Code on the Ethics of Co-existence in Conserving Significant Places

(Adopted by Australia ICOMOS in 1998)

Preamble

This Code has been drafted in the context of several national and international agreements and statutes, such as:

• the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) 1981, last revised 1988;
• the Code of Ethics of the Australian Archaeological Association, 1991;
• the Racial Discrimination Act 1975 (Australia);
• the Australian Heritage Commission Act 1975;
• the UNESCO Declaration of the Principles of International Cultural Co-operation 1996; and
• the UN Decade for the Cultural Development (1988-1997);

Assumptions

The Code assumes that:

(i) the healthy management of cultural difference is the responsibility of society as a whole;
(ii) in a pluralist society, value differences exist and contain the potential for conflict; and
(iii) ethical practice is necessary for the just and effective management of places of diverse cultural significance.

Definitions

Article 1.

For the purpose of this Code:

1.1 values means those beliefs which have significance for a cultural group — often including, but not limited to, political, religious and spiritual, and moral beliefs;

1.2 cultural group means a group of people holding common values, expressed through the sharing of beliefs, traditions, customs and/or practice;

1.3 the national estate means 'those places in the Australian environment which have aesthetic, historic, scientific, social or other special value for the present community and for future generations';

1.4 cultural significance means ‘aesthetic, historic, scientific or social value for past, present or future generations’;

1.5 conflict means a relationship in which 'two or more parties perceive their values or needs to be incompatible';

1.6 dispute means a relationship in which two or more parties perceive their goals, interests or needs to be incompatible and in which each seeks to maximise fulfilment of its own goals, interests or needs; and

1.7 conflict resolution, as a generic term, includes the management of conflict through both mediated dispute settlement and the acceptance of value co-existence.

Ethical Principles

Article 2.

The co-existence of diverse cultures requires acknowledgment of the values of each group.
Article 3.
Conserving the national estate requires acknowledgment of, and sensitivity to, the values of all associated cultural groups.

Article 4.
Each cultural group has a primary right to identify places of cultural significance to it and this right may include the withholding of certain information.

Article 5.
Each cultural group has the right of access to pertinent information and to any decision-making process affecting places it has identified as significant.

Article 6.
In identifying places of significance to it, a cultural group assumes some custodial responsibility towards those places.

Article 7.
In the case of indigenous peoples, and other peoples, the right to identify significant places may extend to the right to their full custodianship.

Ethical Practice
In assessing or managing a place of significance to different cultural groups, the practitioner shall:

Article 8.
adopt a co-ordinated multi-disciplinary approach to ensure an open attitude to cultural diversity and the availability of all necessary professional skills;

Article 9.
identify and acknowledge each associated cultural group and its values, while accepting the cultural right of groups to withhold certain information;

Article 10.
enable each cultural group to gain access to pertinent information and facilitate the exchange of information among groups;

Article 11.
enable each cultural group to gain access to, and inclusion and participation in, the decision-making processes which may affect the place;

Article 12.
apply a decision-making process which is appropriate to the principles of this Code;
This will include:
• co-responsibility among cultural groups for the assessment and management of the cultural significance of the place;
• accepted dispute settlement practices at each stage at which they are required; and
• adequate time to confer with all parties, including the least outspoken, and may require the amendment of existing procedures in conservation practice.

Article 13.
while seeking to identify issues and associated cultural groups at the beginning of the process, accept new issues and groups if they emerge and accommodate evolving positions and values;

Article 14.
where appropriate, seek co-existence of differing perceptions of cultural significance rather than resolution; and

Article 15.
accept compensation as a possible element in managing irreconcilable cultural difference.