

## World Heritage and human rights: lessons from Australia

Working with Indigenous Traditional Owners of Fraser Island, known as *K'Gari* to the local Butchulla people, has provided a valuable case study. Indigenous interests are taken into account in site management even though the World Heritage listing of the property is based on natural not cultural values. This SNIS study is linked with a larger national project on the costs and benefits of World Heritage to Indigenous peoples, funded by the Australian Research Council (ARC). Results show that Aboriginal people are closely connected with the island, and play minor roles in its day-to-day management as a national park, but are almost entirely disconnected from the World Heritage dimensions of the site despite there being a formal World Heritage Indigenous Advisory Committee as part of the management system. This causes a great deal of dismay and disenfranchisement among those local Indigenous people who are aware of World Heritage issues. The site's managers are conscious that this situation impedes effective consideration of Indigenous values in the World Heritage area.



### First steps

The Fraser Island fieldwork began in earnest late in 2014, when team members attended the annual joint meeting of the then three Fraser Island World Heritage advisory committees, which separately covered Indigenous (IAC), community (CAC) and scientific (SAC) matters. This tripartite system is now being restructured to reduce the number of committees and take into account changes to management procedures prompted by the Native Title decision outlined below. The team explained both of the research studies being undertaken, including an Australian Research Council (ARC) funded national project on the costs and benefits of World Heritage to Indigenous peoples. The team also interviewed a number of the members of the IAC about human rights as part of a longer questionnaire about their connections and involvement in the protection and management of the World Heritage area.

At the meeting it was announced that the Butchulla community had just won a court determination recognizing their traditional Native Title on Fraser Island. Native Title is not exclusive, so other forms of title will continue to be valid, but this determination substantially strengthens Indigenous rights

in the World Heritage Area and has had important implications for the present project. One major result is that local Aboriginal people are now much more confident in asserting their right to be involved in management of the World Heritage property in meaningful ways based on the new legal realities of the situation. On a formal level, such involvement will be through or at least overseen by a new representative body for Native Title holders – the “Prescribed Body Corporate” (PBC). All Native Title determinations entail the formation of a PBC, which represents the interests of Native Title holders in relation to specific Native Title decisions (in this case, the Native Title interests of the Butchulla Traditional Owners of Fraser Island recognised by Australia’s Federal Court; see <http://www.nntt.gov.au/Pages/Home-Page.aspx>).

### Fraser Island visits in 2015

In July 2015, a second field visit to the Fraser Island area was completed by the research team. The team interviewed Traditional Owners.

The team also attended a meeting of the IAC at this time. One major element in the IAC meeting agenda was to discuss the role of the new PBC in the management of the

Fraser World Heritage Area. The research team attended so it could observe how these changes might impact on the management of the World Heritage area, and to update the IAC on the progress of the research. It was anticipated that there might be an opportunity to make a presentation to a combined PBC and IAC meeting, so there could be complete transparency in our dealings with Butchulla representatives. While only one Director of the PBC was present at the IAC meeting, there was extensive discussion about the PBC and how rights of people outside the PBC might continue to be recognised in the management of the World Heritage area. The discussion following the presentation enabled the team to ask more questions, and to interview more Traditional Owners after the meeting.

The team again visited Fraser Island in November 2015 and interviewed a number of the Indigenous rangers as well as other park management staff concerning both the role of Indigenous people (and Indigenous staff) in park management, and the influence of World Heritage listing on day-to-day management of the area.

## Analysis

All of the interviews undertaken for the project are being analysed with the aid of NVivo, a text-analysis package that enables researchers to identify and track key patterns in qualitative data. The analysis allows the team to determine how Traditional Owners and other stakeholders perceive matters such as human rights in relation to World Heritage. On that basis, the results will help the team determine how the effectiveness of management approaches to questions of human rights are best measured and improved.

Preliminary results indicate that Aboriginal people and indeed many other people in the communities living on or close to Fraser Island are largely disconnected from the World Heritage status of the Island. This is not to say local Aboriginal people feel disconnected from the island itself. On the contrary, links are very close. However, for the most part they do not think of the island as a World Heritage site, and they identify issues as being State Parks related. When asked about the place in those terms they almost universally indicate that they feel excluded from the World Heritage management framework, despite the Indigenous Advisory Committee mentioned earlier. There is generally a sense that World Heritage is meaningless and that the Queensland Parks management system is more relevant and more problematic. This means questions of Indigenous people's rights in World Heritage are not being addressed in a manner that connects with Aboriginal people even though the advisory committee structure is intended to recognize their legitimate role in World Heritage management on the island.

Part of the problem lies in the fact that very few people working in management of Fraser Island actually think of the place as a World Heritage site. Rather, they think of it as a state-level (i.e. provincial) protected area. Numbers of interviewees working in government management roles stated that they did not have the time or resources to think much about World Heritage issues. Much the same applies to local business people and other community members in the Fraser region. In fact, it is not uncommon for people in the wider Fraser area to not know that the island is a World Heritage site.

In discussion of these matters, Aboriginal interviewees often said that one reason they felt alienated from management structures (World Heritage or otherwise) was that the way the advisory framework

was set up did not accommodate Indigenous ways of knowing, community communication, or decision-making. Rather, the current framework imposes a "White" approach to such matters. Although intended to be inclusive, and despite genuine interest on the part of managers to collaborate in a meaningful way with Indigenous people, the current system is seen by Indigenous community members as a barrier to participation in park management on their terms. It is only when they engage on their own terms that their rights in World Heritage will be properly recognized.

With specific regard to rights, one of the more striking results of the analysis so far has been the lack of information available to the K'gari community about Native Title rights and what those rights might mean in practice on the ground. This is particularly the case in terms of access to and asserting cultural rights on the island. Those community members who had been heavily involved in negotiating the native title case appear not to have pushed for as much as might be expected, such as joint management of the island. The centre-left state government elected just before the Native Title case was finalised is however committed to co-management and it was senior people in the previous conservative government who demanded that co- or joint-management of K'gari be taken off the table when the Native Title case was being negotiated.

The foregoing lack of information is compounded by the uncertainty surrounding the groups established to manage both Native Title (PBC) and World Heritage (IAC). Some Traditional Owners are unsure why the PBC is now required to deal with matters of World Heritage when it is properly an organisation for managing Native Title. Some Traditional Owners refuse to be involved in the PBC, but recognise its legitimacy in making decisions provided cultural protocols for consultation and representation are adhered to.

There is optimism amongst Traditional Owners that the recognition of Native Title will enable people to more frequently visit the island and to build businesses and community sites there where people can reassert cultural traditions. In terms of international rights instruments such as UNDRIP, there is minimal knowledge of its existence or relevance among civil servants or traditional owners. There is also little knowledge or appreciation of World Heritage practitioners' attempts to better engage with Indigenous communities in the management of World Heritage proper-

## FEATURED CASE STUDY

Australian heritage policy and practice – especially regarding Indigenous heritage and World Heritage – is widely regarded as being at the leading edge. Uluru-Kata Tjuta has been called “an interesting precedent for the recognition of the rights of local communities” (Jokilehto 2012:228-9). Initially inscribed under natural criteria, in 1994 it was re-inscribed on the basis of cultural criteria and the (then) newly established provisions for associative cultural landscapes, recognizing “the belief system of one of the oldest human societies in the world” (<http://whc.unesco.org/en/list/447>). Australia provides an unparalleled opportunity to study a range of management models within a single national jurisdiction, and Fraser Island has provided a specific Australian case study. There is a strong human rights dimension to questions about the management of Indigenous heritage values on the island, yet the issue is not a high priority for local Indigenous people, at least not phrased in human rights language. Fraser was nominated as a natural World Heritage property, and so the cultural values were not recognised by the listing process. However, the management structure for Fraser Island has included an Indigenous Advisory Committee as well as a Scientific Advisory Committee and a Community Advisory Committee. This arrangement implicitly recognises the rights of Indigenous Traditional Owners to be involved in site management, yet there are no moves to make this recognition explicit by re-nominating Fraser Island according to cultural criteria, as occurred at Uluru. This status makes Fraser Island an ideal location to study factors preventing or enhancing rights-based approaches to World Heritage.

ties, or how World Heritage might be strategically used to gain better outcomes for Butchulla. Most Traditional Owners interviewed agree however that World Heritage listing has been of value in accessing funding for the IAC. Butchulla have been unable to apply for funding to date in the absence of a registered Native Title Prescribed Body Corporate.

## POLICY IMPLICATIONS RESEARCH

In 2008, ICOMOS “ranked human rights issues associated with heritage...as one of the ‘new and complex global pressures’” to which it had to respond (Logan 2012:232), while IUCN has initiated long-term programs concerning conservation and human rights (<http://www.iucn.org/about/union/commissions/ceesp/topics/rights.cfm>). Moreover, UNESCO’s 2011 resource manual on preparing World Heritage nominations emphasises that “Understanding local values means consulting local people, especially indigenous peoples where they are present”. Yet in 2011, the UN Permanent Forum on Indigenous Issues (UNPFII) rebuked the World Heritage Committee for “continuous violations” of Indigenous rights (see <http://www.forestpeoples.org/sites/fpp/files/publication/2012/04/joint-statement-indigenous-organizations-unesco-2.pdf>). It was in this context that an International Expert Workshop on the World Heritage Convention and Indigenous People was held in Denmark in 2012 (Disko and Tugendhat 2013). Anecdotal reports indicate that the atmosphere was difficult at times, but in the end, all participants contributed to the ‘Call for Action’ that was presented to an event in Kyoto held to celebrate the 40th anniversary for the World Heritage Convention.

When the current project commenced, the World Heritage Operational Guidelines remained silent on Indigenous rights. Small but significant changes were made to the Operational Guidelines in mid-2015 to remedy this, but much remains to be done. This project is part of the global effort to move forward by drawing attention to gaps between rights rhetoric deployed by heritage professionals and Indigenous representatives to the UN and the attitudes, interests and concerns of Indigenous communities ‘on the ground’ in and around World Heritage sites, where practical matters rather than abstract rights discourse are the priority.

On the basis of our research, there are two such practical matters that should be addressed as a priority. On the one hand, a concerted effort is needed to raise awareness of the World Heritage framework amongst Indigenous and other local communities connected with World Heritage properties. There is a pervasive lack of accurate knowledge of World Heritage policies and procedures amongst community members, and an undesirable amount of inaccurate and often damaging postulation and speculation about what World Heritage means in terms of costs and benefits to local people. Comprehensive culturally-appropriate education programs are required to address this situation.

On the other hand, there remains a very strong need for World Heritage site managers at all levels (here defined broadly to include everyone from staff in the World Heritage Centre and the ICOMOS bureau in Paris and in IUCN in Switzerland through independent World Heritage advisors to local Queensland Parks Service staff) to be adequately informed about Indigenous issues and approaches to heritage from Indigenous perspectives. It is only on that basis that World Heritage management policies and procedures can be tailored to accommodate Indigenous interests in heritage in culturally-appropriate ways which ensure that the costs to Indigenous communities of World Heritage listing are outweighed by the benefits.

In short, the principle policy implication of our research is that two-way capacity building is imperative.

## POLICY MESSAGE

- There is a pervasive lack of awareness of World Heritage issues, among communities connected with the case-study site but also more broadly across Australia.
- World Heritage management frameworks need to be configured to include local communities and especially Indigenous groups if the heritage interests of these communities are to be recognised and respected.
- Connections should be fostered between Indigenous people and administrative /management bodies in ways that encourage such links to develop organically from the bottom up, in accordance with local custom and practice, not imposed from the top down.
- Such connections need to be managed in an accommodating manner to allow for resilient culturally-appropriate approaches to World Heritage issues as they impact on local community life and vice-versa (for example in relation to traditional or customary land title and its implications for the management of cultural and nature heritage)
- The long-term effectiveness of such connections needs to be monitored and evaluated and sustainable capacities strengthened in terms that make sense to and work for local communities.

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### Further Reading

Disko, Stefan and Helen Tugendhat 2013 *Report: International Expert Workshop on the World Heritage Convention and Indigenous Peoples*. Copenhagen: The International Work Group for Indigenous Affairs (IWGIA).

Jokilehto, J. 2012 Human rights and cultural heritage. *International Journal of Heritage Studies* 18:226-30.

Logan, W. 2012 Cultural diversity, cultural heritage and human rights: towards heritage management as human rights-based cultural practice. *International Journal of Heritage Studies* 18:231-44.



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