

Diversity, Place and the Ethics of Conservation

Joan Domicelj, in collaboration with Duncan Marshall

Joan Domicelj and Duncan Marshall's "Diversity, Place and the Ethics of Conservation" introduces the concepts of cultural diversity, value difference and place. It asks the key question: how are the diverse, often sharply conflicting, values to be identified and protected within an equitable conservation plan for a single cultural place bearing several meanings? The paper outlines some exploratory steps taken by Australia ICOMOS in learning how to handle conflicting cultural values in a professional, just and effective way, and concludes with the text of a draft "Code on the Ethics of Co-existence in Conserving Significant Places". Many of the issues discussed in the paper nowadays tax the minds of conservators around the world. Such are "Cultural Heritage at Risk" and "Authenticity", to both of which this number of the journal devotes a section.

Joan Domicelj and Duncan Marshall, co-authored, with Tamara Domicelj as research assistant, the 1994 Australian discussion paper 'Diversity, Place and Ethics of Conservation'. They are, respectively, former Chair and Secretary of Australia ICOMOS. Each now works in Australia as a consultant in the field of conservation. Joan Domicelj is currently the Vice President of ICOMOS responsible for International Scientific Committees.

The concerns

This title is taken from a 1994 discussion paper prepared on behalf of Australia ICOMOS for the government advisory body on the national estate, the Australian Heritage Commission.

Why was it written? What forces compelled its commission?

In the scale of current tensions and violent struggle around the world, the daily life of the Australian people can be described as calm. Australia's greatest trauma remains the impact of white settlement imposed, two hundred years ago, over lands previously managed by a subtle culture of great antiquity. To date, its continental isolation has tended to protect it from border disputes and it lives under a secular and active government policy of benign multi-culturalism, important to its steady stream of immigrants. Nonetheless, it has been forced to recognise, on its own territory, an old conflict of universal dimensions in the field of conservation.

The problem concerns significant monuments or sites perceived differently by separate cultural groups. This is the question: how are diverse, often sharply conflicting, values to be identified and protected within an equitable conservation plan for a single cultural place of several meanings?

This is far from the ubiquitous conservation-versus-development debate. Its essence touches more profound issues of differing values and meanings. Inevitably, it brushes on questions of heritage as the tangible evidence of cultural identity. This boundless topic spans the joy of revisiting places and sharing a past, a present, a future but also the

grim tones of nationalism with its use and abuse of iconic sites.

For reasons which follow, Australia is now launched on a journey, exploring ways of handling conflicting cultural values in a professional, just and effective way - pace by pace, through conferences, inter-disciplinary workshops, discussion papers and experiments. This paper outlines some exploratory steps taken by Australia ICOMOS and concludes with the text of a draft *Code On the Ethics Of Co-existence In Conserving Significant Places*. The debate has so far been amongst professionals. It is time to hear other voices and having listened, to review these efforts with them and, if necessary, begin again.

This is how it came about —

In 1992, an ICOMOS audience was visibly moved by a paper presented by Clarrie Isaacs, entitled *The Great Rainbow Serpent Dreaming Track: Part of One of the Great Religious Belief Systems of the World*. It concerned the prominent Gooninup/Swan Brewery site on the banks of the Swan River, Western Australia.

Amidst controversy and resistance, work has begun to conserve and reuse the formerly abandoned structures on this site. Some in the community hold strong memories of the built site, which served since European settlement as a ration station, mill, store, tannery and renowned brewery. For some, such as Isaacs, it is the land itself which demands respect as a significant resting point on the great mythic journey of the Rainbow Serpent. Thus Aboriginal spiritual values, embedded in the landscape, and non-Aboriginal historic values, linked to the structures, imply opposite policies for the care of the site.

Out of this dispute was born the next Australia ICOMOS conference *Whose Cultural Values?* (Sydney, November 1992). With strong international participation, it was promoted in these terms :

the history of Australia and the South Pacific region is full of epic themes of migration, exploration, development and exploitation. These themes are represented at numerous places... the assessment of such places is both enriched and complicated by the diverse cultural backgrounds of the population. Whose values count when selection and management choices are made?

This time it was probably the challenge in Konai Helu-Thaman's South Pacific-Asian perspective which most rocked any remaining complacency from the audience; the subject has proved to be passionate.

Almost simultaneously, related developments sprang up.

In the field, earlier theoretical work on *Social Values* to enhance the community's role in heritage conservation was actively applied. Also in the field, non-Aboriginal and Aboriginal mediators of equal status worked successfully in partnership to resolve complex disputes over

developments affecting Aboriginal sites (e.g. *Jali Local Aboriginal Land Council -v- Ballina Shire Council*, 1992-3).

A study on *Post World War II Immigrant Places* was commissioned and prepared, and another Australia ICOMOS regional conference (Darwin, December 1993) was held, this time on *Managing a Shared Heritage*. Meanwhile, the research for *Diversity, Place and the Ethics of Conservation* continued to link conservation issues with dispute resolution practices.

The paper

Diversity, Place and the Ethics of Conservation investigates ways to accommodate different cultural values, in a country grappling with relations between its cultures of ancient origin and its post-colonial identity.

The paper consists, in essence, of three complementary essays.

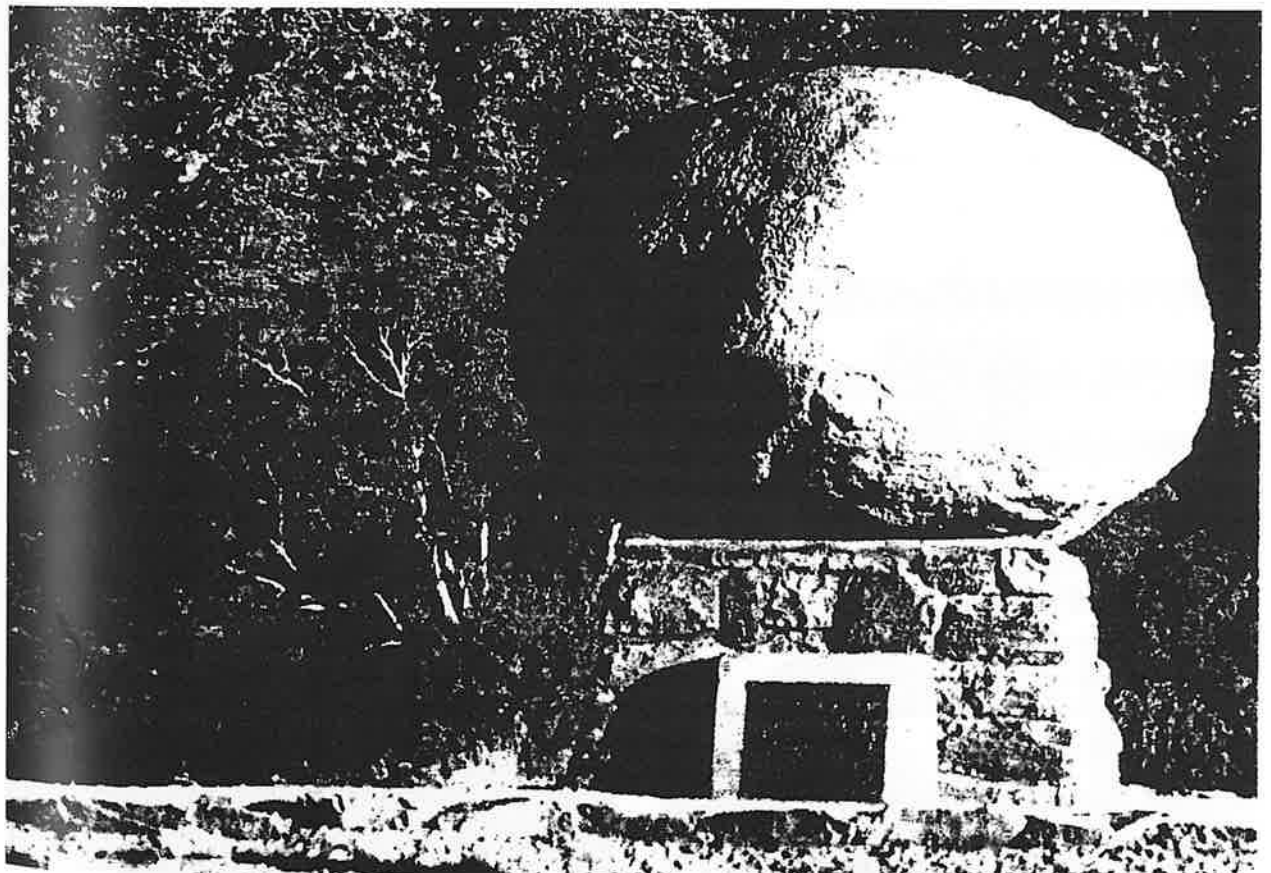
The first, *Diverse Cultural Values and Conservation Principles* describes, through many international and local references, both the hazards caused to significant places by conflicts in cultural perception and the diversity which exists amongst deeply held principles of conservation. In

Fig. 1. The Reverend John Flynn's grave, West of Alice Springs in the Northern Territory. The ashes of Flynn, a significant figure in the Territory's history as the founder of the Flying Doctor Service, are sealed in the base of this memorial which is topped by a boulder. The boulder was brought from Devils Marbles Reserve, and as part of the Reserve it is of very long standing cultural significance to Aboriginal people.

This place is an example of conflicting cultural values. On the

one hand it is a memorial and grave marker to a person important in the Territory, history, on the other hand it is of cultural significance to Aboriginal people. One cultural group wants a memorial to Flynn, the other cultural group would like to have its long standing cultural property returned.

(Reproduced following consultation with the Central Lands Council and through it the custodians for Karlukarlw/Devils Marbles Reserve)



acknowledging differences in the cultural perception of place, and in conservation philosophies, it introduces a thread which runs consistently through the paper.

The most profound concerns lie, perhaps, in the divergence between indigenous and non-indigenous attitudes towards place - over the links between natural and cultural systems, over custodianship and over perceptions of time and the ageing cycle. In addition, waves of immigrant groups have brought with them new cultural outlooks, old traditions and associative ties with past environments. Differences continue between the rural and the urban and among the social divisions of class, wealth, sex and age.

Australian Conservation Practice is a review, with specific focus on provisions in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) relevant to cultural diversity and conflict management. It confirms the quality of Australian practice in many respects and for many cultural contexts, but recognises that the Charter itself reflects a particular set of cultural values which are not universal. Suggestions include improved access for cultural communities to key information (including the Burra Charter), involvement of associated cultural groups in the conservation process and greater recognition of intangible values in cultural heritage conservation.

It is important to stress that cultural significance is not necessarily embodied in significant fabric. (It) may reside in the use of a place or its historic or social associations which are not related to fabric. A country post office may or may not be architecturally significant... but it is invariably an important social place..., there may be significance with no fabric, ... such as at massacre sites or explorer camp sites

Managing Cultural Conflict considers current trends and ethical questions in the field of conflict resolution, relying particularly on a recent Australian text (G. Tillett, *Resolving Conflict: A Practical Approach*, Sydney University Press, 1991). It draws out principles applicable to disputes over cultural interpretations, or the conservation of places and discusses definitions of 'problem', 'dispute' and 'conflict', the role and significance of values and perceptions within conflict, and the mechanisms of collaborative problem solving, mediation and arbitration. It reiterates that, unless value difference is acknowledged, nothing can be resolved. Diverse values are to co-exist, rather than to be 'resolved'. Conservation disputes are best avoided or settled through collaborative problem solving or mediation, rather than arbitration; and any process should be clear and flexible.

We are reminded that, though seeking to accommodate multiple perspectives, beliefs and customs, conflict resolution "is not culturally neutral, and cannot simply be imposed upon or integrated into other cultures"... This proviso is clearly relevant to disputes concerning, for example, indigenous sacred sites, when it may not simply be inappropriate, but forbidden by traditional laws for cultural custodians to impart certain relevant knowledge to non-initiates, irrespective of their cultural background.

As the paper continued to expose the ethical nature of the issues, the main *Conclusions* were transformed into a synthesis of principles, a draft *Code on the Ethics of Coexistence in Conserving Significant Places* and some recommendations, specific to Australian conditions. The draft Code acknowledges value differences and identifies directions for avoiding or settling conservation disputes. It adopts the format of the Burra Charter and is reproduced below, as one step on a long journey.

Fig. 2, 3. Church damaged by occupying forces at Osojnik Village, Croatia. Photographs by S. Domicelj, May 94.



International relevance

Many issues of *Diversity, Place and the Ethics of Conservation* appear, at present, to tax the minds of conservation practitioners around the world. There are several current international expressions of that concern.

Examples are the *Cultural Heritage at Risk* project, the proposed *Conference on Authenticity in relation to the World Heritage Convention* and the draft *Global Strategy for a Representative World Heritage List*. The first seeks to reduce risk to cultural property from conflict; the second interprets different cultural values and philosophies; while the third begs respect for cultural diversity and living traditions (within the World Heritage List); all these are matters which the paper addresses.

UNESCO, ICOMOS, ICCROM and related bodies are deeply concerned over the need for a disaster preparedness and response scheme for World Heritage and other important cultural properties. While that concern covers both natural and man-made disasters, their project on *Cultural Heritage at Risk* is closely related to the current review of the *Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention, 1954)*. Priorities include education, documentation and coordination and an essential aspect is to establish a network of specialists, capable of dealing with conservation in times of conflict.

Relevantly, the discussion paper states -

some familiar international vignettes cover ethnic strife and civil war — the ultimate disaster for multi-valued sites, long-held differences between religious sects heightened by current socio-political struggle and insensitivity to cultural difference... Cases in Croatia and India incorporate deliberate physical violence by one religious/ethnic community against the culturally significant places of another... (yet) both examples follow extended periods of peaceful co-existence.

The difference in perceived values, fuelled by political tension, is so great that one culture seeks to destroy the despised cultural symbols of the other. Typically these episodes occur at moments of rapid socio-economic change, with its concomitant cultural stress. Early recognition of the right to difference and consistent ethical practice, as suggested in the paper, are elements in risk reduction.

The *Nara Conference on Authenticity in relation to the World Heritage Convention* was held in Japan in November 1994. The edited proceedings of a preparatory workshop for this conference (Bergen, February 1994 K.E. Larsen and N. Marstein, editors) include comments by D. Lowenthal —

(some) cultures (are) devoted not to authenticity of material or form but rather to representations - to images of or allusions to past sites and structures in paint and print" and "in the traditional Chinese view, to preserve objects and buildings reduces creation to commodity; it demeans both object and owner

and by H. Stovel -

cultural heritage has importance through the values

society perceives to be expressed by that heritage. Clarification of the nature of those values is a fundamental first step in ensuring that conservation actions will respect the cultural significance of heritage. Effective conservation also requires clear identification of the manifestations of values.

These comments marry precisely with issues raised in the paper :

It is useful to review.. assumptions, both objectives and procedures, in the light of other cultural experiences. The contrasting cases which follow illustrate respect for the processes of decay, renewal as the rejection of decay, 'authenticity' of tradition as opposed to original fabric and the social imperative to reconstruct that which has been destroyed.

All three sets of comments are poignant in their distance from principles on material conservation adopted in both Venice and Burra Charters.

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At the initiative of ICOMOS and UNESCO's World heritage Centre, an international group of experts recently met to prepare a draft *Global Strategy for a Representative World heritage List*. They came from Tunisia, Niger, Germany, France, Canada, Brazil and Australia. Their recommendations to the World Heritage Committee included the consideration of cultural themes under headings of *Human Coexistence with the Land and People in Society* and the modification of criteria to acknowledge the significance and sustainability of different living cultures. The meeting found radical changes, over recent years, in perceptions of cultural values and the physical heritage which bears witness to them. The changes suggest reflecting in the World Heritage List a rich, multi-faceted and more interactive view of the world's cultures and their contextual environments.

In this thought-provoking international context, the following draft Code of ethics is offered as one contribution to the boundless debate.

The draft code

DRAFT CODE ON THE ETHICS OF COEXISTENCE IN CONSERVING SIGNIFICANT PLACES

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 Cooperation, 1966;

- the U.N. Decade for Cultural Development (1988-1997).

It is presented as the basis for ethical conservation practice in a country of diverse cultures.

Assumptions

The Code assumes that -

- (i) in a pluralist society, value differences exist and contain the potential for conflict;
- (ii) the healthy management of cultural difference is the responsibility of society as a whole; 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 or an individual — often including, but not limited to, political, religious 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 practices;
- 1.3 **the national estate** means — those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community; [Australian Heritage Commission Act, 1975]

Suggested alternative — those places in the Australian environment which have aesthetic, historic, scientific, social or other special significance 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. [Burra Charter. Australia ICOMOS, 1988]
- 1.5 **conflict** means — a relationship in which two or more parties perceive their values or needs to be incompatible; [G Tillett. 'Resolving Conflict...' 1991]
- 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 acknowledgement of the values of each cultural 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, 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 coordinated, 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.

Strategies to implement this Article may include specific advice to cultural agencies and/or mediation.
- Article 11. enable each cultural group to gain access to 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. whilst 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.

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