CHAPTER **24**

# The Limits of Heritage: Corporate Interests and Cultural Rights on Resource Frontiers

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## INTRODUCTION

"Critical heritage studies" (Baird 2009, 2012) positions heritage within a wider field of global institutions, discourses, and power relations. For example, the new emphasis upon cultural heritage as a development resource by international institutions, states, NGOs, and local governing bodies is criticized by scholars who call attention to the new governmentalities that neoliberal heritage regimes engender (Coombe 2012), and their impacts on local "communities" reduced to mere "stakeholders" in reconfigured fields of power. In this vein, we draw upon ethnographic studies of Australia, Romania, and Madagascar to show how heritage claims emerge in new terrains of contestation involving local residents, resources, and extractive industries. International heritage institutions face new challenges as heritage becomes imbricated in industry strategies on "resource frontiers" (Tsing 2003, 2005), limiting social expectations for its governance. Rights-oriented institutions and movements, however, also afford communities and indigenous peoples the means to insist upon new forms of participation and accountability, and assert territorialities that expose the limits of universalizing heritage discourses.

## CONTENTIOUS TERRAIN: HERITAGE, RESOURCES, AND RIGHTS

Heritage is everywhere: Viking heritage is rebranded as a "Disney-style amusement park," urban trail systems promote a city's "brewing heritage," and national parks protect indigenous cultural heritage from industrial development. The exponential growth of heritage is part of a proliferation of culturalized claims to property and rights in an era of neoliberalism, informational capital, and indigenous politicization (Coombe 2009). Cultural heritage is positioned as a resource to alleviate poverty, provide sources of human dignity, sustain livelihoods, prevent rural to urban migration, reinforce social cohesion, and provide new forms of enterprise for "communities," culturally conceived.
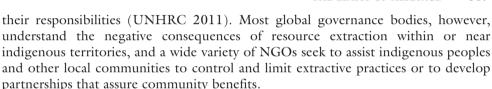
UNESCO and its advisory bodies, moreover, are increasingly preoccupied with negotiations around resources and the proliferation and impact of extractive industries. These institutions are now called upon to respond to global conflicts and to mediate issues of development and human rights, while negotiating boundaries between zones of permissible actors and permitted activities. They find themselves engaged with industry actors and private sector institutions to broker issues of natural resource extraction, environmental impact, and social benefit. Such involvements are especially intense on resource frontiers, a concept that delineates places of emergent agency at the intersection of industrial enterprise, transnational governmentalities, international norms, and local interests (Tsing 2003, 2005). Resource frontiers concentrate action: investment, extraction, negotiation, development, and resistance. These are zones in which natural heritage and sustainable development initiatives uneasily coexist with extractive industry and peoples who have cultural attachments to lands. In such contexts, the definition, rhetorical framing, and rights to lay claims to heritage are all matters of contention.

Corporate discourses of responsibility may become reconfigured around expressions of heritage (Weiss 2014) in what we might cynically deem a new heritage industrial complex. Development priorities provoke international heritage bodies to legitimate new dispensations. The World Heritage Committee's decision in 2012 to allow Tanzania to excise village lands in a wildlife corridor in the Selous Game Reserve for the Mkuju River Uranium Project, overturning their earlier decision that mining was incompatible with heritage status, illustrates these new pressures from state and industry interests. The uranium project was majority owned by a Russian corporation, and the decision was made when Russia was chairing the World Heritage Committee session, in clear violation of rules regarding conflicts of interest. International mining activists charge that Tanzania has not complied with the conditions set by the World Heritage Committee, and has no intention of so doing (Uranium Network 2013). The project has provoked unprecedented international opposition on health, environmental, economic, and human rights grounds that has spurred interfaith cooperation and support from civil society organizations and aboriginal peoples with extensive experience with the industry (Kuhne 2013).

The UN special rapporteur on the rights of indigenous peoples, James Anaya, made critical evaluation of extractive industries in and near indigenous territories an international priority in 2013. His earlier report to the UN Human Rights Council asserted that dominant models for advancing natural resource extraction were contrary to the international principle of indigenous self-determination, and that most states and industry actors failed to understand the basic minimum standards of

their responsibilities (UNHRC 2011). Most global governance bodies, however, understand the negative consequences of resource extraction within or near indigenous territories, and a wide variety of NGOs seek to assist indigenous peoples and other local communities to control and limit extractive practices or to develop partnerships that assure community benefits.

Global heritage institutions must at least nominally show adherence to a new body of international indigenous rights in which cultural heritage grounds new political claims (Wiessner 2011). As we explain below, the International Union for the Conservation of Nature (IUCN) has become obligated to demonstrate its commitment to respect international indigenous rights. Indigenous rights, however, are only one category of rights in which the heritage significance of lands and resources grounds collective cultural rights that may be used to discipline states and the industrial developments they condone (FPP 2013). In its reporting procedures and a newly established complaints process, the UN Committee on Economic, Social and Cultural Rights (CESCR) affirms that the right to participate in cultural life may be exercised by communities in the ways that they occupy lands and use resources, and the rights of minorities to conserve and develop their own culture includes protection of the cultural heritage of communities in economic development and environmental policies. This requires that States Parties obtain free, prior, and informed consent (FPIC) when the preservation of a group's cultural resources, especially those associated with their way of life, are at risk. Indigenous peoples, moreover, seek to embed compliance with customary law principles into the very definition of FPIC. Clearly rights-based struggles on resource frontiers will increasingly engage issues of indigenous territoriality.

The International Convention on the Elimination of all Forms of Racial Discrimination (1969) that binds 175 nation-states affirms the cultural rights of ethnic groups, and the UN Committee on the Elimination of Racial Discrimination (UNCERD) recently called for the government of Laos to "review its land regime with a view to recognizing the cultural aspect of land as an integral part of the identity of some ethnic groups" in mountainous areas (UNCERD 2012: 4). UNCERD has extended the principle of FPIC as a requirement in *all* resource-based projects that affect the way of living, livelihood, and culture of ethnic groups. In early warning and urgent action procedures as well as its general recommendations, it affirms the collective property rights of ethnically and racially identified peoples "in cases where their ways of life and culture are linked to the utilization of lands and resources" (UNCERD 2011: 2). New regional rights bodies have also extended recognition of culturally based land and resource rights. The tenure rights of non-indigenous "forest peoples" governed by customary law, for instance, are increasingly articulated as human rights in the face of accelerated land grabs in Africa (De Schutter 2011). For communities whose ancestral lands and traditional livelihoods are significant aspects of their cultural identity, logging, industrial agriculture, aquaculture, and even large-scale tourism may be considered extractive enterprises. Cultural heritage, in short, grounds an increasing number of human rights laws, principles, and norms. Nonetheless, representatives of States Parties to UNESCO's international heritage conventions and heritage professionals often seem to be either ignorant of these rights and/or actively hostile to their exercise as the recent treatment of the World Heritage Indigenous Peoples Council of Experts illustrates (Logan 2013; Meskell 2013).

## Industry Engagement with Heritage

If social scientists now trace the discursive logic and material apparatus through which private actors deploy international heritage languages in new forms of heritage governance (Golub and Rhee 2013; Patterson and Telesetsky 2012, Starr 2013), heritage scholars must now attend to the ways in which cultural heritage responsibilities are taken up in highly publicized statements by corporate bodies (e.g. Baird 2013; Weiss 2014). What work does such discourse accomplish, and how does it align with or legitimate industry practices? We need to study global flows of discourse, imagery, capital, normative principles, and the frictions between these (Tsing 2005, 2009). Such investigations need to follow specific discourses, political agendas, and forms of expertise (ethnographically, archivally, and through zones of publicity and personal experience) as these are framed by heritage concepts. Does corporate publication of finely crafted heritage policy statements serve as a way to develop community capacities, or does it make an extractivist agenda more acceptable to a wider group of interlocutors?

With these questions in mind, Baird visited two sites in Western Australia and Northern Territory presented in an oft-cited publication by the mining company Rio Tinto (Bradshaw and Rio Tinto 2011), and found that the company was working closely with Aboriginal communities and developing best practices of some benefit to them (Baird 2013). At the same time, it is clear that publications such as *Why Cultural Heritage Matters* (Bradshaw and Rio Tinto 2011) reframe contentious debates in a celebratory language of partnership that ignores power relations and obscures environmental impacts. Corporate discourse contains, manages, and packages heritage in nostalgic, ahistorical, and apolitical ways, and presents a view of good governance that ignores issues of coercion, levels of political recognition, and struggles to control lands and identities. Ongoing contested claims are presented as resolved and indigenous communities are unilaterally represented as partners in development projects in which they have had little if any choice.

Corporate heritage discourse produces corporate literary forms that deploy a standardized array of rhetorical techniques to frame local heritage so that it serves as evidentiary legitimation of corporate social responsibility (CSR) principles and company respect for international legal norms for community protection (Kirsch 2010). Rio Tinto's communities and social performance indices, for example, clearly draw upon earlier iterations of social impact assessment and redefine these around business priorities (Rio Tinto 2011). Key documents delineate corporate attention to communities, gender relations, and rights principles in a way that fulfills the company's ultimate responsibilities to shareholders and investors. Who assesses their veracity? While the protection of heritage may be offered up by corporate interests as a bargaining chip to negotiate enhanced access to land and resources, our critical inquiries need to go further. In any given context we need to ask whether heritage is a shared point of reference in overall negotiations, a consideration required by national or regional legislation, an attempt to align development with human rights norms, an effort to appease NGOs, a way to ensure eligibility for "ethical" investment, or an endeavor to limit and sequester the agency of indigenous and local communities. In addition to corporate intent, we need to consider global pressures, national contexts, and local effects and consequences.

Indigenous peoples, moreover, are now linked with powerful international networks as a consequence of the global recognition of indigenous rights and the support of transnational environmental organizations. Regional associations of indigenous peoples have become increasingly proactive in naming, blaming, and shaming states, development banks, and industry actors whose activities fail to accord with recognized indigenous and collective rights. They have circulated their own statements of best practices in attempts to educate communities about the kinds of pressure they can assert on funding bodies, industry groups, and particular companies. For example, the Asia Indigenous Peoples Pact recently published a community guide for indigenous peoples designed to educate communities about their rights pursuant to the Asian Development Bank's safeguard policy statement (AIPP 2013). This financial institution funds projects in regions where 70 percent of the world's indigenous peoples live; it is the third largest donor to developing countries in Asia and the Pacific.

Over 20 years, indigenous peoples have pressured the Asian Development Bank (ADB) to develop safeguard policies and procedures to hold member states accountable. These remain poorly known, making widespread violations of these safeguards inevitable unless and until indigenous peoples and their supporters find effective ways of using grievance, redress, and accountability mechanisms to pressure member states. Heritage scholars could play an important role in this education process. Significantly, safeguards are to be initiated if a project directly or indirectly affects the human rights, livelihood, and culture of indigenous peoples or their natural and cultural resources.[1] In the absence of regional human rights instruments, this is an important lever for indigenous peoples seeking recognition, participation, and the sharing of benefits. The ADB will neither finance projects that have not complied with safeguards, nor support those in which a member state has failed to comply with international legal obligations. As we have seen, such obligations include many rights that are premised upon collectively held cultural heritage. What role might critical heritage scholars play in identifying potential violations of rights in the face of development proposals and publicizing impending harms?

The Australian context might be used as an example of how the specificities of national legislation limit and shape the political expectations we might have for heritage governance. The value of Australian mineral exports exceeded AUS$107 billion in 2012, and the development of extractive industries in Western Australia is unprecedented (Scambary 2013). Yet, despite 60 percent of mineral operations occurring in or near indigenous communities (Taylor 2012), most Australian Aboriginal peoples have seen little benefit (Langton and Longbottom 2012). Unlike most settler colonies, there is no treaty in Australia that formally recognizes indigenous peoples' prior occupancy of lands and waters. Heritage legislation in Northern Territory and South Australia provided the baseline for securing Australian Aboriginal peoples' rights and restricting activities on areas or sites of significance. Indeed, the limits of heritage governance regimes focused on sites, places, and objects (Teehan and Godden 2012) spurred movements to recognize Aboriginal legal title, culminating in the High Court's recognition of native title in the case of *Mabo v. Queensland (No. 2)* (1992) and the Native Title Act (1993), which ensured legal and political recognition, and rights to negotiate and claim benefits, transforming the way that mining companies and industrial actors more generally conducted their operations. Disparities in power and benefit have fundamentally shifted. In 2001, Rio Tinto announced an agreement with Aboriginal owners in the Pilbara region of Western Australia to provide AUS$2 billion over 40

years (Anon. 2011). The Argyle Diamond Mine Indigenous Land Use Agreement incorporated a rights-based policy framework, which recognized the Daa'man and Dawange peoples as "bosses for the country," and shared benefits through payments to community controlled trusts, guaranteed employment, and provided for developing Aboriginal enterprise (Doohan, Langton, and Mazal 2012). Although contractual partnership models have political limits (O'Faircheallaigh 2008), they are now the dominant means to address issues of indigenous cultural sustainability (Ritter 2009). Still, Aboriginal peoples complain that native title as recognized in Australia falls far short of their rights under international law and gives resource corporations the upper hand in negotiations (NCAFP 2012).

On most resource frontiers, environmental resources, biodiversity, and sustainable development principles coexist uneasily with both extractive industry and peoples dependent upon land. The latter may "culturalize" claims and grievances to appeal to a broad range of potential partners and allies so as to gain greater leverage to shape local economic development efforts. In such contexts, the definition and management of heritage may serve diverse, contradictory, and conflicting political and economic needs. Rather than criticize these new corporate engagements and community articulations as instrumental agencies, we need critical inquiries that more precisely explore the configurations of this new terrain. In what specific ways do industries call upon heritage as a way to gain access to lands and resources and provide legitimacy for business practices? When are they successful, and when does the evocation of heritage act as a limit on corporate practices? Under what conditions can communities use these rhetorical frameworks to bargain for new forms of economic opportunity and/ or political recognition? What leverage does the corporate use of heritage discourse provide to indigenous peoples seeking enhanced recognition of their rights from states or local government? When does it limit or undermine them?

## New Expectations and Demands on Heritage Bodies

The jurisdictions of global advisory heritage bodies are shifting. The World Heritage advisory body the International Council on Monuments and Sites (ICOMOS) was originally mandated to evaluate cultural and cultural landscape properties proposed for the World Heritage List, while the IUCN came into being to evaluate natural and environmental heritage. Historically, the latter had little interest in recognizing or protecting cultural heritage. Although the cultural landscape designation brought together natural and cultural values, in indigenous contexts, cultural heritage values were often subordinated to the natural values of heritage sites (see Baird 2009, 2012). Since the ratifications of the Convention on Biological Diversity (1992) and the Declaration on the Rights of Indigenous Peoples (United Nations 2007), however, the IUCN has had to move into a rights terrain characterized by culturally based collective and community rights.

The IUCN's Commission for Environmental, Economic and Social Policy embraced the promotion of biocultural diversity as a policy principle, and thereby indexed sympathy to organized indigenous peoples' political work. Including "Biocultural Diversity and Indigenous Peoples" as one of the "journeys" at the 2008 World Conservation Congress, indigenous peoples were involved in more than 60 events, culminating in the adoption of resolutions integrating culture and cultural diversity into IUCN policy (McIvor, Fincke, and Oviedo 2008). Significantly, the IUCN

endorsed the Declaration on the Rights of Indigenous Peoples (United Nations 2007) and resolved to incorporate indigenous rights requirements in all of its programs (Oviedo and Puscharsky 2012). The recognition of community conservation in accordance with customary law was taken up as topic of research, and biocultural indigenous territories governed by traditionally constituted authorities were affirmed, along with recognition that many of the world's so-called community conserved areas were formed without indigenous peoples' FPIC. This legitimates the Permanent Forum on Indigenous Peoples' complaints about these sites' constitution. The number of indigenous community members in the IUCN has also increased; a revisiting and restructuring of World Heritage Sites in accordance with rights-based principles may result as a consequence of these changes.

International recognition of the role of indigenous peoples and local communities in the management of protected areas is evidenced by new practices, such as collaborative management of protected areas and new categories of territory, such as indigenous and community conserved areas, in what has been described as "a new paradigm linking conservation, culture and rights" (Stevens 2014). These are accompanied by a new willingness in international environmental circles to acknowledge conservation landscapes as having cultural dimensions that may be crucially linked to the biological resources they harbor (Pretty *et al.* 2009). Thousands of protected areas are home to large numbers of people dispossessed of livelihood resources under former conservation paradigms that are now seen as both counterproductive and violations of human rights (Kothari 2008). Co-managed and community-conserved areas have been established as relatively autonomous zones in which indigenous cultural norms and customary law have normative stature, following upon global recognition that indigenous peoples' traditional environmental knowledge and practices are inherently linked to their cultural heritage.

The IUCN has recognized these new forms of governance in its global systems of protected area categories, and acknowledged indigenous peoples and local communities as legitimate guardians of landscapes. The formal introduction of a rights-based approach to conservation inevitably means that the IUCN must support local and indigenous community involvement in UNESCO nomination processes and site management plans and activities (IUCN 2011). Recognizing that many inscribed sites overlap with traditional indigenous lands, the IUCN is obliged to consider if and to what extent traditional tenure and access rights were addressed in nomination processes and site management. Noting that indigenous intangible cultural heritage is constitutive of many World Heritage Sites, the IUCN acknowledges that rights monitoring and traditional governance will require more attention in all of them, and that in future nominations indigenous peoples' and local communities' rights will need to be secured in the official dossiers from the outset.

During the same period that it was acknowledging culturally based rights, the IUCN implemented a Business and Biodiversity Programme and operational guidelines for private sector engagement to promote discussions of indigenous peoples' rights and extractive industries (IUCN 2011), no doubt prompted by the UN's special rapporteur's professed concerns. In response to growing controversies over the environmental impacts of mining operations in the global South, the IUCN had already identified mining as a priority, establishing a relationship with the International Council on Mining and Metals (ICMM) – an industry group focused on issues of sustainable resource development – while positioning mining companies as legitimate "stakeholders" in territories of global heritage significance (ICCM 2013). The IUCN also developed

a working relationship in "dialogue" with indigenous communities, making the institution an increasingly important mediator in development disputes involving cultural heritage.

At the fourth session of the World Conservation Congress in 2008, the IUCN passed the "responsible mining" resolution and established the Extractive Industry Responsibility Initiative. Rio Tinto responded proactively, seeking to clarify relationships between industry and sustainability via a three-year collaboration with the IUCN beginning in 2010, devoted to developing best practices. In predictable neoliberal fashion, objectives include increasing "capacities for market-based approaches to environmental management and conservation" that bring awareness to conservation and business challenges (IUCN 2010). The parties agreed to collaborate on issues of land management and biodiversity, to integrate "natural capital" into business decisions, and to indicate how land can deliver ecosystem services. To what extent the IUCN's combined emphases on rights-based approaches to conservation and the development of neoliberal vehicles to build value from ecosystem protection may be reconciled is unclear. This is a paradox that indigenous peoples negotiate on many fronts, including climate change and carbon markets, in which they continually articulate FPIC principles in furtherance of self-determination.

Despite this recent and more progressive approach to indigenous and community rights by the IUCN, and perhaps, indeed, because of it, there appears to be a clear erosion of the power of the advisory bodies to the World Heritage Committee and a new, assertive ascendancy of state signatories to the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), who increasingly overturn recommendations with respect to nominations (Meskell 2013) and leverage heritage for political purposes. Select countries have formed key alliances in the process of garnering voting support. Heritage scholars thus face new challenges unraveling the processes through which development banks, industry interests, indigenous peoples, NGOs, and new social movements pressure Member State governments so as to shape this new landscape and the ways in which state signatories comply with or evade such pressures. Similarly, the new focus on "communities" as subjects of neoliberal cultural governmentality (Coombe 2012) is giving rise to a host of new discourses and technologies for cultural management, as well as new forms of local political agency (Coombe 2011; Coombe and Weiss 2015).

## HERITAGE AND DEVELOPMENT SCENARIOS: LIMITS AND OPPORTUNITIES

We now provide ethnographic glimpses of three historical landscapes in which heritage looms large in political contexts where communities, governments, NGOs, and international heritage advisory bodies encounter corporate actors and negotiate issues of development, sustainability, environmental resources, indigenous rights, and modes of governance. Not surprisingly, the combination of variables differs in each instance, and available data is limited, especially with respect to some of the newer tendencies we have outlined. Each case distinctly illustrates the "limits" of heritage, but the new political contexts we have delineated also suggest that relevant actors have potential new opportunities to assert claims on heritage grounds. Each poses new research and ethical questions for heritage scholars.

## The Australian Mining Boom

Resource frontiers are clearly situated in areas of significant indigenous heritage values. The Pilbara, located in the northwestern region of Western Australia, is Aboriginal "country," a term that Aboriginal people use to describe ancestral and inherited places, and the practices and law that guide behavior there. This once remote and environmentally vulnerable coastal region is in the midst of a breathtaking economic transition – with physical, political, and social infrastructure being built to support expanding iron ore, liquefied natural gas (LNG), and salt operations. These comprised 81 percent of the value of Western Australia's mineral and petroleum production in 2012 (McKenzie 2013). Such development is occurring on or near heritage lands, as exemplified by the Burrup Peninsula, which features hundreds of thousands of unique pictographs. The archipelago is country to its traditional custodians – the Ngarluma/Yindjibarndi, Yaburara Madudhunera, and Wong-goo-tt-oo peoples – and has been at the center of heated debates involving conservation and heritage groups, local residents, and traditional owners who have protested the Burrup Peninsula's physical degradation and the cultural loss wrought by the destruction of pictographs and sacred sites. Developers have divided the land into industrial tracts that ignore how this archipelago functions as a holistic cultural landscape for Aboriginal peoples.

In 2013, the minister for environment announced the creation of Murujuga, Western Australia's one hundredth national park, a community co-managed protected area on the footprint of land designated as non-industrial under a 2003 management plan between industry, the government, and native title holders. One consequence is that the majority of the peninsula is thereby opened up for industrial development. The park is jointly managed by the Department of Environment and Conservation (DEC) and the Murujuga Aboriginal Corporation under a management plan developed "in consultation" with the community and prepared by a council comprised of traditional owners, DEC representatives, and the minister of indigenous affairs. It is geographically bound by the Indian Ocean and the LNG plant operated by Woodside Petroleum Limited. Protected as a cultural and environmental heritage site, the park is a very small portion of a peninsula where 64 percent of the land is available for industrial development. Represented as creating "a lasting partnership between Aboriginal people … [that] balances the protection of its ancient and living heritage with the sustainable use of the region's natural resources," it is doubtful that rights to FPIC were respected in its establishment.[2]

Clearly, there are great challenges in mediating and managing heritage adjacent to an industrial estate of this size. The sheer physicality of an LNG exporting plant next to a park sized for a small community and its traditional modes of usage is incongruent; adverse effects include the displacement of livelihood activities, noise, air pollution, and unknown chemical releases. How will the divergent interests of park residents, visitors, and the nearby industry be reconciled? What role do traditional authorities have, and to what extent will customary legal protocols be respected? Heritage managers are faced with mediating starkly different uses and meshing these with conservation and cultural values.

There are reasons to suspect that attention to heritage values in this instance may serve to deflect attention from issues of environmental protection. While traditional owners have achieved new positions of relative power with respect to a small area in which they can exercise some autonomy, the majority of the Burrup Peninsula is primed for industrial development about which they may be deprived of capacities to grieve. How do acknowledgements of limited heritage protection in areas set aside for indigenous stewardship shape the ways in which the larger concept of sustainability is understood within contiguous

mining development projects? In Murujuga, a focus on heritage values displaces discussions about larger environmental impacts in coastal areas affected by extractive industry. What is gained and what is lost by communities who accept the constitution of small portions of their territories as parks by way of state recognition of their cultural and environmental values? We do not need to judge the work of traditional custodians to recognize the wider fields of power and possibility potentially at play. The emergence of new divisions of labor in heritage management on resource frontiers challenges us to consider a more complicated terrain of environmental and political consequence.

## Industrial Heritage in Roşia Montană, Romania

Roşia Montană is a community of villages in the South Apuseni Mountains in west-central Romania, whose heritage includes archeological sites, funerary monuments, and an industrial landscape of early-twentieth-century gold mining. It is also promoted as one of the best-preserved natural environments in Europe. The local cultural foundation asserts that the Roşia Montană is not simply part of local but of European patrimony of great natural and cultural significance. Nonetheless, the region is in dire need of new economic growth opportunities, and municipal authorities have sought sources of sustainable development in which natural resources can be preserved and invested in by way of public–private partnerships. With rich mineral resources, an industrial history, and a desire to combine environmental sustainability with economic growth, Roşia Montană attracted the interest of global mining industries willing and able to play heritage politics for financial gain (Egresi 2011).

The proposal by a Canadian corporate investor to develop an open-pit gold mining operation – the Roşia Montană Gold Corporation (RMGC) – divided local stakeholders and attracted international attention when local heritage institutions, failing to find government ears receptive to their opposition, appealed to ICOMOS and the World Heritage Committee (considering the area's nomination as a heritage site) to help prevent this proposed industrial growth. Shrewdly, RMGC pitched its plan to forge "lasting cultural heritage together with an environmental legacy" by using best practices of environmental management. They drew upon local heritage discourses that romanticized the regional practice of mining as organically rooted in the landscape and, following common industry practice, divorced the culture of mining from the social, economic, and environmental dispossession it historically effected. In contexts such as this, even the available scholarship needs to be approached with caution. Gligor and Tămaş (2009) cite the historical basis for considering mining as an essential aspect of people's heritage in the area, one which they *should* sustainably develop and from which they could derive future environmental, cultural, and economic benefits (a proposition that at first glance seems to echo the position of local officials). Foreign investment in the project, they argued, would "create major assets for the community and at the same time … certify that modern mining and cultural heritage can well coexist" (Gligor and Tămaş 2009: 53). But because the lead author is an employee of the open-pit mining operation, the heritage concept appears to be deployed in an effort of "green washing" – "efforts to project more socially and environmentally friendly images to consumers, investors or regulators" (Bebbington 2010: 1).

This brief example gives us a glimpse of the rhetorical politics at play in new landscapes of heritage where foreign interests, global institutions, state parties, and local elites broker discourses of naturalized patrimony, cultural significance, environmental preservation,

and economic development. Local communities may well struggle to find voice in the municipal, national, and international regimes of governance in which they find themselves located. In this instance, it appears that the landscape of heritage policy was fractured into discrete understandings of natural, cultural, and industrial heritage, whose very compartmentalization enabled commercial interests to use the concept strategically. RMGC pointed to historic mining activities as corroboration of the region's industrial heritage, which they sought only to sustainably develop. Heritage, however, did not feature in the RMGC's consideration of its operation's concrete economic and environmental impacts.

Organized local interests, on the other hand, saw the proposed World Heritage status as a means of leverage with which to navigate international bureaucracies and find powerful allies to protect the area from unwanted industrialization. A report sent to ICOMOS by the local heritage organization's Romanian president recorded alarm about how intensified mining would negatively impact the heritage considered outstanding for global heritage protection purposes. Ultimately, the government was swayed by the outpouring of protest and the feared environmental damage, refusing to issue the necessary permits. RMGC insisted that failure to implement the proposed development merely ensured that the region would soon suffer from 80 percent unemployment, and had lost the opportunity for sustainable development that their remediation of the environmental damage done by the historic mining activities would afford. We neither have the data nor the expertise to weigh up the merits of the respective arguments, nor do a full range of community interests appear to be represented in the available documentation. How did unemployed residents, for example, respond to this initiative by local cultural experts? What environmental impact studies were done?

## Malagasy Custom and Universalist Heritage

Despite recent efforts to embrace and "safeguard" the heritage of "communities" as a source of local cultural meaning and identity (Coombe and Weiss 2015; Forsyth 2012), heritage has always been amenable to capture by universalist discourses. UNESCO's definitions of cultural heritage, even in the more expansive field of intangible cultural heritage, embrace both local meanings and global values. If intangible cultural heritage is transmitted from generation to generation, constantly recreated in response to environment and interactions with nature and history, while providing a sense of identity and continuity to groups and communities, its safeguarding must also promote global values of cultural diversity and sustainable development, and be compatible with human rights.

Those local "communities" who claim land as part of their cultural heritage, however, usually do so in highly specific ways that express their cosmologies grounded in human knowledge and practices which reproduce social worlds and local livelihoods. For example, Malagasy peoples use the concept of *fomba gasy* to refer to their own customs regarding land as the basis of "a social, existential, and ontological web, which ties past, present and future generations" (Evers and Seagle 2012: 97). Many now do so, however, in the context of a multi-billion dollar ilmenite mine, run by Rio Tinto and its subsidiary, QIT Madagascar Minerals (QMM) near Fort Dauphin, that encompasses a rare 6000 hectare littoral forest prized for its biodiversity, as well as the ancestral lands of the Antanosy and Antesaka people who have tombs in the area.

In the context of controversial African "land grabs," protected conservation areas have grown in size, scope, and popularity in Madagascar, attracting international conservation NGOs and provoking multinational corporate interests to find new

vocabularies to legitimate extractivist industries. Since 1999, Rio Tinto has adopted sustainability discourses in new partnerships with international conservation NGOs, adding a new discourse of universalized needs and interests to the rhetorical means through which the company justifies its practices. Conservationists often refer to biodiversity itself as "world heritage" and a universal entitlement. In exchange for their rights to strip-mine the forests in which these Malagasy people live, Rio Tinto/QMM have leased 30,000 hectares of forest land elsewhere by way of "biodiversity offsets," a form of offsite compensation for their activities. They also entered into an agreement with Kew Gardens in London to send seeds of plants endemic to the forest for safekeeping in its international seed banks. Both activities represent "commitments" to preserving biodiversity as a global, human heritage.

In terms of local heritage values, however, sustainable development should only take place in harmony with the processes through which the deceased become ancestors. For Malagasy, ancestors are the true owners of the land; their heirs merely derive its fruits until they too become ancestors through the portals that permanent, inalienable tombs provide. Evers and Seagle (2012) suggest that the dynamic and processual nature of *fomba gasy* is at odds with an international concept of heritage focused upon static, defined, bounded pieces of land and heritage "sacred sites" "located" upon such lands, which, according to corporate interpretations of global policy, should not be "disturbed." Malagasy concepts of heritage are not limited to objects or places, however, but encompass the embodied human uses of land as both a material and spiritual medium of social reproduction. Moreover, the institutions put into place to engage communities are wholly inadequate to address local social complexities.

Rio Tinto/QMM assert that their activities have no social impact on the use of territory because no complaints have been registered, while acknowledging that there is no functioning complaint mechanism for communities to use (Kraemer 2012; QMM 2010). New contractual institutions created by the state in the 1990s and dominated by local lineage elites are used to register compliance with *dina* as an authentic cultural expression of local customary law and community consent that has little legitimacy with local farmers (Bérard 2009). The poorest, most marginalized people are those most dependent upon the forest in the mining zone for daily livelihood resources such as energy, construction, handicrafts, medicine, and the performance of ancestral services. They are also those least likely to qualify as participants in the local "community" recognized in corporate socioenvironmental mitigation programs (Kraemer 2012).

How is it that carbon offsets are sold on ancestral lands without community permission in circumstances where there are no mechanisms enabling communities living in or near mining "protected areas" to be heard or compensated? Under what circumstances is the work of some cultivators recognized as a contribution to crop genetic resources and successfully asserted as biocultural heritage (Coombe and Greibel 2014), while the livelihoods of others are accepted as so "degrading" to forests that foreign corporations are entitled to destroy them in the name of protecting biodiversity? This is only possible, critics suggest, in a still relatively isolated island environment characterized by entrenched social hierarchies, where movements for indigenous and forest peoples' rights have made few inroads, legal tenure is insecure, the state recognizes no resource rights, and Malagasy peoples find few opportunities for transnational partnerships or international representation (Ferguson 2010). Certainly, these Malagasy are amongst the non-indigenous communities whose heritage-based rights the Forest Peoples Programme seeks to articulate, and for whose claims they seek wider support.

This is also a site of biocultural diversity in which the IUCN might seek to reconcile dedication to community-based conservation and customary law, protecting traditional environmental knowledge and insisting upon responsible industry practice. It might serve as a good test case of the compatibility of its commitments to responsible mining practices, sustainable development, and human rights norms.

## CLOSING COMMENTS

Heritage is obviously being taken up as a political resource in new and surprising ways. As international heritage bodies are called upon to involve and engage local communities in the project of protecting heritage and safeguarding intangible cultural heritage, their work is increasingly imbricated in encounters with corporate, indigenous, and transnational actors who have incorporated heritage norms into their own agendas. If such intersections pose limits to the emancipatory expectations we should have for heritage governance in some instances, they also suggest that heritage governance on resource frontiers is a site of intensified struggles whose outcomes are unpredictable.

Industry actors are using international heritage vocabularies in new exercises of corporate social responsibility that might be considered novel forms of public–private policy in which industrial and community agents voluntarily take up and reframe global legal principles of sustainability, community, and heritage for their own ends (e.g. Luning 2012; Welker 2009). Mining companies have attempted to usurp or co-opt global norms that position heritage as a development resource by funding tenure-track faculty positions, endowing research chairs, and offering their own staff as experts to serve in global heritage institutions. Rio Tinto is at the forefront of efforts to articulate corporate "best practices" in heritage management, including "cultural heritage offsets." To what extent should heritage scholars participate in these corporate efforts, providing documentation of intangible cultural heritage (for oral histories, museums, and publications), or contribute to the corporate conservation of culturally significant landscape features which provide rationales for indigenous dispossession elsewhere, or function to "compensate" peoples displaced from cultural landscapes and alienated from practices of intangible cultural heritage embedded in ancestral territories?

Indigenous peoples may increasingly culturalize their claims to local resources and livelihoods in order to appeal to an ever broadening range of international legal norms that respect their rights to control their cultural heritage. In so doing, they may seek or find alliances with other rights-based movements. Some communities, faced with extractivist encroachments upon livelihood resources, may find an indigenous subject position attractive precisely because of the enhanced legitimacy their cultural norms assume in the international arena of indigenous rights. We see this logic at work throughout the world, where communities constitute themselves as indigenous peoples through their opposition to industries destructive to what they come to understand as ancestral territories to which they have historical claims. Alex Golub (2014), for example, writes about how the Ipili in Manus Province, Papua New Guinea, came to more fully constitute themselves as a group holding cultural heritage precisely as they forged their opposition to one of the world's largest gold mines (see also Logan 2013). Indeed, even where local peoples do not identify themselves as indigenous, attention to international indigenous rights regimes and

the affordances they offer to local communities dealing with extractivist industry on resource frontiers is strategically advised (Langton and Longbottom 2012). Heritage scholars will be compelled to situate themselves in such politics.

We need to move beyond critiques which focus primarily upon the ways in which heritage does or does not faithfully represent actual histories and culture as it is experienced, or communities as they see themselves, to understand the political and economic work that heritage is doing for diverse agents seeking multiple audiences in performative utterances in various venues and multiple scales in conditions of neoliberal governmentality (Coombe and Weiss 2015). We must pay more attention to the "publics" heritage rallies, the accounting norms through which it may become an offset, and the NGOs for whom its citation and site location provides places for new investment. For example, we find extractive industries and ecotourism enterprises working side by side (Buscher and Davidov 2013) in areas in which "community" cultural difference has been targeted for entrepreneurial investment.

Heritage struggles for rights and resources are clearly politicized on resource frontiers. The exploitation of heritage resources in unfamiliar places will engage social scientists, heritage managers, conservation activists, indigenous peoples' movements, traditional communities, NGOs, and state actors in unforeseen ways. Scholars have new responsibilities to critically explore assemblages of actors and institutions as well as the legitimating logics of these new heritage landscapes, attending to the international discourses and institutional norms that provide political resources for these new projects, while exploring how these are put to use by various parties to serve particular interests. Such projects are inherently transnational ones in which corporate policy, public relations, market measures, environmental norms, indigenous rights, and nationally and internationally recognized forms of territoriality are at least as important as international heritage organizations in France and Switzerland.
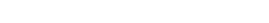
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## NOTES

1  The indigenous peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that they own, use, occupy, or claim as an ancestral domain or asset. The term "indigenous peoples" is used in a generic sense to refer to a distinct, vulnerable, social, and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a

distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

2   The quoted passage comes from "State's 100th National Park Announced." Press release, Government of Australia, 2013. Available at: http://www.mediastatements.wa.gov.au/_layouts/mobile/dispform.aspx?List=b389bce3-6767-405e-8870-a68d6925cac7&View=623ecd10-6172-412f-9eaa-e4ad246dd06a&ID=7107 (accessed March 2, 2015).

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