

# Integrating Intangible Impacts into Cultural Heritage Management

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## ***Background***

The process and practice of Free, Prior, and Informed Consent (FPIC) requires a meaningful effort to identify and understand Indigenous cultural heritage that may be affected in the context of a given industrial project, as well as to minimize, mitigate, and compensate any harmful impacts that a community may permit as part of an eventual agreement.

At present, dominant language and practices regarding cultural heritage are rooted in a Western paradigm developed and advanced by non-Indigenous actors and systems. But the question of who determines what is or is not worthy of recognition and protection is fundamentally political, often legal, and typically reflects an imbalanced power dynamic. Respecting Indigenous cultural heritage – and the rights of Indigenous communities – requires a reorientation of this value system and a shift in decision-making towards those who hold the traditional knowledge and lived experience to define what constitutes cultural heritage. Cultural heritage management (CHM) plans must account for how impacted Indigenous communities assign value to sites of significance located on their territory to ensure that effective measures to respect and protect those sites can be implemented throughout planned industrial activities.

**Cultural heritage management plans often prioritize tangible elements, such as objects and places. However, Indigenous cultures are imbued with intangible cultural heritage tied to meanings and spirituality. Recognizing and honoring intangible heritage is central to developing a comprehensive and effective cultural heritage management strategy.**

## ***Tangible vs. Intangible***

The most dominant understanding of cultural heritage in the applied context is to focus on *tangible* – usually archaeological – heritage. And, while there are circumstances where this approach will be an important element of a projects' cultural heritage management, active inclusion of *intangible* cultural heritage ensures that there is room for alternative knowledge systems and power-sharing.

An approach that connects tangible with intangible cultural heritage recognizes that “...heritage is not a ‘thing,’ but a cultural process of meaning making and negotiating the meanings and

values given to identity, memory, and sense of place.”<sup>1</sup> Meanings and values about Indigenous cultural heritage provided by non-Indigenous, external actors, are inherently limited and can reduce cultural heritage management to transactional terms.

The destruction of the Juukan Gorge cave sites in the Pilbara region offers a case in point. While undoubtedly, the physical destruction of this 46,000-year-old site was a loss for the scientific community and for understanding human history, the experts do not feel this loss personally. For the Aboriginal traditional owners, the loss is visceral. During one of the early media interviews about the incident, a member of the native title holding Puutu Kunti Kurrama and Pinikura (or PKKP) group stated that he wasn’t able to tell one of the most senior members of the group about the destruction – as she would have been too devastated. Her father’s name was Juukan and she is his last surviving child, in her 90s.<sup>2</sup> For her, the thousands of material objects that were part of the cave site – the stone and wooden tools, the plait of human hair – weren’t just archaeological curiosities; they belonged to family members. Today’s generation of PKKP members did not need the DNA evidence linking them with these materials to prove their connection, as it is part of their active living memory.

### *Tangible Impacts*

Disciplines such as archeology and paleontology have helped establish a common appreciation for tangible cultural heritage. These include natural landscape features, expressive arrangements (e.g., stone art), places (such as those associated with historic events, campsites, burial sites), and other physical indicators.

### *Intangible impacts*

From an Indigenous perspective, intangible and tangible cultural heritage are inextricably connected. However, appreciating that link requires engaging Indigenous groups and knowledge holders to understand their distinct values, rules, and preferences.

Intangible heritage relates to *practices and meanings* rather than *objects*. It oftentimes evokes connections to the past. Sites associated with ancestors, spirituality, ceremony, or even something of value (e.g., bountiful hunting, seasonal produce, permanent water, etc.) all constitute intangible cultural heritage. Oral traditions,

## **Tangible and Intangible Cultural Heritage**

### **Tangible cultural heritage**

includes objects and places such as stone tool workshops, rock art galleries, burials, and more. This approach tends to be associated with archaeology. **Intangible cultural heritage** recognizes significance beyond the physical realm. These may include sites associated with spiritual activities, the meanings attached to certain places, knowledge practices, and social organization. This aligns more closely with social anthropology.

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<sup>1</sup> Smith, LJ. 2010. “Ethics or Social Justice? Heritage and the Politics of Recognition”. In *Australian Aboriginal Studies* 2010/2, AIATSIS. Canberra. (see Pp 63)

<sup>2</sup> <https://www.smh.com.au/business/companies/pkcp-keeps-gorge-destruction-secret-from-elderly-daughter-of-juukan-over-fears-for-health-20200925-p55zbu.html>

music and song, culinary practices, and ritual, medicinal, and ecological knowledge also fall under this category.

Impacts to these kinds of intangible cultural heritage can have deep psychological or sociological impacts linked to personal and collective identities. Indigenous social organizations often reflect rights and responsibilities concerning territory. Within many Indigenous groups, particular members – sometimes known as custodians, owners, or managers – inherit a responsibility to protect and care for particular territories and the places within them through customary land management regimes, ceremony, and spiritual practices. These individuals assume a distinct role within their communities. If members believe that traditional owners were complicit in the damage or destruction of a site, tension or even violence within the community can occur.

At the individual level, damage (whether tangible or intangible) to cultural heritage is generative of emotional distress and grief and is often associated with physical illness, injury, and even death, with the grief being likened to the death of a close relative. At the collective level, damage can constitute social rupture and imbalance that can lead to a temporary or permanent cessation of ceremonial activity related to the impacted area or resource. At both the individual and collective level, site damage – or even lack of access to care for the land – often produces a profound sense of shame which can pose short- and long-term disruptions to group cohesion and trust. Broadly, cultural heritage impacts can reinforce a sense of powerlessness and alienation within the community.<sup>3</sup>

### ***Assessing Cultural Heritage Impacts***

Tangible impacts can be seen through the alteration or destruction of physical landscapes and objects. Archaeologists often understand that significance and values embodied within a place are objectively quantifiable and intrinsic to a place. However, this method can then lead to a ‘score-card’ approach with the archaeologist measuring “objective” truth with a focus of evidence of Indigenous occupation, rather than on the living practices of impacted communities, thereby deprioritizing or ignoring Indigenous intangible values.

### **A Good Practice Cultural Heritage Management System Should:**

1. Have capacity to equally address intangible and tangible cultural heritage.
2. Recognize Indigenous cultural heritage as a living phenomenon.
3. Enable and ensure continuing access and visitation for cultural reasons and for monitoring impacts.
4. Adopt a ‘values-driven approach’ to support a broader understanding of the cultural landscape. Significant places are relational to other places and the environment.

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<sup>3</sup> For evidence on the issues discussed in this paragraph and also the case study - see Lewis, G and Scambray, B. 2016. “Sacred Bodies and Ore Bodies: Conflicting Commodification of landscape by Indigenous Peoples and Miners in Australia’s Northern Territory”. In McGrath [ed] *The Right to Protect Sites: Indigenous Heritage Management in the era of Native Title*. AIATSIS, Canberra.

Intangible impacts are less apparent to those outside of a culture. Rather than relying on standardized rubrics that can be dated or underinformed, external stakeholders should engage with customary land owners about what a place or area means to *them*. These insights should be recorded and referenced throughout the CHM process.

Cultural impact assessments recognizing the importance of intangible impacts will adopt a values-driven approach. The “valued environmental components” (otherwise known as VECs) framework includes the development of mutually agreed-upon values (including social values), in order to monitor the condition of these values over time. A participatory methodology applies thoughtful attention to the process through which VECs are chosen and who chooses them.

## Concept of Country

“People talk about Country in the same way they would talk about a person: they speak to country, sing to country, visit country, worry about country, feel sorry for country, and long for country. People say that country knows, hears, smells, takes notice, takes care, is sorry or happy...country is a living entity...”

- Deborah Bird Rose

Doing this early in project design is essential to implementing effective mitigation strategies, such as cumulative impact assessments, which situate within the broader cultural landscape and recognize the need to ensure continued access to affiliated sites and Country.<sup>4</sup>

### *Cumulative Impacts on Cultural Heritage*

Cumulative impact assessment (CIA) has developed as a distinct area of assessment concerned with two particular contexts where specific forms of assessment are required. Drawing on Banks, these contexts are:

- Where a proposed project’s effects are likely to attenuate the effects of other trends and processes in the broader impact area, and
- Contexts in which there are multiple projects proposed across a region or area that will have effects that are not captured by individual project ESIA’s.<sup>5</sup>

In the context of cultural heritage, cumulative impacts pertain to customary values, connections to the cultural landscape beyond the individual site in question, and the cultural needs of

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<sup>4</sup> The concept of “Country,” in Aboriginal English, captures a complex social and spiritual connection that reflects the relational quality of Indigenous peoples to their territories. One of the earliest concepts in the anthropological lexicon – “animism” - is relevant to briefly flesh out here. This concept derives from the latin *anima*, 'breath, spirit, life'. It’s the belief that objects, places, and creatures all possess a distinct spiritual essence. Though this religious concept, and its sister concept of ‘totemism’ is not much in use today, they serve to anchor a fundamental point: the relational quality of Indigenous peoples to their territories. For instance, under the native title act – a successful claim entails that the Indigenous claimants retain (quote) “an active spiritual potency” in connection to country. While under the Aboriginal Land Rights Act in the Northern Territory, the language of attachment and connection is “primary spiritual responsibility”.

<sup>5</sup> Banks, G. 2013. “Little by little, inch by inch: Project expansion assessments in the Papua New Guinea mining industry”. In *Resources Policy* 38: 688-695

landowners – whether those needs are collective, individual, or relate to customary governance. Some examples include: loss of access to sites of spiritual significance; loss of cultural integrity of places through destruction of nearby Country; increased dust, vibration, and/or noise; compounding historical effects of loss of control over development decisions on Country, and more. In the context of industrial-scale worksites and infrastructure, maintaining living connections becomes an increasing challenge and a necessity.

Knowing when the impact threshold is approaching or has been crossed would require a cultural mapping exercise and the development of mutually agreed-upon social and cultural indicators.

## Case Study: Bootu Creek

In 2011, the Warlmanpa and Warumungu people of Bootu Creek, Northern Territory of Australia, warned industrial mining conglomerate OM Manganese that cracks had started to appear in the Two Women Sitting Down rock formation. When OM Manganese had been granted permission to conduct mining in this location by the state, they were cautioned not to damage this sacred site protected by the *Northern Territory Aboriginal Sacred Sites Act* and an Indigenous Land Use Agreement under the *Native Title Act*.

That July, OM Manganese performed explosive blasting within meters of Two Women Sitting Down, causing key features of the formation to break off beyond repair, including a dark rock outcrop which, to the traditional owners, was the blood spilled in a fight between the two female creation ancestors. Traditional owners experienced this destruction as a physical and spiritual injury to the creation ancestors and their descendants. The system of kinship reflects a profound sense of interdependency between people and land; female custodians entrusted with the management of sacred lands often refer to specific sites as their mother or grandmother.

The custodians of Two Women Sitting Down bore the consequences of its desecration, experiencing shame and sorrow on an individual and collective level. Furthermore, this site was part of a Dreaming songline – a series of sites that each tell piece of a shared story. The alteration to the landscape rendered the site difficult to recognize, and a community representative shared that Aboriginal groups will be unlikely to visit the site along their journey any longer.