Combe 2006.

<sup>644</sup> Massa & Tucci 2014.

<sup>645</sup> Ernst *et al.* 2015.

<sup>646</sup> For more on this see Rodriguez 2016, 13-15.

<sup>647</sup> Osterwalder & Pigneur 2010.

<sup>648</sup> Russo-Spena *et al.* 2021, 40.

<sup>649</sup> Rodriguez 2016, 8; Landoni *et al.* 2020; Weerawardena *et al.* 2021.

<sup>650</sup> For more see “The Business Model of the Nonprofit Museum”: <https://www.sothebysinstitute.com/news-and-events/news/the-business-model-of-the-nonprofit-museum>. See also Larkin & Burtenshaw 2021.

In the literature on business models in the cultural sector two directions have been largely identified: “*consultancy literature (especially of the prescriptive variety) and scientific articles, which are themselves subdivided between basic research articles (descriptive and analytic) and applied research (prescriptive) aimed at professionals*”.<sup>651</sup> Studies that belong to the former pinpoint towards the problems that the cultural sector is facing with incorporating a commercial logic and defining innovative business models appropriate to the cultural context.<sup>652</sup> Studies that belong to the latter point out the lack of professionalism in cultural heritage management.<sup>653</sup>

Related literature brings out some major challenges that museums, other cultural institutions and sites are facing in shaping sustainable business model:<sup>654</sup>

- It is crucial for them to understand how they save costs, increase revenue, and achieve financial sustainability, while, at the same time, it is necessary for them to remain faithful to their vision and not-for-profit values.
- The growing interest of the modern business landscape in the creation of a constellation of value impacts, gives to the cultural sector the opportunity to acquire a more proactive role. Museums, cultural institutions and sites can serve as vehicles for social innovation and development by providing cultural and creative services.
- Museums, cultural institutions and sites are facing a rapid change in their activities and competitive context as a result of the development of new technologies, and they are far from reaching a standard in business models.

Literature points out that museums, cultural institutions and sites need to develop feasible targets in order to achieve growth and sustainability.<sup>655</sup> An important role in this direction plays to clearly state their mission and identity, including their financial objectives. The next step is to develop appropriate business goals. However, in order to meet those goals, it is important for cultural institutions to have all necessary resources.<sup>656</sup> The business goals can be divided into economic and psychological (i.e. increasing brand awareness, changing customer perception, augmenting customer satisfaction, etc.).<sup>657</sup>

Some interesting topics that are listed in the literature concerning museums, cultural institutions and sites’ orientation towards business models are the following:<sup>658</sup>

- Give their products and services attributes that are attractive and meaningful to their audience.

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<sup>651</sup> Sutermeister 2018, 184.

<sup>652</sup> Asfoura *et al.* 2010.

<sup>653</sup> Sutermeister 2018, 184.

<sup>654</sup> Schiuma *et al.* 2016, 11; Russo-Spena *et al.* 2021, 46.

<sup>655</sup> Resch 2011.

<sup>656</sup> Schiuma *et al.* 2016, 13.

<sup>657</sup> Hausmann 2009.

<sup>658</sup> Munoz-Seca 2011; Schiuma *et al.* 2016, 13-18; Nikiel 2019, 12-126.

- Diversify the sources of income.
- In parallel to their core services (e.g., exhibitions) they should include added services (e.g., cafes, museums shop, e-shop, etc.).
- The users of the cultural services cannot be considered as ‘normal’ customers but instead as ‘lovers’ of specific cultural services.
- Develop a customer education that is to provide information relevant to customers’ specific needs at each point of the service life cycle, rather than relying on advertising, PR and personal setting that covers the waterfront.
- Place particular focus on creating an integrative audience/customer experience.
- Use more participative approaches to audiences/visitors in order to reach a wider audience.
- Use new technology-driven business approaches that are better perceived by young people.
- Use networks of partners.

The International Network for Contemporary Performing Arts has published in 2016 a toolkit, which aims to clarify the key concepts and definitions related to business models and business models innovation, to propose a business model canvas adjusted to the specific needs of arts and cultural organizations, and to illustrate some examples of cultural organizations across Europe that have successfully innovated their business models.<sup>659</sup>

According to Schiuma *et al.*, business model innovation and management for cultural institutions “*aims to understand how to enhance and renew the way they operate and create value*”.<sup>660</sup> They also highlight that “*although there is a need to inform cultural organizations about how to analyse, shape and renew their practices, there is a general lack of data around the cultural sector and specifically about the challenges and characteristics distinguishing the business models of cultural organizations*”.<sup>661</sup> Museums, cultural institutions and sites present specific features and have specific needs. As Russo-Spena *et al.* point out “*the audience—both actual and potential—is more than just customers. Consequently, the companies providing cultural services are more than mere providers*”.<sup>662</sup> As such, there is a difficulty to simply transfer traditional business rules from the business sector to the cultural sector. These rules must be adjusted to the features and needs of the cultural sector in order to work in the same way and with the same implications and benefits.

As we discussed in previous chapters of this literature review, in recent years museums, cultural institutions and sites give considerable emphasis to digitize their collections, to develop digital services, to stimulate user-generated content, and to attract new audience based on new technologies. The use of digital technologies is both a challenge

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<sup>659</sup> Rodriguez 2016.

<sup>660</sup> Schiuma *et al.* 2016, 13.

<sup>661</sup> *Id.*

<sup>662</sup> Russo-Spena *et al.* 2021, 62.

and an opportunity for cultural sector while it changes business models.<sup>663</sup> For example, the digitization of cultural heritage with the use of high quality of technical equipment can offer to cultural heritage audience/customers accurate reproductions of cultural artefacts and sites.<sup>664</sup> This trend towards the use of digital technologies has resulted in an impetus to invent new digital business models.<sup>665</sup> According to Russo-Spena *et al.*, “*a digital business model in cultural heritage is understood as a set of assumptions about how an organization, by relying on new technologies, creates new value and delivers it to a customer and other stakeholders, and how the value is turned into economic, social, and cultural outcomes*”.<sup>666</sup> They proposed a new framework based on seven pillars: ‘actors integration’, ‘content and users resources generation’, ‘experience proposition’, ‘personas and crowd actor’, ‘social customer relationship management’, ‘omnichannel strategy’, and ‘economic, social, and cultural outcomes’. They argued that the major change that digital transformation brought to museums, cultural institutions and sites was related with their transformation from the point of view of their social role. This framework highlights the crucial role of the relations and interactions between the museums, cultural institutions and sites and the plethora of actors in cultural heritage contexts that can contribute to multiple ways to create something valuable. What is crucial for cultural institutions is to find new forms of interaction by integrating sources of knowledge and resources (e.g., digital applications, software platforms, tools, and services) from key partners.<sup>667</sup> At the same time, customers/audience/visitors play an important role in museums, other cultural institutions and sites’ activities as contributors in highlighting new chances to set up value propositions and as content generators.<sup>668</sup> Recently, Li developed “*a holistic business model framework to systematically define its key constructs (what); and then uses the framework to analyse how business models have changed and why, and explore the role played by digital technologies in business model innovations, based on the empirical evidence from the creative industries*”.<sup>669</sup>

A new concept that has been recently proposed in the literature is ‘museopreneur’<sup>670</sup>, which means “*one who embraces or assumes characteristics of an entrepreneur to advance their museum’s business model and general operations*”.<sup>671</sup> Ciecko in his recently published article sought to explain how “*museums achieve harmony around taking on risks related to the business model*”, and to highlight some of the creative approaches museums have already taken.<sup>672</sup> According to him, “*museums and cultural*

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<sup>663</sup> Li 2020.

<sup>664</sup> For a successful example see Lazzeretti & Sartori 2016.

<sup>665</sup> See Lazzeretti & Sartori 2016, 946-949; Russo-Spena *et al.* 2021, 43-46.

<sup>666</sup> Russo-Spena *et al.* 2021, 48.

<sup>667</sup> According to Osterwalder and Pigneur key partners are the external companies or suppliers that will help you carry out your key activities. These partnerships are forged in order to reduce risks and acquire resources: Osterwalder & Pigneur 2010.

<sup>668</sup> Russo-Spena *et al.* 2021, 63.

<sup>669</sup> Li 2020.

<sup>670</sup> Ciecko 2019.

<sup>671</sup> Duckworth 2020.

<sup>672</sup> Ciecko 2019.

*institutions can apply entrepreneurial principles to encourage inquiry, drive innovation, and transform themselves into truly modern organizations that are poised to take advantage of today's enormous opportunities*". Some interesting new trends in the museums sector that he mentions are: the adaptation of start-up philosophy, and the use of admission and membership models. However, as Duchworth explains: "A *mainly commercial focus to museum entrepreneurship therefore risks forgetting that museums are not businesses though their potential for income generation is much more than has been traditionally thought. They are not businesses in the way they are not entertainment centres as effort in personal engagement and interpretation should always be required from their visitors*".<sup>673</sup> According to him, museum entrepreneurship should be based on both strategic commercial management tools and museum's social dynamism. This social entrepreneurship supported by secure financial income stream can facilitate museums, other cultural institutions and sites to fulfill their mission and promote their values.

Recently Eid has proposed the Museum Innovation Model (MIM), which is based on three concepts, i.e., open innovation, social enterprise, and social innovation.<sup>674</sup> It can be used "*as a planning tool to carry out innovation or an evaluation tool to scrutinize innovation in museums*". Eid "*recognizes museum innovation as the new or enhanced processes, products, or business models by which museums can effectively achieve their social and cultural mission*".<sup>675</sup> The concept of social enterprise can be understood as a hybrid business model that facilitates cultural institutions to tap into the advantages offered by business strategies in order to fulfill their social, cultural, or environmental mission. In addition, according to Museum Membership Innovation, in order for museums to find new revenue streams, it is necessary to think out of the box and move towards a comprehensive business model design for membership.<sup>676</sup> This will facilitate them to "*create value and recurring cash flow by monetizing virtual experiences and digital content*". Museum Membership Innovation uses the business model canvas as a tool that can help museum professionals to the nine building blocks into a comprehensive membership business model.

As Larkin and Burtenshaw correctly point out the recent COVID-19 pandemic and the subsequent lockdowns that were imposed in many countries have challenged many aspects of museums' established business models.<sup>677</sup> Before the pandemic, museums relied on in-person experience in order to earn revenue using as vehicles ticket sales, the museum café, museum retail, special events and site rentals. In response to this emerging situation Larkin and Burtenshaw propose innovation and diversification of museum business models. According to them, it is necessary for museums to "*develop*

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<sup>673</sup> Duckworth 2020.

<sup>674</sup> Eid 2016.

<sup>675</sup> *Id.*

<sup>676</sup> See also Museum Membership Innovation's article *entitled Building a New Business Model for Membership*: <https://www.membershipinnovation.com/insights-and-ideas/building-a-new-business-model-for-membership>.

<sup>677</sup> Larkin & Burtenshaw 2021.

*methods of creating experiences and products they can offer directly to the public, thus building dispersed supporter communities rather than solely relying on attracting visitors to a site*". Although they recognize the conceptual challenges posed by this model to the cultural sector, they consider it as an opportunity for museums to "*create compelling forms of engagement in light of the developing digital economy and changing modes of cultural consumption*". They propose the following strategies for the development of off-site revenue:<sup>678</sup>

- **Sales of museum-related products.** Museums need to move away from souvenir-focused projects and create products that represent creative ways for audiences to engage with museum collections beyond their walls.<sup>679</sup>
- **Sales of digital content, stories and experiences.** Museums need to shift digital storytelling techniques moving to more dynamic forms of digital creation for which visitors are willing to pay (narrative-driven content, bespoke curator tours, live events like virtual escape rooms, etc.). At the same time, they need to find methods to commercialize such content.
- **Build digital monetizable communities, i.e.,** digital membership schemes that provide a sense of community (exclusive access to content, involvement in the material created, etc.).

These strategies that change museums' established business models, of course, cannot replace the importance of visiting museums but can facilitate the creation of meaningful digital experiences beyond their walls, attract new audience and provide necessary resources for their sustainability, especially in times of crisis.

Palmi's and Madaro's recent research on the effects of digitisation on the business model of the MAXXI National Museum of Arts of the XXI Century in Rome shows that the extensive use of digital technologies during the COVID-19 pandemic revitalizes the museum by innovating its model.<sup>680</sup> More specifically the digitization yielded the following results: increases customer value, creates new values, builds relationships, creates new aesthetic experiences, and fosters audience engagement.

A final issue in the recent literature revolves around the relationship between museums, NFTs and blockchain technology. A growing number of articles are dealing with how good or bad NFTs are.<sup>681</sup> A major question is how museums can tap into some ideas

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<sup>678</sup> *Id.*

<sup>679</sup> *Id.* Larkin and Burtenshaw presents the example of the Muzeo in Anaheim, California which "*has begun selling a quarterly subscription box containing art prints and materials 'designed to spark your creativity and cultivate a deeper connection with local art and culture'*". See <https://muzeo.org/product/muzebox-a-quarterly-subscription-box/>.

<sup>680</sup> Palmi & Madaro 2020.

<sup>681</sup> Cascone 2021; Fans 2021; Hofmarcher-Schoenherr 2021; Liddell 2021a; 2021b; Renfer & Cleary 2021; Tabuchi 2021. See also <https://www.dezeen.com/2021/03/29/environmental-impact-nfts-horrible-architect-chris-precht/> ; <https://www.museumnext.com/article/museums-and-nfts/> ; <https://www.nytimes.com/2022/03/25/arts/design/museums-nfts.html> ; <https://www.rightclicksave.com/article/are-nfts-a-real-solution-for-museums>.

related to NFTs without compromising their mission.<sup>682</sup> According to Liddell “*NFTs (non-fungible tokens) are a type of token stored on a blockchain that enables us to store assets such as artwork, and they can act as a certificate of authentication and ownership in the digital space. In this way, NFTs build a form of ‘digital thingness’ into digital artwork by giving it a form of identification and proof of ownership*”.<sup>683</sup> In other words NFTs are rare collectible digital assets that are registered blockchain. According to Deakin, “*...having an asset logged on a digital database is actually a perfect solution for museums and galleries. Institutions are able to not only digitise their collections but also manage and monitor rights and licences to assets in the digital space*”.<sup>684</sup>

NFTs are more than a simple way to make revenue or to create a digital replica of a physical artefact in order to sell it. As Liddell argues, due to the special importance of museums in modern societies, “*museum object NFTs are more than commodities to be bought and sold; they should offer more than simply monetary value*”.<sup>685</sup> They can be something distinct and different. For example, the immersive holographic NFTs (Holo-NFTs)<sup>686</sup> can facilitate museums to build their digitisation projects, fulfil their educational role, make their exhibitions more immersive, provide new value to their collections, expand their online presence, improve accessibility, democratise the museum experience, and reach and engage audience providing them the opportunity not only to appreciate cultural heritage but also to acquire ownership of the digital representations.<sup>687</sup> In this direction, the Morpheus Project is an educational, virtual platform that incorporates historical artefacts, immersive learning, and NFTs. Educators can create virtual & augmented reality lessons.<sup>688</sup>

The recent NFT boom has made some museums in Europe to align themselves with a new emerging reality. In recent years, there are some museums that have been selling their works as NFTs.<sup>689</sup> This is closer to an “enterpreneurial” approach and moves away from Liddell's views and the Holo-NFTs discussed briefly above. Important issues

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<sup>682</sup> Renfer & Cleary 2021.

<sup>683</sup> Liddell 2021a.

<sup>684</sup> <https://www.museumnext.com/article/harnessing-the-value-of-museum-assets-with-holographic-nfts/>.

<sup>685</sup> Liddell 2021a.

<sup>686</sup> Holo-NFT is an Augmented Reality NFT artwork displayed in a holographic environment. The experience of seeing Holo-NFT artworks are so immersive and can give the sense of realism as if the artworks exist in front of you. This is made possible by the Desktop Augmented Reality (AR) technology. For more on Holo-NFT see <https://www.community.morpheus.art/what-is-holo-nft>.

<sup>687</sup> <https://www.museumnext.com/article/harnessing-the-value-of-museum-assets-with-holographic-nfts/>.

<sup>688</sup> See <https://www.morpheus.art/>.

<sup>689</sup> The British Museum in London enters world of NFTs while the Uffizi Gallery in Italy sold a Michelangelo NFT for \$170,000, and now is planning to mint more masterpieces from its collection: <https://www.theguardian.com/technology/2021/sep/24/british-museum-nfts-digital-hokusai-postcards-lacollection> ; <https://news.artnet.com/art-world/uffizi-gallery-michelangelo-botticelli-nfts-1969045>. See also Fans 2021.

concerning the relations between NFTs and museums and other cultural institutions found in the most recent literature are:<sup>690</sup>

- NFTs add a new layer of value to the process audience engagement and participation by creating ownable and more personal digital objects.
- NFTs create a sense of shared ownership and foster relations between a museum and its audience.
- Cultural institutions and blockchain technology are both authenticators and could interplay with one another in the digital space to create more meaningful and trusted digital cultural objects.
- Museums could strategically use NFTs as a way to present works that cannot be displayed in the physical world.
- Museums could endeavor to set up their own NFT marketplaces.
- Art galleries and museums have already started accepting cryptocurrencies as donations by setting up secure wallet addresses.
- Museums are able to generate additional revenues they will strengthen their own service-delivery along with financial assistance from governments if or when needed.
- There is a lack of regulations and universal consensus.
- All blockchain-based technologies are facing serious backlash due to their environmental footprint.

It is true that NFTs are driving a new wave of mass interest in the cultural sector, so it cannot be simply ignored by cultural professionals. The discussion is still ongoing and in the following years the effects of NFTs on business models will be important.

### C. Conclusions

Beyond any doubt, financial sustainability is of paramount importance for museums and heritage sites to pursue their aims and goals. Thus, the financial burden placed on museums and heritage sites due to the COVID-19 pandemic and the energy crisis has brought to the fore the need to reassess current business models in the cultural heritage sector within the digital transformation and innovation context. This should be taken into account in the next phases of the ReInHerit project. The data provided by this chapter will support museums and heritage sites to be resilient to change and crises, to promote and diversify the cultural offer, and to see opportunities where crises lay. A more “entrepreneurial” mindset and new forms of interaction between the museums/heritage sites and the plethora of actors in the cultural heritage sector are required.

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<sup>690</sup>Cascone 2021; Fans 2021; Liddell 2021a; 2021b; Tabuchi 2021. See also <https://www.dezeen.com/2021/03/29/environmental-impact-nfts-horrible-architect-chris-precht/>.

ReInHerit's digital innovation (Digital Hub, educational apps and webinars, immersive performances, smart tourism, e-shop) will provide the necessary impetus for European museums and heritage sites to make them more sustainable and use their funding more efficiently by becoming more entrepreneurial based on digital business model and business model innovation helping.<sup>691</sup> This digital technology-driven approach of the project can help museums to reach young audience, identified by ReInHerit as a key target group, while supporting them to understand how save costs, increase revenue, and achieve financial sustainability by being faithful to their mission and not-for-profit values. The ReInHerit Digital Hub will facilitate the co-creation of cultural content by all stakeholders, through digital solutions (apps and toolkit on education, training, communication) helping the cultural heritage sector to reassert its relevance in contemporary European societies and respond to the new economic reality.

Finally, along this line, the recent NFT boom may support museums to move towards an entrepreneurial approach offering at the same time something distinct and different. The immersive holographic NFTs (Holo-NFTs) can help them to make exhibitions more immersive, provide new value to collections, expand online presence, improve accessibility, democratise the museum experience, and reach and engage audience providing them the opportunity not only to appreciate cultural heritage but also to acquire ownership of the digital representations.

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<sup>691</sup> The Cultural Hackathon (D7.12) will have as a main aim to connect technology with museums and cultural heritage sites, thus disseminating the project to multidisciplinary audiences. Moreover, the cultural hackathon, will be a good way to gather new innovative ideas to the model of sustainability proposed under ReInHerit.

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## 8. Marketing and Branding

### A. Introduction

This chapter aims at discussing branding techniques that can be used by museums, cultural institutions and sites, as a relationship-building tool. Cultural heritage institutions are increasingly pressurized to generate income, whilst their budget is decreasing (due to budget cuts either from the government or from their board of trustees). To this the price increase must be added, especially with regard to energy, due to the war in Ukraine (2022). At the same time, they are called to promote their 'brand'. This chapter aims to assist cultural heritage professionals in the challenges they face in the development of strategies in order to secure long-term financial stability for their institutions based on the state-of-the-art literature in the area. It relates to Chapters 5 (Audience and local communities' engagement) and 7 (New 'Business' Models and Financing) of this literature review. This chapter is relevant for the Digital hub (WP4) of ReInHerit, which will increase collaboration, marketing, and public participation.

### B. Marketing and Branding for cultural heritage sector

As we discussed in previous chapters of this literature review, audience and local communities' engagement is a major issue for the entire cultural sector. In the constantly changing world, which is characterized by a tough competitive environment and considerable cuts of private or public funding, it is not an easy task for museums, other cultural institutions and sites to promote their services, actions and missions to the public.<sup>692</sup> In recent decades, museums and other cultural institutions have recognized the importance of adopting different communication and marketing techniques in order to stand out in an overcrowded market. Marketing and strategic communication is nowadays used by the majority of the museums, other cultural institutions and sites as tools to investigate and understand the market, to produce and promote their products and services suitable for those communities surrounding the museum and to reach their target audience.<sup>693</sup> In this chapter we deal with branding techniques that can be used by museums, cultural institutions and sites, as a relationship-building tool.

Museum branding is a new trend in the literature related to cultural sector and it is still in its infancy. The America Marketing Association (AMA) defines brand as "*a name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers*".<sup>694</sup> In recent decades, a number of researchers identify cultural branding as a need for museums, other cultural institutions and sites in

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<sup>692</sup> Wallace 2006, 1.

<sup>693</sup> For audience development see the Chapter 4 of this literature review. See also Cerdón-Benito 2012.

<sup>694</sup> <https://www.ama.org/topics/branding/>.

order to redefine their social role in the 21<sup>st</sup> century.<sup>695</sup> As has been recently suggested, “*both marketing and branding are crucial to museums and facilitate sustaining internal and external communication, reaching consensus, building trust, and creating values*”.<sup>696</sup> As Kotler *et al.* point out there is as connection of a brand with identity and image.<sup>697</sup> A brand is what a museum projects as its identity while its image is how audience actually reacts to what is projected. As they argue brand management intends to bridge the gap between brand identity and image. Brand is more than a logo and means how people perceive an institution.<sup>698</sup> According to Wallace, “*branding includes a logo and a theme, and then goes far beyond those items to encompass every activity that touches the museum’s constituency*”.<sup>699</sup> She states that branding a museum with the identification of its mission, continues with the development of a personality to include a museum’s distinctive style of talking, and of interpreting, and of collecting, and “*becomes truly effective when all the museum’s constituents hold the same indelible image of the institution*”.<sup>700</sup> Scheff-Bernstein notes that, “*a brand is to marketing what the mission is to the entire organization*”.<sup>701</sup> He recognizes branding as a broad organizing principle, while he points out that brand carries meaning and associations that taps into emotions. However, as Brynes notes “*the way an organization markets itself and establishes a brand still depends a great deal on how the marketing is viewed from within the organization*”.<sup>702</sup>

Wallace presents the following list with the areas that museum branding operates:<sup>703</sup>

- Collection
- Exhibition
- Wall labels and panels
- Signs
- Education programs
- Education materials
- Brochures
- Membership and development materials
- Letterhead and business cards
- Website
- Events
- Museum Store
- Café

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<sup>695</sup> Bradburne 2001; Hyland & King 2006; Rentschler & Osborne 2008; Griffin 2008; Kotler *et al.* 2008; Belenioti & Vassiliadis 2017; Richardson 2019.

<sup>696</sup> Chih-Ning Hsin 2015, ‘Forward’.

<sup>697</sup> Kotler *et al.* 2008.

<sup>698</sup> Coates 2021.

<sup>699</sup> Wallace 2006, 1.

<sup>700</sup> *Id.*

<sup>701</sup> Scheff-Bernstein 2007, 193.

<sup>702</sup> Brynes 2009, 374.

<sup>703</sup> Wallace 2006, 2-3.

- Annual report
- Publications
- Volunteer materials
- Building
- Sponsorships
- Donor wall
- Programs

These are areas where a museum, cultural institution or site interacts with its stakeholders (e.g., visitors, tourists, members, donors, patrons, sponsors, educators, curators, volunteers, staff, etc.).

According to Ruiz some of the main reasons why museum branding is considered of relevant importance are:

- Museums' need for differentiation
- Museums' need to attract audience
- Museums' need for segmentation to bring relevant people to museums
- Museums' need for public and private economic support
- Internal museums benefits: Museums' need to attract people who matched with its values

We could also add that branding also creates a “label” under which museum staff develops a feeling of belonging to the cultural heritage institution or site, which bears certain values, and which makes the institution recognisable on the basis of its brand. In other words, branding contributes towards enhancing the benefits of affiliation between the institution and its staff and other stakeholders linked to it (e.g., friends of the museum) and makes them proud of their mission, values and aims, as reflected in the brand and the image surrounding it. If this linkage is worked upon properly within the institution, these people are more inclined to keep up the good work and correspond to their mission and goal, as also dictated by the image. Their loyalty is enhanced. They acquire an incentive to keep this image up and as businesses invest in their image and brands in the same sense institutions may invest in their missions and goals and into making them successful and visible to the outer world. The brand and image themselves may in this sense contribute towards maintaining and enhancing audiences.<sup>704</sup>

Literature lists the following benefits of branding strategies in the area of museums, other cultural institutions, and sites:<sup>705</sup>

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<sup>704</sup> Stamatoudi 2019: Presentation at the National Workshop on IP in Tourism and Cultural Management Promotion: IP Management in Museums in Egypt organized by the World Intellectual Property Organization (WIPO) and the National Museum of Egyptian Civilization (NMEC) in collaboration with the Ministry of Foreign Affairs of the Arab Republic of Egypt, Cairo, Egypt, 17-19 March 2019.

<sup>705</sup> McLean 1995; Rentschler & Gilmore 2002; Sargeant 2005; Holland 2006; Hyland & King 2006; Scheff-Bernstein 2007; Rentschler & Osborne 2008; Ruiz 2009; Durham 2010; Aaker 2010; Williams 2011; Kotler & Keller 2012; De Abreu 2012; Ajana 2015.

- Increase revenue and funding opportunities: They can engage in alternative income generating enterprises, such as membership programs, merchandising, licensing, franchising, and donations.
- Increase attractiveness: Facilitate marketing strategy in building relationships with audience, attract new audience since it demonstrates museum's benefits to them and distinguish itself from another museum.
- Build loyalty due to functional and emotional benefits users receive.
- Enhance museum experience and services to visitors.
- Boost of museum sustainability.
- Foster cultural values and facilitate museums to accomplish their missions.
- Open up third party partnership opportunities.
- Enhance museums' reputation.
- Give organizations credibility and add value.
- Facilitate museums to reach greater efficiency/effectiveness and reduce dependency on uncertain support.
- Help to receive an international recognition.

Furthermore, it is worth noting that some museums and other cultural institutions or sites have been directly associated with specific cities or broader regions acting as important 'landmarks'. Some examples are the Acropolis Museum in Athens (Greece), the British Museum in London (UK) and the archaeological site of Olympia in the region of Ilia (Greece). The creation of a powerful brand can contribute to the enhancement of the direct association with a city or a broader region in such a way that cultural heritage institutions and sites become cultural attraction. In other words, cultural heritage institutions and sites brands contribute to the city, town or broader area brand image in terms of perception.<sup>706</sup> They add value in terms of the status and visibility of a city, town or broader area and they boost the economic development through cultural tourism. In addition, cultural heritage institutions and sites brands can have great impact on citizens or locals pride changing their mentality towards their city or region. An example is the Museum of Ancient Eleutherna in Crete which is one of the very few in Greece exclusively focusing on a single archaeological site.<sup>707</sup>

Literature that deals with museum branding has identified strong connections between branding and identity as well as psychological associations between the cultural products or services (e.g. collections) and the cultural audience.<sup>708</sup> According to King, constructing a brand identity can be used as a vehicle to encourage "*familiarity and loyalty, and generating the level of publicity needed for achieving an international reputation*".<sup>709</sup> She also highlights the strategic importance of partnerships and collaborations with major museums "*for the materialization of such objectives, given*

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<sup>706</sup> For more see Ruiz 2009, 96-97. According to Ruiz "*museum brands belong to a new kind of city called 'creative city' that is actually emerging*".

<sup>707</sup> See <https://www.youtube.com/watch?v=irZTBoFfWqw>.

<sup>708</sup> Mclean 1994; Venkatesh & Meamber 2006; Scheff-Bernstein 2007, 194; Rentschler & Gilmore 2002.

<sup>709</sup> Ajana 2015, 328.

that these museums have succeeded in marketing themselves as (arguably) being representative of the ‘best practices’ and developing strong brand images that are easily recognizable and highly regarded by both visitors and the art world”. In addition, many researchers argue the contribution of segmentation to the successful museum branding and marketing.<sup>710</sup> It is, therefore, important for a museum to communicate its brand accurately and specifically to target segments, building relationships with them. According to de Abreu, “the museum’s task is to develop a branding strategy that will communicate and deliver value based on its core offerings”.<sup>711</sup> She suggests that an extended brand identity, include not only functional attributes, but also “elements that provide completeness and uniqueness, adding details that help portray what the museum stands for”. According to Aaker and Joachimsthaler, brand structure can be based on four perspectives: Brand-as-product, Brand-as-organization, Brand-as-person, Brand-as-symbol.<sup>712</sup> What is crucial for museums, cultural institutions and sites is a clear understanding of their audiences and what benefits they seek.<sup>713</sup>

Although, branding adoption in cultural sector is still in its infancy, the number of museums around the globe that have successfully created a brand identity is constantly growing.<sup>714</sup> Literature also presents some important steps towards effective museum branding.<sup>715</sup> According to Ruiz, collaboration between museum managers and external experts is crucial in managing branding museum process.<sup>716</sup>

However, many researchers have criticized the application of branding in the cultural sector. Kylander and Stone place attention on brand ethics, stating that “the brand itself and the way it is deployed reflect the core values of the organization”.<sup>717</sup> They argue that “Just as brand integrity aligns the brand with mission, brand ethics aligns both the organization’s internal identity and its external image with its values and culture. This is about more than being known as an ethical organization, but extends to the organization’s use of its brand in ways that convey its values”. The risk is “any individual expression of the brand that offends or contradicts organizational values or culture”. In addition, literature points out that branding is a long-term investment, which means that it needs time, human resources and capital.<sup>718</sup> This presupposes that museums have to commit resources to sustain it. Finally, brands “can also act as a carrier of contagion by magnifying the impact of negative information”.<sup>719</sup> In the case

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<sup>710</sup> Vassiliades & Fotiadis 2008. See also Ruiz 2009, 52-61.

<sup>711</sup> de Abreu 2012.

<sup>712</sup> Aaker & Joachimsthaler 2000.

<sup>713</sup> de Abreu 2012.

<sup>714</sup> For a recent example see the Baltimore Museum of Art: <https://baltimorefishbowl.com/stories/the-baltimore-museum-of-art-unveils-a-new-brand-identity/>. See also Coates 2021.

<sup>715</sup> Richardson 2019. See also <https://www.madesignstudios.co.uk/museum-branding> and <https://www.museumplanner.org/museum-branding-in-10-steps/>.

<sup>716</sup> Ruiz 2009, 93.

<sup>717</sup> Kylander & Stone 2012.

<sup>718</sup> de Abreu 2012.

<sup>719</sup> *Id.*

that there is negative news about the brand, the effect can seriously compromise its reputation.

### C. Conclusions

Museums and heritage sites are increasingly pressurised to generate income, whilst their budget is decreasing. In this context, the secondary research identifies the creation of cultural branding and the development of marketing tools as important needs for museums and heritage sites in order to be able to respond to the new financial reality. The data provided by this chapter on marketing and branding for cultural heritage sector can be particularly relevant for the next phases of the ReInHerit project. Some of the areas where a museum or a heritage site interacts with its stakeholders (e.g., visitors, tourists, members, donors, patrons, sponsors, educators, curators, volunteers, staff, etc.) are the collections, the exhibitions, the educational programs and materials, the brochures, the website, the e-shop, the various events, etc. These are areas that museum branding operates and, at the same time, they are areas in which the ReInHerit project will develop outputs. Therefore, the project can be benefited from the data provided by this chapter when designing the Digital Hub, educational apps and webinars, immersive performances, smart tourism apps, e-shop, digital & travelling exhibitions and the related brochures. Helping museums to develop strong brand images that are easily recognizable, it is a crucial step for them to reach the types of audiences, identified by ReInHerit as key target groups, i.e., young audience, locals and tourists. Accurate and specific brand communication with these target segments helps build relationships with them.

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## 9. Conclusions

Rapid societal changes in conjunction with economic, environmental, humanitarian and health crises have deeply impacted the entire cultural ecosystem. As demonstrated by the extensive secondary research, the cultural heritage sector, both at European and global level, has to tackle a complex reality, with multiple challenges and bottlenecks that create specific urgent needs. The COVID-19 pandemic is being the most recent example, which has both compounded the challenges already faced by the sector and created new ones. In this ever-changing environment, it is crucial for the cultural heritage sector to turn challenges into opportunities and act as a major resource for resilience, connection, recovery, and positive change, contributing to the creation of inclusive, peaceful, and sustainable societies.

The secondary research not only provides a solid academic background for the main themes identified during the focus groups and questionnaire surveys, but also identifies other key issues related to cultural heritage management, providing a comprehensive picture of the current *status quo* of this interdisciplinary field. The following section summarizes the most urgent challenges and needs as well as valuable opportunities for the cultural heritage sector as identified in the secondary research.

- **Need for interdisciplinary collaboration so as to avoid fragmentations:** The cultural heritage sector is characterized by fragmentation at multiple levels, which creates serious gaps and obstacles to the sustainable management of cultural heritage. Dealing with the inclusive and extensive concept of cultural heritage, the entire sector became itself very broad acquiring an interdisciplinary character, since it cuts across many disciplines and fields (social sciences, humanities, architecture, law, management, marketing, finance, restoration, conservation, curatorship, ICT, museology, etc.). This has resulted in difficulties in communication and collaboration between different professional experts (e.g., CH professionals, ICT experts, IPR experts, etc.). As a result of this complex reality there are many adversities in terms of how these experts engage with cultural heritage and how they can work together.
- **Sustainable business models resilient to changes and crises:** Budget and funding are decreasing in the cultural heritage sector. Yet, financial sustainability is important for museums and cultural heritage sites to pursue their aims and goals. Therefore, the cultural heritage sector currently faces the challenge to reassess its underlying business models. Innovative approaches to funding and sustainability are needed for museums and heritage sites to be resilient to change and crises, to promote and diversify the cultural offer, and to see opportunities where crises lay.
- **Engaging with audiences and opening up to new audiences:** cultural heritage organizations and sites are still facing adversities in sustaining and inspiring actual audiences as well as in attracting potential audiences. Engaging with

audiences is a complex process given the fact that there are different types of audiences with major diversities in motivation, interests, barriers, experiences, and needs. Furthermore, technological achievements and the recent COVID-19 pandemic changed audience behavior, and this change requires new policies that meet these needs. For example, in the context of the fourth Industrial Revolution, online-based museum audiences are often circumstantial in character. They are in various discursive spaces and lack the cohesion characteristics of localized communities. More specifically, the secondary research identifies that cultural heritage professionals are facing difficulties in reaching specific target groups, such as young people, locals, tourists (physical and digital), people with disabilities and immigrants, making cultural heritage relevant to them.<sup>720</sup> It is an extremely challenging task for cultural heritage professionals to manage the tangible and intangible cultural heritage taking into account the needs of the various audiences, using a management approach.

- **Need to redefine the management of collections based on evolving ethical standards and new trends:** cultural heritage organizations and sites need to redefine the way they manage their collections. They have an important duty to collect, preserve and disseminate tangible and intangible heritage, taking into account high legal, ethical and professional standards. Despite significant calls for repatriation and decolonization of collections, there are several constraints, differences in attitudes and lack of information that make this task increasingly difficult and as a result create gaps of understanding between artefacts and the communities/countries these artefacts originate from. Lack of resources, the use of institutional gaps and/or political will or difficulties arising from illicit trafficking of cultural objects are some of the obstacles.
- **Environmentally friendly cultural institutions and sites:** climate change and environmental issues play a key role on how cultural heritage organizations and sites should be engaged with society as part of the sector's commitment towards it. They are expected to operate as change makers and leaders in order to better respond to the environmental challenges that the world faces today. This is more relevant than ever, as the current energy and cost of living crisis has forced museums and heritage to find sustainable ways to revisit and adapt environmental plans, to reduce energy consumption, to improve sustainability of their buildings, and to find alternative energy sources.
- **The pandemic and the recent energy cost increases, a challenge to crisis management and an opportunity for digital services:** the wide-ranging impact of the COVID-19 pandemic and the measures to contain it present critical risks for the cultural heritage sector due to the intermittent closure of sites (especially in the first stage of the pandemic) and the personal protection

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<sup>720</sup> The final deliverable of WP2, i.e, D2.6: A sustainable model of CH management state of the art report, provides recommendations on how to reach this target groups (pp. 18-23).

measures. Furthermore, the recent energy and cost of living crisis that followed the war in Ukraine tends to be even worse than the COVID-19 pandemic. Museums and heritage sites are extremely vulnerable to unprecedented cost increases following a period of declining revenues during the pandemic. Importantly, this situation has heightened the different challenges faced by the sector, which now strives to find new methods of operating (including going digital, and finding alternative energy sources) and dealing with abnormal situations where normal operation is not possible. This transformative and tough period, however, has paved the way for innovation and new ways of managing cultural heritage. The cultural heritage sector in Europe does not need to waste this opportunity by going back to the traditional ways of operating. Instead, it needs to build on the best practices of pre-pandemic situation and the lessons learned over the last two years to develop a more sustainable cultural heritage management, while taking advantage of technological developments and digital innovation. That, at its core, is disruptive. Cultural heritage professionals need to go beyond existing practices of digitizing collections and find new ways to make visiting a cultural heritage organization or site an interactive and immersive experience that engages the audience in the context of the fourth Industrial Revolution.

*Insights from the literature review for the implementation of the ReInHerit Project (and in particular WPs 3, 4 and 6)*

First of all, ReInHerit's secondary research highlights the importance of adopting a **people centered and environmentally friendly approach** to Cultural Heritage Management (**Chapter 2**) in order for museums and heritage sites to respond effectively to the discussed above pressing and changing needs and challenges. The concepts of **inclusivity, innovation, accessibility, relevance, democratisation, sustainability, resilience, ethics, diversity, professionalism, cooperation, and community participation** should be at the core of the next phases of the ReInHerit project. More specifically, this anthropocentric approach has paved the way for the development, communication, dissemination and exploitation of the ReInHerit Toolkit in WP3,<sup>721</sup> the Digital Hub in WP4,<sup>722</sup> and the Travelling and Digital Exhibitions Pilot Phase in WP6.<sup>723</sup> In the development of the exhibitions strategy (D6.1), strategic decisions need to be made in terms of common vision, values, curatorial questions, thematic areas, target groups, audience engagement, digital representations of objects and technical solutions.

In terms of the **proper collection management** of museums, other cultural institutions and sites (**Chapter 3**) the secondary research helps the ReInHerit project to present a

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<sup>721</sup> See D3.2: ReInHerit Toolkit Strategy.

<sup>722</sup> See D4.1: Requirements Analysis Report.

<sup>723</sup> See D6.1: Digital and Travelling Exhibitions Pilot Phase Strategy.

common ground on which museums can build strategies to combat illicit trafficking of cultural property and facilitate its return and restitution in its countries of origin, to actively engage in solutions and to develop policies that foster trust and transparency through processes such as collection management, due diligence, provenance research, cooperation with law enforcement agencies, international cooperation and networking, education, training and dispute resolution. Furthermore, the secondary research offers practical information on display and collection, cataloguing and collection database, shipping, installation, storage, conservation, and insurance. This facilitates the ReInHerit project to design the travelling exhibition in the context of the WP6. It will help the team of curators designed the exhibition in a way that it is easily transferable, with a selection of flexible and compact material. Finally, the rich material on digitising the museum collections will both facilitate ReInHerit to communicate and engage with various audiences, especially the young people, through the digital tools of the digital and travelling exhibition in the context of the WP6.<sup>724</sup>

The secondary research points out the **importance of IP rights (Chapter 4)**, that allow the people that will be involved in the project from a technological or creative point of view to a) protect their work and b) make sure they do not infringe third parties' work. It also allows museums and heritage sites to come up with a mapping and a plan as to what to protect, how best to protect it and how their actions would not put them in jeopardy with regard to third party rights. The next phases of the ReInHerit project will deal with the development of creative materials through the collaboration of the consortium. Prime examples of these are the ReInHerit Toolkit (WP3), the Digital Hub (WP4), the Educational Game (WP3), the Immersive Performances (WP4), the E-Shop (WP4) and so on. The information provided by the secondary research along with D1.4: IPR Management gives the know-how and the steps that need to be taken for protecting their IP rights.

At the heart of this secondary research is the relationship between museums/heritage sites and their various audiences. Apart from **Chapter 5**, which examines cultural heritage audience in detail, the topic recurs in many ways throughout the other chapters of this literature review. The ReInHerit project places cultural heritage audience at the centre of its activity. **Democratization, social inclusion and people centered approach** to cultural heritage should be further developed in the context of the ReInHerit project in order to ensure the relevance of cultural heritage to contemporary society. These issues should be taken into account in the next phases of the project, especially those related to the development of the various tools that will comprise the ReInHerit innovative Toolkit (WP3 - ReInHerit Toolkit), the creation of an innovative Digital Hub (WP4 - Digital Hub), and the organization of the Digital & Travelling Exhibition (WP6 - Pilot Phase tested through Digital & Travelling Exhibition). More specifically, the ReInHerit Toolkit (WP3) will be comprised of applications that will be centered on visitor interactions in order to meet different needs and achieve greater visitor satisfaction. For example, the story-based education game and the digital tool

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<sup>724</sup> See D6.1: Digital and Travelling Exhibitions Pilot Phase Strategy.

for gamified interaction with artefacts will be developed for reaching out to younger audiences.<sup>725</sup> The overall key conclusions of this literature review (D2.2) and, in particular the audience engagement sets the requirements for the architecture and solutions in the ReInHerit Digital Hub, including the immersive performances in local heritage sites.<sup>726</sup> Finally, these issues will be covered in the strategy for the Digital and Travelling Exhibitions in terms of the themes to be chosen, design, exploitation activities, participation of audiences.<sup>727</sup>

The secondary research points out that the **audience development** is the respond to the need of museums and heritage site to re-approach their relationship with these categories of audiences. It is important that cultural heritage professionals **do not exceed the needs of some types of audiences**, such as tourists, **and ignore the needs of others**, such as locals, young people, etc. In other words, it is important not to pay too much attention to reaching only one type of audience, but instead to understand the different types of audiences. This will help museums and heritage sites to avoid over-reliance on tourism and follow a more sustainable management model. On the one hand, they should begin by successfully targeting the types of audiences that have been overlooked in order to understand them, reach them and provide them with an enjoyable and meaningful experience by engaging them in the cultural process. On the other hand, they should refresh the cultural offer for existing audiences, by developing new experiences and deepening their relationships with them. It is important for museums and cultural heritage sites to connect with local and global as well as physical and digital audiences. For example, as the tourism sector rapidly recovers from the recent pandemic it is important for cultural heritage professionals to find the balance between international mass tourism and a more sustainable and local tourism based on cultural heritage.

The issue of innovations and technologies is not only extremely relevant to reach cultural heritage audience, but also it cuts across all of the topics discussed in the chapter of this literature review. The ReInHerit project places innovations and the use of technologies at the centre of its activity. Innovations and technologies can be the main vehicle for the ReInHerit project to make cultural heritage accessible to a broader audience. The immersive performances (WP4: Digital Hub), the exhibitions (WP6: Pilot Phase tested through Digital & Travelling Exhibition), the educational apps and story-based games, and digital material such as the Good Practices Guide and the Toolkit (WP3: ReInHerit Toolkit), that will be produced by the ReInHerit project are perceived as highly disruptive ways to attract people to museums and cultural heritage sites, who would otherwise never have approached them. The rich material provided by the secondary research can contribute to a better understanding of the current available

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<sup>725</sup> See detailed description of the applications and how different types of audiences will be engaged per the results of D2.2 in D3.2: ReInHerit Toolkit Strategy.

<sup>726</sup> For a detailed review and how D2.2 was utilized for setting the requirements see D4.1: Requirements Analysis Report and D4.2: Digital Hub.

<sup>727</sup> See detailed strategy and how the results of D2.2 have been applied in D6.1: Digital and Travelling Exhibitions Pilot Phase Strategy.

tools, technologies and methods of communication and collaboration facilitating ReInHerit's experts to successfully implement the next phases of the project. The most recent trends identified in the literature are:

- Personalization/Wearable Devices that create a more powerful connection between the visitor and the story.
- Augmented Reality/Virtual Reality/Mixed reality that brings exhibits and artifacts to life in new and immersive ways and creates multisensory and multimodal experience.
- Gesture Technology/Non-touch Interactives. Especially, in the post COVID-19 era touchless technologies and proximity sensors will likely gain popularity.
- Internet of Things (IoT) technology.
- Mobile Technologies (web and hybrid Wi-Fi apps, mobile apps, tour-based apps, that enrich the exhibit content, mobile ticketing technology, etc.).
- Haptic technologies.
- Indoor GPS tracking systems (track movement within the facility, which allows them to confirm how well a storyline works)
- Artificial Intelligence
- LED/Laser Projection Technologies (creating powerful, immersive museum environments)
- Virtual Touring
- Holographic representations
- Flexible Technology Exhibit Platforms (developing software and designing exhibits that can not only accommodate content flexibility but also allow exhibits to easily change)
- Augmented Reality Selfie-Moments

Recent literature places considerable attention to the **importance of interacting with visitors in dynamic and powerful ways by offering transformative learning experiences, during the entire visitor's journey**. According to the "Visitor Journey theory" the experience of the visit begins before visitors cross the museum/heritage site entrance and goes on after they exit. Playful and immersive experiences are used to inspire creativity not in rigid didactic way but based on informal and participatory learning. The new audiences are young people and local communities, using different digital tools and media to engage and motivate them to experience, enjoy and participate. It is important for cultural heritage professionals to reflect the diversity of stories within museum collections and to use digital tools and participatory storytelling to promote social inclusion. Always considering that technology is not a goal itself, but it is a way to make the visitor understand and learn more. Innovations and technologies will help the consortium to achieve the shift from the monologue to a dialogue, establishing a pattern of co-creation of content with users that stimulates their participation and creativity, developing wider connections with new audiences.

Furthermore, ReInHerit's secondary research highlights the importance of **effective collaboration between different cultural heritage professionals and stakeholders in the context of digital innovation placing it within policy frameworks**. Until now, collaborations, networks, and communication in the field of cultural heritage have been

seen as additional tasks not linked to the mission and vision of heritage organizations and sites. Nevertheless, in the coming years, any heritage organization and site should consider collaborations, networks and communication as an integral part of its mission and vision. Digital collaborations of heritage organizations and sites originating from the same or different parts of the world, focusing on a sustained institutional commitment to experimentation and innovation as a core aspect of sustainable cultural heritage management, have the potential to empower cultural heritage sector to address its challenges and fulfill its important role in cultural sustainability. The innovative Digital Hub (WP4), which is currently being designed by the ReInHerit project, can bridge the gap in the communication and collaboration between the various stakeholders of the cultural heritage sector (museums, heritage sites, policy makers, professionals, and communities, etc.), creating an open and collaborative space where relevant knowledge will be developed, transferred, shared and experimented upon.

The secondary research also highlights that tackling the **current energy and climate crisis** is a global challenge that requires immediate action and a radical and urgent approach in the context of Cultural Heritage Management (**Chapter 6**). As such, the ReInHerit project should present realistic ideas on how the whole cultural heritage sector will face this challenge by showing resilience. The Digital Hub that will host a variety of digital content (WP4), the e-shop that can facilitate museums to increase their income, a training course on how to use the digital tools (WP3), a webinar on how to design an environmental policy and plan (WP3), the development of strategies and tools for a sustainable smart tourism (WP7) and the presentation of best practices on alternative energy sources (WP5) constitute important steps to this direction. Furthermore, the development of hub for professionals within the ReInHerit's platform will enable meaningful exchanges of knowledge, experiences and best practices on how to address energy crisis in the context of Cultural Heritage Management. The information provided in this literature review will help ReInHerit consortium to adopt a Green strategy which will strengthen the quality of the environmental assessment procedure, align that procedure with the principles of smart regulation, and enhance coherence and synergies with EU legislation and policies. This also provides a framework for discussing with heritage professionals on how to achieve digital sustainability.<sup>728</sup>

In terms of **new business models and financing (Chapter 7)**, the information provided by this literature review may prove useful for cultural heritage sector in Europe to benefit from **digital business models** to become more resilient to current and future challenges. New ideas, concepts, and innovative tools related to digital business models can facilitate cultural heritage professionals to create new value and deliver it to visitors and other stakeholders, as well as to turn this value into economic, social, and cultural outcomes. For example, the cultural heritage sector in Europe can create compelling forms of engagement in light of the growing digital economy and changing modes of cultural consumption. In this sense, in parallel to their core services (e.g., exhibitions)

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<sup>728</sup> See D2.4 Focus Group Phase II Report.

museums and heritage sites should include added digital services, such as e-shops. Through e-shops, they can sell museum-related products that represent creative ways for audiences to engage with their collections beyond their walls. They can also promote digital content, stories and experiences, drawing attention to digital storytelling techniques that moves to more dynamic forms of digital creation for which visitors are willing to pay (narrative-driven content, bespoke curator tours, live events like virtual escape rooms, virtual exhibitions, etc.). At the same time, they need to find methods to commercialize such content. This material is extremely valuable for the WP4: Digital Hub given the fact that an embedded e-shop supports the creation of a new digital economy for the cultural heritage sector. Also, activities in WP7, such as the Cultural Hackathon, will give space to professionals to address these needs that D2.2 has identified in terms of new business models.

Finally, the secondary research identifies **cultural branding and marketing** as important tools for museums and heritage sites in order to be able to respond to the new financial reality (**Chapter 8**). The Digital Hub, educational apps and webinars, immersive performances, smart tourism apps, e-shop, digital & travelling exhibitions and the related brochures are areas in which the ReInHerit project can use branding techniques. Helping museums to develop strong brand images that are easily recognizable, it is a crucial step for them to reach the types of audiences, identified by ReInHerit as key target groups, i.e., young audience, locals and tourists.

Overall, the **disruptive sustainability model** proposed by the ReInHerit project should support museums, especially smaller ones with fewer resources, to successfully address current and future challenges. It is based on a human-centered approach to researching what cultural heritage actually is, how it can be used, protected and interpreted, by whom and for whom. It increases public awareness on European cultural heritage through co-creative and participatory digital practices. This perspective of Cultural Heritage Management expands its horizons to offer the necessary tools for the development of cultural heritage by building a sustainable ground for the well-being of humanity. This Literature Review, aligned with the primary research, contributes to the overall objective of WP2 which is to understand the current needs and challenges of the sector based on mapping of the current state of the affairs in the management of the cultural heritage sector. Therefore, it helps the consortium to define the current state-of-the-art in the sector as a whole, examining specifically the communication mode between museums and cultural heritage sites, thus identifying bottlenecks and opportunities at the same time.<sup>729</sup>

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<sup>729</sup> The final deliverables of WP2, i.e., D2.5: CH Management Guidelines and D2.6: A sustainable model of CH management state of the art report, provide measures in the form of practical recommendations that need to be taken into account so as to develop long-term cultural policies and strategies within the digital transformation and innovation context in order for museums and heritage sites to be relevant to contemporary societies.