

Jovan Ristov
National Conservation Center, Skopje

NORMATIVE FRAMEWORK FOR CARE OF MUSEUM GOODS – PREVENTIVE PROTECTION

Abstract: This article is a critical review of the normative framework for achieving proper care of the museum goods in Republic of Macedonia, focused particularly on the relationships and on the implementation of legislation related to preventive activities by responsible authorities. In this respect, there are still some open questions. They however point out that the national system for protection of museum goods is burdened with relationships, conditions and phenomena, which have serious impact on its effective functioning.

Key words: identification, records, valorization, revalorization, protection.

The topic of this forum and the title of this article, although self-evident, in its essence still leave an open space for further explanations. The focus is on the complex of questions related on one hand to *identification of the subject and object of protection*, and on the other hand *identification of the contents of protection*, from perspective of *the actual normative framework and practice*. However, each of these issues deserves much bigger attention than can be paid in this occasion.

Identification of museum subjects

The issue of identification of museum subjects still represents an open issue, however odd it sounded. Its relevance is due more to the inconsistent application of existing regulations, rather than the absence of adequate normative framework.

Today we're talking about *the museums in Macedonia*, which implies that the issue of *identification of museum subjects* should have been solved. But is it really so? What exactly do we mean with the phrase *museums in Macedonia* and does each one of us has the same notion of the phrase? In other words, what is the structure of the *museum network in Republic of Macedonia* and why is this important?

The question of *identification of museum subjects* is multilayered, having in mind that it entails few levels of identification. So, when we speak about the *museums in Macedonia*, we bear in mind that this phrase, as a generic term, covers only the *legal entities, public and private, registered for performing museum work*, having obtained the necessary *accreditation from the Ministry of culture*, pursuant to the *Law on culture* from 1998¹ and *Law on museums* from 2004². Hence, we're speaking about two different legal categories, indicated in the Law as *museum subjects – museum institutions* on one hand and *associated museums*, on the other. The former refers to independent legal subjects dealing in the field of culture, having status of legal entity, and the later are not independent, having status of *separate organizational unit* within another *legal entity* of any type. Both can be *public* or *private*, according to the founder, as well as *general* or *specialized*, according to their scope of work. The category *museum institution* encompasses: *museums, independent museum collections, galleries and independent gallery collections*, registered for performing *museum work* (art. 4, paragraph 2 from the Law on museums). Pursuant to the Law on culture, *galleries, art collections and other similar public and private institutions* perform *gallery work*, which is related, but different from *museum work* (art. 52). *The public museum institutions* can be *national* or *local* (municipal, metropolitan or regional), and as such they are the only *institutions responsible for protection of the respective movable cultural heritage*. If these levels of identification of museum subjects were indeed clearly defined with the Law, so what is the problem with their identification?

Known and indisputable fact is that in the time being, on the territory of Republic of Macedonia there are 21 *national museum institutions*, of which 15 have existed for many years, earning this status with a decision of the *Government* in 2003³, and 6 *new museum institutions*, founded in the period

¹ See art. 22 from *Law on culture* (Official gazette of RM, No. 31/98, 49/03, 66/03, 82/05, 24/07, 116/10, 47/11, 51/11 and 136/12).

² See art. 4 par. 2 and 3 and art. 7 from *Law on museums* (Official gazette of RM, No. 66/04, 89/08, 116/10 and 51/11).

³ According to the *Decision for determination of the network of national institutions* ("Official gazette of RM" No. 84/03 and 13/11), the following institutions have such status: Museum of Macedonia in Skopje, Museum for Nature History of Macedonia in Skopje, National Gallery of Macedonia in Skopje and Museum of Contemporary Art in Skopje, Institute and Museum Bitola,

2007-2011⁴. It is also known and indisputable that 11 *local museums* exist, of which 7 have status of *local public museum institutions*⁵, and 4 have status of *associated museums, within another legal entity in the field of culture*⁶. So, it is indisputable that there are 32 *museum subjects* in total, with officially known and acknowledged *status*.

Still, despite this, other *legal entities*, with unknown or less known status of *museum subjects*, perform *museum work* as well.⁷ Some of these are not clearly determined if they are *public* or *private museums* and if they have status of *museum institutions* or status of *associated museums* or they just represent *collections without museum status*, wrongly declared as *museums*. Some of these are not clear if they account as *national* or *local museums*. Unclear is also the status of the numerous memorial museums and memorial spaces.⁸ Undoubtedly, the state has authorities responsible for *registration of legal entities* and for *accreditation of museum subjects*, and the relevant information thereof should be accessible, taking in account that these are not *classified information*. However, in practice, despite the relatively good regulation for *accessibility of public information*, the interested person will have to spend precious time to access the basic data of the relevant *museum subjects*. On top of this, reviewing *the museum regulative* for the status questions will reveal many inconsistencies in the *regulative*, as is the case with *Regulation for the standards for determination of the types of museums, their activities, for placement and storage of museum items and museum documentation* from 2006.⁹ In this *Regulation*, contrary to the *Law on museums*, the term

Museum of Gevgelija, Museum of Western Macedonia in the period of NLS in Kichevo, Historical Museum in Krushevo, Museum in Kumanovo, Institute and Museum Ohrid, Institute and Museum Prilep, Museum Dr Nikola Nezlobinski in Struga, Institute and Museum Strumica, Museum of Tetovo, Institute and Museum Stip.

⁴ Art gallery – Tetovo (2007), Museum of Albanian alphabet in Bitola (2007), Memorial House of Mother Teresa in Skopje (2008), Museum of Macedonian Revolutionary Struggle in Skopje (2008), Archeological museum of Macedonia in Skopje (2010) and Memorial House of Todor Proeski in Krushevo (2011).

⁵ The following institutions have this status: Museum of Skopje, Museum of Veles, Museum of Negotino, Museum – Gallery Kavadarci, Museum Sveti Nikole, Museum of Kratovo and Local archeological and historical museum “Terracotta” in Vinica.

⁶ *Associated museums* are the museums in Berovo, Demir Kapija, Delchevo and Kriva Palanka.

⁷ This refers particularly to: Military museum – Skopje, Museum of NLA (UÇK) in Skopje, Museum of Holocaust in Skopje, Museum of Star Dojran, Numismatic Collections of National Bank of Macedonia in Skopje and Ohridska Banka in Ohrid, Memorial Museum of Smilevo, Archeological Museum of Faculty of Philosophy in Skopje, Ethnological Collection of Institute of Folklore “Marko Cepenkov” in Skopje, Museum of Criminology in Skopje, Museum of minerals in Probishtip and etc.

⁸ Typical example is the memorial space in the building of the Macedonian Parliament, founded with special decision of the Parliament from 1995 (“Official gazette of RM” No. 19/95).

⁹ See art. 10, par. 2 and 3 from the *Regulative* (“Official gazette of RM” No. 72/06).

independent museum collection is defined as *organizational unit of another legal entity, registered for performing museum activities*, and is equal to the meaning of the term defined in the law as *associated museum*. The term *independent gallery collection* is also similarly defined, causing additional confusion.

On the other hand, the inconsistent application of the legal provisions for determination of the *type of museum* according to the *scope of work* is a problem in itself. As a result, there are problems linked to *the actual and local authority*. In many cases, the founding acts of the museums, in the former period as well as the more recent period, are imprecise in the provisions for the *type of the founded museum, its scope of work and area for which it is founded*. In this context it should be stressed that, not only in the relevant legislation, but also in the founding acts and the statutes of the museums, almost universally the actual *municipal administrative-territorial division of the State* is ignored. It results in situations where there is *positive or negative conflict of responsibilities*. This situation has its influence in the effective operation of the relevant *public museum institutions*, especially for the *parent* or *the responsible special museum*, in opposition to *national* or *local museum with general responsibility* on the territory of the relevant municipality.

However, the meaning of the *legal identification of the museum subjects*, which we speak about here, is clearer if we have in mind that according to the *Law on protection of cultural heritage* from 2004, *the protection of the movable cultural heritage*, as operational objective of the museums in Macedonia, can be performed only by *the public museum institutions*, and not by other *museum subjects*.¹⁰ This fact is particularly important in terms of achieving the basic functions of protection - *record, valorization, categorization, revalorization, control of conservation projects, conservation supervision* and other public authorities in terms of *regular care of museum goods*, as well as achieving the protection of *museum goods in crises and in war or emergency*. Moreover, the regulations for *defense, protection and rescue*, the responsibility and the care is performed by *national and local museum institutions*, and other *museums entities* are treated as all other *holders of cultural heritage*.

Identification of museum goods

Particular problem in the operation of *museums in Macedonia* is the complex of issues related to the *identification of museum goods*. Namely, each *museum* in the country, according to museum regulations, should maintain complete

¹⁰ See art. 149, par. 1, 2, 3 and 4 from *Law on cultural heritage protection* ("Official gazette of RM" No. 20/04, 115/07, 18/11 and 148/11).

*records and museum documentation, especially Entry book for museum material and Inventory of museum objects.*¹¹ In this sense, the museum regulations of 2004 and 2006 established a *new model of keeping museum records*, but to date, in a large number of museums, it is not yet completed, and some have not even started the process of *re-inventory*. Along with this, according to the related regulations, *public museum facilities* should establish *basic safety records for movable cultural goods*, according to the type of goods and the area under their responsibility, in particular: *General inventory of archaeological items, General inventory of ethnological objects, General inventory of historical items, General inventory of artwork and General inventory of technical objects*. Similarly, the *Museum of Macedonia* is obliged to establish and maintain records in form of individual *inventories of archaeological, ethnological, historical, artistic and technical objects in the country*. Moreover, the *museum goods* and the *protected archaeological, ethnological, historical, artistic and technical objects*, that are located outside museums, are subject to *special safety records* in terms of international conventions, along with other types of *movable cultural heritage*. These include: *List of national cultural heritage whose export is prohibited, National inventory of protected goods subject to a license for export, National inventory of dispersed cultural heritage, National inventory of goods protected in the event of armed conflict* and *National list of collectors and private collections*, under responsibility of the *Office of Cultural Heritage Protection*.¹² In this case, the *system of safety records* is not established, nor any preparations for its embodiment exist. The *public museum institutions* have a key role in this system, but they still have inertial and irresponsible attitude towards this very important, preventive *protective function*.

An important thing to add is that *the professional processing of museum material in the public museum institutions* is not always performed in the legally determined deadlines, and the *revision of the museum items*, as a legal obligation, is ignored or inconsistently implemented by many *public museum institutions*.

Another problem in the identification of museum goods is the issue of *distinguishing the types of goods*, taking in account that many *museum collections* include different things as *museum material* or *museum item*,

¹¹ See art. 20 from *Law on museums* and *Regulation on the form, content and manner of keeping entry book, inventory, dispense book and other types of museum records and museum documentation* from 2006 ("Official gazette of RM" No. 72/06).

¹² See art. 34 from the *Law on cultural heritage protection* and *Regulation on the content and manner of keeping records of the safety evidence of cultural heritage and goods considered as cultural heritage, dispersed and foreign cultural heritage, as well as the performance of their audits* from 2008 ("Official gazette of RM" No. 10/08)

namely items considered as *movable cultural heritage*, especially *archive material and library items*, but also *documentary and library material* of different type¹³. In contrary, some items which should be treated as *museum goods*, due to their incorrect legal definitions, have different *protective status*. Typical examples are the *technical items* related to the creation of *audiovisual works*, understood as content of the term *audiovisual goods* and placed under authority of the *public cinematheques*¹⁴.

With regards to *the movable goods* of specific type, located outside the collections, but in the area of their responsibility, *the public museum institutions* still don't act as *public institutions for protection*. This is true not only for the establishing and timely management of the specific types of *general and parent inventories*, but also with regards to *valorization* of these goods in *public and private property*. The fact that in the implementation of the *parent law*, these institutions still haven't *valorized* any *private* or any *public collection* in the areas of their authority, best illustrates the above statement.

Revalorization of public museum collections

To illustrate the attitude of the *public museum institutions* towards the *museum goods* under their responsibility, despite the problem with *the museum and the protective records*, one can also mention the problem with *revalorization of museum collections*. Thus, after 8 years of coming of the *Law on cultural heritage protection* into force, the process of *revalorization and re-categorization of public museum collections* in 10 *museum institutions* has still not been initiated (Ohrid, Struga, Negotino, Kavadarci, Veles, Sveti Nikole, Kumanovo, Kratovo, Stip and Strumica). The other museums, which had existed before the Law has been adopted (10), performed *revalorization* of some or all of their collections to a different extent. There are 37 *public museum collections*, which in the time being are officially declared by the Government as cultural heritage, namely: Prilep – 11, Gevgelija – 6, Museum of the City of Skopje – 8, Bitola – 3, National gallery – Skopje – 2, Museum of Contemporary Art – 1, Kicevo – 2, Krusevo – 2, Tetovo – 1, Museum of Macedonia – 1, with 9085

¹³ See definitions of the terms *archive material* and *documentary material* from article 3, par. 1 from *Law on archive material* from 2012 ("Official gazette of RM" No. 95/12) and compare with definition of the term *archive material* from art. 20 from *Law on cultural heritage protection*. See definitions of the terms *library material* and *library good* from art. 2 from *Law on libraries* from 2004 ("Official gazette of RM" No. 66/04, 89/08, 116/10 and 51/11) and compare with definition of the term *library good* from art. 21 from *Law on cultural heritage protection*.

¹⁴ See art. 2 and art. 17 par. 1 line 2 from *Law on audiovisual goods* from 2008 ("Official gazette of RM" No. 103/08, 47/11 and 51/11).

identified objects in total.¹⁵ Thereby, 7 of the *declared public collections* do not identify the number of objects, so in the time being the State lacks official data on the total number of *museum objects having status of cultural heritage of particular importance*. On top of this, the State does not have official data on the total number of *public museum collections having status of cultural heritage ex lege*, nor on the total number of *museum objects* in these collections, nor on the quantity of *museum material in the public museum institutions*, having protected status of *goods under temporary protection*. The State also lacks official data on *dispersed cultural heritage* worth being subject to *restitution*, but also lacks data on *public collections outside museums* and the number of objects they contain, and – even worse is the situation with the data on *private collections of cultural goods* and the number of objects these contain.¹⁶

This situation is extremely worrying and demands essential shift in the attitude of the State towards the *public museum institutions*, but also the self-perception of the institutions, and their attitude towards the *museum goods*. The problem is due more to the *inconsistent implementation of the regulations on museum work and protection of movable goods under the responsibility of museums* than in the regulation. One can regard the lack of strict regulation in the parent law of the content of the *acts for protection*, including the *decisions for proclamation* as normative inconsistency. This issue remains intuitive in terms of the content of the *National registry of cultural heritage*, having in mind that *the registration of the protected goods* is performed in accordance with the *acts for protection*.¹⁷ However, this circumstance is overlooked, which is evident in the current *Government decisions for declaration of cultural goods of particular importance*: they do not contain all the data which should be incorporated in the *National registry*.

Other open questions related to the protection of museum goods

The normative framework for *protection of museum goods* encompasses the complex of questions related to the *planned instruments for protection* of all types, but violation of the regulations represents a problem in this field as well.

¹⁵ The *decisions for declaration* of the specific *public collections* are brought on five occasions: 11 – in 2009 (“Official gazette of RM” No. 78/09), 4 – in 2010 (“Official gazette of RM” No. 122/10) and 22 – on three occasions in 2011 (“Official gazette of RM” No. 77/11, 78/11 and 151/11).

¹⁶ The only *private collection* declared as *cultural heritage of particular importance* is the *Collection “Crosses from Macedonia”*, which belongs to the collector Trifun Kostoski, and comprises of 410 objects (“Official gazette of RM” No. 25/05).

¹⁷ See art. 45, par. 6 of the *Law on cultural heritage protection* and art. 5 of the *Regulation for the National registry of cultural heritage* from 2005 (“Official gazette of RM” No. 25/05).

This remark is supported not only by the condition of the *plans for protection*, but also by the following facts:

- the anticipated *professional guidelines for implementation of preparation measures for protection* are still not developed, nor are *the emergency and other preparation measures for protection of cultural heritage from predictable consequences in the event of armed conflict and natural disasters* determined and implemented;
- the anticipated *special methodology for estimation of damage to the cultural heritage during and in aftermath of armed conflict and natural disaster* is still not developed;
- the personnel for protection of museum goods in the event of armed conflict and natural disasters is still not determined;
- preparation and other measures for protection are not integrated in the annual action plans of the *public museum institutions*; the necessary financial, technical and other resources for this aspect of the museum work are still not provided;
- the prescribed *standards on the types of museums* and *the accreditation process* itself are still not met; *the assessment of the work of the museums* in the legally determined deadlines is inconsistently implemented.

The normative framework for protection of museum goods, in the segment of preventive care, encompasses inter alia, the issue of *museum documentation*. Let us remind that the *museum documentation*, same as the *museum goods* it relates to, has a status of *cultural heritage*, but unlike *the goods* themselves, it falls under the category of *archive material*, with special rules applying for this type of *movable cultural heritage*. Closely related is the issue of the status of the *curators* and *documenters* in the museums. These two types of professionals have the same legal status. Therefore, there is no excuse for the inappropriate behavior and frustrations of some of the *curators* towards their colleagues *documenters*, nor for the unsubstantiated differences related to their status. Unfortunately, there are many such examples in the practice, and they are detrimental for the *museum work*, as well as the condition of the *museum documentation*.

The careful operational analysis of the conditions of the *museums in Macedonia* reveals that *the level of training of the professionals for the issues related to protection* is a serious problem, especially related to the *special types of protection of movable cultural heritage*, as is *the preventive protection in the event of armed conflict and natural disasters*. In other words, the

professional knowledge in this field remains a privilege of a small circle of museum professionals, which is counterproductive for the institutions themselves.

Words in conclusion

The meaning of the few issues, mentioned in this article, although already intensely debated, at least in the previous few years, is to provoke a change and improvement as soon as possible. Implementation of the existing regulations, respecting the principles of protection and the culture of the legal system, would be a nice start. This should be done not only for public interest, but also as respect of the legacy of the past that reached us, but belongs to the future generations, to which it should be transferred.

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