

**PART 6**

**TOWARDS A CODE OF ETHICS  
FOR URBAN CONSERVATION**

## 6.1 Introduction

A large number of charters and similar documents exist relating to various aspects of conservation. Appendix 6 illustrates this, but this list is by no means exhaustive. Various charters cover various areas of concern, illustrating the complexity of issues encapsulated within conservation philosophy and practice.

Throughout this thesis it has been asserted that the problems of the recognition of society, culture and identity, together with the practical aspects of conservation need to form the basis of conservation practice. Similarly, the necessity for economic development and the continual maintenance of the conserved urban fabric requires an understanding and acceptance of the resident society for stewardship. We have seen that the current charters should address these issues, but do not achieve this objective. Some of these documents cover various aspects of ethical concerns, but they are too diffuse to be easily accessed, and the lack of a specific focus makes it difficult for practitioners to apply them effectively. This is not to denigrate these charters, as they have been drafted to cover other equally necessary issues, but the time has come for rethinking the urban conservation processes.

The following draft ethical code seeks to fill the gap left by these other documents. The specific areas of concern contained in this code focus on social and cultural issues as a matter of importance in the recognition and presentation of cultural identity within an expanding global context. This points to the drafting of an ethical code rather than a charter. John Whitelegg, in his “Building Ethics into the Built Environment” writes of the social problems associated with normal architectural practice. Referring to “inequalities, inequities, social justice, loss of community, loss of place identity, and loss of a spiritual dimension to life,” he concludes, “All of these issues are ethical issues.”<sup>1</sup>

The code could become a useful tool and serve as an assurance for city or regional administrators that were considering embarking on conservation projects. In

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<sup>1</sup> John Whitelegg, “Building Ethics into the Built Environment,” in Warwick Fox (ed.), *Ethics and the Built Environment* (London: Routledge, 2000), 42.

similar fashion, it would be a support to practitioners not only for the direction it would give, but also as an affirmation of the stated objectives of the project. For practitioners working outside their own cultural context, the code should not be seen as justifying “Orientalist” subjection, but rather be used to ensure that the resident community is fully involved during the progress of the project. It should also be recognised that this code is equally applicable to practitioners working within their own cultural context, particularly where multicultural groups are involved. This would ensure that the real wishes of the inhabitants were taken into account, rather than assumed cultural requirements.

The draft code should be seen as an extension to and read in conjunction with the *Washington Charter*, and the ICOMOS *Ethical Commitment Statement for ICOMOS Members*. It also complements the Australia ICOMOS *Cultural Diversity Code*, as that, although referring to social and cultural concerns, does so for a specific ethical purpose. The ethical codes of the World Archaeological Congress and the Australian Archaeological Association, drafted in response to similar issues, have been used as a basis for this code. The *Guidelines for Ethical Research in Indigenous Studies* of AIATSIS have also been consulted. The format of this latter is an excellent model for a final document. Bringing together the Principles with brief explanatory comments, and linking these with clear directions for implementation, should leave no doubt in the minds of the practitioner of the intention and application of the objectives. This would help to break down the gap between the several tiers of the charters, and hence avoid, for example, aims in the first tier being lost in the transference to the second tier.

However, the comprehensive production of the AIATSIS code is too advanced for a similar treatment of the draft code below. The intention of this draft is to bring to the fore those essential requirements for urban conservation. These would need to be discussed widely by urban conservation practitioners, and eventually encapsulated with articles of other charters to form a comprehensive charter for urban conservation. All this is far beyond the scope of this thesis, but it is in the hope of such a charter being formed that the principles relating to ethical conduct below have been set forth. In the mean time this draft fills the gap in a format that could be used until the more comprehensive document was produced.

Explanatory notes, discussion and references accompany appropriate sections of the draft code and are shown in brackets ( ). The complete unannotated code is given at the end.

## DRAFT

### CODE OF ETHICS FOR URBAN CONSERVATION

#### **Preamble**

This Code complements and should be read in conjunction with the following:

The *ICOMOS Charter for the Conservation of Historic towns and Urban Areas (Washington Charter)* (Washington: 1987);

The *Ethical Commitment Statement for ICOMOS Members*; (2002).

The *Cultural Diversity Code: Code of Ethics of Co-existence in Conserving Significant Places*; (Australia ICOMOS, 1998);

The *Venice Charter (1964)*: The International Charter for the Conservation and Restoration of Monuments and Sites.

The subject country's specific conservation charter, for example *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*.

In addition, the Code has been drafted in the context of relevant national and international agreements and statutes, including the following:

The *UNESCO Recommendation Concerning the Safeguarding and Contemporary Rôle of Historic Areas*, (Nairobi: 26 November, 1976);

The *UNESCO Recommendation on International Principles Applicable to Archaeological Excavations*, (1957-58);

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

The *ICOMOS International Cultural Tourism Charter* (1999);

The *World Archaeological Congress First Code of Ethics* (1989);

The *Code of Ethics of Australian Archaeological Association*, (Australia ICOMOS 1998).

#### **Assumptions**

The Code assumes that:

- (i) Historic areas, settlements and landscapes are a reflection of the local community, and stand as evidence of the presence and growth of that community.
- (ii) The components of the historic environment stand as tangible and living evidence through time reflecting growth and development and are to be accepted as vital elements for the survival of the local community's culture and identity.
- (iii) The local community has a right to have the authentic testimony of the historic and cultural environment respected as an expression of its cultural identity.
- (iv) The local community has a right to the wise and appropriate use of the historic urban environment.<sup>2</sup>
- (v) Ethical practice is necessary for the just and effective management of the historical environment.<sup>3</sup> Responsibility rests first with the community's authorized representatives in accepting the continued conservation of the historic urban environment as an integral part of the normal planning process.
- (vi) The social, cultural, economic and physical context will change over time, and consequently survey, analysis and where appropriate, the production of new conservation plans and action should be a continuing process.

## **Article 1 Definitions**

- 1.1 *Local community* means the resident society of an urban environment, and may constitute indigenous peoples and/or multicultural groups, and/or

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<sup>2</sup> *Declaration of ICOMOS* (1998), marking the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights (Stockholm: 1998), Articles 3 and 4.

<sup>3</sup> *Cultural Diversity Code: Code of Ethics of Co-existence in Conserving Significant Places*, (Australia ICOMOS: 1998), Assumptions (iii).

minority groups, holding both specific and common values, expressed through the sharing of beliefs, traditions, customs and/or practice.

- 1.2 *Authorised Representatives* means those representatives chosen by the local community to represent their social, cultural and economic concerns.
- 1.3 *Cultural Identity*, although expressed in the singular, may also relate to a multicultural society, and will be representative of the sum of diverse cultural identities.
- 1.4 *Values* mean those beliefs that have significance for a cultural group, often including, but not limited to, political, religious and spiritual, and moral beliefs.
- 1.5 *Urban environment* means any groups of buildings, structures and open spaces including archaeological and palaeontological sites, constituting human settlements in an urban or rural environment, the cohesion and value of which, from the archaeological, architectural, landscape, prehistoric, historic, aesthetic or socio-cultural point of view are recognized.<sup>4</sup>
- 1.6 *Conservation* means all the processes of looking after a place so as to retain its cultural significance.<sup>5</sup>
- 1.7 *Conservation of historic towns and urban areas* further extends the definition in the *Washington Charter*,<sup>6</sup> and is understood to include those steps necessary for the conservation of such towns and areas, the safeguarding of the cultural, religious and social activities as well as their development and harmonious adaptation, together with that of the built environment, to contemporary life.

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<sup>4</sup> Definition taken largely from the *UNESCO Recommendation Concerning the Safeguarding and Contemporary Rôle of Historic Areas* (Nairobi: 1976), Definitions 1 (a).

<sup>5</sup> *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*, Article 1.4.

<sup>6</sup> *The ICOMOS Charter for the Conservation of Historic Towns and Urban Areas (the Washington Charter, 1987)*, Preamble and definitions 2.

1.8 *Conservator* means primarily the professional practitioners directly responsible for the execution of the urban conservation project. Where appropriate it also applies to *all* practitioners engaged on the project, whether professional or voluntary, and may include but not limited to: archaeologists, architects, landscape architects, planners, engineers, material and object conservators, sociologists, historians, builders and contractors, whether members or non-members of ICOMOS or other related conservation bodies, and involved members of the subject community.

### **Ethical Principles**

**Conservators agree that they will adhere to the following principles prior to, during and after their contract work.**

(Consistent with the definition given above, this principle should apply to *all* people engaged in the project. Responsibility should be accepted by all members rather than leaving it to one “head” conservator. This reinforces the ongoing responsibility of the local population that they are part of the conservation process. This can be compared with Article 5 of the ICOMOS *Ethical Commitment Statement*, (ECS) which, as a professional document refers mainly to professional members of the team. This objective may not always be possible to achieve, but examples exist where the local folk have taken on conservation responsibilities).

### **Article 2**

Conservators shall acknowledge the important relationship that exists between the local community and their cultural heritage irrespective of legal ownership.

(This stresses the importance of the relationship between a social “possession” of cultural heritage that transcends land ownership. This would be particularly so for relationships concerning indigenous folk, and would certainly apply to

multicultural societies. Based on the *Code of Ethics of the Australian Archaeological Association*, Principle 4.).

### **Article 3**

At all times throughout the conservation process, conservators shall be sensitive to, and respect the legitimate concerns of groups whose cultural background is the subject of investigation and conservation. It shall be accepted that there are no circumstances where there would be no community of concern.

(Based on the *Code of Ethics of the Australian Archaeological Association*, Rule 1.)

### **Article 4**

Conservators shall give direction and encouragement to the local community for the continued use and development of the urban fabric, ensuring that the historical evidence remains a vital factor and is not compromised in the reuse.

(This exceeds the ECS Article 2, all of which is acceptable but appears to be more applicable to single “monument” buildings rather than historic areas. In the urban case it could be read very strictly and freeze further development. Development must continue to maintain authenticity, otherwise the message is, it all stopped here! This points to all members of the team to understand and accept cultural identity and continuity.)

### **Article 5**

Conservators should be aware that for some places, conflicting cultural values might apply. Differing cultural values should be identified early if possible, recognized, respected and encouraged for all respective cultural groups.

(Taken from Article 13 of the *Burra Charter*, which, although not specifically referring to the *Cultural Diversity Code* ensures this requirement is not overlooked.)



## **Article 6**

Conservators shall ensure that the local community is made aware of all the heritage values that the urban area possesses, to instil understanding, pride and concern for their built environment as the basis for its proper and vital conservation and continuation.

(The ECS (Article 5) refers to promoting public participation, awareness and support, but then does so in relation to student and professional participation. The reference in this draft code is to place higher emphasis on the participation of the local community.)

## **Ethical Practice**

### **Article 7**

Conservation plans shall include surveys of social, cultural and economic factors of the area and its relationship within the wider and regional context. These factors shall include demographic data and an analysis of economic, social and cultural activities, ways of life and social relationships, together with associated technical factors such as land tenure systems and problems, and other factors that have assisted in forming the place's social and cultural identity.

(The requirements for the physical survey of the area are covered in the *Washington Charter*, and include references to sociology and economics (Article 5). The requirements in this draft code are expanded regarding the social and economic factors, and are based on the very definite recommendation given in the *UNESCO Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas* - Article 20. There is no parallel clause in the ECS.)

### **Article 8**

Conservators shall ensure the active participation through agreed representation to be certain that the views and expectations of the local community are met in standards, priorities and goals.

*(Code of Ethics of the Australian Archaeological Association, Principle 8. This is essential for the continued economic and physical development of the place. Article 3 of the ECS refers to this matter in a more general way.)*

#### **Article 9**

Conservators shall establish contractual arrangements with the elected representatives of the local community whose cultural heritage is being investigated and conserved.

*(Code of Ethics of the Australian Archaeological Association, Principal 7. Article 3 of the ECS again refers to this in a more general way, and does not refer to the contractual arrangement. This arrangement puts participation on an official level.)*

#### **Article 10**

Conservators shall avoid being placed under any obligation to any person or organisation if doing so could affect their impartiality in professional matters.

*(Article 12 of the ECS refers to honesty and impartiality, but this is tied to professional practice requirements. This broadens the scope to all members of the team.)*

#### **Article 11**

Conservators shall not distort or misrepresent any part of the urban environment if such action would lead to a misunderstanding of the historical evidence or impede the proper cultural development or identity of the local community.

*(This Article refers to the presentation of the place. Article 10 of the ECS refers to misrepresentation in the form of plagiarism. Article 11, ECS refers to outside demands, e.g. clients or other interested persons.)*

#### **Article 12**

Conservators shall not knowingly misrepresent the needs, problems or possible consequences of a project.

#### **Article 13**

Conservators shall accept their obligation to employ and train members of the local community in proper conservation techniques, to assist during the project where appropriate, and to continue the proper stewardship and maintenance, and interpretation and presentation programmes following the completion of the project.

(Similar to Articles 4 and 5 ECS, but these are professionally centred. Articles 5.4 and 5.5 of the ICOMOS *International Cultural Tourism Charter (1999)* refer to training and educating local people for interpretation and presentation purposes. It is likely that continuing stewardship would, in the short term, involve professionally trained people, but it is the local community that will in the long term hold the final responsibility.)

#### **Article 14**

Conservators shall ensure that the local community understands the importance of the true presentation of their urban heritage, particularly in relation to the tourism industry.

(The ICOMOS *International Cultural Tourism Charter (1999)* provides guidance that could be applied to all presentation, not only for tourism purposes.)

#### **Article 15**

Conservators shall ensure that the authorised representatives are kept informed during all stages of the conservation project.

(It should be understood that relations with the general public would be conducted through the authorised representatives. Based on the *Code of Ethics of the Australian Archaeological Association*, Rule 3.)

## Article 16

Conservators shall ensure that all completed reports and published materials resulting from their conservation work are presented to the authorised representatives as soon as possible. The reports should also include some indication of intended future social and economic development.

(The first part of this Article has been overlooked entirely in the *Washington Charter*, but appears in both the *Venice Charter* and *Burra Charter*. The *Venice Charter* calls only for the production of “precise documentation in the form of analytical and critical reports, illustrated with drawings and photographs” (Article 16). It further requires that the report be kept in an archive, made available to researchers, and should be published. The *Burra Charter* states that the records of the conservation and history of the place should be placed in a permanent archive, and made publicly available where culturally appropriate (Article 32). The purpose of this requirement in both Charters seems to ensure that the details of the conservation project are recorded for future researchers. The second sentence of the above Article should attempt to give some direction for future development, as well as the historic record. The Article is based on the *Code of Ethics of the Australian Archaeological Association* (Rule 4), which ensures that such reports are produced and given to the authorised representatives, and not merely deposited in an archive.)

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<sup>10</sup> *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*, Article 1.4.

<sup>11</sup> *The ICOMOS Charter for the Conservation of Historic Towns and Urban Areas (the Washington Charter, 1987)*, Preamble and definitions 2.

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