

# **Principles for the Governance of the Heritage Conservation Sector in Canada: Lessons from International Experience**

**Prepared for  
The Historic Places Program Branch  
National Historic Sites Directorate  
Parks Canada**

**by**

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**This report contains the views of the authors and does not necessarily represent the position of Parks Canada**

The Heritage Resources Centre (HRC) is a non-profit organization founded in 1980 in cooperation with Parks Canada to promote better understanding of natural and human heritage for the improvement of planning management, and public policy through research education, and extension work.

The objectives of the HRC include: encouraging and facilitating heritage resources research, education, and information exchange activities at the University of Waterloo; encouraging cooperation among UW, other universities, and relevant government and private organizations in Ontario, Canada, and the international community; emphasizing the study of the resources that compose natural and cultural heritage as well as the national and provincial parks, Canada Wildlife Areas, Conservation Authorities, and other means of planning and managing these resources; serving those who wish to understand better, conserve, and use their heritage.

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# EXECUTIVE SUMMARY

## Need for Study

- The collapse of many large corporations has shocked the public
- “Governance” or control and responsibility issues are blamed
- Public and private organizations are examining their governance
- The Historic Places Initiative wants to develop good governance principles for the heritage sector in this country

## Good Governance Principles

- Ottawa’s *Institute On Governance* has developed a set of governance principles for Protected Areas
- These principles have been used as a reference for examining good governance in the heritage setting

## Comparing Governance Principles to Existing Heritage Documents

- The reference principles were compared to UNESCO and ICOMOS charters and conventions
- They were also compared to studies that specifically examined the governance of the national heritage trusts in several countries

## Recommended Principles for the Heritage Sector in Canada

- The following governance principles were found to be suitable after the addition of several heritage specific aspects:
  - **Legitimacy and Voice**
    - Principle based on *participation* and *consensus orientation*
  - **Direction**
    - Principle based on *strategic vision* which includes human development and historical, cultural and social complexities
  - **Performance**
    - Principle based on *responsiveness of institutions* and *processes to stakeholders* and also *effectiveness* and *efficiency* in general
  - **Accountability**
    - Principle based on *accountability to the public and institutional stakeholders*, and *transparency*
  - **Fairness**
    - Principle based on *equity* and the *rule of law*

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## 1.0 INTRODUCTION

### 1.1. Need for the Study

Public attention became sharply focused on matters of how publicly traded corporations were managed when the giant American energy company Enron collapsed in 2001. At least part of the problem centred on understanding how control of such enterprises is exercised. Almost half of people polled by the US firm, Golin Harris in 2004, said that corporate citizenship was headed in the wrong direction (National Post, Feb 21, 2005). The Enron affair led to the passage in the United States of the Sarbanes-Oxley Act in 2002. This legislation imposed significant new standards of operation on companies. The saga continued in 2003 when Conrad Black was challenged by members of the Hollinger International Board of Directors. The issue again concerned the question of control and who actually runs corporations. Control and responsibility issues are generally subsumed under the term “governance.”

These matters, however, are not confined to the private sector. In the last several years many not-for-profit sector agencies and institutions have begun to question their governance and operating procedures. For example, international forums such as the World Parks Congress started to seriously reflect on the Governance Principles for Protected (Natural) areas. At the last Congress of the World Parks organization in Durban, South Africa in 2003, one of the conference themes was governance for protected areas and discussion papers were prepared linking governance principles for protected areas to different international charters and conventions.

This type of reflection on governance principles has also been pursued by some institutions in the Heritage Conservation Sector such as the US National Trust for Historic Preservation, the National Trust of England, Wales, and Northern Ireland, and the National Trust for Scotland. Until now the discussion has not formally taken place within Canada. International charters and conventions have influenced the evolution of heritage conservation practices in Canada and recent work within the sector such as the Historic Places Initiative are introducing new elements to heritage sector governance by influencing “*the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say*” (Institute On Governance [IOG], 2003, p. ii).

Examining heritage conservation charters and conventions from a governance lens will contribute to defining a set of principles and criteria. Learning from the experience of heritage sector institutions in other jurisdictions will also aid in directing the further development of heritage conservation structures and processes in Canada through the Historic Places Initiatives or other related work.

## **1.2. Study Objectives**

The specific objective of this project is to assess international heritage conservation charters and conventions as well as reports on governance from other countries and to develop principles for sound governance that can be applied in Canada.

A proposed set of governance principles for heritage conservation will be initially based on a literature review. These principles will be used to guide the assessment of various national and international charters and conventions and related heritage conservation documents looking for both explicit and implicit statements concerning governance. It will then be determined whether there are common governance principles and practices or if additional aspects should be suggested to modify the set of principles to appropriately reflect the conservation sector.

Using case studies of the existing regimes of structures, processes and traditions in national, provincial and municipal policies and programs the validity of the governance principles for heritage conservation will be assessed.

## **1.3. Methods**

A selective literature review searching for references on governance was conducted using the following parameters. Key words and subject phrases were used in academic research database<sup>1</sup> and institute/department website information searches. Search words and phrases used included:

- governance
- heritage
- constitutions
- NGO management
- directors
- letters patent

Canadian research institute websites consulted included:

- ICOMOS Canada
- the Institute On Governance
- the Centre on Governance (U of O)

The international institutes included:

- ICOMOS International
- the United Nations Research Institute
- the UNESCO World Heritage Centre
- the World Bank.

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<sup>1</sup> CISTI and CSA Illumina research databases. Specific academic journals on heritage and governance searched include *Governance: an International Journal of Policy and Administration*, *International Journal of Heritage Studies*, and *Journal of Management and Governance*.

Canadian heritage foundations as well as federal and provincial level department websites searched included:

- the Heritage Canada Foundation
- the Ministry of Canadian Heritage
- the Ministry of Culture
- the Ontario Heritage Foundation
- the Ontario Trillium Foundation.

Finally, national and international charters and conventions on conservation were retrieved from the ICOMOS Canada website while online documents on the governance and legislation of the national trusts for the United States; England, Wales, and Northern Ireland; Scotland; and Ireland were also analyzed. A list of relevant documents retrieved from websites is provided in the reference section.

The Institute On Governance discussion paper *Governance Principles for Protected Areas in the 21<sup>st</sup> Century* (2003), contained a well developed set of governance principles<sup>2</sup> which were used as the initial reference point.

This set of principles was used in three ways. First the international heritage conservation charters and conventions (listed in Appendix B) were evaluated for their concurrence with the reference principles. Second, two other sets of principles found in documents that reviewed the governance structure of heritage institutions were compared with the reference principles from the protected areas discussion paper.<sup>3</sup> Finally the specific assessments and recommendations made in the two governance reviews already mentioned, and another two which did not contain explicit principles, were compared to the reference principles. Based on these comparisons several additions were made to the original set of principles.

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<sup>2</sup> The five key principles identified in the discussion paper were based on the United Nations Development Program's list of good governance characteristics.

<sup>3</sup>US National Trust for Historic Preservation (2004). *Report of the ad hoc governance committee*; National Trust of England, Wales, and Northern Ireland (2003). *Report on the governance of the national trust*.



## 2.0 GOVERNANCE

### 2.1. What is Governance?

Often misused as a synonym for “government,” definitions of the ostensibly more complicated “governance” term abound (IOG, 2000). In his discussion paper *From Indicators to Governance to the Mainstream*, Colin Mercer (2003) describes governance as “our joint and uneven terms of engagement with the complex fields of economic, human, social and cultural power relations in which we are all ‘stakeholders’” (p. 5). That is, governance is neither the institution of government nor the traditional dichotomy of “State and People, Government and Community, etc.” Rather, it is a dynamic process involving “structures, functions (responsibilities), processes (practices) and organizational traditions that the board of an organization [or society] uses to accomplish the organizing mission” (IOG, 1999, as cited in IOG, 2001, p. 7).

According to the Institute On Governance research paper *Governance in the New Millennium*, governance, within accepted traditions and institutional frameworks, “is about the way in which power is exercised: who has influence, who decides, and how decision-makers are held accountable” (2000, p. 3). Simply put, the concept is concerned with power, relationships and accountability (2003, p. ii).

### 2.2. Principles of Good Governance

Research is increasingly supporting the notion that good governance practices are important to effective organizational performance (IOG, 2001, p. 6). The concept of ‘good governance’ as defined in the Institute On Governance report *Governance Principles for Protected Areas* is the “mode or model of governance that leads to the social and economic results sought by citizens” (2003, p. 8). Similarly, an earlier research report identifies good governance as the achievement of desired results consistent with the normative values of democracy and social justice (IOG, 2001, p. 7).

The task of defining good governance however remains complicated by the fact that attempts to apply the attributes which constitute the concept may be cause for disagreement. More specifically, good governance attributes such as constitutional legitimacy, administrative competence, public participation and accountability may conflict with one another while excessive emphasis on some attributes over others may lead to adverse results. Nevertheless, despite the inherent difficulties of delineating what constitutes “good” governance, a starting point is needed. Based on the United Nations Development Program’s list of good governance characteristics (UNDP “Governance and Sustainable Human Development, 1997”), the Institute On Governance discussion paper *Governance Principles for Protected Areas* provides a well developed set of governance principles (see Table 1). Their modified principles provide a good reference set for the development of core governance principles specific to Canada’s heritage conservation sector. The principles are outlined here minus their specific references to “protected areas.”

## **Legitimacy and Voice**

This principle consists of six specific criteria. The first criterion, *Existence of a Supportive Democratic and Human Rights Context*, is characterized by the existence of democratic institutions based on a viable multi-party system, human rights, promotion of tolerance, respect for indigenous rights, and the absence of discrimination based on gender, race, colour, or religion. The second criterion, *Appropriate Degree of Decentralization in Decision-Making*, necessitates that any devolution or divestment is through local bodies that are accountable to local people, have the capacity to perform their functions, and have some constraints or standards which act in the larger national/international interest. The third criterion, *Collaborative Management in Decision-Making*, requires the involvement of representatives of all affected parties especially local and indigenous peoples in the decision-making process. The fourth criterion, *Citizen Participation at all Levels of Decision-Making*, involves in particular local level participation and equal gender participation. The fifth criterion, *Existence of Civil Society Groups and an Independent Media*, is of importance in balancing the exercise of powers granted to political leaders and managers. Finally, the sixth criterion, *High levels of Trust*, requires trust amongst governmental, non-governmental, national, state and local actors.

## **Direction**

This principle comprises five specific criteria. The first criterion, *Consistency with International Direction* requires, as appropriate, consistency with international conventions, intergovernmental programs, regional agreements and other guidance documents. The second criterion, *Existence of Legislative Direction*, is characterized by legislation that sets out clear objectives, establishes clear authorities, provides for viable administrative organizations, includes requirements for citizen-participation in decision-making, and is elaborated with written policy statements. The third criterion, *Existence of System-Wide Plans*, entails the existence of quantified objectives for management categories, the establishment of priorities for the planning period, and the provision of citizen participation in their implementation. The fourth criterion, *Existence of Management Plans*, requires that management plans reflect citizen participation, have formal approval by appropriate authorities, have clear objectives consistent with legislation, have measurable results set out to be achieved within given timeframes, be reviewed and updated on a regular cycle, and be implemented through annual work plans. The Fifth criterion, *Demonstration of Effective Leadership*, requires that political leaders and managers provide inspiring and consistent vision for the long term development of protected areas, mobilize support for their vision, and garner necessary resources to implement their plans.

## **Performance**

This principle consists of eight specific criteria. The first criterion, *Cost Effectiveness*, refers to efficiency in the achievement of objectives. The second criterion, *Capacity*, refers to the capacity to undertake required functions. It also refers to policy capacity and the adequacy and security of funding. The third criterion, *Co-ordination*, is the ability and capacity to co-ordinate efforts with the principal affected 'players' both within and outside government. The fourth criterion, *Performance Information to the Public*,

necessitates the provision of sufficient information for governments and the public to assess performance. The fifth criterion, *Responsiveness*, refers to responsiveness in dealing with complaints and public criticism. The sixth criterion, *Monitoring and Evaluation*, is the capacity to undertake regular and comprehensive monitoring and evaluation, and to respond to findings. The seventh criterion, *Adaptive Management*, is the ability to provide for policy learning and adjustment of management actions on the basis of operational experience as part of an adaptive management strategy. Finally, the eighth criterion, *Risk Management*, is the capacity to identify key risks and manage them.

### **Accountability**

This principle comprises six specific criteria. The first criterion, *Clarity*, refers to clarity in the assignment of responsibilities and the authority to act. The second criterion, *Coherence and Breadth*, is the degree to which broader concepts of accountability to the global community, future generations and nature are integrated with concepts of political accountability. The third criterion, *Role of Political Leaders*, is the appropriateness of responsibilities assigned to political leaders as opposed to non-elected officials or semi-independent bodies. It also refers to the absence of corruption. The fourth criterion, *Public Institutions of Accountability*, is the existence of effective public institutions that include access to information, capacity to analyze and report, and comprehensiveness of mandates. The fifth criterion, *Civil Society and the Media*, refers to the effectiveness of civil society and the media in mobilizing demand for accountability. The sixth criterion, *Transparency*, is the capacity of citizens, civil society and the media to access information relevant to the performance of management and to its use of regulatory, spending and other powers.

### **Fairness**

This principle consists of four specific criteria. The first criterion, *Existence of a Supportive Judicial Context*, refers to a judicial context characterized by respect for the rule of law. The rule of law encompasses an independent judiciary, equality before the law, the requirement for government and its officials to base their actions on well-defined legal authorities, and the right of citizens to seek legal remedies against the government and against their fellow citizens. The second criterion, *Fair, Impartial and Effective Enforcement of Rules*, includes the transparency of the rules themselves, the absence of corruption among public officials, and the right of appeal for those charged with transgressions. The third criterion, *Fairness in the Process for Establishing New Conservation Sites*, includes respect for the rights, uses and traditional knowledge of local and indigenous peoples related to the area, an assessment of other options for the use of the area, public participation in the process of establishing the protected sites, and the appropriate balancing among protected site objectives. The fourth criterion, *Fairness in the Management of Conservation Sites*, includes practices that achieve a favourable balance of costs and benefits to local and indigenous peoples, mechanisms for sharing or devolving management decision-making with local and indigenous peoples, use of traditional knowledge and resource management methods of indigenous and local people, equitable human resource management practices for staff, and processes for recognizing and dealing with past injustices resulting from the establishment of conservation sites.

**TABLE 1 Five Principles of Good Governance<sup>4</sup>**

<b>Principles of Good Governance (IOG)</b>	<b>Relevant Criteria</b>
<b>Legitimacy and Voice</b> Principle based on <i>participation</i> and <i>consensus orientation</i> .	Existence of a supportive democratic context
	Appropriate degree of decentralization in decision-making
	Collaborative management in decision-making
	Citizen participation occurring at all levels of decision-making
	Existence of civil society groups and an independent media
	High levels of trust
<b>Direction</b> Principle based on <i>strategic vision</i> which includes human development and historical, cultural and social complexities.	Consistency with international direction
	Existence of legislative direction
	Existence of system-wide plans
	Existence of management plans
	Demonstration of effective leadership
<b>Performance</b> Principle based on <i>responsiveness of institutions and processes to stakeholders</i> and also <i>effectiveness</i> and <i>efficiency</i> in general.	Cost effectiveness
	Capacity
	Co-ordination
	Performance information to the public
	Responsiveness
	Monitoring and evaluation
	Adaptive management
	Risk management
<b>Accountability</b> Principle based on <i>accountability to the public and institutional stakeholders</i> and <i>transparency</i> .	Clarity
	Coherence and breadth
	Role of political leaders
	Public institutions of accountability
	Civil society and the media
	Transparency
<b>Fairness</b> Principle based on <i>equity</i> and the <i>rule of law</i> .	Existence of a supportive judicial context
	Fair, impartial and effective enforcement of conservation rules
	Fairness in the process for establishing new conservation sites
	Fairness in the management of conservation sites

<sup>4</sup> From “Five Good Governance Principles” In *Governance principles for protected areas in the 21<sup>st</sup> century* (Institute On Governance, 2003) pp. ii-viii.

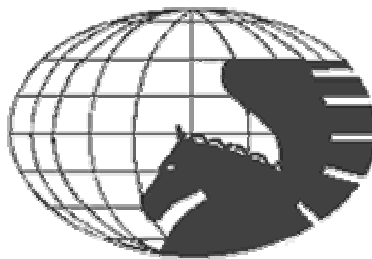
### **2.3. Governance Issues Related to Canada's Historic Places Initiative**

Governance issues are of concern to the Heritage Places Initiative (HPI) in Canada for at least three main reasons. The first concerns the potential for directing public funds toward historic conservation. The second relates to the potential for further collaboration and partnerships with the heritage conservation sector in Canada. The third relates to the introduction of new institutional mechanisms into the heritage sector in Canada.

The possibility that more public funds could be directed to the maintenance and restoration of heritage properties, either through grants or tax instruments, raises the matter of whether the agencies and institutions that would receive or administer the funds are properly constituted and managed.

The HPI has proceeded from the beginning to seek to work cooperatively and in partnership with the provinces and territories. It is envisioned that in the future this cooperation may extend to other government, non government, private and charitable bodies.

The overarching vision for the heritage conservation sector is evolving. During the February 2005 Parks Canada Ministerial Round Table, participants recommended the development of a "Heritage Conservancy." As part of HPI, the concept of a national heritage trust has been proposed. A set of good governance principles adapted to the heritage conservation sector could contribute to the introduction of new institutions appropriate to a Canadian context. As Michael Stubbs has pointed out in his 2004 article, "Heritage-Sustainability: Developing a Methodology for the Sustainable Appraisal of the Historic Environment," the measure needed to evaluate heritage initiatives, are different than the generic measures. Similarly, the principles of good governance for bodies charged with historic conservation should be tailored to that purpose.



**International Council on  
Monuments and Sites**

## **3.0 GOVERNANCE PRINCIPLES AND THE HERITAGE SECTOR**

### **3.1. International Charters and Conventions**

#### **3.1.1. Charters and Conventions**

International organizations such as UNESCO and ICOMOS (International Council on Monuments and Sites) have set out important conservation principles and standards in the cultural heritage field since their postwar establishment. As statements and guidelines for site conservation and management, the various charters and conventions enacted by these institutions have helped to underpin national and international heritage conservation procedures. As Ken Taylor (2004) argues in his research article “Cultural Heritage Management: A Possible Role for Charters and Principles in Asia,” charters set the basis for conservation practice and, as such, they can be viewed as having a professional ethics role in directing the manner of international cultural conservation practices: “They invariably now address what is meant by such things as heritage values, conservation, significance, and the steps involved in the heritage conservation practice” (p. 424). Similarly, Lisbeth Saaby (1997) states that while such international charters have no formally binding effect on states, “they do appeal to a strong sense of moral responsibility among professionals and authorities and over the years have had a sizeable impact on the national and international levels of preservation” (p. 30).

The Athens Charter for the Restoration of Historic Monuments (1931) was the first document to define a set of basic principles for guiding conservation practice. It contributed towards the development of a broad international movement on heritage conservation. However, it was the International Charter for the Conservation and Restoration of Monuments and Sites (1964) or ‘Venice Charter,’ which marked increased international concern over conserving the past for the future. Although limited in scope, especially in its emphasis on the physical fabric of built heritage, the Venice Charter is acknowledged as the forerunner of ICOMOS documents including the prominent Appleton Charter (1983), Nara Document (1994), and revised Burra Charter (1999). These and other charters and declarations are described below.

#### **3.1.2. Description of Charters and Declarations**

A total of twenty charters, resolutions, declarations, and guidelines were analyzed (Appendix B). All documents were maintained for analysis under the four groupings found on the ICOMOS Canada website: ICOMOS Charters and other Standards; Charters adopted by the General Assembly of ICOMOS; Resolutions and Declarations of ICOMOS Symposia; and Charters adopted by ICOMOS National Committees.

## **ICOMOS Charters and other Standards**

*Athens Charter* (1931) – Adopted at the first International Congress of Architects and Technicians of Historic Monuments, the charter defined for the first time general principles on administrative and legislative measures as well as some guidelines on the conservation and treatment of ancient monuments and buildings. More importantly, the charter recommended international collaboration on the conservation of monuments.

*Venice Charter* (1964) – The International Charter for the Conservation and Restoration of Monuments and Sites defines historic monuments, albeit primarily ancient ones, and sets out some basic guidelines over their conservation and restoration.

*Declaration of Amsterdam* (1975) – The European Charter of the Architectural Heritage emphasizes the need for a common European policy and concerted action over the protection of Europe's architectural heritage. Its principles draw attention to the importance of architectural heritage and set out an integrated conservation approach based on legal, administrative, financial and technical support.

## **Charters adopted by the General Assembly of ICOMOS**

*Charter of Cultural Tourism* (1976) – Reflecting an increasing awareness of the destructive effects of mass tourism on historic sites and monuments, the international representatives of ICOMOS met in Brussels where a set of appeals to governments, international institutes, and specialists were laid out for the protection of built and natural heritage from touristic use.

*Florence Charter* (1982) – The charter offers basic guidelines for the conservation and restoration of historic gardens. Recommendations are made for the legal and administrative protection of the 'living monuments.'

*Washington Charter* (1987) – The ICOMOS Charter for the Conservation of Historic Towns and Urban Areas outlined additional conservation principles to complement the Venice Charter.

*ICOMOS Charter for the Protection and Management of the Archaeological Heritage* (1990) – The charter gives basic guidelines and principles for the protection of archaeological sites. It defines archaeological heritage and provides key recommendations on legislation, conservation, maintenance and reconstruction, and international cooperation in maintaining standards for its management.

*ICOMOS Guidelines for the Education and Training in the Conservation of Monuments, Ensembles and Sites* (1993) – The document provides a course of action for the establishment of standards for education and training in the conservation of cultural heritage sites, monuments and groups of buildings.

## **Resolutions and Declarations of ICOMOS Symposia**

*Norms of Quito* (1967) – The Norms of Quito document provides recommendations for Inter-American cooperation in the preservation and use of monuments and sites of historic, archaeological and artistic value. It outlines legal measures for the protection

of cultural heritage sites and highlights the economic valuation of monuments as tourist attractions.

*Bruges Resolutions* (1975) – The document sets forth general principles on the conservation of smaller historic towns. The resolution emphasizes the need for consideration into regional policy, technical, legal and financial problems, local pride, and coordination of public policy in the conservation process.

*Declaration of Tlaxcala* (1982) – As an outgrowth of the Inter-American symposium on the conservation of building heritage, the declaration encourages among other things interdisciplinary participation and the adoption by all countries in the region of the Protocol to the UNESCO World Heritage Convention.

*Declaration of Dresden* (1982) – The document summarizes discussion by the international ICOMOS symposium on the reconstruction of monuments destroyed by war.

*Declaration of Rome* (1983) – The document provides a summary on the Italian symposia on monuments and sites. The meeting pointed out deficiencies in the field of conservation and restoration of cultural heritage in Italy.

*Declaration of San Antonio* (1996) – The document summarizes the findings and recommendations of the Inter-American Symposium on Authenticity in the Conservation and Management of the Cultural Heritage.

### **Charters adopted by ICOMOS National Committees**

*Deschambault Declaration* (1982) – The Declaration for the Preservation of Quebec's Heritage attempts to define the special nature of the province's heritage while highlighting the importance of public consultation procedures and public participation in the conservation of national heritage.

*Appleton Charter* (1983) – The Appleton Charter for the Protection and Enhancement of the Built Environment focuses on scales of intervention in the management of the built environment. It calls for consideration into the importance of broad based consensus in intervention as well as legitimate consensus which involves public participation prior to the initiation of any work.

*ICOMOS Brazil Seminar about the Preservation and Revitalization of Historic Centers* (1987) – Basic principles adopted by the Brazilian ICOMOS committee include the integrated action of local, state and federal entities, public participation of communities concerned with planning decisions, and legal protection procedures for urban historical sites.

*ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value* (1992) – The document provides guidelines for community leaders, organizations and individuals concerned with the conservation of cultural heritage places.

*Nara Document on Authenticity* (1994) – The document emphasizes the need to avoid mechanistic procedures when attempting to determine the authenticity of sites and



monuments. It outlines approaches for defining authenticity which take into account different cultural and heritage values towards sites.

*Burra Charter* (1999 version) – The Australian ICOMOS Charter for Places of Cultural Significance provides definitions on conservation principles, processes, and practice as well as detailed guidelines for establishing cultural significance and developing conservation policy.

### **3.1.3. Analysis of Charters Relative to Reference Principles**

#### **ICOMOS Charters and other Standards**

Being among the oldest, most formative and most general international conservation statements, it is perhaps not surprising that Athens, Venice and Amsterdam documents are not particularly detailed on matters of governance. Nevertheless, there are clear references to matter of Direction and Performance in each. Legitimacy and Fairness are featured in both the Athens and Amsterdam documents while Accountability is only highlighted in the Amsterdam declaration. All of these mentions of principles are concurrent with the reference principles.

What stands out, however, is the mention in the Athens Charter of the importance of expertise and professionalism in conservation matters. That concept is absent from the reference principles.

#### **Charters adopted by the General Assembly of ICOMOS**

When we move to a consideration of the Charters adopted by the ICOMOS General Assembly we find a considerable resonance between most of the them and the reference principles in regard to Legitimacy and Direction and only slightly less concurrence with Accountability and Fairness.

As with the ICOMOS Standards, however, the importance of skills, knowledge, expertise and professionalism are much more in evidence.

#### **Resolutions and Declarations of ICOMOS Symposia**

The Resolutions and Declarations echo the other categories of ICOMOS documents in that they mention many of the common points found in the reference principles but note skills, knowledge, expertise and professionalism in addition.

#### **Charters adopted by ICOMOS National Committees**

While the nationally adopted charters are often more detailed and therefore richer in their description of governance matters especially on Legitimacy, Direction and Performance, it is once more the aspects of skills and professionalism that differentiate them from the reference principles.

**TABLE 2 ICOMOS Charters and other Standards**

	<b>Legitimacy and voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>
<b>Athens Charter (1931)</b>	-collaborative management in decision-making -degree of decentralization in decision-making <i>-expertise and professionalism</i>	-existence of legislative direction -existence of management plans -consistency with international direction	-monitoring -adaptive management		-recognizes right of private ownership
<b>Venice Charter (1964, 1965)</b>		-consistency with international direction -existence of legislative direction -existence of system-wide plan	-monitoring and evaluation -co-ordination		
<b>Declaration of Amsterdam (1975)</b>	-collaborative management in decision-making -citizen participation in decision-making	-existence of legislative direction -consistency with international direction	-risk management -performance information to public -monitoring and evaluation -cost effectiveness	-civil society and the media	-existence of supportive judicial context -effective enforcement of architectural heritage conservation rules

**TABLE 3 Charters adopted by the General Assembly of ICOMOS**

	<b>Legitimacy and voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>
<b>Charter of Cultural Tourism (1976)</b>	<i>-expertise and professionalism</i>	-consistency with international direction			
<b>Florence Charter (1982)</b>	<i>-expertise and professionalism</i>	-consistency with international direction -existence of legislative direction		-transparency	-existence of supportive judicial context
<b>Washington Charter (1987)</b>	-citizen participation in decision-making	-consistency with international direction	-adaptive management	-clarity -transparency <i>-skills and knowledge</i>	-existence of supportive judicial context -fairness in the process for initiating conservation plans
<b>ICOMOS Charter (1990)</b>	-citizen participation in decision-making <i>-expertise and professionalism</i>	-consistency with international direction -existence of legislative direction -existence of management plans	-monitoring and evaluation	-coherence and breadth -public institutions of accountability	-existence of supportive judicial context
<b>ICOMOS Guidelines (1993)</b>	<i>-expertise and professionalism</i>	-consistency with international direction		<i>-skills and knowledge</i>	

**TABLE 4 Resolutions and Declarations of ICOMOS Symposia**

	<b>Legitimacy and voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>
<b>Norms of Quito (1967)</b>	-collaborative management in decision-making -citizen participation in decision-making <i>-expertise and professionalism</i>	-consistency with international direction -existence of legislative direction -existence of management plans -effective leadership	-co-ordination -adaptive management		-existence of supportive judicial context
<b>Bruges Resolutions (1975)</b>		-existence of legislative direction	-co-ordination		-fairness in the process for establishing new historic town revitalization initiatives
<b>Declaration of Tlaxcala (1982)</b>	-collaborative management in decision-making	-consistency with international direction -existence of management plans			
<b>Declaration of Dresden (1982)</b>	<i>-expertise and professionalism</i>	-existence of management plans	-adaptive management		
<b>Declaration of Rome (1983)</b>		-consistency with international direction	-co-ordination	<i>-skills and knowledge</i>	
<b>Declaration of San Antonio (1996)</b>	<i>-expertise and professionalism</i>	-consistency with international direction -existence of management plans		-coherence and breadth <i>-skills and knowledge</i>	-fairness in the process for determining the future of cultural landscapes

**TABLE 5 Charters adopted by ICOMOS National Committees**

	<b>Legitimacy and voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>
<b>Deschambault Declaration (1982)</b>	-collaborative management in decision-making -citizen participation in decision-making <i>-expertise and professionalism</i>	-consistency with international direction -existence of legislative direction	-performance information to the public -adaptive management	-civil society and the media -transparency	-existence of supportive judicial context
<b>Appleton Charter (1983)</b>	-citizen participation in decision-making <i>-expertise and professionalism</i>	-consistency with international direction	-monitoring and evaluation		
<b>ICOMOS Brazil Seminar (1987)</b>	-supportive democratic context -citizen participation in decision-making				-existence of supportive judicial context
<b>ICOMOS New Zealand (1992)</b>	<i>-expertise and professionalism</i>	-consistency with international direction -existence of management plans	-performance information to the public -monitoring and evaluation -adaptive management -risk management	-transparency <i>-skills and knowledge</i>	-effective enforcement of heritage conservation rules
<b>Nara Document (1994)</b>	-collaborative management in decision-making <i>-expertise and professionalism</i>	-consistency with international direction -existence of legislative direction	-monitoring and evaluation -adaptive management		
<b>Burra Charter (1999 version)</b>	<i>-expertise and professionalism</i>	-consistency with international direction	-monitoring and evaluation -adaptive management	-clarity -coherence and breadth -transparency <i>-skills and knowledge</i>	-effective enforcement of heritage conservation rules -fairness in process for establishing new heritage conservation sites -fairness in the management of heritage conservation sites

## **3.2. UNESCO World Heritage Convention**

### **3.2.1. Description of World Heritage Convention**

Adopted by the General Conference of UNESCO on 16 November 1972, the World Heritage Convention (WHC)<sup>5</sup> established an international set of provisions (38 clauses) for the conservation of cultural and natural heritage. The official aim of the WHC is to promote international cooperation in the protection of heritage of ‘outstanding universal value.’ Being classified under monuments, groups of building, and sites, the cultural heritage referred to in the Convention is concerned primarily with immovable property.

State Parties to the WHC recognize that the primary responsibility for the identification, protection, conservation, presentation and transmission of cultural and natural heritage to future generations, located in their own territories, belongs to the State. This responsibility also necessitates the acquisition of international aid when financial, technical, or legal constraints obstruct effective conservation.

The Convention is administered by the World Heritage Committee whose function it is to identify cultural and natural heritage properties. Once nominated, such properties are recorded on the World Heritage List or List of World Heritage in Danger. Finally the WHC determines when to assist countries in protecting their designated World Heritage properties. The WHC is widely recognized as the most powerful international tool for the promotion of cultural and natural heritage conservation.

### **3.2.2. Convention Compared to Reference Principles**

Many of the individual clauses of the Convention, as well as its overall thrust, concur with the spirit of the reference principles. In its own structure the World Heritage Committee conforms to most of the principles providing for collaborative management, responsiveness, transparency in its operation and fairness in selecting World Heritage sites. There are, however, some exceptions and potential areas of tension with the principles. The fact that appointments to the Committee might be from national governments that are themselves not democratic could compromise the legitimacy of the WHC. With regard to accountability there is a potential fault even for a country like Canada. Clause 34 b indicates that while national governments might be signatories to the WHC states, provinces or cantons within a federal system can only be advised by their national governments on world heritage issues. Hopefully these are only potential and not actual challenges to the principles of good governance.

As in the case of the other UNESCO charters, there is an emphasis in the WHC on the importance of skill and expertise and while professional experts are limited officially to an advisory role, their status and importance is clearly outlined.

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<sup>5</sup> The ‘Convention Concerning the Protection of the World Cultural and Natural Heritage’ is more commonly referred to as the World Heritage Convention. It was adopted by the General Conference at its seventeenth session on 16 November 1972 in Paris.

**TABLE 6 Reference Principles in UNESCO World Heritage Convention (numbers in brackets refer to clauses in the Convention)**

	<b>Legitimacy and Voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>
<b>UNESCO World Heritage Convention Areas of Concurrence with Reference Governance Principles</b>	<p>-existence of a supportive democratic context (9-2; 13-8; 35-1,2,3)</p> <p>-appropriate degree of decentralization in decision-making (8-1,2)</p> <p>-collaborative management in decision-making (13-7)</p> <p><i>-expertise and professionalism</i> (9-3; 14-2; 21-1; 22-b)</p>	<p>-consistency with international direction (7)</p>	<p>-responsiveness (11-1,2,3,4,5,6,7)</p> <p>-reactive monitoring (see operational guidelines, IV.A) and evaluation (29-1,2,3)</p> <p>-adaptive management (11-4; 21-2)</p> <p>-risk management (21-2)</p> <p>-provision for funding (19; 20; 21)</p>	<p>-clarity in procedures for processing requests for international assistance (13; 15-4)</p> <p>-transparency (8-3; 10-2; 29-1,2,3)</p> <p><i>-skills and knowledge</i> (9-3)</p>	<p>-existence of a supportive judicial context (6-1)</p> <p>-fairness in the process for establishing new heritage conservation sites (11, 1,2,3,4,5,6,7; see operational guidelines, III-A,B)</p>

### **3.3. Overview of Governance Review Documents from Different Countries**

#### **3.3.1. Description of Governance Review Documents**

##### **National Trust for Historic Preservation (USA)**

The enactment of the Sarbanes-Oxley Act of 2002 followed by a 2003 series in the Washington Post on The Nature of Conservancy encouraged the US National Trust to review its governance structure and practices. An *ad hoc* committee of the Board of Trustees was subsequently set up to address governance issues, especially those concerning conflicts of interest, financial oversight and accountability, mission conflicts, and governance oversight functions. The principal recommendations of the *Report of the Ad Hoc Governance Committee* (May 2004) is summarized in Table 8.

##### **National Trust of England, Wales, and Northern Ireland**

The Council of the National Trust for England, Wales, and Northern Ireland appointed a Review Group in 2002 to the governance arrangements of the Trust. Nearly all members of the Council and principal central committees invited to the first review meeting believed that the governance structure of the Trust required improvement. Governance issues addressed over the course of subsequent meetings focused on two key areas of concern: the sheer number of internal bodies and associated decision-making problems, and fairness in the methods by which people were elected and appointed to posts in the Trust. The principal recommendations of the resultant *Report on the Governance of the National Trusts* (April 2003) is summarized in Table 8.

##### **National Trust for Scotland**

The Council of the National Trust for Scotland established a special panel to review the Trust's governance structures in 2002. Over the course of eleven meetings, panel members representing the Council, Executive and advisory committees, and staff deliberated over three issues regarding the nature of the Trust and its governance: responsibility to members, fiduciary responsibilities, and authority and decision-making powers. The main recommendations of the follow-on report *The National Trust for Scotland Governance Review* (August 2003) is summarized in Table 8.

##### **An Taisce - National Trust for Ireland**

The association memorandum of An Taisce, the National Trust for Ireland, was modified by special resolution in 2002. Although not a governance review *per se*, the amended *Memorandum of Association of An Taisce, The National Trust For Ireland* (September 2002) is a comprehensive review document on the responsibilities and regulations of the Trust. Governance principles implicit in the document are summarized in Table 8.



### **3.3.2. Review Documents Compared to Reference Principles**

Table 7 compares the principles of good governance set out in the US National Trust review with the reference principles adopted from the Protected Areas document. Also compared to the reference principles are items derived from the National Trust for England, Wales, and Northern Ireland review of governance. While not identified specifically as “governance principles,” the list from the English document corresponds closely with the stated principles from the other documents.

The comparison is not exact since the reference principles are articulated in more detail and grouped differently. What can be seen, however, is a considerable degree of overlap and agreement. This serves to strengthen the assertion that the reference principles are quite complete, well articulated and reasonably comprehensive.

Particularly in the area of Direction, all three sets of principles concur with a well defined mission, competent governing body and good leadership emphasized. With regard to Fairness each recognizes the need for good employee relations, election of trustees and good treatment of volunteers.

There is somewhat less overlap in the areas of Legitimacy and Voice, and Performance with the American document more vocal on the first aspect and English version stronger on the latter. Again, however, the reference document appears to capture the best of both.

Only in the area of Accountability and by implication in the field of Legitimacy does the reference document appear to be lacking. The US review, perhaps not surprisingly given the backdrop of corporate wrongdoing that triggered the investigation, stresses the need for strong provisions concerning conflict of interest. As will be shown when the details of the reviews are examined, an interest in preventing either the appearance or reality of conflict of interest is paramount in the American view.



**TABLE 7 Comparisons of Governance Principles from Different Countries**

Institute on Governance	US National Trust for Historic Preservation	National Trust for England, Wales & Northern Ireland*
Legitimacy and Voice	<b>Conflicts of Interest</b> -policies to prevent actual, potential, or perceived conflicts of interest (e.g. “whistle blower” protection policy)	
	<b>Fundraising</b> -fundraising program should be maintained on a foundation of truthfulness.	
Direction	<b>Mission and Program</b> -well-defined mission -obligation to ensure program effectiveness	<b>Effective Leadership</b> -identifiable body of trustees who are genuinely in control of charity’s activities and strategy -trustee body should have real control over whether the right senior management is in place, and should be able properly to challenge, scrutinize and support that management
	<b>Governing Body</b> -an effective nonprofit board should determine the mission of the organization, establish management policies, assure that adequate human and financial resources are available, and monitor organization’s financial and programmatic performance	
Performance	<b>Public Affairs and Public Policy</b> -public education and public policy advocacy	<b>Capacity</b> -trustee body should be of a size and composition to enable it to operate effectively
		<b>Co-ordination</b> -it should be clear which powers and functions can only be exercised by the trustees, and which are delegated to committees or to staff
Accountability	<b>Financial and Legal</b> -sound financial oversight and legal accountability	<b>Accountability</b> -identifiable body of trustees who accept full responsibility for strategy and activities of the charity and who can be held publicly to account
	<b>Openness</b> -nonprofits should be accessible and responsive to members of the public. Information about organization’s mission, activities, and finances should be made available to the public	
Fairness	<b>Human Resources</b> -human resource policies should address both paid employees and volunteers, and should be fair, establish clear expectations, and provide effective performance evaluation	<b>Fair Appointment of Trustees</b> -fair process for electing or appointing trustees and members of committees

\* In the National Trust for England, Wales & Northern Ireland document there were recommendations on key elements on good governance but, while similar to the other documents, they were not called “principles” or given specific titles.

### **3.4. Evaluation, Governance Reviews vs Governance Principles**

#### **3.4.1. National Trust for Historic Preservation (USA)**

In their review of the US National Trust in 2004, an ad hoc committee made a number of pointed recommendations (see Table 8). Some of these referred to such matters as ensuring that the Trust has a clear and well defined mission, openness in fund raising, good financial accountability and fairness in its employee performance evaluation:

“The Audit Committee should also obtain regular reports ... regarding any legal or regulatory matter that may have a significant impact on the National Trust’s operations or financial statements” (recommendation III-a).

All of these reinforce aspects contained in the reference principles.

There were also several cautions about avoiding conflict of interest both at the board and staff levels. These refer to policy decisions as well as financial affairs:

“The Governance Committee recommends that the National Trust adopt a whistleblower policy that sets forth a procedure for employees to make complaints, both confidentially and anonymously at the option of the employee, and prohibits retaliation against whistleblowers” (recommendation III-c).

“The Governance Committee recommends that the National Trust fully disclose to the public its corporate relationships, whether sponsorship, licensing, contracting, or otherwise, through a formal registry of corporate relationships ... as a means of ensuring both appropriate internal consideration and full public disclosure of such relationships” (recommendation IV).

The prime contribution to a broader understanding of governance principles from the US National Trust review, therefore, might well come from this focus on improving the reality and optics around the issue of conflict of interest.

#### **3.4.2. National Trust of England, Wales & Northern Ireland**

The England, Wales, and Northern Ireland National Trust governance review of 2002, as with its American counterpart, highlighted a number of important points. Notable among these were calls for effective and genuine leadership with an identifiable body of trustees in clear and accountable control. Annual evaluation of the effectiveness of the governing body, council, committees and panels as well as annual performance reports is recommended:

“As a separate exercise from individual appraisals, each such body should, once a year, take stock of how the body as a whole has performed: what it has achieved, what it could have done better, and how it can operate in the future to help it to do that” (chapter 3.125).

In the review committee’s judgment, the process for electing and appointing trustees and specialist committee members could be seen to be fairer. A degree of external participation in decision making was recommended. These are concerns that are already clearly articulated in the reference principles.

There are, however, recommendations that emerge as potentially contradictory or at very least having the potential to cause tension in the organization. The report says that the trustee body should be of a size and composition to enable it to operate effectively. It further calls for effective co-ordination of functions between trustees, committees and staff. When specific recommendations are made it appears that they call for the size of the controlling board to be reduced, an executive committee formed and more powers given to the senior staff:

“the trustee body should be of a size and composition to enable it to operate effectively” (chapter 1.7)

“the large size of the Council and of the committees makes it difficult for proposals to be properly analysed and challenged” (chapter 2.4).

“The existing structure makes considerable demands on the time of a large number of people, both committee and Council members and staff. That time could more productively be spent in other ways” (chapter 2.11).

This is all short hand for a concentration of power that is suggested under the banner of efficiency but which may contradict the notions of having an appropriate degree of decentralization in decision-making and collaborative management in decision-making.

One aspect that is stressed in the England, Wales, and Northern Ireland National Trust governance review that is absent from the reference principles is the need to have an appropriate range of skills represented on the governing body. That is, those guiding the organization should have knowledge and experience in the fields in which the Trust operates:

“It is important that the Governing Body is made up of the people with the most appropriate range of skills and experience” (chapter 2.73).

That implies accountants of the financial committee, heritage professionals on technical committees and so on.

### **3.4.3. National Trust for Scotland**

The National Trust for Scotland special panel on governance issues delivered its report in 2003. While the panel did not set out specific principles they did make a series of recommendations. A number of these were somewhat like the England, Wales, and Northern Ireland National Trust ideas in that they appear to rationalize the governance structure. The argument is the same, efficiency:

“In light of the considerably greater expectations which are now placed on those who have responsibility for the governance of organizations ... it was felt that a tighter governance structure is required for the Trust” (recommendation 1.10).

The report recommended keeping the regional committees, which had previously exercised some authority, but reducing them to an advisory role. The executive committee is to be reduced in size and more authority delegated to senior staff. Here again there lurks a danger of contradicting the principles of having an appropriate degree of decentralization in decision-making and collaborative management in decision-making.

As with the National Trust for England, Wales, and Northern Ireland there is recognition of the need for professional skill on specialist committees.

#### **3.4.4. An Taisce - National Trust for Ireland**

The National Trust for Ireland has not recently conducted a study to examine its own governance but it can perhaps stand as an example of what might be done by examining legislative framework, letters patent or the constitution of any national, sub-national, public or private institution set up to conserve heritage. An investigation of this legislation that mandates the Irish National Trust shows that many of the concepts outlined in the reference principles are in fact present. An Taisce has local associations throughout the country, it has enabling legislation, annual financial reporting and a clear set of responsibilities:

“Properly audited accounts shall be presented in the annual report furnished to the members of An Taisce prior to each AGM” (memorandum 33-c).

The An Taisce document is silent on some governance issues from the reference principles but joins the US and England, Wales, and Northern Ireland National Trusts in making provisions to prevent conflict of interest:

“Where a situation arises involving a member of the committee of an Association which gives cause for conflict of interests, or of the appearance thereof ... the Council shall have discretion to require the resignation of that member from the committee” (article 44-h).



**The National Trust  
for Scotland**

**TABLE 8 Different Governance Reviews Relative to Governance Principles**

	<b>Legitimacy &amp; Voice</b>	<b>Direction</b>	<b>Performance</b>	<b>Accountability</b>	<b>Fairness</b>	<b>Observations</b>
<b>National Trust for Historic Preservation (USA)</b>	- <i>conflicts of interest policy and “whistle blower” protection policy</i> -fundraising (foundation of trust)	- mission and program (well defined and effective) - governing body (effective leadership)	- public affairs and public policy advocacy -corporate governance monitoring -full public disclosure of corporate relationships	- financial oversight -legal accountability -openness to public - fundraising (transparency) -public affairs and public policy	- fair performance evaluation (human resources)	- <b>conflicts of interest policy</b> - <b>better financial accountability</b>
<b>National Trust of England, Wales &amp; Northern Ireland</b>	-degree of external participation in decision-making -stakeholder trust in efficiency and integrity of the charity <i>-governing body composed of people with the most appropriate range of skills and experience</i>	-effective leadership (genuinely in control of charity’s activities and strategy)	- <b>trustee body should be of a size and composition to enable it to operate effectively</b> -effective co-ordination of functions between trustees, committees and staff -accessible information on decision-making processes to stakeholders -annual performance reports (financial) -annual evaluation of effectiveness of the governing body, council, committees and panels	-identifiable body of trustees who can be held publicly to account	-fair process for electing or appointing trustees and members of committees	- <b>importance of skills and knowledge within governing body</b> - <b>need to balance principles</b>
<b>National Trust for Scotland</b>	- <b>retain regional committee but only advisory</b> - possible absorption of members centres - <i>specialist committees</i>	- membership responsibility - leadership responsible to nation - <b>more delegation to senior staff</b>	- better risk management - more adaptive management - <b>smaller executive committee</b>	- charitable trustees need to inform trust’s members only about certain matters - leadership has special responsibilities	- <b>too much governance in decision making</b> -more efficient use of volunteer time	- <b>need to balance principles</b> - <b>professional expertise</b>
<b>An Taisce - National Trust for Ireland</b>	- local association - <i>conflict of interest preventative measures</i>	- in purpose, does not mention UNESCO - legislation	-annual performance reports (financial)	- clarity in responsibilities		- <b>conflicts of interest policy at discretion of Council</b>

## 4.0. CONCLUSION & RECOMMENDATIONS

An examination of readily available literature on governance and of international charters and conventions that address heritage conservation has led to two primary conclusions.

First of all, there exists in the “Five Principles of Good Governance,” found in the Institute On Governance’s 2003 discussion paper, *Governance principles for protected areas in the 21<sup>st</sup> century*, a good model. The five principles are well conceived and clearly articulated. They form a reasonable starting point for the development of governance principles intended specifically for use in conjunction with heritage sites and organizations dealing with heritage conservation. In this report they have been termed the “reference principles.”

Second, these reference principles, after comparisons and evaluation emerge as robust, useful and transferable with only a small number of additions.

Having looked at UNESCO and ICOMOS charters and conventions that set out the international framework for conservation approaches and strategies for heritage, through the lens of the Protected Areas governance principles, certain things become clear. First of all, the reference principles are reinforced in the sense that over and over there is concurrence between the elements of the charters and reference principles. Second, there is one main area where the charters are vocal in an area where the reference principles are lacking. This area concerns the need in heritage conservation for skills, knowledge, expertise and professionalism. Public participation as stressed in the legitimacy and voice principle, good management called for in the direction principle and accountability seen in that principle, are all important. However, the irreplaceable quality of heritage resources means that knowledge of their significance and skill in their conservation must be the foundation for informed economic and political decision making.

Further examination of reports from different English speaking countries leads in a direction similar to the evaluation of ICOMOS documents. The reference principles are shown to be robust and useful while a few additional considerations emerge. Avoidance of conflict of interest looms as the largest recommendation from both the stated principles in the US and English forums and the reviews of organizational governance and legislation from the US and the British Isles. While this value is hinted at in the reference principles under Accountability, it is not stressed to the extent found in the review documents. The same concern for ensuring the presence of appropriate skills and knowledge that appeared in the ICOMOS charters is strongly underlined in the governance reviews.

The final caution that emerges is not something found in the reviewed documents and missing from the reference principles, but an observation of recommendations from two of the British Isles documents that conflict with those principles. This has to do with the tendency to reduce the numbers in representative governing bodies and reducing their power while concentrating authority in smaller executive committees and senior staff.

The recommendation of this report is that the set of governance principles laid out in Table 9 be adopted by the Historic Places Initiative as guidelines for the good governance of heritage sites and heritage organizations in Canada.

This review of international charters and conventions regarding heritage conservation also re-enforces the view that these documents are not only prescriptive about “doing” heritage conservation; they also make normative assumptions about the “structures, functions and processes” in societies that are required to enable heritage conservation. The charters and conventions address governance, and as the Institute On Governance has noted, it is about power, relationships and accountability in the heritage conservation sector.

Based on this review and analysis, the set of governance principles and criteria set out in Table 9 are robust and adapted to the heritage conservation sector in Canada. As such, they should be used to assess and improve good governance practices for sites, organizations, public institutions and the sector as a whole.



**TABLE 9 Recommended Principles of Good Governance for Heritage Sector**

<b>Principles of Good Governance (IOG)</b>	<b>Relevant Criteria</b>
<p><b>Legitimacy and Voice</b> Principle based on <i>participation</i> and <i>consensus orientation</i>.</p>	Existence of a supportive democratic context
	Appropriate degree of decentralization in decision-making
	Collaborative management in decision-making
	Citizen participation occurring at all levels of decision-making
	Existence of civil society groups and an independent media
	High levels of trust
	<b>Proper weighting of technical expertise in decision making</b>
<p><b>Direction</b> Principle based on <i>strategic vision</i> which includes human development and historical, cultural and social complexities.</p>	Consistency with international direction
	Existence of legislative direction
	Existence of system-wide plans
	Existence of management plans
	Demonstration of effective leadership
	<b>Leadership free from conflict of interest</b>
<p><b>Performance</b> Principle based on <i>responsiveness of institutions and processes to stakeholders</i> and <i>effectiveness and efficiency</i>.</p>	Cost effectiveness
	Capacity
	Co-ordination
	Performance information to the public
	Responsiveness
	Monitoring and evaluation
	Adaptive management
	Risk management
	<b>Involve people with appropriate levels of skill, knowledge, expertise and professionalism</b>
<p><b>Accountability</b> Principle based on <i>accountability to the public and institutional stakeholders</i> and <i>transparency</i>.</p>	Clarity
	Coherence and breadth
	Role of political leaders
	Public institutions of accountability
	Civil society and the media
	Transparency
	<b>Assurance against conflict of interest</b>
<p><b>Fairness</b> Principle based on <i>equity</i> and the <i>rule of law</i>.</p>	Existence of a supportive judicial context
	Fair, impartial and effective enforcement of conservation rules
	Fairness in the process for establishing new conservation sites
	Fairness in the management of conservation sites
	<b>Careful balancing of decisions when conflicts occur among different principles</b>

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## APPENDIX A

### An Application of Principles to a Canadian Heritage Process

How might the Principles of Good Governance be used to assess an actual process or institution? Let us assume that the items listed in the left hand column of the table below represent some of the stages in a discussion concerning a heritage issue and the institutional frameworks in which that discussion takes place in a typical Ontario community. The application of the good governance principles reveals both pros and cons and might help in a better understanding of the issue while pointing to means of improving the situation.

Heritage Process	Legitimacy & Voice	Direction	Performance	Accountability	Fairness
Setting municipal heritage policy	Pro – democratic context, required participation		Pro – usually done by qualified professionals		Pro – conservation rules quite flexible
		Con – seldom have system-wide plan		Con – often little clarity	
Heritage Advisory Committees			Pro – usually knowledgeable people		
	Con – many communities don't have them			Con – advisory only	
Designation process	Pro – most communities don't designate against owner's wishes		Pro – usually done by qualified professionals		
		Con – not comprehensive		Con – often derailed by misinformation	
Planning application		Pro – process clear			
			Con – often developers do not have advice from qualified people		
Appeal of decision					
					Con – OMB perceived as pro development

## **APPENDIX B**

### **Charters and Declarations**

*Athens Charter* (1931)

*Venice Charter* (1964)

*Norms of Quito* (1967)

*Bruges Resolutions* (1975)

*Declaration of Amsterdam* (1975)

*Charter of Cultural Tourism* (1976)

*Declaration of Tlaxcala* (1982)

*Declaration of Dresden* (1982)

*Deschambault Declaration* (1982)

*Florence Charter* (1982)

*Appleton Charter* (1983)

*Declaration of Rome* (1983)

*Washington Charter* (1987)

*ICOMOS Brazil Seminar about the Preservation and Revitalization of Historic Centers* (1987)

*ICOMOS Charter for the Protection and Management of the Archaeological Heritage* (1990)

*ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value*  
(1992)

*ICOMOS Guidelines for the Education and Training in the Conservation of Monuments,  
Ensembles and Sites* (1993)

*Nara Document on Authenticity* (1994)

*Declaration of San Antonio* (1996)

*Burra Charter* (1999 version)