

# Contexts for change: paving the way to the 1999 Burra Charter

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At Burra in South Australia in November 1997, there was blood on the floor – metaphorically; there were real tears; the majority of Australia ICOMOS members present had rejected the proposed amendments to the Burra Charter.

In November 1999 in the Hunter Valley, a new draft was almost unanimously passed.<sup>1</sup> This overwhelming acceptance of the amendments was after a further two years of the Burra Charter Working Group undertaking extensive consultation with all members and many other interest groups (Truscott and Young 2000).

The revisions included statements that specifically included Indigenous heritage: 'The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values (Preamble); added 'spiritual' to the types of cultural significance values a place may hold (Article 1.2; discussed further below); and acknowledged ongoing community participation in identifying significance of a place and its management:

- Conservation, interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have social, spiritual or other cultural responsibilities for the place. (Article 12)
- Groups and individuals with associations with a place as well as those involved with its management should be provided with opportunities to contribute to and participate in understanding the cultural significance of the place. Where appropriate they should also have opportunities to participate in its conservation and management. (Article 26.3)

Yet the debate in Burra a mere two years before had been vitriolic and targeted particularly at such changes, including statements that 'the Burra Charter has never dealt with Indigenous heritage' and a notion that 'community views of heritage' could de-professionalise heritage conservation, that is the Burra Charter process. It seemed that ICOMOS members held two starkly contrasting worldviews. There were dark mutterings about a split in the organisation.

What had been happening in heritage conservation practice in Australia to cause such different perspectives on the 'core values' of the Burra Charter and its application? Is it possible that from the previous amendments to the Charter of 1988, perhaps even before, the Charter had been applied differently in different sub-fields of heritage conservation? Or is it that although Australia ICOMOS had held a central and leadership role in exploring and widening heritage conservation practice, not all members were aware of these shifts or saw them as relevant?

In fact, the Burra Charter had long had a much wider application beyond built heritage, and it had been applied to Aboriginal heritage places for many years, almost from the Charter's outset in 1979. Some early statements about the Charter suggest it did not apply to Indigenous heritage, or rather only mention its application to 'built heritage' (Domicelj and Marshall 1993: 18). But it had long been applied as a

condition and a standard of practice for grants under the former Commonwealth National Estate Grants program, and applied equally to all cultural conservation projects, that included Indigenous ones (AHC 1993).

Perhaps more importantly, there was a strong influence in the other direction with Aboriginal heritage practice inspiring the application of the Burra Charter to areas originally intended but not previously explored, including particularly how 'social value' was understood and applied to other, non-Indigenous, community groups.

In this paper, I examine the context in which the proposed amendments to the Burra Charter took place and how in fact they reflected trends in heritage practice as it stood when the Burra Charter review started in 1994/95. In doing so, I will outline work within Indigenous heritage to involve community values and its influence on explorations into 'social value' for non-Indigenous heritage undertaken by the Australian Heritage Commission (AHC), and parallel initiatives by Australia ICOMOS. I suggest that in fact many threads came together, particularly in the AHC<sup>2</sup> over a decade from late 1984.

## **A leadership role: moves at the Australian Heritage Commission**

The AHC provided a unique breeding ground for a cross-fertilisation of ideas and practice from one form of heritage to another for it had responsibility not only for the cultural environment (comprising the 'historic' and 'Indigenous' areas), but also for the natural environment. It was initially the only such agency nationally and internationally. In the mid-1980s, about half of the states/territories had heritage agencies that combined both cultural areas, although generally with separate legislation. The others had separate agencies and ICOMOS members working either in such agencies, or as consultants for and to such bodies, had little opportunity to engage with other approaches.

At the AHC, many places were identified as having national estate values for all these types of environments and staff at the AHC learnt much about different perspectives on heritage from each other. Such cross-disciplinary understanding extended particularly to landscapes and increasingly to intangible aspects of heritage, that included wilderness, spiritual landscapes and social value – community attachment to place. These are all areas where the AHC, the World Heritage Branch, and Australia ICOMOS made significant contributions internationally, to heritage identification and significance assessment, such as the recognition of wilderness values, spiritual landscapes (as discussed in Truscott 2004, also in Australia ICOMOS Newsletter of late 2002).

It was nonetheless certain states, such as NSW in the mid-1970s, that led the recognition of social value in Indigenous heritage. There the 'relics' legislation, based on archaeological evidence and research (scientific) significance, was challenged when it was realised that 'non-traditional' Aboriginal people held attachments to place. These might be continuous from

the pre-European past or newly emerged as part of a changed lifestyle and for Aboriginal communities in new surroundings (Sullivan 1996). This recognition coupled with a view that it was ethical to consult with such communities about decisions that would affect the physical evidence of their past lifestyles changed the relationship between expert (the archaeologist) and 'non-expert', the local community.

#### *Indigenous community consultation at AHC*

Such views and changing practice in the states influenced the AHC which decided, in late 1984, that consultation should take place with Indigenous groups regarding proposed listings of Aboriginal sites in the Register of the National Estate (RNE) and what value the place had for Indigenous people. Influential in this decision was Isabel McBryde, then professor of Prehistory at the Australian National University in Canberra, and a member both of the Commission and of the NSW National Parks and Wildlife Service Aboriginal Heritage Advisory Committee, the body with responsibility for Indigenous heritage in NSW.

In February 1987, Dr Bill Jonas, a Worimi man from the Karuah River area of New South Wales and cultural geographer at the University of Newcastle, was co-opted as a member of the Commission to report on consultation with Indigenous communities. He reported that:

Aboriginal people are increasingly expressing resentment at their being the subject of archaeologists' research, especially when they see this as taking away some of their knowledge and thus their control of their own heritage ...(many)... feel that the constant attention paid to sites of past significance, to the administration of heritage Acts by archaeologists, and to the use of the term 'relic' in many Acts, denotes that Aboriginal culture was somehow frozen in time.

They argue that this is wrong and that the dynamic, living culture which exists today has evolved continuously from the past. It is as part of this evolutionary process that many places gain their heritage value. (Jonas 1991:78).

In 1988 temporary staff was brought in to the Commission's office to facilitate a face-to-face approach to such consultation as it had been shown that letters or telephone calls did not work (Walkington 1990). A year later a major program, the Aboriginal Awareness Raising Strategy, was initiated to raise an understanding of the AHC role in heritage. This included the appointment of Dave Johnston as Aboriginal Liaison Officer, the first Indigenous member of staff and the first Indigenous graduate in archaeology in Australia, and later a member of Australia ICOMOS.

This program was a major success (AHC 1991), and led one of the Commissioners, Professor Fay Gale, to suggest informally at a Commission meeting in 1991, that all communities should be consulted about listing and the local community value of a place, just as was happening for proposed listings of Indigenous places.

#### *Social value*

In the meantime in 1986, the Commission developed its first criteria to assess heritage significance. Prior to that, the key reference to significance was in the legislation, defining significance as 'aesthetic, historic, scientific, social or other values', (section 4(1), *Australian Heritage Commission Act 1975*), terms familiar to Australia ICOMOS members as they were also adopted in the first Burra Charter of 1979.

In 1985, an important series of workshops held by the

Commission with co-opted Commissioner, Sharon Sullivan, reviewed the situation with heritage nationally in order to formulate 'New Directions for Heritage Conservation'. The papers given provide an important snapshot of heritage practice in Australia at that time, although not published until a decade later (Sullivan 1995). Only Meredith Walker, president of Australia ICOMOS at the time, gave a paper about 'social significance' for the non-Indigenous environment' in which she states that:

While present-day social significance is rarely investigated in relation to historic buildings and industrial archaeological sites etc., it is a normal part of the assessment of sites of Aboriginal heritage significance, and it is interesting to consider the reasons for this difference, which I won't pursue here.

and urges that 'social value should be considered along with other values, even if that value is low, or unknown in comparison with the other values which are more obvious', whilst recognising that 'social significance' was not acknowledged in any state/territory legislation, but only in the AHC Act (Walker 1995:62-63).

At the time of the 1985 workshops, the AHC was exploring the possibility of significance criteria that could aid the process of assessing the significance of places nominated to the RNE. Until then, nominators to the RNE only had as a guide descriptors or indicators on the AHC nomination form, such as 'Federation house', or 'rock art site'. These were really categories of place and not criteria of significance. For example for Indigenous places, categories comprised 'traditional sites' (places of social significance), places of scientific significance, that is archaeological potential, places of aesthetic significance, such as rock art sites, and places of historic significance. It was recognised that there should be 'special consideration of values placed on site by local Aboriginal communities' (Flood 1995).

In effect by August 1986, a single set of AHC criteria were applied to all potential national estate places and later included in the resultant statements of significance and in amendments to the AHC Act (section 4, 1A, 1990), and stayed in use until the Commission's end in December 2003. These have been adopted substantially in the same form by most state/territory agencies.

It was recognised that in the case of 'social value', 'G.1: Importance as a place highly valued by a community for reasons of religious, spiritual, symbolic, cultural, educational, or social associations' and, to some degree, 'aesthetic value', the community needed to identify these values itself, but that there was little understanding as to how to identify and assess such values.

By 1990, the use of the criteria and guidelines for their application had refined an understanding of how the criteria were to be applied and where the threshold lay for the inclusion or exclusion of places of social value to Indigenous communities (Truscott 1995:580-581). The work in this Indigenous arena was providing insight to the process for other community groups.

#### *Local community consultation*

Research was also underway under the AHC Research Strategy on non-Indigenous social heritage value with the Commission accepting the exploration of methods to consult with local community based on the experience with Indigenous

groups (Blair and Truscott 1988). A review of a heritage study in Queanbeyan (Freeman 1988), neighbouring AHC's Canberra-based secretariat, suggested its results could be tested by going to the community and asking them which places were important to them. Three workshops showed up an overlap yet also differences between an expert and a local identification of the main heritage places, the community departing from valuing architectural merit by choosing amongst others the local pub and the riverbank (Scott and Walker 1991).

This interest in local community heritage values was being explored elsewhere, such as by the National Trust in Victoria, with Chris Johnston as the consultant, and the AHC took the next step by contracting her to explore further the issues of local community, heritage and value. This resulted in the seminal paper *What is Social Value?* (Johnston 1992), widely cited as an important influence on the subsequent changes to the Burra Charter.

The Commission continued to work on social value issues in a small in-house working group, and held a seminar in Melbourne in 1993 that further refined this understanding of what social value is and how it might be applied in heritage conservation. This work led directly to the series of community heritage workshops between 1993 and 1999 held for all 12 Regional Forest Agreements between the Commonwealth and States that resulted in the identification and protection of hundreds of places of 'social value' in forested areas of Australia (reported on in [www.rfa.gov.au](http://www.rfa.gov.au)).

At the same time, during the mid-1990s the AHC worked on and produced the award-winning series of tools for local communities to undertake their own heritage identification and significance assessment, that is increasingly being used by local government bodies (AHC 2000).

## **A national influence: Australia ICOMOS initiatives**

Whilst this work on social value and local community heritage was continuing from the AHC, Australia ICOMOS was fostering its own discussion amongst members and fellow heritage workers. A series of key events both highlighted these issues for Australia ICOMOS members and raised the level of intellectual debate in response. Much of the debate centred around potential conflicting heritage values. The debate on differing heritage values did not primarily centre on Indigenous/non-Indigenous heritage values, but this case stimulated a discussion on ethical issues regarding cultural diversity and heritage and 'shared heritage' that Australia ICOMOS explored in three conferences.

### *Indigenous heritage and conflicting values*

The first event was in February 1992 in Fremantle, at the national conference, *Cultural Heritage Conservation: the role of the government and the individual* (Australia ICOMOS 1992). At that meeting, the conflict between the Noongar and non-Indigenous heritage values at the Swan Brewery became a focus. This conference was a turning point for many Australia ICOMOS members who had not been confronted with the anger of Aboriginal people regarding their lack of control over decisions about their heritage. We must remember that this conference was held before the June 1992 High Court recognition of native title in the Mabo Decision, that resulted in a nationally raised profile of Indigenous culture and land issues. This sudden recognition in Western Australia was despite

Australia ICOMOS regularly visiting Aboriginal heritage places during its annual conferences; for example at the 1986 Australia ICOMOS meeting in Mildura, members' appreciation of Indigenous heritage issues was strengthened by visiting Lake Mungo.

The next major event was in December 1992 in Sydney, at the Australia ICOMOS International Conference *Whose Heritage is it?* (Australia ICOMOS 1993). This meeting, which took place with the annual joint ICOMOS International Executive and Advisory Committees meeting and included several Indigenous and Pacific Island speakers, expanded members' understanding of the social and spiritual values related to heritage conservation.

The third and also international conference to address this issue was in December 1993 in Darwin at the Australia ICOMOS international conference (Australia ICOMOS 1995). At *Managing a Shared Heritage*, various Northern Territory Indigenous speakers gave insights into their diverse ethnicities and cultural heritage. For example, John Ah Kit, of the Jawoyn people, made a plea for an understanding of the 'hidden histories' of the Indigenous story of the Territory's historic, 'non-Indigenous' heritage places (Ah Kit 1995). A wise warning given the increasing enthusiasm about 'sharing heritage' was given by member, Isabel McBryde: 'if we are serious about cross-cultural understanding, we must be ready to accept situations in which 'sharing' may be neither culturally appropriate nor possible' (McBryde 1995:9, see discussion in Truscott 2004).

At the same time, Australia ICOMOS undertook a major study of cultural diversity and conflicting values in heritage in a special report that proposed a Code of Ethics on this issue (Domicelj and Marshall 1994). The Code of Ethics was workshopped at the Darwin meeting, and circulated amongst all Australia ICOMOS members twice, with limited response. It was endorsed in 1997 in Burra and adopted by the Executive in 1998 (Australia ICOMOS 2000:20-21).

Key principles included:

- The co-existence of diverse cultures requires acknowledgment of the values of each group. (Article 2).
- In the case of Indigenous peoples, and other peoples, the right to identify significant places may extend to the right to their full custodianship. (Article 7).

This adoption of the Code of Ethics was in many ways in contrast to the resistance at the same meeting at Burra to the more inclusive and community-based amendments proposed in the Burra Charter. Yet also in Burra in 1997, the meeting resolved that Australia ICOMOS should seek to develop a stronger and more clearly articulated role in the field of Indigenous cultural heritage. This recommendation took place at the height of public and media attention on the High Court's decision about pastoral leases and native title (the 'Wik' case).

The Executive appointed an Indigenous Working Group that included Australia ICOMOS Indigenous members (Australia ICOMOS 1998a:5-6), with a Statement on an Indigenous Cultural Heritage finally endorsed by Australia ICOMOS members at the AGM in Adelaide in November 2001, to strengthen the links between Australia ICOMOS and Indigenous people (online at [www.icomos.org/australia](http://www.icomos.org/australia)). This statement includes the following recognition:

- Indigenous cultural heritage is a fundamental and inseparable part of the cultural heritage of all Australians.

- The Indigenous cultural heritage significance of places can only be determined by the Indigenous communities themselves.

#### *Social value and local community heritage*

Whilst Australia ICOMOS was discussing cultural diversity in heritage, it was also exploring issues around 'social value' and community heritage. In late 1994, a workshop on assessing 'social value' aimed to review current work integrating social value into heritage conservation practice. Papers highlighted various methods to identify and assess community 'social value', including a paper on the Indigenous perspective that made a strong statement about 'who does it [the site] belong to, fundamentally?' (Prosser 1996:16). Sheridan Burke noted in her introduction that:

The seminar demonstrated that the attribution of meaning to heritage places by different sections of the community will require sometimes dramatic, sometimes subtle shifts of focus and method, to ensure that social values are factored into conservation practice (Australia ICOMOS 1966:5).

Duncan Marshall in his conclusion noted various issues for Australia ICOMOS in its future role in heritage conservation, including that 'identifying social value involves experts handing power over or back to communities' and that 'authors of statements of significance tend to invoke the name of the community without clearly citing the evidence of this value'. Future actions for Australia ICOMOS were:

- The preparation of an up-to-date overview of the subject.
- The compilation of case studies reflecting the different approaches to identifying social value.
- Extraction of the key general aspects or principles of the various methodologies.

He noted that 'these tasks would...provide an input to the review of the Burra Charter', and concluded that 'the seminar gave a leap of status to the issue of social value but this needs to be consolidated and the development process continued with new energy' (Australia ICOMOS 1966:39-40).

A snapshot of heritage conservation in the mid-1990s is provided by Australia ICOMOS in its international report on the 'state of play' to the international membership (ICOMOS 1996). The papers by various Australia ICOMOS members reflect clearly that Indigenous heritage was seen as an integral component of ICOMOS' concerns (eg Colley 1996; Hunter and Horsfall 1996; Titchen 1996). Papers on issues of 'social value' and community involvement figure prominently and show that these are at the forefront of the organisations intellectual endeavour (eg Marshall and Truscott 1996; Johnston 1996; Domicelj 1996). Mackay and Pearson acknowledge that:

it is clear that such [social] value can only be identified and defined by the community itself...The role of the professional in assessing social significance is therefore largely limited to facilitating processes which enable the community to articulate their own value judgements about places (1996:72).

#### *Heralds of the 1999 Burra Charter*

My own direct involvement in the revisions to the Burra Charter (other than as a member and also on that Executive Committee steering the Working Group's process and progress) was limited to taking notes at a preliminary meeting May 1994 in Launceston, Tasmania. On that foggy, cold, early breakfast morning at the Australia ICOMOS annual conference, that kicked off the more formal process a year later in April 1995 in

Canberra, it was very clear that community values and involvement were seen as critical to proposed amendments.

This was also flagged at a special consultative workshop held with Australia ICOMOS in January 1995 in Sydney held by the Commonwealth government. It was part of its extensive consultation with Indigenous people and heritage bodies for the Indigenous Cultural Heritage Program's proposed guide to the protection, conservation and management of Aboriginal and Torres Strait Islander cultural heritage places, known by some as the 'black Burra Charter' (DCA 1997<sup>3</sup>). The workshop sought specific input regarding consistency with the Burra Charter, but at that workshop, the draft guide's recognition that the local (Indigenous) community had special rights over its heritage was seen as a forerunner of possible changes to the Burra Charter.

Certainly, when Australia ICOMOS started its formal review process at a special meeting during a conference in Canberra in April 1995, community heritage values and community participation were a major thrust in any revisions to reflect the expanding perceptions of heritage as outlined above. These were clearly stated in the consultation that took place in the first round of the revision process, which made their rejection in Burra in 1997 even more surprising.

These expanded notions of heritage were so strong and accepted, even before Burra 1997, that other documents being prepared at the same time reflected these views. For example, Australia ICOMOS' policy statement launched at the time of the Australian Heritage Commission Heritage Convention in August 1998, recognised the special place for Indigenous heritage:

The Policy acknowledges that indigenous heritage requires particular consideration to ensure that the rights of Aboriginal and Torres Strait Islander peoples are respected. This Policy is compatible with and supplementary to indigenous conservation processes but does not seek to replace them (Australia ICOMOS 1998b:1).

The Policy's vision statement also recognises the centrality of the Indigenous past in Australia's heritage, as well as the broader diversity of our cultural heritage and that:

Communities have a right to participate in decisions affecting their heritage. (Australia ICOMOS 1998b:4).

This Policy and the adoption of the revised Burra Charter in late 1999 ended almost a decade of discussion and debate within Australia ICOMOS and the adoption into its tenets of a greater cross-cultural awareness and insistence on acknowledging the diversity of community values.

The initiatives described above are increasingly recognised internationally as leading the way to an inclusive approach to heritage conservation that gives both heritage expert and local community an equal voice. It is clear that many bodies in Australia, and many individual Australia ICOMOS members not cited above, had a role in this development. It is also clear that the former AHC and Australia ICOMOS were major agents in this change. A joint celebration of this work is found in the on-line conference Heritage and Community held in February 2001 jointly by the AHC and Australia ICOMOS with many Australian and overseas participants (<http://heritageforum.truenorth.net.au>).

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## Endnotes

- 1 64 members were in favour, 3 against and one abstained, at the Annual General Meeting in the Hunter Valley, the latter member stating a feeling that the reference to Indigenous rights did not go far enough; those objecting preferred the 1988 version.
- 2 The Australian Heritage Commission had responsibility from 1976 to 2003 for the identification of the National Estate. It was replaced on 1 January 2004 by the Australian Heritage Council with responsibility to identify the National List. ([www.heritage.gov.au](http://www.heritage.gov.au))
- 3 Late 1993-late 1997; managed by Marilyn Truscott, at the time a member of the Australia ICOMOS Executive Committee. The Guide distributed in final draft form was accepted by the Commonwealth Government, but replaced later by AHC 2002 *Ask First: A guide to respecting Indigenous heritage places and values*, that also refers to the Burra Charter.