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Patrimonio mundial y diversidad cultural en Oceanía

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Resumen

Este artículo examina cómo se ha ampliado el marco universalizante del patrimonio mundial en relación con el patrimonio arqueológico en Oceanía con el objetivo de satisfacer los imperativos de un mundo postcolonial. Consideramos la idea de un "giro australiano" en los enfoques globales del patrimonio -y del Patrimonio Mundial en particular- que ha surgido de la participación de arqueólogos y otros profesionales del patrimonio con las comunidades aborígenes de Australia y otros lugares de Oceanía. Los colegas de otras partes de Oceanía han contribuido sin duda a este "giro", al igual que los que trabajan en Oceanía desde otros países como Canadá, Francia, Nueva Zelanda, Suecia, Reino Unido y Estados Unidos. Sin embargo, parece haber un amplio reconocimiento de que los australianos han hecho y continúan haciendo la mayor diferencia a nivel del patrimonio mundial. El rasgo característico de este "giro" es la valorización del valor social -los valores patrimoniales contemporáneos de las culturas vivas, fuertemente enfocadas en el patrimonio inmaterial- junto a la valorización científica de los recursos arqueológicos tangibles. La última parte del trabajo considera la continuación de la resistencia significativa de algunos sectores a estos importantes mecanismos para acomodar la diversidad cultural.

Palabras claves

Patrimonio mundial – valor social- Intervención indígena- Oceanía

Abstract

This paper examines how the universalising framework of World Heritage has been expanded in relation to archaeological heritage in Oceania to meet the imperatives of a postcolonial world. It considers the idea of an 'Australian turn' in global approaches to heritage – and World Heritage in particular – which has emerged from the engagement of archaeologists and other heritage practitioners with Indigenous communities in Australia and elsewhere across Oceania. Colleagues from others part of

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Oceania have undoubtedly contributed to this 'turn', as have those who work in Oceania from bases in countries such as Canada, France, New Zealand, Sweden, the UK and the US. Yet there appears to be widespread acknowledgement that Australians have made and continue to make the most difference at World Heritage level. The characteristic feature of this 'turn' is the valorisation of social value – the contemporary heritage values of living cultures, heavily focussed on intangible heritage – alongside the scientific appreciation of tangible archaeological resources. The final part of the paper considers continuing significant resistance from some quarters to this important mechanisms for accommodating cultural diversity.

Keywords

Introduction

Late in 2011, I was participating in the triennial General Assembly of the International Council on Monuments and Sites (ICOMOS), the independent statutory Advisory Body to UNESCO on cultural World Heritage. I had been a member of Australia ICOMOS for some years and had undertaken a number of field assessments of World Heritage nominations in different parts of Oceania. I had also been Secretary General of an ICOMOS International Scientific Committee for a couple of years, so all-in-all I thought I had a reasonable idea of how things worked in ICOMOS. For the most part that was true, but then after a few days of symposia I attended the General Assembly meeting itself. I was surprised to discover that there was considerable agitation amongst delegates regarding a move by a group of European ICOMOS National Committees (Austria, Bosnia Herzegovina, Croatia, Czech Republic, Hungary, Germany, Macedonia, Romania, Serbia and Switzerland) to condemn what one high-profile individual in that group decried as "the Australian approach" to cultural heritage.

It transpired that this meant an approach that included local community members and their concerns and aspirations in any proposals regarding the protection of cultural heritage. I recall one of the faction members pointing out that the word "people" does not appear in the title of

ICOMOS. I found it hard to believe I was hearing such things in the 21st Century, and I am confident the vast majority of other delegates had much the same reaction. In the end, the faction tendered a Resolution (17GA 2011/32) on the "Fundamental Values of Monuments and Sites" which the General Assembly of ICOMOS decided to refer to the Executive Committee for further deliberations. Encouragingly, various other resolutions concerning community engagement, human rights and the like all were all passed. Yet as I continue to work in the World Heritage and broader heritage arenas in Oceania and other parts of the world, I have come to understand that despite positive developments at the highest international levels, and despite the fact that the so-called "Australian approach" is widely lauded, community/people-focussed methods are not put into practice nearly as often as one might imagine and that there is still very strong resistance to such methods in certain quarters.

As will become evident below, this is because of two principal factors. One is concern that supposedly universal expert standards of heritage conservation are being eroded by uninformed community participation in decision-making. The other and substantially more difficult factor is that participation in heritage decision-making by sub-state actors (e.g. local communities) threatens state sovereignty. First, though, we should unpack the "Australian approach".

The "Australian approach"

The "Australian approach" is most succinctly characterised as one based upon *social value,* also known as *social significance.* These concepts have been discussed at length by Australian practitioners in forward-looking government discussion papers, most notably Johnston's 1992 *What is Social Value?* and Byrne, Brayshaw and Ireland's 2001 (2003 second edition) *Social Significance.* Well before either of these key texts, though, came the first version of the Australia ICOMOS Charter for Places of Cultural Significance.

More usually known as the "Burra Charter", this document was initially adopted in 1979 in Burra, an historic mining town in South Australia. It was lightly revised in 1981 and 1988 and more significantly reformulated in 1999. After further detailed review, the current version was adopted by Australia ICOMOS in 2013. This last review also introduced the current Practice Notes to replace guidelines dating back to 1988 regarding implementation of the Charter (Australia ICOMOS 2013).

The original 1979 Charter mentioned "social value" in passing as an element of "cultural significance" alongside other elements such as "aesthetic, historic [and] scientific". Though the original Charter did not elaborate on the inclusion of social value (or indeed the other aspects of cultural significance), the Preamble drew attention to the fact that the Burra Charter was expressly designed to prompt revisions to the 1964 Venice Charter. This last, drawn up by architects interested in built heritage, is usually seen as the foundational document of modern cultural heritage management, and is closely linked with the formation of ICOMOS (ICOMOS 1965). The Venice Charter mentions cultural significance only once and without definition, presumably because its framers believed the term was universally understood and accepted. The 1979 Burra Charter also introduced the concept of heritage "place", which instead of simply monuments and sites also included a range of other sorts of cultural heritage phenomena including intangible heritage of the sort captured by the idea of "social value".

So what exactly *is* "social value"? Johnson (1992: 9) describes it this way:

"Social value is about collective attachment to places that embody meanings important to a community. These places are usually community owned or publicly accessible or in some other ways 'appropriated' into people's daily lives. Such meanings are in addition to other values, such as the evidence of valued aspects of history or beauty, and these meanings may not be obvious in the fabric of the place, and may not be apparent to the disinterested observer".

The key thing to understand – and which the protesting group at the 2011 ICOMOS General Assembly surely overlooked – is that social value *augments* rather than replaces the aesthetic, historical and scientific value conventionally at the heart of cultural heritage management. Thus the 2013 Burra Charter (Australia ICOMOS 2013) reads:

"For the purposes of this Charter:

1.1 Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

1.2 Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

Places may have a range of values for different individuals or groups".

The Explanatory Notes (Australia ICOMOS 2013) annotating this clause emphasise that:

"Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information".

The Practice Notes now accompanying the Burra Charter are a welcome development (Australia ICOMOS 2013). They provide advice on various issues to help clarify how practitioners might best proceed in an increasingly complex field in a culturally-diverse nation. The Practice Notes cover a variety of matters, such as understanding and assessing cultural significance, developing policy, archaeological practice, Indigenous cultural heritage management, and interpretation. Importantly, linked with the Practice Notes is The Code on the Ethics of Co-existence in Conserving Significant Places, adopted in 1998 (Australia ICOMOS 1998). Heavily focussed on social value, it rests on the following assumptions:

• "the healthy management of cultural difference is the responsibility of society as a whole;

• in a pluralist society, value differences exist and contain the potential for conflict; and

• ethical practice is necessary for the just and effective management of places of diverse cultural significance".

Australia and World Heritage

Australian heritage practitioners developed the Burra Charter expressly to modify the Venice Charter to fit Australia's culturally-diverse circumstances. At the same time, however, some of the same people and others were working internationally to bring the same sort of thinking to

bear on the World Heritage framework. Isabel McBryde was especially influential, through three key interventions in particular (McBryde 2014). The first was a presentation to the UNESCO Expert Meeting on Cultural Landscapes in France in 1992, entitled "Australia's World Heritage Sites: Implications for Listing of Australian Cultural Landscapes". The second was a discussion paper for the UNESCO World Heritage Centre Expert Meeting on Itineraries as Cultural Heritage held in Spain in 1994: "Linked Places – Cultural routes, trade routes, song lines and Heritage. Travelling a Storied Landscape: Trade Routes, Song Lines and Heritage". The last was called "Storied Landscapes: the long-distance exchange networks of the Cooper/Lake Eyre Basin as Cultural Landscape" and was a discussion paper for a workshop on Cultural Landscapes held by the Australian Heritage Commission in 1995.

As the editors of Australia ICOMOS journal *Historic Environment* noted when publishing these three papers as a group in 2014, "McBryde recognised the necessity to include the concept of associational cultural landscapes, to distinguish cultural routes and to identify intangible cultural heritage. She understood that their inclusion would enrich the World Heritage List and make it more representative of global heritage" (McBryde 2014: 15 Abstract). In this connection, Gfeller (2013: 497) observes that:

"McBryde's concerns (...) reflected the transformation of archaeology in the post-colonial context of Australia (...) [and especially] growing indigenous political activism [which] prompted the rise of what would be termed 'indigenous archaeology' (...) in which the discipline intersects with Indigenous values, knowledge, practices, ethics, and sensibilities' and involves 'collaborative and community-orientated or -directed projects, and related cultural perspectives'".

The Indigenous activism to which Gfeller refers began well before McBryde's earliest interventions. Amongst a great many other examples at other times in other places, the iconic instance occurred in 1982 at a

meeting of the Australian Archaeological Association at which I was present as a Masters student. There the Tasmanian Aboriginal woman Ros Langford lambasted archaeologists in a game-changing presentation published in 1983 as "Our heritage – your playground". Her powerful message was that for Indigenous Australians, archaeological evidence regarding Aboriginal and Torres Strait Islander history "is our past, our culture and heritage, and forms part of our present life. As such it is ours to control and it is ours to share on our own terms" (Langford 1983: 2).

McBryde was not the only Australian pushing for these sorts of changes in this period. In a different paper, Gfeller (2015: 373) highlights how in 1994, "Australian architect and urban design expert [Joan] Domicelj played a decisive role in broadening the notion of cultural World Heritage to take account of indigenous perceptions". Gfeller (2015: 373) goes on to point out that:

"Interestingly, the participation of an Australian was suggested as an afterthought. The initial plan was to invite two experts from each continent, excluding Oceania. [Key player Henry] Cleere, however, proposed extending the group of participants to include 'the claims of Australasia and Oceania, with their strong non-monumental culture'".

Gfeller (2015: 373) notes further that:

"This inclusion had a decisive effect on the outcome. It was Domicelj who proposed the theme of 'human coexistence with the land.' This theme, in turn, was purposely designed in part to open the World Heritage List to 'living,' as opposed to extinct, indigenous cultures (ICOMOS, 1994)".

In addition to figures such as McBryde and Domicelj, we should also acknowledge the work of many other Australian colleagues who played pivotal roles in such advances, domestically and internationally, but I will address their work elsewhere.

Why Australia?

Why should Australia in particular produce such an enlightened approach to heritage conservation? It has to be emphasised at the outset that such insights are not peculiar to Australia. They unquestionably do however have their origins and strongest expressions in what are commonly known as the Anglophone settler societies, namely Canada, Australia, New Zealand and the United States (CANZUS). That said, there are clear differences as well as similarities among the so-called CANZUS nations in their approaches to cultural heritage (Lilley 2000a). As the late Willem Willems (2009:652) understood this situation:

"several decades of discussion on legal, moral and ethical principles have by now established that indigenous or descendant populations have distinct rights and must not be excluded from their ancestors' past. In some countries, notably the US, this was done through much litigation and bitter dispute. Elsewhere, such as in New Zealand and also Australia, though at times events were quite tempestuous there as well, there appear to have been somewhat different processes of reaching social consensus and at the same time establishing a more inclusive and socially relevant archaeology that produced such admirable products as the Burra Charter".

It is on this basis that Australians have played a disproportionally influential role in the development of such notions and especially in their introduction to and acceptance by peak global heritage bodies such as ICOMOS (Jerome 2014) and the UNESCO World Heritage Committee (Gfeller 2015, 2013).

Precisely why such a key role has been played by a small Antipodean country a long way from northern-hemisphere centres of global power is a topic for another paper. How Australians came to understand that the Venice Charter was not suited to this country's heritage is easy to explain though. Australians were involved from the outset in international post-

WWII developments in heritage conservation. Indeed they were instrumental in global affairs more generally at the time, with the Australian lawyer and politician H. V. "Doc" Evatt playing a leading role in the foundation of the UN at the end of the war. He was the third President of the U.N. General Assembly (1948-1949) and helped draw up the UN Universal Declaration of Human Rights. Because these "international" developments emerged largely in Europe, the Australians who were involved in them were familiar with European thinking on a range of matters, including heritage.

Europe at the time was recovering from the devastation of WWII and thus intensely focussed on the urgent reconstruction of vast amounts of physical infrastructure, including what had been historic "heritage" infrastructure. This was the milieu that produced the thinking behind the Venice Charter. As Logan (2004: 3) puts it:

"This was post-war Europe. Those who drew (...) up [the Venice Charter] were concerned that restoration practice in Europe in the early post World War II years, when the task of post-war reconstruction was huge and urgent, meant that decisions about historic structures were too often hastily made without a full understanding of their character".

Such haste endangered the characteristics that gave such structures their heritage value as understood in technical terms at the time by the architects primarily responsible for the Charter's tone and content.

As Logan (2004: 3) goes on to underline, this approach:

"suits well the conservation of the stone, brick and other durable materials, especially as found in classical archaeological sites and monuments. By contrast, the Venice Charter is much less suited to dealing with structures built of wood that, due to the ravages of humid climate, woodworm and fire, has to be replaced on a periodical basis. Nor does it meet the needs of indigenous peoples in other parts of the world for whom

the significance of buildings and sites depends on factors other than or additional to the physical fabric".

This last point is crucial to understanding what motivated much of the thinking behind the original Burra Charter. Amplifying Willems' 2009 observation quoted above, Jerome (2014: 4) observes that:

"Australia, like the U.S. and Canada, was colonized by the British and other Western Europeans. Like the U.S. and Canada, those colonists encountered an Indigenous population. The Aborigines had lived in Australia for 40,000 years prior to European colonization [currently dated to 65,000 years, Clarkson *et al.* 2017]. They had and continue to have cultural beliefs that do not necessarily correlate to those of Western European origin. However, until the Burra Charter took hold, identification of cultural significance and its management was governed by the dominant colonial society.

The Burra Charter arose from Australians' desire to include the participation and values of their Aboriginal population in the heritage process. Values based preservation is not expert-driven; rather, it involves consultation with stakeholders, who may have conflicting values. The Burra Charter has become the best-known guideline for values based management. Its methodology emphasizes a collaborative process by providing a well-defined sequence of steps to determine value".

Important as such matters are, it is crucial to understand that it is neither the brute fact of colonial dispossession of native peoples nor the cultural diversity that it subsequently produced that separates Australia nor indeed the other Anglophone settler societies of CANZUS from other countries around the world when it comes to decolonising heritage practice. It is instead the fact that these four multicultural nations are the long-established liberal democracies with developed economies in which postcolonialism was born and continues to thrive best (Appiah 1991; Dirlik

1994). More than that, though, as Willems (2014: 109, my emphasis) recognised:

"It is surely no coincidence that globally (...) [Indigenised/community archaeology] started in countries with systems of Anglo-Saxon common law, where society is self-regulating, as opposed to the Roman law tradition where much depends on the State that regulates society. The latter system is more likely to adhere longer to exclusive stewardship of heritage resources to formal representatives of the state and asymmetrical power relations. This may in part explain striking differences in the role of native peoples in heritage management between most of [civil law] Latin America and [common law] North America".

This paper is not the place for an introductory law lecture, but in summary, according to *The Economist* (2015):

"Common law gives judges an active role in developing rules; civil law is based on fixed codes and statutes (...) Common law is a peculiarly English development (...) By contrast, European rulers drew on Roman law (...) Today the difference between common and civil legal traditions lies in the main source of law. Although common-law systems make extensive use of statutes, judicial cases are regarded as the most important source of law, which gives judges an active role in developing rules (...) To ensure consistency, courts abide by precedents set by higher courts examining the same issue. In civil-law systems, by contrast, codes and statutes are designed to cover all eventualities and judges have a more limited role of applying the law to the case in hand (...) Common-law systems are found only in countries that are former English colonies or have been influenced by the Anglo-Saxon tradition (...) Legal minds in civil-law jurisdictions like to think that their system is more stable and fairer than common-law systems, because laws are stated explicitly and are easier to discern. But (...) [common law practitioners] take pride in the flexibility of their system,

because it can quickly adapt to circumstance without the need for Parliament to enact legislation".

Willems' insights notwithstanding, it would be untrue to say that parts of the world regulated by civil law are not developing people-centred approaches to heritage. This is occurring for instance in places not conventionally thought of as colonial but which have now-recognised but historically-oppressed Indigenous minorities, such as Taiwan (Blundell 2000), Japan (Mizoguchi 2004) and Scandinavia (Trudel et al. 2016). Interestingly, it is also occurring across Europe more broadly (at the time of writing still including the UK), where, as Willems (2014: 109) pithily observed, the fact that the bulk of the population comprise their "own indigenes (…) does not mean there are no disenfranchised local groups. In the same way as natives were ignored in North America, so were for example local villagers ignored in decisions about heritage in Europe".

That is why the Council of Europe (2005) promulgated the Faro Convention (formally entitled the Council of Europe Framework Convention on the Value of Cultural Heritage for Society), despite the fact that, as Willems once emphatically reminded me (Lilley 2015), Europe "is not Australia" in terms of relationships with Indigenous and other descendent communities. The Faro Convention was developed in recognition of "the need to put people and human values at the centre of an enlarged and cross-disciplinary concept of cultural heritage". Its creators were "Convinced of the need to involve everyone in society in the ongoing process of defining and managing cultural heritage".

One step forward, two steps back

Such progress is obviously important but much remains to be done. Instruments such as the Burra Charter and Faro Convention are much better now than the charters that preceded them, but they are not perfect. Previous versions of the Burra Charter were critically examined by

Waterton *et al.* (2006: 351), whose discourse analysis suggested that "although laudable and sincere attempts have been made to incorporate a greater sense of social inclusion and participation in the Charter's revision, the discursive construction of the Burra Charter effectively undermines these innovations". The most recent version has made a serious attempt to address these sorts of issues, but of course further improvements can always be made.

I do not wish to minimise continuing concerns with the Burra Charter or other similar documents. Yet it is crucial also to draw attention to continuing efforts to steer professional practice away from people-centred approaches based on social value back towards anachronistic understandings of the so-called "Fundamental Values of Monuments and Sites" and scientistic (as opposed to scientific) approaches to build heritage, objects and other tangible heritage. This vein of thinking still motivates colleagues around the world to decry the so-called Australian approach, many specifically identifying it as such even though they have no direct connection with the argument in ICOMOS I referred to earlier.

This phenomenon occurs as much in the culturally-diverse CANZUS settler nations as it does elsewhere. To pick one well-known instance, Robert McGhee (2008: 579), then of the Canadian Museum of Civilization, took to task the "Aboriginal essentialism ('aboriginalism')" he believed to be inherent in Indigenised archaeological practice. While he includes North American colleagues in his critique, he draws particular attention to Australians examples of what he calls a "flawed concept" (McGhee 2008: 379) that engenders "the development of forms of Indigenous archaeology that departs radically from the practice of archaeology as an academic and heritage management discipline" (McGhee 2008: 591). On that basis, he concluded, "'Indigenous Archaeology' should be considered a branch of 'Aboriginal Studies' rather than as a component of the academic discipline of archaeology" (McGhee 2008: 595; see also Stump 2013 for a similar example).

Appropriately, the US journal which published McGhee's piece some years later published a detailed and compelling response from Australian scholar Ian McNiven (2016), a leader in the theory and practice of Indigenised archaeology and heritage management. He made two important points (McNiven 2016: 27 original emphasis):

"First, *encountering the past* challenges objectivist tangibility of the archaeological record with ancestral presence and contexts where artifactual absence is the (in)tangible signature of spiritual association. Second, *historicing the present* challenges secularist archaeologies of a detached past with archaeologies of the more familiar ethnographically known recent past linked to identity and diachronic explorations of ontology and spiritualism".

As he then went on to recognise (McNiven 2016: 27), "An agenda that embraces these theoretical challenges presents major opportunities for mainstream archaeology to reorient its Eurocentric focus and produce more cross-culturally relevant and culturally nuanced and sensitive understandings of the past".

It is clear from work like McNiven's and indeed my own contributions over some two decades that there is no turning back for archaeologists and heritage practitioners regardless of regard actions by colleagues such as McGhee or the conservative European rump in ICOMOS (e.g. Lilley 2000a, 2005, 2006, 2008, 2009, 2012, 2016, 2017; Lilley, Buckley and Kajlich in press (2017); Lilley, Sand and Valentin 2012; Lilley and Williams 2005; Welch and Lilley 2013). Unfortunately the same cannot be said for the governments of a great many countries in which we work. This is abundantly clear at World Heritage level. Irrespective of the work of change-makers such as McBryde and many other like-minded Australians and of course colleagues from elsewhere over many decades, local descendent communities and especially Indigenous people continue to have problems with World Heritage, in Australia as much as anywhere.

Why is this? Notwithstanding a continuing major effort initiated in 1992 to create a "balanced and credible" World Heritage List that reflects the diversity of heritage around the world, the World Heritage framework continues to represent what critics denounce as an anachronistic Western vision of universalised heritage practice. This vision is said to be underpinned by an enduring fascination with European and Orientalised non-European monumental patrimony, a strong legacy of imperialism and colonialism, and centralised, top-down decision-making concerning significance assessment and conservation policy and procedure. This model has been vehemently condemned for its bias and lack of sincere inclusivity.

The disapproval comes from various signatories to the Convention (or 'States Parties' in World Heritage language) outside Western Europe, but the lack of inclusivity is also of special concern to sub-state actors, and notably Indigenous communities. This shortcoming has even been recognised by mining conglomerate Rio Tinto, whose 2011 corporate cultural heritage resource guide asserts that although "UNESCO's World Heritage list often holds great influence over heritage management options (...) [it] can conflict with local community/indigenous aims and concerns and should not be considered the definitive answer to cultural heritage management" (Rio Tinto 2011: 100).

How can this situation persist in our supposedly postcolonial world despite the unambiguously-expressed intention of the World Heritage system to improve? Several recent decisions indicate that UNESCO is deeply committed to addressing Indigenous issues. In 2002, for example, the World Heritage Committee revised its Strategic Objectives to add a "Fifth C" (for "Communities") to its list of Credibility, Conservation, Capacity-building and Communication, clearly providing an avenue for local/Indigenous inclusion (ICOMOS 2002a). In 2011, the second edition of the UNESCO guide to preparing World Heritage nominations (UNESCO 2011: 58) suggested that:

"While the focus of the nomination must be on potential Outstanding Universal Value, properties will invariably have local and national values as well. These other levels of value should also be understood. These other values are part of the natural and cultural richness of the property, and the harmonious protection, conservation and management of all values is an objective of good conservation practice. Understanding local values means consulting local people, especially indigenous peoples where they are present. Local people are a primary source of information about local values".

This passage could be taken to suggest that Indigenous people should only have input into local values, instead of being part of understanding 'Outstanding Universal Value". Yet the 2015 update of UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention – the "Bible" for World Heritage practitioners – added a number of specific references to Indigenous people to identify them as potential partners "in the protection and conservation of World Heritage". Thus the Guidelines (UNESCO 2015: 25) now expressly state that:

"Participation in the nomination process of local communities, indigenous peoples, governmental, non-governmental and private organizations and other stakeholders is essential to enable them to have a shared responsibility with the State Party in the maintenance of the property. States Parties are encouraged to prepare nominations with the widest possible participation of stakeholders and to demonstrate, as appropriate, that the free, prior and informed consent of indigenous peoples has been obtained".

It is important to understand that this shift came not out of thin air but rather only after considerable criticism from Indigenous people over a long period. In 2011, Indigenous activists addressed a robust admonition to the World Heritage Committee through UN Permanent Forum on

Indigenous Issues, in the form of a "Joint Statement on continuous violations of the principle of free, prior and informed consent in the context of UNESCO's World Heritage Convention" (UNPFII 2011). This declaration came after a decade of what Indigenous people saw as unsatisfactory progress on Indigenous issues in World Heritage. In particular, they noted (UNPFII 2011):

"There are numerous examples of Indigenous sites on the World Heritage List that have been inscribed without the free, prior and informed consent of the Indigenous peoples concerned. In many cases Indigenous peoples were not even consulted when their territories were designated as World Heritage sites, although this designation can have far-reaching consequences for their lives and human rights, their ability to carry out their subsistence activities, and their ability to freely pursue their economic, social and cultural development in accordance with their right of self-determination".

This Statement also called upon UNESCO to resurrect a proposal for the establishment of a World Heritage Indigenous Peoples' Council of Experts or WHIPCOE (Logan 2013; Meskell 2013). This call refers to an unsuccessful effort to establish WHIPCOE as an indigenous expert Advisory Body similar to ICOMOS and IUCN. In 2001, as the United Nations' International Decade of the World's Indigenous Peoples (1995-2004) was drawing to a close, Parks Canada held a meeting to discuss the formation of WHIPCOE after the prospect had been canvassed by Indigenous representatives to the 2000 meeting of the World Heritage Committee in Cairns, Australia. The recommendations of the Canadian gathering were presented to the 2001 meeting of the World Heritage Committee. They proposed that WHIPCOE should operate as a network that would "allow indigenous voices to be heard", identify "complementary indigenous competencies and expertise", "support best practice management and (...)

make recommendations for improvements" in "protecting and promoting the world's natural and cultural heritage" (UNESCO 2002b: 57).

A number of World Heritage Committee members and Advisory Body representatives agreed that "indigenous peoples have a special role with respect to certain World Heritage properties and that a network could provide a positive forum for an exchange of information and experience concerning their protection". However, the Committee rejected the proposal for two reasons (UNESCO 2001: 57). First, there were legal uncertainties about the funding and legal status of the proposed council and how it might articulate with States Parties, Advisory Bodies, the World Heritage Committee and the World Heritage Centre. Second and more important was the fact that various World Heritage Committee members "questioned the definition of indigenous peoples and the relevance of such a distinction in different regions of the world". On that basis, the Committee decided not to fund a second proposed meeting regarding WHIPCOE. Mechtild Rössler, now Director the World Heritage Centre, described WHIPCOE's still-birth as "one of the saddest moments in the history of the [World Heritage convention]" (cited in Disko & Tugendhat 2013: 8).

What specifically is the major bone of contention here? It is the vexing issue of *sovereignty*. Meskell's (2012) consideration of recent World Heritage Committee discussion and decision-making characterises the World Heritage nomination process as a profoundly political "rush to inscribe" (see also Jokilehto 2011; Logan 2012). Meskell spotlights how States Parties cold-bloodedly lobby and manoeuvre to see their sites inscribed, primarily for the national prestige and economic gain that listing is believed to create (cf. Arezki et al. 2009). Meskell (2012) also notes that there is frequently an anti-colonial tone to the proceedings, especially in confronting the prevalence of European built heritage on the list. Interestingly, though, such anti-colonial feeling and oratory does not entail support for Indigenous interests. Indeed, discussion often overtly rejects

Indigenous concerns and not infrequently repudiates the existence of Indigenous people completely.

The tensions between Indigenous and non-Indigenous people in settler societies are well known. While Indigenous people have strenuously advocated greater recognition of their rights in these jurisdictions, governments have not always been sympathetic. Thus it is that the CANZUS settler societies only belatedly signed the UN Declaration on the Rights of Indigenous Peoples. Struggles such as this are also played out in the heritage arena and these same governments have not consistently upheld Indigenous self-determination in World Heritage processes. Interestingly, though, it is countries such as China and India, with support from African and other Asian States Parties, which have most stridently asserted the World Heritage Committee's anti-Indigenous position (Meskell 2012, 2013).

At first glance this is unexpected. The World Heritage system is seen to remain mired in (neo)colonialism and globalisation emanating from the West, and is continually condemned for its bias and exclusion of non-Western approaches to heritage. Yet it is primarily now-independent postcolonial African and Asian States Parties which are in fact wielding substantial neo-colonial power to the cost of sub-state Indigenous communities. The focus of debate is quite unambiguously the issue of sovereignty. Assertions of sovereignty, autonomy or self-determination by sub-state actors such as Indigenous communities are seen as a threat to the integrity of the (nation-)state, especially non-Western states (cf. Lilley 2000b, 2000c).

In a seeming paradox, sovereignty is also a concern for Indigenous people, who can apprehend the universalising processes of the World Heritage system as a challenge to their autonomy and their aspirations for self-determination. In many instances, the universalising claims and framework of the World Heritage system pose a profound existential threat that denies Indigenous people the distinctiveness that underpins their identities (Cunningham 2012; see also Dove 2006). It is arguable that the

denial by States Parties of Indigenous rights, and in extreme but not uncommon cases, the denial of Indigenous existence altogether, validates these concerns.

Conclusion

So where to from here? Plainly, archaeologists and heritage practitioners need to keep working at local and national levels to ensure that instruments such as the Burra Charter, Faro Convention and others like them are continually improved in the places that have them and are developed in locally-appropriate forms in places that do not. As I have consistently advocated for the last decade (e.g. Lafrenz and Lilley 2015; Lilley 2007, 2008; Soderland and Lilley 2015), it is also imperative that we continue to work globally with the World Heritage framework but also with multilateral financial institutions such as the World Bank as well as influential global corporations such as Rio Tinto, to ensure their approaches to heritage and especially the inclusion of social value are consistent in their formulation and application but also to make sure that compliance with corporate requirements is effectively monitored and enforced.

Neither Rio Tinto nor the World Bank are conventionally seen as friends of heritage conservation, and on the ground quite frequently they are not, despite 'head-office' intentions. Yet they and other global actors like them have an enormous impact on archaeological and other cultural (including intangible) heritage all around the world, and spend vast amounts of money and employ a great many of our colleagues in their attempts to mitigate that impact. Cautious, sceptical engagement with them is thus in our general professional interest. In addition, however, it is in our interest with specific regard to World Heritage. This is because their internal global heritage guidance, in the form of Rio Tinto's (2011) *Why Cultural Heritage Matters*, and the World Bank's new Environmental and Social Standards (World Bank 2016), provides models which could help us

deal with recalcitrant States Parties in the World Heritage system when it comes to the recognition of Indigenous interests and concerns.

How is this? The World Bank understands that many of its borrowers (and indeed its shareholders) have profound issues with sovereignty when it comes to Indigenous recognition, just as some (and in many cases the same) nations do with regard to Indigenous matters in World Heritage. Rather than back away for the matter, though, at least on paper the Bank has a specific safeguard regarding Indigenous people which requires Indigenous interests (including explicitly in cultural heritage) to be recognised even if the word "indigenous" is not applied to such people (World Bank 2017: 75). So too with the mining industry. The International Council on Mining and Metals (ICMM 2015), the industry's peak international representative, has detailed global guidance on Indigenous people to which members such as Rio Tinto subscribe along with the cultural heritage guidance cited above. If it is good enough for key global actors such as the World Bank and major mining corporations to encompass cultural diversity in cultural heritage management in these ways, why should the States Parties to the World Heritage Convention not be expected to make the same effort? Perhaps things will change following the motion to establish an International Indigenous Peoples Forum on World Heritage at the 2017 World Heritage Committee Meeting in Krakow (Indigenous World Heritage Forum 2017). We can only hope this initiative does not face the same sad fate as WHIPCOE.

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