Peter G. Gould
K. Anne Pyburn *Editors*

Collision or Collaboration

Archaeology Encounters Economic Development

Springer

One World Archaeology

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Editors

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Archaeology Encounters Economic Development

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Preface

This volume had its genesis in the Seventh World Archaeological Congress (WAC), which was held in January 2013 at the Dead Sea, Jordan. The subject matter of this book was a major thread of this WAC meeting, which was among the very first international conferences to tackle the issues arising from archaeology's engagement with the forces of economic development. Across seven sessions of the Congress, more than 50 papers were presented that touched on the challenges and opportunities that arise through the interaction of archaeological and cultural heritage management practice with tourism, infrastructure and natural resource projects, economic development projects in cities and smaller communities, and similar activities around the globe.

From those papers, the editors have selected the geographically and philosophically diverse array of papers presented in this volume. The objective in doing so was to demonstrate both the universality of the challenge and the different approaches taken around the world to manage development-related issues. The authors in this volume are working actively in North and South America, Europe, Africa, and Asia in both conventional archaeological projects and community economic development efforts. Some are seeking to drive development, especially at the local level, while others are contending with the consequences of development for the archaeological record and for public archaeological practice. What the papers have in common is a commitment by the authors to find a balance between the objectives of the archaeological project and people's very real needs to enjoy the fruits of economic progress.

As a consequence of its origin, this volume is the product not only of the authors and editors, but of many in the WAC community who contributed to the program of WAC7 or organized or participated in the numerous sessions from which these papers were drawn. In particular, it is important to credit many individuals whose active engagement with the World Archaeological Congress led to the WAC7 sessions at which the papers in this volume were originally presented. Those individual session chairs include Reinhard Bernbeck, Paul Burtenshaw, Patty Gerstenblith, Luke Godwin, Peter G. Gould, Cornelius Holtorf, Albino P.J. Jopella, Sophia Labadi, Johana Caterina Mantilla Oliveros, Mario Rivera, Maria H. Schoeman, and

Natalie J. Swanepoel. WAC7 theme organizers whose efforts contributed to these sessions include Zaki Aslan, Marcia Bezerra, Giorgia Cesaro, Amanda Forster, Peter G. Gould, Cornelius Holtorf, Ian Lilley, Sergiu Musteata, Mike Robinson, Friedrich T. Schipper, and Roger White. We are grateful to these individuals and to the dozens of WAC members and volunteers who organized and facilitated the meetings in Jordan. Without their commitment to the archaeological enterprise in general and to the World Archaeological Congress in particular, this volume would not have been possible. Finally, the success of WAC7 was also dependent on the generosity and support of the Jordanian Government, to whom a particular word of thanks is owed.

The Editors also wish to thank the editorial staff at Springer for their assistance and in particular Teresita Majewski, George Smith, and Gerald Wait for their careful reading and helpful comments on this volume. Needless to say, the authors and editors take responsibility for any errors or other shortcomings of the papers presented in this volume.

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List of Abbreviations and Acronyms

ADB	Asian Development Bank
AECID	Agencia Española de Cooperación Internacional para el Desarrollo (Spanish Agency for International Development Cooperation)
AHT	Archaeological Heritage Tourism
ARM	Archaeological Resource Management
BLM	Bureau of Land Management (United States)
CART	Classification and Regression Tree
CHM	Cultural Heritage Management
CIFA	Chartered Institute for Archaeologists
CoAL	Coal of Africa Limited
CONICET	Consejo Nacional de Investigaciones Científicas y Técnicas (National Scientific and Technical Research Council, Argentina)
CPR	Common Pool Resource
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DNR	Department of Natural Resources (CTUIR)
DOT	Department of Tourism (Philippines)
DTDMP-TC	Detailed Tourism Development Master Plan for Tabon Caves
EAA	European Association of Archaeologists
EBEDAG	Elands Bay Environmental and Developmental Action Group
EIA	Environmental Impact Assessment
FOIA	Freedom of Information Act
GDP	Gross Domestic Product
GIS	Geographic Information Systems
GMS	Greater Mekong Subregion
HCI	Heritage of Cultural Interest (Spain)
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape (South Africa)
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IDB	Inter-American Development Bank

IPEC	Instituto Provincial de Estadística y Censo (Provincial Institute of Statistics and Census, Argentina)
IUCN	International Union for Conservation of Nature
JMM	Jabatan Museum Malaysia (Department of Museums Malaysia)
LEADER	Links between actions for the development of the rural economy
MDG	Millennium Development Goals
MTPM	Ministerio de Turismo de la Provincia de Misiones (Department of Tourism of the Province of Misiones, Argentina)
NBA	National Board of Antiquities (Finland)
NCCA	National Commission for the Culture and Arts (Philippines)
NDP	National Development Plan (South Africa)
NEMA	National Environmental Management Act (South Africa)
NGO	Non-governmental organization
NHPA	National Historical Preservation Act (United States)
NHRA	National Heritage Resources Act (South Africa)
NMC	National Monuments Council (South Africa)
NMP	National Museum of the Philippines
NTDP	National Tourism Development Plan (Philippines)
PETRONAS	Petroliam Nasional Berhad (Malaysian Oil and Gas Company)
PHRA	Provincial Heritage Resources Authorities (South Africa)
PHS	Provincial Heritage Site (South Africa)
PRODER	Operative Programme of Development and Economic Diversification in Objective 1 Regions (From Spanish)
RMP	Resource Management Plan
RTMPST	Regional Tourism Master Plan for Southern Tagalog (Philippines)
S.p.A.	Società per Azioni
SAA	Society for American Archaeology
SAHRA	South African Heritage Resources Agency
SKAIK	Skogens Kulturarv i Kvarkenregionen (Forests Cultural Heritage in the Kvarken region, Finland)
TAR	Territory, authority, rights (Sassen 2006)
TCC	Tabon Cave Complex
TMP	Tourism Master Plan (Philippines)
TRIP	Tourism Roads Infrastructure Program (Philippines)
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
USFS	United States Forest Service
UTSA	Uniform Trade Secrets Act (United States)
WAC	World Archaeological Congress
WCED	World Commission on Economic Development (Brundtland Commission)
WMF	World Monuments Fund
WTTC	World Travel & Tourism Council

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Chapter 1
Collision or Collaboration? Archaeology Encounters Economic Development: An Introduction

Peter G. Gould

Archaeology and Economic Development

The past two decades have seen some of the greatest advances in human well-being in history, with rising incomes and improving health, education, and life spans observed around the world (Deaton 2013). Viewed with skepticism when they were first announced, many of the daunting Millennium Development Goals (MDG) actually were achieved, or nearly so, by the MDG end date in 2015 (United Nations 2015). Notwithstanding extensive and well-justified critiques (Cohen and Easterly 2009; Rodrik 2007; Stiglitz 2003), economic development in the past two decades has reshaped Asia, much of Latin America, the European periphery, and many regions in Africa. This growth has brought with it continuous investments in infrastructure, large-scale urban development, and tourism on an ever more massive scale. And it is in those realms—the changes in land use due to development and the impact of tourism on tangible and intangible heritage—that archaeology and heritage management have encountered the global development project.

Archaeology has long been ambivalent toward the consequences of economic development. Archaeologists are disturbed by the loss of the archaeological record, distressed by the impact of tourism and urban development on the preservation of heritage, and frequently distrustful of those driving the development agenda. Lafrenz Samuels (2009:70) has cited "disciplinary attitudes towards economics, wherein the modern juggernaut of late capitalism is seen as despoiling and commoditizing the pristine past." Certainly, there is good reason to question the consequences of development. Infrastructure construction devastates sites, a lesson first learned when the construction of the Aswan High Dam and the threat it posed to the temples at Abu Simbel launched the process leading to the creation of the World Heritage List. Since

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then the archaeological record has been undermined on every continent by the construction of urban centers, highways and railroads, power, water and sanitation systems, and by the extraction of natural resources needed to support this growth.

Due to rising incomes and innovations in transportation technology, the tourism industry has experienced explosive global growth in the period since 1950. This growth has been driven to a large extent by the attractions of visiting archaeological sites and experiencing unfamiliar cultures. In 2012, tourism hit a new milestone when more than one billion people—one of out of every seven persons on the planet—visited another country (World Bank 2016). This is in addition to the hundreds of millions more who tour within their own national borders. Tourism has become a vital engine of economic activity for countries as diverse as Cambodia and Italy. In the process, exceptional archaeological resources and vulnerable cultures have come under enormous stress. Moreover, the benefits of heritage tourism frequently have been maldistributed, disadvantaging adjacent communities and reinforcing pre-existing economic and political power structures (Adams 2010; Meskell 2012; Lafrenz Samuels 2009).

Ironically, all of this development has been, in sense, a boon to archaeology. The success of archaeologists in placing preservation and heritage management issues on the national agendas of most countries, particularly when coupled with the commercial interest those nations have in developing heritage-related tourism, has led to legal regimes around the world that make development projects of various types an engine of employment for the discipline. Often the funds to support research and preservation arising from development projects are provided by the sponsoring commercial enterprises. It is true that they do so due to government mandates, and that their compliance can be criticized on many levels, but the process itself means that much archaeological work is inextricably bound to commercial, industrial, and infrastructure development activity, and much of it is funded commercially. For example, a 2008 study concluded that 58 % of the positions in archaeology in the United Kingdom were funded by development or planning projects (Aitchison and Edwards 2008). Similarly, in 2014 nearly 54 % of anthropologists and archaeologists in the United States worked outside academia, primarily in consulting, government, and contractor-related positions (Bureau of Labor Statistics 2015).

Tourism also motivates governments to support excavation and preservation. In Great Britain, for example, the Heritage Lottery Fund has attributed £14 billion of Gross Domestic Product (GDP) and 393,000 jobs directly or indirectly to tourism based on cultural heritage and archaeology (Oxford Economics 2013:4). In 2014, the World Travel and Tourism Council credits tourism, virtually all heritage driven, for nearly 30 % of Cambodia's GDP and, despite profound political turmoil, 13 % of Egypt's GDP (WTTC 2015). Tourism in such numbers across the developed and emerging worlds has translated into employment opportunities in archaeology, museum curation and management, conservation, and heritage site management. Indeed, the pervasive importance of archaeological tourism as a catalyst for promoting national narratives and justifying research funding for archaeologists has led Casteñada

and Mathews (2013:52) to argue that the discipline of archaeology today is "increasingly dependent on tourist development for ideological and economic reasons."

On the positive side of the ledger, the protection of archaeological sites, or at least their identification and excavation, has found its way increasingly into global governmental and corporate policies. Nations around the world increasingly include archaeological impact assessments in the environmental assessments that they require for major projects. This trend has been reinforced by the World Bank, whose policies now explicitly incorporate evaluation of the archaeological record into environmental impact statements (Fleming 2014). Separately, 80 leading global financial institutions, who represent 70 % of the project lending in emerging nations, have adopted the Equator Principles (Equator Principles Association 2013), which incorporate specific accountability to protect cultural and heritage resources among loan recipients' legal, ethical, and environmental compliance obligations. In addition to the World Heritage Convention, as Laulumaa and Koivisto point out (Chap. 5 this volume), literally dozens of other international agreements aimed at recognizing, protecting, and preserving tangible and intangible heritage resources have been endorsed by a broad swathe of nations. Although fraught with problems of interpretation and enforcement, as several chapters in this volume will illustrate, this portfolio of national policies, international government agreements, and private sector commitments nonetheless constitutes an extensive, global framework of support for the protection of archaeological and heritage resources affected by economic development activities.

Historically, governments have taken the leading role in heritage management in most of the world. Even in the United States, where museums generally are run by nonprofit entities, major historic sites and many minor ones are administered directly by the National Park Service or other government bodies. Government-centered heritage management is in the throes of great change, however. In the countries directly or indirectly affected by the 2008 financial collapse, pressures for austerity and the need to focus on basic human needs have begun to compel a re-evaluation of the government role in heritage management. For example, in Italy, a country in which the formal structure of heritage management and preservation has long been government managed and exclusively top-down, public–private partnerships, devolution of power to regions and even local communities, and restructuring of museum management practices are all suddenly on the table. High profile and embarrassing failures of government-managed heritage sites in Italy, notably the collapsing walls at Pompeii, have given added impetus to this project, of course. But a similar search for alternative heritage management structures is underway throughout the world. A few nongovernmental organizations are beginning to fund projects for research, economic development, or site preservation, exploiting the philanthropic tradition in the United States or the enthusiasm for volunteer participation in archaeology in Europe. The track record for those projects is problematic or at best very early and small scale in comparison to the needs. Nonetheless, they are a signal that larger scale solutions to the challenge of development are likely to emerge from innovations in heritage management practices

that adopt new forms of engagement between the public and private sector actors, including archaeologists.

Five Common Themes in This Volume

If archaeology's entanglement with economic development processes appears increasingly unavoidable and irreversible, the challenge is for archaeologists and heritage managers to find their place in this dynamic system of commercial and governmental activity. Here, the record suggests, the discipline's dialog has been internally focused, involving little engagement by archaeologists with these global processes and having even less impact on them (Lafrenz Samuels and Lilley 2015). While decrying the consequences of the global neoliberal economic regime may make for stimulating debates at conferences, the goals of the development process have been embraced by the vast majority of the world's population and development is proceeding at what seems to be an ever-accelerating pace. The question, therefore, is not whether archaeology can pursue its agenda independent of the development process, but rather how archaeology can most effectively further its objectives for research, preservation and presentation, and pursue projects that reinforce communities in their search for identity and improved living conditions.

Behind this challenge is the stark reality, repeatedly identified in the case studies in this volume, that the stakeholders who interact on the terrain of development, archeology, and heritage hold beliefs, priorities, and incentives that are equally legitimate yet widely divergent. To address this situation effectively, given the relatively weak position of archaeology in the development contest, will require innovative modes of interaction among archaeologists, community groups, businesses, and government agencies. In the broadest sense, the effort to identify such alternatives has been the challenge motivating the archaeologists who have contributed to this book. The chapters in this volume present a global cross-section of case studies that illustrate the challenges encountered when archaeological practice intersects with economic development. Out of their diverse contributions, five common themes emerge that encapsulate the collective findings of the authors.

Development has the Upper Hand

The first theme is the clear evidence that, in the absence of effective offsetting mechanisms, the imperatives of development and economic growth invariably will trump the interests of archaeological research and preservation. Legislation alone, whether in the form of national laws or international treaties, is rarely sufficient. For understandable reasons, the urgent need to create jobs, improve incomes, and raise living standards for those who reside in archaeologically rich regions is a predominant concern of most governments today. For example, Labadi (Chap. 4) reviews the situation

facing Liverpool's Maritime Mercantile City World Heritage site, a story that underscores the difficulties facing the managers of even globally prominent heritage resources. The Marine Mercantile City was originally created to promote urban development and job creation in a context that protected important structures. However, the job creation opportunity arising from the proposed construction of high-rise residential and commercial towers in the area was too attractive to leaders of a city suffering from the some of the highest unemployment in Great Britain. The project proceeded despite UNESCO's decision to declare the site World Heritage in Danger.

Ndlovu (Chap. 8) describes the capacity of real estate developers in South Africa to overwhelm heritage managers through their opportunity to deliver employment opportunities and increased real estate values. His accompanying case study of the threat posed by coal mines to the Mapungubwe Cultural Landscape illuminates the power of mining companies that can provide essential jobs and energy resources in an impoverished region where local and national forces are strongly aligned. Laulumaa and Koivisto (Chap. 5) review the consequences for archaeology of the important forestry industry in Finland. They underscore the reality that archaeologists often lag behind developers, even when there is no malicious intent on the part of the corporations involved, unless resources are obtained to identify sites, educate corporations, and enforce compliance. Chia (Chap. 3) describes the stresses local residents place on the Lenggong Valley Caves in Malaysia, occasionally from looting but particularly from residents seeking extra income by extracting guano or quarrying limestone from archaeologically important caves, obliterating cave paintings and rock art in the process. Destruction resulting from infrastructure projects such as roads, pipelines, and dams only compounds the problem in Malaysia. Chia argues that the rapid pace of economic development projects has left heritage managers, archaeologists, and museums underfunded and ill equipped to manage the pressures on Malaysia's archaeological resources despite a history of protective legislation dating to the independence of the country in 1957.

Institutional Conflicts Undermine Success

A second common theme is that conflict among official institutions is a material barrier to effective management of the interface between archaeology and economic development. Cayron (Chap. 7) identifies confusion among Philippine national and local government agencies over jurisdiction for investment and tourism promotion, coupled with a failure to engage local community actors in the tourism development process. These, he argues, have been critical constraints on effective policy implementation. Labadi (Chap. 4) describes the consequences of the misalignment of local, national, and international governments and the Asian Development Bank in the administration of the World Heritage Site of Luang Prabang, Laos. Gould and Paterlini (Chap. 10) present a case from Italy in which fiscal constraints imposed by a national government have created incentives for local politicians to undermine a long-established and successful local project to manage archaeological and heritage

sites. Gonzalez et al. (Chap. 11) describe the challenges faced by the local Spanish community trying to wrest control of local heritage sites away from the national heritage and religious bodies that control them, while Chia cites the consequences of conflicting mandates among heritage management agencies in Malaysia.

Practical Constraints on Collaboration

A third, related theme is that practical political and economic constraints impede both enforcement of heritage preservation laws and collaboration among official institutions to support archaeology. The consequences of limited national budgets are illustrated in Chia's (Chap. 3) discussion of Malaysian museum and archaeological management. Roca (Chap. 9) describes the inability of Argentine authorities to sustain both preservation and tourism promotion efforts, resulting in inefficient use of resources, limited economic impact, and palpable disappointments for trained workers unable to practice new skills due to sporadic funding of conservation projects. Ndlovu (Chap. 8) describes the challenges facing understaffed national heritage management authorities seeking to enforce protection laws while managing far-flung sites in South Africa with severely limited resources. Laulumaa and Koivisto (Chap. 5) argue that short statutes of limitations and inadequate enforcement resources prevent effective use of criminal laws in Finland to prevent or punish destruction of legally protected archaeological sites.

International agreements are no better a source of effective support for policies to protect archaeological resources. Both Labadi (Chap. 4) and Laulumaa and Koivisto (Chap. 5) demonstrate through their case studies the limited capacity of either international organizations, such as UNESCO, or non-governmental organizations to enforce agreements upon national or local governments. Devolution of responsibility to the local level also is no panacea. As Gould (Chap. 12) points out, communities rarely are free of political conflict, and the travails of the Val di Cornia park system described by Gould and Paterlini (Chap. 10) illustrate the pernicious consequences of intragovernmental struggles to fund the delivery of basic services. Ndlovu (Chap. 5) is clear in his call for reconsideration of the devolution of heritage management responsibility to local and regional governments ill equipped and underfunded to tackle the task.

Financing from national and regional governments usually will be necessary to support local heritage projects, especially outside the United States where a tradition of philanthropic funding is not well established. To obtain such financing requires the assertion of priority for archaeological concerns in politically charged circumstances. This requires political will and capacity to act from elected officials, something frequently lacking in these case studies.

Sustainable Tourism: An Oxymoron?

The fourth common theme illuminated by these case studies is that sustainable economic growth through heritage tourism, if not illusory, is certainly a process that is likely to disappoint in the absence of coherent policies pursued by all of the actors in a local tourist economy. Tourism can be particularly problematic where the goal is to direct the benefits of tourism or archaeological projects to local communities.

Roca (Chap. 9) illustrates the vulnerability of small communities to volatile tourism demand, and demonstrates that one community's aspiration for jobs linked to heritage tourism can be frustrated due to more aggressive promotion by competing locations, even when both are part of the same tourism route. Gonzalez et al. (Chap. 11) describe a community-based effort that, despite apparently enthusiastic local support, has managed to generate only one full-time job in the village. Cayron (Chap. 7) documents the dramatic shortfall from planners' estimates of visitors to the Tabon Caves Complex in Palawan, Philippines. His survey of residents and visitors suggested that awareness of the caves was very limited among tourists and residents alike due to ineffective efforts by both government and industry organizations to promote the site and its archaeological value to support the tourism business. Pyburn (Chap. 13) describes the collapse of the Chau Hiix archaeological tourism project in Belize after the untimely death of its primary supporter in the government archaeological service. Gould and Paterlini (Chap. 10) focus on the value of clustering of heritage sites to attract high-volume tourism, but also expose the challenges of governing the affairs of those clusters, especially when local and national political differences are permitted to interfere.

From different perspectives, Gonzalez et al., Roca, Cayron, Pyburn, and Gould and Paterlini all underscore the complexities of creating, managing, and promoting sustainable tourism destinations that serve local communities. They spotlight the critical need to integrate an entire value chain, from site preservation and curation through the construction of hotels, restaurants, tour operations, and other visitor amenities. They also highlight the frequent failures of the public and private mechanisms established to govern the affairs of networks of tourism industry players and of the destinations they exploit.

That issue shifts the spotlight to an idea gaining increased attention in scholarly circles: The suggestion that heritage resources should be considered a "commons," the common property of the community. The hope is that a properly managed heritage commons will enable "bottom-up" management that empowers local communities, brings to them the benefits of tourism, and protects the heritage against the predations of both corporations and governments. Gonzalez et al. (Chap. 11), Gould (Chap. 12), and Pyburn (Chap. 13) offer complementary perspectives on the potential to achieve sustainable tourist development through this form of community engagement.

Gonzalez et al. argue that the intangibility of heritage and its deep roots in local community contexts make it preeminently a resource that should be owned and controlled by local communities. Those communities may elect to admit outside

collaborators to develop their heritage resources but, the authors argue, communities should do so from a position of primacy. Pyburn presents the challenges experienced in her effort to apply the common pool resource model to a Creole village in Belize and the lessons she learned about the limits to archaeologists' capacity to effect development. Gould, focusing on the process for local governance of commons resources, reviews much of the literature on commons management. He cautions that the process for governing common resources is complex, necessarily anchored to local conditions, and fraught with potential for discord within local communities and between local communities and outside stakeholders, including archaeologists or heritage experts. The commons idea, thus, may hold promise for countering top-down development projects, but it is no simple panacea for the challenges of heritage tourism development.

Alternative Modes of Interaction Can Succeed

The issues raised in these four crosscutting themes illuminate the arenas and the reasons for collision among the numerous actors involved: local community members; research- and preservation-oriented archaeologists and heritage professionals; and government, corporate, and tourism-industry forces. For most of those actors, the priority is to develop local areas economically, not to emphasize heritage and archaeology. However, the fifth theme that emerges from these chapters is that the potential exists for archaeology to contemplate different modes of interaction with the forces of economic development, modes that are premised on a spirit of collaboration and joint venture.

Laulumaa and Koivisto (Chap. 5) describe the potential of just such an approach when they describe the success of Finland's SKAIK project, which supports collaboration between forestry businesses and national heritage authorities through training programs on both the law and on techniques for identifying and protecting archaeological sites during logging operations. Such sessions build important relationships among the parties and have facilitated communication to prevent site destruction. Huber (Chap. 6) presents the efforts of the Confederated Tribes of the Umatilla Indian Reservation, the home of a registered Indigenous American tribe located in the U.S. state of Oregon, to collaborate with the U.S. Government. Through a lengthy process of building trust and overcoming legal and technical obstacles, the tribe was able to ensure its own access to First Foods and protect critical sites on and off the reservation from development, yet still maintain the confidentiality of those First Foods and their production locations.

Gould and Paterlini (Chap. 10) describe the genesis of the Parchi della Val di Cornia in Italy as a public–private partnership that, despite many changes and turmoil in recent years, remains an example of the economic gains from tourism that can occur when archaeologists, government bodies, and corporations work together to create a region-wide cluster of heritage-based attractions. Ndlovu (Chap. 8) outlines the practical necessity to recognize the rights of property owners to develop

their lands within the boundaries of national heritage protection and environmental legislation. Although he calls for vigilance by heritage managers and civil society groups in order to ensure corporate compliance with laws, he also makes the case for collaborative efforts among governments, heritage managers, and corporations. Such cooperation may be the only way to promote heritage preservation in the face of the powerful attraction of development options that create badly needed employment opportunities in countries like South Africa.

One means to promote these new relations among the actors may exist in the innovative application of technology. For example, Ndlovu (Chap. 8), Huber (Chap. 6), and Laulumaa and Koivisto (Chap. 5) all point to opportunities to use GIS systems to document protective boundaries of sensitive sites and share data among archaeologists, governments, and corporations in a transparent and readily usable format. The idea of formally demarcating, categorizing, and even ranking important archaeological resources is hardly a new one (Darvill 2005; Carver 1996). However, rapidly advancing technologies and social networks suggest that the utilization of GIS, crowd sourcing of volunteers, and financing through the internet, and similar techniques enabled by internet, satellite, and other technologies offer intriguing new opportunities for archaeologists to build tools and coalitions to support heritage protection. Such measures would enable well-intentioned corporations to comply more easily with heritage protection laws and regulations, and would endow government agencies with better tools to promote compliance. In the case Huber describes (Chap. 6), negotiated legal protections were used to shield the location of ecological sites important to the tribes even as the information itself enabled government officials to protect those sites from development. That agreement was possible because the Tribes and the government agencies entered into a lengthy search of ethical, legal, and practical solutions only achievable through collaboration.

It is in the context of contention, institutional failure, and demands for improved living standards that Hassan (Chap. 2) urges that the profession rethink its views on the ethics of heritage management and archaeology's interaction with development in the twenty-first century. Hassan acknowledges the importance of heritage to local communities and to Indigenous peoples, to solidarity across generations, and to enhancing individuals' capacity to lead lives they value. But he also emphasizes interaction with economic realities—the need to promote development to overcome poverty, the lack of educational opportunity, and other several problems. Combating those problems has become integral to the global discourse embedded in the Millennium Development Goals. Hassan argues that development can support heritage conservation directly and promote numerous social goals through successful approaches based on new models of ethical interaction. His is the broadest call in the volume for a new mind-set within archaeology and heritage management, one that acknowledges both the necessity and the potential benefits to archaeology and heritage management of a collaborative approach to dealing with government and the private sector on matters of economic development.

However, Pyburn (Chap. 13) concludes the volume on a cautionary note. She contemplates the practical limitations facing archaeologists as they seek to find their place in the development process. In the end, she emphasizes that archaeology, conducted in a reflexive and critical manner, may contribute most satisfactorily to local communities by ensuring that archaeology's capacity to promote human rights is kept in the foreground during the research process.

A Path Forward

The chapters in this volume, from disjointed perspectives and diverse geographies, address the need to identify approaches to economic development that are effective at promoting archaeology while simultaneously advancing the urgent desires of people around the world to live healthier, more comfortable, and more fulfilling lives. Archaeologists can play a critical role. Whether excavating sites or working with local people, whether studying tangible or intangible aspects of their heritage, archaeologists are deeply rooted, often for long periods of time, in local communities. The heritage resources about which archaeologists are expert are the substance of tourism development programs, and they often are of vital interest to localities and national populations as their economic lives become integrated into the global milieu. At a time when top-down development projects are viewed skeptically and centralized resources for development and for archaeological endeavors are under pressure, devolution of responsibility to the local level or default to commercial solutions may become the only viable options in heritage management. Archaeologists have a choice—to resist these trends and decry their consequences—collision—or to adapt to the forces at play and take the initiative to channel development activities in directions that benefit archaeology and the general populace—collaboration. The chapters in this book, in varying ways, present an argument for the latter. If that is the path forward, what needs to be done? Three fields of action are apparent.

First, following Hassan (Chap. 2), a paramount priority is for the disciplines within archaeology to find common ground in the approach to economic development. Viewed on a global level, academic and cultural heritage management practitioners today coexist uncomfortably in separate professional associations, publication streams, and practice standards. It is true that archaeologists working in the commercial realm are well aware of the ethical challenges on the ground (Wait and Altschul 2014), and organizations of commercial archaeologists, such as the European Association of Archaeologists (EAA 2016) or the United Kingdom's Chartered Institute for Archaeologists (CIFA 2014), have established clear codes of practice for their profession. It is also the case that many North American commercial archaeologists are active in the Society for American Archaeology, which has well-codified ethical standards of practice (SAA 1996, currently under revision, Dru McGill, pers. comm. April 2016). Nonetheless, differences about ethical practice persist. Welch and Ferris (2014:101) in a recent critique of the practice they call

Archaeological Resource Management (ARM), observe that "the convergence of legal, societal, personal and disciplinary pressures in and on ARM has given rise to an actuality that contrary to ethical coda, personal beliefs, and disciplinary aims, archaeologists now serve primarily as cogs in machines that overconsume and underdigest archaeological records."

At issue are not matters such as the best practices for conducting excavations or managing heritage. Rather, the disagreements encompass the degree to which it is acceptable for archaeologists and commercial interests to collaborate, and how best to do so. The robust debate within the World Archaeological Congress about archaeology's links to commercial interests only illustrates how contentious the issue can become (Shepherd and Haber 2011; Smith 2011). To move forward in the face of unrelenting commercial pressures globally, there remains a need for professionals across the range of archaeological practice to address the ethical standards and practical steps that the discipline should take to protect and exploit the archaeological record while also progressing the development process in the interests of the discipline and the interests of local and national communities.

Second, engagement with the forces propelling the development process will be unavoidable. This may mean identifying opportunities for collaborative efforts with corporations to identify and protect sensitive places, a process that can utilize innovative technologies and novel management structures—if there exists a presumption of good will on all sides. It is through the efforts of archaeologists that the World Bank has established constructive standards governing projects to which it lends (Fleming 2014), policies that have been extended broadly through the related Equator Principles (Equator Principles Association 2013). North American archaeological associations are active in their government relations activities. At a minimum, archaeologists can stimulate active communication and exchanges of critical data among governments, commercial representatives, and heritage managers with the objective of clarifying areas of disagreement and then searching for solutions that are practical and serve the interests of all parties. However, such interactions are not a global phenomenon by any means.

The engagement process may well involve a high level of political engagement and a willingness to drive the sort of conversations that are not normally in the job description of archaeologists in most of the world. An interesting example of collaboration is the LEAP program to balance preservation needs and natural gas "fracking" in the United States (LEAP 2016). Yet no parties to this process except archaeologists have both the expertise and the motivation to lead constructive collaborations on matters of research and preservation of the archaeological record and heritage resources, and none is likely to be more committed to ensuring that local communities are protected from the adverse effects of development and benefit from tourism or other commercial investments. It thus falls to archaeologists to become active participants, even leaders, in political and commercial processes. Furthermore, they need to do so not only in forums of international organizations, such as UNESCO, whose on-the-ground impact is constrained by the need to defer to States Parties. Continued engagement with political and commercial forces must occur broadly at the national and subnational levels, where the powerful actors are

engaged, national priorities are established, government policies defined, and enforcement tools wielded.

Third, the research agenda for the discipline needs to be reconsidered. Two strands of research dominate the discipline today. One involves the accumulation of data and reporting of findings on matters such as archaeological sites, conservation practices, or site curation. The other involves critical analyses of heritage and social processes that may deliver important insights but rarely involve public policy. A third strand is needed if archaeology is to become actively and effectively involved in development policy. Such research needs to be evidence based, draw on methodologies familiar to public policy experts, and be devoted to critical assessments of which projects, programs, and government policies are most effective at achieving archaeologists' objectives. "Feel good" reporting of community projects will not be enough; what is needed are studies of the actual effects of programs and policies that explore deeply why they have succeeded.

An important emerging trend is that both governments and philanthropic funders are beginning to adopt "impact"-based criteria in allocating funds for research and other projects, a process likely to become more pronounced in years ahead. "Impact philanthropy" incorporates the benefit/cost calculus employed in government settings, suggesting that in the future funders of archaeology and heritage programs may well be using a similar analytical frame based on principles of economic cost-efficiency. Research in archaeology and heritage management will need to engage in policy-driven studies that employ, albeit critically, methods prevalent in fields such as health care, environmental conservation, or education that have learned how to communicate with both government budgeteers and corporate executives in a common language.

The argument made in this volume is that archaeology faces new circumstances and needs to evolve in its relation with corporate and government actors if it is to meet successfully the challenges of the twenty-first century. As Pyburn (Chap. 13) points out, the most important contribution of the discipline remains to do good archaeology. Evolving the discipline's relations with government and corporate interests should not derail the archaeological enterprise. However, for the discipline to prosper in the decades ahead, archaeology will require different forms of engagement with commercial and political processes, new attitudes toward that engagement, and new data and methods to inform the path forward.

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Chapter 2
The Future of Cultural Heritage Management: Ethics and Development

Fekri A. Hassan

Introduction

We are in need of a new paradigm and a new vision to guide the strategy of managing heritage. The solution is not just a matter of getting rid of cumbersome "technocracy" and political interests, adding "local communities," and stirring (see Castillo 2014). It is above all a matter of repositioning the vision and strategy for selecting, conserving, and valorizing heritage (local, national, and global) based on humanistic ethics. The objective of the new ethical platform is to make the world a fitting home for the fulfillment of human potential in a socially supportive and enabling environment, while guarding against the "evils" of the past that have at times plunged humanity into moments of strife, intolerance, discrimination, marginalization, exploitation, and destitution.

In discussing the ethical dimension of heritage management, we cannot ignore the power of economics to shape national and international politics. However, the path of economics in heritage is perilous and requires serious consideration. In conceptualizing the issues raised in this chapter, it is important to keep two key questions in mind: What is heritage for? and whom is it for? The current heritage discourse, conventions, and polemics, that originated in the worldview of the eighteenth and nineteenth centuries, emphasize art masterpieces and architectural monuments, which were mostly palaces, forts, cathedrals, and castles. The nineteenth and early part of the twentieth centuries fostered the formulation and representation of heritage to build national identities (Lowenthal 1998; Kaplan 1994). This nationalism emerged within a political context at variance with contemporary concerns for the social welfare of common people, for their active participation in heritage management, and for the use of heritage to create an understanding of the historical

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connections, continuities, and social transformations. This situation necessitates a reexamination of the ethical grounds for selecting and valorizing certain heritage elements in favor of others; the role of heritage professionals and the mode of producing heritage knowledge; the interaction among heritage professionals, historians, sociologists, economists, and educators; and the relationships between heritage management and local communities.

The assignment of value to cultural heritage, and even the assignment of heritage status to certain places, objects, and activities is, in the first place, a matter of social decisions both overt and covert. However, those who make formal decisions and those who assign heritage status or values to places, objects, or activities do not necessarily use the same criteria, and vary in interest, status, power, and objectives as a result of societal differentiation and differential cultural developments. At present, the designation of what is "heritage" and the valuing of that heritage is conducted with no clear social mission and without the involvement of scholars from disciplines other than archaeology, architecture, geography, and art history. There also is often little or no regard for the participation of the communities associated with heritage sites. Instead, current heritage discourses and practices are rooted in the valorization of outstanding monuments associated with glorious and spectacular buildings and art objects of premodern royal or religious regimes, and those heritage elements deemed essential for nation building during the nineteenth century. More recently, heritage has become associated with group identities (e.g., ethnic, cultural, sectarian) in the context of current political conflicts within troubled nation states (see Graham and Howard 2008). The most salient example of these issues may be found in the process of designating "World Heritage."

The Advent of "World Heritage"

The United Nations was established in 1945 in the aftermath of WWII and with the aim of creating an international mechanism to prevent future global armed conflicts. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was created in the same year. Its aim today is to contribute to the building of peace; the eradication of poverty; sustainable development; and intercultural dialog through education, the sciences, culture, communication, and information. In 1959, at the request of Egypt and the Sudan, UNESCO mounted the Nubia campaign to save the monuments and sites threatened by the construction of the Aswan High Dam. By 1972, the realization of the need for an international organization to safeguard threatened sites and monuments that "belong" to all the peoples of the world led to the establishment of the world heritage convention, a World Heritage Centre (the "Centre") and a World Heritage List (the "List").

The UNESCO convention and activities of the Centre have been instrumental in mobilizing international efforts to save, conserve, protect, and valorize archaeological and historical sites and monuments in almost all parts of the world. This is a great achievement and is especially appreciated in our times, when international and

intranational conflicts pose a serious threat to the heritage of the world. Since 1972, UNESCO has been developing measures to keep up with the changing intellectual and political climate of the times. Among such measures was the adoption in 1992 of the category of "cultural landscape" and in 1994 the articulation of a global strategy for a more representative World Heritage List that reflected the goal of achieving better regional balance and greater thematic diversity. But more important was the adoption in 2002 of the Budapest Declaration on World Heritage, which highlights the need to ensure an appropriate and equitable balance between conservation, sustainability, and development. The goal was to protect World Heritage properties through appropriate activities contributing to social and economic development and the quality of life of communities.

Finally, a key development in the management of cultural heritage undoubtedly was the addition of a UNESCO convention concerning intangible heritage in 2003. The main contribution of this convention was the explicit recognition of intangible cultural heritage in the context of "sustainable development," cultivation of "identity," and promotion of "creativity" within the perimeters of existing international human rights instruments. This represented a paradigmatic turn because it focused on the ideational core of societies (embodied in knowledge, skills, representations, and expressions), modal practices, as well as the associated objects and spaces. In fact, we may go back to Article 5A in the UNESCO 1972 Convention that recommends to State Parties "to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes" (UNESCO 1972).

In spite of these laudable efforts by UNESCO to keep up with the changing times, it does not seem that such measures have become fully integrated in the selection criteria or other activities of the organization. The paradigm is still essentially "preservationist" rather than "developmental," and the selection criteria for cultural heritage still emphasize architecture, settlements and town planning, landscape design, and technology with minor emphasis on "ideas," which is a criterion that should, according to the guidelines, be used in conjunction with other criteria.

There is also a significant gap when Indigenous peoples are concerned. In Australia, for example, only four out of 19 listed Australian World Heritage sites are formally recognized for their importance to Indigenous culture. Australian Indigenous communities also question why Aboriginal cultural values are not recognized, particularly where they have managed the landscapes for thousands of years. Also, Indigenous peoples want to be included in decision making. They want to be engaged prior to the event so that they can make informed decisions and give their consent freely and have the right of refusal. They also want the opportunity, through the World Heritage listing, to pursue their own economic, social, and cultural development. Talbot (2012) has recommended that the World Heritage process should include better engagement of Indigenous people and communities with respect to nominations or declarations, and in the protection and management of cultural and natural sites. Talbot calls for protocols to enhance cultural governance arrangements for seeking and administrating financial resources (see also Grant 2012).

This leads to a central question: What functions should be attributed to cultural heritage in the life of a community, Indigenous or otherwise? Is its function to serve as a source of pride, of learning, or of economic benefits? What should be done if the local function of sites may be destructive to the sites and to the nation, as in the use of sites for exclusive religious practices or recreational activities? Another question is: Who represents the community? In some cases, powerful families, tribes, or influential figures can manipulate or dominate the local community. In other cases, the government or external international organizations may interfere to favor certain representatives. What is the role of NGOs and civil society groups? How do we reconcile the views of the "nation," of investors or professionals, and of the variety of communities in different regions of the nation? Clearly, there is a need now to go beyond just calling for community participation to address the challenging questions of how can this be done to the benefit of the community without compromising national plans or contravening transnational humanitarian concerns and human rights (see Smith 2006).

Heritage Ethics

From an ethical point of view, we have to ask for whom and for what purpose are heritage resources valorized? Is it for the preservation of a site or a monument, or is it as a tangible proxy of a social practice? Or, are heritage resources important mainly because of the economic returns to a local company, a foreign investor, a national authority, or an international or multinational establishment? These questions highlight the potential for unethical practices that may be harmful to local communities, to the environment, and to the cultural significance and meanings of heritage.

We can accept that the World Heritage List is and should be restricted to heritage elements that are meaningful in the cultural history of humanity, by contrast with those that are of personal, local, or national value. However, the emphasis on only the "outstanding" qualities of heritage elements, as currently defined by practice, biases the selection in favor of architectural monuments associated with the rich and powerful. It tweaks cultural history to valorize kings, warriors, and heroes instead of mobilizing heritage to illustrate the history of humanity as a product of complex social dynamics, exigencies, contingencies, and creativity. There are buildings, sites, and objects that are not outstanding examples either of art, technology, or architecture but are, nevertheless, of special significance for their relationship to fundamental transformations in knowledge, industry, social organization, or social virtues. The claim that we should be preserving heritage from the past just because it is threatened is also not enough. We have to determine what heritage value compels us to allocate scarce funding for preservation in preference to allocating such funds for other beneficial projects.

Moreover, the designation of world heritage sites has become a tool for marketing heritage sites for tourism (Boyd and Timothy 2006), which often runs counter to the interests of local communities and the conservation of living traditions and, in some

cases, menaces the vitality of natural resources (Tunbridge and Ashworth 1996). This commercial approach to heritage sites has led to a clash of methods for valuation that requires a discussion of the ultimate goals when we designate certain places, activities, and objects as heritage resources, and consideration of which social bodies should be in charge of making the selections and setting the goals (Frey et al. 1998). For example, Frey and Steiner (2011) conclude that UNESCO World Heritage listings are beneficial where sites are undetected, disregarded by national decision-makers, not commercially exploitable, or where national financial resources, political control, and technical knowledge for conservation are inadequate.

However, alternatives, such as market solutions or national conservation lists are more beneficial where the cultural or natural sites are already popular and where the market economy functions well. Moreover, inclusion in the List raises, in some cases, the potential for destruction by excessive tourism or as a consequence of war or by terrorists. Frey and Steiner (2011) also find that the List is more beneficial to economically advanced societies and less so for poor countries. Mechanisms should be thus implemented to ensure that poor countries are provided with sufficient funds and knowhow to benefit economically from sites already on the List or those that can be placed on the List. The situation also calls for mechanisms to ensure that sites in troubled areas are to be provided with adequate protection against theft, destruction, looting, and vandalism (cf. Frey et al. 1998). Lamenting and condemning such acts after they happen is no substitute for prior risk management.

An ethical perspective on heritage definition and valuation is legitimized by existing international rights instruments such as the Universal Declaration of Human Rights of 1948; the International Convention on Economic, Social and Cultural Rights of 1966; and Agenda 21 of 2004, which was coordinated by the United Cities and Local Governments, the world's biggest association of local governments. Agenda 21 focuses on culture and human rights, governance, sustainability, social inclusion, and cultural economy. The main principle in this agenda is the inclusion of culture as an integral element in development. The call for measures to make this world a better place for humanity as a whole and for particular societies is indeed a noble objective and must be the basis for selecting and managing heritage sites. These objectives are ethically grounded in the Universal Declaration of Human Rights and the Millennium Development Goals (MDGs).

The eight Millennium Development Goals (MDGs) ranged from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015. These goals formed a blueprint for action agreed to by all the world's countries and all the world's leading development institutions. They galvanized unprecedented efforts to meet the needs of the world's poorest people. In September 2013, the President of the UN General Assembly hosted a special high-level forum to catalyze and accelerate further action to achieve the MDGs and enrich the deliberations of the General Assembly and beyond. The result was a report entitled "A Life of Dignity for All" (UN 2013), a document adopted by Member States, in which world leaders renewed their commitment to meet the MDG's targets. Two years later, a new set of Sustainable Development Goals for the period 2015–2030, intended to build on the achievements of the MDGs, was adopted

(UN 2015a, b). Seventeen developmental goals aim, between now and 2030, to "end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources." They also aim to create conditions for inclusive and sustained economic growth, shared prosperity, and decent work for all, taking into account different levels of national development and capacities.

Mobilizing heritage to satisfy the goals of MDGs will require the adoption of a new integrated, comprehensive plan. This plan should favor selection of resources that can make a contribution to intercultural dialog for peace, prosperity, and poverty alleviation, rather than merely consideration of the architectural, artistic, or any other normative value. This would ensure respect for the dignity of local communities, maintain the integrity of the social matrix in which the heritage element is embedded, and strengthen the vitality of the ecological system of which the site, monument, or practice is a part.

Heritage and Intergenerational Solidarity

Another ethical dimension of this issue involves the principle of intergenerational equity that has long been at the core of the international discourse on sustainability. On 12 November 1997, UNESCO announced its Declaration on the Responsibilities of the Present Generations towards Future Generations. The declaration is founded on the ethical mission of UNESCO, whose constitution enshrines the ideals of "justice and liberty and peace" founded on "the intellectual and moral solidarity of mankind." It includes (UNESCO 1997) two articles related to culture heritage:

> Article 7—*Cultural Diversity and Cultural Heritage*
> With due respect for human rights and fundamental freedoms, the present generations should take care to preserve the cultural diversity of humankind. The present generations have the responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heritage to future generations.

> Article 8—*Common Heritage of Humankind*
> The present generations may use the common heritage of humankind, as defined in international law, provided that this does not entail compromising it irreversibly.

I am wholeheartedly in favor of the spirit of the 1997 declaration, but we must ensure that such declarations are workable and identify the means by which they are translated into policies. In order to do that, we may seek some guidance from the preamble to the 1997 declaration, which shows concern (1) to ensure that the needs and interests of future generations are not jeopardized; (2) to hand on a better world to future generations; (3) to strive to ensure that the present generations are fully aware of their responsibilities toward future generations; and (4) to recognize the task of protecting the needs and interests of future generations, particularly through

education. The declaration refers specifically to those issues that may adversely influence the welfare of future generations, including poverty, technological and material underdevelopment, unemployment, exclusion, discrimination, and threats to the environment.

This notion of intergenerational ethics should not be viewed as privileging future generations over current generations, given that future generations may have their own choices and decisions. This is embodied (UNESCO 1997) in Article 2 of the declaration:

> It is important to make every effort to ensure, with due regard to human rights and funda-
> mental freedoms, that future as well as present generations enjoy full freedom of choice as
> to their political, economic and social systems and are able to preserve their cultural and
> religious diversity.

There has been some philosophical discussion with regard to the proposition of intergenerational solidarity and obligations, especially in the environmental and ecological domains (Norton 1982; Golding 1972). Applying an intergenerational "ethical" argument to heritage requires a discussion of what is beneficial to future generations, so that sites can be selected and interpreted to make this ethical position workable and effective. In the case of natural heritage, the argument can be made not to leave future generations with degraded ecosystems that can minimize their capacity to survive and compromise their right to live. In the case of cultural heritage, the emphasis may be placed on how different cultures have coped with change, on the dynamics of historical and archaeological social systems, and on how archaeological records inform us about the roots of current environmental threats, the ways social systems can respond to climate change, and the principles that ensure equity and justice.

We should not force on future generations our contemporary criteria of what is outstanding or exceptional, which are often palaces, forts, castles, and power monuments. Rather, we should mobilize heritage to reveal the moral teachings of past generations in order to make future generations aware of the process of creativity and innovation, as well as of the social organizations or movements that are inimical to social transformations that would be beneficial to humanity. We policy makers and top heritage managers need to provide support for conserving and interpreting local, national, and world heritage sites to convey such empowering and liberating ideas (Hassan 2007). We will also have to combat and expose those aspects of heritage that perpetuate supremacist, chauvinistic, sexist, or racist cultural views, and those that contribute to enslavement, exploitation, and despotism.

Heritage Between Ethics and Economics

Perhaps the most salient feature of World Heritage sites, as well as other heritage sites, is the lack of appropriate interpretation designed to situate the sites and monuments in the context of social and cultural issues in order to give visitors a deeper

perspective on existential and current concerns. These may include the origins and dynamics of the nation state; the evolution of political ideas; the history of resistance and revolution against totalitarian systems and oppression; the dynamic of social politics of gender; the stages in the economic trajectory from gifts to global enterprises; the links between art, architecture, and landscapes to social developments; the social history of inequities; and poverty, wars, and ecological crises. Interpretations should be formulated to explain the dynamics of social processes, preferably with a presentation of multiple points of views and controversies. This requires a total reevaluation of the vision that currently governs the strategy for selecting heritage sites.

Heritage does not consist of items to be interpreted and exhibited as objects or traditional practices in isolation from their social and cultural milieu. There needs to be an emphasis on the processes and dynamics of change and stability so that individuals in each generation can have a clear vision of how they became who they are and can decide what they want to become. In a nutshell, heritage for development has to be viewed as "human capacity expansion" (cf. Sen 1990). Heritage should be a means for enhancing our ability to cope with current problems and to educate a new generation in a manner that expands their capacity to enjoy life and to safeguard themselves and their world against harm. In all these efforts, heritage resources should be primarily valued as a "social good" to be summoned to contribute to a better future. The world today is struggling to emerge from the economic and political woes of the period from the 1960s to the 1990s, and there are calls by a new generation for dignity and justice. Such calls are rooted in the universal intellectual heritage of humankind. Accordingly, in addition to the appeal to the Universal Declaration of Human Rights, such appeals can be strengthened by summoning examples from the intellectual history of the nations and people's aspiring for such human rights.

The main challenge is to develop integrated cultural management strategies predicated upon a single unified concept of heritage that cannot be separated from the space where societies interact. Heritage from this perspective is the domain of mobilizing inherited values and resources from the points of view of each generation to enable them to live well and to be able to improve their human condition. Accordingly, sound cultural heritage management would mobilize heritage to (1) alleviate poverty by creating heritage-related jobs for the poor (e.g., pro-poor tourism, promotion of artisanal crafts); (2) allocate revenues from heritage industries to education and capacity building; (3) make education attractive and relevant through use of traditional proverbs, tales, songs, and other familiar cultural elements; (4) combat negative stereotypes of women and removing the barriers against their inclusion in society by deconstructing the historical social processes that led in the past under different cultural conditions to discrimination against women; (5) relate maternal care and child mortality, as well as diseases, to situations that have a strong historical or cultural component in an attempt to illustrate the linkage between population, production, consumption, education, and gender equality.

Heritage can be also invoked to protect the environment through valorization of traditional environmental conservation measures. In this regard, the concept of "merit good" may be relevant. The concept refers to a good or service from which

the benefits to society exceed the benefits to individuals (education, for example), implying that appropriate policy would be to support the creation of the good or service, which otherwise would be undersupplied by individuals. Mazzanti (2002) has attempted to use this concept to consider cultural heritage as a multidimensional, multivalue, and multiattribute economic good. By his own admission, his approach is speculative, but it does recognize the complexities of valuing cultural heritage.

The intertwining of economic and ethical issues in the management of heritage poses a serious problem that can no longer be ignored without grave consequences both for the economic contributions from heritage resources for development and for the conservation and safeguarding of sites; monuments; and cultural practices, expressions, or performances. The economic problems facing many countries, the persistence of poverty and lack of education, the troubles faced by the nation-state, and the rush to generate funds from tourism regardless of its consequences, all act to engender illicit looting and trade in heritage items, debasement and misrepresentation of intangible heritage, breakdown of social coherence, and aggression toward visitors. From an ethical and a practical standpoint, heritage conservation and development must not be separated from the "social good" for the benefit of local communities, the nation, or humanity at large.

At the same time, there is the need to secure funding for conservation and the tendency to value and invest in heritage resources using models from business. Yet, heritage is not an ordinary marketable commodity. Although heritage resources can be a source of revenues, their economic "value" cannot be separated from their cultural significance. This makes it practically impossible to restrict methods for valuing heritage resources to standard short-term, for-profit business approaches. The overriding consideration in assessing the value of heritage resources has to be of their contribution to the "social good." This begins with a contribution to the alleviation of poverty, the enhancement of human dignity, mutual respect, equity, creativity, the enrichment of knowledge, the strengthening of resilience, the promotion of peace, and the protection of the vitality of life-supporting human habitats and ecosystems.

Preparation of an explicit agenda to set up such goals as a priority of cultural heritage management is a first step toward formulating a strategic approach and identifying the instrumentalities required to fulfill such goals. However, in preparing such an agenda it will be necessary from an ethical point of view to engage representatives of local communities, intellectuals, and active members of civil society in the diagnosis of problems, the search for effective strategies, and the implementation of "fair" heritage practices. Management of cultural heritage resources requires a comprehensive analysis guided by a vision of the primary and ultimate objectives of the management process. Unlike commercial projects that aim to maximize profit for a limited number of stakeholders who are only concerned with the yield from their investments, cultural resource management is far more complex because the stakeholders are not all of the same cast of mind. In this regard, government legislation and a stronger role for civil society and social groups are required to prevent inequitable and harmful use of heritage resources.

Although cultural heritage resources are not simply goods or commodities with a value that can be calculated through market pricing methods, they often are treated in this way. This becomes evident when cultural materials are regarded as "assets" or "financial resources," terminology that places culture squarely in the field of economics. Taking this approach, cultural resources may be regarded, at least by investors and policy makers concerned with economic development, as goods in their own right, with an economic value and subject to costs of "development" such as preparing a site for visitors, publicity, and branding. In such a conceptualization of heritage resources, the value of a heritage element may be determined not only by the relationship between value and cost but also by supply and demand. There may be a high demand for a site, such as the tomb of Tutankhamen, or certain bio-anthropological remains such as the royal mummies of Egypt. These may be given special care by comparison to other sites or remains because the high demand for such scarce "resources" allows the managers to set higher prices for admission.

Economically speaking, heritage resources may be regarded as a form of durable capital that, through a process of "development," becomes the source of income producing goods and services. Such resources also can be "depreciated" either through use, such as chemical or mechanical damage to the tombs in the Valley of the Kings, or by "landscaping" to prepare the sites for visitors. Sometimes the damage is collateral: sites or components of sites not regarded as "attractive" as areas in high demand may be destroyed or damaged to facilitate access to the site in demand. This can also happen through cleaning what is regarded as "rubbish" or surficial layers that are removed to reach "pay dirt" or the remains of a certain period, which can be caused by privileging certain periods over others for ethnic, national, or sectarian reasons.

Although many organizations have been concerned with cultural heritage, financial institutions have been latecomers to the realization that culture is essential for the success of development projects (Throsby 1996). The World Bank entered the field in 1999 (Duer 1999) when a report by the Bank's Social Development Task Group concluded that culture is an essential dimension of development. In a publication entitled Culture and Sustainable Development: A Framework for Action, the Bank outlined its program on culture and development as follows:

- To provide new economic opportunities for communities to grow out of poverty.
- To catalyze local-level development by building on diverse social, cultural, economic, and physical resources.
- To strengthen social capital and social cohesion.
- To complement strategies for human development and build dynamic, knowledge-based societies.

In 2001, in a strategy research paper published by the World Bank (Cernea 2001), Cultural Heritage and Development: A Framework for Action in the Middle East and North Africa, current needs and demands were outlined as follows:

- Linking urban and tourism investment projects with direct support for heritage preservation.

- Safeguarding endangered patrimony assets in ways that incorporate them into development strategies and yield economic and social benefits.
- Expanding the institutional capacity for managing these national resources.

Although the utilization of heritage for development does not imply that heritage is merely an economic commodity, financial costs are incurred in protecting, conserving, and interpreting cultural heritage, and there is a broad spectrum of development projects that can be a source of revenues both to conserve heritage and to create jobs and profitable returns on investment. In the process, such projects can potentially enhance the social standing of local communities, promote intercultural understanding, and reinterpret heritage within a narrative that highlights the social processes and values of past societies (see Hassan 2008).

Toward the Future

Heritage is significant in the lives of all peoples. It is the principal component in the socialization of individuals transmitting rules, norms, and modes of thinking from one generation to the next. Tangible heritage is no more than a proxy for the intangible matrix of human societies. These proxies are often sanctified, venerated, or valorized as a means of maintaining the *status quo*. However, certain tangible heritage elements can be demoted while others are promoted to signal; proclaim; and disseminate new ideas, norms, or values. New traditions may even be invented to shape a new mode of life. From this perspective, the selection and valorization of heritage is of paramount social and political significance and impact. On an international scale, Rao (2010) proposes an enhancement of international cooperation to marshal and provide the best technical knowledge throughout the process of identifying, nominating, and including properties on the World Heritage List. More importantly, he proposes a progressive inscription process with an enhanced and proactive role for the intergovernmental World Heritage Committee in prioritizing, at an early stage of the process, the selection of properties.

I would like to go further to suggest that there is a need for an international civic union not of technical experts, but of international intellectuals, thinkers, philosophers, artists, historians, and multidisciplinary experts (not just geographers, architects, ecologists, and archaeologists). This could be initiated by the World Archaeological Congress with a list of members nominated by regional representatives, who will constitute a steering committee to undertake further steps. They would have the task of designating the key events in the cultural history of humankind, primarily those related to transformations in the way of life, thought, sustaining social integration, keeping peace, combating poverty, improving health, enjoying life, and releasing the creative potential of humankind. This process would pay attention to material and intangible proxies of social organization (e.g., a court, a meeting place, sebils, markets, or oral traditions), economy (e.g., ports, mines, inns, markets, rural landscapes, oases, trade routes, crafts), knowledge systems (e.g., libraries, waterworks),

health (hospitals, Hammams, traditional knowledge), and spiritual/religious experiences (e.g., cemeteries, sacred mountains, springs, trees, places of worship).

This civic union would collaborate with the World Heritage Committee in selecting the heritage elements/properties that embody or symbolize those key transformational events. Similar entities could be set up on a local or governmental level with the same objectives of furthering the actualization of the common social good. The International Union for Conservation of Nature and Natural Resources is a good model for the proposed international union for heritage and development that could bring together economists, political scientists, writers, artists, media experts, educators, and representatives of all different fields of knowledge and professions related to the mobilization of heritage for human development.

So much in our world is bound up in heritage issues (cf. Vecco 2010). Heritage has a significant and paramount role to play in coping with the ongoing pains of global transformations. Archaeologists and heritage specialists cannot continue to think and act as if the world is still shaped by same forces that fostered the rise of archaeology and the heritage industry. We can hardly ignore that the world is positioned to change directions at a time of restlessness and dissatisfaction. The present epoch is an outcome of a transitional period that began in the 1950s and 1960s, stimulated by the tragedy of World War II and the hope for independence, peace, and prosperity, especially in countries that had fallen prey to imperialism and exploitation. It is in this context that this contribution is offered in the hope that it will engage young archaeologists and heritage specialists in mobilizing heritage to make this world a better place for them to live with others in peace; to enjoy the sweet fruits of civilization in an equitable way; to lead policy makers and the public to discover how the past can reveal the great creativity and wisdom that have guided humanity in its turbulent journey and wanderings; and to illustrate through heritage the values of knowledge, sociality, esthetics, emotional satisfaction, and appreciation of nature.

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Chapter 3
Protection and Conservation of Archaeological Heritage in Malaysia: Issues and Challenges

Stephen Chia Ming Soon

Introduction

Archaeological work in Malaysia began during the British colonial era in the mid-nineteenth century and continues into the twenty-first century (Chia 2016). This long period of archaeological work, over 170 years, has resulted in a tremendous growth of archaeological knowledge on the prehistory of Malaysia. In the early days, however, archaeological work consisted mainly of explorations undertaken by amateurs in search of knowledge and antiquities, and little was done to protect and conserve archaeological heritage. After Malaya gained independence in 1957 and the formation of Malaysia in 1963, archaeological work slowly began to progress into a systematic research program carried out by trained archaeologists.

The mid-1970s and the 1980s were a watershed moment in the history of archaeology in the country, as Malaysians began to enter the field of archaeology. By this time, archaeology was no longer a pursuit for amateurs because it had begun to progress into a professional and scientific discipline. Intensive and systematic archaeological research mostly spearheaded by local archaeologists, especially during the past 27 years or so, has discovered many new sites and produced significant results that deepen our knowledge of the prehistory of Malaysia (Saidin 1997, 2010; Barker 2005, 2013; Majid 2003; Taha 2007; Chia 1997, 2001, 2003a; Sabtu 2002; Bellwood 1988; Datan 1993; Rahman and Yatim 1992; Leong 1980).

This period also witnessed increasing need by the government to tackle protecting and conserving the country's archaeological heritage. Some of the major challenges include threats from economic development such as the construction of highways, roads, and dams; urban development; quarrying; and agricultural activities. There are

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also conservation issues and challenges faced by museum and heritage departments, new problems introduced by heritage tourism, and issues associated with the establishment and implementation of legislation to protect and safeguard the country's archaeological heritage. This chapter will provide an overview of the issues and challenges facing Malaysia, and the policies and actions it is taking to address these challenges and problems common to heritage managers throughout the world.

Threats to Archaeology from Development Activities

The archaeological heritage of Malaysia is increasingly threatened not only by natural and temporal factors but also by human activities such as the construction of highways, roads, and dams; urban development; guano digging; quarrying; and agricultural activities. Although legislation was established to protect and safeguard the country's archaeological heritage after 1957, the implementation of these laws has been generally poor, especially prior to the late 1990s. This section will chronicle some of the more important examples of these problems.

From the early 1950s to the late 1990s, guano digging (and to some extent treasure hunting and looting) has been the main cause of destruction of archaeological sites located in caves all over the country, especially large-scale digging done in archaeologically significant caves such as the Niah Caves, Sarawak, and caves in the Lenggong Valley, Perak. Guano, the excrement from cave-dwelling bats and birds and one of nature's best organic fertilizers, traditionally had been harvested for local consumption by farmers.

Prior to the late 1990s, the lack of awareness and the low priority placed on the importance of preserving and safeguarding archaeological heritage in Malaysia has led to the damage of many sites and artifacts. Quarrying limestone hills, for instance, has been a major conservation issue because many caves or rock shelters of archaeological significance have been damaged or destroyed, especially in the northern region of Peninsular Malaysia. One good example is the rock shelter site of Gua Badak in Lenggong, Perak, which was approved for quarrying by the state Department of Land Survey in the 1980s. This rock shelter contained ancient cave paintings and parts of the rock art were destroyed during quarrying before a report was made to the Department of Museums Malaysia and action was taken to stop the project. In 2007, another important archaeological site on Balambangan Island, off Kudat, Sabah was also under threat of being destroyed by limestone quarrying and deforestation for the opening of oil palm plantations (Gunsika 2007). Fortunately, it was promptly rescued by the World Wide Fund for Nature Malaysia, Sabah Museum Department, and other nongovernmental organizations.

The construction of highways, roads, gas pipelines, and dams that involve major excavations continues to threaten archaeological heritage in the country. A majority of these projects have been carried out without any form of archaeological impact assessment, which has yet to be made mandatory by the Malaysian government. Most companies appear to be unaware of the likelihood of archaeological discovery

due to the lack of literature on the existence of archaeological sites. Because there currently is no penalty for failing to report the discovery or damage of sites, archaeological finds often go unreported for fear that they might delay and increase the cost of development projects. The state, museum, and heritage authorities usually do intervene or stop projects when sites are reported to them.

The construction of the Gerik-Kuala Kangsar highway in Perak in 1996 is an excellent example of such a threat. Ancient stone tools were dug out accidentally during construction work on the highway at Bukit Jawa, Kampung Gelok, Lenggong. A local villager who had worked for many years with the Centre for Global Archaeological Research at the University of Science Malaysia in Penang, recognized these stone tools and reported the discovery to the Centre. Subsequently, the Department of Museums and Antiquities Malaysia and the Public Works Department of Perak issued a stop-work order to allow archaeologists from the center to conduct a rescue excavation, which eventually led to the discovery of one of the oldest Paleolithic sites in the country (Majid 1997). In another example, between 1978 and 1985, several limestone hills containing caves of archaeological importance are believed to have been lost underwater during the construction of a dam at Kenyir Lake in Ulu Terengganu (Price 2002).

There also are continued threats from agricultural activities, in particular large-scale land clearing for oil palm plantations. Land clearing has disturbed deposits of stone stools at several areas, such as the sites of Kota Tampan, Bukit Jawa, and Bukit Bunuh in the Lenggong Valley, Perak. Since 2005, the Department of National Heritage has been proactive in getting many of the archaeological sites in the Lenggong Valley listed and protected as National Heritage sites. In 2012, the Archaeological Heritage of the Lenggong Valley was inscribed and safeguarded as a UNESCO World Heritage site. Another archaeology-rich area affected by agricultural activities is the Bujang Valley, Kedah, in particular the site of Sungai Batu where our Centre for Global Archaeological Research has been conducting research since 2007 (Chia and Andaya 2011). Many of the monuments and ancient iron smelting sites in Sungai Batu have been damaged by large-scale clearing and tilling of land for rubber and oil palm plantations.

In recent years, the Department of National Heritage has taken steps to protect this site by acquiring more than 30 ha of land (Khalid Syed Ali, Director of Archaeology, Department of National Heritage, pers. comm., 15 August 2015). The Department of National Heritage in collaboration with the local Kedah state government had also proposed to turn Sungai Batu into a National Heritage Park in order to protect it from impending development and damage (Kamini 2014). The Department of National Heritage and the state heritage authorities of Perak and Kedah often held dialogs and meetings with the local authorities, plantation, and land owners as well as local villagers in order to educate these stakeholders and seek their cooperation in protecting and safeguarding the archaeological heritage of the Lenggong and Bujang Valleys.

Changes in religious values or beliefs have also threatened archaeological sites, as in the case of megalithic sites in the Kelabit Highlands of Bario, Sarawak. A majority of the native Kelabits in Bario embraced Christianity during the 1940s and renounced

the worship of these stone structures. The Sarawak Museum Department had to intervene in order to stop the intentional destruction of these ancient monuments (Ipoi Datan, Director of Sarawak Museum, pers. comm., 10 November 2014).

Conservation Challenges Facing Museums and Heritage Departments

Authorities such as the Museum Department, established since the nineteenth century, and the Department of National Heritage, created in 2005, exist to preserve and conserve archaeological heritage in the country. Currently, however, there is a shortage of well-trained conservators in Malaysia. At present, museum technical staff mostly carry out basic cleaning and maintenance of archaeological sites and artifacts. They have little technical knowledge to tackle new problems in preservation and conservation in a tropical environment. The task of saving and conserving archaeological sites and artifacts is made more challenging by the hot and humid climate, which often speeds up the process of deterioration of sites and artifacts. In particular, rock art sites such as Kain Hitam in Niah and Gua Tambun in Perak (Harrisson 1958; Tan and Chia 2010) often are not protected and are exposed to the elements as well as to invasive vegetation such as algae and mosses.

During archaeological excavations, fragile artifacts that need immediate on-site attention are often not given proper conservation treatment due to time constraints and the lack of expertise. Instead, dry cleaning or cleaning with water is generally done at the site. Conservation after excavations usually involves preventive treatment—cleaning and treating artifacts to reduce the rate of deterioration. Rarely will curative conservation or restoration be carried out except for display purposes. The importance of the finds and the availability of technical expertise determine whether they will be conserved in laboratories postexcavation. Most archaeological finds will only undergo basic cleaning before being studied, exhibited, or kept in the store rooms of museums.

The lack of storage space and the poor preservation conditions in museums or universities are still huge problems in Malaysia. Each year, considerable quantities of artifacts are recovered from archaeological surveys and excavations, which create great cataloging and storage problems. More often than not, artifacts are not carefully cataloged and end up in cardboard or plastic boxes. Additionally, the environments of many museums in the country are not conducive to the preservation of artifacts, especially organic artifacts. Artifacts are usually stored in unstable conditions (air-conditioners are only turned on during office hours, about 8 h a day, resulting in fluctuations of temperature and humidity), which is detrimental to the artifacts. Other factors such as air pollution, chemical action of light, and biodegradation caused by fungus and insect attack have also brought about the deterioration of these materials.

In order to protect and in some cases to save archaeological sites and artifacts, proper site maintenance, monitoring, conservation treatment, and proper storage may be required. Given that an archaeological site is often discovered in an advanced state of deterioration, protection and preservation become a challenging task. Furthermore, archaeological excavation is destructive and the removal of artifacts from sealed deposits has often resulted in abrupt changes to their ambient conditions, exposing them to high temperature and humidity that, especially in tropical countries like Malaysia, can cause further damage. It is therefore imperative that excavated artifacts receive the necessary care and attention by trained conservation staff of the museums or universities. Unfortunately, this has often not been the case in Malaysia due to the lack of funds and trained personnel to provide proper conservation and storage of the considerable amount of artifacts.

Challenges from Heritage Tourism

Archaeological sites, museums, and parks have been developed for tourism in the Niah Caves of Sarawak, the Lenggong Valley in Perak, the Bujang Valley in Kedah, and Bukit Tengkorak in Sabah (Chia 2010). These four areas are among the most important and best known archaeological resources in the country, but the development of these sites for tourism has also created issues and challenges in management, conservation, and protection of archaeological heritage that are illustrative of the situation in Malaysia.

At the Niah Caves for instance, archaeological research conducted since the mid-1950s has produced some of the most significant findings and knowledge about Malaysian history (Barker 2005, 2013; Barker et al. 2002; Majid 1982; Harrisson 1957, 1958). These include the oldest human skull thus far found in the country, dating back some 40,000 years ago, and also about 166 human burials from the pre-Neolithic and Neolithic periods associated with pottery, stone artifacts, and food remains (Harrisson 1967). The Niah caves also contained unique rock paintings and boat burials dating back 1000–2000 years ago (Harrisson 1958). In order to attract more tourists to the caves, the Niah Archaeology Museum was built on site in 1998. The Niah National Park is now managed by the Sarawak Forestry Department, but the site museum and the archaeological sites are still under the care of the Sarawak Museum Department. Management of the site museum and archaeological sites in Niah is mainly done by the Sarawak Museum with little involvement of the local Penan and Iban communities living near the Niah National Park.

Each year, an estimated 25,000 tourists visit the archaeological museum and sites in Niah (Ipoi Datan, pers. comm., 10 November 2014). To manage the persistent threats to the archaeological heritage from visitors, local guano diggers, and bird's nest collectors, the Sarawak Museum has put in place some protective measures. These include fencing of significant archaeological sites in the Niah Caves such as West Mouth and the Painted Cave which has been effective in preventing guano

diggers, as well as tourists and visitors, from entering and damaging these sites. The guano diggers, however, are allowed by the National Park and museum authorities to dig archaeologically insignificant areas in the Niah Caves. Although tourists and visitors can still view the excavated trenches and rock art through the barbed wire fences, there have been complaints that the excavated sites and rock art cannot be seen clearly from afar. In 2009, the museum addressed this issue by putting up panels, outside the fenced areas, to display information about the archaeological finds with close-up photos of the trenches, artifacts, skeletal remains, and rock art.

The Lenggong Valley in Perak, the second example, is another archaeology-rich area that has generated new and significant finds and knowledge about the prehistory of Malaysia. Since 1987, archaeological research by the Centre for Global Archaeological Research, University of Science Malaysia, Penang, has contributed significantly to knowledge on the prehistory of the Lenggong Valley, Malaysia and Southeast Asia (Saidin and Abdullah 2007; Chia and Hassan 2005; Majid 2003; Hassan 1998; Chia 1997). Most of the archaeological artifacts from the Lenggong Valley are now on display at the Lenggong Archaeological Museum in Perak, which was built by the Department of Museums and Antiquities in the Ministry of Culture, Arts and Heritage Malaysia from 1998 to 2001. Since its opening in 2003, the museum has attracted an average of about 5000–6000 visitors every month, consisting mostly of locals but also some international tourists (Nur Aidah, staff of Archaeological Gallery of Lenggong, pers. comm., 10 April 2014). In 2012, this museum was placed under the care of the Department of National Heritage and is now known as The Archaeological Gallery of Lenggong.

The museum displays, among other materials, Paleolithic, Neolithic, and metal age cultures and artifacts recovered from sites in the Lenggong Valley. One of the most important discoveries curated in the museum is "Perak Man," a 10,000-year old skeleton found in Gua Gunung Runtuh, Lenggong, Perak (Majid 1994, 2005). One of the most complete skeletons of the Paleolithic period found in Southeast Asia, Perak Man has received wide attention and media coverage and has been exhibited in many parts of the country as well as in Tokyo, Japan. Because of its importance, Perak Man has been preserved in a controlled environment for the last 25 years (Chia and Sam 1994; Chia 2005b).

Apart from the museum, the Department of National Heritage also built access roads and information panels at some of the major archaeological sites in the valley in order to attract visitors. However, increasing development and tourist arrivals in the Lenggong Valley have damaged several caves with rock art such as Gua Badak and Gua Batu Tukang in Lenggong, which have been vandalized with graffiti by irresponsible visitors. The Department of National Heritage is currently trying to solve this problem by putting up fences at several cave entrances and organizing guided tours for visitors to the Lenggong Valley.

In order to protect archaeological sites, the Department of National Heritage Malaysia prepared and submitted a dossier on the Archaeological Heritage of the Lenggong Valley to be listed as a World Heritage site by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Archaeological Heritage of the Lenggong Valley was subsequently inscribed on the World Heritage

List on 30 June 2012. In addition, the Lenggong Valley Conservation Management Plan was submitted to UNESCO in January 2014 (Dermawan 2014). The management plan includes provisions for ground and site protection, tourism management, monitoring and documentation, financial management, governance, outreach management, archaeological research, conservation, risk management, and site maintenance. The government has proposed to acquire 1814 ha of land in stages to ensure the sites are well protected. Some of this land is already owned by the government while other areas are privately owned. However, a recent study of the contemporary conservation and management of the Lenggong Valley revealed an emphasis on archaeological meanings and values of the area by heritage professionals and disregard for the other social and heritage values associated with the local community (Goh 2014). This study, focused on the cave sites of Gua Gunung Runtuh, Gua Kajang, and Gua Harimau, urges greater recognition of the social significance of the caves and local values as well as more consultation and inclusion of the local community in the management planning of the Lenggong Valley.

The third archaeologically important area relevant to this discussion is the Bujang Valley, where archaeological research, begun in the 1840s by British colonial officers and continued in the 1970s by local archaeologists and historians, has revealed the presence of an early civilization dating from the third to the fourteenth centuries CE (Sabtu 2002; Rahman and Yatim 1992; Leong 1980). Among the findings were Hindu-Buddhist temple structures and artifacts such as statues, stone inscriptions, ceramics, coins, beads, and glass artifacts. Briefly, the research showed that the Bujang Valley was an early center of the Sriwijaya Kingdom during the seventh century CE as a result of maritime trade with China and India, and it was an important entrepôt in the ninth or tenth centuries CE. Recent research has shown that Sungai Batu was once the settlement of the earliest kingdom in Kedah, dated to the first millennium CE (Chia and Andaya 2011).

In 1978–1980, the Bujang Valley Archaeological Museum was built by the National Museum to display the finds and artifacts unearthed from the different sites in the Bujang Valley. According to the Department of Museums Malaysia's annual reports (JMM 2015), the Bujang Valley Archaeological Museum received about 140,000–160,000 visitors during 2011–2013, mostly local tourists. Some of the issues at the Bujang Valley include the lack of site monitoring and damage to sites by urban development, visitors, and looters. There are currently more than 100 open-air sites, including ancient Buddhist or Hindu temple ruins, ancient jetties, and iron smelting sites. Protecting and monitoring these sites in the Bujang Valley remains a challenge because it is a vast archaeological area covering approximately 224 km^2 in the Merbok basin, bounded by Choras Hill and Jerai Mountain to the north, to the west by the Melaka Strait and to the south the Muda River. At the Sungai Batu site, there have been several reported cases of people stealing bricks from the ancient temples to be used as ritual objects or for other unknown purposes. Consequently, the researchers, local and federal authorities have had to organize 24-h security to guard the fenced sites. In another recent incident, an eighth century Hindu temple known as Candi No. 11 in Sungai Batu, Bujang Valley was secretly demolished by a housing developer (Lai and Chua 2013). The damage

was already done when the state and federal heritage authorities were informed about it because this ancient temple was located on privately owned land, like many other temples and sites in the Bujang Valley. The housing developer was subsequently fined and ordered to rebuild the ancient temple.

Fourth and finally, archaeological research at Bukit Tengkorak and other sites in Semporna, Sabah, has revealed a major ancient pottery-making site and provided new insights and hypotheses on the ancient long-distance sea trading networks in Southeast Asia and the Pacific region (Chia 2001, 2003a, b, c, 2005a, 2006, 2008; Tykot and Chia 1997; Vandiver and Chia 1997; Bellwood and Koon 1989). It also suggested the existence of early seafaring technology and movement of people westward from the Pacific to Southeast Asia during prehistoric times, 2000–3000 years before Captain James Cook explored the seaways of Southern Asia and the Pacific Ocean in 1768–79. This connection represents one of the longest sea trading or exchange networks in the world during the Neolithic period.

In 2007 and 2008, the Minister of Tourism and Culture of Malaysia became aware of the archaeological importance of Bukit Tengkorak during his visit to the site. Subsequently, he made funds available to develop this important site for archaeological tourism and an archaeological gallery was built to exhibit the research findings and artifacts from Bukit Tengkorak as well as other sites in Semporna. As a result, the number of people visiting the site has increased to between 2000 and 3000 every month (Juanis Ogak, Curator of Sabah Museum, pers. comm., 23 March 2014). However, vandalism by visitors remains a major problem at this site, where information panels placed at the site have been damaged and rock surfaces defaced by spray paint. There is also the problem of an increasing population of monkeys damaging facilities such as signboards, scavenging for food from trash bins, and frightening visitors at the site. The Sabah Museum has recently engaged the Sabah Wildlife Department workers to trap and relocate the monkeys. Apart from Bukit Tengkorak, other nearby sites such as Melanta Tutup, Bukit Kamiri, and Bugaya (Chia 2008) have also been damaged by visitors or treasure hunters who believed that these sites contain precious and valuable artifacts.

The Department of National Heritage and the Sabah Museum Department have built fences at the sites of Melanta Tutup and Bukit Kamiri and have also engaged the assistance of the local villagers to monitor and protect these sites. At the Melanta Tutup and Bugaya sites, a few of the ancient wood coffins have been damaged and partially burnt by irresponsible visitors as well. Two of these wood coffins have been relocated to the Bukit Tengkorak Archaeological Gallery for protection, conservation, and display.

Malaysian Legislation on Archaeological Heritage

Since Malaya's independence in 1957 and the formation of Malaysia in 1963, archaeological sites and artifacts have been protected under separate laws in three different regions in Malaysia, namely, Peninsular Malaysia (formerly Malaya),

Sarawak, and Sabah (formerly North Borneo). In Peninsular Malaysia, they are protected under the Antiquities Act 1976 (Act 168) and the Treasure Trove Act 1957 (Act 542), which provide for the control, preservation, and study of ancient and historical monuments, prehistoric sites, prehistoric and historic artifacts, as well as matters related to trade and export of prehistoric and historic artifacts. This act required that approval from the Director-General of the Department of Museums and Antiquity Malaysia is needed in order to excavate archaeological sites and artifacts. In March 2005, the Antiquities Act 1976 and the Treasure Trove Act 1957 were repealed and replaced by the National Heritage Act 2005 in order to provide better protection of archaeological and cultural heritage in Malaysia under the Department of National Heritage, Ministry of Tourism and Culture Malaysia.

In Sarawak, archaeological sites and artifacts are now regulated by the Sarawak Cultural Heritage Ordinance 1993, which replaced the Antiquity Ordinance Cap. 134 (1958 Ed). This ordinance provides for the preservation of antiques; monuments; and sites of cultural, archaeological, architectural, artistic, religious or traditional interest, or value for the benefit of the state and as a heritage of the people. In Sabah, the Antiquities and Treasure Trove Enactment No. 11 of 1977 provides for the control and preservation of ancient and historical monuments, archaeological sites and remains, antiquities, and other cultural properties of national interest. This legislation has been amended and replaced by the Antiquities and Treasure Trove (Amendment) Enactment 2006. In addition, archaeological sites can be declared as Cultural Heritage under the Cultural Heritage Enactment (Conservation) 1997.

Apart from these principal laws, there also are other laws in the country to gazette properties (compulsory land acquisition by the government) in order to protect archaeological sites, such as the National Land Code 1965, Sabah Land Ordinance (Cap 68) 1950, and the Sarawak Land Code (Cap 81) 1958. In addition, the customary laws of the native populations have been used to protect the land, heritage, and way of life of the Indigenous minority groups in Malaysia. These laws include the Aboriginal Peoples Act 1954 (incorporating all amendments up to 1 January 2006) in Peninsular Malaysia; the Native Court Ordinance, 1992 (Ord. 9/92) and the Native Customary Laws Ordinance (cap. 51) in Sarawak; and the Native Courts Enactment 1992: Native Courts (Native Customary Laws) Rules, 1995 in Sabah.

Despite this protective legislation, these laws need to be improved to keep up with the changing political and economic situation in the country. There is an urgent need to define archaeologically sensitive areas and amend existing laws to make archaeological impact assessment (EIA) mandatory before the commencement of any large-scale projects such as quarrying, the construction of dams and highways, deforestation, or the opening of large tracts of land for oil palm plantations. At present, the environmental impact assessment for development projects is controlled and governed separately and differently by each of the states in Malaysia. In order to have more uniformity and better control over decisions regarding the need for EIAs for development projects, the Ministry of Natural Resources and Environment Malaysia is currently considering placing all EIA projects under the authority of the federal government. To date, however, the inclusion of an archaeological impact assessment is not mandatory in Malaysia.

A recent example is the proposed quarrying of limestone hills in the Chiku area, Kelantan. A member of a nongovernmental organization visited the limestone hills and found the area to be of archaeological significance, but the EIA submitted by the ASN Cement Company for quarrying did not include any archaeological study (Tan 2015). According to Khalid Syed Ali (pers. comm., 11 August 2015), after the significance of the area was reported in the national newspaper, the Kelantan State government declared the EIA report invalid while the Ministry of Natural Resources and Environment Malaysia requested the Department of National Heritage to conduct an archaeological assessment of the Chiku area. The approval of this project is still pending, awaiting the evaluation of the archaeological assessment report of the Chiku limestone hills by the EIA committee of the Ministry of Natural Resources and Environment Malaysia. In order to prevent such an incident from recurring, the EIA committee under the Ministry of Natural Resources and Environment Malaysia should include a representative from the Department of National Heritage who has knowledge of the archaeology of the country.

Nevertheless, awareness of the importance and the need to save the country's archaeological and historical heritage from further destruction has slowly become more apparent during the last 10 years. During this period, several major development projects in the country have begun to include archaeology in their EIA studies. Examples are the Archaeological Impact Assessment of the PETRONAS (Petroliam Nasional Berhad) Gas Utilization Project in Peninsular Malaysia from 1989 to1995 and the construction of the Bakun and Murum dams in Sarawak in 1994–1995 and 2010, respectively. During the construction of the PETRONAS Gas pipelines, three megalithic sites in the Negri Sembilan–Melaka area were rescued in 1989, and relocated initially to Kuala Lumpur and subsequently to Putrajaya (Majid 1993).

The Sarawak government has also taken into consideration the involvement of Indigenous peoples and the protection of their cultural heritage, values, and rights. This is especially the case when development projects directly affect the indigenous communities, as did the construction of the Bakun and Murum hydroelectric dams in Sarawak. The EIA study includes an archaeological component for the identification and relocation of the ancient burial grounds, sacred sites, and old longhouses of the Kayan, Kenyah, Penan, and other native communities affected by the dams. The customary laws of these Indigenous populations (the Native Customary Laws Ordinance [cap. 51] in Sarawak) have been used to support requests for compensation and other matters related to the relocation and flooding of their homelands.

Discussion and Recommendations

Given the threat of archaeological site destruction due to the rapid pace of economic development in Malaysia, there is an urgent need to manage and balance the need for conservation, development, and tourism in archaeologically rich areas. Proper management of archaeological sites will not only ensure long-term and sustainable economic benefits for everyone, but it will also provide protection and conservation

of the archaeological sites. One of the most important issues that must be addressed immediately is the need for the creation of a master management plan for the archaeological heritage of the country, based on international standards set by the UNESCO World Heritage Center, ICCROM, ICOMOS, and IUCN. The complex and continuous interaction between people and archaeological heritage requires the engagement of a broader group of stakeholders, including a wide range of individuals with different backgrounds and expertise. The use of an integrated approach is imperative for this management plan to succeed because it requires the support and participation of the federal, state, and local governments; archaeologists; museum and heritage personnel; conservators; nongovernmental heritage organizations; and the local communities.

In Malaysia, there is currently an attempt by the Department of National Heritage to use such an integrated approach in managing the UNESCO World Heritage site of the Lenggong Valley, but whether it works or not remains to be seen in the next few years. Such an ideal approach is rarely balanced, as is illustrated by the situation of the World Heritage site of Luang Prabang in Laos (see Labadi, Chap. 4 this volume) due to problems such as establishing channels of communication, generating income, and ensuring participation in decision making, all of which depend upon the political and economic environment of the country (see Aas et al. 2005).

Since its establishment in 2005, the Department of National Heritage under the Ministry of Tourism and Culture Malaysia has taken numerous measures to protect and safeguard the cultural and archaeological heritage of the country. Archaeological sites and artifacts, however, are seldom discovered in a well-preserved state. They are among the most vulnerable aspects of human cultural heritage and have suffered extensive damage. Archaeological excavations are destructive, and efforts by responsible archaeologists and local authorities to conserve the sites after digging can be very expensive, especially if the excavation site covers a large area and is rich in archaeological remains. Ideally, the ethic of stewardship accepted by many archaeologists requires that all sites be preserved and conserved, but many limiting factors, such as budgets, expertise, and mitigation costs often make it impossible to preserve all the sites under threat of destruction. In light of these problems, archaeological sites in Malaysia that are less significant or redundant should be backfilled after excavation, which unfortunately is not a common practice in Malaysia. In addition, priority for preservation and protection should be given to sites with important archaeological discoveries.

This has been attempted since 2005 by the National Heritage Department, with the assistance of local archaeologists, which has placed the most important and archaeologically significant sites or artifacts on the National Heritage List, while those that are important are put on the Heritage List. Initially, six archaeological sites in Peninsular Malaysia (Bukit Jawa, Gua Gunung Runtuh, Kota Tampan, Sungai Batu, Bukit Bunuh, and Gua Batu Tambun) and two tangible cultural objects (the Perak Man skeleton and Bukit Bunuh handaxe in Suevite) have been registered on the National Heritage List and one site (Gua Badak in Perak) has been placed on the Heritage List. Recently, another five archaeological sites (Gua Harimau, Gua Teluk Kelawar, Pulau Kalumpang, Johore Lama Fort, and Pengkalan Kempas) have

been added by the Minister of Tourism and Culture Malaysia to the National Heritage List (Khalid Syed Ali, pers. comm., 11 August 2015). Most importantly, the Department of National Heritage's initiative to get the Archaeological Heritage of Lenggong Valley recognized as a UNESCO World Heritage site in 2012 is commendable and a positive step toward the protection and conservation of archaeological heritage in this country.

In Sabah, four archaeological sites (Bukit Tengkorak, Agop Batu Tulug, Lumuyu, and Tingkayu) have so far been gazetted and the first three sites have been declared as Cultural Heritage under the Cultural Heritage Enactment (Conservation) 1997. In Sarawak, archaeological sites in the Niah Caves were first gazetted as part of a National Historical Monument in 1958, and in 1974 some 3100 ha of surrounding rainforest and limestone were included to form the Niah National Park.

However, the responsibility for protecting the nation's archaeological heritage cannot rest solely with the Department of National Heritage. State heritage and local tourism authorities and councils, and the public must play their roles as well, so that the preservation of the archaeological heritage in Malaysia can be further improved, and more effective preservation, protection, and management policies and implementation can be carried out. All states must have their own list of archaeological sites and the relevant state authorities must take up the responsibility to protect them, especially the local state councils that approve and issue permits for urban and land development projects. In the Malaysian context, it is vital to set up management committees comprising representatives from all the stakeholders such as the federal and state heritage and tourism authorities, local councils, and the affected villagers so that issues and conflicts over matters such as budget, manpower, ownership, and policies can be discussed and resolved as far as possible.

There is also an urgent need to create and promote public awareness of the importance of preserving and conserving archaeological sites and artifacts in the country. The lack of such awareness has often led to the destruction of archaeological sites, especially when the sites to be developed are located on privately owned lands. Ideally, the state or federal government should purchase land with important archaeological heritage but, more often than not, both the state and federal governments cannot afford to pay hundreds of millions of ringgit to buy up these lands.

A less expensive and effective way to get around this problem is perhaps to put in more effort to educate not only the policy makers and the authorities but also the public, including the developers, on the importance and need to protect our cultural heritage. The National Heritage Department, for instance, has been proactive in holding dialog sessions and seminars with the local councils, developers, and villagers in the Lenggong Valley to discuss land use and development in the core and buffer zones of the archaeological sites of the valley. In this respect, archaeological tourism can also play a significant role in educating the public about the "Do's and Don'ts" at sites and the importance of protecting sites and artifacts, especially when trained tour leaders take tourists or government officials to visit archaeological sites.

Although there is already legislation in place at both the federal and state levels to protect and safeguard the archaeological heritage of the country, sites and artifacts continue to be damaged or destroyed during major construction work,

such as for highways, roads, and dams, as well as work related to urban development, guano digging, quarrying, and agricultural activities. Changes have been made to protective laws and measures in order to keep up with changes in the country. The Department of National Heritage, an agency under the Ministry of Tourism and Culture Malaysia was established on March 1, 2006, under the National Heritage Act of 2005. The Department is responsible for the conservation and preservation of the national and natural heritage, tangible and intangible cultural heritage, underwater cultural heritage, and treasure trove (defined to be money, coin, gold silver, plate, bullion, jewelry, precious stones, or any object or article of value, excluding tangible cultural heritage, found hidden in, or in anything affixed to, the soil or the bed of a river or lake or of the sea, the owner of which is unknown or cannot be found).

However, despite these changes in legislation, there are still problems when it comes to the implementation and enforcement of the laws because of the lack of enforcement staff to monitor the large number of archaeological and cultural sites spread all over the country. Some of the archaeological sites are rather inaccessible, located deep in the rainforests, and therefore difficult to monitor. In such cases, some museums like the Sabah and Sarawak Museums have employed the assistance and services of local villagers to monitor and protect the sites. However, local villagers and heritage and museum officers are not empowered or authorized to arrest offenders and have to rely on the police force to do so. Perhaps heavier penalties should be imposed to deter offenders. At present, the maximum penalty for any person who commits an offence is only imprisonment for a term not exceeding 5 years or a fine not exceeding 50,000 ringgit (approx. US$12,900) or both.

In addition, funds should be made available for training and facilities in conservation. Preferably each state museum in the country should have at least one well-trained conservator, a conservation laboratory, and proper storage facilities. An example is the Conservation Centre that was set up recently by the Department of Museums Malaysia in Kuala Lumpur. Elsewhere, the Sarawak Museum Department is currently in the process of building proper conservation and storage facilities for its collections. To be cost effective, available expertise and human resources should be consolidated. The National Heritage Department and the Department of Museums Malaysia have to initiate and establish channels of communications to encourage cooperation among archaeologists, conservators, museum curators, tourist guides, and local communities in order to minimize damage to archaeological sites and artifacts during site development.

It is to be hoped that future archaeological research will continue to unravel more of Malaysia's prehistory. It is crucial that relevant authorities like the state and federal museums and heritage departments step up their efforts to work with the local villagers in monitoring and managing archaeological research and development. The most important and significant archaeological and cultural heritage sites in Malaysia, such as those in the Lenggong Valley, Bujang Valley, Nenggiri River Valley, Niah Caves, and Sabah's east coast must be prioritized for preservation and protection for the benefit and knowledge of future generations.

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Chapter 4
UNESCO, World Heritage, and Sustainable Development: International Discourses and Local Impacts

Sophia Labadi

Introduction

World Heritage as a tool for sustainable development has almost become a slogan. It was the theme of the 40th anniversary of the World Heritage Convention and the Director General of UNESCO, Irina Bokova, has repeated in many speeches that "heritage is a building block for sustainable development," including her presentation at the opening of the 2011 session of the World Heritage Committee (Bokova 2011). Yet, does conservation and management of World Heritage lead to sustainable development? The first section of this chapter charts the different and at times contradictory understandings of the relationship between heritage and sustainable development in the 44 years since the adoption of the World Heritage Convention. It will start by considering the text of the convention itself and will identify the different implicit understandings of the connections between heritage and sustainable development. The second section will analyze whether and how sustainable development principles have been integrated within World Heritage processes. The third section of this chapter analyzes case studies of the World Heritage site of the town of Luang Prabang (Laos) and the World Heritage site of Liverpool-Maritime Mercantile City (United Kingdom) in order to highlight the difficulties and issues associated with implementing sustainable development principles on the ground.

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World Heritage and Sustainable Development:
Setting the Scene

Sustainable development is usually defined, in the words of the World Commission on Economic Development (the "Brundtland Report"), as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (WCED 1987, Paragraph 27). In other words, a sustainable development approach is about sustaining finite resources necessary to provide for the needs of present and future generations of life on the planet. Sustainable development is often associated with finding a balance among the three pillars of sustainable development—economic, social, and environmental sustainability—that were adopted at the Earth Summit in Rio de Janeiro in 1992 (Spenceley 2008:1; United Nations 1997). More recently a fourth pillar, peace and security, has been added to this traditional trio (UNCSD 2012:24).

It is often believed that the mere protection of heritage sites or the natural environment is in itself fulfilling a sustainable development objective (UNESCO 2015:5). This is particularly true for World Heritage sites, often iconic tangible places that are listed for their outstanding universal value and which create outcry when they are destroyed (see, for instance, the case of the destruction of sites in Syria, Shaheen 2015). Yet, too often sites are being protected on their own, without any relation to meeting the needs of the present. Tipaza in Algeria is one such case in which the World Heritage site is protected on its own and separated from its wider contemporary environment.

However, this chapter discusses more holistic and complex approaches to heritage conservation as a contributor to sustainable development, approaches that have dominated World Heritage debates since the adoption of the 2002 Budapest Declaration (UNESCO 2002). At the heart of this more holistic approach is whether and how the protection of World Heritage sites contributes to providing for the needs of present generations without compromising the ability of future generations to meet their own needs. The reduction of inequalities is at the heart of such an approach (UNCSD 2012:42). Whether and how local populations participate in and benefit from heritage protection becomes a key consideration of this approach. If local communities are excluded, then who benefits from the protection of heritage and how?

The definitions of sustainable development and its associated pillars have also been highly criticized. What are the needs of present generations? Who defines those needs? The two case studies discussed later have been selected because they illustrate different understandings of the needs of present and future generations and associated models of development held by different stakeholders. The example of the Liverpool World Heritage Site also highlights what happens when attempts to use heritage to meet the needs of present generations fail and a new strategy needs to be found to ensure economic growth and the reduction of poverty. The pillars of sustainable development themselves have often been criticized as paradoxical aggregations that attempt to bring together fields with contradictory objectives and methods (Labadi 2013:99; Flipo 2005:1). The economic pillar, related to fighting poverty and

providing jobs for local populations can, for instance, be in contradiction with protecting the environment and natural heritage. How these contradictions have been addressed at international and local levels is considered at length in this chapter. This is all the more relevant to consider as World Heritage sites are often nominated by national governments as a way of encouraging tourism and increased economic activity, not necessarily as a way of building sustainable development.

Back to the Origins

The aim of the Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention or the Convention), adopted by UNESCO in November 1972, is the identification, protection, conservation, presentation, and transmission to future generations of cultural and natural heritage of outstanding universal value (UNESCO 1972). The text of this convention does not mention directly the term "development" or "sustainable development." This is understandable since the Brundtland Report, which articulated the notion of sustainable development for the first time, was only adopted in 1987 (WCED 1987). Yet, three different understandings of development seem to be implicit in the 1972 convention: heritage conservation in opposition to development, heritage conservation as sustainability, and heritage conservation as community development.

The World Heritage concept was born of out of the need to protect heritage of outstanding universal value that is threatened, among other things, by infrastructure and economic development projects. The first paragraph of the Preamble to the convention is quite clear when it stresses that:

> The cultural heritage and natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage and destruction. (UNESCO 1972)

This preamble clearly refers to the process of rapid industrialization and urbanization of the 1960s and 1970s that led to the destruction of a number of heritage sites. Implicit reference is made to the international campaign to salvage the two Abu Simbel Temples in Egypt dating from the reign of Pharaoh Ramesses II in the thirteenth century BC. These temples were moved in 1968 onto an artificial hill to protect them from being submerged after the construction of the Aswan High Dam.

The convention is thus clearly presented, from its preamble onward, as an international and intergovernmental instrument for the protection of all heritage, and particularly heritage that has been identified as having outstanding universal value, *against* modern forces of development. This is the first reference in this text to the relationship between heritage conservation and development. According to this approach, the convention can be understood to be standing in opposition to hypermodernist perspectives such as those of Harrison (2000) who argues that some culture and heritage, connected to remains of the past, are backward looking and represent obsolete views and obstacles to market-oriented development. For these

authors, in the name of capitalism and growth, some culture and heritage need to be destroyed as they stand against progress. According to these authors, countries are "underdeveloped" because, when cultural processes and heritage are considered immutable and unchanging, they prevent people from progressing into fully developed conditions (Harrison 2000). Although these views might seem totally ludicrous to heritage experts, the notion that some heritage and cultures are obstacles to development is still widely held all around the world.

For this reason, the United Nations Development Programme (UNDP) found it important to debunk the myth that some aspects of culture and associated heritage are more likely to prevent progress than others. It did so at the beginning of the flagship Human Development Report, Cultural Liberty in Today's Diverse World (UNDP 2004:4). This report traces the origin of this myth to the work of Max Weber, for whom the protestant ethic was key to the success of capitalist economies (Weber 1930). Yet, as clearly detailed in this UNDP report, other cultures also have supported progress and capitalist growth, and have not stood against it. For instance, Confucian values and their associated cultural manifestations and heritage did not prevent the impressive economic growth of Eastern Asian countries such as Japan or South Korea (UNDP 2004:5).

However, other parts of the convention do not necessarily oppose heritage against development. What I call "Heritage as sustainability/sustainable development" is the second reference found in the text of the convention. This is clear from Article 4, which recognizes that heritage should be identified, protected, and transmitted to future generations. This idea of protecting finite resources for future generations and of intergenerational equity was echoed, 12 years later in the Brundtland Report, which proposed long-term environmental strategies for achieving sustainable development by the year 2000. The World Heritage Convention might therefore be considered as a precursor to the Brundtland Report's implication that governments need to develop novel approaches to growth that take into account and protect nonrenewable resources (for similar arguments, see for instance, Boccardi and Scott 2014; Roders and von Oers 2011). This approach clearly reflects some of the dominant ideas of the beginning of the 1970s, including the potentially damaging effects of exponential growth. It is quite revealing that the book commissioned by the Club of Rome, The Limits to Growth (Meadows et al. 1972), which clearly warns against unsustainable growth trends, was released in the same year as the adoption of the World Heritage Convention. The Convention thus promotes two models: first, the protection of heritage against the modern sources of development (opening paragraphs of the preamble); second, promotion of the protection of heritage as part of sustainable and virtuous growth process that fully respects the concept of intergenerational equity.

Furthermore, the Convention implicitly refers to the notion of community development. Jones and Silva (1991) consider community development as including collective actions, problem solving, and community building, such as the ability for individuals to participate freely in the life of their communities and to build and express their own cultural identity. Article 5 of the Convention clearly recognizes the important role often played by cultural heritage in the life of individuals and communities and in strengthening cultural identity. This concept of development is

quite removed from the notion of infrastructure and economic development, which too often excludes individuals and communities. Although implicit at this stage, as discussed later, the linkage of World Heritage to community development became explicit within a few years when the Budapest Declaration was adopted in 2002. Of course, notwithstanding the implicit link between heritage and community development in Article 5, the original convention was not much concerned with local communities' involvement. Indeed, as Wole Soyinka reminded us in his keynote presentation opening the 30th anniversary of the World Heritage Convention in 2002, only the Abu Simbel monuments were preserved when the Aswan Dam was constructed (Soyinka 2002). Scientific experts offered alternative solutions that would also have saved the intangible cultures of the Nubians, maintaining the link between the present populations and their monuments (Soyinka 2002:28–31). Unfortunately, these alternatives were rejected.

This first section has focused on the text of the World Heritage Convention itself and argues that this document highlights three understandings of heritage and development: heritage conservation as opposed to development; heritage conservation as sustainability/sustainable development; and finally, heritage protection as community development. The next section will analyze the different understandings of sustainable development used by the Committee and its Secretariat, the World Heritage Centre, as well as efforts to integrate sustainable development principles within World Heritage processes.

World Heritage Processes and (Un)sustainable Development?

Sustainable development first became officially associated with the process for identifying and managing World Heritage Sites in 2002. This is rather late, considering that the Convention was adopted years earlier out of concern for unsustainable infrastructure development and amid calls for more sustainable approaches to growth. The Budapest Declaration is the first official document adopted by the World Heritage Committee, at its 26th Session in 2002, concerning heritage and sustainable development. This declaration expresses the need to ensure an appropriate and equitable balance between conservation, sustainability, and development, so that World Heritage properties can be protected through appropriate activities contributing to social and economic development and the quality of life of our communities (UNESCO 2002:4). This declaration refers to sustainable development in terms of economic growth and social equity, which are linked to the three pillars of sustainable development—economic, social, and environmental development—adopted at the Earth Summit in Rio de Janeiro in 1992.

The Budapest Declaration led to more direct references to the concept of sustainability and sustainable development in official documents relating to the implementation of the Convention. For example, the 2005 revised version of the Operational Guidelines for the Implementation of the Convention states that "the protection and conservation of the natural and cultural heritage are a significant

contribution to sustainable development" (UNESCO 2005:Paragraph 6). This version of the Operational Guidelines further recognizes (Paragraph 119) that World Heritage properties "may support a variety of ongoing and proposed uses that are ecologically and culturally sustainable." Furthermore, this 2005 version of the Operational Guidelines specifically notes the importance of community participation and recognition of local community members as key stakeholders (Paragraph 12). The Operational Guidelines were further revised in 2011, particularly Paragraph 119, to highlight the important contribution of World Heritage to the "quality of life of communities concerned" and to the importance of local communities and stakeholders as "necessary conditions to the sustainable conservation, management and presentation" of properties (UNESCO 2011a).

The importance of local communities was further recognized when the World Heritage Committee chose "World Heritage and Sustainable Development: The Role of Local Communities" as the theme for the celebration of the 40th anniversary of the Convention in 2012. More than 100 events were organized around the world to celebrate this anniversary. A key result was the "Kyoto Vision," adopted in November 2012, which reiterated the importance of Article 5 of the Convention and highlighted that, without an integrated social, economic, and environmental approach to the implementation of the convention that would pay particular attention to vulnerable groups, the outstanding universal value of World Heritage sites will be difficult to maintain in the long run (UNESCO 2012a).

In parallel, two meetings were organized in Brazil to further explore the relationships among World Heritage, conservation, and sustainable development. The first one was in Paraty in 2010 (UNESCO 2010), the second was in Ouro Preto in 2012 (UNESCO 2012b). Participants at these meetings recognized that uncontrolled development is one of the most significant threats affecting World Heritage sites. They recommended the preparation of guidance on the integration of sustainable development issues within conservation and management strategies or the revision of the Operational Guidelines to incorporate issues related to sustainable development (UNESCO 2010:7).

In line with these recommendations, the World Heritage Committee, at its 2012 session, requested the development of "a proposal for a policy on the integration of sustainable development into the processes of the World Heritage Convention, for possible inclusion in the future Policy Guidance document" (UNESCO 2012c). This is historic, as this was the first time that the committee requested the integration of sustainable development principles into the processes of the convention. Despite all the previous meetings, declarations, and visions, no real effort had been made to transform the convention into a sustainable development tool until this request. This lack of effort to integrate sustainable development principles within the mechanisms of the convention and the guidelines for its implementation has meant that the latter are not in line with the principles and documents presented in the preceding paragraphs. This is quite ironic, considering the substantial number of high profile events on the theme of World Heritage and sustainable development organized over the past 12 years since the adoption of the Budapest Declaration.

The treatment of local populations in the operational guidelines is a good example of this paradoxical situation. As highlighted earlier, UNESCO has recognized local communities as being at the heart of sustainable development, as testified to by the wording of paragraphs 12 and 119 of the latest version of the Operational Guidelines. In addition, in 2007 the full participation of communities was recognized as one of the five objectives guiding the implementation of the Convention (UNESCO 2007). Furthermore, participants at the 2010 Paraty meeting requested that the official form for nominating sites for inscription on the World Heritage List fully integrate local populations' views, needs, and human rights considerations. However, these principles have not yet been integrated within this form or any other official World Heritage process. One of the few direct references to local populations, in the form to nominate sites for inclusion on the World Heritage List, presents them as a threat to the site (Labadi and Gould 2015; Labadi 2013). The author of this chapter conducted interviews at the World Heritage Centre to understand this lack of change. She was told that the request from the Paraty meeting was simply forgotten when the latest Operational Guidelines and nomination form were revised (Labadi 2013).

These documents contradicting the principles of sustainable development demonstrate clearly the importance of the 2012 Committee decision to develop a draft policy on the integration of sustainable development principles into World Heritage processes. For this draft policy, the definition of sustainable development was adapted from the document adopted at the Rio + 20 conference, Realizing the Future We Want for All (UNCSD 2012). This definition focuses on four core dimensions of sustainable development: (1) inclusive social development (including human rights, the needs of Indigenous people, and gender equality); (2) inclusive economic development; (3) environmental sustainability (including resilience to disasters and climate change); and (4) peace and security. Eight experts were appointed to cover different aspects of these dimensions and write preliminary policies. The author of this chapter was responsible for the dimension on gender equality and has been helping finalize the draft and final version of the policy. This draft policy was presented to and adopted by the World Heritage Committee at its session in June 2015. At this meeting, the Committee asked for comments on this draft text to be collected from States Parties and for the text to be revised in light of these comments. A revised version was thus produced and presented at the General Assembly of States Parties to the World Heritage Convention in November 2015. This policy was fully adopted at this meeting.

The first meeting organized to discuss this draft policy (held at Cottbus University in Germany in October 2014) raised many issues concerning the relationship between World Heritage and sustainable development. One issue concerns the paradoxical aggregation of inclusive economic development and environmental sustainability. On one hand, the principles under the dimension "economic development" detail how States Parties should encourage measures for the protection of cultural and natural heritage that promote inclusive economic development and may contribute to poverty alleviation. On the other hand, however, the expert working on "environmental sustainability" found this statement problematic, as she believed that it would encourage States Parties to maximize the

economic potential of World Heritage sites (including in regard to tourism) or to encourage unsustainable large-scale economic development in order to promote inclusive economic development.

Consider, for example, the case of the Mapungubwe Cultural Landscape, South Africa, inscribed 2003 (see also Ndlovu, Chap. 8 this volume). This site is related to the rise and fall of the earliest Indigenous kingdom documented in southern Africa between 900 and 1300 AD. The area has been threatened with opencast and underground coal mining. The State Party conducted a Heritage Impact Assessment (HIA) in 2011, subsequently transmitted to the World Heritage Centre, which concluded that the opencast mining will have no direct impact on the outstanding universal value of the property and that this project is important for inclusive economic development (UNESCO 2011b). However, UNESCO noted that no comprehensive analysis had been conducted on the impact of mining on the whole inscribed property but focused instead on specific archaeological sites within the mining area (UNESCO 2011b). This HIA indicates that any site located within the perimeters of the opencast mining area could be recorded and then destroyed. However, there is no information on the sites which will be destroyed or evidence of their value.

To ensure that such wide-scale development projects are not promoted, the draft policy on the integration of sustainable development principles into World Heritage processes urged the respect of the 'No-go' commitments made by leading industry stakeholders since 2003. (The energy company Total being the latest company agreeing to this commitment in 2014.) These companies have pledged not to explore or mine inside World Heritage properties (Bandarin and Labadi 2007:183). In addition, the policy insists on the importance of a holistic approach which considers as many as possible of the four dimensions of sustainable development covered in this policy (inclusive social development, inclusive economic development, environmental sustainability, peace and security). This will ensure that the economic aspect is not the only one considered. Finally, major economic developments are also often based on foreign capital investment and result in unequal distribution of benefits. The draft policy insists, in different parts, on the importance of local investments, and on sustainable forms of inclusive and equitable economic growth. Besides, equality and the reduction of inequalities have been defined as a clear overarching principle of this policy in order to ensure that this is a structuring idea of any sustainable development approach (UNESCO 2015:6).

An essential issue concerns the means to ensure that this policy is implemented. Indeed, after its adoption, sustainable development principles should be integrated within the Operational Guidelines and other relevant documents as requested by the Committee. This will be the first time in the history of the implementation of the Convention that States Parties officially could follow sustainable development principles when nominating or managing World Heritage sites. These principles and procedures might encourage governments and local authorities to engage seriously with a sustainable development approach to managing World Heritage. This policy and associated operational procedures might then be helpful in deciding which sites should be placed on UNESCO's List of World Heritage in Danger.

This list is a mechanism that is not particularly appreciated by States Parties and which could be used as an incentive to encourage application of this policy and the related operational procedures.

This section of the chapter has analyzed how the Committee and its Secretariat have understood and used the concepts of sustainable development over the past 40 years. It has detailed how the concept of sustainable development, understood as the three pillars of economic viability, social responsiveness, and respect for the environment, has been the subject of many resolutions, declarations, and events since 2002. Social responsiveness was even the subject of the 40th anniversary of the convention. Despite this attention by the Committee and its Secretariat, efforts to integrate sustainable development principles within World Heritage processes and implementation mechanisms only started in 2012. This took the form of a request from the Committee to draft a policy on the integration of sustainable development principles within World Heritage processes. The drafting of this policy has revealed the complexities and limitations of the concept of sustainable development. These issues will be further discussed in the last section of this chapter, which focuses on understandings of sustainable development at the site level.

Heritage and Sustainable Development on the Ground: Dream or Reality?

This final section focuses on two case studies selected for their complementarity and because they exemplify different issues with the relationships between heritage and sustainable development. The first, Luang Prabang, is a World Heritage site in Laos, a middle-income country. The second, Liverpool, is a World Heritage site in the United Kingdom, a high-income country.

Luang Prabang, is a city located in north central Laos, at the confluence of the Nam Khan and Mekong Rivers, about 425 km north of Vientiane. Until 1946, it was the royal and religious capital and seat of the government of the Kingdom of Laos. The town of Luang Prabang was inscribed on the World Heritage List in 1995 under criterion (ii) because it reflects the exceptional fusion of Lao traditional architecture and nineteenth and twentieth century European colonial style buildings; criterion (iv) because it is an architectural ensemble built over the centuries combining sophisticated architecture of religious buildings, vernacular constructions, and colonial buildings; and criterion (v) because it is remarkably well preserved, illustrating a key stage in the blending of two distinct cultural traditions (UNESCO 1995).

The case of Luang Prabang demonstrates the difficulty of installing a working model of sustainable development. This is due to the diversity of stakeholders who do not seem to coordinate their activities, whose interests are not aligned, and who face the temptation to maximize profits from tourism on a short-term basis. Four stakeholders who have had key roles since the inscription of the site on the World Heritage List are the French government and the city of Chinon, the Asian Development Bank, and the Laotian government.

Following Luang Prabang's inscription and on the suggestion of UNESCO, a decentralized cooperation project between the cities of Chinon in France and Luang Prabang was set up to develop a management mechanism and plan for the protection and development of this World Heritage property. The French parties seem to have adopted a neocolonialist attitude whereby they applied French tools to protect the heritage of the city and organize the development of its infrastructure and economy. A key element was the drawing up, primarily by French architects, of a Map for the Safeguarding and Rehabilitation of Luang Prabang and of a Territorial Development Plan that identified priorities for the development of the city as well as those quarters to be protected for their heritage significance (Chinon Development and City Planning Agency 2005). The map and plan are based on the French urban planning and regulatory systems. Millions of Euros have been poured into the repair and rehabilitation of around 30 public and private buildings of high architectural value as defined in these documents. This funding was also used for improving public infrastructure and roads, the rehabilitation of drainage systems, and the construction of public sanitation systems. In addition, Heritage House, renamed the Heritage Department in 2009, was specially created in 1997 as a technical body. It has a permanent team composed of Laotians who assist the provincial authorities in the implementation of the planning documents drawn up by the French. For all public and private projects falling within the perimeter of the map and plan, the Heritage Department is responsible for supervising the area and advising on development projects and on building and demolition permits before they are fully approved by the provincial construction service.

In parallel, the Laotian government has accepted funding and advice from the Asian Development Bank (ADB) to protect its heritage and use it for development. This has led to duplication of work with the French with problematic consequences. In particular, a parallel management structure, the Urban Development and Administration Authority, was created in 1997 by the government of Laos to manage the increasing demand for improved urban infrastructure and the environment (Asian Development Bank 2002:2). From 1998 to 2000, this structure benefited from technical and financial assistance from the Asian Development Bank. Since then, it has been responsible for urban planning and has been responsible in particular for examining and processing construction permits. In addition, it has been responsible for providing infrastructure and urban services, including solid waste management, water and sanitation, drainage, road and river bank maintenance and improvements, and the management of public parks (Yamaguchi and Vaggione 2008:3).

However, weak coordination exists between the Heritage Department and the Urban Development and Administration Authority. This has led to overlapping responsibilities, in particular as concerns the examination of construction permits. The lack of clear separation of responsibilities between these two organizations and their lack of cooperation may be the reason for the regular violations of planning regulations and a high level of illegal building activity in the safeguarded and protected zones. These illegal activities include the demolition of listed buildings and the gradual replacement of traditional two-story timber houses by concrete or timber and concrete two-story structures (Boccardi and Logan 2007:19). Destruction of the historic urban fabric with the construction of new private residences and guest houses is also occurring in the town center.

In addition, in the past few years, the Greater Mekong Subregion (GMS) has increasingly affected the heritage-led development of Luang Prabang. The GMS countries are Cambodia, the People's Republic of China (PRC, specifically Yunnan Province and Guangxi Zhuang Autonomous Region), Lao PDR, Myanmar, Thailand, and Viet Nam. In 1992, with assistance from the ADB, these six countries entered into a program of integrated subregional economic cooperation. Tourism was identified as one of the flagship sectors for development by the GMS Economic Cooperation Program, and infrastructure development was recognized as the means to achieve tourism growth. In 2007–2009, a project of preparatory technical assistance was granted by the ADB to work on the technical assessments and design requirements of the GMS's Luang Prabang Airport Improvement Project. For the actual improvement of this airport, the Laotian government contracted a concessionary loan directly from the government of the PRC because its lending conditions are minimal compared with the more stringent conditions of the ADB. Available information also refers to the construction of a high-speed railway link to China, to be financed by the latter, which started to be built in late 2015. Finally, in 2010, the ADB provided US$27 million to improve the road from Luang Prabang to the Lao–Thai border so that it meets the standard of the other GMS transport corridors. It is expected that this new road will result in a major city expansion on the right bank of the Mekong opposite the historic town of Luang Prabang destroying the visual integrity of this landscape along and surrounding the river.

The case of Luang Prabang highlights the difficulty of implementing a sustainable development approach based on heritage preservation. First, the key stakeholders—the French government and the city of Chinon, the Asian Development Bank, and the Laotian government—do not share the same agendas and interests. The French have tried to conserve and regain some of their power through the management of the colonial and Indigenous architecture using French tools and approaches in a territory that used to be part of the French colonial empire. The Asian Development Bank has been helping the government to reinforce its own administration and diversify its economy through the development of tourism and infrastructure. Finally, the Laotian government has been trying to develop massive regional tourism through the improvement of the airport and the construction of a high-speed railway link to China without necessarily taking into account the fragility of the historic environment.

These different agendas and interests have led to a lack of coordination and duplication of work among these four stakeholders, as evidenced by creation of the Heritage Department and the Urban Development and Administration Authority, the consequences of which have been the poor implementation of planning regulations. This situation is problematic because, as explained in the first section of this chapter, sustainable development approaches are based on cooperation and a holistic vision shared and implemented by all stakeholders. The case of Luang Prabang might indicate that such a vision is simply unrealistic in some instances. This case study might also highlight the current difficulty in establishing a balanced approach to economic development. Indeed, why would middle-income countries want to limit their economic growth, based on heritage and tourism, if there are no incen-

tives or no binding requirements to do so? On the other hand, if the borrowing conditions from international banks are too strict and contain too many binding requirements, governments may not borrow from them and instead turn to less demanding lenders, particularly China. This case demonstrates the importance of integrating sustainable development principles into World Heritage processes, as this would provide guidelines to governments and at the same time might provide enforcement mechanisms if respect for these principles is closely linked to inscription on the List of World Heritage in Danger.

The second case study focuses on heritage-led development in Liverpool, a port city near the industrial hub of Manchester in the United Kingdom. Liverpool illustrates the difficulty of a sustainable approach to development based solely on heritage protection, particularly for impoverished cities, even when there is one overarching stakeholder. In 2004, Liverpool-Maritime Mercantile City was inscribed on the World Heritage List under criteria (ii), (iii), and (iv). It was a major center generating innovative technologies and methods in dock construction and port management in the eighteenth, nineteenth, and early twentieth centuries, and it also is an exceptional testimonial to the development of maritime mercantile culture in those centuries, which contributed to the building up of the British Empire. In addition, Liverpool was designated European Capital of Culture in 2008. These titles testify to a strategy by its city council to use the heritage and history of Liverpool to change the city's image and socioeconomic conditions from a derelict former industrial city to a creative and dynamic territory. On this basis one might presume that the conditions were ideal for the heritage-based sustainable development of Liverpool. Indeed, the official report released on the impact of the 2008 designation of the city as the European Capital of Culture identifies significant increases in job creation (Garcia et al. 2011). Nonetheless, while the image of Liverpool has improved to a certain extent, the social and economic impacts of these titles have been contested.

Liverpool has remained the most deprived local authority in England for at least the past 7 years, according to the latest official reports on Indices of Deprivation (Liverpool City Council 2009, 2010). Other data reflect this situation: as of May 2014, Liverpool's employment rate was 61.0 %, compared with 71.5 % for the whole of Great Britain. At that date, the level of job seekers' allowance claimants was 5.1 % while claimants were 2.9 % for the whole of Great Britain, and total worklessness (a term used in the British context to include those who are unemployed, economically inactive, or claiming particular benefits) reached 18.9 % for Liverpool compared to 10.9 % for Great Britain (Liverpool City Council 2014).

These negative economic data became the reason for Liverpool to move to a new model of development that uses heritage *as a catalyst* to attract bigger investments (Ashworth 2014). This new model has taken the form of Liverpool Waters, a major redevelopment scheme of the historic docklands north of the city center that is within the boundaries of Liverpool World Heritage site and its buffer zone. Over a 30-year period and after an investment of GB£5.5 billion, this project will result in 1,278,000 m^2 of mixed-used development including residences, offices, restaurants, cafés, shops, and community services, in addition

to 413,000 m^2 of underground parking (Rodwell 2015:39). The scale and density of this proposed development has directly threatened the outstanding universal value of Liverpool World Heritage site because of two clusters of high-rise buildings, including the 192 m high "Shanghai Tower." For this reason, in 2012, the World Heritage Committee inscribed Liverpool Maritime Mercantile City on the List of World Heritage in Danger based on the threats caused by this development to its outstanding universal value.

The case of Liverpool also illustrates that the notion of sustainability and outstanding universal value may be understood differently by key stakeholders. On one hand, English Heritage and the World Heritage Committee have concluded from available reports and impact assessments that the Liverpool Waters proposal would have major negative impacts on the values of the site, primarily due to the height of the proposed buildings (UNESCO 2011c). On the other hand, the impact assessment conducted by both the developer of Liverpool Waters, The Peel Group, and by Liverpool City Council concluded that "there would be considerably more positive heritage impacts arising from the proposed development than negative impacts" (UNESCO 2011c:12). These different impact assessments with opposite results echo the example of the Mapungubwe Cultural Landscape, discussed in the first section of this chapter. Both examples highlight the difficulty of having all stakeholders agree on one definition of sustainable development. One actor might want a focus on heritage preservation, while another might prioritize economic development. These two examples also demonstrate the difficulty of establishing a clear limit of acceptable change that would satisfy all stakeholders.

The key question, though, is why the Liverpool City Council did not want to negotiate revised heights for Liverpool Waters, which would have satisfied both English Heritage and the World Heritage Committee. UNESCO and English Heritage wanted three iconic historic monuments at the center of the waterfront known as the Three Graces—the Royal Liver Building, the Cunard Building, and the Port of Liverpool Building—to act as reference points for any future development. The goal of this approach would have been to build a connection between the historic environment and the social and economic development of the city (UNESCO 2011c). According to the individual responsible for evaluating Liverpool as the European Capital for Culture (see Garcia et al. 2011), because Liverpool is still a deprived region, its council lacked bargaining power and did not want to impose too many constraints on the developer (Beatriz Garcia, pers. comm., 2014). Furthermore, the city council may have wanted to change the image associated with Liverpool, so that it could be associated with high-rise buildings and renewed creativity and innovation. This case shows how difficult it is for a city council to balance heritage preservation with economic growth and job creation for local residents, or to implement a historic urban landscape approach for cities that want to compete internationally and to reinvent and rebrand themselves as innovative and creative places.

Conclusion

The concept of sustainable development is at the heart of the World Heritage Convention, which reflects the concerns of the 1970s about the damaging effects of exponential growth that does not respect finite resources. Despite this vision and the implicit understandings embedded in the text of the convention, the first official reference to sustainable development by the Committee only occurred in 2002, 20 years after its adoption. Since then, however, the concept of World Heritage increasingly has been associated by UNESCO with the notion of sustainable development. Despite many meetings, recommendations, and declarations stressing the importance of World Heritage for sustainable development, efforts to integrate sustainable development principles within World Heritage processes started only in 2012 and culminated in November 2015 with the adoption of a policy on the integration of a sustainable development perspective within the processes of the World Heritage Convention.

This lack of clear references to sustainable development principles within World Heritage processes has negatively impacted sites on the ground. The example of Luang Prabang, a World Heritage site since 1995, illustrates problems associated with the absence of coordination among key stakeholders, which has resulted in Luang Prabang in duplication of work and lack of enforcement of planning regulations. The case of Liverpool, a World Heritage site since 2004, demonstrates the difficulty of generating wide-scale employment and poverty reduction for local populations through heritage-led development. Over the past few years, Liverpool has used heritage as a catalyst to attract investments. However, these investments have threatened the outstanding universal value of this site. This case illustrates the difficulty of balancing heritage conservation with economic growth and social inclusion. Together, the case studies strongly highlight the importance of this newly adopted policy on World Heritage and Sustainable Development. A strong policy might help to bring concrete solutions to the issues and difficulties identified in this chapter, especially if failure to implement this policy at national levels leads to a sanction such as inscription of the site on the List of World Heritage in Danger.

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Chapter 5
From Conventions to Convictions or to Cooperation? Cultural Heritage and Forestry in Finland

Vesa Laulumaa and Satu Koivisto

Introduction

International conventions aim to establish uniform and standardized legislation and procedures with respect to issues facing the countries that have ratified them. Cultural heritage and forestry are affected by numerous international agreements. However, rapid economic development and mechanization of forestry since the 1970s have raised problems regarding the interests of cultural heritage management and those of the forestry industry. Ecological and social sustainability are key words in Finnish forestry and also are often mentioned in international conventions. However, hundreds of archaeological sites have been damaged during the last 40 years by mechanized harvesting and soil preparation. Several cases have been resolved in the court, but enforcing the law seems not to be a very fruitful path to sustainability. Instead of relying only on conventions or legislation, this chapter argues that cooperation between practitioners (archaeologists and forestry professionals) is leading to better results.

The chapter will briefly present Finnish cultural heritage and forestry management practices and the problems between them. International conventions concerning cultural heritage and their main contents, which should directly affect the protection of cultural heritage in the Finnish forests, will be introduced. The Finnish legislation concerning archaeological sites, The Finnish Antiquities Act, and the problems with implementation of the law will be presented and analyzed. Finally, the argument that a considerably better way to achieve sustainability and better protection, through enhancing cooperation between cultural heritage experts and forestry operators, is explored through a case study of the SKAIK project (Skogens Kulturarv i Kvarkenregionen, Forests Cultural Heritage in the Kvarken-region). This Swedish–Finnish project

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Fig. 5.1 Vast forested areas broken by lakes are a typical landscape in Finland (photo by Vesa Laulumaa/SKAIK, Finnish National Board of Antiquities)

adopted the practice of wide-ranging cooperation with the forestry sector to protect archaeological sites by, among other steps, training forestry professionals and students to take cultural heritage sites into account in forestry planning and logging.

Forests and Cultural Heritage in Finland

Finland is known for its extensive boreal forests. Forest canopy is scattered quite evenly across the country, covering some 73 % of Finland's surface area, the only exception being the treeless zone of North Lapland (see Fig. 5.1). In most European countries, forests cover significantly smaller percentages of the total land area. For example, Germany stands at 32 %, France at 29 %, and the UK at 12 %. Roughly 45 % of Europe's total surface area is covered by forests and North America stands in 33 % (FAO 2010:Table 3, 224–28).

Forests as a renewable resource have been extremely important to the economy of Finland for centuries. During the nineteenth century, Finland's pine forests made it the biggest tar producer in the world. After the markets for tar collapsed in the 1920s, demand for wood started to increase in the paper industry, especially after the Second World War.

According to the register of archaeological sites maintained by the National Board of Antiquities (NBA n.d.), in April 2016 there were about 29,500 archaeological sites situated on Finnish terrain. In addition to these, there were more than 700 underwater archaeological sites, mainly shipwrecks. Of the terrestrial sites, more than 16,000 were dated to prehistoric times, and circa 9000 sites were from the historical period (the rest were not dated). There is also a group, numbering more than 2700, called "other cultural heritage sites." This group usually includes more contemporary sites, such as military structures from the Second World War.

It is estimated that more than 60 % of archaeological sites in Finland are situated in forest environments (Seppälä and Koivisto 2010). The number of known sites is likely to increase in the future because, until now, forests have been less explored for archaeological purposes than areas close to habitation, which are connected to land use planning and environmental impact assessment. The lack of information concerning the number and location of archaeological sites has resulted in significant damage to archaeological sites by mechanized forest operations, such as harvesting, soil preparation, and construction of logging roads.

Prehistoric sites in Finland have relatively shallow cultural layers. The cultural layer of an average stone age hunter-gatherer settlement site starts directly under the topsoil and usually does not reach a depth of more than 50 cm, except for graves and other pit structures. Often the most important layers for recovering artifacts are only 10–30 cm from the surface. This means that important archaeological layers are very vulnerable to any activities breaking the surface such as soil preparation, which is required for planting new trees.

Finnish archaeological sites frequently are difficult to perceive in the terrain, which also endangers them. Prehistoric settlement sites can be indistinguishable from their surroundings and their extent may be determined only with the help of topography and trial excavations. Some stone age sites may contain semisubterranean house depressions (e.g., Pesonen 2002), which are observable in the surface as shallow depressions of a few meters wide in diameter. However, these house pits are typically so indistinguishable from their surroundings that a layperson would not recognize them. Even small and shallow stone structures are hard to spot in the forest. Fortunately, large burial cairns from the bronze age and iron age are easily recognizable and they are often situated next to settlement sites (Holmblad 2010), making the less visible features easier to locate. Field survey in areas of dense vegetation is more challenging than survey in open areas. Remote sensing techniques have long been considered impossible in forested areas, but in the last two decades, the airborne laser scanning technique, LiDAR (Light Detection and Ranging), has successfully detected archaeological sites under dense forest canopy (e.g., Doneus and Briese 2011; Masini et al. 2010; Alexander 2008; see also Koivisto and Laulumaa 2012).

International Conventions Concerning Protection of Cultural Heritage

There are numerous international conventions that encompass a wide array of heritage issues associated with modern society. Conventions may be established only between two countries or they may be continental or worldwide, such as the conventions of the United Nations organizations. Conventions are based on a set of articles that the countries or organizations involved are supposed to follow and use as a guide for developing laws and best practices. Altogether, Finland has ratified seven international heritage conventions. The earliest was the Hague Convention of 1954, also known as the Convention for the Protection of Cultural Property in the Event of Armed Conflict. The agreement came after the Second World War, when it was recognized that cultural property had suffered great damage during the war.

The Paris Convention of 1970, formally known as the Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property, was ratified by the Finnish government in 1999. The Paris Convention has been ratified, accepted, or notified by 127 counties and its aim is to prevent illegal trade of cultural objects. The convention is widely accepted, but it has some weaknesses, one of them being that national laws might not be in accordance with all articles of the convention (Prott 2011).

The World Heritage Convention of 1972, also known as the Convention Concerning the Protection of the World Cultural and Natural Heritage, was ratified by Finland in 1987. This convention emphasizes that cultural and natural heritage is in danger and needs to be preserved as World Heritage for the whole of humankind. The World Heritage Convention is probably the most "visible" of the cultural heritage conventions because it led to the creation of the 1031 sites inscribed on the World Heritage List (UNESCO 2016), which are tourist attractions around the world. In Finland there are seven World Heritage sites at the moment.

The Granada Convention or Convention for the Protection of the Architectural Heritage of Europe of 1985 was ratified by Finland in 1991. Architectural Heritage includes archaeological monuments, structures, group of buildings, and sites which are sufficiently distinctive to be topographically definable. Countries are expected to take statutory measures to protect architectural heritage and to maintain inventories and to prepare appropriate documentation when necessary.

The Valletta Convention of 1992 is formally known as the European Convention on the Protection of the Archaeological Heritage. Finland signed the convention in 1994. The aim of the convention is to protect the heritage of European countries as a source of collective memory and historical and scientific research material. In order to protect archaeological heritage and guarantee the scientific quality of research, countries commit themselves to establishing a system to control and supervise excavations and other archaeological activities. They are also directed to seek to reconcile and combine archaeological research interests and land use planning needs. The Finnish Antiquities Act complies with the main principles of this convention.

The Florence Convention of 2000, formally known as the European Landscape Convention, was ratified by Finland in 2005. The aim of the convention is to promote protection, planning, and management of European landscapes. The starting points are sustainable development and recognition of the cultural, ecological, environmental, and social role of a landscape.

The Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 was ratified in Finland in 2013. This Convention follows a change in definition of cultural heritage during recent decades. Today, cultural heritage is not seen only as monuments or objects but it is understood also as living expressions such as oral traditions and rituals or even knowledge of traditional craft techniques. Obviously immaterial heritage covers a wide range of manifestations, therefore identifying and safeguarding them is complicated. The National Board of Antiquities prepared a report in 2015 on how Finland is going to comply with the convention. One of the actions based on this report is a wiki-based open platform, which provides organizations and groups a chance to present their ideas of intangible heritage.

In addition to the seven conventions mentioned earlier, there are two other international conventions concerning cultural heritage that Finland has not yet ratified. UNESCO's Convention on the Protection of the Underwater Cultural Heritage of 2001 probably will be ratified by Finland in next few years. The aim of this convention is to protect all traces of human existence that lie or have lain underwater and have a cultural or historical character. Also, the Faro Convention of 2011, formally known as The Framework Convention on the Value of Cultural Heritage for Society, will be ratified soon by Finland. The Faro Convention is the most extensive and diverse of all European cultural heritage agreements. It aims to strengthen civil society and democracy by allowing people to define what is important cultural heritage for themselves.

International conventions concerning cultural heritage are few compared to the ones dealing with forestry. At the moment Finland has committed to more than 100 agreements concerning forests and forest environments. Most of these agreements also mention sustainability, which usually includes cultural heritage.

International conventions are important in creating commensurable legislation and measures in achieving sustainable development in cultural heritage management and archaeological research. Current legislation of a partnering country might already comply with articles of a certain agreement and therefore its ratification does not result in notable action, as is often the case with cultural heritage management. This is usually the case in Finland where, although the government has ratified most of the conventions concerning cultural heritage, these agreements have not greatly affected the work of people who deal with protection of cultural heritage or archaeology. In fact, most of the international conventions are not very well known. A recent informal set of interviews by the authors among a dozen Finnish field archaeologists showed that they could usually name only two or three cultural heritage conventions and express a vague idea of their contents and meaning. When asked if any convention had any direct impact or meaning for their work, the answer was no. The opinion among the archaeologists interviewed was that international

conventions "work" on governmental offices, ministries, and parliament. The conventions are seen to be an agreement between countries on protection of cultural heritage, especially to force some countries to follow common principles in protection. In Finland, the country's own Antiquities Act has always been the most important tool in the protection of cultural heritage, but even this strong law has proven to be insufficiently effective in practice, as will be shown later in the chapter.

Forestry and Cultural Heritage

As forestry in Finland has been strongly mechanized since the 1960s (see Fig. 5.2), damage to archaeological sites has become more common, with cases reported as early as the 1970s and 1980s (Miettinen 2013). Courtrooms have rarely been able to find sustainable solutions and it has become evident that the only viable way to protect cultural heritage in forests is cooperation between cultural heritage officials and forest industry bodies (Byrnes 2010; Hamberger et al. 2010; Neustupný 2010).

Cooperation began in the late 1990s when Finland implemented the Forest Certification system. Forest Certification is an international system that aims to promote forestry practices that are economically, ecologically, and socially sustainable. The certification is voluntary, although 95 % of Finland's forests are certified.

Fig. 5.2 Soil preparation in progress. Large blades break the surface ground exposing mineral soil where new trees will be planted (photo by Piritta Häkälä/SKAIK, Finnish National Board of Antiquities)

The Finnish Forest Centre monitors regional compliance with the criteria for certification; however, the final audit is conducted by an independent certified auditor. Attention to cultural heritage sites is one of the aspects required in order to comply with the forest management certification rules. In the event that sites are destroyed or damaged in forestry procedures, it may in extreme cases lead to having the certification status revoked. Although the certification process began in the late 1990s, sites still continue to be damaged in forest operations. Particularly serious offences took place in 2007 and 2008 (Laulumaa 2014).

The events in 2008 prompted closer cooperation between the forest industry and cultural heritage officials. The reasons include a few cases that highlighted the critical shortcomings in the communication and cooperation between the two parties. It was observed that the biggest problems included information flow, system compatibility, and the inaccuracy of location information. Thus, the reasons behind heritage damage do not always lie with forestry bodies, and the inaccuracy of location information from the National Board of Antiquities (NBA) has also posed a great risk.

Human activities such as digging, building, grading, and clearing shape the landscape and leave traces in the contours of the earth. When an area is deserted, it will gradually become overgrown by vegetation, but the most visible traces of human occupation will remain in the topography. In some cases, the deterioration of archaeological sites in forests will be mitigated due to dense vegetation, in comparison to open areas where they will be more affected by erosion and modern land use practices. Archaeological survey is especially complicated in younger, growing forests or forests still in their natural state where visibility is poor, passage is hindered by vegetation and tree falls, and the detection of even previously known sites is challenging. The changes in vegetation and environment cause problems in reconstructing former landscapes. In Finland the coastal sites occupied by prehistoric hunter-gatherers are situated today deep in the inland forests due to rapid postglacial land uplift. Covered by dense vegetation, their identification in traditional field survey and prospection methods is very time- and labor-consuming. Therefore, new techniques are essential to improve current methods of identifying and protecting archaeological sites situated in forest environments.

Finland is not the only country where forestry has caused damage to cultural heritage sites, although the Forest Certification system covers almost all European countries. Cases have been handled through various approaches according to the legislation of each country.

Convictions

The Finnish Antiquities Act (1963/295) is probably one of the strongest laws in the world to protect cultural heritage sites and it takes precedence over many other laws. The Act enables the automatic protection of archaeological sites. This means that a

site is protected, at least theoretically, from the moment it has been discovered, without a lengthy administrative and legal process. The law applies to both private and government-owned land. After a site has been discovered, it is possible to refer instantly to the first paragraph of the Antiquities Act in order to preserve it:

> Ancient monuments are protected by law as antiquities pertaining to the past settlement and history of Finland. Without permission stipulated in this Act, it is forbidden to excavate, cover, alter, damage or remove ancient monuments, or to disturb them in any other way.

If a site is damaged, the punishment will be either according to section 25 of the Antiquities Act as a heritage crime, or will be defined as a building protection offence of the Criminal Code. Of these two, the heritage crime is a milder offence and it is punishable by a fine, whereas the building protection offence has a maximum penalty of imprisonment for up to 2 years. For the prosecutor, the heritage crime is problematic, since there is a time limit of 2 years to bring a prosecution. This presents difficulties in instances when damage and destruction only come to light a long time after the crime has been committed. Procedures for establishing the date of the crime, completing a full investigation, and deciding whether there are reasonable grounds to prosecute can make it almost impossible to bring charges under section 25.

Because the time limit is so short in the Antiquities Act, prosecutors usually base their cases on a building protection offence, which has a time limit of 5 years. According to chapter 48, paragraph 6, of the Criminal Code, a building protection offence is punishable by a fine or up to a maximum of 2 years' imprisonment. In the same paragraph, it is also stated that "a person who, intentionally or through gross negligence, demolishes or destroys or impairs an ancient monument as referred to in the Antiquities Act (295/63) shall be sentenced for a building protection offence." According to the law, the act must thus be intentional or the result of gross negligence. The building protection offence thus differs from a heritage crime under the Antiquities Act, under which it is sufficient that the action has been committed by negligence. Intent and gross negligence as legal criteria are open to interpretation and it has often been difficult to prove them.

The Antiquities Act is a powerful law, but it is also old, having been ratified in 1963. The Act was amended seven times between 1995 and 2009. The amendments have been minor and the central content of the law has remained unchanged. There are several sections in the Act that seem outdated or incompatible with the demands of other legislation. It is commonly acknowledged by all stakeholders that have involvement with the Antiquities Act that it must be refreshed, and for this purpose working groups have been established. Renewing the law is a lengthy process and it takes place through the decree of a Constitutional Law, which requires, among other things, a two-thirds majority in the 200 member Finnish Parliament in order to pass. Constitutional Laws are regarded as a foundation on which Finnish state and society are based, and change in any Constitutional Law requires long consideration and a super-majority in Parliament. Compared to this, common laws need only a simple majority to pass and the procedures to change them are also less onerous.

One would expect that court cases are numerous considering the strong law to protect archaeological sites. Surprisingly, the situation is the opposite. Between 2004 and 2014 there were only 17 legal cases concerning damaged or destroyed archaeological sites in the rural areas and only six of them were related to forestry. Adding to these, there were 26 cases concerning urban areas, metal detectors, and shipwrecks, which are also protected by Antiquities Act (data compiled in January 2015 by Rasmus Åkerblom, assistant of the Legal services, The National Board of Antiquities, Finland). Looking more closely at the six cases related to forestry, the results are surprising. In three cases, the prosecutor decided not to press charges, two cases were dismissed in the court and only one case lead to a conviction, for which a fine of 1250 euros was imposed on the defendant by a district court.

These few cases illustrate how difficult it is to get convictions in cases charged on the basis of the Antiquities Act. From the prosecutor's point of view, the problem lies in the fact that one must demonstrate who in the end is liable for and guilty of the offence. In forest management there are often many actors involved, such as the landowner, the planner, the forest corporation, the contractor, and the subcontractors. Usually there are 3–4 actors whose roles can vary drastically. In the end it is the machine operators who damage the relic, but they are almost never prosecuted. It is generally understood that drivers of excavators or diggers operate based on the instructions they have received. Unless they have been specifically informed and shown the heritage sites, they are not liable once the work has commenced.

Another problem is that cases proceed slowly. Usually the preliminary investigation is lengthy. Tampering with cultural heritage sites is generally considered a minor offence and the police are employed by other duties. The situation is the same in the prosecutor's office, where heritage crimes are not considered very serious and other more serious offences take precedence. Additionally, offences related to cultural heritage sites are so rare that the prosecutors are most likely not familiar with the topic, and this calls for extra work before the prosecutor is up to date. This situation is exacerbated by the lack of resources in the judicial system, which is not likely to see an improvement in Finland's current economic climate.

Cooperation: The SKAIK Project

Considering the issues earlier, it must be concluded that protection of cultural heritage sites in forests will not succeed simply by relying on the law, a situation familiar to many countries (see, e.g., Byrnes 2010; Hamberger et al. 2010; Laulumaa 2014; Neustupný 2010). International conventions contribute more to goodwill and mutual understanding between countries than to any concrete actions that protect cultural heritage sites.

In Finland, those few cases of legal action against the forest industry are mostly a form of humiliation against private planners or landowners, as charges have always been pressed against individuals, not the forest corporations they represent.

The cases have been reported in local newspapers and the greatest punishment is being cast in an unflattering light in the media, even if the charges are dropped. Presumably these 'shame punishments' are a greater deterrent than small fines. This does not promote the protection of archaeological sites, but instead, in the authors' opinion, creates hatred and distrust against cultural heritage management. Nor does it pave the way for cooperation between forest industry bodies and cultural heritage officials. Of course it is clear that citizens must abide by the law and that the National Board of Antiquities must continue its involvement in the gravest offences, but the most important thing for sustainable protection would be the development of cooperation and education with and within the forestry industry.

Often problems relate simply to a lack of information not only between archaeologists and the forestry industry, but also between archaeologists and landowners. Based on experiences of the authors, passing on information about cultural heritage sites to others often awakens fascination. This has been evident from contact with those forest owners in whose lands archaeological sites are situated. The owner is undoubtedly the primary and most important protector of the cultural heritage site but often lacks information. Based on the authors' experiences in the SKAIK project (SKAIK n.d., see later), many forest owners appreciate and even feel a kind of pride in knowing that something culturally and historically valuable is located on their property. If they are provided with appropriate information about the site, they have been observed to develop understanding of the importance of protection. Knowledge triggers interest, through which a deeper understanding is born. The "formula" is as follows: knowledge—interest—understanding—appreciation—protection.

Problems similar to Finland's with forestry and cultural heritage protection have also been recorded in Sweden (Gren and Norman 2010; Riksantikvarieämbetet 2001). To address the shared issues, in 2009 the European Union sponsored the Botnia-Atlantica program's pilot project Skogens Kulturarv i Kvarkenregionen (SKAIK, Forests Cultural Heritage in the Kvarken Region) (Seppälä and Koivisto 2010). The SKAIK project, a cooperation project among Swedish and Finnish cultural heritage and forestry professionals, presents a case study of the impact of this cooperative approach on the effort to protect cultural heritage in forest contexts.

Kvarken, known as High Coast on the Swedish side (Fig. 5.3) is a World Heritage site because of its unique natural character. The landscape of the Kvarken Archipelago today is mainly the result of the last glaciation and the impact of the sea and the succession of vegetation. After the last glaciation, the land has risen a total of 800 m, which is the highest recorded uplift in the world since the last Ice Age. Land has been rising continuously and the rate is now around 0.9 m per century, a phenomenon that can be observed in a human lifetime and is expected to continue. Continual elevation of the land results in the emergence of new islands and distinctive glacial landforms, while inlets become progressively cut off from the sea, transforming them into estuaries and ultimately lakes.

The SKAIK project's main partners in Finland included the NBA and the Finnish Forest Centre, and in Sweden the Museum of Västerbotten and the Swedish Forest Centre. The main aim was to reduce the damage that forestry practices cause to cultural heritage sites in the Kvarken Region. The goal was to be achieved through
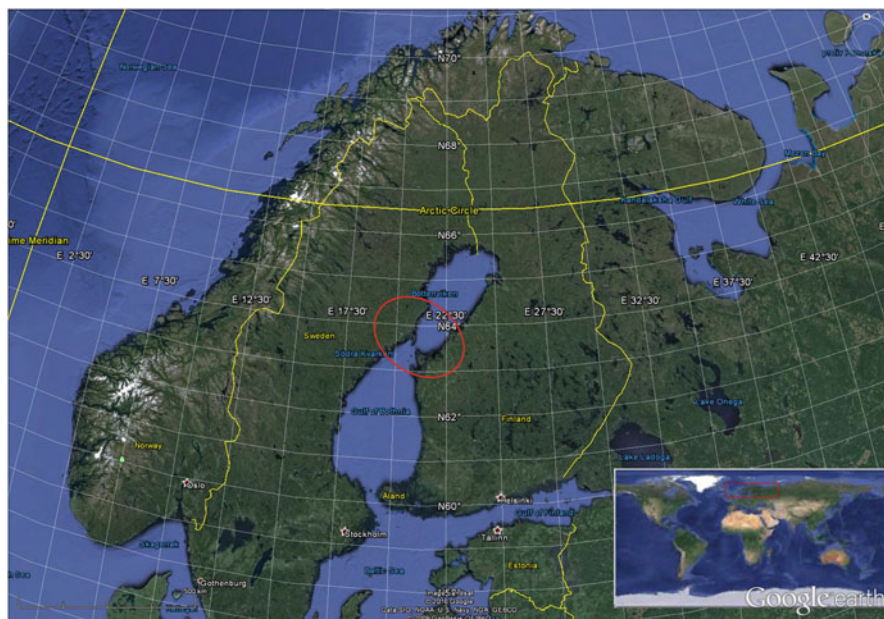
Fig. 5.3 Location of the Kvarken region (red circle) in Finland and Sweden. Background map by Google Earth (illustration by Satu Koivisto/SKAIK, Finnish National Board of Antiquities)

wide-ranging cooperation, training and communication, and by developing methods to survey cultural heritage sites in forests. The pilot was launched in 2009 and the feedback from that time was so positive that the project was continued for the period 2011–14 (Koivisto and Laulumaa 2014).

The SKAIK project has increased cooperation among forestry bodies through seminars and other meetings. At these meetings, explanation of cultural heritage protection issues has been crucial, but what has been equally important is that the heritage professionals also learned to understand the needs and aims of the forest industry. Networking and making contacts has been a particularly important part of the meetings, as this diminishes the barriers to contact on both sides when problems arise. During the project, larger meetings of a few dozen attendees have taken place on a yearly basis and smaller gatherings slightly more often than that.

Training has been organized on a yearly basis and targeted at different actors (see Fig. 5.4). The project has organized 1-day training sessions which consist of lectures and visits to archaeological sites. The lectures tackle topics such as the Antiquities Act, different types of archaeological sites, and forest management guidance. Half the day is spent visiting sites that are specific to the region, and instructions are given on how to identify the site in the forest and what forest management procedures are appropriate. Training has been organized for forest industry professionals, such as planners and machine operators, teachers in forest industry training facilities and students, as well as forest owners. The training has been extremely useful and the feedback has been very positive according to

Fig. 5.4 Training forest professionals. Archaeologist showing quartz artifact recovered from a windfall in a Stone Age pithouse (photo by Vesa Laulumaa/SKAIK, Finnish National Board of Antiquities)

the questionnaires all participants answered afterward. The contacts made with cultural heritage officials during these training sessions have clearly eased cooperation and promoted protection. What has been especially important in these training sessions is the practical aspect of work to be done on the terrain, which has allowed, for example, collective assessments on how to best proceed with clear-cutting around stone age house pits.

Communication and public archaeology are important tools when it comes to positively influencing people's attitudes toward protection. Too little of both is done in Finland. The SKAIK project has organized press conferences for the media on a yearly basis and gained coverage in local newspapers and radio and television. Often the media is proactive in contacting the project's staff multiple times during the year and by running news stories on archaeology and on matters related to forests and cultural heritage. The project also produces information boards for archaeological sites, websites, and pamphlets. In addition to these, the end of the project has seen the launch of a travelling exhibition with information about cultural heritage in local forests.

The inaccuracy of information on the location of archaeological sites has been one of the major problems for site protection. The forest industry has often requested that, in order to ease the planning and execution of forest management processes, cultural heritage sites should have boundaries demarcated on a map, an area with borders including the whole protected site. It would be important that these boundaries be transferred digitally to various information systems for forest planning or even to the Global Positioning System (GPS) devices used by drivers of forest machines.

Boundary marking makes planning easier as it clarifies the location and the dimensions of the area that requires special forest management procedures.

Unfortunately, even today much of the location information is outdated, as it was collected before GPS devices became commonplace. The information often consists of one coordinate point, which has been transferred from an old paper map to a digital record. The point could give the location of just one structure or the estimated center point of a site, meaning that the site boundaries are unknown, so it is likely to be ignored in the planning of forest management procedures.

However, an increasing number of sites do have a digital boundary information that can be transferred to the geographic information systems used by the forest industry. Boundaries have only been demarcated in archaeological surveys for approximately 10 years. Some years ago the NBA commissioned maps of site boundaries that had been identified in old reports, which rarely depicted the size of the site area. It has now been concluded that the boundaries drawn on tabletop maps are mainly erroneous and are significant liabilities when it comes to protecting sites. Archaeological border lines can only be reliably drawn while on the terrain and this is now a requirement in current archaeological fieldwork.

In order to produce reliable site demarcations in the functional area of the SKAIK project, the project's staff covered all the known archaeological sites in the project area. The archaeologists checked the condition and extent of the sites, and the information was transferred to a digital information system. All structures were pinpointed using GPS and each site was given a boundary. After the survey a letter was sent to each landowner whose land contained an archaeological site. The letter contained a map extract and a short description of the site (Fig. 5.5). However, the

Fig. 5.5 Local forest owners were taken on a tour on archaeological sites. They were provided information of the sites situated on their land (photo by Vesa Laulumaa/SKAIK, Finnish National Board of Antiquities)

information collected through the SKAIK project covers only a fraction of Finland's heritage sites and there are still thousands of sites in the records of the NBA with an inaccurate location and unconfirmed borders.

Conclusion

International conventions no doubt have an important role on the global level, bringing member states into agreement with certain procedures, standards, and legislation on cultural heritage issues in general. Based on the authors' experience, however, conventions do not have much effect on the ground, where cultural heritage protection materializes in a more concrete way between organizations and the people working in them. Between forestry and cultural heritage management there have been conflicting interests for a long time. Forests are economically very important but they also include a large part of Finnish cultural history. Mechanized forestry has been damaging sites for decades and international conventions or even Finland's own legislation has been not able to change the situation. The forest certification system has helped the protection of cultural historic sites, but it has not been enough to stop damage. Experience has shown that most effective way to achieve better protection is to increase cooperation and try to change attitudes in a positive direction among the people involved in both cultural heritage management and forestry.

Protection of the cultural heritage of forests requires continuous and developing cooperation between forest industry bodies and cultural heritage officials. The SKAIK project has been able to create modes of interaction that have provided a significant improvement in cooperation, but only in a small part of Finland. Similar cooperation should be fostered around the entire country. To make this happen the projects would need significantly greater funding than is available from the European Union's Structural Funds, which are tied to specific regions and for too short a time. The Cultural Heritage Sites Field Survey project, which belonged to the National Forest Programme, has been surveying forests owned by the Finnish government in 2010–2015 (Taivainen 2016). The project was funded through the Ministry of Agriculture and Forestry and its entire budget was €4 million. Charting cultural heritage sites in privately owned forests would double the size of the current project and would cost more than €10 million. This is a large amount of money and it is hard to imagine that the Finnish government would fund such a project in light of the unstable economic situation in Finland and the rest of Europe.

In spite of a poor global economy, the National Forest Programme 2015 (Ministry of Agriculture and Forestry 2008), approved by the Finnish government, might offer a small lifeline. Point 4.3 of the Programme states: "The cultural heritage of forests shall be respected, preserved and developed." As an action aimed at this, the Programme also states that: "Taking surveys of cultural heritage sites situated in state-owned forests governed by the Finnish Forest and Park Service (*Fi.* Metsähallitus) shall be done in 2008–2013 and gathering information of privately owned forests shall begin." Thus, it is not totally impossible that the survey of private forests will be carried out, albeit

with a slight delay in the schedule, as long as the government's principles are followed. The National Board of Antiquities and other cultural heritage organizations hopefully will keep the project on their agenda and try to help its realization.

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Chapter 6
Protection of Traditional Ecological Knowledge Through Intergovernmental Agreements

Audie Huber

Introduction

In the United States, as elsewhere, management of traditional cultural resources—including natural resources—is complicated when the aboriginal communities that depend upon those resources are reluctant to share information with the agencies that manage those lands and resources. The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) retain reserved rights to traditional cultural and natural resources within their aboriginal territories pursuant to the Treaty of 1855. Those treaty-reserved rights are largely to resources located on public lands to which all United States citizens also have rights. This paper describes an instance in which the CTUIR, through their Department of Natural Resources (DNR), has worked successfully with the federal agencies that are responsible for managing those public lands and resources to protect the sustainability of the resources and benefit the members of the CTUIR.

One challenge for the federal agencies charged with managing these traditional resources is the reluctance of the CTUIR and other tribes to share traditional ecological knowledge that could be exploited by outside groups. The reluctance to identify traditional resources and their location while simultaneously requiring the information to foster the protection and enhancement of the resources creates tension within the CTUIR tribal community and between the CTUIR and federal agencies. Through a cooperative approach, the CTUIR was able to identify a productive means of addressing this tension through a tribal–federal agreement under the Freedom of Information Act. This cooperative approach allowed for the identification of traditional foods and habitat while ensuring the protection of the traditional ecological knowledge and the preservation of First Foods as well as comanagement of these resources with federal agencies.

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Background

The Umatilla Indian Reservation was created by the Treaty of 1855, whereby the Cayuse, Umatilla, and Walla Walla Tribes ceded to the United States 6.4 million acres of land in northeast Oregon and southeast Washington in exchange for a reservation located in what is now the State of Oregon. The Umatilla Indian Reservation (the Reservation) currently encompasses some 173,000 acres in Umatilla County (CTUIR 2015). The Treaty of 1855 was a treaty of peace that granted the United States the right to use the lands traditionally occupied by the Tribes (Kappler 1972:694). The three Tribes would later become the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Treaty of 1855 secured to the Tribes of the CTUIR the preexisting, perpetual right to hunt, gather, and graze on all unclaimed lands as well as the right to fish at all usual and accustomed fishing stations in common with the citizens of the United States. The treaty was not a grant of rights to the Tribes, but a granting of rights from the Tribes to the United States; the Tribes ceded vast tracts of lands to the United States in exchange for a permanent homeland. Further, the treaty reserved for the Tribes all those rights not granted to the United States. It is the Treaty of 1855 that established the sovereign-to-sovereign relationship between the Tribes and the United States. Through the Treaty of 1855, the Tribes of the CTUIR preserved in perpetuity the right to gather their traditional resources for members of the tribe and future generations. The treaty right to gathering included foods, medicines, and other natural resources the tribes traditionally gathered at the time of the treaty. Those traditions continue to this day as tribal members exercise those treaty rights to practice, protect, and perpetuate their cultural identity.

Since time immemorial, tribal members have harvested and managed the First Foods (wild foods) for ceremonial, personal, and subsistence purposes. They are ritualistically served at the tribal longhouse and other locations where tribal members hold ceremonies. The ritual serving order represents the order in which the foods promised to take care of the people in tribal creation belief. First to be served is the water, on which the people and all other Foods depend and which opens and closes each meal. Next is salmon and other fish, then deer and other big game, roots, then the berries/fruits (McNeel 2009). The serving rituals, the ceremonies in which they are practiced, and associated traditional practices are pursuant to tamánwit, the "Creator's law" that guides the practices and manners in which tribal members honor, share, and care for the First Foods and the environments that produce them. Tamánwit is interpreted somewhat broadly, some characterizing it as a "covenant between the Creator—who made the land, the water, and all the species therein—the plants and animals who offered themselves to the people, and the people who promised to take care of all that was given them is the basis of native respect for all creation" (Conner and Lang 2006:23). "Tamánwit is an ideology by which all things of the earth were placed by the Creator for a purpose" (Owl 2006:3). Tamánwit, or Indian law, is reflected in the covenant that requires the tribal members to follow traditional behaviors and practices so that the laws are kept. The covenant includes the seasonal round—the temporal and geographical patterns that are followed in the gathering

of their First Foods in the aboriginal territory of the tribe (Conner and Lang 2006:28–29). The serving ritual, in reminding community members of the promise the First Foods made to take care of the people, reminds the people of their reciprocal responsibility to care of the First Foods (Jones et al. 2008:2). The community is therefore responsible to harvest, share, consume, and care for these traditional foods or the foods may be lost. "Since the beginning of time tamánwit has taken care of the traditional foods and guided the CTUIR in preserving them" (Sampson 2006:248).

In 1983, the CTUIR created a Department of Natural Resources (DNR) in order to oversee the natural resources on and off the Reservation, including millions of acres of "unclaimed lands" referenced in the treaty to which tribal members retained treaty rights (Tovey 2006:216–218). In 2014, the CTUIR DNR had approximately 150 full-time, part-time, and seasonal employees engaged in eight programs: Administration, Cultural Resources Protection, Water Resources, Fisheries, Wildlife, Range/Agriculture, Forestry, and First Foods Policy Programs. These programs comprehensively manage natural resources under the departmental mission officially adopted in 2007:

> To protect, restore, and enhance the First Foods—water, salmon, deer, cous, and huckleberry—for the perpetual cultural, economic, and sovereign benefit of the CTUIR. We will accomplish this utilizing traditional ecological and cultural knowledge and science to inform: 1) population and habitat management goals and actions; and 2) natural resource policies and regulatory mechanisms. (CUJ 2008:23))

This mission incorporates traditional ecological and cultural knowledge into resource management in order to preserve the cultural practices and treaty rights of the approximately 3000 CTUIR tribal members. It also comprehensively tied science, policy, and regulatory authority into tribal natural resource management.

One of the most difficult elements of preserving traditional foods is the protection of traditional ecological knowledge of resources that tribes have relied upon since time immemorial. Tribes across the United States have had their lands, resources, and cultural practices appropriated and overexploited for many generations. In the Umatilla and Walla Walla basins within the homeland of the CTUIR, water rights were overappropriated and rivers were drained, causing water shortages, water quality degradation, and habitat destruction. This led to extinction of the salmon runs in the Umatilla Basin (Sampson 2006:247). For many decades, several species of big game were unavailable to CTUIR members for harvest, including but not limited to bighorn sheep and Rocky Mountain goat. In the mountains of Oregon and Washington there exists competition and conflict over the harvest of huckleberry, with commercial harvesters' methods, rates, and quantities leading to tribal concerns of First Foods availability for their own feasts and subsistence needs. Because of all the other tribal First Foods that have been exploited, there is an extreme reluctance to trust others with knowledge regarding First Foods including, importantly, roots. This problem is exacerbated by the fact that these resources are limited on the Reservation, scarce on private lands that have been developed, and are available primarily on federal lands to which the general public has access to damage or harvest those resources. First Foods on private lands are not freely accessible to tribal members.

There are many instances of overuse of resources on federal lands due to demand. One such case occurred in the late 1980s and early 1990s when the National Cancer Institute sought thousands of pounds of Pacific Yew tree bark. Various tribes had different traditional uses for Pacific Yew, including hair removal and making paint (Burns and Honkala 1990). Demand for Pacific Yew grew so great it led congress to pass the Pacific Yew Act, Public Law 102–335, 106 Statutes at Large 859. That law directed the Secretaries of Agriculture and the Interior to "pursue a conservation and management policy with respect to lands … to (1) provide for the sustainable harvest … and (2) provide for the long term conservation of the Pacific yew."

The implementation of the DNR Mission requires working with many federal agencies. The two largest land holders in the aboriginal territory of the CTUIR are the United States Forest Service (USFS) and the Bureau of Land Management (BLM). Other agencies include the Army Corps of Engineers, which manages many dams along the Columbia River; the Fish and Wildlife Service, which manages Wildlife Refuges; the Department of Energy, which manages the Hanford Nuclear Reservation in Washington State; and the Bureau of Reclamation, which, like the Corps of Engineers, manages dams. Federal agencies have responsibilities to manage federal lands under various legal authorities for multiple uses. The treaties that secured constitutionally protected rights to tribes to access and use resources from public lands are one of those authorities. The BLM and the USFS collectively manage about 320 million acres of land in the 11 westernmost states in the lower 48, approximately 40 % of the American west. Over the decades of interaction, the relationship between the CTUIR and the USFS and BLM has sometimes been contentious. Timber harvests of the USFS in the 1960s, 1970s, and 1980s were done without regard to tribal First Foods needs for big game, fish, or traditional foods. Likewise, grazing decisions of the BLM were often made without regard to the potential impacts to First Foods such as big game or water resources. Land management decisions routinely did not consider CTUIR treaty rights or the subsistence needs of members.

The USFS and the BLM each manage their lands pursuant to management plans. The USFS adopts individual Forest Plans every 10 years, though recently the schedule has been inconsistent. The Umatilla National Forest is revising the 1990 Land and Resource Management Plan and has been doing so for over 10 years. The current draft of the Blue Mountains National Forests Proposed Revised Land Management Plan (which encompasses the Umatilla, Malheur, and Wallowa-Whitman National Forests) was released for public comment under the National Environmental Policy Act in March 2014 and remains under agency review. The BLM manages their lands pursuant to Resource Management Plans. The Baker Field Office Draft Resource Management Plan was released for public review in November 2011 and is still under review.

These two agencies, the USFS and BLM, manage the majority of the federal "unclaimed lands" to which CTUIR tribal members retain rights to hunt, fish, gather, and graze under the Treaty of 1855. Unclaimed lands are specifically identified in the Treaty of 1855 and generally are those federal, and some state, public lands that are managed in ways that are consistent with the exercise of treaty rights.

The USFS Umatilla National Forest immediately abuts the Reservation and contains mainly forested lands. The BLM Baker Resource Area has parcels scattered around northeastern Oregon with larger, contiguous parcels centering around Baker City, Oregon, roughly 60 miles from the Reservation. The Baker Resource Area is mainly made up of nonforested lands available for multiple uses including grazing, mining, hunting, gathering, and recreation.

Within the last decade, the relationship among the CTUIR, the BLM, and the USFS has greatly improved. Each agency has acknowledged CTUIR's First Foods in the Forest Plan and Resource Management Plan revisions and in individual project reviews. It took many years of education and collaboration to get the agencies to recognize that impacts to treaty-reserved resources directly impacted the treaty itself and the tribal members that depend upon those resources. There are still conflicts between the CTUIR and U.S. Government agencies over land management decisions on occasion, but such conflicts are less frequent and less adversarial.

Discussion

In 2008, the Field Manager of the Baker District BLM office approached the CTUIR DNR and indicated that funding was available to address the identification and management of tribal First Foods. There was no specific requirement for use of the funds, only that they be used for planning purposes. The CTUIR DNR shortly thereafter developed a proposal for survey of traditional First Foods plants utilized by tribal members and proposed that CTUIR work cooperatively to identify habitats and areas suitable for these First Foods. DNR and the CTUIR Geographic Information Systems Program (GIS) developed a methodology that would utilize known plant habitat data to identify probable locations of traditional plants. Data parameters included slope, elevation, aspect, slope position, precipitation, and temperature ranges, as well as plant associations coupled with existing plant surveys. Based on this information, a sampling plan would be developed in order to test available habitat for presence or absence of the plants. Concurrently, staff from the Cultural Resources Protection Program would search the CTUIR archives and undertake oral history interviews with tribal elders and members to identify areas where traditional gathering occurred in the past. Additional sampling sites could be identified through these interviews. Based on all of the information gathered, a model could be developed to identify lands with suitable habitat for traditional food plants.

The BLM and DNR entered into a contract in September of 2008 to conduct the sampling and build a model to show suitable habitat across the Burnt and Powder River drainages, including 40 watersheds and 246,000 acres of BLM lands in the Baker Resource Area.

Once the contract was signed, the immediate problem to overcome was the development of a data-sharing agreement that could address confidentiality while accomplishing traditional resource identification and protection. The CTUIR had never provided the BLM—or any federal agency—with a list of the traditional food

plants because most communications between tribes and the United States are governed by the Freedom of Information Act, 5 USC § 552, (FOIA). Under FOIA, many documents prepared by the United States are available for public release unless they meet one of nine exemptions, or are exempt from FOIA through other statutes such as the Archaeological Resources Protection Act; 16 USC §§ 470aa; 470hh; or the National Historic Preservation Act (NHPA), 54 USC § 300101, 307103. Some agencies, such as the USFS, have specific legislative authority to withhold information regarding traditional uses of resources under the Food, Conservation, and Energy Act of 2008; Public Law 110–234; 122 Statutes at Large 923 (the 2008 Farm Bill). Other agencies, such as the Department of the Interior, including the Bureau of Land Management, do not. Further, in *Department of the Interior v. Klamath Water Users Protect. Assoc.*, 532 U.S. 1 (2001), the United States Supreme Court held that confidential information from a tribe sent to the United States was not protected under exemption 5 of the Freedom of Information Act regarding interagency or intraagency communications. This meant that if the CTUIR was to provide the information confidentially to the BLM, there would have to be an alternative protection to exemption 5 of FOIA.

Trust is one of the most important elements of a cooperative working relationship; trust must be built and maintained between the CTUIR government and its members as well as between the CTUIR and the Federal agencies. The CTUIR and tribal members hold the traditional ecological knowledge and, without a means to protect the confidential information, the project would likely never have gone forward. The attorneys for the CTUIR and the BLM worked together to develop a binding agreement that would protect the information under FOIA.

One of the sources the CTUIR looked to for background in protecting confidential information was the Uniform Trade Secrets Act (UTSA), a document prepared by the Uniform Law Commission, an unincorporated association established to bring consistency to state laws in order to avoid conflict among different states (Samuels and Johnson 1990:50). The UTSA was adopted in 1979 and amended in 1985. According to the Uniform Trade Secrets Act, trade secrets are defined as:

> information…that derives independent economic value, actual or potential…from not being generally known to or readily ascertainable…, and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (Uniform Law Commission 1986:5)

Ultimately, FOIA exemption 4 was settled upon regarding trade secrets. Exemption 4 to FOIA regards "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The case law has established that to be a trade secret, the information must have value and must be kept confidential. This was adequately demonstrated by the long history of the CTUIR protecting the information and the fact that its members keep this information in confidence.

The Trade Secrets Agreement was signed in April 2009 and it, along with other legal protections facilitated work between the CTUIR and the BLM. The agreement acknowledged that the information provided by the CTUIR was not public knowledge nor could it be easily ascertained by the public through research. BLM

acknowledged that the information was a trade secret and that they would hold the information as secret under FOIA and Section 304 of the National Historic Preservation Act. This section provides that:

16 USC § 470w–3. Access to information

(a) Authority to withhold from disclosure

The head of a Federal agency or other public official receiving grant assistance pursuant to this subchapter, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;
(2) risk harm to the historic resources; or
(3) impede the use of a traditional religious site by practitioners.

In addition to the FOIA and the NHPA, the agreement cited other legal authority for the BLM to keep the information confidential pursuant to BLM Manual sections 8110.06(I), 8110.55, and 8130.14(E).

The intent of the agreement was to limit release of information to as few staff as possible in order to prevent unintended release while ensuring the information was not so protected that the BLM project staff had no way to access the data. It was necessary in the agreement to specify who would be the most appropriate staff within BLM to handle the information. Further, the agreement stipulated that the confidential information would not be disclosed to a third party without written permission from the CTUIR. Finally, the agreement provided that the BLM would make a good faith effort to protect the information from release using all legal avenues including FOIA, the NHPA, and the BLM Manual provisions regarding consultation.

After the signing of the contract in September 2008, CTUIR staff identified habitats suitable for traditional foods, developed a sampling model, conducted site visits and oral history interviews, and collected data. The weather made sampling efforts difficult due to a late winter leaving impassible roads and an early summer shortened the window of mature plants between flowering and reaching senescence. Additionally, the land ownership patterns (i.e., BLM parcels scattered among private lands) and remote areas made sampling time consuming and difficult. A total of 160 locations were sampled.

The report collecting the data, synthesizing the results, and compiling the model was completed in June 2010. The model was developed using Classification and Regression Tree (CART) software to predict suitable habitats for traditional foods. Based on that model, the CTUIR GIS staff developed a GIS layer that could be used in BLM land management decisions. This information can be directly tied to individual projects by overlaying the habitat layer over the project area. In the event that the project overlaps with suitable habitat, surveys can be conducted for traditional plants. If there is no overlap, it is unlikely a survey for traditional plants would be necessary, thus improving the efficiency of surveys for traditional plants.

The model developed will be refined as additional opportunities arise to sample locations on the BLM lands that were the subject of the survey. The GIS layer developed by the model is useful in both identifying areas CTUIR tribal members can access for traditional food gathering but also for evaluating land management decisions. The GIS layer will be useful in the development and implementation of the Baker District BLM Resource Management Plan (BLM-RMP). Individual projects will be reviewed for their proximity to habitat of traditional plants. Further, areas identified as suitable for traditional plants may be subject to restoration efforts to promote the growth of those plants.

Concurrently with the sampling and modeling, oral histories were gathered by the CTUIR Cultural Resources Protection Program in order to identify current and past uses of the study areas. Through this review we learned that traditional CTUIR use of a number of areas was dramatically curtailed in the nineteenth and twentieth centuries due to extensive mining undertaken in the region, the transfer of land into private ownership, and moves by the state and federal governments to keep tribal members on the Reservation. This historic practice of exclusion and containment of tribal members complicated the gathering of oral histories because few families had living members who had traveled in the area along the seasonal round for the First Foods. However, the results of the studies did identify areas where First Foods are plentiful. This information has been shared with CTUIR tribal members who wish to gather traditional foods and plants. In this way it is hoped that tribal traditional use of the territory can be increased after many years of underuse or absence.

Ironically, while the CTUIR was attempting to protect traditional ecological knowledge through an intergovernmental agreement with the BLM under FOIA, which is a division of the U.S. Department of Interior, the 2008 Farm Bill provided the Forest Service, a division of the U.S. Department of Agriculture, the statutory exemption that we were attempting to achieve through intergovernmental agreements. That law, codified at 25 USC 3056(a), states:

(a) Nondisclosure of information

    (1) In general The Secretary shall not disclose under section 552 of Title 5 (commonly known as the "Freedom of Information Act"), information relating to—

        (A) subject to subsection (b)(l), human remains or cultural items reburied on National Forest System land under section 3053 of this title; or

        (B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

           (i) have a traditional and cultural purpose; and

           (ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) Limitations on disclosure. Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of Title 5 (commonly known as the "Freedom of Information Act"), concerning the identity, use, or specific location in the National Forest System of—

    (A) a site or resource used for traditional and cultural purposes by an Indian tribe; or
    (B) any cultural items not covered under section 3053 of this title.

Had this act been in place for the Department of the Interior, the Trade Secrets Agreement would not have been necessary. The CTUIR hopes to extend this exemption to the agencies within the Department of the Interior in order to protect sensitive traditional uses of their federal lands.

Conclusions

The intergovernmental agreement between the BLM and the CTUIR was intended to protect traditional ecological information while making that information available, in a very limited way, to a federal agency in order to manage tribal First Foods. The process of developing the project and the Trade Secrets Agreement between the CTUIR and the BLM was critical to foster trust and cooperation to ensure the information and the resources were protected.

The primary lesson learned from this effort was that there are tools available to protect sensitive information the tribes do not wish to share with the outside world, but without a cooperative working relationship such an effort would be difficult if not impossible to maintain. It was through many years of cooperative efforts between the CTUIR and BLM that this collaborative effort was established.

The data generated by the project have had new and interesting applications. First, the information will be used to inform land development decisions for years to come. While primarily relevant to the BLM-RMP, it will assist with county and city planning efforts as the model is broadly applicable across the landscape. Second, the information will be used to inform current and future CTUIR food gatherers about First Foods availability in a region that has been underutilized for many years, thereby contributing to the perpetuation of tribal First Foods culture and plant revitalization. Since that report was completed, DNR staff have resampled locations on BLM lands and refined the CART model, thus improving the accuracy and reliability of the model. Third, development of the model will be used to inform work with private entities proposing work in the Burnt and Powder River drainages by identifying suitable habitat for First Foods on public and private lands. The CTUIR routinely works with private companies on projects potentially impacting First Foods, but does not release any of the data or oral histories. It is expected that this model and the maps generated from it can help identify potential impacts of projects on public as well as private lands.

Further, in the research regarding the identification of traditional plants, CTUIR staff speculated that the suitability of habitat for traditional foods could be used to correlate between the presence of First Foods and archaeological sites. To date, however, the CTUIR has been unable to test this on a larger scale overlaying the location of known sites to modeled suitable habitat for traditional foods. Such efforts are pending.

This effort will not only expand our knowledge of the available habitat for First Foods, but increase awareness of the need to protect and preserve the First Foods. Further, there is the potential that the research and model may find application in assessing the potential impacts of climate change on the distribution of First Foods. The CTUIR has long known that global climate change could affect First Foods, and additional modeling would provide the opportunity to monitor suitable habitat and prioritize appropriate tribal adaptation responses.

The project has illustrated that cooperative agreements on identification and protection of First Foods with other federal agencies can be undertaken. The CTUIR intends to expand our work with the Forest Service to develop a similar protocol to create a model for those lands. Because of the difference in the ecology of the USFS and BLM lands, the original model is not applicable across both land ownerships, but the regimen for data collection and model refinement will translate across the First Foods and federal ownership landscape.

With the development of a data sharing agreement, the CTUIR and BLM were able to use science and traditional ecological knowledge to preserve, manage, and restore gathering locations and First Foods in the aboriginal territory of the CTUIR. By avoiding the historical adversarial relationship, the CTUIR and the BLM were able to produce results that significantly benefitted both entities. The process of working together and developing trust to gather, protect, and utilize the traditional ecological knowledge to comanage traditional resources was key to building the foundation of a relationship between them. It is only with trust and a shared purpose that the missions of both entities can be achieved, important traditional resources can be protected, and resources can be managed to sustain the cultural continuity of tribes like the CTUIR.

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Chapter 7
Archaeological Heritage Tourism in the Philippines: Challenges and Prospects

Jun G. Cayron

Introduction

Archaeological heritage tourism (AHT) is travel that centers on visiting and experiencing all aspects of ancient human activities (Archaeological Institute of America n.d.). This form of tourism is important for several reasons. It plays a significant role in nation building and creating cultural awareness. As physical repositories of the past, archaeological sites evoke a sense of common historical experience. They "act as signifiers of the nation as a community with common beliefs, a historic homeland and as a common culture with legal rights and duties handed down through time" (Palmer 1999:319). As such they can convey a feeling of cultural solidarity, continuity, and tenacity. For example, the temples of Borobudur and Prambanan are symbolic representations of Indonesia that build a sense of unity among its people (Miksic 1996). In Thailand, the archaeological remains of the city of Ayutthaya and the town of Sukhotai have an impact similar to that of the sites in Indonesia.

The most visible benefit of AHT, however, is its economic contribution. It is one of the most profitable industries in many parts of the world, one that generates billions of dollars annually. In Cambodia, the temple complex of Angkor Wat receives around 2.23 million visitors and generated US$41.4 million within the first 9 months of 2013 (Kimsay 2014). In 2010, the Global Heritage Fund reported that the Great Wall of China generated an annual income of US$2.9 billion while Egypt's Memphis and its Necropolis earned US$936 million (Global Heritage Fund 2010). In Greece, archaeological sites visited between January and May 2014 generated an income of around €10 million (Hellenic Statistical Authority 2016). In addition to domestic and foreign exchange earnings, AHT brings investments and employment to the country.

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AHT is a thriving industry all over the world. In the Philippines, the government has been trying to capitalize on AHT as a viable means to boost its tourism industry; however, the effort has had disappointing results. Moreover, AHT raises some difficult issues for archaeologists, national governments, and local communities. These include the limited impact on local development efforts evident from tourism promotion, the complexities associated with meaningful engagement of local communities in the tourism process, and the challenges to success posed by ambiguous if not competing jurisdictional interests of many government agencies. This paper addresses these issues through a case study of the Tabon Cave Complex (TCC) in Palawan Province, the Philippines. The research shows that low destination awareness, institutional conflict, and lack of community engagement are reasons for the weak success of the TCC as a tourism destination in the Philippines.

Philippine Tourism and Economic Growth

The Philippine government has seen the economic benefit of tourism as a reason to develop the industry. Tourism is particularly identified as an important avenue to generate employment and alleviate poverty. In 1991, as part of the government effort to help the industry, a Tourism Master Plan (TMP) 1991–2010 was created (DOT 1991). The TMP aims to maximize the contribution of tourism to economic growth, cultural preservation, and social cohesion. It also seeks to develop ecotourism and the establishment of diverse tourist destinations, attractions, and markets.

To meet the TMP's objectives, the government adopted various strategies that include the clustering of tourism destinations in the country; the improvement of the air, sea, and land transportation sectors; the development of accommodations and other infrastructure at the different destinations; as well as the creation of market-competitive destinations and products. Improvements in the transportation sector, for example, include the opening and enhancement of international airports in Luzon (Subic, Clark, and Laoag), Visayas (Cebu), and Mindanao (Davao, Zamboanga, and General Santos) (DOT 2001). In 2012 and 2013, the government allotted around 17 billion pesos (US$400 Million or about 0.2 % of GDP) for its Tourism Roads Infrastructure Program (TRIP). The budget is set to increase to around 74 billion pesos under the National Tourism Development Plan (NTDP) 2011–2016 (Department of Tourism DOT 2012). For 2014, the Tourism Development Program's budget amounted to around 30 billion pesos (Arnaldo 2014).

These government efforts resulted in substantial growth in Philippine tourism. The data from the Department of Tourism show that international tourist arrivals increased from 1.9 million in 2003 to 4.8 million in 2014 while tourism receipts grew from US$1.99 billion in 2004 to US$4.84 billion in 2014. Korea remains the primary country of origin for tourists to the Philippines, followed by the United States (Periabras 2015). Domestic tourism also grew and contributed a substantial amount to the industry. From 23.1 million domestic travelers in 2010, the number increased to 44.1 million in 2013. Domestic tourism contributed 76.5 % of direct travel and tourism GDP

in 2013. Data for 2014 from the World Travel and Tourism Council (WTTC 2015) show that travel and tourism directly contributed 533 billion pesos, or 4.2 % of the Philippines total GDP in 2014, an amount that was predicted to rise by 5.6 % per year from 2015 to 2025. In the same year, the tourism industry directly supported 1,260,000 jobs, or 3.3 % of total employment, which was projected to increase by 2.6 % per year from 2015 to 2025. However, despite the growth of the tourism industry, the country is still underperforming its goals. For several years, the government was not able to reach its annual targeted number of international visitors. In 2012, for example, there were only 4.2 million visitors, which is below the 4.5 million target. In 2013, only 4.7 million international visitors were recorded, below the targeted 5.5 million international visitors (Senate Economic Planning Office 2014).

The main tourist draw that propelled the growth of the Philippine tourism industry is the country's natural environment. The country's marketed image continues to be that of islands and beaches (DOT 2001:58). The Philippines' top destinations, like Boracay Island, Cebu, and Palawan, fall under the sun, sea, and sand theme, showcasing the best beaches, dive spots, and other water sports (DOT 2013). To augment the growth of tourism as well as to reach its targeted international arrival goals, the government has been developing market-competitive products and destinations. The Department of Tourism, for example, tapped the cultural assets of the country as another viable tourism product. These include festivals, events, museums, and cultural repositories including archaeological sites. For several years, the government has been trying to capitalize on AHT as a potential means to boost the Philippines tourism industry. Efforts were made to develop AHT in many parts of the country (see the next section). However, these government endeavors appear to be ineffective, and AHT remains one of the least developed sectors of tourism in the country. The peripheral role of AHT in the Philippines is an issue that needs to be addressed and understood. This chapter tackles the problems, challenges, and prospects of developing AHT in the Philippines using examples from Palawan Island.

Archaeological Resources for Tourism in the Philippines

A number of archaeological sites in the country have been developed and utilized for tourism purposes. Most of the important sites are under the administration of the National Museum of the Philippines, while others were developed by local municipalities. For example, the Angono petroglyphs site museum is located at the municipalities of Binangonan and Angono in the province of Rizal. The petroglyphs represent 127 figural carvings said to symbolize juveniles or infants, which probably were used for healing and magic. The figures, which are engraved on a volcanic tufa rockshelter, cover 25 m of the wall with a height of 3.7 m from the cave floor. It is the oldest known cave art in the Philippines, dating to the third millennium B.C. The petroglyphs were declared a National Cultural Treasure in 1973 and have been on the tentative list of UNESCO World Heritage Centre since 2006. The site museum receives around 30,000 annual visitors, of whom 80 % are from other

provinces, 10 % from Manila and 10 % from the host province. Currently, there are no available data concerning the economic impact of the archaeological tourism sites on the municipal and regional economy (Gappi 2014).

In the northern Philippines, the Peñablanca Protected Landscape and Seascape in Cagayan Valley has around 90 archaeological sites situated in caves and rockshelters. The several excavations conducted here revealed a sequence of occupation from the upper Pleistocene to late Holocene period. Most of the sites were used for habitation. The research in one of the caves, Callao Cave, revealed an occupation layer radiocarbon dated to around 25,000 B.P. and the presence of a 67,000-year-old human bone, so far the oldest human remains found in the Philippines. It is not certain, though, whether the bone is that of modern human or an earlier form of hominid (Mijares et al. 2010; Thiel 1980, 1984, 1986, 1989; Ronquillo 1981; Cuevas 1980; Ronquillo and Santiago 1977; Henson 1977). In 2001, the Department of Tourism noted that an average of 500–600 tourists visited the site. Less than 5 % of the visitors are foreigners (DOT 2001:55). From 2003 to 2013, the Provincial Tourism Office and the Department of Environment and Natural Resources registered around 209,000 visitors to the Park (Biodiversity Management Bureau 2013).

Further north of Cagayan Valley is the Batanes group of islands. The archaeology of the area is highlighted by Neolithic habitation, ancient fortification, and boat-shaped burials (Bellwood and Dizon 2013). The provincial tourism office recorded 7000 tourists in the first quarter of 2014 in the province. The figure equals the 7000 arrivals in 2013 and surpasses the 3413 visitors in 2012. Currently, similar to other sites in the country, there are no specific data to determine the number of visitors on the province's archaeological sites since most of them are integrated into the general tourism of the area.

In the central part of the country, the islands of Cebu, Bohol, Samar, and Panay have important precolonial burial sites and ruins of Spanish structures. Notable are the prehistoric burial and habitation sites at the Sohoton National Park in Basey Samar. In 2012, the park had 570 foreign and domestic visitors (DOT 2013; Hutterer 1973). The Patrocinio de Maria Parish site in Boljoon town, south of Cebu province, is also an interesting site where 26 burials, fifteenth- to sixteenth-century ceramic dishes and jars, a necklace of precious stones, and one large gold earring were recovered and currently are on display at the local museum. The town had 2320 visitors in 2012 (DOT 2013; Bersales and De Leon 2011). Similarly, in Mindanao, the Maitum site in Sarangani province is famous for 2000-year-old anthropomorphic burial jars, a unique archaeological find in Southeast Asia. The earthenware jars depict human figures and faces with different facial expressions (Dizon and Santiago 1996). Another important site in Mindanao is the Butuan or Balangay boat site, where nine prehistoric boats were recovered. The vessels are an edged-pegged plank type of boat used for trading and transport, one of which was dated to around A.D. 320. The site museum is the main tourist attraction in Butuan City. In 2012, the city had 265,965 tourists, 95 % of whom were domestic travelers (DOT 2013; Clark et al. 1993; Ronquillo 1987). The Balobok rockshelter in the province of Tawi-Tawi, another important tourism site, features a habitation of hunter-gatherers where flake tools, modified shell, and animal bones were unearthed. The site was radiocarbon dated to around 3200 BC–6000 BC (Ronquillo et al. 1993).

Spotlight: Palawan Islands Tabon Cave Complex

The island group of Palawan is located in the southwest region of the Philippines. It is bounded on the north by Mindoro Island, the China Sea on the west, the Sulu Sea on the east, and Borneo on the south. It has a total land area of 14,896 km^2 and is composed of 1769 islands. Territorial limit indicators are the Busuanga group of islands on the northern portion, Cagayancillo in the east, Balabac Island in the south, and the Spratly-Kalayaan islands in the west. The length of Palawan Island is 425 km from tip to tip. The distance between extreme north and south of the island province is 650 km, making it the second largest province of the Philippines (Ocampo 1985:3).

The Tabon Cave Complex is one of the most important archaeological areas in Palawan. The caves are located in Lipuun Point Reservation, Quezon and can be reached by 20–30-min boat ride from Quezon municipal pier. The reservation is around 138 ha in area, covered with vegetation. The age of the Lipuun limestone has been determined to be mid-Miocene. There are around 215 caves in the Lipuun Point, 38 of which are archaeologically and anthropologically significant. The caves were used for habitation and burial and have produced cultural materials ranging from the late Pleistocene to the fourteenth century (Fox 1970).

The Tabon cave is one of the sites in Lipuun Point. It is located at the base of a karst formation at the northeast corner of Lipuun point facing the South China Sea. The mouth of the cave is approximately 33 m above sea level. The name "Tabon" came from the Tabon birds (*Megapodius freycinet cumingii*) that frequent the cave to lay eggs. The cave is about 40 m in length and around 18 m in width. It is here that a fossil of *Homo sapiens* was unearthed in the 1960s. A recent dating for the Tabon fossils revealed a date of 47,000 B.P. (Dizon 2003). A unique burial jar with a cover depicting a boatman steering a ship, dated to around 2000–1000 B.P., was recovered from Manunggul cave, one of the sites in the complex. The cover of the jar is said to represent the ship of the dead, an indigenous belief that the souls of dead people are carried to a sky world in such a vessel (Fox 1970). However, other than the ethnographic parallel, there is no other evidence of this practice in prehistory. Most of these caves were secondary burial sites, associated with the Jar Burial Complex.

Tourism Development Efforts at Tabon Caves

The archaeological significance of the Tabon Cave Complex has prompted the Philippine government to come up with different measures to preserve the area for posterity and develop it for tourism purposes. On April 11, 1972, Presidential Decree 996 declared Lipuun Point a site museum reservation. Then, in 1991 and again in 1996, the area was included in the Philippine Tourism Master Plan and the Regional Tourism Master Plans for Southern Tagalog as a priority area for development in the country. In 1997, the Department of Tourism commissioned a private

consulting company to develop a Detailed Tourism Development Master Plan for Tabon Caves (DTDMP-TC). The primary aim of the DTDMP-TC was to provide a working framework for the development of the cultural and natural heritage of the Tabon Cave area with the main objective of making the TCC a major tourist destination. In 1998, the DTDMP-TC was completed and ready for implementation (TAM Planners Co. 1998). In 2000, the Department of Tourism, the National Museum of the Philippines and the National Commission for Culture and the Arts launched a project entitled "The Site Development of the National Museum Branch and the Tabon Cave Complex." The project aimed to develop the TCC and to preserve the country's cultural heritage.

The DTDMP-TC identified several problems that were deemed to contribute to the low level of visitation at the TCC. The problems included poor marketing strategy, lack of tourist facilities such as hotels, lack of infrastructure and utilities, and limited means to access the Lipuun Point Reservation. The master plan enumerated several recommendations to address these problems including the renovation of the National Museum Complex, the construction of jetty and boardwalk at the TCC entrance, creation of an onsite exhibit area at Liyang Cave, and the building of viewing decks and a boardwalk linking the concrete walk and the tawa-tawa picnic grounds. In addition to the TCC, the DTDMP-TC includes the peripheral area in the development plan. There are other natural attractions adjacent to Lipuun Point that can be integrated into the itinerary of TCC visitors. The islands of Sidanao and Tataran, for example, are ideal for picnics and water sports.

After the submission of the various development plans for the TCC, several improvements were implemented at an investment by the national government of the Philippines of 80.5 million pesos. The implementing agencies were the Department of Tourism, National Museum of the Philippines, Department of Public Works and Highways, and the municipality of Quezon. The interventions included the construction of the boardwalk and jetty at the cave entrance, improvements to the trail and the placement of signage, construction of the view deck at the Tabon Cave mouth, and construction of a connecting trail to the picnic ground (TAM Planners Co. 1998). The other recommended interventions, particularly those on the municipal and provincial level, also have been executed. The roads from Puerto Princesa City to the municipality of Quezon have been improved and some portions already have been paved, which increased the number of public utility vehicles able to service the municipality from different parts of the province in a faster and safer way. The number of tourism facilities such as lodging houses and restaurants in the town center also increased slightly. There were more than 20 accommodation and food establishments in Quezon in 2013, an improvement from the estimated 13 lodging establishments and restaurants in 2010 (A. Paciones, pers. comm., 30 July 2013).

As most of the intervention projects recommended in the DTDMP-TC had been carried out, signs of improvement in the level of tourism at the TCC were expected. The DTDMP-TC included in its report a projection of the annual number of visitors to the TCC to be expected after the interventions were completed. Table 7.1 presents the DTDMP-TC projections for 2006 and 2010 and extends the comparison by presenting the actual number of visitors for the years 2011–2013. As is evident, the

Table 7.1 Projected and actual visitors to the Tabon Cave Complex, 2006–2013

Number of visitors	2006	2010	2011	2012	2013
DTDMP-TC Projected number of visitors after interventions	22,000	32,500			
Actual number of visitors	9657	10,011	7018	7429	7455

Source: National Museum Quezon Branch (2014); TAM Planners Co. (1998)

figures for 2006 and 2010 reveal a large discrepancy between the forecasted number of visitors and the actual tally of visitors. Looking further at the 2011–2013 statistics, there was actually a decrease in the number of visitors to the TCC in recent years.

Missing Components

A look at the tourist arrivals in four of the popular destinations in Palawan will show that the TCC is an outlier in an otherwise healthy tourism industry in the province (Table 7.2). Similar to the trend on the national level, the tourism in Puerto Princesa City, for example, shows an increasing number of tourists from 2010 to 2014. The city's visitor statistics are a good indicator of the status of tourism in the province since it is the main gateway to most of the tourist attractions in Palawan. In 2014, there were 740,272 visitors, of whom domestic tourists represent 74 % of the arrivals. For more than a decade, domestic tourists were the city's largest market (Puerto Princesa City Tourism 2015). The visitor statistics for El Nido (see Table 7.2), another popular destination in northern Palawan, likewise show the growing tourism industry in Palawan. The other two destinations, the municipalities of Taytay and San Vicente, had a combined total of 18,094 visitors in 2012 (DOT 2013).

Based on the failure of tourist visitation to improve at the TCC in the wake of substantial investments by the government, these government efforts to develop archaeological tourism at the TCC have proven to be inadequate. Despite the interventions mentioned earlier, the TCC remains peripheral to the tourism industry of Palawan and performed poorly in attracting visitors. An important question at this point is: What seem to be the reasons for the weak performance of the TCC as a tourist destination? What are the missing components of the government interventions?

To shed light on this issue, from 2012 to 2013 a program of consultation and surveys was conducted by the author among 450 individuals (Table 7.3). There were three groups of respondents for the survey and consultation: (1) foreign and domestic visitors, (2) residents of Puerto Princesa City, and (3) residents of Quezon. The foreign and domestic visitors were randomly chosen for the interviews, which were conducted mostly at the Puerto Princesa City airport. The residents of Puerto Princesa and Quezon, on the other hand, were purposely selected for the survey. Aside from the survey, focus group discussions and interviews were also conducted in Quezon. The research indicates three major factors that hamper the development

Table 7.2 Puerto Princesa City and El Nido tourist arrivals, 2010–2014

Tourist arrival	2010	2011	2012	2013	2014
Puerto Princesa City	417,593	515,148	654,033	692,982	740,272
El Nido	37,383	37,233	50,786	64,000	

Source: Puerto Princesa City Tourism (2015); El Nido Municipal Tourism Office (2014)

Table 7.3 Number and affiliations of survey respondents

Respondents in Puerto Princesa City	#	Respondents in Quezon	#
Palawan University Students	100	Focus Group Discussion	10
Teachers	50	Students from Quezon	20
Tour operators/guides	20	Private individuals from Quezon	20
Local Government Officials	5		
Private individuals	25		
Foreign tourists	50		
Domestic tourists	150		
Total	400	Total	50

Source: Author's survey

and success of the TCC as an archaeological tourism destination: Inadequate awareness of the destination and the archaeological site, institutional conflicts among government agencies, and limited community engagement.

Destination and Archaeological Awareness

For a tourist destination to be successful, tourists must be aware of the place and it must have a positive image in the industry (Milman and Pizam 1995:22). The prospective visitors must be provided with interesting information about the site to get their attention and motivate a visit. The place's site features, amenities, and transportation logistics are also important for visitor's trip planning. Awareness of the destination is achieved through marketing strategies that include social media, a destination's web site, feature articles about the site, selling the destination at tourism trade fairs, and familiarization trips for media and tour operators.

The outcome of the 2012–2013 survey suggests that the lack of destination awareness is one of the major reasons for the TCC's weak tourism performance. The results show that out of the total of 200 foreign and domestic visitors interviewed, only ten individuals (all foreigners) or 5 % of them were aware of the TCC. Their knowledge of the TCC came from the internet and guidebooks. None of these ten individuals had visited the TCC, citing the lack of updated information on the area and its distance from the other tourist destinations in the province. On the other hand, out of the 200 individual surveyed in Puerto Princesa City, 187 respondents or 93.5 % had "heard" of the TCC. The majority of them, though, were not

aware of the site's archaeological significance. Only six individuals out of the 200 respondents had visited the TCC and they went there for the swimming and picnic opportunities rather than the archaeological importance of the site. The results of the survey and interviews conducted among students and local residents of Quezon provide another angle on the TCC's tourism: Although all of the respondents and interviewees had been to the TCC, 60 % of them went there for a picnic as their primary purpose of the visit. Their knowledge of the site was also limited. Details of this will be discussed further later.

The survey shows the TCC's lack of destination awareness among tourists. This can be attributed to the minimal promotion and marketing of the site. This issue was raised in the DMTMP-TC; however, the problem was not addressed properly during the implementation of the tourism plan. The DMTMP-TC had several marketing recommendations that included the creation of a Tabon Cave website, the holding of special events in the area, and the promotion of the area as a location for shooting films (TAM Planners Co. 1998). None of these recommendations were implemented (A. Paciones, pers. comm., 30 July 2013). The National Museum of the Philippines, for their part, published a guidebook on the TCC in 2004; however, the impact of the publication on the promotion of the TCC has not been evaluated.

Promotion of the TCC by the Philippine Department of Tourism and the Palawan provincial tourism office is limited to their respective websites. Their efforts have been focused on the Puerto Princesa City area, particularly the Subterranean River National Park, which was voted in 2012 as one of the seven Wonders of Nature, and on the Northern Palawan region where the best islands and beaches are situated. The province has been marketed for its stunning natural beauty, which is consistent with Palawan's promotional tagline as the "last ecological frontier" of the Philippines. The construction of airports, paved roads, and other tourism facilities in those areas shows that they are the government's top priorities.

Similarly, the interviews with the tour operators and agencies, who are the marketing agents responsible for creating campaigns for a particular destination, showed that they have not done much to promote the TCC. Their work is most often dictated by the province's tourism trends and government recommendations. Thus, tour operators and agencies are promoting and marketing the top tourist destinations in northern Palawan and Puerto Princesa City. Moreover, during the interviews the tour operators raised their scant knowledge of the TCC and archaeology in general as hindrances to marketing and promoting the destination. In order for their sector to do their task, they need to be provided with sufficient information about the place.

Institutional Conflict

Conflicts among concerned government agencies are another major obstacle to the development of the TCC. The two major institutions involved here are the National Museum of the Philippines and the local government of Quezon. The problem

revolves around the overlapping power given by the law to both government units to develop and manage the TCC for tourism.

Section 7.20 of Republic Act 8492, passed in 1998, gives the National Museum of the Philippines (NMP) the power to "maintain, preserve, interpret and exhibit to the public the artifacts in sites of the Paleolithic habitation site of the possible earliest man to the Philippines, the Neolithic habitation of the ancient Filipino at the Tabon Caves and other important archaeological sites." The law designates the NMP as the administrator and gives control to the NMP of the Lipuun point reservation that includes the TCC. Book 1, Chapter 2, section 17 of the Local Government Code of 1991, on the other hand, gave the provincial government of Palawan and the municipality of Quezon the power to regulate and supervise tourism facilities and attractions as well as to promote and develop tourism. Their power includes the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities.

The local government of Quezon wanted to exercise their mandate to invest in tourism development projects that would benefit the TCC and to have some degree of control over the management of the tourism aspect of the TCC. However, RA 8492 does not allow them to do this because the law mandates the NMP as the administrator of the area. Moreover, it is the contention of the local government that their investment related to the development of the TCC should return some benefits to them (A. Paciones, pers. comm., 30 July 2013). Revenues from the entrance fee to the TCC, for example, could be shared by both the local government unit and the NMP. At present, the revenues from TCC's entrance fee go directly to the National Museum.

The contention between these government agencies has been going on since the implementation of RA 8492 in 1998. With the persistence of this problem, it is expected that the development of the TCC will progress at a very slow pace. Given the crucial role of both institutions, what is needed now is for both agencies to settle their differences and work toward the success of the TCC.

Community Engagement

The success of any tourist destination does not rest on the shoulders of the government alone. It requires the participation of the community in many aspects. Various scholars have emphasized the crucial role of local communities, in partnership with the government, in delivering project success (Hampton 2005; Wall and Black 2004). Tourism does not only involve the beauty and educational value of the place but its identity as well. And on this aspect, the local residents are the major resource. Their welcoming attitude, hospitality, and attitude toward visitors count as major attractions to the point of interest.

The involvement of Quezon's local community in the development of the TCC as a tourist destination is weak. The focus group discussion and interviews conducted among the residents of Quezon show that only 20 % of the interviewees have participated in any tourism-related activities in their hometown. The local residents'

engagement most often does not take place as part of government tourism programs. Locals encounter the visitors, for example, when the latter buy from their stores or eat in their restaurants or food stalls. The failure of government initiatives to incorporate the local community as a valid stakeholder and part of the decision making body precludes them from fully participating in the planning and implementation of programs that will help in the success of the TCC as a tourist destination.

The lack of active community participation can also be attributed to their lack of archaeological awareness, particularly regarding the significance of the TCC. The community consultation revealed that only eight of the residents have a clear understanding of the importance of the TCC in Philippine history and culture. Some of the questions asked during the consultation were: How many caves are there in the TCC? Can you name at least three caves within the TCC? How old are the Tabon human remains? The students who were interviewed in particular lacked basic knowledge about the TCC. As shown in other studies, an informed citizenry is crucial to tourism development and implementation (Keogh 1990).

Conclusion: The Future of Archaeological Tourism in the Philippines

For several years, a number of archaeological sites all over the Philippines have been promoted for tourism. However, up to this time, AHT has had little success. The case of the Tabon Cave Complex in Palawan illustrates the realities of developing archaeological tourism in the country. Though this does not claim to be a comprehensive study on the subject, this research revealed the general problems and challenges in promoting AHT in the Philippines. The lack of destination and archaeological awareness, institutional conflicts, and lack of community involvement are important problems that need to be addressed in order for an AHT site to move forward.

The lack of destination awareness warrants a good marketing strategy. The various tourism offices should take the lead in developing campaigns to promote the TCC. A website, a social media fan page, print and video advertisements, and several other means of bringing the TCC to the attention of the local community or tourists should be implemented. Interconnected here are the efforts to expand the TCC's target audience in order to capture tourists with varied interests. Based on the NMP data, visitors to the TCC are mostly local students and archaeology enthusiasts. In order to compete with other tourist destinations in Palawan and to increase visitation, the TCC needs to attract new segments of the tourism market. This can be done by integrating and packaging the TCC with other tourist destinations and products in the municipality of Quezon and neighboring towns. It has already been mentioned that the development of peripheral tourist sites is essential to complement the TCC. There are pristine white sand beaches and coral reefs on the different islands near Lipuun Point as well as nature parks along the way to Quezon that can serve as additional attractions for those visiting the TCC. The new attractions hope to capture mountain and water sports enthusiasts. The local and provincial tourism office

could also highlight the different cultural heritage of the various ethnolinguistic groups, particularly the indigenous community in the municipality, as a tourism product. In this respect, a cultural mapping of all the cultural assets of the municipality has to be conducted.

The earlier strategy is seen as an immediate recourse to hasten the marketability of the TCC. However, an underlying issue connected in marketing the TCC is the stakeholders' lack of archaeological awareness. Based on the TCC experience, the planning and implementation of AHT-related projects will be more successful if the people or agencies responsible have a good understanding of archaeology in general and of the archaeological sites they are working on, in particular. The survey shows that government officials, tour operators, tourists, and local community members have little or no understanding of the basics of archaeology and its significance. An understanding of archaeology is crucial, for example, to help government tourism offices and tour operators devise plans and strategies to promote an archaeological site. The tour operators and guides in Palawan cite their lack of familiarity with archaeology for the unpopularity of the TCC among their groups. On the side of the consumer, archaeological awareness creates interest and appreciation of an archaeological site.

The lack of archaeological awareness can be countered through education. Though seen as a long-term solution, education is a viable means of instilling archaeological consciousness among the people. Various government agencies, heritage, and archaeological research groups have been conducting cultural heritage management programs all over the country primarily to disseminate archaeological awareness. The University of the Philippines Archaeological Studies program, for example, has already integrated heritage management workshops and awareness campaigns in many of its research projects. The group creates archaeological site exhibits supplemented by lectures in most of their archaeological sites to raise consciousness on the importance of preserving the cultural heritage (Paz 2007). However, the campaigns are not enough. The lack of archaeological awareness persists and is clearly mirrored in the destruction and looting of archaeological sites in the country. There is currently no published literature assessing the destruction of archaeological sites in the country, but this author regularly has observed the consequences of looting as a practitioner in the field for more than 10 years. In my opinion, archaeological education should start in the early stage of students learning, and schools are the best venue to implement it. The approach should be to integrate archaeology on all levels of education in the Philippines, particularly in history or social science classes for primary and secondary schools. Students' early exposure to archaeology would help create an archaeologically aware population in the future.

The future of archaeological tourism in the Philippines is very promising. In addition to the already existing archaeological tourism sites, the country has new archaeological areas that can be fully developed into major tourist destinations. The sites in northern and central Palawan, for example, have interesting burial and habitation cave sites that have already gained popularity among visitors to that region. Similar to other sites in the country, the pathway to make them fully successful and sustainable remains a big challenge for the tourism sector. Difficult as it may seem, the hurdles can be overcome if the proper government agencies, private institutions, local communities, and other stake-

holders cooperate and realign their efforts toward a common goal of making archaeological heritage tourism the strongest sector in the tourism industry of the country.

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Chapter 8
Bridging the Divide: Heritage Management and Development in the Twenty-First Century

Ndukuyakhe Ndlovu

Introduction

Conflicts between developers and heritage managers are becoming a serious problem in South Africa. Often, heritage managers, those officials tasked under legislation to coordinate the identification and management of the national patrimony, consider developers to be a threat to irreplaceable heritage resources. On the other hand, developers often consider heritage management to be an expensive punishment and not a necessary exercise. Drawing on South African case studies, this paper provides a general overview of the conflict between heritage managers and developers, and then discusses two case studies to illustrate the nature of the divide between heritage managers and those in business in order to highlight the depth of the division.

Heritage managers must respond to the rising threat from developers by adapting their management approaches to the business demands of the twenty-first century. Failure to do so will entrench the thinking that heritage management is a stumbling block to the economic development of the country. Considering the high level of poverty in South Africa and the widening income and wealth gaps, any objective that threatens economic development will be heavily criticized and thus undermined. Heritage managers must play a pivotal role in bridging the polarity that exists with developers, even over and above bridging the gap between archaeologists and Indigenous communities. The paper concludes by arguing that heritage managers need to acquire the "human face" that developers often claim to possess and offers recommendations on what could be done to bridge the gap between these two significant interests.

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The Nature of the Divide

South Africa is a developing nation facing numerous challenges following the 1994 transition from apartheid to democratic government. One of these challenges is widespread poverty and growing income inequality. Poverty figures released by Statistics South Africa in 2014 did indicate a drop in extreme poverty levels to 20.2 % of the population between 2006 and 2011, and a decline to 45.5 % of the population for moderate poverty. Nonetheless, there are still millions of people struggling to make ends meet. Moreover, the Poverty Trends report noted that the gap between those who have and those who do not have has been sharply increasing (South Africa Info. 2015). This inequality is reportedly among the highest in the world.

In June 2011, the National Planning Commission published a draft National Development Plan (NDP). This 15-chapter plan aims to alleviate poverty and reduce inequality by 2030 (NDP 2012). To decrease the level of poverty, the country must create employment opportunities, which means that economic development must be paramount. As a result, there is an evident threat to heritage resources, particularly from mining and infrastructure development, which are lucrative enterprises (Esterhuysen 2009).

A divide also exists between heritage managers and communities in South Africa (Meskell 2012). Heritage managers have begun to see the need to actively include communities in the management of heritage resources, as opposed to past practices that left the main responsibility to "experts" who knew how best to manage heritage resources from an academic or nationalist perspective (Ndoro 2005). It is thus not surprising that a great deal of attention has been placed on bridging the gap between heritage managers and communities (Phillips and Allen 2010). Growing recognition of the important role that should be played by communities has led to heritage managers actively calling for public or community archaeology (Ndlovu 2016). However, attempts to be more inclusive will not significantly change the authorized heritage management paradigm that emphasizes preservation of tangible heritage. This paradigm promotes a physical approach to heritage management as opposed to emphasizing the spiritual significance of heritage resources. Communities are simply brought on board to satisfy the political motive of being inclusive and suggest that preservation per se is somehow relevant to the community (Ndlovu 2005, 2009, 2012).

Nonetheless, I would argue that the more critical gap is the one emerging between heritage managers and development-related businesses. Development, especially by the real estate and extractive industries, is considered by heritage managers to be destructive, while heritage managers are viewed by business as confrontational and thus obstructive. Heritage managers want to preserve the "old" while developers clear traces of the "old" to bring in the "new." The question then should be, if heritage managers are making efforts to bridge the gap between themselves and communities, to what extent does the gap between heritage managers and development-related businesses threaten such a relationship? I would argue that unless we implement meaningful efforts to bridge that gap, the conflict between these sectors will be worsened by the levels of poverty in the country. Typically, the

communities in which archaeologists seek to have a greater relationship are the same ones exposed to unbelievable levels of poverty. Developers are able to speak the government's language, which is the language of creating much needed employment, a language that is better understood by communities subject to poverty.

Finally, we need to consider that the significance of heritage for communities' changes over time, and when heritage resources lose their spiritual significance, even though they retain strong scientific relevance, communities' interest in preservation is likely to wane. Thus, when communities are forced to choose between employment opportunities and a heritage that is no longer significant for them (but *is* important to heritage managers), it is clear that communities will prefer the former. Means must be found to reach common ground between developers and heritage managers, such that both can compromise where necessary to benefit local communities. In the balance of this chapter, through two case studies, I will illustrate the nature of this divide between heritage and development-related businesses and the fact that it is too important to ignore. I also will suggest avenues for bridging the divide between heritage management and business interests in ways that can benefit all stakeholders, including local communities.

The first case study is Baboon Point in the Elands Bay, Piketberg District, Western Cape Province. In 2009, this was the first site in the province to be declared a Provincial Heritage Site (PHS) under the 1999 National Heritage Resources Act (NHRA) which followed the repeal of the National Monuments Act (Ndlovu 2011). PHS status was conferred because of the concentration of heritage resources in the area where archaeological deposits represent many years of occupation. The second case study is that of Mapungubwe Cultural Landscape, declared by UNESCO to be a World Heritage Site in 2003. Mapungubwe, which is the first site illustrating early civilization in southern Africa through evidence of extensive trade networks, was occupied in the thirteenth and fourteenth centuries. Since 2010, the site has been threatened by a government-approved coal mine (Meskell 2011; Swanepoel 2011; Esterhuysen 2009).

Baboon Point, Elands Bay, Western Cape Province

Baboon Point (Erven 64, 65, 66 and 67, and part of the Remainder of Farm Verlorenvlei No. 8) is located along the west coast of the Western Cape Province. Baboon Point has rich archaeological and paleontological significance represented by the painted Elands Bay Cave, shell middens, and very ancient archaeological and paleontological sites. Its significance was further enhanced in the colonial era when it housed a number of World War II radar station buildings, and there are remnants of marine industry buildings that housed the African laborers during the apartheid regime. Altogether, this represents an unbroken record of occupation for over 100,000 years (Yeld 2011; HWC 2007). As stated in the nomination dossier to make Baboon Point a PHS:

> The natural and cultural landscape features comprise a layered group of archaeological and historical sites interlocked with the landscape in their original setting, that together record the long history of pre-colonial and 20th century human settlement, and that stretches back for hundreds of thousands of years. No other known area along the entire coastline of the West Coast concentrates a diversity of heritage resources of such high significance as Baboon Point. (HWC 2007:2)

In 2005, a privately owned and Pretoria-based property development company named Midnight Storm bought three properties at Baboon Point. Facing this "imminent threat" to the heritage resources of Baboon Point, Heritage Western Cape (HWC), a statutory body established to protect and manage heritage resources, particularly Grade II heritage resources, in the Western Cape Province, initiated a process to protect the area formally by declaring it a PHS (Ndlovu 2011; Scheermeyer 2005). The efforts by HWC culminated in Baboon Point being declared a PHS in April 2009. Much of the property declared as the PHS is privately owned by Midnight Storm, with the remainder of the property owned by the South African government.

Declaring the area as a Grade II site led to the beginning of many challenges that have defined the struggles between HWC, the provincial Department of Environmental Affairs and Development Planning (DEA&DP), Midnight Storm, and the neighboring community, which is represented by the Elands Bay Environmental and Developmental Action Group (EBEDAG). DEA&DP is the authority tasked with providing approvals to all listed development activities in the Western Cape Province. The department works together with other state departments and institutions in granting or refusing requested development approvals. HWC is one such government institution which has heritage management responsibilities. EBEDAG is a nongovernmental organization which was formed in reaction to the proposed developmental activities by Midnight Storm. It is largely composed of well-off neighbors of Baboon Point. Based on my brief experience when I interacted with various people involved during one of my visits as a HWC employee in 2007, I would argue that the much poorer neighbors of Baboon Point, who were concerned with matters of survival, had no interest in the ensuing "war" to prevent Midnight Storm from developing their properties.

While proposals by Midnight Storm were known many years in advance, when the company was still undertaking various studies required by legislation, it was not until early 2010 that a formal application detailing their intentions was submitted. The company proposed to build 90 private homes on their property, but this was turned down by both HWC and the DEA&DP, a decision that was supported by the EBEDAG. Midnight Storm subsequently appealed this decision, but their appeal failed in June 2010. According to the appeal tribunal, the area was "extraordinarily significant and sensitive" and thus no development activity could be allowed. Midnight Storm had argued that not being allowed to develop their property was a constitutional matter (Yeld 2010). This view was rejected by the tribunal on the basis that the constitution provided no guarantee of a right to develop on private property. Constitutional protection was only provided against arbitrary deprivation

of property (Editor 2013). The tribunal plainly did not consider it arbitrary that Midnight Storm could not develop due to the heritage and environmental significance of the properties it owns.

Having lost this appeal, Midnight Storm opted to change its development plans. They then applied over a year later, in the latter part of 2011, for permission to build only five houses (between 450 and 500 m^2) and one light industrial facility (of about 1000 m^2) that could be used as a warehouse or a factory. Initially, HWC decided not to process this application as it was incomplete. For instance, Midnight Storm presented no evidence of social consultation with the interested and affected parties, there was no assessment of the potential impacts on archaeological and paleontological resources, and no plan was provided on how to mitigate threats to these heritage resources. After resolving the concerns raised by HWC, the application was resubmitted in mid-2012. During the processing of this second and revised application, an EBEDAG Executive member was quoted in the media arguing that Midnight Storm's property should simply be expropriated and returned to the public domain (Yeld 2011).

Arguably this is an insensitive, even irresponsible, suggestion, but is illustrative of the general view of developers by the public, which is that we should not allow for heritage to be abused by people who have their own intentions and would stop at nothing to ensure that their objectives are achieved. In my brief interaction with EBEDAG during my period working at Baboon Point, I never found them to be flexible on any front, and the above statement was consistent with EBEDAG's opposition to development. In addition, I would argue that EBEDAG failed to appreciate the constitutional rights of the landowner, something HWC began acknowledging in November 2012 when it reviewed the revised developmental plans by Midnight Storm (as shall be shown later).

This second application was partially rejected in November 2012. Four of the five houses proposed by Midnight Storm were not permitted, nor was the light industry factory. The fifth house could not be decided upon as it fell outside of the area of Baboon Point that had been declared a PHS. Most significantly, the subcommittee of Built Environment and Landscape Committee appointed by HWC to oversee the application by Midnight Storm acknowledged the constitutional right of the landowner. As a result, a recommendation was made by this committee that, instead of building 500 m^2 houses, Midnight Storm consider constructing 350 m^2 houses while fully exploiting existing road infrastructure. While this decision was in line with that of the tribunal made in December 2012 (refusing what HWC defined as large-scale development), it was the first time that HWC conceded any possibility that some form of development would be allowed. The use of a subcommittee to make this decision, rather than the more typical delegation to staff members of HWC, caused Midnight Storm to question the authority that made the decision. Indeed, in my personal experience working for provincial and national heritage authorities in South Africa, I have never encountered a subcommittee of this sort. To adjudicate over yet another appeal by Midnight Storm, a new three-member tribunal was appointed. This new tribunal upheld the decision by the subcommittee, and Midnight Storm lost yet another appeal.

Implications of the Baboon Point Experience

There are two critical points to consider. First, the shortcomings of the current management status of Baboon Point, and second, the matter of compensation of Midnight Storm for its financial loss due to being prevented from building on the properties it owns. A statement made by Midnight Storm in the process of submitting the second application for the proposed development highlighted both of these critical points:

> The industrial development rights attached to Erf 65 are a reality that cannot be ignored without having to address the issue of compensation for the owners, should they be prevented from exercising these rights. Even if funds were to be made available for supporting a no-development option at Baboon Point, there would still be no guarantee that the proper controls would be put in place to prevent further damage to its heritage resources. Given these factors, controlled development on the property is considered preferable to persisting with the status quo. (Withers 2012)

Regarding the first point, a concern is raised in the Conservation Management Plan that HWC personnel are located far from the Baboon Point PHS and there is no other nearby Management Authority tasked with managing the declared site. South Africa has a three-tier approach to managing heritage resources: National, provincial, and local levels (Ndlovu 2011; Scheermeyer 2005; Kotze and van Rensburg 2002; Deacon and Deacon 1999; Deacon 1997:3). This approach resembles the structure of South Africa's government. The significant departure made from the apartheid-era National Monuments Act (no. 28 of 1969) by current legislation is that the new national heritage resources legislation ensures decentralized heritage management. The South African Heritage Resources Agency (SAHRA) is the national authority tasked with the management of Grade I heritage resources. Grade II heritage resources (such as Baboon Point PHS) are the responsibility of Provincial Heritage Resources Authorities (PHRAs, in this case HWC), while local municipalities have the mandate over sites of local significance and those that have not been graded (Ndlovu 2011). Only three PHRAs in the country have been deemed competent by SAHRA to perform a number of duties based on the staffing capabilities. It is also common knowledge that municipalities are failing dismally to fulfill their task for various reasons which fall beyond the scope of this chapter. Considering the distance between the HWC offices in Cape Town and Baboon Point, which is over 3 h by car, it is difficult for the institution to be hands-on when it comes to the daily management of this significant site. Nor can HWC contemplate asking the Cederberg Municipality to administer heritage resources within its boundaries (including Baboon Point) because the municipality does not have a strong heritage department that has a capacity to deliver on such a mandate.

Midnight Storm highlighted this management weakness when they argued that not developing the site would be more detrimental than allowing some form of development to continue, and they have a case. For instance, there is a history of graffiti which has damaged rock art paintings at Elands Bay Cave and there is no reason to believe that this will never be the case in the future (Yeld 2008). This

problem is emphasized in the Nomination Dossier for the PHS, which states that "loitering and lack of maintenance has continued unabated and there is an urgent need to control visitor access as part of a larger conservation management plan that would formally protect Baboon Point and its irreplaceable assets from inappropriate development and vandalism" (HWC 2007:2). While a Conservation Management Plan has been commissioned and approved, its implementation will be difficult, as is always the nature of implementing such documents. As it is, the site is open to all kinds of threats and thus refusing any form of development does not necessarily ensure any form of protection.

In addition to the challenge of ensuring that Baboon Point is adequately protected, the issue of compensation is a significant matter to consider. When Midnight Storm began to acknowledge the difficulty they were having in developing their privately owned properties, they asked HWC for financial compensation as early as 2007. Their representatives argued that they are suffering financial loss as a result of the cost incurred when they purchased the properties. As can be expected, this request was not warmly received due to the inability of HWC to afford such a transaction (Withers 2012). While an official of EBEDAG later argued that land owned by Midnight Storm should simply be expropriated without any financial compensation (Yeld 2011), it is unreasonable to expect that a private company or any private individual should simply walk away from an expensive investment in the name of heritage and environmental management. I will build on these two points after considering the second case study, Mapungubwe Cultural Landscape in Limpopo.

Mapungubwe Cultural Landscape

Mapungubwe Cultural Landscape is an area of about 28,169 ha in the north of Limpopo Province, near the confluence of Limpopo and Shashe rivers. The landscape is characterized by the presence of three capital cities of archaeological significance (Shroda, K2/Bambandyanalo, and Mapungubwe Hill) and their satellites, and is a meeting point of three countries, Botswana, Zimbabwe, and South Africa. Since its "rediscovery" on New Year's Eve in 1932, the landscape has been extensively surveyed and excavated, mainly by archaeologists from the Universities of Pretoria and Witwatersrand. Their focus was particularly on the rich iron age record in this region.

The Mapungubwe Cultural Landscape is significant because a thriving Kingdom lived here between the late eleventh and early thirteenth centuries. One of the three capital sites within the landscape, Mapungubwe Hill, has been identified as the first class-based Kingdom in what is today southern Africa, featuring physical segregation between commoners and those of a higher social stratification. With an estimated population of between 3000 and 5000 people, the elite lived at the top of Mapungubwe hill while the commoners occupied the bottom and the surroundings. The wealth generated through trade in ivory and gold with Arab, Chinese, and Indian merchants promoted this class segregation. Besides the iron age resources of

Mapungubwe Cultural Landscape, which have given the site international prominence, there is also archaeological evidence for a much earlier occupation. The occupation of the area was continuous through the arrival of the farming communities. Archaeological evidence of these groups has been recorded at over 400 sites within the Mapungubwe Cultural Landscape.

Reflecting the area's importance, in 2002 President Thabo Mvuyelwa Mbeki established the Order of the Mapungubwe as a national award for South Africans who have had important international impact. The first recipient was Nelson Mandela. Furthermore, the significance of the area was recognized in 2006, when the three countries sharing borders nearby reached agreement for the establishment of the Transfrontier Conservation Area with the Mapungubwe National Park at its core, although subsequent disputes among the parties have prevented progress toward implementation. While the area is rich in archaeological materials, its nomination and subsequent inscription on the World Heritage Site List in 2003 was on the basis of the iron age archaeological evidence, in recognition of its value in providing significant insight into southern Africa's early civilization. However, the Outstanding Universal Value of this landscape is now threatened by the discovery of rich deposits of minerals such as coal and diamonds (see also Labadi, Chap. 4 this volume).

The threat posed by mining operations to heritage resources near the Mapungubwe Cultural Landscape has received significant attention (Ndlovu 2012; Swanepoel and Schoeman 2010; Esterhuysen 2009). This followed the application made by Vele Colliery of Limpopo Coal Company (Pty) Ltd, a subsidiary owned by Coal of Africa Limited (CoAL), for a mining license to explore coal reserves near the Mapungubwe Cultural Landscape. By mid-2014, according to the testimony of one government consultant at a public meeting attended by the author, there were about 423 mining applications near Mapungubwe Cultural Landscape.

Post-2010 Challenges

The Vele Colliery application, which was approved in 2010, generated a significant negative reaction, with various nongovernmental organizations challenging the decision to grant the mining license (see Meskell 2011; Swanepoel and Schoeman 2010; Esterhuysen 2009). Several organizations came together in 2010 to establish the Save Mapungubwe Coalition, including the Endangered Wildlife Trust, the Association of Southern African Professional Archaeologists, the Mapungubwe Action Group, the Wilderness Foundation South Africa, Peace Parks Foundation, the World Wide Fund for Nature South Africa, and BirdLife South Africa. The applicants, represented by the Centre for Applied Legal Studies, lodged internal appeals against the decision to grant the mining right, citing failure by the mining company to get environmental authorization and a water license. While the legal disputes were ongoing, the Coalition applicants launched an interdict, or stop-work, application in August 2010 in an attempt to prevent further destruction of the ecological and archaeological heritage in the area. The Department of Environmental Affairs (DEA)

responded by issuing a notice to cease all operations that were in contravention of the National Environmental Management Act (NEMA). This was because the mining company had begun its construction activities even though they had not yet received environmental authorization. For example, following the approval of their mining license, CoAL created road infrastructure and above-ground storage for hazardous goods, and constructed a sludge dam and a water pipeline network. To rectify the situation, CoAL then submitted two section 24G applications and paid a fine of R9.25-million in May 2011 (Macleod 2011). Section 24G is an application made by a party who has committed an offence under s.24F of the NEMA legislation. Such a party could either be granted an after-the-fact environmental authorization or be forced to rehabilitate the environment to its original condition.

Collectively, these efforts over the years by various parties (coalition, government departments, and agencies) have put pressure on CoAL to proactively protect heritage resources within their properties, safeguarding them against negative effects from mining activities. The opposition to this mining project attracted international attention, leading to an intervention by UNESCO that eventually led to the production in 2012 of a revised Heritage Impact Assessment. Following the intervention by UNESCO, DEA, and the Save Mapungubwe Coalition, two agreements were reached. The first was between DEA, South African National Parks (SANParks), and CoAL. This was a biodiversity offset agreement meant to ensure that CoAL reinstates the environment damaged by their mining activities. Although originally expected to be completed within 6 months, it was only after 3 years, on 8 October 2014, that CoAL, the DEA, and SANParks finally signed this biodiversity offset agreement. The second agreement was reached between CoAL and the Mapungubwe Coalition. According to Planting (2012), the process initiated by the MoU was intended to result in the mine undertaking to mitigate the consequences of its activities on water and heritage resources. This agreement led to the withdrawal of the legal interdict, but due to a lack of trust between the two parties, it was short-lived. On the one hand, the Mapungubwe Coalition held a view that CoAL had been demonstrating unwillingness to deliver on the agreement reached because of its noncompliance with its water license (see Planting 2012). On the other hand, I would argue that CoAL resented receiving pressure from the Coalition. Subsequently, there have been a number of confrontations between CoAL and the coalition, although there are some indications that the nature of the relationship is improving.

Besides the improving working relationship between CoAL and the Mapungubwe Coalition, and CoAL's demonstrated continuing interest to safeguard heritage within its properties, the significant achievement over the years after the post-2010 challenges is the new buffer zone. South Africa took a significant decision in 2014 to prevent any form of mining within the buffer zone that protects Mapungubwe Cultural Landscape. As noted earlier, the original buffer zone was not clearly inscribed. Following extensive consultation with land owners, community representatives, nongovernmental organizations, mining companies, and various government stakeholders, a new buffer zone was approved at the 38th World Heritage Committee meeting held in Doha, Qatar, in June 2014. Although the new buffer zone is much smaller than the previous one, it is more practical in protecting the site against any potential threats.

Discussion

As a developing country faced with the challenges of a stagnant economy that is not creating enough employment opportunities, there is always pressure on South Africa's government to allow for an environment that promotes economic growth. As argued earlier, addressing the lack of employment means privileging economic growth over other significant government responsibilities such as heritage management. This is not to argue that heritage management is not significant, and the increasing threat of mining in South Africa, particularly Limpopo Province, is an example of the conflicting pressures that governments face.

However, today's realities are challenging yesterday's approaches to heritage management. Generally speaking, many archaeologists believe that the best way to manage heritage sites is to keep them secret. This was taught in my undergraduate program, and archaeologists still exist who believe that divulging details about what is being excavated might encourage looting. Indeed, there is still a belief among heritage managers that we should be reactive rather than proactive in our approach to managing heritage.

I argue instead that we need to create heritage sensitivity maps in the same way that South Africa has created paleontological sensitivity maps. Such maps must be updated on a regular basis and be openly shared with developers to ensure that heritage values are fully disclosed prior to their purchase of any properties. In this way, companies know well in advance that heritage resources may prevent them from fulfilling their developmental goals. Had such maps existed, Midnight Storm could have decided not to purchase the land at Baboon Point once they knew of its high sensitivity with regards to heritage resources. This is only a possibility. Midnight Storm's realization and appreciation of the heritage value of Baboon Point has not compensated the company for its investment because Heritage Western Cape is not in a position to do so. Business professionals are unlikely to appreciate the value of heritage if they suffer major losses. Thus, heritage managers should not see it as a great victory when no development happens at Baboon Point. Instead, we should be concerned that the number of people who are likely to be heritage supporters is diminishing.

The situation at Baboon Point also underscores problems with the current structure for managing heritage in South Africa. Significant as Baboon Point is, how can its protection be guaranteed when Heritage Western Cape is based 3 h away from a site that is vulnerable to vandalism? The local municipality has no capability to safeguard the site. As a result, Midnight Storm has a point when they argue that allowing minimal construction at Baboon Point will add a layer of protection because people in the area can play a role in safeguarding it.

Heritage managers also failed in the management of Mapungubwe. There were already mining activities nearby when the site was nominated for inscription into the world heritage list. The presence of such mining activities should have suggested the possibility that there are more natural resources around the site which would attract businesses. As a result, greater efforts to ensure that the buffer zone was clearly delineated would have been better for all parties. Instead, archaeologists

waited until CoAL came forward. The same heritage protectors do not object to other so-called impact assessments that privileges archaeological objects over other heritage resources.

Heritage sites do differ in significance, but the principle should be the same. The legislation protects all heritage resources and not a selected few. Why is it, then, that there is no similar concerted effort to safeguard many other sites? I argue that the scrutiny given the limited assessment undertaken for the coal mining project was a "scapegoat" for the purposes of using heritage, together with other transgressions that had been made by CoAL, as one of the means to prevent any form of mining in the area. I do not see the same critical review of the many other limited heritage assessments which are passed-off as full heritage impact assessments (see Ndlovu 2014 for a detailed discussion). An additional challenge indicated by the two case studies is that while these two heritage areas are known for their heritage value, communities with links to them do not seem to attach the same significance to the sites as do heritage managers. Both of these sites are surrounded by poorer communities who would not, because of their detachment from the sites, prioritize heritage management over their stomachs. When one appreciates the levels of poverty in Elands Bay and the Mapungubwe surroundings, this is not surprising.

Thus, the question for heritage managers is: How do we provide heritage management with a 'human face'? The 'human face' represents a desire to play a practical role in addressing the welfare of poor local people and understanding the frustration of businesses that have no return on their investments because sensitive heritage resources have been identified on their property. This could be accomplished in various ways, one of which is through working with business to alleviate poverty while protecting heritage resources of high significance. It is hard to imagine that we can convince a hungry and unemployed individual of the need to protect Baboon Point or Mapungubwe Cultural Landscape from 'destruction' for future generations. What is important to them is the here and now (Ndlovu 2012). In this way, developers have an upper hand against heritage managers because they speak to the issues of the day, convincing people that their support for development will lead to them having opportunities to change their lives. The one lesson heritage managers must take from business is the need to address the challenges of the day in our attempts to ensure that we have better support for our intentions. Being proactive by creating sensitivity maps will ensure that business know in advance of potential concerns with heritage resources in areas they identify for development. Being reactive simply sets heritage managers against business, and we lose the support of local communities who have other interests than heritage.

Conclusion

In light of the economic challenges the country is facing, we cannot wish the mining industry or real estate developers away. In addition, the National Development Plan (NDP) is a reality. This plan is a significant document providing the direction the

country's executives intend to take and we need to respond to it accordingly. Otherwise we shall be caught being continuously reactive in our approach. The fact that mining is ever on the increase, particularly in Limpopo Province, is an indication of the economic growth needed by the country. This growth is posing a challenge to the heritage sector to exchange its reactive for a proactive approach that will potentially ensure that companies investing in properties are better informed well in advance. Such information will prevent cases similar to the investment challenges faced by Midnight Storm. In this way, official heritage managers can work together with development-related businesses to ensure that heritage is protected. Doing so also will enable us to acquire a "human face" in dealing with developers, understanding their frustration of having no return on their investments, but also ensuring that local communities faced with the challenges of poverty understand our role in managing heritage.

Thus, in conclusion, I offer three recommendations. First, there is an urgent need for heritage managers to produce archaeological sensitivity maps based on all known heritage sites in the country. Currently, it is only paleontology sites that have been represented in a sensitivity map. This is not adequate. It would be ideal if heritage authorities worked with the Deeds Office, which registers all property transactions in the country, as this would ensure that every property owner is well informed of potential heritage significance in their new properties.

Second, heritage managers must engage early and constructively with business, as there then is a greater likelihood for success in protecting heritage resources. Being reactive, especially after the approval of the proposed development, simply creates animosity between heritage managers and business, causing legal confrontations that the former are not able to sustain. It is therefore important that prior to decisions being made on the application to develop, heritage managers must directly engage with developers and discuss options that are available. Both sides are likely to be less temperamental at this stage. This will be far better than what currently happens in South Africa, where heritage managers simply provide their comments on proposed development to the relevant department making the decision. By the time developers become aware, the approving department may have already ignored comments by heritage managers. This means that for their comments to be considered, the heritage managers must appeal the decision made. This puts them at loggerheads with the developers and communities, and the former tend to have better legal resources to fight any potential challenges against their proposed developments.

Third, there is a need to review the three-tier management system that is presently operational in South Africa. For legislation that has been in place for 15 years, it is alarming that some provinces and a number of municipalities still do not have functional heritage authorities. This is probably an indication that this three-tier approach will not work. There is a need, therefore, to reconsider the structure that existed previously, when there was only one national heritage authority, the National Monuments Council (NMC). Although the scope of any new body would be vastly different from the NMC, such a national body will need to be sufficiently funded to ensure that all heritage resources are given the necessary attention. Sufficient funds will allow for the provision of adequate professional expertise and so on. In the

context of South Africa, this will also involve critical discussions on whether it is financially and practically desirable to have the National Heritage Council and the South African Heritage Resources Authority competing for limited resources rather than have one institution.

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Chapter 9
Archaeology, Heritage, and Development in Two South American Colonial Sites: The Guarani-Jesuit Missions (1610–1767)

María Victoria Roca

Introduction

Santa Ana and San Ignacio Miní were two of the 30 Guarani missions founded and administered by Jesuit missionaries in the old Province of Paraguay. This province was a part of the Spanish settlement in colonial South America in the seventeenth and eighteenth centuries. The missions have been inscribed on the UNESCO World Heritage List since 1984. Their remains are located in the current province of Misiones, Argentina. This chapter will begin by presenting important moments in the history of the sites: their main characteristics while they functioned as missions, the damage produced by the wars of Independence, the role of immigrants in the neocolonization process and its impact on the Jesuit ruins, and the initial attempts to preserve that heritage. The second part of the chapter will discuss some aspects related to the work performed during what is known in Argentina as the "Restoration of Value" that occurred at Santa Ana and San Ignacio Miní during 2009 and 2010. The focus will be on the subjects of heritage, development, and tourism, based on analysis of the opinions of the local workers who participated in the project. This section will explore the implications of heritage preservation in the context of large-scale restoration projects and the possibilities for generating local development in the related villages. It will also point out the importance of job creation in the contexts described and will discuss the limitations of tourism as a tool of development, identify the different actors and their competing interests, and consider the role played by contemporary Guarani communities in relation to this heritage. The final section demonstrates the limitations of short-term projects and the importance of long-term maintenance through continuity of tasks and participatory activities.

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Early History of the Jesuit Villages

The year 1492 marked the beginning of a new period for the part of the world known today as the American continents. The conquest and colonization of the territories began then, with the Spanish state as one of the main actors. Another actor in this new scenario was the Catholic Church, which used various means, including religious orders, to undertake the task of evangelizing the Indigenous people, converting them to Christianity, and introducing them into "civilized life." Thus began a centuries-long process of conquest and colonization of land and souls.

In 1609 Hernando Arias de Saavedra, the Governor of Paraguay, requested that the Society of Jesus, or the Jesuit order, be one of the orders that pursued this process by establishing missions in various areas of Spanish America. This chapter considers the case of the Jesuit missions that gathered together Indigenous South American Guarani people to live in newly constructed towns. This was part of a Spanish policy to gather Indigenous populations into centers in order to facilitate the conversion, taxation, and governance of native groups, and curb abuses of the Spanish working system known as *encomienda*. The Jesuits themselves called these mission sites reductions (*reducciones*) (Ruiz de Montoya 1989), a term used in this chapter. Melià describes this process as mission by reduction, meaning it is both a method and a social system: "The Guaraní language, plastic arts, the social and political organization, forms of religious life, singing, dancing, but also work, agriculture, fruit collection, hunting, and even war, everything was reduced" (Melià 1991:224).

The Jesuit reduction system for the Guarani people was implemented over a vast area of South America, and by the time the order was expelled from all the Spanish territories in 1767 there were 30 of these villages. In the context of current national boundaries, eight of those villages were located in what is now the territory of the Republic of Paraguay (between the rivers Paraná and Paraguay), seven in the Federal Republic of Brazil (to the east of the Uruguay River), and 15 in the current Argentine territory (between the rivers Paraná and Uruguay). Out of these last villages, 11, including two that are the focus of this chapter—Santa Ana and San Ignacio Miní—were located in what is now the Province of Misiones and four more were in the current Province of Corrientes. The Oriental Republic of Uruguay remains related mainly to *estancias*, which were rural farming and manufacturing establishments that covered vast areas. They were an integral part of the Jesuit reduction system and provided supplies for their missions, as were the so-called *yerbales*, fields where *yerba mate* was cultivated. Its commercialization provided great economic development for the reductions.

The 30 villages reached a maximum of 141,182 people by 1732 (Maeder 2004). Santa Ana and San Ignacio Miní (Figs. 9.1 and 9.2) were settled in 1660 and 1666, respectively, on the banks of the High Paraná River. They are 16 km distant from each other. The structure and organization of these two villages did not differ from the rest of the Guarani settlements administered by the Jesuits (Gutiérrez 1982; Maeder and Gutiérrez 1994). A central square organized the space: the main

Fig. 9.1 Guarani-Jesuit mission of Santa Ana (Argentina): Facade after the restoration of value. Photo: M. V. Roca

Fig. 9.2 Guarani-Jesuit mission of San Ignacio Miní (Argentina): Facade of its church, during the restoration of value. Photo: M. V. Roca

construction nucleus (church, residence, cemetery, workshops, and orchard) was situated on one side; the town hall, two chapels, and the natives' houses were located on the other sides. A *coty-guazú*, a separate building in which only widows, orphans, and adulterous women lived, was present in both Santa Ana and San Ignacio Miní, though not in all such settlements. Brother Coadjutor Giuseppe Brasanelli (architect, sculptor, and painter) left his stamp on both villages within the framework of the construction renovation period in the missions, which he himself carried out from 1695 to 1730 (Bollini 2009). It was characterized by the introduction of Baroque art and architecture and the development of a new esthetic style. During the course of the period in which reductions were operating, Santa Ana harbored an average of 3800–4000 persons (Poujade 2002), while in San Ignacio Miní the population was around 3000 people (Furlong 1962).

Following the expulsion of the Jesuits, these two missions suffered a similar fate: poor administration in civil and religious matters resulted in the beginning of the decay of the reduction system and a decrease in population. After the Jesuits were expelled, the Franciscan order was placed in charge of dealing with spiritual matters in these two villages. In 1775, Santa Ana and San Ignacio Miní were included within the Department of Candelaria as part of the Government of Misiones, inaugurating a long, chaotic, and complex period characterized by disputes over control of the territories that were part of the Jesuit reduction system. These political and administrative changes occurred within the framework of struggles for Independence from Spain and the emergence of new nation-states in South America.

In 1811, this department of Candelaria was temporarily ceded to Paraguay. Four years later, it was recovered by the General Commander of the Missions, Andrés Guacurarí y Artigas, also known as "Andresito." He was José Gervasio Artigas' deputy, a military leader who promoted the federal system of government. In reprisal, in 1817, the Paraguayan Dictator Gaspar Rodríguez de Francia ordered the plundering and burning of the villages located on the left bank of the Paraná River, as well as the transfer of their inhabitants to the Paraguayan side. Another portion of the inhabitants of these settlements emigrated toward the zone of the old Jesuit *estancias*, to the territory of Iberá (currently, Province of Corrientes), to the Spanish settlements, and to the other side of the Portuguese–Spanish frontier (Poenitz 2012). It should be noted that the missions located on the right bank of the Uruguay River were also attacked by the Portuguese Brigadier Francisco das Chagas Santos. The region between the rivers Paraná and Uruguay became almost depopulated (Amable et al. 2011).

In the year 1821, Rodríguez de Francia again ordered the destruction of the remains of Santa Ana. During the occupation of the current Province of Misiones, the Paraguayans built the "Trench of San José," also called "Trench of the Paraguayans," which was a military camp located in what is now downtown Posadas, the capital of the Province of Misiones. Some authors point out that stones from Santa Ana, San Ignacio Miní and other old missions were used in its construction in 1838 (Etorena and Freaza 2010). The War of the Triple Alliance (1865–1870), that involved Argentina, Brazil, and Uruguay against Paraguay, signaled the end of the Paraguayan occupation. Finally, the National Territory of Misiones was created as part of Argentina in the year 1881.

The Jesuit Villages in the Twentieth Century

The ruins of the Jesuit villages drew the attention of travelers and explorers at the end of the nineteenth century and beginning of the twentieth century (see Holmberg 2012 [1887]; Ambrosetti 2008 [1892, 1893, 1894]; Huret 1911; Basaldúa 1901; Bernárdez 1901; Burmeister 1899; Queirel 1897; Bourgoing 1894; Hernández 1887; Lista 1883; Peyret 1881). Some of them championed leaving the past behind and reusing the construction materials, while others expressed a certain admiration for such a vast accomplishment and wanted to preserve the ruins. All of them believed in the idea of populating and conquering nature. Progress and development were two key concepts in this period, within the sociohistorical context that coincides with the initial development of archaeology in Argentina (Politis 1992). Nevertheless, the archaeology of the Jesuit reductions would have to wait many decades. Politis characterizes the national context as follows:

> Late eighteenth-century governors believed 'progress' meant changing the face of the country, through progression from indigenous and traditional ways of exploiting resources to more developed intensive processes that would enable Argentina to enter world markets as a major producer of raw materials. For them, progress meant populating the country with European immigrants (they naturally considered territory populated by Indigenous peoples to be empty and called it 'the Desert'). (Politis 1995:195–196)

This notion became effective in the national migration policy that fostered immigration of German, Swiss, Polish, Ukrainian, Japanese, and people of other origins, in addition to Paraguayans and Brazilians, into the region of Misiones. In this respect, Wilde emphasizes:

> It is significant that the construction of the Argentine State-nation was more related to the territory conquest of the "desert" space—the Patagonia and the jungle of Misiones had something in common in the use of such euphemism—than to the "preservation" of the Jesuit past. (Wilde 2003:55)

It seems that neither the Jesuit work nor the Guarani tradition should remain to build the new nation. Also, the concept of the "desert" suggested the possibility of starting from scratch. According to Gorosito Kramer (2011:72) the desert was "a concept that referred to the incapacity of the locals to join the civilizing national project." If the local population was related to the old times, then, immigrants would ensure a new national identity and a new beginning, not related at all to the past.

At the time, local level interest in the care and preservation of the missions was scarce. In 1882, a prominent local officer had ordered the demolition of the church facade in the Jesuit village of Concepción, which was still complete up to that time (Furlong 1962; Queirel 1897). In this ambiguous scenario, on the other hand, in 1894, Governor Juan Balestra took steps to restrict and repress plundering that was taking place in the ancient Jesuit villages. During the government of Colonel Gregorio López (1911–1916), a person was appointed to take care of security in the old Jesuit mission of Apóstoles. Also, the General Direction of National Territories (*Dirección General de Territorios*) requested a budget to restore the church of San Ignacio and the nearby housing, set up a museum which would exhibit objects of

Jesuit origin, and maintain several ruins, among them Santa Ana (Crónica de los Gobernantes de Misiones 1979).

Almost three decades had to pass to see some of these undertakings realized. Even though San Ignacio Miní was then in ruins and overrun by the jungle, the imposing sculptures on its walls did not go unnoticed by researchers and national authorities. It was during the 1940s that the National Commission of Museums, Monuments and Historic Places (*Comisión Nacional de Museos y de Monumentos y Lugares Históricos*) conducted the restoration of the whole Jesuit village as part of a state policy that had begun to take notice of its heritage (see Schávelzon 2008; Onetto 1999). This restoration would define the fate of the site, freezing its image to be admired by the whole world. It could be suggested that the rebuilding of San Ignacio jumped directly into the Jesuits time, disregarding the processes related to the wars of Independence and neocolonization. For example, according to oral information the cemetery of the Guarani that had been reused by the immigrants was also removed. The Jesuits heritage finally would be preserved.

In this context, San Ignacio Miní and other ancient missions were declared National Historic Monuments in 1943. Admittedly, "San Ignacio is today a privileged testimony of the preservation policy of the first half of the twentieth century and an indicator of the tendencies of the time" (Pernaut et al. 2010:12). It was not until 1953 that Misiones achieved the status of province. Sixteen years later, in 1969, the provincial government declared the site a Historic Monument. The remains of the Jesuit village are currently surrounded by the city of San Ignacio, which has a population of 11,210 inhabitants (IPEC 2015), and it is the second most-visited place for tourists in the Province of Misiones.

In Santa Ana, the final layout of the new immigrant colony (1883) left the urban area of the Jesuit reduction outside the new settlement. To a certain extent, this fact favored its preservation. Hence, the remains were gradually covered and surrounded by the exuberant vegetation of the neotropics until they became scrubland. As in San Ignacio, the area which was formerly the cemetery for the Guarani people was reused, now as the graveyard of the immigrants. Some materials from the old village were used for the new houses. It is also worth mentioning the damage inflicted in Santa Ana and in other old reductions by the hunters of Jesuit gold. In 1969, Santa Ana was declared a Provincial Historic Monument and in 1983 it was recognized at the national level. Santa Ana currently has a total of 6059 inhabitants (IPEC 2015).

In 1984, Santa Ana and San Ignacio Miní were inscribed in the UNESCO World Heritage List, together with other Jesuit monuments of the province: Nuestra Señora de Loreto and Santa María La Mayor. These actions constituted a joint effort by Argentina and Brazil, within the framework of the return to democracy in both countries. Indeed, in 1983 Brazil proposed including the reduction of São Miguel das Missões, originally named San Miguel Arcángel. From then on, all the nominated sites were listed under the name of "Jesuit Missions of Guaranis." Likewise, the countries put forward a joint proposal so that the Iguazú Falls (Iguazú National Park) could also be included as a Natural World Heritage site due to its outstanding natural value. Owing to its internal situation, Paraguay joined this pro-

cess only in 1993 when the old Jesuit villages of Santísima Trinidad del Paraná and Jesús de Tavarangué were added to the World Heritage List. Today these are all UNESCO sites open to the public as places of cultural and tourist interest.

Restoration of Value at Santa Ana and San Ignacio Miní

The creation of the Jesuit Missions Provincial Program (*Programa Provincial Misiones Jesuíticas*) in 1991 signaled the beginning of the administration and management of the Jesuit heritage of Misiones, mainly under the responsibility of the provincial government. Nonetheless, the national government continued to exercise the power bestowed by law. Such structure has resulted in better management. In this regard, Gorosito Kramer states:

> The arguments employed in this case were of a philosophical and political nature—go in depth into federalism as a form of government—and of administrative rationality, entailing that local institutions could satisfy with greater speed the necessities derived from the function of conservation and restoration. (Gorosito Kramer 2011:82)

Since the 1990s, works of maintenance and cleaning of structures have been carried out in San Ignacio (see Levinton 2008). Also, between 2003 and 2007, the World Monuments Fund (WMF) financed an intervention at a greater scale on the main portal and lateral portal of the church. Likewise, the Interpretive Center, located at the entrance to the site, has been refurbished (see Magadán 2008; Gorosito Kramer 2011). Additional projects have been executed in Santa Ana: general surveys, cleaning work, archaeological excavations, and uncovering and recovery of site spaces and their surroundings. These works have been conducted within the framework of research projects led by national and international universities, provincial bodies, and research centers and have resulted in numerous academic texts (see for example: Poujade 2014; Rocchietti and Poujade 2012; Segovia 2010; Halberstadt 2010; Roca 2008; Poujade and Equipo 2007; Poujade and González 2004; Equipo Ítalo-Argentino 1995).

A project to restore, clean, conserve, and excavate the sites of the missions of Santa Ana and San Ignacio Miní, called in this chapter the Restoration of Value ("*Puesta en Valor*"), was carried out during 2009 and 2010. The intervention was financed with a loan from the Inter-American Development Bank (IDB) within the Competitiveness Improvement Program in the Tourism Sector of Pilot Areas through the Argentine Ministry of Tourism. The activities involved tender specifications prepared by the Jesuit Missions Program, which conceived the project from an architectural point of view. Consequently, there was archaeological monitoring of the work in these sites. The company that won the National Public Tender to execute the project, Carlos E. Enríquez S.A., assembled architect Carlos Pernaut and Bachelor in Anthropology Ruth Poujade in their capacity as specialized experts in the restoration and archaeology of Jesuit Reductions, architect Gustavo Frete as Head of Works, and this author as archaeologist for the site. The work planned for

Fig. 9.3 Local workers employed to participate in the restoration of value. Photo: M. V. Roca

the Restoration of Value was focused on the site's structures and did not include activities with the related local communities. It mainly entailed dismantling and rebuilding walls, removing large vegetation, anastylosis, strengthening pavements, and replacing lintels, among others (Fig. 9.3). Also, ramps and walkways were installed to improve accessibility, protect mounds, mitigate the damage to structures, and organize visits. Explanatory signs and identification of tree species were also included in the area (see Poujade et al. 2012, 2013; Poujade and Roca 2011; Pernaut et al. 2010).

In order to carry out the work, the company hired local people from each village. Some of them had previous experience working in the provincial World Heritage sites. Their involvement was of fundamental importance. Most of the new staff were construction workers; they were trained before the work began and while work was in progress. The team in charge constantly provided education to workers on how to conserve heritage through periodic talks and training in the field, as well as specifics of working on a UNESCO site and differences from work on modern buildings. Instructions and recommendations were given on how to comply with the current regulations. Likewise, the staff was educated on excavation methodologies and artifact cataloging. Information related to the reduction system was also included, providing content related to areas subject to restoration and the materials found. When the work was finished, all the workers were given a certificate to verify their participation. Only one of the workers hired for the Restoration of Value belonged to a Guarani community.

Once the fieldwork was over, the team in charge conducted interviews and surveys to explore the opinions of both visitors and workers about the Restoration of Value (Pernaut et al. 2011). Of the workers interviewed, 65 % were from either Santa Ana or San Ignacio (non-Guarani, some descending from Paraguayans and Brazilians, average age 31 years), 23 % were from other cities of Misiones, and the rest from other provinces but currently living in Misiones.

The following sections will present an analysis, based on the interviews subsequent to the Restoration of Value. The analysis is focused on the main topics that emerged from the interviews: heritage, tourism, and development. Achievements and difficulties will be identified regarding the participation of the community within the context of large-scale restoration projects. In particular, the next section will specially analyze the meaning of job creation in these specific contexts and the contradictions that arose from the relationship between the locals with the ruins. It also will discuss the limitations of tourism as a tool for development by exploring the relationship between touristic interests and heritage preservation, and the role played by the Guarani communities regarding this type of project.

The Restoration of Value and Local Development: Progress and Difficulties

First, one of the more visible and favorable direct consequences of the Restoration of Value project has been the creation of jobs. Throughout all the interviews, this issue is a major and recurrent topic. Job stability becomes the most direct social benefit, particularly considering that these are villages where there is a job shortage and many residents live hand to mouth without steady work, and certainly without a formal job. One of the workers told us: "Truly, it was a nice experience. […] this is the first time I worked like this, formally. I've always worked in small farms, here and there" (J. E., San Ignacio). Moreover, workers stated that knowledge of the ruins aroused interest, both among workers and the community in general. One of the most experienced workers stated:

Maybe the ones who were born here, were raised here, those who are now elderly people knew about it though at the same time didn't know the story in itself. […] Currently, people were very interested to see what it was about. And well, it is then that they discover that it was a village where the Guarani lived, you know. Under the leadership of Jesuits. And so people become more interested and gradually they come […] They say for example, is there a building work there? For example, what do you do? How does it look now? […] Even my girl; I always bring her […] Well, that's where one starts to get interested, since you are a little child. (J.C., Santa Ana)

In several interviews, we discovered a sense of pride from the work and knowledge of the place where they had been working, as is illustrated by the following comments:

People should come here and find something beautiful that we, as Argentine people, can give to other people who have no possibilities of seeing what we have here. Everything

that's being done is great and spectacular. It's something we admire and other people do too. We have to be glad for what we did. (C. B., San Ignacio)

I'm glad because I collaborated with something interesting left by the ancient people and we are looking after it, so it's good. I don't know if our names are going to be here, but I'm glad all the same for having collaborated. Each of us has given something of their own. (J.A.E., San Ignacio)

I have relatives in Buenos Aires and when we talk, the first thing they ask is "And so? What about the ruins?" […] It feels good when you become important because you live in a touristic place. (M.E., San Ignacio)

Considering these experiences, we can conclude that the acquisition of new tools (training in specialized work) together with learning about regional history (events, places, actors, dates) is among the positive achievements of the work done during the Restoration of Value. During the interviews, workers referred to this matter as follows:

Each stone you move, it's spectacular because there you have an idea of what's underneath, you know, you start thinking about those who did this, it's spectacular, and I liked it. (R. J. P. O., San Ignacio)

As you work you learn what you're doing, and you know it is this moment when you are careful so as not to break, not to ruin, not to hit the piece […] So I think that this is very important […] because it's not only the work: it is also the value you give to what you're doing. […] this has a lot of history, it's very rich in that history, and so what we've got to do is look after the heritage above everything. Besides, you learn. (J.C., Santa Ana)

In contrast, there was uncertainty when the Restoration of Value was finished. All of the workers interviewed said they had no prospects for a future job. This is a loss of opportunity, if the needed maintenance work is not contracted to people already trained. We believe that investment in a project such as the Restoration of Value that ignores site maintenance has economic effects only in the short term and limits incipient local development. In this case, the fact that several workers had prior experience in heritage work was of great advantage. The opportunity to enhance highly skilled labor by introducing newly acquired skills is remarkable. For example:

It was new. Really […] particularly with stones. How, I wondered […] how to lift the stone, because you know, so many big stones it is impossible to pick them up. […] Well, little by little I learned it together with my mates. To put them back, to lower them, to lift up all the stones. Little by little. (A. R. D., Santa Ana)

The same IDB loan that funded these two projects also anticipated a Restoration of Value for two other Argentine reductions: Santa María La Mayor and Nuestra Señora de Loreto, which are also part of the World Heritage List. However, this second phase only started 2 years later, and only some of the workers trained at San Ignacio and Santa Ana were hired again. This lack of continuity is detrimental not only to heritage but also to the possibility of generating long-term social development. When analyzing the work done in the Interpretative Center of San Ignacio, Gorosito Kramer (2011) also points out the adverse effects of task discontinuity, as

well as the lack of relationship with local population, and addresses the same situation for restoration projects in general.

Another topic that emerged from the interviews had to do with the relationship of local residents with the ruins. Perhaps Santa Ana is the most eloquent case due to the limited relation between the site and the present village. From time to time, the elderly visit the cemetery to bring flowers for their departed relatives buried there. However, as work progressed, more people from Santa Ana gradually came to see the work done in the ruins. The music festival carried out in the site in July 2010 had a massive presence of local people. One of the workers told us: "From what people say, it's very good, this. And they hope there'll be more of this" (D. A., Santa Ana).

The ancient mission of Santa Ana is located about 3 km away from the village, to the other side of the national route. By contrast, in San Ignacio, the ruins are literally surrounded by the village. They are visible on a daily basis, and 43 local residents are employed permanently in the site by the provincial government to do administrative and maintenance work and to conduct guided tours; none of them belongs to a Guarani community. Remarkably, many interviewed workers had never visited any of the sites. One of them pointed out: "We are from this place and with this work we are acquainted with the ruins just now […] we didn't know there were so many things" (S.A.G.G., San Ignacio).

Despite the fact that many of them did not know the sites, or had not worked in restoration of monuments, they expressed a clear interest in participating again in this sort of activity. One worker stated: "I would like to, and even more knowing the importance it has, which I didn't know either […] I didn't even know it was a world heritage, so to speak" (A.P., Santa Ana). He was incorporated into the team of the new Restoration of Value in Santa María La Mayor and Nuestra Señora de Loreto, and his performance was outstanding (R. Poujade & L. Salvatelli, pers. comm. 2014). Workers also admitted it was a good experience as regards both work and group: "I liked working here. It's going to be unforgettable for me, for my mates" (R. E., Santa Ana).

The Guarani communities merit separate consideration. According to the data supplied by the last census, native peoples, or descendants from the Indigenous population of the Province of Misiones, number 13,006 people (IPEC 2010). In the cases we are dealing with, these are marginalized communities. Their relationship with the ruins in Santa Ana is virtually nil. Occasionally, one family sells handicrafts at the entrance of the site. The transformation of the reduction cemetery by the immigrants does not seem to be an issue for them at the present time. As for San Ignacio, perhaps because of the fact that there is a greater influx of tourists, there is a greater presence of Guarani people, but they are outside the site, selling handicrafts or even begging.

Even though projects financed by WMF achieved slight participation of young Guarani people in workshops, Gorosito Kramer (2011:86) states that "they are invited to the inaugural ceremony, and they participate. Then the innovative proposal remains for some time and gradually draws to an end." In the case presented in this chapter, participatory activities with Indigenous communities were not taken into account when designing the Restoration of Value project, an issue to be dealt with in

future project agendas if there is an intention to include the opinions of the Guarani living communities in the management of the old Guarani-Jesuit towns. Probably, one of the main aspects to explore would be how they feel about that heritage.

For the last 2 years, the Fundación Temaikèn has fostered the development of community tourism based on the joint work they carry out together with several Guarani communities of the area of San Ignacio. The creation of the "Sendero Yvirá Jakaré," where the Guarani guides speak about their culture and show their knowledge on nature, is the new road this community travels. They have decided to do this—they were asked—and they also manage this project. As their leader states, they no longer sell handicrafts. Thus, if promoted properly, tourists visiting the ruins of San Ignacio Miní will be able to know and get acquainted with contemporary Guaranis, so close and yet so far from those ruins.

To this point, the chapter has referred to the Restoration of Value project as a means of creating needed jobs. It has analyzed how heritage restoration stimulates feelings of pride and interest about unknown local history. Nevertheless, these work opportunities are limited in time and, therefore, short-term effects start competing with long-term development. The chapter also has identified some recurrent difficulties related to heritage restoration, such as a lack of employment continuity and local participation. Next, it will explore the impact of the tourist influx and the expectations generated by the introduction of new attractions in the Province of Misiones.

Heritage, Tourism, and Development: State Politics and Local Opinions

As stated at the beginning of this chapter, the daily management of Jesuit monuments in the Province of Misiones is the responsibility of the provincial government administration that has turned the development of tourism into one of its main policies. It is worth noting that according to official records there has been an upward trend regarding the number of people visiting San Ignacio since the year 2003 (Table 9.1), and visitation became more significant in the years that followed the Restoration of Value. Compared to 2008, visitors increased 25.6 % in 2011 and 41.5 % in 2012. A first glance suggests the global recession did not affect the level of visitation. However, this trend was reversed in 2013–2014, falling back to the level of 10 years ago, perhaps due to the high level of local price inflation. There are no specific official records for Santa Ana.

As stated earlier, San Ignacio is the second-most-visited attraction in the province after the Iguazú Falls, which receives over 1,000,000 tourists per year (IPEC 2013). Official brochures and websites present San Ignacio as the major attraction, whereas very little reference is made to the other three monuments listed in the World Heritage List. San Ignacio is promoted to visitors as the main Jesuit mission, whereas Santa Ana is not promoted for the archaeological remains related to the

Table 9.1 Number of visitors to the Ruins of San Ignacio Miní (Province of Misiones, Argentina). Period 2000–2014

Year	Number of visitors to the ruins of San Ignacio Miní
2000	154,766
2001	137,492
2002	98,079
2003	150,976
2004	162,996
2005	226,758
2006	226,513
2007	233,785
2008	215,670
2009	*
2010	*
2011	270,951
2012	305,244
2013	246,335
2014	184,590

Based on data provided by the "Provincial Institute of Statistics and Censuses" (Instituto Provincial de Estadística y Censos); "Anuario Estadístico de Misiones" (IPEC 2008) and "Turismo Misiones: Síntesis y Evolución" (IPEC 2013), and by the Management Control Direction (Dirección de Fiscalización Turística) of the Province of Misiones, Argentina
*Data not available

reduction system, but mainly for a new megaproject: the Cross Theme Park (*Parque Temático de la Cruz*) (Fig. 9.4). The cross itself is 82 m high (269 ft) and has been placed atop the Santa Ana hill, 360 m (1181 ft) above sea level, while the old reduction is located at its foot. This reinforces the historical tendency: San Ignacio is positioned as Jesuit Heritage—the Argentine heritage from the period when the Jesuits ruled these lands—and Santa Ana is included together with a new attraction. It is only in recent times that "The Jesuit Route" has started to promote the whole region as a cultural tourist package (see, for example, MTPM 2014).

In parallel with the Restoration of Value, the provincial government installed a variety of nighttime performances at both monuments. In San Ignacio Miní, a preexisting show was replaced by a new image and sound show, whereas the Jesuit site of Santa Ana was illuminated for night tours. In the interviews, workers reflected about these events and considered them as highly positive for the village. For example: "Santa Ana is up-and-coming. This and the cross they are making" (C.A., Santa Ana).

Fig. 9.4 New tourist attraction: The Cross of Santa Ana. Photo M. V. Roca

At this point, and considering the social context, we may wonder: what is it that creates jobs? Is it heritage; is it tourism interest? When asked if they considered the Restoration of Value important at these sites, there was complete agreement regarding the direct and positive connection between the latter and tourism. For example:

> It's going to be good for Santa Ana all this… because there are a lot of tourists who don't know the place, and they are coming a long way to see this. Maybe they thought they would find everything destroyed… well, it's somewhat destroyed but […] it's a bit better […] it came out well. (R. E., Santa Ana)

If heritage preservation implies job creation and if, as a consequence, tourism flourishes, this could be considered a means of improving the local economic situation. Workers have a highly positive interpretation of the tourist activity. They consider it, to a certain extent, as a way of improving their life conditions.

> This is very important because it's good for us, because here in San Ignacio money is not coming in, let's say money is coming just from tourism. Because of the ruins there are hotels where people work, restaurants, and gradually it grows. (O. C., San Ignacio)

Other workers related the value of the monument with sources of employment, taking tourism as a starting point:

> It's very important if you know you should give this its value. There's a lot of people that maybe they don't know the significance, the value this carries from old times, because this is like a national heritage and you know […] there's a lot of money from tourism here and I think that if this is always taken into account and remains standing, it's a good job project. (J. M. P., San Ignacio)

> It's absolutely important because it's just as if our village only now has a name, it rises from obscurity by the importance of tourism. Let's hope there is a way to carry out so many things that are maybe half way. […] More things could be done; it would be much better […]. The visit would be better, it would be more attractive, […] because we know tourism always gives a lot of money […] I think that making investments in the ruins is like making investments in something that's profitable. (A.P., Santa Ana)

Discussion and Final Comments

The outlook for the development and preservation of Misiones' Jesuit Heritage is complex. It is a province with unusual natural and cultural resources that, as stated earlier, hosts five World Heritage site locations at the Iguazú National Park and the Jesuit Missions. However, a good part of its population continues to face a precarious economic situation, and quality of life is far from optimum. Within this context, and taking as a starting point the experience of the Restoration of Value project, this chapter shared the workers' opinions after presenting a historical contextualization of the sites, and their relationship with the nearby villages and residents. The Restoration of Value program carried out during one and a half years employed 30 people, training them as skilled heritage restorers. This fact shall be considered one of the main achievements. It is satisfying to see the feeling of pride toward the work, the sites, and local history arising from the involvement and knowledge of community members in the project. Generally speaking, it can be said that as a result of the project, knowledge and education can bring actors disregarded by history back to memory.

Therefore, employment, experience, and knowledge should be highlighted as strong points of this project. However, despite this progress, the fact that tourism is the cause and the consequence of these actions makes these little villages dependent on and thus vulnerable to fluctuating conditions in the tourist market. This fluctuation has been shown with the example of San Ignacio: there was a great increase of visitors as well as a huge drop in a short period of time.

In recent years, Santa Ana and San Ignacio have received significant investment, especially through international funding. This has resulted in the consolidation of the Jesuit ruins of San Ignacio as a tourist destination and in the incorporation of Santa Ana into the circuit of Jesuit sites. However, as this development is based on a new and modern attraction, the real impact has yet to be assessed. In this sense, the research of Gutiérrez is eloquent: "In the history of [Santa Ana] there is an abundance of promises and potentiality, the prospect of outstanding progress" (2014:48).

On the other hand, even though visitors pay for a single ticket that allows them to visit the four World Heritage reductions, San Ignacio Miní continues to be the one most visited. It seems the notion that "If you've seen one, you've seen them all" has prevailed despite efforts to demonstrate the differences among the sites. Besides the historical tendency that favors San Ignacio, this counterbalance could be the result of an unequal promotion, as well as site accessibility.

Furthermore, the lack of continuing projects is detrimental to the potential achievements of the Restoration of Value: promotion of community development beginning with care of the heritage itself. This lack of continuity could be the result of problems in the coordination between different actors and institutions, as well as the lack of awareness of local realities. An example of good practice is the Misiones Plan for the Region of Chiquitanía (AECID 2010) in Bolivia, also World Heritage sites under the name of "Jesuit Missions of the Chiquitos." The main objective of this strategic plan is to improve life quality of the Chiquitanía communities through the recovery and Restoration of Value of their cultural heritage, both tangible and intangible. In other words, it "improves the use of cultural heritage to contribute to the sustainable development of the Chiquitanía region" (AECID 2010:69). The first step was to make a diagnosis of the state of affairs of local communities related to these World Heritage sites. Distinction was made between urban and rural settlements, ethnic ascription, and social variables such as status distinctions and satisfaction of basic needs. Also, the plan has promoted the implementation with different social actors in different levels and has ensured the active and continuous participation of local communities in all the activities related to the management of these old Jesuit missions, including tourism. Based on the executed projects, the work team (AECID 2010:52) summarized some of the lessons learned:

- In order to reach sustainability, restoration and preservation projects require interinstitutional involvement;
- Every restoration project requires participation of a professional team during the execution and monitoring phases; and
- Preservation does not end with the restoration work.

The Restoration of Value analyzed in this chapter was mainly focused on the preservation of structures and on tourism facilities. Compared to the Bolivian example, one can recognize different objectives. Perhaps the Bolivian goals are the key to achieving local development in the Province of Misiones.

However, if long-term projects addressing maintenance are not pursued, monuments will be reinvaded by vegetation, and the group of skilled workers soon will seek other employment opportunities. The benefit thus would be limited in time and space, and the investment would not go beyond the limits of the site. We believe it is necessary to improve the mechanisms whereby the state administers and manages these sites in order to foster participation, particularly by the local actors. Not only is it possible, but it is necessary to reconcile the national and scientific values with the beliefs of the local residents (Endere 2007:19–30). As Labadi points out: "It is

essential to find better ways of involving local communities and Indigenous people in all aspects in the selection, nomination, conservation and management of World Heritage sites" (2005:99).

Waterton (2005:319) is also to the point when she states that, although it will take time, the "process of interchanging ideas, values and meanings will not debase either archaeology or heritage management; rather, it will work towards building richer interpretations and understandings." This chapter is intended to be a contribution in that sense.

International narratives on heritage can favor large-scale interventions. Within this context, the Restoration of Value of two World Heritage sites was financed with resources provided by an international entity. This fact enabled the improvement of life conditions of 30 families, turning the workers into a skilled labor force. It also supported turning both sites into stronger tourist attractions. In marginal and underdeveloped contexts, like those described in this chapter, countries must promote these unique opportunities even more, generating mechanisms to guarantee sustainable development for related local communities. Therefore, local decisions should deepen this incipient development through the continuity of work—maintaining the sites permanently once restoration work has been carried out and supporting research teams with long-term projects—and through the effective implementation of a long-term plan, with resources, that takes into account and coordinates heritage politics with local development.

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Chapter 10
Governing Community-Based Heritage Tourism Clusters: I Parchi della Val di Cornia, Tuscany

Peter G. Gould and Anna Paterlini

Introduction

Economic development that benefits local communities has emerged as a focal point for archaeology and heritage management globally. The topic arises in international agreements, professional codes of ethics, an expanding base of literature devoted to the topic, and the appearance of a small but growing number of nongovernmental organizations seeking to link local economic development and archaeology on the ground. The vehicle, in most cases, is the creation of tourism businesses based on local heritage resources. The challenge is to create economically viable enterprises that serve the needs of local communities and those of archaeology in the context of a competitive, complexly structured, and global tourism industry. One approach that has received increasing interest from tourism industry scholars in recent years is the exploitation of regional clusters of sites to build economically sustainable destinations. The chapter begins by exploring the theoretical and practical issues associated with the governance of tourism networks generally, and then applies that strain of analysis to the unique challenges created by destination building in the context of archaeological sites and museums. This is accomplished through analysis of the history, governance structures, and political and economic challenges facing one particular, long-lived undertaking, I Parchi della Val di Cornia S.p.A., in the Tuscany region of Italy.

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Why the Concern?

Community engagement has become a required element in archaeological practice in recent years. The roots of this, of course, are in the practice of public archaeology, a field created out of a practical concern to promote government and public support for the archaeological endeavor (McGimsey 1972), a concern that remains relevant today. Subsequently public archaeology branched out, especially in Europe, to embrace the importance of a broad range of public engagement activities by archaeologists (Schadla-Hall 1999). A growing literature on community archaeology reflects the transition of community engagement from a "common courtesy" (Healy 1984) to a process of education and public participation (Moshenska and Dhanjal 2012). Some have come to argue for the transfer of control over archaeological projects themselves to local communities (Smith and Waterton 2009; Marshall 2002). Community engagement is embedded in the ethics codes of many professional organizations and has been linked to the broader quest for social justice (Little and Shackel 2007) as part of an activist, politicized archaeology (Atalay et al. 2014; Stottman 2010).

This emphasis on community engagement has translated in recent years into direct engagement with economic development at the local level. Cleere (1989) many years ago identified promotion of tourism as a core objective of cultural resource management. The mandate for doing so can be found in many international agreements relating to heritage management (Gould 2014:56–57) including UNESCO's World Heritage processes (see Labadi, Chap. 4 this volume) and the ICOMOS declaration (2011) of "Heritage as a Driver of Development." Furthermore, "archaeological impact" has become fully embedded in development lending practices of, for example, the World Bank (Fleming 2014; Duer 1999). Some practitioners have even attempted to prescribe "best practices" for community projects in archaeology that incorporate activities related to economic development (Tully 2007; Moser et al. 2002). Numerous archaeologists report success in development projects (Gangloff 2014; Gamarra 2010; McEwen et al. 2006; Kendall 2005; Grimwade and Carter 2001; Mitchell and Eagles 2001).

There is often considerable discomfort among archaeologists about such practices (Pyburn 2014; Giraudo and Porter 2010). Criticisms are frequent that local communities are short changed in heritage tourism programs (Adams 2010; Mowforth and Munt 2009:230; Hampton 2005) or that tourism can have an adverse impact on sustainable heritage (Barthel-Bouchier 2013; see also Labadi, Chap. 4 this volume). Nonetheless, interest in heritage projects motivated by economic development-related goals continues to gain momentum. Heritage-related nongovernmental organizations such as the Global Heritage Fund (GHF 2009), the Sustainable Preservation Initiative (Coben 2014), and the World Monument Fund (Ackerman 2014) have made community economic development an important, if not a core, priority of their organizations. The literature linking economic development, community engagement, and heritage tourism is growing steadily (Barthel-Bouchier 2013, Chap. 7; Del Pablo-Romero and Molina 2013; Herrera Wassilowsky 2013; Walker and Carr 2013; Galla 2012; Timothy and Nyaupane 2009; Timothy and Boyd 2003; Lucia 2002; McKercher and du Cross 2002).

The track record of these programs in the developing world has been highly problematic, however. Critical economists have questioned large-scale development programs (Deaton 2013; Easterly 2006, 2013; Moyo 2009; Collier 2007; Stiglitz 2003), and disappointments with heritage-related projects are occasionally reported (Little and Borona 2014; Morris 2014; O'Reilly 2014; Mowforth and Munt 2009:230–232 and 276–283). These critiques have raised questions about the economic viability of small-scale community tourism projects and their vulnerability to "leakages" (Hampton 2005) of income away from local communities.

There is a counter-narrative in the scholarly literature on tourism. This involves the concept of tourism "clusters," which have emerged as a potential strategy to achieve improved economic performance and greater local benefit. The tourism literature includes studies of clusters that are explicitly oriented toward heritage and archaeology (Braga et al. 2013; Alberti and Giusti 2012; Hawkins and Calnan 2009). In parallel, there is growing interest among heritage scholars in "routes" or "networks" of heritage sites that may be more competitive in the tourism market due to their larger scale and broader scope for product differentiation in the global tourism marketplace (Timothy 2014; Hawkins and Calnan 2009; Prideaux 2002; Kerstetter et al. 2001; Moulin and Boniface 2001; Strauss and Lord 2001). UNESCO has taken a strong interest in heritage routes in recent years, reflected most recently in the World Heritage listing of the Qhapaq Ñan, the Inca road system that spans five nations and thousands of kilometers in South America. The proposal to UNESCO to list the Qhapaq Ñan heavily stressed the potential economic development benefits for local communities from tourism.

Taken as a whole, the relationship of routes, networks, and clusters of archaeological or heritage sites to community economic development merits careful attention. This chapter will address one central issue in this regard—the management, or governance, of clusters of sites—through a discussion of one of the oldest and best-regarded community-based projects in the world, the system of archaeological and natural parks in the Tuscany region of Italy known as I Parchi della Val di Cornia.

Economic Benefits of Clusters

Michael Porter's (1990) original presentation of his cluster theory of regional economic development emphasized agglomerations of industrial businesses that were able to achieve synergistic economies of scale and scope by taking advantage of their physical proximity to one another in a specific geographic locale. Typical examples are the technology clusters in Boston or Silicon Valley, the automobile industry center of Detroit, or the financial centers in New York or London. In his second essay on the topic, Porter (1998) highlighted the cluster effects of the wine industry in California and specifically included reference to a "tourism cluster" in wine. He identified three essential benefits: clusters increased the productivity of companies in the area, they stimulated innovation through collaborative and competitive behaviors, and they stimulated the formation of new businesses to serve the cluster members' needs. Clusters,

in Porter's view, reduced participants' transaction costs (Williamson 1996; Coase 1937) and produced positive business externalities in the form of knowledge sharing, the ability to gain scale economies through access to the larger customer base created by the cluster, and the stimulus of close-at-hand competition.

Paradoxically, in other words, clusters succeed because of the cooperative behavior of otherwise competitive businesses through both formal and informal means of communication. The notion of clusters of destinations, hotels, restaurants, and related tourist amenities has become a leading area of study among tourism scholars (Perles-Ribes et al. 2015; van der Zee and Vanneste 2015; Kim and Wicks 2010; Hawkins and Calnan 2009; Jackson and Murphy 2002, 2006; Michael 2003). Tourism scholars have identified numerous specific benefits from clustering and business networks (Morrison et al. 2004). For example, based on a multinational survey of cluster participants, Ndou and Passiante (2005) credit local tourism clusters with expanding participants' access to customer markets; producing efficiency gains through reduced distribution costs and scale economies as a result of collective purchasing; and creating product development opportunities through access to specialized knowledge, the creation of integrated products or services, or up-selling or cross-selling products to visitors. Studies reported such benefits as access, through the cluster, to technologies such as hotel booking systems, customer relationship management software, or internet sites, all major advantages in a business sector that typically is dominated by small- to medium-sized enterprises. Soteriades et al. (2009) found that small tourism businesses have higher survival rates if they operate in clusters, while Segarra-Oña et al. (2012) found that profits are higher in small tourism companies that belong to clusters.

Cluster Governance

If clusters have substantial benefits for tourism industry participants, the question becomes how best to create and sustain them. The literature around clustering in tourism is often confused by inconsistent use of the terms "network" and "cluster." For the purposes of this chapter, clusters are geographical assemblages of sites and amenities, while networks are the formal and informal relationships among those people and organizations who manage and work in elements of the cluster (Novelli et al. 2006; Moulin and Boniface 2001). In its essence, the governance system of any cluster or network may be seen as the set of institutional mechanisms—whether formal or informal—that are utilized to create or alter the obligations of members, the rules they follow, and the consequences for violations of those rules. They are the "rules of the game" (North 1990:4). As the Val di Cornia case will illustrate, the distinction between the cluster itself and the network of relationships surrounding it is of great importance to creating sustainable heritage projects.

In most tourism-related clusters, the institutional mechanisms for communication are diverse and overlapping. They consist of industry groups, regional tourism authorities, residents, and formal and informal alliances among competing busi-

nesses. In this context, the well-recognized and interrelated problems of defining "communities" (Smith and Waterton 2009; Anderson 2006:21–40) and "stakeholders" (Aas et al. 2005) clearly apply to aggregations of tourism sites that may span a variety of business firms and local, regional and national governmental units, each with distinct historical, cultural, economic, and political intricacies (Pyburn 2011; Svensson et al. 2005). The matter of governance becomes more complex due to the diverse and often incompatible interests of stakeholders in any regional enterprise (Zahra 2011; Bramwell and Lane 2000). Some scholars have argued that tourism clusters and networks, in particular, may require a strong governmental unit at the center (Timur and Getz 2008; Svensson et al. 2005) in order to motivate and maintain participants' focus on long-term regional development.

The central issues to be resolved through governance involve the balancing of unequal power relationships among stakeholders in tourism destinations. Dredge (2006a:563) has described the "politicized context of tourism planning and policy-making processes," a context that breeds conflicts between commercial objectives (profits or growth) and community values (job creation, quality of life) (Gibson et al. 2005) as well as conflicts over issues of identity (Smith and Waterton 2009), the distribution of benefits (Adams 2010) and fair access by stakeholders to participation in the process (Aas et al. 2005). Problems can begin at the early stages of tourism destination planning (Moscardo 2011) and can be exacerbated by inadequate processes throughout the execution phase of a project if the interests of local stakeholders are co-opted by governments or elites (Wray 2011). In particular, as the experience of the Val di Cornia system will illustrate, the design of cluster financing mechanisms and degree to which the cluster successfully develops collaborative relations with industry participants can have long-lasting, even destructive implications for heritage tourism projects (d'Angella et al. 2010; Kim and Wicks 2010).

Organizational Governance at the Community Level

The governance process selected for a tourism venue is critical to its success, especially when local communities are central to the project. Zahra (2011) notes the importance of placing regional rather than national authorities in charge of tourism development. Bramwell (2011:462) points out the important role that state-provided incentives can play in creating sustainable tourism clusters. Yet Wray (2011) argues that government approaches that "enable" local actors are more successful than government approaches that "provide" services to local tourism markets. Viewed from the bottom-up, from the perspective of local communities, the question of governance mechanisms that define participation, control, incentives to perform, and processes for adapting to change can be fraught with political and economic complexity.

There is considerable research into the governance mechanics for community-level projects that control resources held in common (Baland and Platteau 1996; Ostrom 1990; Wade 1988), including the application of those models to heritage tourism sites (Gould 2014). Although no definitive guidelines for small-scale proj-

ects have yet been identified (Agrawal 2001), it is clear that relatively small community groups have proven capable of organizing themselves to manage collectively held resources ranging from fisheries or irrigation systems to retail venues for heritage tourism. In general, such projects have been found to involve clear rules governing participation in the project, democratic decision making, enforcement of the rules by members of the project community, the existence of graduated sanctions for infractions of the rules, and a supportive legal context (Ostrom 1990). As projects scale-up in geographic span, however, the institutions that a small, reasonably coherent group of individuals can use to govern a local project tend to break down.

To address this problem, Ostrom (1990) called for a form of multilevel management, which she labeled "nested enterprises," in which the responsibility to manage common resources is lodged with groups at the lowest possible level in the hierarchy, with only decisions that affect multiple units taken at the next level up. This approach is echoed in Zahra's (2011) enthusiasm for the principle of subsidiarity in tourism projects. However, tourism destinations tend to be managed through networks of public and private actors, rather than as networks of government entities alone. As Dredge observes (2006b:271), policy making in networks, including those that govern clusters, "occurs in open, flexible and fluid systems that span public and private sectors and different branches of the same government in federal systems." The governance of a tourism cluster, in other words, requires models that are unique to the context—due to the complex social, cultural, political, and economic interests in play—and are likely not to be characterized by formalized or centralized structures.

These issues are made more complex in the context of cultural heritage, especially archaeological sites, museums, and related resources. With rare exceptions globally, archaeological sites of importance are either managed in parks by government officials or regulated under one or another "listing" processes. Museums in most of the world are publicly owned institutions or are organized as free-standing not-for-profit organizations that have the character of public trusts and are regulated by public officials. Few actors in the archaeology, heritage, and museum worlds have the freedom of action that characterizes owners of hotels, theme parks, beach clubs, restaurants, retail stores, and other business enterprises that typically constitute tourism clusters and are enmeshed in the networks that govern them.

Thus, an important issue for the cultural heritage management community in general, as it attempts to engage with tourism and economic development projects, is whether, and if so how, the potential benefits of clusters and associated relationship networks can be realized in the centralized, politicized, and operationally constrained environment that inevitably must exist where the central attraction of a tourist destination cluster is a group of archaeological or heritage resources. Although there are few long-lived, community-managed archaeological clusters, one project does exist—I Parchi della Val di Cornia, located in the Tuscany region of Italy near the port city of Piombino. Unique among Italian archaeological parks, the Val di Cornia system was assembled beginning in the 1990s under the impetus of archaeologist Riccardo Francovich. Taking advantage of the lack of interest by official government agencies in the region's Medieval heritage, Francovich and community leaders in the

Fig. 10.1 Map of the various sites comprising I Parchi della Val di Cornia. Reproduced with permission of I Parchi della Val di Cornia

region created a cluster (see Fig. 10.1) that has grown to incorporate important archaeological sites, museums, and beach and nature parks that are now owned or managed through a partnership of five neighboring municipalities in an independent legal structure that, until recently, was largely self-supporting.

Origins of I Parchi della Val di Cornia

The park is located in the Val di Cornia, a valley in the southern part of the province of Livorno in Tuscany. The terrain is mostly hilly and is rich in mineral wealth. The valuable mineral properties of the area were mined by the Etruscans from the ninth century B.C., became a substantial source of Tuscan wealth in the Medieval period, and reached its peak in mid-nineteenth century as the steel industry centered in the town of Piombino reached prominence (Parchi della Val di Cornia 2012). During the last years of the 1970s and throughout the 1980s and the 1990s, however, the global steel market was restructured and Europe's producers suffered greatly (Guideri and Gasperini 2011). Heavy industry was no longer economically competitive, and many companies closed down or moved abroad. Over 7000 employees lost their jobs in a span of less than 20 years (Guideri and Gasperini 2011), raising the unemployment

rate in the region by 1991 to 14 % of the population (Burgalassi et al. 2009). An economic regeneration of the area became an unavoidable necessity.

At the beginning of the 1970s, many archaeological sites and coastal areas within the Val di Cornia were being designated by the national government as "*parchi territoriali*," areas protected from development due to their important archaeology, wildlife, flora, fauna, or geology (Guideri and Gasperini 2011). Furthermore, between 1975 and 1980, the regional authority of Tuscany introduced new policies for the protection of natural and coastal areas together with strict guidelines on town-and-country planning. This legislation forced the municipalities in the Val di Cornia to completely revise the organization of the territory (Zucconi 2003). The idea of a park system was conceived in this difficult context. Inspired by Francovich, in 1993 five valley municipalities ("*comune*" or plural "*comuni*" in Italian)—Piombino, San Vincenzo, Campiglia Marittima, Suvereto, and Sassetta, plus the Provincial government and the Chamber of Commerce of Livorno, formed a public–private partnership with fifteen local private companies in the hospitality, construction, information technology, and consultancy industries to establish I Parchi della Val di Cornia S.p.A. The objectives of the company were to acquire land for the park system, structure conservation and management agreements with the comuni in which the properties were located, conduct research on the historic landscape and environment, and directly manage the parks—in conjunction with local tourist services—to increase the flow of tourists to the Val di Cornia.

This physical cluster was to be assembled and managed by the corporation while the public–private partnership structure provided a governance mechanism that would assemble a strong network of support for the venture from all sectors. The Italian government's archaeological agencies, the regional authority of Tuscany, and the five municipalities of the Val di Cornia, had engineered a system under which private and public stakeholders could work together to develop a framework of policies and infrastructure to benefit the entire valley (Grassi 2003; Insolera 2003; Petri 2003). This was a public–private partnership that controlled natural and archaeological parks and resources that generally in Italy are entirely under the control of government entities.

The park system began modestly, at first administering two archaeological sites—Francovich's site at the monumental Medieval mining village of Rocco San Silvestro (in 1996) and the state-owned remains of the important Etruscan and later Roman port cities of Baratti and Populonia (in 1998). An archaeological museum with artifacts from the Populonia site opened at Piombino in 2001. A beach park at Sterpaia near Piombino and a forest park at Montioni followed a year later in 2002. The second beach park, in Rimigliano near San Vincenzo, opened in 2003. The Villa Lanzi, a building near San Silvestro constructed by Cosmo de Medici in 1556, was converted into an archaeological documentation center in 2005. This was followed by the opening of a second museum and an archaeological site in Campiglia Marittima and the second forest park of Poggio Neri, in 2008. The latest museum, located in a Medieval castle in Piombino, was opened in 2013.

Impact of the I Parchi della Val di Cornia Cluster

Tourism in the Val di Cornia has grown more than twice as fast as the Tuscany region as a whole since 2005, 41 % per year versus 20 % for the region. In 2005, the year before the Rocca San Silvestro park opened its underground mine-train ride for visitors, only 8 % of visitors to the Val di Cornia visited the park sites. Two years later, one-third of all visitors to the valley visited an archaeological site or museum in the park system, a level that has held since. Paterlini (2012) has conducted an extensive survey at each of the sites open at the time in order to assess the value of the park system to the region and the options available to the park system. Visitors interviewed (a total of 215) included 112 females and 103 males. Visitors were selected for interview as they entered or exited park venues on as random a basis as possible. Only one member of each family group was interviewed. The results of Paterlini's study confirmed the economic value of the Val di Cornia cluster to regional tourism:

- The Val di Cornia itself was the focus of their trip. A large majority (70 %) of visitors stayed in Val di Cornia overnight, with an average stay of 12 days. Only 15 % of interviewees planned to visit Elba, the island opposite to Piombino's port that was Napoleon's home in exile.
- Visitors hailed from much of Europe, especially Germany, with only a minority (2.6 %) from southern Italy. This result reflected the marketing strategy of the company, whose primary market target is residents in the northern region of Italy and northern Europe (C. Casalini, pers. comm. July 2012).
- Although visiting a "beach" was the greatest single reason for travel to the valley, for a large number of interviewees (31 %), the most popular (47 %) draw for tourists to Val di Cornia was the combination of venues on offer—beach, history, archaeology, and nature.
- Moreover, the less popular sites benefited from being associated with the most popular. A large percentage of interviewees at the museum of Piombino (46 %), for example, explained they found out about the museum from the park staff, when purchasing a ticket for the archaeological sites of Populonia or San Silvestro. A large percentage (76 %) of the people who purchased a ticket to access one park chose a multiple ticket, which enabled them to visit more than one element of the park system.
- The sample was roughly equally divided between visitors who were in the area for the first time (46.5 %) and those who had visited at least once before (50.2 %). However, over 79 % of the total had visited—either during the present visit or in the past—at least two parks within the system.
- The majority of interviewees intended to come to Val di Cornia again (76 %). The most popular reason was that "there is more I would like to visit" (33 %).
- A significant number of visitors gave either "excellent" or "good" ratings to their experience at the coastal parks (82 %) or at an archaeological park or museum (80 %). Over 96 % would recommend the Val di Cornia as a holiday destination to a family member or a friend.

These data confirm the value of the heritage cluster to the region. More recently, in informal follow-up discussions in 2015 among business owners in the Val di Cornia, several commented to the authors that the presence of museums and archaeological sites helped the region endure unfavorable weather that drove tourists from beach locations during 2014.

Financial Crisis Challenges the Park System

The park company was originally organized as an Italian Società per Azioni (S.p.A.), a joint stock company. In the beginning, public and private shareholders were nearly equal, with the five local authorities owning 52 % of the shares while local private companies and associations owned the remaining 48 % (Zucconi 2003). The organizational structure of I Parchi della Val di Cornia S.p.A is conventionally corporate. Reporting to a Board of Directors is a General Directorate that oversees all the aspects of the park system including tourism, curation, and conservation activities at all of the sites.

In recent years, however, the Val di Cornia park system has undergone wrenching internal changes that have threatened the very survival of the system. In 2007, Italian legislation regarding the management of archaeological sites changed and a new law (art.115, D.L. 42/04) required that state-owned archaeological sites could only be managed by companies that are completely publicly owned. As a consequence, in order to ensure that the park could continue to manage the state-owned archaeological sites of Baratti and Populonia, the shares held by the private shareholders (with one minor exception) were repurchased by the company at the end of 2007. Funds for that purchase were provided primarily by the comune of Piombino. As a consequence, I Parchi Val di Cornia S.p.A became merely an operational joint venture of the five comuni (Guideri and Gasperini 2011) and the network of relationships with local industry partners was severed. Furthermore, at the end of this process in 2012, the company was majority owned (60.42 %) by the comune of Piombino with the other comuni and provincial shareholders having much smaller shares. In the aftermath of the financial crisis that affected Italy in 2008, this structure for governance of the park system emerged as a major challenge to its continued viability. Moreover, the park corporation's own marketing efforts remained, as in the past, focused on promoting the parks rather than the region. Park marketing officials failed to replace the lost network of relationships with shareholders by reaching out to collaborate with tourism enterprises in the region.

A fiscal crisis brought the park system's problems to a head. The park system derives its operating revenues from five primary sources. According to an agreement signed in 2002 by the five mayors and the president of the park company, each comune was to make an annual contribution to the company, in proportion to its shareholding, in order to fund any deficit in operations. In 2011, a year in which the park system was able to cover about 95 % of its operating costs through operational income, almost half of total revenue resulted from the collection of parking fees,

primarily at the beach parks (43.7 % or €1,127,660), followed by admission tickets sold within the parks (26.6 %), rentals and concessions (21.5 %), books and souvenirs (6.0 %), and other items (2.1 %). Reflecting the economies of scale associated with operating a large cluster of parks on a unified basis, this income stream has been sufficient in most recent years to offset the vast majority of the costs of operating the park system (all data provided by I Parchi della Val di Cornia, S.p.A.).

In 2012, however, the Italian Government encountered severe financial problems due to austerity programs it was required to implement following the 2008–2009 international financial crisis. Among the results were sharp reductions in national government payments to local municipalities, including Piombino and the other partners in the park system. Under local electoral pressure, Piombino's government decided to displace the park corporation as the party responsible for parking at the Sterpaia beach park in order to retain the parking fee revenue for its own use. To replace those funds, the five comuni were expected to increase their subsidy to the park system, funded in part by a recently imposed local tourist tax.

Piombino did retrieve the parking fees in 2012; however, the costs to manage the parking facilities were still borne by the park system and losses became substantial. Furthermore, none of the municipalities forwarded additional contributions to the park system and the comune of San Vincenzo ceased altogether making contributions to the park system. The result was a dramatic decline in income to the corporation, producing a 43 % shortfall in revenues relative to expenses of the park system. This precipitated a financial crisis that led managers to reduce the number of employees working in the parks, significantly curtail the hours of operation of several of the archaeological sites and museums, and restrict discretionary spending by park management. By 2015, none of those cuts had been reversed, the 2002 fiscal agreement among the comuni had effectively disintegrated, and the park system was approaching financial insolvency (L. Sbrilli and M. Gasparini, pers. comm. July 2015). The park system continues to operate, but the effects of deferred maintenance, reduced investment, and staff reductions are evident throughout the system. Although Paterlini, in her 2012 study, had identified the potential for price increases across the park system— interviewees were willing to pay an additional €3–€6 entrance fee—a potential increase in revenues of up to18.4 %—the park system implemented much smaller increases and did so only in 2015.

In 2014, the park system redirected its marketing strategy toward becoming a tourist promotion agency for the Val di Cornia area. It created and staffed seven tourist information offices at the parks and in those comuni with heavy tourist traffic. For the first time since the 2007 buyout of its private shareholders, the park system also began to work closely with hospitality, restaurant, and tourism companies in the region. Members of the local tourism community were invited to visit the parks and park managers began aggressive promotion of regional businesses, not just park attractions, in its marketing program. The goal of this effort was to build a strong network of supporters in the business community in each comune. In the process, park managers also hope to build political support for the park system. Unstructured discussions with park, business, and political leaders in the region in

2015 suggested that this effort had begun to rebuild a network of park supporters, but the effort was only in its nascent stage and the park was facing an immanent financial and political crisis.

Conclusions

Several observations arise from this analysis of the Val di Cornia in the context of a broader exploration of clusters and associated networks for managing heritage tourism destinations. Three of the implications are unequivocally encouraging.

The first, as Paterlini's survey data clearly illustrate, is that clusters succeed. Although Tuscany as a whole is a vibrant and enticing tourist destination, the duration of visitors' stays in the Val di Cornia is testament to the competitive advantage of that area created by the park system. Tourism in the Val di Cornia region was evidently enhanced by the presence of multiple venues for tourists to visit and enjoy, and the data show that the presence of multiple sites is the primary reason tourists are lured to stay for lengthy vacations in the region.

Second, where community interests can be aligned and national and local laws configured to permit them, joint ventures of communities, including public–private private partnerships, can successfully manage archaeological and nature parks for the benefit of all parties involved. Val di Cornia is unusual but not unique in this regard, even in Italy with its strong history of national and regional control of archaeological resources. Though oversight by government entities may be required, management control from the national center is not the only model that can work to preserve heritage resources or to exploit them for local economic development.

Third, it is possible to manage an efficiently run and locally managed cluster of sites under a single umbrella organization in way that achieves financial sustainability. The fact that by 2011 the parks achieved almost 95 % self-sufficiency across the breadth of this system is testimony to the value of scale economies in a large network and to the potential to operate and preserve heritage sites without material direct government subsidies. As the situation in Italy and other European countries demonstrates, such subsidies are increasingly unaffordable as a consequence of the most serious economic crisis since World War II.

The remaining lessons from the Val di Cornia experience are cautionary, however. The structures for financing and governing a system such as the Val di Cornia cluster need to be thoughtfully designed and robust both economically and politically. Piombino's dominant share ownership and concomitant power over the budget served, when Italy's financial crisis reached the parks, to undermine the partnership among the comuni and the fragile economics of the system. Careful consideration of the system for governing any community-based project is a priority if it is to prove sustainable for any period of time.

Furthermore, the park system's policy—until 2014—to focus its marketing on the cluster of sites rather than the entire region, particularly after the private sector shareholders in the venture were bought out, has left the park with little or no net-

work of political supporters in the region at precisely the time when local businesses and voters need to be convinced of the value of the park cluster to the economy and livelihoods of Val di Cornia residents. The park has begun to try to rebuild a network that will support a viable park system and a robust tourism business in the region. With the appointment, in late 2015, of a new President with experience managing successful archaeological sites and close ties to the leaders of Piombino, the park system is looking forward again. However, with the park system's fiscal problems mounting, the question is whether the effort to rebuild support for the Val di Cornia cluster of sites has come too late.

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Chapter 11
Governance Structures for the Heritage Commons: *La Ponte-Ecomuséu*-Ecomuseum of Santo Adriano, Spain

Pablo Alonso González, Alfredo Macías Vázquez, and Jesús Fernández Fernández

Introduction

This chapter illustrates the importance of incorporating local perceptions of heritage. It addresses governance structures of heritage and the political economies that give rise to them. It stems from a growing dissatisfaction with the ever more dysfunctional and socially and economically unfair character that heritage management has adopted in Spain since the start of a devastating economic crisis in 2008. The aim of our exploratory inquiry is to prompt a necessary debate about new forms of heritage governance in Spain that could have broader implications elsewhere in heritage management.

To do so, we first situate recent conceptualizations of heritage in the current postindustrial economic context. We draw inspiration from the theory of cognitive capitalism. This theory argues that the modern economy has superseded the classical differentiation between economic wealth derived from labor processes on one side and physical capital on the other. Instead, cognitive capitalism holds that most wealth created in contemporary economy derives from information technology and knowledge, which are the products of human imagination and networks of interaction among people and objects. Such "immaterial wealth" is inherently difficult to value quantitatively or to restrict for proprietary use, as is the case with cultural heritage. As a result, wealth created is realized through mechanisms such as patents or

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other means to protect intellectual property, with the beneficiaries of that wealth determined by prevailing systems of political economy. We argue that cultural heritage is subordinated to these processes of valorization in the contemporary economy, and that the political economy of heritage increasingly follows the logic of property rights such as patents and copyrights. To counter this tendency, we consider it necessary to develop alternative strategies of heritage management, such as the one we present here: the Ecomuseum of Santo Adriano in Spain.

The New Commons

This perspective suggests that heritage may be understood as a commons. The idea of immaterial wealth in the economic field can be more or less equated with Bourdieu's (1984) concept of symbolic capital, a formulation that accounts for how power configurations condition differential distributions of capital in society. This stance implies conceiving heritage as a social construction with historicity. That is, to understand the context-situated emergence of heritage as a valuable reality (either tangible or intangible) we must perform anthropological ethnographies and genealogical histories. These investigations reveal the socially constructed nature of heritage, allowing us to understand that heritage is dissimilar to "traditional commons" such as irrigation systems or grazing lands, but should rather be understood to be a commons on the same terms as the "new commons" of knowledge, arts, or science (Madison et al. 2010; Hess 2008). The existence of these "new commons" relies on their embeddedness in broader environments, because their value, meaning, and functioning depends on the institutional, social, cognitive, or cultural sphere in which they perform. In this context, we argue that a form of "peer-production" creates common pools of immaterial wealth around heritage that we regard as heritage commons (Alonso Gonzalez 2014).

The chapter recognizes that governance structures are required to preserve and enhance the immaterial wealth produced around heritage commons, but establishes a difference between the immaterial wealth of heritage itself and the economic value that can be extracted from it based on specific political contexts. Different political economies of heritage emerge from different configurations of the relation between who creates immaterial wealth and who realizes its value. Drawing on our experience in La Ponte Ecomuseum, we aim to illustrate the difference between the activities and social actors who produce and promote the creation of immaterial heritage wealth, and those who exploit and benefit from that same heritage wealth.

Our analysis suggests that the current governance framework considers heritage wealth as a common but does not communalize the value created by it accordingly. We argue that this is a no-win situation for all the actors involved because this governance structure is economically unsustainable and threatens the preservation of heritage and the potential for peripheral Spanish rural areas to find alternative development solutions to problems of poverty and disempowerment. Consequently, ours is not a naive claim for local autonomy, but a practical attempt to address the

currently unsatisfactory situation for the public, private, and common sectors in Spain concerning heritage and economic development.

Briefly, under Spanish corporatist neoliberalism (Alonso González and Macías Vázquez 2014b), the public sector transfers funds to the private sector for heritage development but does not include communities in this economic redistribution. The financial resources are mostly provided by the European Union funds for structural cohesion and rural development. The tragedy here is that the state is unable and unwilling either to develop coherent policies of heritage enhancement or to let other actors intervene in the process. This leads to a decrease in the overall amount of immaterial wealth produced by society, creates a disconnection between communities from their heritage goods, and ultimately results in the destruction or deterioration of heritage goods.

Furthermore, because of these policies, entrepreneurs in the rural tourism economy (hotels, restaurants, tourism service companies, etc.) do not support heritage enhancement and their business models eventually fail when public subsidies end. Ultimately, the chapter argues that a potential solution for this conundrum would be to link together (rather than dissociate) the activities that create immaterial heritage wealth and those that generate economic value. Actually, even if current governance structures do not recognize it, both realms are tightly related in their economic and social operation in practice.

Thus, while the standard neoliberal narrative affirms that private property is the locus of freedom and productivity, as opposed to the public sphere, Hardt and Negri (2009) argue that today the "common" is the locus of freedom and innovation and that any privatization or regulation of that common for private benefit curtails the production of wealth. This chapter considers the governance structures that are currently at work in the heritage field in Spain and explores potential models for commons-based heritage management instead of public and private frameworks. The final section presents the case of La Ponte Ecomuseum in Santo Adriano as an illustration, albeit with limited results, of one alternative that is a contribution to a wider debate on alternative governance structures of heritage in Spain and elsewhere.

Santo Adriano Ecomuseum

Santo Adriano is a rural municipality, traditionally dedicated to farming and agriculture, in a process of economic decline. A variety of rural development plans with strong support from European Union funds have been implemented here in the attempt to foster a transition to a tertiary sector economy based on cultural tourism. Currently, the 127 hotel rooms constructed in Santo Adriano nearly outnumber a local population of 256 people in 2014. However, the public subsidies provided to private entrepreneurs to develop tourism-related companies (hotels, restaurants, service providers, etc.) were not supported by any plan of enhancement and public outreach to develop appreciation of the rich local cultural heritage among potential tourist visitors. Valuable heritage assets in the area include landscape and sites

catalogued, in the Spanish inventory of legally protected heritage, as *Bienes de Interés Cultural* (Heritage of Cultural Interest, HCI) such as the *Cueva del Conde*, the prehistoric rock art shelter of Santo Adriano, or the pre-Romanesque church of Tuñón. These features are part of a wider group of sites (Asturian rock art and unique, pre-Romanesque urban sites) included in the UNESCO World Heritage list. Despite the significance of these heritage features, they lacked a comprehensive plan for outreach and enhancement.

To address this situation, a group of neighbors and archaeologists created the local Association La Ponte, whose purpose is to ensure the community members' direct participation in local decision making through the elaboration of a management project for an Ecomuseum. The Ecomuseum encompasses the territory of the municipality of Santo Adriano and the main heritage sites in it, including the aforementioned HCIs and the cultural landscape of the area. An Ecomuseum can be defined as a human environment that "includes tangible elements such as settlements and the people who live there, individual buildings, cultural artefacts, land use patterns and domesticated animals, and intangible features such as traditions and festivals" (Davis 2010:4).

The La Ponte Ecomuseum of Santo Adriano is one of the multiple initiatives for the management of heritage commons that are emerging in Spain because of the complex entanglement between economic crisis and the struggle over heritage for the rights of use. This experimental project arises from the conviction that heritage management policies are not working properly and a discussion over their ownership and use should be opened. Therefore, the ideas and initiatives behind the Ecomuseum are sometimes intuitive and exploratory, rather than convictions that others should replicate. The central idea behind the San Adriano project is that heritage should be considered as a commons managed by a civic association called La Ponte. This association includes members of the local resident community interested in cultural heritage issues and the promotion of tourism. Although the association is open to all residents of Santo Adriano, not everyone is interested in heritage issues and the number of associates has oscillated between 30 and 40 persons, a good number considering the size and average age of the population.

Since 2012, around 1000 people participate yearly in the different activities of the Ecomuseum. Although the association is not a representative of the "community," it acts in the best interests of the community regarding heritage management, creating a new "community of learning" that represents itself. Often, initiatives are led by a group of archaeologists with experience in heritage and archaeological management, which does not preclude the participation or passing of initiatives by other members of the association or the municipality as a whole. Working groups within the Ecomuseum meet in assemblies and make decisions to deal with specific issues: education, socialization, preservation, etc. From an initial investment of 100€, the benefits obtained from outreach activities allowed for the creation of a basic infrastructure: Webpage (www.laponte.org), an increased outreach capacity, and the renting and restoration of a traditional building in Villanueva de Santo Adriano. This building, including a library and an office, is now the visitor center where exhibitions, assemblies, talks, and workshops are held.

Relations with public and private sectors are established on equal technical, scientific, or economic support terms but are firmly grounded in community-based decision making. This means that decisions taken by the regional government or private companies concerning the heritage of the municipality are discussed and negotiated by the association, which can take legal measures or start social initiatives to support or contest the action of other actors within its territory. The Ecomuseum has proven to be a functional device for the management and enhancement of heritage in the context of the overriding crisis in Spain and has raised a series of theoretical and pragmatic questions concerning ideas of archaeological and cultural heritage, the common, governance, and political economy, that we address later.

Heritage as Common Immaterial Wealth

After decades of debate in the field of heritage studies, it has become commonplace to argue that heritage, understood as the uses of the past in the present, is a social construction (Ashworth et al. 2000). For our purposes here, it is useful to adopt an antiessentialist position and think of heritage as an immaterial construction that has a material form (even intangible heritage needs to be materially performed by someone with something). The increasing appreciation of heritage in postindustrial societies derives from its association with ideas of beauty, authenticity, nostalgia, and the past. The value accorded to heritage goods is dynamically dependent on the existence of high levels of education, knowledge, and cultural awareness in each society. That is, the immaterial wealth of every heritage good has been constructed historically; it has a genealogy. The historicity of heritage and the social actors defining it emerge more clearly when studying the past destruction of sites that today would seem to us inherently valuable, such as Bucharest city center by Ceausescu or Troy by Schliemann. Heritage ethnographies also describe the complex processes whereby the value of heritage goods emerges and gains social recognition gradually, reflecting the inherently political and constructed nature of heritage wealth (Alonso González and Macías Vázquez 2014a). Sites like the Colosseum in Rome seem to us to be intrinsically valuable because their historic processes of heritagization are hidden and appear natural to us today.

The relationship between heritage as immaterial wealth and postindustrial economy has intensified recently. Today, the most valorized sectors of economy are related to cognitive processes in which value creation does not derive so much from the transformation of material resources through work involving the use of physical energy, but rather through thoughts, emotions, and identities. The social and economic values of cognitive objects like heritage increase the more the interest, awareness, and knowledge of the public grow. Thus, for the value of heritage to increase in a knowledge-based economy requires an increased social awareness about heritage in society as a whole, and not isolated processes of "enhancement" or similar discourses about individualist "innovation" in heritage management. As Corsani

and Rullani affirm, "an economy based on knowledge is structurally anchored to sharing: knowledge produces value if it is adopted, and the adoption (in that format and the consequent standards) makes interdependency" (2000:102). That is, the value of heritage increases based on the circulation and sharing of knowledge, on the interdependency between subjects that leads to the identification of certain objects as valuable.

The prehistoric sites and pre-Romanesque churches of Santo Adriano had been fenced and closed to the public and therefore lacked any social value beyond their representation of certain periods of Asturian and Spanish history. They are certainly more socially valuable since the Ecomuseum started to perform outreach activities and we began researching the sites and churches.

In other words, the value of heritage increases based on circulation and sharing, not on the creation of artificial scarcity and enclosures of this particular type of commons. Hardt and Negri (2009) distinguish two kinds of commons. They refer, on the one hand, to the wealth of the material world that is often claimed as a heritage of humanity to be shared, e.g., the traditional commons: forests, grazing lands, or water. On the other hand, they consider as common goods the results of production derived from social interaction, e.g., knowledge, codes, information, language, or emotions. The political economies that emerge around the different varieties of commons are always context dependent because of the complex interaction between forms of wealth creation, governance frameworks, and politics of production and redistribution. In the classic definition, a common good is one the use of which is open to all (nonexcludable) yet the use by one person does not diminish the quantity available to others (nonrival). Because heritage is uniquely linked to particular locales and people, yet is both nonrival and nonexcludable, it can be conceived as a *situated* common good. This involves stepping away from UNESCO's Universalist conception of heritage as a common good of humanity to acknowledge the complex local articulation of epistemologies, politics, and economies surrounding heritage. As will be discussed later, commons are not "naturally good" nor do they automatically have a positive influence in knowledge sharing, cooperation, or the improvement of the socioeconomic conditions of human societies.

In Kopytoff's (1986) terms, heritage policies declare the uniqueness of heritage goods and their incommensurability with other features existing in society. Those policies attempt to insert the singularity provided by heritage into dynamic scenarios where difference creates value based on differentials among people in social desire and perceptions of the exotic. There are also processes whereby the value of heritage emerges from social interests, or from community, family, or individual choice. In other words, certain "given" heritages become "constructed" as socially valuable through processes of social interaction embedded in power regimes and economic frameworks (Alonso Gonzalez 2014). In San Adriano, for instance, the vernacular hut of Andrúas has not been declared an HCI. Yet the hut, which is situated on common land and used by shepherds in high pasture areas, has an important symbolic value for local inhabitants. Now, the Ecomuseum is presenting it as heritage and including it in outreach activities and tours. That is, the hut of Andrúas has become heritage through the mediation of knowledge: a building otherwise

damned to disappearance is now considered of folkloric or ethnographic value and presented as a valuable element to visitors. The understanding of local perceptions of heritage value is an important step often omitted in tourism development plans in our region. This partially explains their failure, because policies usually counter subjective local perceptions of what is valuable (Benito Del Pozo and Alonso González 2012).

The foregoing conceptualization of heritage as socially constructed implies that it is not a traditional commons. Accordingly, the debate can move beyond the choice of appropriate governance mechanisms to preserve traditional commons resources (see Gould, Chap. 12 this volume). What matters is not only to identify the most appropriate rules to address social dilemmas that can destroy heritage resources, but to explain the complex variety of processes involved in the social construction of a heritage commons and the political economies around it. Generally, private and public actors do not care about the preservation of heritage, but the fact that they create exclusive structures in order to extract financial value from the social value of heritage means that something is being "enclosed" (De Angelis 2003). That something is the common, which escapes the conventional logics of production/consumption, and to which the logic of scarcity, which is central to conventional commons discourse, does or need not apply.

In conclusion, while individual elements of heritage may be unique, the social value created by it is not a scarce resource. Its potential users do not compete among themselves because its consumption is not characterized by rivalry. It is not a divisible resource, which makes it difficult to allocate costs and benefits for each heritage producer and user. Finally, it is a nonexcludable good, because it is difficult to prevent nonowners from using heritage or the esthetic, knowledge or scientific values produced from it by means of copy or imitation. Thus, the logic that applies to a traditional commons is reversed: the maximization of value does not derive from controlling its social production and exploitation but from the multiplication of its uses. The compelling questions, then, revolve around the uses of heritage and the political roots of different use regimes.

The Appropriation of the Immaterial Value of Heritage

In the neoclassical framework of industrial capitalism, rent (revenue earned in excess of a market price) was extracted due to the exclusive ownership of a resource. Whereas rent was considered external to the productive process, normal profit was seen as the result of investment in the productive process and the capacity to generate surplus. Industrial capitalists considered rentier behaviors as backward and antiliberal because they merely extracted a rent from the wealth produced by others (Vercellone 2008). This is only possible because certain social actors control the political and social environment where economic activities take place. In this chapter, we argue that this process is plainly manifest in the realm of heritage and our particular case study.

Today, the state and the Spanish Catholic Church do not extract rents from the property of heritage goods. Rather, the state is supposedly in charge of creating heritage wealth or value through research, preservation, the construction of museums, and outreach tasks, while the private sector extracts rents without participating in the process of wealth creation. Entrepreneurs obtain surplus value "from the exploitation of a common cognitive space" (Pasquinelli 2008:94), such as the beautiful landscapes, the significance of heritage sites in a territory, the gastronomy, or the forms of life of local peasants. Therefore, this is not the conventional public good argument whereby the state subsidizes the creation of heritage so that all groups can benefit. Rather, subsidies are directly transferred to private companies to profit from the distinctiveness of certain heritage resources. Because the state does not intervene to reallocate benefits to the community that lives nearby and preserves the heritage values tapped by entrepreneurs, it seems fair to argue for a community-based governance structure associated with a different distribution of profits.

Harvey (2002:193) has shown how cognitive capitalism is constantly forced to find new material and immaterial forms of valorization based on the enclosure of commons. This includes the search for marks of distinction produced by heritage in local environments, which then can give rise to direct and indirect monopoly rents. Social actors exploiting indirect monopoly rents draw on flows of capital derived from the rent differential provided by certain distinctions. That is, they extract economic value from the collective symbolic capital provided by, for instance, being located nearby a heritage site. In turn, direct monopoly rents result from the commodities or services produced through use of the heritage, such as heritage tours or museum tickets. These monopolies are fed by "collective symbolic capital," the immaterial wealth accumulated by social cooperation that endows meaning to heritage.

Thus, the key to the matter is not the question of property (which, in our view, should adopt mixed forms combining public, private, and common property forms depending on context) but the question of the rights of use: different communities of actors (tourists, experts, local neighbors, etc.) should be allowed to use heritage resources. What is discussed here is the fact that public institutions in two ways favor private entrepreneurs over other actors. First, entrepreneurs receive subsidies to exploit heritage resources and, second, they are allocated advantageous positions to appropriate the benefits provided by direct and indirect rents associated with heritage.

In our view, the local community should play a central role in heritage management, while public bodies should facilitate opportunities for communities and the civic associations linked to them to enjoy at least the same economic and legal benefits as private enterprises. This is not because we argue for an essentialist connection between heritage and community. We do so in this particular case because the community in San Adriano aims to represent itself, take care of and enhance local heritage, and because the heritage happens to be the territory of the community. The private sector is characterized by a "growing un-interest in the how or where of production in favor of the capture of already existing value" (Hanlon 2014:178). The result is that private businesses supported by public institutions can extract direct monopoly rent over the immaterial wealth of heritage. This situation gives rise to our perspective.

The characteristics of the current political economies of heritage make us think that it is necessary, first, to have common property rights over heritage sanctioned or recognized by the state. Second and more importantly, there is a need to establish functioning modes of common governance that ensure local autonomy and economic sustainability. In a context of capitalist competition, the sustainability of heritage governance frameworks requires finding a balance between two main elements. First, the creation of heritage wealth through knowledge spread and education (i.e., activities usually carried out by public institutions including basic and applied research or outreach). Second, the appropriation or enclosure of heritage wealth to generate rents through commoditization or to generate scarcity and rents from heritage externalities (i.e., the funds allocated to the private sector placing hotels in privileged sites like the Natural Park of Somiedo in our case study).

In Spain, and especially in our particular case, this balance is neither sought nor achieved. Governance models only focus on the second process: the appropriation and enclosure of wealth without regard to the common social cooperation that sustains wealth and the process of education that increases it. This problem is accentuated by the long-standing reluctance of the Spanish private sector to participate in any form of cultural or scientific patronage, nor even to invest in the cultural sector that could provide indirect monopoly rents in the heritage field such as museums, archaeological excavations, or restorations. Rather, private entrepreneurs concentrate on extracting direct monopoly rents from the externalities of heritage (i.e., the common cognitive space mentioned earlier) such as locating profitable businesses in heritage rich areas, often supported by public subsidies.

This situation is illustrated by a 2001 plan for the touristic promotion of the Bear Valleys that included Santo Adriano. The goal was to market the area by underscoring the idea that the beauty and wealth of the territory of Asturias derives from its allegedly natural character, contradicting archaeological evidence and ignoring the role of the interaction between people and environment that configured an intrinsically cultural landscape (Fernández Mier et al. 2014). The program spent 39 % of the total funding amount (1,536,000€) in the construction of museums and their equipment, among them a center for the interpretation of nature in Tuñón (Álvarez Solís 2000). However, the center was never inaugurated because the municipality did not have the necessary endowments to afford the maintenance of the equipment and the personnel. Other public initiatives including the European programs LEADER and PRODER have continued to channel large amounts of capital to the tourism sector with rather poor results for the overall economic performance of the territory.

This governance structure reflects an underlying political project geared toward the creation of political economies of heritage based on the transformation of the commons into a commodity from which rents can be extracted. This is related to the growing global pressure for stronger intellectual property regimes such as patents, copyrights, or trademarks over common digital and material domains to reintroduce artificial scarcity. In heritage, one example is the UNESCO or national classifications of heritage sites that mark their uniqueness.

The realm of heritage combines different forms of rents. There are "traditional" rents such as those that apply to lands or real estate markets, where symbols can

endow wealth to material realities, as in the case of wine, shellfish or olive oil regions, or real estate markets in heritage cities such as Barcelona or Berlin. One example of the "new" rents arising in the new commons are rents that can be obtained by keeping the monopoly of a secret (patents to control invention) or controls over the right to multiply uses of an invention (copyright to control imitation). These different types of rents emerge following different uses and political economies of heritage.

Immaterial wealth obtained through *patents* is exemplified by the heritagization of traditional indigenous knowledge in South America, especially by pharmaceutical or food processing companies. However, most heritage policies are closer to *copyright* strategies, whereby common heritages embodied in knowledge and tradition serve to reinforce national identities and memories and to position those in the market. In Asturias, the regional government has implemented similar strategies by, for instance, granting a special heritage protection status to certain practices that supposedly represent Asturian culture, including the *Matanza del cerdo* (Pig Slaughter), *Misa de gaita* (Bagpipe Mass), and *Cultura de la sidra* (Cider Culture). Similarly, the evolution of UNESCO tends to mirror the functioning of cognitive capitalism and *copyright* strategies. The World Heritage lists of Intangible Heritage sanction certain practices as unique in ways that resemble *trademarks*. Heritage lists and categories operate as a series of nested strategies for the creation of marks of difference, from the local to the national. This resembles the operation of the national brands that attempt to increase of overall immaterial wealth of nations. The declaration of the Gastronomic Meal of the French as World Heritage illustrates this point and, unsurprisingly, Asian countries like China openly treat intangible heritage as a commodity central in development strategies.

All these strategies are geared to the creation of symbolic capital, which leads to an asymmetry between the immaterial wealth of heritage and the political economies that benefit from it. As Pasquinelli (2008:150) would put it, wealth "is accumulated on the immaterial level but the profits are made on the material one." The question for Harvey (2002:105) is then to determine "which segments of the population are to benefit most from the collective symbolic capital to which everyone has, in their own distinctive ways, contributed both now and in the past. Why let the monopoly rent attached to that symbolic capital be captured only by the multinationals or by a small powerful segment of the local bourgeoisie?" The next section will point toward potential ways of addressing these imbalances.

Toward an Alternative Framework of Uses for Heritage Commons: Reappropriating Immaterial Wealth?

This brief outline of problems associated with the separation between the creation of heritage wealth and the political economy governing heritage points to the necessity of generating governance alternatives. Because the identification of certain resources as common does not immediately point to any specific property regime or

governance solution, it is necessary to adopt context specific and often hybrid solutions. In a sort of semicommon management strategy, the Ecomuseum has oscillated between complete self-organization and autonomous management, and the establishment of partnerships with the heritage public sector. Securing common rights to heritage property that are recognized by public institutions and legislation could be seen as a step forward. However, we have articulated the struggle around rights of use rather than ownership of heritage property. A better governance framework for heritage commons requires shifting focus from questions of property rights to pragmatic issues of sustainability and performance. We have followed what Fennell (2011:10) calls Ostrom's Law: A resource arrangement that works in practice can work in theory. In our case, this means that once a functioning productive model exists, rights of use are more easily granted or acquired by other social actors. For example, the regional government has granted the Ecomuseum the right to use the *Cueva del Conde* and the shelter of Santo Adriano, while the Archdiocese of Oviedo has done so with the Tuñón church.

The question of property rights should be secondary for another reason: under cognitive capitalism, those who extract rents from the wealth of heritage do not care about whether heritage is public, private, or common property. The problem is that governance structures favor the entrepreneur over the researcher, the mediator, and the local community that preserves and reproduces certain heritage resources. The latter generate and spread wealth while the former are supposedly "alert to the value or opportunity that is already there, and because they have the initiative to capture it, they have the right to all of that value" (Hanlon 2014:184). Private entrepreneurs in the tourism economy would be happy to recognize the common property of heritage assets and to have communities enhance and diffuse it through voluntary work. This has partially been the case in the Ecomuseum, where community work has been employed to clean and enhance heritage sites, increasing the symbolic capital of the area and thus private entrepreneurs' potential future benefits. This is not a viable solution for communities or heritage workers, because they create heritage value but the economic rents are appropriated by others in the tourism economy.

The civic association La Ponte and the Ecomuseum have not devised nor put forward a new model for the governance of heritage, something unfeasible without a broader discussion at least at a regional level. However, they consider it necessary to move toward a new framework whereby the public sector, the local community, and private entrepreneurs establish a new set of relations in a dynamic and situated way. Of course, there are different kinds of private entrepreneurs, and they collaborate with the Ecomuseum, which should remain a nonprofit structure for heritage governance in charge of coordinating the efforts of various social actors. Because our theorization regards heritage commons as the product of dynamic relations between subjects, we also consider that governance structures should be dynamic and overcome the ossified bureaucratic model characteristic of many continental European countries. The authors consider that the experiment of the Ecomuseum should allow for a broader discussion beyond the municipality of Santo Adriano in terms of heritage governance.

Conversations held with representatives of the public sector, including members of European development projects such as LEADER, with the heritage counselor of the regional government, and with the outreach and innovation members of the University of Oviedo, reveal the lack of will to initiate a dialog and discuss the terms of the current governance model. This is similar to other European schemes, where an ossified public bureaucracy legally defines and monitors heritage sites, sometimes investing in heritage preservation and enhancement, while funds are transferred to private entrepreneurs to profit from public expenditures. Communities are overshadowed and even tourists are harmed, as their heritage experience is hindered or heavily commoditized, with sites closed, prices high, resources overexploited.

Any viable solution to this asymmetry requires allowing the productive actors in the heritage economy to earn a share of the rents from the wealth they produce. The field of the digital commons has provided a good starting point for our initiative because debates are more developed in this area than in heritage studies. The Ecomuseum's current hybrid situation, whereby we comanage sites with the regional government and the Church, actually resembles a "copyfarleft" digital license (see Kleiner 2007). These agreements require the parties to agree to a trade-off compromise in order to claim a recognition of different legal statuses and rights of use according to the different users and management frameworks.

Similarly, mixed systems of governance with hybrid rights of use of heritage could be established with different rules applying for different users. Different management frameworks should apply between for-profit, private enterprises employing wage labor and those working in a commons-based production model, including cooperatives or associations of neighbors. These mixed systems act at a local level to raise public awareness about the asymmetries between the accumulation of collective symbolic capital through heritage preservation, diffusion and knowledge, and its appropriation by private enterprises that do not contribute to the reproduction of the immaterial wealth of heritage. At the same time, they can reconnect communities with their heritage or invent new traditions to reinforce community. In Santo Adriano this has included the recovery of traditional foods and of *estafeiras* (collective works by neighbors), and the creation of food exchange groups.

New forms of formal governance, however, only solve the problems communities and common organizations face in gaining access to heritage sites. Ensuring the sustainability of common governance structures would require not only having access to enhance and valorize heritage, but to obtain tangible benefits from it through ownership of for-profit entities such as hotels or restaurants. In that light, it seems legitimate to argue for a transfer of funds from the public to the common sector that is at least analogous to the transfers made to the private sector under the current framework of neoliberal governance.

Successful experiences of heritage management where public or semipublic institutions have played a central role already exist, such as the Historian's Office of Havana in Cuba. The Historian's Office restores and maintains the Old Havana World Heritage Site, combining a managerial with a humanitarian approach. For-profit businesses are run by the institution, such as hotels, restaurants, or real estate, rather than subcontracted to external businesses or companies as in most neoliberal

models. The benefits from these for-profit businesses support the investment in social care and heritage preservation and enhancement that keeps the restoration going. The latter are not considered losses, but necessary investments to sustain the accumulation of symbolic capital that provides rents to economically profitable activities in the tourism sector. In other words, the benefits from the collective symbolic capital of Old Havana ensure the sustainability of heritage wealth while improving the quality of life in the area. Further research should address similar experiences in other contexts (e.g., rural areas) that could function as models for heritage commons projects as our own.

The Experience of La Ponte Ecomuséu

Facing the lack of planning and unsustainable policies in our territory, the sociocultural Association La Ponte took the lead in Santo Adriano and started developing initiatives to promote sustainable heritage management. The association has been running for 4 years and can be described as a governance structure for the local commons, including heritage. It does not enjoy public subsidies but does guarantee the direct participation of local people in decision-making processes. Within the association, a work group was initiated to implement an Ecomuseum and to manage the long-term expectations and organizational structures. The association has its own legal framework as a nonprofit entity, in which all revenue is reinvested in the Ecomuseum. Ultimately, the aim is that the Ecomuseum could earn an income for people through heritage, and that people would work on heritage preservation and enhancement. At present, it can only employ one person, but the aim is to create economies of scale around heritage preservation to increase its reach. However, the association does not own any for-profit business and therefore it relies on the revenue from its heritage outreach activities, such as routes and tours with tourists, schools, and other institutions. The idea is to provide a service and to reinforce community identity, acknowledging that entrepreneurs in the area benefit the most from our activities.

Accommodating our collective nonprofit organization in the Spanish legal and institutional framework, i.e., trying to nest it in the system assuming the logic of subsidiarity, proved daunting. A practical example can encapsulate the whole situation and illustrate how activities that produce wealth are disregarded if no immediate economic gain can be extracted from them. Our association designed a development plan for the Ecomuseum, conceiving it as a heritage-based social knowledge enterprise, and sent it to the Knowledge Transfer Office at the University of Oviedo in an attempt to gain recognition and support. However, the proposal has not yet been approved due to the conclusion that the Ecomuseum could not be considered a spin-off business because it was considered as a humanities enterprise without a technological base, and therefore could not produce knowledge that could be enclosed through copyright or patent. The humanistic kind of knowledge is not supported because it does not allow for the direct extraction of rents through patents

and copyrights, but rather produces and spreads new wealth. Only the extraction of already existing wealth is promoted, without regard to how or by whom that wealth was produced. In other words, outside the rentier mentality of entrepreneurship, the common social production of wealth based on heritage is not currently recognized in Spain.

According to law, the Ecomuseum has a private character, as a nonprofit, which collides with the current policy of the public sector not to delegate the management of the heritage commons in our territory to our organization (although our proposal has triggered an internal debate among heritage technicians working for the Regional Government). The question we ask is: Why catalog a heritage site *de jure* as an HCI (a public good) if its public status entails deprivation for the people and the local community. Access is restricted and sites enclosed, and only groups of experts without proposals for enhancement and outreach are usually allowed into them.

Furthermore, public institutions fail to accomplish their duties. For example, sites like the famous Paleolithic cave of Santo Adriano could not be accessed due to the amount of rubbish and landfill around and within the cave until our association cleaned it without any public support. This situation contravenes the fundamental principle of enhancement because it conveys to the public and to local people a sense that their heritage is something uninteresting and that it cannot produce wealth.

We suggest that a way of avoiding this problem would be to conceive public heritage as a commons and to assign a legal form to this novel status. Whereas public property is owned by the state and can become a market good (as shown in the privatization of heritage assets in Italy and Greece) common property belongs to everyone or, even better, to no one. It is not only public (it must be shared) but is also common (its management must be consensual and agreed upon). Of course, common *ownership* does not mean that no one is *responsible* for heritage: Again, we shift focus from questions of property to the ethics involved in the rights of use and the redistribution of value in a scenario of poor public sector management structures.

As previously mentioned, we did not achieve the legal status as a heritage commons for the Ecomuseum, but managed to be granted the right of use over the heritage sites in our territory. This created a new situation in terms of the hybrid status of heritage entities and of our organization. Although this tiny step forward might seem irrelevant, it marks a turning point in the history of heritage management in Asturias that can become an example for similar organizations throughout Spain and elsewhere. The ultimate aim is collective administration of common pool resources in order to render heritage an inalienable good. This can be done through local councils, foundations, cooperatives, associations, and similar organizations. As in Ostrom's model, it would be necessary to establish boundaries in dialog with private and public actors, and sanctions to those infringing the norms.

However, the terms of these agreements are not for us to establish and must be left to the democratic decision making of the community. The fact that the community is now empowered to reflect and discuss on equal terms with other actors is already a step forward in our context. It is necessary to keep in mind that the long-term preservation of heritage derives from establishing emotional and immanent relations with people, who only preserve what they value and only when they par-

ticipate in its cocreation. As people feel more related to their heritage in Santo Adriano, preservation becomes easier, heritage knowledge increases and spreads, and the immanent connection with local heritage is reestablished.

Our experience in the Ecomuseum has shown us how "heritage givens" are not intrinsically valuable. Even the most prominent heritage sites have no value in themselves if disconnected from society and tourism networks, and when kept under rigid public frameworks of heritage protection lacking a coherent plan of sustainable territorial development. The construction of immaterial heritage wealth requires the agency of mediators who connect sites with an educated public and ensure that commoditization and tourism processes do not get out of hand in terms of discourse and direct and indirect damage to heritage.

Through campaigns to raise awareness, heritage tours and talks, visits for students and tourists, academic seminars, and similar initiatives, the Ecomuseum is increasing the immaterial wealth of the territory, reinvesting benefits in it collectively in different ways, and countering the tendency toward depopulation. Thus, it does not create an enclosure or artificial scarcity over heritage goods to maximize the extraction of rents. Rather, it spreads knowledge and involves more and more actors in the cocreation of heritage wealth. In the Ecomuseum, revenues, such as fees and tips made by tour guides, go back to the common treasury of the Ecomuseum. The benefits are mainly used to preserve heritage sites and to pay the rent for the Ecomuseum building and the salary of the only worker employed by it.

This conception goes against the prevailing political articulation of heritage, territorial, and rural development policies in Spain, which promote the transfer of public funds to private hands both directly and indirectly. It does so directly by subsidizing individual private entrepreneurs to implement rural development programs geared to promote the transition to service sector economies. Most public investment is directed to the creation of hotels, restaurants, and tourism companies that tap the collective symbolic capital of the territory without supporting heritage promotion (Alonso González and Fernández Fernández 2013). It does so indirectly because the public sector assumes the costs of unprofitable activities related to heritage enhancement and promotion, including museum management; heritage, architectural, and landscape preservation; and knowledge production. Elsewhere, we have labeled the process in which the state props up the market, losses are socialized, and benefits privatized as "the heritage machine" (Alonso González 2014).

The governance structure of the Ecomuseum differs from the model of "trusts" or nonprofits in the United Kingdom or the United States because of its emphasis on the social character of heritage projects and the need for economic redistribution and democratic decision making. Contrary to many trusts and nonprofits, the Ecomuseum is not a concession from the state but an initiative emerging from the ground up, based on local self-reflection and the mediation of heritage-trained local archaeologists. Thus, it stands in stark contrast with other development initiatives that are far from democratic, such as European rural technocratic (rather than democratic) development institutions under LEADER or PRODER frameworks, which transfer millions of public funds to the private sector without any form of accountability to taxpayers.

From an initial investment of capital near to zero, our initiative has generated great intangible heritage wealth and even some economic income, attracting tourism and strengthening community networks and a social cooperative structure that has ensured the continuation of the project. Moreover, the visitors and tourists attracted by our work allow private companies in the area to obtain benefits without the need for public investments that have unfortunate results. This does not mean that the Ecomuseum can replace the management structure of the state (although it challenges the traditional state procedure of creating large museums and visitor centers for mass tourism), but its relative success raises a number of questions.

What would happen if local initiatives like the Ecomuseum were promoted at a larger scale and granted subsidies similar to those private companies receive? What would happen if community-based projects were supported and allowed to own profit-making businesses such as hotels or restaurants collectively? The pragmatic rather than utopian character of these demands becomes clear after a detailed analysis of the current situation. The public sector does not preserve or promote heritage. Foreign investors with public subsidies create heritage-related businesses. If things go well, they employ some local workers (waiters, cleaners, etc.) without taking care of local heritage (gastronomy, landscapes, pathways, etc.). If things go poorly, they leave, and the public money is lost. Considering that local people are also public taxpayers, this seems rather unfair to them. Under a logic where what matters is the maximization of profits, this seems reasonable, but not under a logic of the common good aimed at improving the quality of life of people.

What would happen if public investments were directed to support seedbeds of small scale and locally based projects based on heritage enhancement, instead of furthering the current failed model of fund transfers to private hands and large investments? At a regional or national level, why not develop a network of heritage mediators, rooted in the territory but with specialized knowledge in heritage, history, or archaeology? Would not heritage be enhanced and the overall collective symbolic value of the territory increase in a win–win situation for every sector involved?

Governance structures should be devised to ensure the management of heritage. What is at stake is whether or not these structures are sustainable and promote the engagement and reinforcement of the identity of communities, and who benefits most from their political economies. Nonhierarchical governance structures could ensure territorial sustainability and prevent the overriding depopulation of rural areas and heritage deterioration. Economic development cannot be exported to rural areas through investments in large structures, it must emerge from the local reservoirs of knowledge from which new skills and knowledge proliferate gradually, of the kinds promoted in a knowledge economy (Macías Vazquez and Alonso Gonzalez 2016).

This case study of Santo Adriano illustrates the difficulties, but also the necessity, of developing new heritage governance structures in Spain. The Ecomuseum has only managed to replace the functions relinquished by the state, i.e., the activities that generate heritage wealth. In addition, the Ecomuseum has ensured a minimum revenue to keep going through direct rents obtained from services offered to

tourists and institutions. However, indirect rents and the political economy of the territory are still framed in a way that precludes sustainability. As we have attempted to show, neither the public nor private sectors are concerned with heritage enhancement, only with the realization of huge investments (public sector) and the extraction of direct monopoly rents from already existing wealth (private sector).

Our initiative aims to spark debate and to stimulate others to join the task of developing strategies for commons governance and wealth creation that are shorn of the characteristics of the rentier (i.e., strategies that do not seek to channel the generation of wealth to the more privileged segments of society). We envision a community-based, diffuse pattern of heritage management in alliance with the public sector, which is in theory a realm where citizens have delegated the management of the commons. In it, the overall production of knowledge and immaterial heritage wealth would increase, profits and loses would be equally socialized by public and private sectors, and communities could reestablish their connection with heritage assets and ensure their protection as reproducible, nonrival, and nonexcludable goods. Further research is required to explore new conceptualizations and practical experiences where heritage plays a central role in forms of alternative economic development, and this chapter aims to spark debate in this direction.

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Chapter 12
Considerations on Governing Heritage as a Commons Resource

Peter G. Gould

Introduction

Recent years have seen widespread scholarly interest in applying the concept of the "commons" to an array of environmental, economic, social, and technical challenges. Literatures from law to environmental science to urban design are alive with discussions of "new commons" and "knowledge commons" and various other permutations of the concept. Archaeologists and heritage practitioners are no exception and, although the literature addressing the commons concept in this field is still limited, it is not too early to evaluate what the existing discourse means, and whether and how it might add value to practice in heritage management.

Certainly there is ample motivation for doing so. Among archaeologists, there is widespread revulsion over the exclusion, disempowerment, and impoverishment of indigenous communities with traditional claims to archaeological, cultural, and natural heritage sites (Meskell 2012; Dowee 2009). Objections arise to a process of commodification that repackages customary practices and sites to appeal to visiting tourists while disenfranchising local communities (Herrera 2014; Herrera Wassilowsky 2013). Critiques have been made of the destructive impact on heritage of globalized economic development (Labadi and Long 2010). Archaeologists are frustrated over the failure to address looting and the antiquities trade that spawns it (Brodie and Tubb 2002). Distress has been voiced over the fact that international systems often fail to protect even the most iconic sites from trampling by tourists or the consequences of uncontrolled growth in the vicinity of archaeological sites (Comer 2012). The beguiling appeal of the commons is that seems to represent a community-based solution to heritage management that is inclusive, responsive to local needs, and beneficial to those with the most intimate connections to

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archaeological sites and heritage. The idea is that the commons present solutions to controlling, protecting, and developing tangible and intangible heritage that simultaneously will be both ethical and practically effective.

Although the published literature in archaeology and heritage management to date is limited, this is a good time to step back and evaluate the implications and requirements if those hopes are to be fulfilled. In particular, there is a disconnect in the literature to date between optimism expressed about the applicability of the commons idea and practical exploration of the mechanisms through which the benefits of the commons can be realized. That mechanism is governance, the institutional rules and structures through which true commons are managed. The objective of this chapter is to bring that crucial issue, which is deeply embedded in scholarly work on the commons in other disciplines, into the center of the commons discourse in archaeology and heritage.

The Commons in Cultural Heritage Management

The meaning of the term "commons" will be explored later. First, the literature within archaeology merits brief review. Mention of the "global commons" in culture and heritage has been intermittent for some years. Cunningham (1991) some years ago considered whether Indigenous knowledge constituted a global commons, and Arizpe (2000) explored at the turn of the millennium whether cultural heritage amounted to a global cultural commons. Scholarship on the commons in cultural heritage, as in other fields, has grown markedly since 2009, when the academic and public profile of the commons concept rose markedly after the late Elinor Ostrom, the intellectual founder of rigorous commons analysis, was awarded the Nobel Prize in economics. In the most comprehensive volume to date focused on the topic, Bertacchini et al. (2012) sought to define the domain of the "cultural commons," incorporating both theoretical papers and applied analyses of the commons attributes identified in landscapes, fashion and design, national gastronomy, World Heritage Sites, cultural heritage, and emergent "commons" such as social networks, virtual gaming, and crowdsourcing platforms. Alonzo González (2014, 2015; see also Chap. 11 this volume) has critically assessed the impact on communities' relations to their heritage from privatized or public management of intangible heritage and explored examples of communally managed alternatives. Colloredo-Mansfield and Antrosio (2009) identified a failing commons in an Andean village attempting to build a business based on traditional artisanship. Pyburn (Chap. 13 this volume) explored the consequences of applying Ostrom's governance principles to an archaeological research and tourism development project in a community in Belize.

In a separate vein, Carman (2005) appealed to Ostrom's (1990) commons governance principles to propose a tentative basis for constituting the commons as an alternative basis to determine the value of archaeological and heritage resources. Comer (2014a, b) has argued that heritage is a public good, inherently a commons concept, and needs to be managed as such by government authorities on a global

scale. A session of the Seventh World Archaeological Congress in 2013 at the Dead Sea, Jordan produced seven papers addressing the issue in contexts as varied as Europe, Latin America, and the internet, including an early draft of this chapter. Separately, this author (Gould 2014a) has investigated whether Ostrom's principles can serve as a model to explain the long survival of community-based economic development projects linked to heritage sites.

Hess (2008:14), one of Ostrom's principal collaborators, has prepared a compendium of "new commons" studies in which she has identified several examples in which discourse on the commons has entered the heritage literature through appraisals of the negative impact of privatization on tangible and intangible heritage. The governance of a "knowledge commons," which as Cunningham (1991) explored years ago incorporates many aspects of indigenous heritage, has been examined in depth by political scientists (Hess and Ostrom 2011) and by lawyers (Frischmann et al. 2014; Madison et al. 2009–10). Indeed, the very notions of "new," "knowledge," or "cultural" commons open a broad new avenue for consideration of cultural and heritage resources from the standpoint of the theory and practice of commons management.

However, the commons-related scholarship in archaeology and heritage management proceeds too often without sufficient clarity regarding the implications of the theoretical roots and critical operational aspects of the work by Ostrom and others. For example, Zhang (2012) and Carman (2005) each selectively adopted some of Ostrom's (1990) governance principles for common pool resources (CPR) to justify their arguments about the relevance of Ostrom's model to heritage management, while omitting others of Ostrom's principles that are essential to Ostrom's reasoning but inconvenient to their arguments (see Gould 2014a:139–143). Neither Alonzo González et al. (Chap. 11 this volume) nor Colloredo-Mansfield and Antrosio describes in detail the governance of the projects on which they report, even though it is clear from Ostrom's work that the details of governance are critical. Some of the chapters in Bertacchini et al.'s volume (Barrère et al. 2012; Fiorentino and Friel 2012) describe as "commons" collaborative structures that more resemble the networks of interaction that integrate industrial clusters (Porter 1998) than they do models for the governance of complex commons. Furthermore, Bertacchini et al. (2012:247), based on Zhang's chapter, express the belief that a CPR model such as Ostrom's can be applied "easily" to managing and preserving heritage resources. As we shall see in the course of this chapter, this view is naïvely optimistic about the conditions necessary to achieve effective commons governance in light of the particularly complex array of stakeholders who will claim a seat at the table when discussing the governance of heritage.

It is not too early, in other words, to step back and inquire more deeply into the nature of the commons, the theory underlying commons analysis, and in particular the central issue in commons scholarship: governance. This chapter seeks to illuminate the complexities of applying commons concepts to the unique circumstances that face the heritage disciplines and suggest a path forward for research and field projects that can help realize the full potential of the commons concept in this discipline.

Defining the Commons

Confusion over the application of the commons concept often begins with the word itself. What is this thing labeled a commons? First, two terms that often are used and conflated in the literature, commons and common pool resource, merit unbundling.

In general, economic analysis of the "commons" emphasizes the property aspects of resources that are owned in common. In the language of economists, "commons" may be seen as resources that are *non-rivalrous* (one person's use does not detract from another's) and *non-excludable* (it is essentially impossible to prevent others from using the resource). Commons in this sense are "public goods." The classic example is national defense or a large public park. In the case of public goods, a central issue is the management of "social dilemmas," such as "free riding" by community members who may, for example, pollute the air or ocean common, or extract water from a communal irrigation system but refuse to contribute to its upkeep. Economists take the view that that due to free riding, public goods either will be underprovided or overconsumed unless managed by governments or subjected to regulation. Typically, the "commons" in this sense are broadly the property of the general public.

Hess ([2006]) distinguishes between a commons—"a general term for shared resources in which each stakeholder has an equal interest"—and a common pool resource (CPR). CPRs traditionally are natural resources that are owned or used in common by a well-defined community. The most studied examples of CPRs include irrigation systems, forests, grazing lands, fisheries, and the like. Ostrom ([1990]:30) has defined a CPR as "a natural or man-made resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining the benefits from its use."

In other words, in the context of the standard economic model, exclusion from a CPR is possible albeit expensive, but unlike a public good the CPR is rivalrous—one person's appropriation from the common pool does affect another's. My cow grazing on the common pasture eats grass your cow cannot eat. The resource itself, in other words, is scarce rather than superabundant. Parsing Ostrom's definition carefully, two things become clear. First, a common pool, in her terms, is a system of resources that produces meaningful value for its users. Although crafted in the context of natural resources, the value of which are ordinarily accounted for in economic terms, this conception of CPRs clearly could encompass intangible resource systems—including cultural heritage—that yield social, cultural, or psychological value. What is essential, though, is that the resource be valuable to the members of the community charged with managing it. This is because the rivalry over the benefits flowing to the community from that valuable resource is the essential force incentivizing cooperative behavior to manage it sustainably. Second, whatever the nature of the CPR, it must be feasible ("costly but not impossible") for a defined group—a "community"—to regulate the appropriation of value from that resource. If regulation is not possible, for example because it is impossible to limit the number of users, then a CPR cannot come into existence.

In recent years, research on the commons has shifted from its traditional environmental and agrarian roots to contemplate the "common" aspects of a growing range

of man-made "resources." As noted earlier, Hess (2008) has proposed at least an interim categorization of these "new commons." She identified resources as diverse as open source software and intellectual property rights; shared environmental resources such as air, water, and the oceans; infrastructure ranging from roads to the radio spectrum to the internet; parks and sports teams; or public health systems and antibiotics. In light of her sweeping perspective on the nature of a "commons," Hess (2008:37) has proffered an alternative definition of the term "commons" for contemporary purposes: "A commons is a resource shared by a group where the resource is vulnerable to enclosure, overuse and social dilemmas. Unlike a public good, it requires management and protection in order to sustain it."

Hess' approach to the "new" commons is an inclusive and widely cited perspective. Her definition of the commons not only is broad enough to encompass many aspects of heritage, but she explicitly identified from the literature on the new commons references to several culturally related resources, including landscapes, tourism, nonprofit organizations, neighborhoods and their amenities, and Indigenous culture. These categories of cultural resources are very much in line with today's notions of both "tangible" and "intangible" heritage. While most economists would disagree with her that public goods do not require management and protection, they would agree on the need for governance of CPRs. Many archaeological and heritage resources seem to fall potentially within the ambit of the "new commons": Historic city cores; major and minor archaeological sites; sacred landscapes, places, and objects; cultural and ritual practices; traditional fine and performing arts; languages and symbols; and traditional knowledge of medicine, food, or other natural resources. As we shall explore later, these heritage commons are vastly more complicated than the communal environmental resources studied intensively in the early days of commons scholarship.

Observe, however, that even in Hess' broader conception of the commons Ostrom's two central points remain. Whether tangible or intangible, local or global, a commons is a valuable resource that is subject to being enclosed (privatized), overused, or otherwise vulnerable to disputes among those who benefit from it. To avoid those deleterious outcomes, the management and protection of that vulnerable resource—a system of governance—is at the core of Hess' concept as well. Without a functioning governance system, no commons can be managed to deliver benefits to a defined constituency. The nature of such systems and the property rights regimes that determine rights to own, manage, use, or exclude others from using the commons remains to be defined.

Economic Theory and the Commons Discourse

The tradition of commons scholarship with the broadest theoretical and practical consequences arose in the study of natural resource commons, a field built on neoclassical economic theorizing that emerged in response to the widely accepted conclusion in the 1970s that successful collective management of environmental commons was

improbable if not impossible, an argument used to justify government interventions at all levels to protect environmental public goods. Neoclassical economic theory is based on the belief that most resources are best managed through the market mechanism by private actors who control the right to utilize particular economic resources. This conclusion is based on economists' psychological model, *Homo economicus*, which posits that all individuals act rationally and with complete knowledge, and that rational self-interest always will trump individuals' desire to cooperate. In the case of commonly managed resources, however, two seminal publications of the 1960s argued that unfettered private behavior will destroy any commons.

In "The Logic of Collective Action," Mancur Olsen (1965), a neoclassical economic theorist relying on the *Homo economicus* model, built a detailed political and economic argument that individuals, acting rationally, would predictably fail to engage in positive collective action. He did stipulate one potential exception, the behavior of small communities where social pressures might induce collaboration (Olsen 1965:165–167). Three years later, however, Garrett Hardin (1968), an ecologist, applied *Homo economicus* to a thought experiment that contemplated the behavior of individuals who share exactly those small commonly held resources. The example he chose was a classic English grazing commons. He concluded, based on the logic of "prisoners' dilemma" games, that in this case also, rational and self-interested actors were likely to overuse and destroy commons resources. In the process, through the title of his article, Hardin gave birth to "The Tragedy of the Commons."

The scholarly counter-attack to this neoclassical argument is personified today in the work of the late Elinor Ostrom and her collaborators. Beginning in the 1980s, they identified literally thousands of examples of commonly held natural resources throughout the world (DLC 2015). Examples ranged from grazing lands to fisheries to forests to irrigation systems that have been managed and protected by local organizations. Most of these common resources were managed though structures initiated and designed locally by the community members who benefitted from the collectively controlled resource. Surprised to find so many examples that confounded the predictions of neoclassical economists (Poteete et al. 2010), Ostrom and her collaborators turned to insights from the emerging fields of institutional and behavioral economics that were rewriting textbooks in the discipline at the same time.

Adherents to the New Institutional Economics, of whom Ostrom was one, focus on the consequences of the reality that key assumptions of *Homo economicus* and economic decision-making theory are not reflected in actual behavior. Individuals do not possess perfect knowledge, they do not make decisions rationally at all times, and they may with some predictability behave less than honestly (Brousseau and Glachant 2008; Williamson 1996, 1998; North 1990). Supporting these findings, behavioral economists inspired by research psychologists (Kahneman 2011; Akerlof and Shiller 2009; Camerer and Loewenstein 2004) have demonstrated through rigorous laboratory tests that, in fact, people routinely behave very differently than neoclassical economists posit. People make decisions using short cuts that ignore important information, they tend to be loss averse and misevaluate the risks they are facing, and their perception of facts and choices can be significantly influenced by

the manner in which questions are framed or decisions posed. More promisingly, behavioral economists have also discovered in experiments that people do cooperate regularly and predictably, even when it is not in their personal best interest. In other words, the destructively self-interested model of human behavior that inspired Olsen and Hardin's conclusions is not a realistic depiction of actual human behavior either in field or laboratory settings (Gintis 2000).

Thus, there emerged a realization among economists that cooperative behavior is feasible, albeit difficult, if the proper context and incentives for collaboration exist (Ostrom 2005; Ostrom and Walker 2003). The character of that context, however, becomes critical. In a world where collaboration is possible but must occur in the context of imperfect information, non-rational decision making and potential dishonesty, institutional economists and commons scholars have come to emphasize the importance of the institutions that regulate activity in the marketplace and in the commons. These institutions, which establish the rights of a defined population to utilize and manage a common resource, are the means for governing the commons.

The Nature of Governance Institutions

Scholars of the new "knowledge commons," to which cultural commons are closely related, point out that the institutional structures to govern intangible resources may differ significantly from those for natural resource commons (Frischmann et al. 2014). Indeed, only in an idealized world is the locus for governance of a commonly held resource a simple matter. In the context of heritage and archaeology, at the smallest scale, "communities" that might be called upon to manage smaller archaeological sites or other forms of heritage often are assemblages of people who may not necessarily constitute a cohesive or historic community in any sense (Smith and Waterton 2009). Even in homogeneous small communities, family, tribal, political, and personal differences are highly likely (Gould 2014b). In some cases, communities may not perceive the officially sanctioned archaeological heritage at their doorstep as vital to their present-day interests (Leventhal et al. 2014).

Beyond the community level, governance is especially important because heritage resources are not artifacts of natural processes but rather are "constructed commons" (Madison et al. 2009–10) that have particularly complex issues of ownership and control. Ruin sites are constructed in the literal sense, and the contentions are well known: Government agencies, archaeologists, local communities, tourism operators, and international organizations such as UNESCO or the World Monument Fund may all claim a place at the governance table. A resource such as traditional medical knowledge may have private market value that can be "enclosed" when corporations obtain patents on traditional remedies. Each knowledge commons requires particular mechanisms to protect the knowledge and assure economic benefit to the community that produced the knowledge (Frischmann et al. 2014; Hess and Ostrom 2011; Finger and Schuler 2004). In the case of World Heritage Sites, the declaration that a site has "outstanding universal value" amounts to an invitation to

individuals and organizations well beyond the boundaries of a local community to assert a stake in deciding its future (Labadi and Long 2010). When cultural resources cross modern-day political boundaries, as is the case for example for linguistic or cultural groups that span modern-day borders, numerous nation-states and diaspora groups will be engaged, each with differing legal concepts, political relations to Indigenous communities, and plans and capabilities to exploit cultural resources through, for example economic development through tourism (Hess 2008).

Thus, even if one accepts that each of these resources constitutes a "commons," the determination of the best means to manage that resource is a matter of considerable complexity. Commons scholars now argue that the governance of large-scale, complex commons may require multilevel solutions. This literature has arisen largely in the context of large-scale environmental commons such as regional water systems (see Ostrom 1990, Chap. 4) or global-scale commons challenges, such as ocean pollution or climate change, in which resources are not the property of any specific group and many diverse actors have a legitimate stake in their conservation and management. Multilevel governance structures are generally seen to require that action and responsibility be kept as close as possible to the bottom of the hierarchy. Higher level authorities would coordinate responses to problems, resolve differences among lower levels participants, and work toward the benefits of large scale that are only available when multiple small-scale units collaborate. Ostrom, in the principles we will discuss later, originally called these "nested" structures of governance but came later in her career (Ostrom 2010a, b) to focus on the concept of polycentric governance systems, a specialty of her husband and collaborator, Vincent Ostrom (Herzberg 2005; Wagner 2005). Polycentric systems consist of multiple centers of authority, such as a federal system of government, that share power in a partially hierarchical, partially coequal, and often competitive context.

In other words, the utility of the "commons" concept in practice depends prominently on whether a system can be devised to manage the value conflicts, contention for power, and differing views of local community members versus those of outsiders at the regional, national, or even global levels (Agrawal 2008; Platteau 2008). In some circumstances, commons in the heritage context may approximate natural resource CPRs—locally situated and potentially ripe for local management. In others, World Heritage Sites for example, the constituencies are so varied that the governance of such a "commons" would be complex and polycentric. Either way, the essential message of the economics-based literature on the commons is that under inevitably contentious conditions, commons are only manageable through effective governance systems.

So, what exactly are these "governance institutions"? North (1990:4) provided a most accessible definition when he defined institutions to be "the rules of the road." That is, institutions that are created to control the use of commons can be expressed in laws or regulations, contracts, informal agreements, or even taboos. Penalties for infraction of the rules can be physical, such as exclusion from the commons community, monetary, such as fines or penalties, or psychological, such as shunning. The construction of institutions to manage the conflicts inherent in commons has been the object of study by scholars for several decades. The best known set of

principles for designing governance structures for CPRs are those Ostrom (1990:88–104) articulated in *Governing the Commons*:

1. The individuals or households who have rights to withdraw resource units from the CPR—the appropriators—must be *clearly defined*, as must be the boundaries of the CPR itself.
2. The rules for appropriating resources from the CPR must be *congruent with local conditions.*
3. The operational rules of the CPR may be modified though *collective choice arrangements* that give most individuals the right to participate.
4. Those who *monitor appropriations* from the CPR are either accountable to the appropriator or are themselves the appropriators.
5. When appropriators violate the rules, they are subject to a schedule of *graduated sanctions* depending on the severity of the infraction.
6. Low cost, efficient mechanisms are rapidly available to *resolve conflicts* among the appropriators.
7. The community of appropriators should have *minimal recognition* by external government authorities of their right to organize.
8. And, for CPRs that are elements of larger systems, all of these rules are organized in *multiple layers of nested enterprises* that assign responsibilities to the lowest possible levels in the structure.

The governance mechanisms embedded in these principles were distilled from numerous long-surviving CPR regimes that Ostrom and her colleagues studied and she illustrated in her book. Although concise, even these principles admit of myriad nuances of detail in the formation of institutions. Furthermore, Agrawal (2008) has compared Ostrom's list with two other major compendiums of CPR governance principles (Baland and Platteau 1996; Wade 1988). From the three studies, he identified as many as 35 "enabling conditions" for sustainable CPR management, the importance of which vary with the nature of the resource system, the characteristics of the group managing it, the institutional arrangements in place, and the external context. Madison et al. (2009–10) propose that the evaluation of competing theories and environmental variables is necessary to identify the governance principles best suited to the diverse circumstances affecting commons governance in the cultural sector. And none of this takes fully into account the challenges of governing amorphous knowledge commons that span numerous legal, governmental, and cultural boundaries (Hess and Ostrom 2011).

Structuring Commons Governance in Heritage

The discussion to this point has suggested, among other things, that heritage has many forms, geographies, and constituencies: local communities, national and regional governments, international organizations from UNESCO to the heritage NGOs, nonprofit organizations, for-profit cultural heritage management companies,

tribal governments, private–public partnerships. The length of the list and the diversity of stakeholders illuminate the difficulty of creating governance structures for heritage. How, then, should one think about establishing governance rules? One useful approach was developed by Sassen (2006) when she traced the evolution of the European nation state and its ultimate integration into a globalized economic and political system.

In Sassen's view the struggle, then as in today's globalized world, was over the consolidation of three aspects of political power: Consolidation of control over *Territory*; the securing of *Authority*, or legitimacy, to act; and definition of the domain of *Rights*, or specific empowerments, to take action (collectively, in Sassen's formulation, "TAR"). Sassen argued that the globalized nation-state operates in a complex context in which traditional nation-state TAR is undermined by global institutions at the same time that it is adapting to and integrating itself into new forms of globalized governance regimes in order to preserve national institutions. The international, national, and local contexts that define points of contention over tangible and intangible heritage parallel this situation.

National heritage agencies have legal mandates and institutional incentives that often are inconsistent with governing heritage resources through mechanisms that are centered in local communities. Global institutions, such as the World Bank or UNESCO, also assert a stake in the traditionally nation-based management of heritage. Acknowledgment of Indigenous rights creates new pockets of territory—either physical preserves or rights over intangible heritage—for which authority to govern often is lodged in entities that may be opposed to both national and global actors. International actors, such as heritage NGOs, have their own agendas (Hopgood 2006; Bob 2005), and funding can be manipulated by national governments or international NGOs to dictate the authority, right, and capacity to manage heritage through their control over the allocation of funds. Meanwhile, local stakeholders may be at odds with all of the outside actors.

In short, in the heritage context, authority and the right to manage heritage resources (which are the "territory" in this analogy) clearly are jumbled in ways that make the creation of commons-based governance structures in heritage highly problematic. Today, the authority and right to govern the "territory" of large-scale heritage resources rarely are aligned with community organizations, even when they are obvious candidates to manage that heritage. By and large, prominent heritage resources are managed through national agencies under the influence and oversight of archaeologists, nongovernmental organizations, international government organizations such as UNESCO, and others who reside outside communities physically. With the well-known exception of indigenous communities in Australia, New Zealand, and the United States (but see Leventhal et al. 2014; Pyburn 2014; Gould and Paterlini, Chap. 10 this volume), there are few documented examples of situations where the authority and right to manage their own heritage have been devolved even to long-standing and well-defined local communities. The situation is more complex where the "territory" of a particular form of heritage is embedded within a diverse population center, covers a large geography, or involves diaspora communities. This is particularly true where heritage resources acquire significance on the

national or international agenda, such as sites with World Heritage designation or sites that are central to national origin stories. In those cases, governance that is community centered may in fact be impossible and even the construction of polycentric models to govern a "constructed commons" will be politically and practically challenging.

Among smaller scale heritage resources, such as particular archaeological sites, legal authority to govern a heritage resource must be aligned with the "territory" encompassing that resource if commons-based governance is to be successful. Even then, the legal, political, financial, and organizational contexts must be aligned to endow some "community" entity with appropriate rights and capacity to manage the resource. In other words, national heritage agencies would need to devolve management authority to local actors yet facilitate them with financing and capacity-building training. Furthermore, because the governance system must reflect local social, economic, legal, political, and cultural practices, these rules cannot be imposed from outside the community. Each local heritage enterprise "modeled" on principles such as Ostrom's will need to devise its own governance rules and institutions.

Case Studies in Heritage Commons Management

Due to the hegemony of state actors—ministries of culture and the like—over the most significant heritage and archaeological sites, examples are scarce of direct community management of archaeological sites by organizations structured on a commons model. Many ecomuseums (Davis 2011) have lengthy histories managing communal heritage resources such as community museums, and the well-known community-managed museum in Agua Blanca, Ecuador (McEwen et al. 2006; Hudson and McEwen 1987) presents many features of commons management. At least one report that addresses the governance of a long-running community archaeology project (Faulkner 2009) reveals structures and conflicts familiar in the commons literature. However, in no case has the governance of a community-managed archaeological or heritage site been studied specifically for adherence to commons models such as the one developed by Ostrom.

However, examples do exist of long-surviving community-based economic development organizations that are associated with heritage sites. Rather than managing sites themselves, these projects tend to be community-based activities that seek to extract economic value from the flow of tourists visiting sites, making the tourists themselves the "common" resource. This is increasingly the sort of project undertaken by archaeologists seeking to create economic opportunities in communities rich in archaeological and heritage resources. The projects of the Sustainable Preservation Initiative (www.sustainablepreservation.org) and the Global Heritage Fund (www.globalheritgefund.org) are but two examples of projects sponsored by numerous non-governmental organizations and individual archaeologists (for other examples, see Burtenshaw and Gould 2015). The objective of these projects is to

promote local economic development that is identified with the heritage resource, in the hope that economic benefits will encourage communities to prevent looting and support preservation of archaeological sites or heritage resources.

This author has investigated (Gould 2014a) two such projects to determine specifically whether their long histories of successful operation reflect community practices in line with Ostrom's management principles: the Asociacíon Inkallaqta, founded in 1998 in Raqchi, Peru, and the Maya Centre Women's Group, founded in 1987 in Maya Centre, Belize. A brief comparison of each group with the other and with Ostrom's principles is instructive regarding the conditions under which the commons concept is relevant to archaeology and heritage management.

Each of these groups was founded on the impetus of local residents—one an artisan, one the village mayor—not by outside government, NGO, or academic "experts." Each was created in order to enable local residents to take advantage of anticipated growth in tourism-related business as a result of the creation (of the Coxcomb Basin Wildlife Sanctuary in the case of Maya Centre) or the promotion (of the Inca Temple to Viracocha that dominates Raqchi) of heritage-related tourism destinations adjacent to the villages. In each case, the common pool economic resource that these two organizations were created to manage collectively is the flow of tourists through the villages, not the heritage itself. The function of each group is to organize the exploitation of tourist flows by creating a collectively owned organization that regulates the sale of handicrafts and other materials to tourists. Each organization mirrors Ostrom's design principles quite clearly: Boundaries that determine who may participate in exploiting the common resource are very clear; each organization is governed by collective choice voting procedures through which the rules governing the group's craft-sales practices are established; each has mechanisms to monitor compliance with the rules and has a graduated series of sanctions depending on the degree of infraction; and each operates within a legal context that empowers local communities to organize in this fashion.

However, the specific mechanisms for resolving conflicts among the members and managing the businesses of these two cooperative ventures could not be more different, which itself is consistent with Ostrom's expectation that such rules would be highly dependent on local conditions. In Raqchi, the Asociacíon Inkallaqta is a cooperative of individual vendors who purchase and sell their own merchandize at their own tables in the village plaza. The association's regulatory role is limited to establishing dress codes, table dimensions, price controls, and rules on vendor demeanor, and to managing the rotation scheme that ensures each vendor has regular and equal access to the best sales locations in the plaza. The group handles very little cash itself and manages members' access to the flow of tourists through the village in a manner that strongly resembles the rules created by collectives of individual fisherman to manage the harvest from common fisheries, such as those studied in coastal Turkey by Berkes (1986).

The Maya Center Women's Group, by contrast, has created a shop in which all members' goods are sold by rotating crews of three members who handle visitor traffic, record sales, and monitor one another. Due to a complex history of relocation and family discord in Maya Centre, the small village is characterized by extreme

distrust among the residents. As a result, the women's group has evolved a substantial set of obligations for its members and a very complex system to record sales, manage cash receipts, monitor compliance with rules, and resolve differences among the members. The rules involve extreme transparency in financial transactions, graduated penalties for failure to perform duties, and novel electoral mechanics designed to insulate the group from the community's otherwise acrimonious politics.

Thus, even where the contours of specific community projects may be mapped readily onto Ostrom's principles of self-organization and self-regulation of common resources, the specific details of governance can differ dramatically from one case to the next, depending on the social, cultural, and political context within which the organization is situated. Where economic incentives are appropriate, organizations that manage tourist resources—or even sites themselves—can be established on a commons platform, but the evidence from Raqchi and Maya Centre underscores the critical point that there will be no formulaic means for structuring such an organization, and that it will be more likely to succeed if it is initiated and governed by local residents according to rules they establish and enforce themselves.

The Commons Model in Heritage Management

Archaeologists and heritage managers intrigued by the commons model may look wistfully at reports by scholars of communal management of environmental resources and envision a model for organizing their own successful community projects. Too often, however, they do so without close inspection of the political, social, and economic complexities of governance that underlies successful environmental commons management. Furthermore, the complicated imbrication of interests among various local, national, and international stakeholders in heritage resources makes creating such community-based organizations in the heritage context even more complicated than managing forests, fisheries, or irrigation systems. Until national and international actors are prepared to authorize local community groups to manage archaeological sites or heritage resources, and until those groups are given the appropriate authority and rights to act, commons management of heritage will largely remain a chimera.

Nonetheless, the threats to tangible and intangible heritage persist and the disenfranchisement of local communities by global governmental and economic forces continues. The existence of a few examples demonstrates that the commons model can be relevant to heritage. There is thus motivation to move the discourse forward and to implement more and better projects. To do so, there needs to be an agenda for future research. That agenda should have at least five elements:

First, the heritage sector needs to contribute directly to the research effort of the commons community. A search of the massive Digital Library of the Commons (DLC 2015) reveals that of the thousands of studies of commons governance recorded there, a mere handful address contemporary archaeological or heritage

management concerns. Existing community-based projects, and they do exist, need to be identified, their social, political, and economic contexts and governance mechanics described, and their commonalities—or lack thereof—analyzed. This research needs to redress the crippling lack of actual data in heritage studies. Ethnographic analysis and even anecdotal reports can be useful to provide context, but to make this research implementable, specific details on governance structures and rules, and data on economic and non-economic performance of the ventures are essential. Such research will require both an anthropological attention to the details of each institution and a collective effort to amass sufficient comparable data to permit metastudies that identify and delineate models that may be useful and the contexts in which they may be applied.

Second, archaeologists need to respond in specific terms to the unique governance challenges that arise with heritage resources. The reigning structure of cultural heritage management—everything from UNESCO's insistence on operating at the nation-state level to archaeologists' concern for stewardship of the archaeological record—may need to be revisited if the ultimate goal is to devolve authority and rights over heritage to local-level stakeholders who will otherwise be barraged and constrained by international, national, scholarly, and corporate stakeholders.

Third, this will be an inherently interdisciplinary undertaking. Research into environmental commons has engaged economists, political scientists, historians, anthropologists, lawyers, and scientific technicians in the search to understand even relatively straightforward commons such as irrigation systems or communal grazing lands. Managing World Heritage Sites or intangible heritage as commons will be more complex. As Bardhan and Ray (2008) have demonstrated, cross-disciplinary, if not pan-disciplinary, inquiry is fraught with misunderstandings, biases, and conflicting myopias. Nonetheless, heritage practitioners will need to appropriate research techniques and analytical models from disciplines with a longer history of commons scholarship in order to construct approaches to managing heritage resources that integrate concerns at the local, national, and international levels.

Fourth, archaeologists and heritage managers need to engage on a practical level with NGOs, government entities, and corporations to experiment with innovative solutions, especially polycentric and multilevel approaches to heritage management. Such projects will require the discipline to abandon reflexive resistance to cooperation with corporate or governmental institutions in favor of a willingness to consider the sort of compromise positions taken, for example, by the Nature Conservancy in the environmental field. Ultimately, reconciling the interests of the complex network of heritage stakeholders likely will require governance approaches that will employ elements of classic CPR models, American- or British-style non-profit models, public–private partnerships, and government-sponsored quasi-NGOs, or Quangos as they are known in the United Kingdom.

Fifth and finally, this research needs to proceed in a spirit of humility toward the other stakeholders, particularly the members of communities most directly affected by heritage preservation and development. Ostrom's body of research is focused on communities that organize themselves to manage their resources. Other studies (Gould 2014a; Baland and Platteau 1996; Wade 1988) have identified the fundamental impor-

tance of local leadership and local organization in the creation of sustainable entities. Even a simple commons can prove more complex to govern than outsiders are capable at the outset of perceiving (see Pyburn Chap. 13 this volume). In such circumstances, rules developed by those who must live with them will be far more robust. There are no "experts" in the creation of heritage commons, and the issues are so complicated on the ground that deference must be paid to the knowledge as well as the interests of local people in order to generate viable community-based enterprises.

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Chapter 13
Developing Archaeology

K. Anne Pyburn

Introduction

In this paper I will argue, and I believe most archaeologists who work with living communities will agree, that the best reason for archaeologists to participate in economic development is to promote human rights. Many archaeologists still see their major motivation as "preservation," but experience has shown that colonially inspired term to be problematic, and programs that attempt to enforce global values at a local level to be unsustainable. Increased community access to opportunities and resources through development is seen as a means for increasing self-determination. But the results of economic development programs are complex and often unpredictable; many competing interests are usually involved and not all the powerful actors are concerned with human rights (Pyburn 2007).

When archaeology is involved in development, sites are usually expected to contribute to revenue generated through tourism. But how this translates into "development" is varied and often unspecified. Tourist dollars can benefit any number of social programs, some of which help local and descendant communities by offering wage labor and markets for crafts; some of which oppress them by relegating them to poorly paid service roles and rudely commoditizing their heritage. There is always a trade-off between government agendas and local needs. It is commonplace for the locals to get the short (and progressively shorter) end of the stick to such an extent that the development program fails (Bregglia 2006; Gould and Paterlini, Chap. 10, this volume), or if it succeeds it fails to have a positive effect on human rights.

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Although archaeologically based economic development projects are becoming commonplace, most projects are still seat-of-the-pants efforts and assessment is still a new idea, so it is hard to evaluate an approach (Atalay 2012; Nicholas 2010). How can we navigate between the Scylla of unbridled and exploitative capitalism and the Charybdis of paralyzing anticolonialism to help the people whose heritage is in the test pit, to preserve the heritage that many stakeholders (including archaeologists) revere, and find something out about the past?

Aware of these pitfalls, archaeologists have turned to the communities where they work, seeking advice on how to improve their practice (Pyburn 2014; Atalay 2012; Nicholas 2010; Hollowell and Nicholas 2009; Castaneda and Matthews 2008; Little and Shackel 2007). However, despite the rise of concern among archaeologists for grass roots movements and inclusionary development programs that emphasize community participation, development from below is still development. Programs aimed at development, education, and self-determination simultaneously define target communities as lacking in these qualities. d'Iribarne (2011) summarizes the problem of community development succinctly as a choice between promoting a western idea of cooperation at the community level and identifying and developing preexisting local ideas of cooperation—or giving up. Local variations in local conditions make it impossible to responsibly promote any single strategy (see Gould, Chap. 12, this volume).

But despite cultural variation in how communities view entrepreneurship, management, collaboration, and profits, a community by definition entails commonalities of residence, property, consumption, and subsistence. Decades of research and analysis led Elinor Ostrom (1990) to identify an economic strategy that seems highly compatible with the sort of community engagement that many archaeologists now espouse. For an archaeologist hoping to contribute to community development, treating archaeological heritage as a common pool resource (CPR) for primary stakeholders seems like a way to develop a sustainable tourist economy. A sustainably developed CPR could provide the economic stability that many believe underpins human rights. But observing a strategy is not the same as creating one.

CPR puts control of resources in the hands of the local and often descendant groups, whom many now consider to be the primary stakeholders in the economic development of heritage resources. The idea of a "common pool" seems like an alternative to the worst kind of top-down project resulting in capitalistic competition for private property that critics argue characterizes development (Hamilakis 2015; Hutchings 2013). But creating such a collaboration from scratch within a local community could take years to accomplish and would probably not work. However, a community that already has a system of pooled resources and has volunteered to add archaeology into its community resource pool would be too tempting to pass up. So I tried it.

Developing Chau Hiix

In 1989, I began a collaboration with the Village of Crooked Tree in northern Belize on a project that had all the earmarks of CPR development. The village had previously collaborated with the Massachusetts Audubon Society to establish their

wetlands as a bird sanctuary, which had the dual benefit of circumscribing access to the resources of the sanctuary and creating a tourist destination. Tourists then became one of the pooled resources of the sanctuary.

The Crooked Tree Wildlife sanctuary never functioned to prevent residents' access to its game and grasslands; the sanctuary designation served to keep outsiders from exploiting village territory, though some sorts of exploitation such as the use of large nets to collect fish were curbed and became controversial. In addition, the sanctuary attracted a steady stream of tourists into the village who often hired local guides, patronized village eateries, and stayed in Crooked Tree's guest lodges. The sanctuary had been functioning for several years before I was approached by the village chairman, who thought that the archaeological site near the village could be a similar source of sustainable revenue for the village by increasing the flow of visitors. The chairman explained to me that the ruins had recently been disturbed by outsiders (paralleling the ongoing problem with the village wetlands), and that the village wanted to develop a project at the site that would result in a tourist attraction. He knew that Belize law requires an experienced and credentialed archaeologist to prepare a site for tourism; he had quietly investigated my methods and decided I would do. He invited me to Crooked Tree to "see some mounds." At the time he particularly emphasized that my help was needed to get the government to support preservation of the site, since control of all archaeological sites and resources is legally the responsibility of the Belize government. For me, having already had my fill of archaeologists' exploitation of local resources with little or no attempt to engage with local communities, this invitation was nothing short of magical.

Although I had never heard of CPRs and so didn't know that the key to success is in community governance (Gould 2014, and Chap. 12, this volume), I did know something about economic development so I did two things immediately. I made an agreement with the village chairman that all the hiring for the project would be done through the village council, who would set the terms of employment, and that all people employed on the project would come from the village. I reasoned that since I would come with a permit to excavate granted by the government, the village would not be able to control me or my practices. Since my goal was to put as much control into the hands of the villagers as possible, an elected village council overseeing hiring was the best I could do. To create sustainable site preservation, the village needed a stake in the site, and top-down management by me or the government would probably have a negative effect. Fortunately, the village council system provided a handily available infrastructure already in use for grass roots development of the sanctuary.

The second thing I did was consult with the Commissioner of Archaeology, Harriot Topsey, about how to go about developing the site for tourism. The site was relatively inaccessible, which I regarded as a crucial asset since it would mean that the villagers could control access, and the commissioner agreed to make every effort to get the site into the general development plan for the country. I asked if he would consider a community museum, and he said that while at that time community museums were illegal and insecure, such a museum was being considered at another site and he would take my request into account. He understood perfectly why a local museum would enhance the value of the site for villagers and tourists and consequently the likelihood of sustained site preservation.

I should emphasize here that the decision to work at Chau Hiix was not driven by my research interests. I was planning a second season in another location and not intending to take on investigation of the monumental center of an ancient community. But it was clear that for Chau Hiix to become a destination for tourists and therefore a valuable resource that Crooked Tree villagers would protect, monumental structures would need to be displayed, and vulnerable deposits would need to be curated. Bringing visitors to the site without taking the precaution of removing easily lootable objects would be irresponsible. So I developed a research design that incorporated what I deemed to be important questions about Maya history that could be addressed by excavating the monuments at Chau Hiix. And I combined these responsibilities with research into the lives of ancient people that was more valuable to me as a scholar than research questions that reify elite power and discount the agency of ordinary people.

The villagers knew what they wanted, but they needed my help. A good example of my relationship with Crooked Tree is how the site was named. When I first visited, the site, like many sites in Belize, it was called "Indian Hill." The chairman and several villagers argued that the site needed a name that was more distinctive. The village council wanted a Maya name rather than a Creole name so tourists would know it was a Maya site, but no one in the village spoke a Maya language. A visiting anthropologist who spoke Kekchi suggested Chau Hiix—a Maya word meaning jaguarondi—because we had seen one when a group of village council members and anthropologists had visited to the site together.

Altun Ha, about 40 km away from Chau Hiix is the closest known site (Pendergast 1990); it is a common tourist destination. The central precinct has been completely exposed and very little tree cover is left to provide shade or animal habitats. I was concerned that excavation and reconstruction of Chau Hiix did not disrupt the natural habitats for birds and other animals that attracted tourists to the village sanctuary. I consulted with biologists and locals to decide what buildings to reconstruct and which to leave alone, which trees to remove that were destroying buildings, and which ecologically valuable trees should have priority over the protection of ancient structures. I walked over the site with Harriot Topsey and got his permission to leave certain trees and we devised a preliminary plan for the partial reconstruction of key buildings.

At this point (though I didn't know it) I had the "principles for designing governance structures for CPRs" more or less in place (Ostrom 1990:88–104), cited in Gould, Chap. 12, this volume):

- The individuals or households who have rights to withdraw resource units from the CPR—the appropriators—must be *clearly defined*, as must be the boundaries of the CPR itself. In my case this was the village, under the direction of the village council, who had no trouble defining "resident."
- The rules for appropriating resources from the CPR must be *congruent with local conditions.* Villagers were already aware of and receptive to the government restriction on site destruction and looting and depended on government regulations for support of their plan for sustainable development based on site preserva-

tion. The local conditions were met by placing the hiring in the hands of the village council. Control of tourism was already handled under their control of the sanctuary through the village council and the villagers who were paid by Audubon to be sanctuary wardens.

- The operational rules of the CPR may be modified though *collective choice arrangements* that give most individuals the right to participate. This was met because the village council was an elected (collective choice) body, and I had given the council the power to decide and regulate employment. The sanctuary wardens were ostensibly Audubon employees, but as villagers they generally acquiesced to the village council. My project put me in a position that was structurally similar to theirs; I was permitted by the Belize government and funded by outside sources (the US National Science Foundation [award numbers 9223103, 9507204] and Indiana University), but my relations with the village, that in all practicality controlled access to the site as well as my access to labor and supplies, was controlled by the village council. It is important to note that this was because of a decision I made that was not forbidden but not entirely approved by the government of Belize, which is understandably jealous of its control of the heritage resources that fuel its economy.
- Those who *monitor appropriations* from the CPR are either accountable to the appropriator or are themselves the appropriators. I shared information about my grants and project budgets and government tax documents with the elected village council chairman (the incumbent changed several times during the course of the Chau Hiix Project); the chairman knew what money was available for hiring, for camp upkeep, for consolidation, and for training and made decisions on allocation of resources with me. At one point I was asked by certain employees for a raise in salary (at that time I was paying the highest wages of any archaeologist working in Belize, John Morris, *pers. comm.*). I took their request to the village council and carefully laid out that season's budget for excavation. I explained that as I didn't have any more money that year it would be necessary to either cut other salaries or layoff people to increase salaries. I reminded them it was up to them to decide who would be cut. The grumbling stopped.
- Low-cost, efficient mechanisms are rapidly available to *resolve conflicts* among the appropriators. The infrastructure needed for this was already in place in the village council; when relations with the council failed (as they did in 2001), Belize's archaeological commissioner stepped in and negotiated with the village council.
- The community of appropriators should have *minimal recognition* by external government authorities of their right to organize. Though the government of Belize recognizes the elected leadership of Crooked Tree and the Department of Archaeology stepped in when necessary (one chairwoman suggested that I be thrown out and the village be allowed to excavate the site themselves), government prefers not to interfere in village politics.
- And, for CPRs that are elements of larger systems, all of these rules are organized in *multiple layers of nested enterprises* that assign responsibilities to the lowest possible levels in the structure. The tourist hotels and guide services in the village could be construed as "nested" within the regulations for the Audubon Center, which, along with the Chau Hiix Project was nested in the village council

governing structure, which was then nested within the governing structures of the country of Belize regarding archaeological sites. In practice, there was usually some confusion over authority in a given instance.

Perhaps because most of the governing criteria were met, the Chau Hiix project collaboration with Crooked Tree Village lasted for 17 years. The event that spelled its ultimate demise was the premature death of Harriot Topsey in 1995, because the Chau Hiix tourism development plan died with him. The new commissioner was (rightly) skeptical that enough tourists would find their way to the site to make it worth government investment in preservation. As I was already deep into a program of research, I continued to hire, and train villagers to map, draw artifacts, process artifacts, dig, and teach field school students to dig. I also continued to negotiate with the government to enlist support for preservation of the site; since it was not forthcoming, I covered the cost of the site watchman myself.

I made every effort to jump-start tourism. At the request of the village I advertised in *Archaeology Magazine*, I negotiated with Audubon to get the site formally incorporated into the sanctuary, I trained tour guides, I created displays for village festivals, I welcomed visitors during my excavations and gave tours myself, I put up information signs on the site. But unfortunately, the only real common pool resource from Chau Hiix was me, and the salaries and opportunities I and my field school students and participants brought to the village. I finally realized that without government support no amount of input from me would make preservation of the site sustainable beyond my death, so I stopped paying the watchman. Since the site was much too large to actually be protected by a single isolated watchman, the watchman was really a symbolic figure for the village, signaling my commitment to come back every year. The villagers protected the site because they were protecting their common resource—me. When I stopped his salary, they no longer saw any reason to protect Chau Hiix. When the site was subsequently damaged by villagers (see http://edition.channel5belize.com/archives/85755), the damage was to the structures of the archaeology camp. The burglar bars, wooden doors, and tin roof were salvaged from the cement block bodega I had built to contain many years of collected and cataloged artifacts. Clearly it was these project resources rather than the Maya archaeological resources that Creole Crooked Tree villagers felt belonged to them.

Research for Developing a Better World

One day the village chairman stuck me in a receiving line to welcome some political dignitaries who were visiting Crooked Tree. Standing between the village nurse and the village policeman, I was introduced as the village archaeologist. At the time I was charmed by this public display of acceptance, but in retrospect I can see how it signaled what would go wrong. The nurse and the policemen were permanent village resources, no matter who filled the role, the role would remain. But village archaeologist is not a permanent job.

Had there been ongoing and permanent government support for the development of Chau Hiix as a tourist destination, I believe we could have achieved a reasonably sustainable program of economic development. Many of the papers in this volume describe similar problems; where economic development is most needed, resources and infrastructure for archaeological development and preservation are likely to be scarce. Governments have to make hard choices among possible development projects, and in a country like Belize, where there is an embarrassment of archaeological riches, some choices are more cost effective than others. As outsiders most archaeologists are not in a position to do more than encourage local infrastructure with publicity and grants, which have a limited time frame. Even when large-scale research and development goes on for decades, this is only the blink of an eye in archaeological time.

Harriot Topsey felt strongly that the common pool idea that underlies the unofficial national motto of Belize, "All a we da one," trumped identity politics and that the Creole village of Crooked Tree would be perfectly capable and willing to care for Maya Chau Hiix in perpetuity as a community resource. Had Topsey survived and made good on his promise to connect the national infrastructure of guards and guides to Chau Hiix through Crooked Tree, the village economy could have continued to benefit from the site without my presence, but no development program is permanently sustainable. Government partisanship, multinational interests, the market vagaries of tourism, unstable community politics, climate change, and innumerable other factors influence the persistence of archaeological heritage over millennia. Chau Hiix is already 3000 years old.

As an archaeologist, I was neither permanent nor able to greatly influence government decisions. The Chau Hiix Project brought one-half million dollars in wages and resources into the tiny village of Crooked Tree (population ca. 500) and during the 17 years of its life more children went to high school, a number of houses were built, and plenty of cows were purchased. But the preservation of the site today is as informal as it was before I came to Crooked Tree, and the site's present contribution to economic development is negligible. Perhaps 17 years in the context of an impoverished community is as sustainable as could be expected. I believe the CPR approach was the correct strategy for the development of Chau Hiix and I consider its application successful, and an indication that a CPR could achieve longer lived success in other circumstances.

But I believe archaeologists have something to offer that affects economic development indirectly that may have a more sustainable impact and a more direct impact on human rights. Archaeologists whose work feeds development—those who find the things that go into the national museum that promote respect for glamorous heritage and clear the way for economically desirable hotels and shops to be built conveniently near the presentable portion of the site—and those who consult on packaging the reconstruction of structures and histories for tourists will feel they have done their best. But have they? Archaeologists who take an ethnographic turn and work to mediate between developers and governments and communities to empower local and descendant groups strive to meet an ethical and moral responsibility to the living, but have we lost sight of our professional responsibility to mediate between the present and the past?

Archaeologists, whether foreign researchers or managers of resources related to their own patrimony or heritage, can certainly contribute to short-term development schemes, like the one that succeeded in Crooked Tree for 17 years. In general, the project had a positive legacy through salaries to villagers, training for local guides, educational outreach, and the collection and preservation of data, so it was worthwhile. But whether such programs are sustainable is not really in our control because archaeologists are not (and I would argue should not be) in control of either the top or the bottom of the system. We are not government officials or villagers. But we can control the focus, import, and impact of our research and that control can have repercussions in the present which we can ignore, sell, or try to handle responsibly.

Archaeology, Development, Human Rights

Like many social scientists (e.g., Ostrom 1990), Richard Salisbury accepted Polanyi's (1944) substantivist position. But he rejected the Polanyi typology of economical cultures, seeing that to define a culture according to whether exchange systems followed rules of reciprocity, redistribution or the market (Salisbury 1968:480)—i.e., by contrasting its economy to capitalism—was both ethnocentric and imperialistic. Nevertheless, 50 years later many archaeologists remain unreflexive and continue to think about cultural institutions as integrated systems with predictable interactions and trajectories of change that evolve from simple to complex (aka capitalism), adhering to a slim hierarchy of typological options. I have argued elsewhere that this sort of cultural essentialism that permits archaeologists to treat the past in sweeping terms (rise, decline, collapse) has nasty political implications in the present (Pyburn 2014; Hutson et al. 2012). For development engineers the implications are similar, so this is one area where archaeological entanglement with the political present ought to entail great concern; not just whether our efforts support the inevitability of the rise of capitalism (which is simplistic), but whether our research programs treat the past responsibly.

I believe the most important area in which archaeologists can contribute to development is through their research. Too many people, including many archaeologists, are too intent on "finding things"—without concern for which things or where the ideas that underlie the selection and valuation of things originate. The results of this type of investigation will always be to verify that "everything we know is true." These programs discover an expected past with endemic violence, political control by wealth-displaying elites, despotic kings, "advances" based on technology, male dominance, environmental overexploitation, Malthusian population growth, and economic systems based on false consciousness. The past these research programs describe was different, but only in certain preordained ways. I am not arguing that the world was not different in the past, I am arguing that archaeologists need to pay more attention to where ideas about the difference come from, and think about using our research to question the status quo rather than creating a pedigree for it. Challenging reconstructions of the past seems to me to be a

surprisingly underutilized way for the less powerful to use heritage as a stage to bring their concerns to a wide audience, regardless of the efforts of their government or multinational developers to undermine local control.

To take a responsible stance on preservation and development, archaeologists must first consider what archaeological data are valuable to the cultural context of their research, and this cannot rest solely on "finding things." The UNESCO distinction between tangible and intangible heritage (UNESCO n.d.) muddies the water around such decisions by suggesting that material heritage is not defined by intangible values. In reality, a building is not heritage; all "heritage" is intangible, whether it is attached to a song, a meal, or a palace. What archaeologists discover and how we interpret what we discover has a significant impact on what becomes heritage. Neither the development context nor the academic import of archaeology is paramount in crafting a research design; our ultimate concern—which takes both scholarship and contemporary political economy into account—must be human rights.

Scholarly priorities will vary and conflict among professionals and may be irreconcilable with varied local values or political context. Nevertheless, it is often the case that the archaeologist may be in the best position to realize the potential of their research findings to promote positive economic change and strengthen the voices of local communities in national and international arenas. What I am arguing is that archaeologists consider using their authority on research priorities and preservation requirements strategically. Chronological sequences that seek to determine the priority of one culture over another; reconstructions of ancient technological or environmental missteps; or pedigrees of violence, sexism, and intolerance developed by locating their origins in the past are typical research agendas that have predictable political outcomes (not to mention obvious cultural origins). But most research agendas can address human rights without losing scholarly integrity. Defining past economies in simple contrast to the present essentializes both and misses the opportunity to empower the living with a human connection to the past—to their past—to our past; to see ourselves in the other, not simply as a reflection or a contradiction but in human terms dealing with human issues.

Intellectual freedom is not intellectual license; it comes with a burden of integrity and humility. Investigating the agency and creativity of ordinary people in the sweep of history, looking at very old cultures for evidence of sustainability, reconstructing historical divisions and conflicts as contextual and not defining moments of heritage will not impinge on our scholarly integrity. Considering the questions, concerns, economic needs, and political conditions of people who have been silenced and oppressed as we design our research and craft our interpretations of the past is not bad science, it is responsible science. Such an approach will not always produce a positive reaction from governments and developers who fund us, but it is time for archaeologists to think more carefully about why we find certain things and not others and whether our finds have only one interpretation.

What the archaeology of Chau Hiix has to say about the Maya past may yet have a lasting impact on human rights, despite the failure of the Chau Hiix Project to have a sustainable impact on contemporary human needs. The Chau Hiix Project did find things, but we went at the research intent on challenging ideas about the past that

damage and restrict the present. Project members recovered information about an environmentally specific and unique agricultural system that was sustained for centuries, an elaborate and sustained trade in commodities and food that reached households throughout the settlement, and indications of a well-fed and healthy community that survived into the seventeenth century, and therefore pose a serious challenge to the concept of a Maya "collapse" (Andres 2009; Pyburn 2003, 2008). If the past of politically oppressed people cannot be written off as a collapse, if noncorporate agriculture cannot be ignored as unsustainable, if family farms cannot be blamed for global warming, if ancient economies can be investigated for what they have to tell us about unique forms of consumer culture and ancient (dare I say) capitalism, then archaeologists really do have something to say about development that could make a sustainable contribution to human rights.

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