



Title	Coloniality, Natural World Heritage and Indigenous Peoples: A Critical Analysis of World Heritage Cultural Governance
Authors(s)	Fogarty, Irene
Publication date	2022-10-11
Publication information	Fogarty, Irene. "Coloniality, Natural World Heritage and Indigenous Peoples: A Critical Analysis of World Heritage Cultural Governance." Springer, October 11, 2022. https://doi.org/10.1007/978-3-031-05660-4_4 .
Series	Coloniality, Heritage studies, Cultural governance, Natural heritage
Publisher	Springer
Item record/more information	http://hdl.handle.net/10197/26216
Publisher's statement	The final publication is available at www.springerlink.com .
Publisher's version (DOI)	10.1007/978-3-031-05660-4_4

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Chapter 4

Coloniality, Natural World Heritage and Indigenous Peoples: A Critical Analysis of World Heritage Cultural Governance



Irene Fogarty

Abstract This essay analyses synergies and antagonisms of World Heritage cultural governance in respect of Indigenous peoples' participation and rights. In tandem with recognition of nature-culture interlinkages, the World Heritage Committee has demonstrated a growing concern with rights-based approaches, moving Indigenous peoples' rights to a more normative position in the Convention's implementation. However, the Convention follows a Statist approach and adheres to a Eurocentric conceptualisation of nature, reproduced through World Heritage cultural governance. These issues can result in power asymmetries, coloniality of knowledge and the relegation of Indigenous peoples' worldviews and rights.

Keywords Coloniality · Cultural governance · Natural heritage

4.1 Introduction

The special relationships of Indigenous peoples with their landscapes and maintenance of their knowledge systems are vital for sustainable landscape custodianship and climate change adaptation (IPCC, 2014, cited in UNESCO, 2017, p. 28). However, the World Heritage Convention predates some of the most significant steps taken in international law to recognise and protect Indigenous peoples' rights (Tauli-Corpuz, 2014, xii). Examples abound of States Parties exacerbating human rights violations under the auspices of implementing the Convention, particularly where sites are inscribed under natural heritage criteria alone (see Amougou-Amougou & Woodburne, 2014; IWGIA and Forest Peoples' Programme, 2015; Muchuba Buhereko, 2014). Resultantly, the World Heritage Committee has

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M.-T. Albert et al. (eds.), *50 Years World Heritage Convention: Shared Responsibility – Conflict & Reconciliation*, Heritage Studies,
https://doi.org/10.1007/978-3-031-05660-4_4

demonstrated a growing concern with human rights-based approaches, including integrating principles of the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) through all aspects of the Convention's implementation (see UNESCO World Heritage Centre, 2019, Paras. 12, 39–40, 64, 119, 123).

In this essay, research from primary and secondary sources is used to discuss synergies and antagonisms of World Heritage cultural governance in respect of Indigenous peoples' participation and rights. While the structural dimension of governance refers to the institutional framework of World Heritage, a wide conceptualisation of cultural governance speaks to the “[s]ocial negotiation and control of the production of social sense and meaning, cultural orientation systems and their symbols, and cultural and artistic forms of expression” (Schmitt, 2009, p. 105). Rather than examining cultural governance at State level, the essay examines its exercise by the World Heritage Committee and its Advisory Bodies. Grounded in Aníbal Quijano's seminal work on coloniality (Quijano, 2007), the essay begins by outlining the historical and ideological contingency of the nature/culture schism, a dualism represented within the World Heritage Convention. With reference to case study sites, the essay examines how the locus of decision-making power and the coloniality of knowledge that inform World Heritage cultural governance remain problematic, particularly in respect of “natural heritage”. However, the essay also discusses how synergies between World Heritage Cultural Landscapes and a growing concern for rights-based approaches can move Indigenous peoples' rights and worldviews to a more normative position, broadening global social meanings and social values imparted through World Heritage cultural governance.

4.2 Coloniality, Modernity and the Nature/Culture Schism

While caution must be taken against essentialising Indigeneity and Indigenous knowledges, numerous Indigenous scholars describe a universality of shared principles and recognise commonalities of protocols, laws and ontologies (Chilisa, 2011; Little Bear, 2000; Watson, 2014; Whyte, 2018). Indigenous knowledges are relational and rooted in environment, family, animals and the spirit world (Little Bear, 2000; Watson, 2014; Whyte, 2018). Knowledge transmission in Indigenous communities is multifaceted and, according to Leanne Simpson, “might come to us from relationships, experiences, story-telling, dreaming, participating in ceremonies, from the Elders, the oral tradition, experimentation, observation, from our children, or from teachers in the plant and animal world” (2001, p. 142). These relational worldviews stand in stark contrast to the positioning of nature and culture as discrete entities, a dualism linked to the emergence of intellectual secular thought in Europe during the period between the Renaissance and the Eighteenth Century. Parallel to the European industrial revolution, the scientific and intellectual revolutions of this period saw a shift in academic scholarship where nature, the self and society were treated as separate knowledge projects (Love, 1989). However, the European mode of rationality, based on a subject/object relation, reified an

externalised view of nature that paralleled the global colonisation of Indigenous peoples (Quijano, 2007). As Sylvia Wynter asserts, rationalisation and domination of culture and nature were intellectually cemented within Western science disciplines that reflected and reproduced the “colonizer/colonized relation that the West was to discursively constitute and empirically institutionalize [...] on the mainlands of the Americas” (2003, p. 264).

While colonialism describes the political and economic relations that subsume the sovereignty of other nations or peoples within an empire, coloniality refers to the long-standing patterns of power that emerge from colonialism (Maldonado-Torres, 2007; Mignolo, 2007; Quijano, 2007). Fundamentally, coloniality is the invisible and constitutive side of modernity: there is no modernity without coloniality (Mignolo, 2007, p. 451). Using race as the most basic classification for the domination and exploitation of peoples, coloniality goes beyond the limits of colonial administrations, arising in the global division of labour; concentration of economic resources in the global North; racism and sexism; intersubjective relations; and forms of cultural and knowledge production (Balaton-Chrimes & Stead, 2017; Maldonado-Torres, 2007). Coloniality of knowledge is part of a power matrix that underpins the modern capitalist patriarchal world-system and privileges Eurocentrism in knowledge production (Grosfugel, 2011). Hegemonic Eurocentric paradigms have informed western philosophy and sciences, asserting “neutrality” and “objectivity” as universal and desirable ways of knowing (Grosfugel, 2011), while simultaneously relegating place-based knowledges such as those of Indigenous peoples, which are informed by lived experience and social relations (Poloma & Szelényi, 2019, p. 637). Eurocentric knowledge is based on hierarchical dualisms such as masculine/feminine, reason/body and nature/culture. A relationship of externality to nature has been normalised within centres of knowledge production including Western academia (Lander, 2009; Poloma & Szelényi, 2019). The externalisation of nature appears in conceptualisations of “natural” World Heritage which, combined with the Convention’s Statist approach, can reproduce power asymmetries and coloniality of knowledge that constrain Indigenous peoples’ equitable participation and rights.

4.3 Coloniality and World Heritage Cultural Governance

4.3.1 The Locus of Power

Through discursive practices tied to the institutional setting of UNESCO, World Heritage cultural governance regulates, controls and imparts heritage meanings and values to uphold UNESCO’s universalistic assertion that the “disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world” (UNESCO, 1972). However, the locus of the Convention’s decision-making power rests upon a “three-legged stool” of

governance comprised of States Parties, the World Heritage Committee (consisting of States Parties representatives) and the Committee's Advisory Bodies, with limited governance opportunities for non-state actors such as NGOs, communities and civil society (Larsen & Buckley, 2018, p. 90). The Convention is grounded in a Statist approach that reifies State sovereignty and property rights covered by national legislation, with States Parties maintaining responsibility for nominating properties for World Heritage inscription (UNESCO, 1972). Evaluations of site nominations are carried out on behalf of the World Heritage Committee by two professionalised Advisory Bodies. The International Council on Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature (IUCN) evaluate cultural and natural heritage site nominations respectively, but have adopted a more cohesive approach in recent years through joint rather than separate evaluations of mixed properties. Nevertheless, while the Advisory Bodies offer recommendations, inscription decisions rest with the World Heritage Committee.

As heritage scholars and practitioners, policy makers and non-Western governments have undermined Eurocentrism in heritage discourses, the World Heritage programme has moved to a more inclusive and participatory approach (Coombe, 2012, p. 376). However, while the Committee now encourages States Parties to adopt a human-rights based approach in their implementation of the Convention (UNESCO World Heritage Centre, 2019, Para. 12), it cannot compel them to do so. Furthermore, as an international treaty, the Convention operates in the absence of a third-party effect unless sanctioned by member states, and an initiative to create a World Heritage Indigenous Peoples Council of Experts as an additional Advisory Body was ultimately rejected by the World Heritage Committee (Meskell, 2013). Committee members hold sway over the Convention's implementation standards and may create allegiances based upon, inter alia, historical and potentially colonial linkages (Meskell, 2013, p. 168).

4.3.2 Outstanding Universal Value and the Nature/Culture Divide

The conceptual tool of Outstanding Universal Value (OUV) is the threshold by which a site is deemed worthy of World Heritage status. While Articles 1 and 2 of the World Heritage Convention establish general types of cultural and natural properties to be considered of OUV respectively, the definition and application of OUV hinge on several pillars including a list of ten inscription threshold criteria, six for assessing cultural heritage OUV and four for natural heritage (UNESCO World Heritage Centre, 2019, Para. 77). The OUV criteria are periodically revised by the Committee and described in the *Operational Guidelines for the Implementation of the World Heritage Convention* (henceforth Operational Guidelines). The concept of OUV is reflexive and linked to changing heritage values and discourses. The Committee's recognition of subjectivity in cultural heritage values (UNESCO

World Heritage Centre, 2019, Para. 81) is paralleled by ICOMOS' constructivist approach in evaluating nominated cultural properties (Schmitt, 2009, p. 111), enabling a broad conceptualisation of cultural heritage values that now include nature-culture interlinkages. In 1992, the Committee introduced the concept of Cultural Landscapes, based on Article 1 of the Convention, which asserts how the "combined works of nature and man" can demonstrate Outstanding Universal Value (UNESCO, 1972). Cultural Landscapes are particularly relevant to Indigenous peoples' landscapes, where material culture can be absent and it is the associative values of a site that are significant (Mitchell, 2008, p. 26).

However, the conceptualisation of natural World Heritage contrasts with Cultural Landscapes and the more holistic perspectives of other conservation instruments such as Australia ICOMOS' Burra Charter and IUCN's Category V Protected Seascapes/Landscapes. Despite other heritage-related instruments accepting amendments or protocols in line with evolving heritage discourses, the Convention's text remains static (Forrest, 2009, p. 40). Article 2 presents an externalised view of nature linked to a Eurocentric form of rationality that is reproduced in the natural heritage OUV criteria. In fact, the Committee's changes to these criteria have proven regressive. Prior to alterations in the 1994 Operational Guidelines, natural OUV criterion (iii) (now criterion (ix)) recognised the OUV of sites demonstrating exceptional combinations of natural and cultural elements (UNESCO, 1992, p. 8). Sagarmatha National Park's inscription included this criterion, with IUCN describing how the area "is of major religious and cultural significance in Nepal since it abounds in holy places like the Thyangboche and also is the homeland of the Sherpas whose way of life is unique, compared to other high altitude dwellers" (IUCN, 1979). Natural heritage OUV criteria now exclude nature-culture interlinkages except for values related to "exceptional natural beauty and aesthetic importance" (UNESCO World Heritage Centre, 2019, Para. 77).

In a submission to the Expert Mechanism on the Rights of Indigenous Peoples, the International Work Group for Indigenous Affairs (IWGIA) and Forest Peoples Programme assert that inscribing World Heritage sites solely under natural OUV criteria "often comes at the expense of indigenous peoples, their livelihoods, and the protection, exercise and development of their cultural heritage and expressions. It is obvious that this can have far-reaching human rights implications" (2015, p. 7). In 2014, IUCN called upon the World Heritage Convention to "fully and consistently recognise Indigenous Peoples' cultural values as universal, and develop methods for recognition and support for the interconnectedness of natural, cultural, social, and spiritual significance of World Heritage sites" (IUCN, 2015, p. 8). Thus, in addition to power asymmetries driven by the Convention's Statist approach, a coloniality of knowledge underpins meanings and values attached to natural World Heritage and reproduced through cultural governance. The case of Pimachiowin Aki World Heritage Site in Canada is emblematic of these issues. Here, a culturally insensitive Advisory Body evaluation converged with the constraints of natural OUV threshold criteria, exposing the weaknesses of World Heritage cultural governance in upholding Indigenous peoples' worldviews and human rights.

4.4 The Case of Pimachiowin Aki

Pimachiowin Aki is the traditional territory of the Anishinaabeg people and is Canada's only mixed World Heritage site. Aside from its rich archaeological heritage of Anishinaabeg petroglyphs, the site is a Cultural Landscape of the Anishinaabeg who have occupied this vast territory of approx. 30,000 km² for more than 6000 years (Jones, 2014, p. 441). The site is also inscribed for its natural values as an outstanding example of the North American Boreal Shield (IUCN, 2018, p. 71). The name Pimachiowin Aki translates from Ojibwe as “the Land that Gives Life” and is used by the First Nations who are its custodians. While Pimachiowin Aki achieved World Heritage status in 2018, its inscription campaign began in 2002 when four First Nations set forth a shared stewardship accord to protect their ancestral lands and resources from incursions by extractive industries being encouraged by Canada's provincial and federal authorities (Poplar River First Nation et al., 2002). The accord described how initiatives undertaken by the First Nations to protect their lands “represent a unique and internationally significant opportunity to demonstrate the value of First Nation traditional knowledge in protecting and taking care of the land in the spirit of cooperation and harmony with other First Nations, other governments and the larger society”. World Heritage inscription was cited in the accord as a means of recognising these goals (Poplar River First Nation et al., 2002).

Profoundly, considering the colonisation, cultural genocide and attempted assimilation wrought by the British colonial and federal Canadian governments upon Indigenous peoples,¹ the First Nations described how the bid for World Heritage inscription would involve cooperation with Canada and the international community. This perspective speaks to the First Nations' relational worldview, standing in sharp relief against the entanglements of colonialism and capitalism perpetuated by Canada, which prompted the World Heritage bid in the first instance. In 2004, Canada's Minister of the Environment endorsed the First Nations' World Heritage bid and the site's nomination dossier was forwarded to the World Heritage Committee in 2012 (Rabliauskas, 2020, pp. 10–11). A key aspect of the site's nomination under cultural OUV criterion (v) was the relationship between the First Nations and their landscape. Careful custodianship of the site is maintained through the Anishinaabeg stewardship of Keeping the Land, where oral traditions, Indigenous knowledge systems, beliefs, customary governance and cosmology are integral to the continuity of traditional land-use practices (Pimachiowin Aki Corporation, 2012, xii, p. 202). The underlying expression of interconnectedness in the ethic of Keeping the Land (Pimachiowin Aki Corporation, 2012, p. 117) illustrates the inseparability of the First Nations from their territories, a worldview that contrasts with the acultural and objectified constitution of nature in natural World Heritage.

¹See reports by the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) and the Truth and Reconciliation Commission of Canada (2015).

Aware of requirements for a comparative analysis between Pimachiowin Aki and similar sites, the First Nations expressed discomfort about demonstrating the site's exceptionality. In additional information provided to ICOMOS, they explained how they "did not want to make judgments about the relationships of other First Nations with their lands and thus make comparisons (ICOMOS, 2013, p. 39). This viewpoint is described by Sophia Rabliauskas, a member of the Poplar River First Nation who acted as spokesperson for Pimachiowin Aki. From the time she was a child, her father, grandfather and community Elders "talked about the Circle of Life, where all forms of life, the animals, fish, birds, insects, plants, everything, including human beings fit on a circle side by side, no one more important than the next" (Rabliauskas, 2020, p. 10). Despite notification of this cultural norm, ICOMOS' evaluation found that the Anishinaabeg relationship with the land is "not unique and persists in many places associated with indigenous peoples in North America and other parts of the world [...] What has not been demonstrated is how this strong association between the Anishinaabeg and the land in the area nominated can be seen to be exceptional – in other words of wider importance than to the Anishinaabeg themselves" (ICOMOS, 2013, p. 39). Thus, value judgments were based on a Eurocentric conceptualisation of exceptionality that involved the positioning of Indigenous peoples against one another. Ironically, the Operational Guidelines have long stated that "[j]udgments about value attributed to cultural heritage...may differ from culture to culture, and even within the same culture. The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs" (UNESCO World Heritage Centre, 2005, Para. 81).

As the site was a mixed nomination, IUCN separately evaluated the site's natural heritage value. In light of the Anishinaabeg relationship with Pimachiowin Aki being a crucial element of the site's significance, IUCN was concerned about an Indigenous-led nomination being inscribed under natural heritage criteria alone, "given the community-led nature of this nomination, and the central premise that traditional use would be recognized as intrinsic to the values of the property, if inscribed" (IUCN, 2013, pp. 141–142). IUCN evidently recognised the danger of misrepresenting the site's significance, drawing attention to the importance of recognising the interconnectedness between Indigenous peoples and their landscapes. ICOMOS also noted the limitations of the OUV criteria in inscribing Pimachiowin Aki under natural criteria alone, stating that there is "no way for properties to demonstrate within the current wording of the criteria, either that cultural systems are necessary to sustain the outstanding value of nature in a property, or that nature is imbued with cultural value in a property to a degree that is exceptional" (ICOMOS, 2013, p. 45).

These issues shed light upon the limitations of World Heritage cultural governance in supporting Indigenous peoples' rights to maintain, control, protect and develop their cultural heritage: a vital principle asserted by Article 31 of UNDRIP (UN, 2007, p. 22). The case prompted the UN Special Rapporteur on the Rights of Indigenous Peoples to write to the Director of the World Heritage Centre citing concerns over inconsistencies in UNESCO's approach to the natural and cultural

world heritage of Indigenous peoples and the separate evaluation processes (Anaya, 2013). The Special Rapporteur stated how these issues were not new—UNESCO had been previously urged to modify its approach so that “indigenous peoples’ rights and worldviews are fully valued and respected in all current and future World Heritage site designations as well as in the overall implementation of the World Heritage Convention” (Anaya, 2013). Pimachiowin Aki was resubmitted for evaluation in 2017 under cultural OUV criteria (iii) and (vi) and natural OUV criterion (ix), with the Advisory Bodies undertaking a joint evaluation. In 2018, ICOMOS found that the site met the OUV thresholds, recognising the strength of the First Nations’ tradition of Keeping the Land as an exceptional example of a belief of universal significance (ICOMOS, 2018, p. 28). IUCN also supported the site’s inscription and acknowledged the essential role of the Anishinaabeg in maintaining ecosystem health and sustainability, describing how “[t]raditional use by Anishinaabeg, including sustainable fishing, hunting and trapping, is also an integral part of the boreal ecosystems in Pimachiowin Aki” (IUCN, 2018, p. 70). IUCN also asserted that Pimachiowin Aki’s nomination could serve as a compelling model for future nominations that wish to demonstrate the indissoluble links between nature and culture and the relationship between cultural and ecological integrity (IUCN, 2018).

4.5 Cultural Governance and Indigenous Peoples’ Rights: A More Synergistic Approach?

To shift the production of knowledge from its confines in European rationality/modernity, Anibal Quijano advocates for the decolonisation of knowledge through interchange of experiences and meanings, in order to realise an alternative form of rationality that may “legitimately pretend to some universality” (2007, p. 177). Recognition of worldviews outside the Western canon is pivotal for broadening understandings of World Heritage beyond Eurocentric confines. Numerous current and tentative World Heritage sites demonstrate links between relational worldviews, Indigenous custodianship and site sustainability. At Pimachiowin Aki, the Anishinaabeg and all other beings, the animals, the trees and plants, the fish, the waters, are understood and safeguarded as one living entity (Pimachiowin Aki Corporation, 2012). In Australia, Uluru–Kata Tjuta National Park is managed using the traditional methods of the Anangu people and governed by *Tjukurpa*—a sacred Law that encompasses “the relationship between people, plants, animals and the physical features of the land” (Uluru-Kata Tjuta Board of Management, 2010, pp. 2–3). The tentative World Heritage site of Gwaii Haanas, Canada, lies within the unceded territory of the Haida Nation and is an exceptional landscape of unique biodiversity and living Haida culture. Gwaii Haanas is managed as an “interconnected ecosystem of land, sea and people under the Haida principle of *gina’waadluxan gud ad kwaagid*, which means that everything is connected to everything else” (Council of the Haida Nation & Government of Canada, 2018, p. 6, p. 29).

In 2017, the World Heritage Committee formally recognised the International Indigenous Peoples' Forum on World Heritage (IIPFWH), considering it "an important reflection platform on the involvement of Indigenous Peoples in the identification, conservation and management of World Heritage properties" (UNESCO World Heritage Committee, 2017, pp. 12–13). However, IIPFWH holds consultative status only, and the Convention's Statist approach means that decisions to further empower IIPFWH or similar forums are contingent on the Committee's composition in a given cycle. Nevertheless, recent Committee decisions evidence a growing human rights concern. Furthermore, while Cultural Landscapes fail to resolve issues of natural World Heritage, they offer an entry point in understanding synergies between World Heritage recognition of nature–culture interlinkages and international human rights law. The values under which a Cultural Landscape is inscribed can assert cultural rights and cultural continuity linked to land custodianship as normative components of World Heritage significance, with the recent inscription of Budj Bim, Australia being an instructive case.

Budj Bim is the traditional territory of the Gunditjmara peoples, who manage the site through traditional practices (UNESCO, 2019). ICOMOS' site evaluation describes how "continuity of associated Gunditjmara practices, traditions and knowledge [...] is essential to the conservation of the nominated property. This memory resides with elders of the Gunditjmara and the young people are being mentored to continue traditions and practices. ICOMOS considers that this is indeed of critical importance..." (ICOMOS, 2019, p. 107) In recognising the importance of Gunditjmara cultural continuity, ICOMOS' exercise of cultural governance aligned with international legal principles on the collective right to culture. UNESCO's (1966) *Declaration of the Principles of International Cultural Cooperation* calls upon "governments, authorities, organizations, associations and institutions responsible for cultural activities" to be guided by the principle that "[e]very people has the right and the duty to develop its culture" (UNESCO, 1966). Furthermore, the Committee's decision to inscribe Budj Bim supports Article 31 of UNDRIP, which states that Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage (UN, 2007, p. 22). As with Pimachiowin Aki, the site's inscription broadens the global social meanings and social values imparted through World Heritage cultural governance, normalising interlinkages between recognition and protection of Indigenous peoples' worldviews, human rights and heritage conservation.

4.6 Conclusion

This essay critically examined synergies and antagonisms of World Heritage cultural governance in respect of Indigenous peoples' rights and worldviews. A reflexive approach to cultural heritage value and the advent of World Heritage Cultural Landscapes demonstrate a broadening of heritage discourses imparted through World Heritage cultural governance. Resultantly, a more synergistic approach is

developing between World Heritage values and the upholding of Indigenous peoples' rights. However, the historical and ideological constitution of "nature" as an external entity is intertwined with colonial relations and reproduced through Eurocentric knowledge production. The conceptualisation of natural World Heritage and the associated natural OUV criteria adhere to a Eurocentric form of rationality, belying the relational worldviews of Indigenous peoples who recognise the interconnectedness of nature, culture and all beings. In tandem, the Convention's state-centric approach and its relegation of Indigenous authorities such as IIPFWH to consultative status within World Heritage governance remains problematic, constraining the equitable participation of Indigenous peoples.

Acknowledgements The author gratefully acknowledges support from the Irish Research Council/Government of Ireland Postgraduate Scholarship and the National University of Ireland's Travelling Doctoral Studentship.

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