



3 November 2008

Ms Jane Carter  
Film Incentives and International Section  
Film and Creative Industries Branch  
Department of the Environment, Water, Heritage and the Arts  
GPO Box 787  
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Dear Ms Carter

Thank you for your email of 30 September 2008 inviting ICOM Australia to submit a response to your series of questions regarding the possible ratification by the Australian Government of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (the Convention).

ICOM Australia endorses and supports ratification of the Convention by the Australian Government.

## **1. International Council of Museums (ICOM) background**

ICOM Australia is a part of the global network of museum and heritage professionals committed to the world's natural and cultural heritage. As a National Committee (one of 114 worldwide) of the International Council of Museums, based in Paris, ICOM Australia is an advocate for museums, interconnecting them with peer networks across the museums sector and partner national museum associations internationally. ICOM also represents the international interests of its member museums and museum professionals across Australia and nearby regions.

ICOM Australia's commitment to the protection and promotion of the diversity of cultural expressions is embedded in ICOM's strategic plan 2008-2010:

Museums are recognised as integral partners in sustainable development, advocating a greater respect and understanding of the importance of heritage for source communities. Acknowledging cultural diversity forms the basis for developing strategies for the protection and promotion of heritage.<sup>1</sup>

ICOM is a non-governmental, non-profit body created in 1946. ICOM maintains formal relations with UNESCO and has a consultative status with the United Nations Economic and Social Council (ECOSOC).

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<sup>1</sup> *ICOM Our Global Vision: Strategic Plan 2008-2010*, p.2

### **Relationship with Museums Australia**

ICOM Australia complements Museums Australia in that both associations provide advocacy on behalf of the Australian museum community. ICOM Australia provides an international perspective while Museums Australia has a national focus. While working closely together, ICOM Australia and Museums Australia have independent voices.

Both ICOM Australia and Museums Australia undertake joint projects. In the Asia-Pacific region Museums Australia, for instance, is currently developing training workshops for Chinese senior museum professionals at the request of the Chinese Ministry of Culture. This project will fund Chinese museum personnel to travel to Australia in 2009 for training. ICOM Australia will be a partner in the project.

## **2. Implications of ratification of the Convention**

### **a) *Significant policy, resourcing or infrastructure implications that would affect your activities under the Convention***

ICOM Australia undertakes and supports many aspects covered by the convention as a central part of its existing role and function. As such, any ratification of the Convention by the Australian Government is welcomed and supported by ICOM Australia.

Ratification may increase resource claims on ICOM Australia through increased demand for advice and expertise from agencies, organisations and individuals arising from raised awareness of Convention issues.

ICOM Australia has an extremely limited resource and funding base. However, it is in a position to call on a range of professionals and bodies, including Museums Australia, to help inform and guide contributions.

A range of ICOM Australia activities, projects and policy positions align with the spirit of the Convention and reflect its engagement with the issues over many years. An outline of some of these activities follow.

### **Example of alignment – ICOM Australia Museum Partnerships Program (IAMPP)**

The ICOM Australia Museum Partnerships Program (IAMPP) established in 2005 aims to facilitate partnerships and professional exchanges between Australian and international museums, particularly in the Asia-Pacific region. The IAMPP has potential for expansion in the Pacific region should Australia ratify the Convention and is successful in attracting further Australian Government support.

IAMPP projects have resulted in good outcomes in terms of protection and promotion of the cultural heritage of Pacific Island museums and communities. ICOM Australia has worked with the Council of Australasian Museum Directors (CAMD), state museums and AusAID to establish a framework in which viable projects and partnerships are established, funded and outcomes reviewed.

The IAMPP makes a contribution to meeting the aims of the Convention under the following Articles:

**Article 12– Promotion of international cooperation.** The IAMPP plays a role in strengthening ‘bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions.’

**Article 14 – Cooperation for development.** The IAMPP also plays a role in ‘capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries.’

#### **Example of alignment – protection of cultural property**

ICOM Australia is committed to the protection of cultural property and plays a national role in advocacy and communication on international issues. For example:

- threats to cultural property and expression (See Article 17 of the Convention)
- the illegal export of cultural property<sup>2</sup>

#### **Example of alignment – provision of information**

Should ratification of the Convention proceed, ICOM Australia can play a role in providing the Australian Government with current knowledge, expertise and informed analysis relating to issues concerning the protection of cultural property.

In such a role ICOM Australia would draw on the expertise and skill of Museums Australia to help inform and frame advice.

#### **b) *Opportunities created, or constraints imposed by, the Convention on your organisation’s (or your individual) ability to protect and promote the diversity of cultural expressions***

Australia’s ratification of the Convention will reinforce ICOM Australia’s mission and values. ICOM Australia recognises that the Convention is an important step in a process of heritage protection. Ongoing dialogue and interpretation with communities – both indigenous and non-indigenous – must identify, address and resolve any concerns and issues.

#### **c) *Any other significant implications of Australia’s accession to the Convention.***

In ratifying the Convention some resource implications for Australian governments, museums and cultural institutions might include:

- establishment of a cultural heritage fund
- enabling national and local authorities to adopt and effectively implement appropriate local laws and regulations for the protection of the diversity of cultural expressions
- monitoring and resisting any attempt at misuse of, or particularly any commercialisation of, the diversity of cultural expressions without appropriate benefits, protocols observance or return being secured for the primary custodians
- assisting agencies in the development and implementation of legal instruments and training staff responsible for effective implementation

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<sup>2</sup> *Statement by the President of ICOM on current legal actions against museums for the return of illegally exported cultural property 2006* ([http://icom.museum/statement\\_illegalexport\\_eng.html](http://icom.museum/statement_illegalexport_eng.html)) and Cuenca Declaration 1995 (<http://icom.museum/cuenca.html>)

- training programs for museum professionals stressing the importance of the protection and promotion of the diversity of cultural expressions.

ICOM Australia would welcome further consultation on these matters and is most willing to participate in any discussions the Australian Government may wish to hold.

Yours sincerely

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On behalf of submission developer Chris Nobbs and the Executive Board, ICOM Australia