



# Hard and Soft Power and the Cultural Heritage Industry

## An Australian Example

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*This paper discusses the role of power in cultural heritage management in Australia. By utilizing Nye's (2004) definition of power, usually applied to the school of neo-realism in relation to the behaviour of nation states, the role of hard and soft power within stakeholder relationships will be explored. The constraints of these relationships from within the context of colonialism will be investigated from three perspectives: the development industry, Indigenous communities and the heritage industry. This discussion is in relation to whether or not development-based archaeological work manages to preserve Indigenous heritage values in the Pilbara region of Western Australia. The colonial imbalance of power is evident in these power relationships; however, the sophisticated use of both hard and soft power by development companies has altered the dynamic of these stakeholder relationships. Consulting-based archaeology in this region does not preserve Indigenous heritage values, as the nature of the work is based within legislative compliance. Future research that involves Indigenous heritage values within the development framework will need to be based upon the developer's social policies and collaborations with Indigenous groups that go beyond the minimum requirements of the legislation.*

### Introduction

This paper will assess an example of development-based archaeological work in the Pilbara region of Western Australia and question whether this work leads to management outcomes that adequately protect Indigenous heritage values. The major theme that will be used to address this example is power, which will be explored in regards to stakeholder relationships within development. The theme of power is chosen in order to highlight some of the fundamental issues involved in the mining industry and the heritage industry, and where they intersect with Indigenous heritage values and the related management outcomes. Throughout this paper it will be argued that development-based archaeological consultancy work does not always

lead to heritage management outcomes that adequately protect Indigenous heritage values, as power imbalances in the development sector are influenced by a distinctive colonial bias. This paper will discuss an example of legislative-driven archaeology in the Pilbara region of Western Australia. It is important to note that this is a singular example within a broad industry, that like any has proponents that do as little as possible and those who go beyond the minimum requirements of the legislation. Ultimately this discussion becomes about corporate governance, and the willingness of companies to choose to adopt social policies that help to address the power imbalance caused by the colonial process.

This colonial power imbalance is located within the legislative structure within which the

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cultural heritage sector operates. Although not entirely to blame for the current climate of heritage management in Western Australia, the Aboriginal Heritage Act 1972 does provide a framework that can protect some aspects of indigenous heritage. It does not, however, comprehensively facilitate management outcomes that protect these heritage values. This paper will not focus on this legislation, as it ultimately reflects the political will of powerful actors within the development sector.

The Native Title Act (NTA) (1993) came into effect after the landmark *Mabo v Queensland (No.2)* (1992) ruling, which established a level of ownership of land for the Aboriginal Wik people of Western Cape York. Native Title is based upon Indigenous land ownership structures and problematically places an emphasis upon what are viewed as traditional or authentic forms of Aboriginality and identity. This topic in relation to Australian archaeology has been explored by a number of authors (e.g., Harrison, 2000; Lilley, 2000). This case study will discuss some detailed aspects of the Native Title Act (1993), where a developer, who generally holds a mineral lease, must negotiate with the Native Title holders in order to gain access to the land.

Globally, the rise of Indigenous land rights within the colonial system has caused a substantial rethink for how many development companies deal with Indigenous people (Rio Tinto, 2011). However, these attempts at forming best practice policy are not followed by all developers and are often based on previous incidents of severe negative cultural impacts. The impacts of development have, in part, caused the awareness of cultural heritage values and issues relating to the ownership of the past to come to the forefront of current debates. The increasing awareness of these values can be seen in the criteria of bodies, both national heritage organizations and the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the classification of cultural heritage sites (Tutchenner, 2013).

### **Mining and Cultural Heritage Management in Australia**

Consulting-based archaeology in the Pilbara region often does not achieve management

outcomes that adequately protect Indigenous heritage values. For the purpose of this paper Indigenous heritage values are defined as the ways in which Indigenous peoples define the objects of cultural significance, which drive the discourse and creation of meaning surrounding identities, places, and memories. The lack of adequately protected Indigenous heritage values within consulting-based archaeology is due to the massive power imbalances of the groups involved. In order to consider this example, the interplay of power will be explored from the perspectives of three stakeholder groups in Western Australia.

Indigenous cultural heritage management is a contentious area of research and therefore its context requires exploration. The development of the mining industry in Western Australia has had various impacts on the wider Australian society since the 1970s. Since its development, the mining industry has seen an increase in demand from large economies such as China for products such as gas, coal, and iron ore. The overall impact of the mining industry on the Australian economy can be interpreted as what has made Australia the 'lucky country' ("Your tax or mine?", 2012).

The mining companies in Western Australia that have expanded with this mining boom have had to work with Indigenous groups who are Native Title Holders, whilst also complying with the Aboriginal Heritage Act 1972. This compliance has also led to a growth in the heritage industry in Western Australia. The heritage industry is one of many that have thrived from within the development boom in Western Australia. This has led to the rise of fly-in fly-out workers coming from all around Australia to assist in the archaeological work required by development. The nature of development based archaeological consultancy in the Pilbara area (Figure 1) is mostly based around the identification, site avoidance and, if necessary, the 'salvaging' of Indigenous archaeological sites.

This approach is defined by the Aboriginal Heritage Act 1972, which underwent a recent review process (Department of Indigenous Affairs, 2012). This legislation requires the

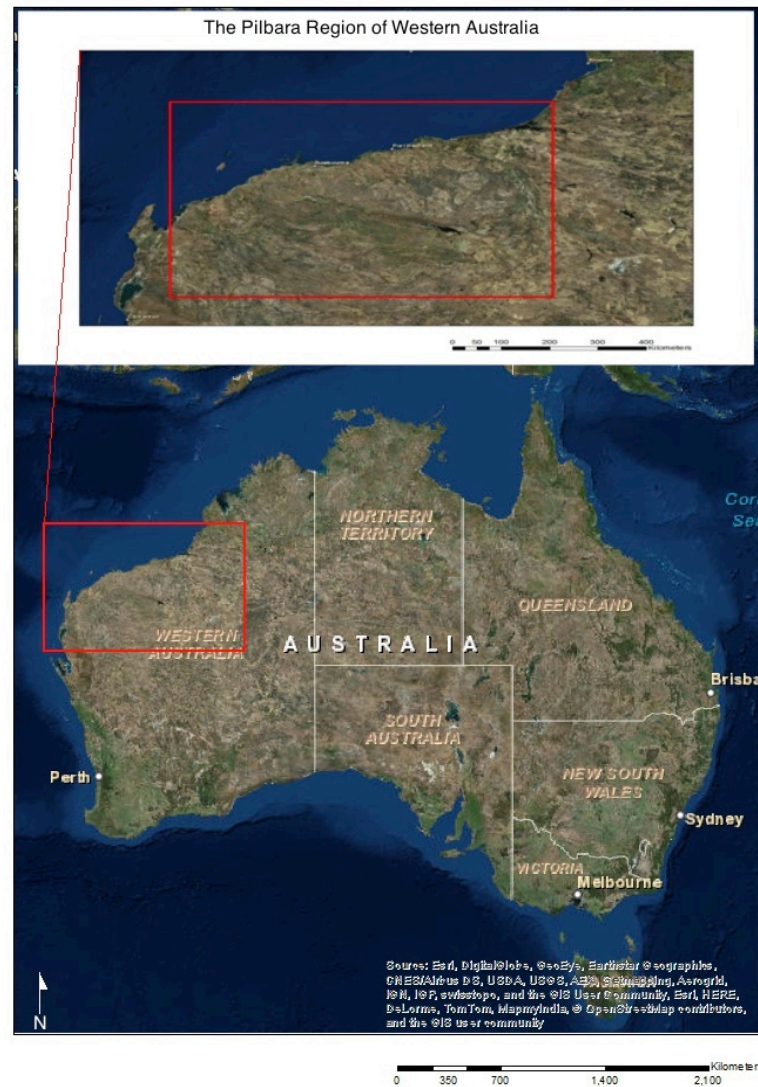


Figure 1. Pilbara region, western Australia

developer to locate, salvage, mitigate or avoid Indigenous sites of significant cultural and archaeological heritage value. Ultimately consulting-based archaeology in the Pilbara is not research based and is rarely carried out with a detailed research question in mind (Morse, 2009). The heritage professionals and the mining companies involved, however, have the option of doing more than that required by the legislation in order to preserve Indigenous heritage values.

The Burra Charter (Australia ICOMOS Burra Charter, 2013) offers a definition of cultural

heritage values that is integral to this discussion. Rather than defining ‘cultural heritage value’ as a whole, the Article 1.2 (2013) defines this term as synonymous with cultural significance:

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. (p. 2)

This definition delimits the scope of this term and locates it squarely within the cultural heritage sector. These five value categories (aesthetic, historic, scientific, social or spiritual) can be interpreted as aspects of items and places of cultural importance and used to assist in the discussion of cultural significance.

### **Power**

A theme that will be explored in this paper is the use of the term power and power relationships. Smith and Waterton (2009, p. 19) discuss the term power in respect to “the distribution of resources, both symbolic and material, and issues of control.” They also question how these power relationships have come about. Smith and Waterton (2009, p. 19) comment that a discussion of such a complex topic “requires an explicit assessment of the unequal power relations both within and surrounding heritage and archaeological practice, but also the outcomes of those relations.” It must also be stated that the current state of unequal power relationships needs to be understood within a heritage industry that firmly has its foundations within a context of the colonial process. The heterogeneity of power is derived from the work of Weber (1964, p. 152). Paynter and McGuire (1991, p. 6) describe this type of power as the ability to “thwart another, an ability to engage in negative action.” This is balanced against Giddens’ (1977) Marxist positive interpretation of power as the ability to intervene in a transformative capacity. While Miller and Tilley (1984, p. 5) unify these two ideas as both “power over and power to.” Heterogeneous power is described as being evident in colonial situations where “European forms of symbolic power and material domination encounter indigenous power structures, creating complex fields with multiple bases for the exercise of power” (Paynter & McGuire, 1991, p. 7). This idea of power relationships and outcomes will be used to discuss the underlying potency of development-based archaeology in the Pilbara region.

Joseph Nye is a leading political theorist who co-developed the school of neo-liberalism. His definition of power is usually applied to the behavior of nation-states and used to discuss their behavior (Nye, 2004). It was a comment by Smith (2010, p. 60) that prompted the application of this model of power to the heritage industry of Western Australia: “Heritage is not just a pretty place; it is a political resource.” The simple categories of power and influence that Nye (2009) discusses below are also applicable to the resource and heritage sectors in Western Australia:

Power is one's ability to affect the behaviour of others to get what one wants. There are three basic ways to do this: coercion, payment, and attraction. Hard power is the use of coercion and payment. Soft power is the ability to obtain preferred outcomes through attraction. (p. 160)

Although Nye’s (2004) definition is based in Weberian thought as ‘power over’, the use of soft power could also be understood as transformative within a positivist sense. The interplay of power relationships is a concept that defines most interactions between groups and individuals within our wider society. The experience of power relationships within this example will be explored through the influence that each group exerts upon each other. Nye’s definition of power and the categories of hard and soft will be used to answer the questions outlined in each of the following sections.

The first perspective that will be explored is that of the developers, which in this case is a mining company. The second perspective that will be discussed in this paper is that of the heritage community in development-based archaeological work. The third perspective examined is that of Native Title Groups and their experience of power within the development and heritage sector. This final perspective will then be compared to the other two positions previously discussed. The answers to the questions from all three

perspectives will then be used to explore how power influences heritage management outcomes in Pilbara-based archaeological consultancy work and how that affects the preservation of Indigenous heritage values.

### **The Developer**

The first perspective explores the influence and type of power that mining companies in the Pilbara exert on both the heritage community and Indigenous groups. The main priority of many developers is their stockholders; they are major corporations that turn major profits through the manufacturing of commodities. A form of hard power is undoubtedly used by the mining industry, but, as the mining sector has matured, so has the way they choose to exert power, which now includes forms of soft power. In order to demonstrate this, a number of questions need to be asked. What type of power do they use? How do they use it? How do mining companies exert influence over Indigenous groups? How do mining companies exert influence over the behavior of the heritage community?

Firstly, how do mining companies exert influence and power over Indigenous groups within a colonial framework? It would seem to be a complex combination of both soft and hard power. In respect to hard power, money is a way that mining companies influence or coerce Indigenous communities. Native title land access deals that include substantial mining royalties or profit share can be a good example. There is also the indirect effect on the lives of Indigenous groups of the vast amounts of revenue made by mining companies, which can have flow on effects like exorbitant housing prices and even influence upon government decisions.

There are also a number of ways in which mining companies use soft power to influence Indigenous communities. At times these includes a patriarchal approach to community involvement, providing houses, education and jobs. A marketing campaign being run by the resource sector is also a good example of the mining sector using soft power (Australian Mining, 2015). In

this advertising campaign real Indigenous people tell the audience how mining has changed their lives: we see young Indigenous people, mothers, sports people and women in non-traditional gender roles. However, in reality fly-in fly-out workers from the cities greatly outnumber Aboriginal employment in rural western Australia. The use of advertising in this format is an example of how the development companies exert soft power.

An example relevant to the Pilbara region of the use of both hard and soft power by a mining company is that of the Yindjibarndi Aboriginal Corporation (YAC), Wirlu-murra Yindjibarndi Aboriginal Corporation, and Fortescue Metals Groups Limited (FMGL). FMGL was granted mineral leases for the Solomon Hub Project in the Pilbara by the Western Australian Government. These leases were granted without consultation with the registered Native Title groups in the area, and no land access deal had been negotiated. In the intervening period between the lease being granted and the instigation of mining at the Solomon Project, FMGL was accused of a number of different infringements of the Native Title Act. This included the setting up, formation, and funding of a Native Title Claimant group sympathetic to FMGL's aims of expansion of its iron ore facilities in the Pilbara. The funding of this Native Title group caused the fracturing of an already marginalized and impoverished Indigenous community. Several people including FMGL's lawyer at the time, Kerry Savas who was present at the negotiation between FMGL and the Native Title group, have since come forward and commented on the lack of legality and good faith during these negotiations (McQuire, 2012).

YAC is a vocal Native Title group that, at the time of negotiating with FMGL, wanted a portion of profit share from the company's revenue in order to grant access to land. This is comparable to other deals struck by large mining companies in the region (YAC, 2012). There was a portion of the Indigenous community that was happy with the smaller amount of money offered by FMGL as long as the offer included jobs and training. An

agreement that gave the impoverished community an income was viewed as being better than nothing. This group became known as the Native Title Applicants Wirilu-murra Yindjibarndi Aboriginal Corporation (WMYAC) and was branded a splinter group by YAC (WMYAC, 2012). The hard power that FMGL used in this circumstance was realized in cash payments that included a \$500,000 signing fee for WMYAC. FMGL also allegedly made payments to community members to attend and vote at a community meeting in Roebourne. Soft power was also used to influence a portion of the WMYAC Indigenous community to take jobs with the mining company. Another incentive was the provision of improved education services targeted at industry-related skills. The importance of education as a form of soft power that is being used by development companies to persuade and influence communities cannot be underrated in rural areas where the average literacy and numeracy levels are low when compared to the national average (Taylor & Scambary, 2005). It is clear from this discussion that the power imbalances between the Native Title claimant groups and the mining company are massive, and are aspects of the colonial system that are exerted through both the mediums of hard and soft power. Further aspects from this example will be explored through other perspectives in the following section.

How do mining companies exert influence over the heritage community? The use of hard power (i.e., payment) in a client-based relationship is the clear answer here. Also the availability of other contractors in the heritage industry means that coercion is also an available avenue of influence for mining companies. This coercion can take the form of attempting to influence heritage management outcomes. The experience of a number of members of the heritage community, such as archaeological company Eureka NSW and anthropologist Brad Goode, illustrate that hard power is very much a way mining companies gain influence over the heritage community and heritage outcomes (YAC,

2012). The use of hard power by FMGL to attempt to coerce people from the heritage community to produce an outcome in their best interest is evident.

The use of soft power by the mining industry upon the heritage sector is also interesting. This is evident where development companies employ heritage professionals, who then inform the wider heritage community using case studies of the ways in which the company they are employed by responsibly treats its heritage commitments (Bradshaw, 2006). This form of influence engages the heritage community within its own area of expertise. It is the hope that the heritage professionals in these positions choose to promote good governance and social policies that go beyond the basics of the legislation on the behalf of the mining industry. There are, however, no defining industry-based ethical guidelines that require this. The power relationship between mining companies and the heritage community is one that is based on both hard and soft power, making it a much more pervasive form of influence.

### **The Heritage Community**

This second perspective explores how the heritage community uses power to influence the decisions of both the development industry and Indigenous groups. The main priorities of this community are the preservation and interpretation of cultural heritage. The dynamic of power here is far more subtle than that exerted by the financial clout of the mining companies. Key questions that will be asked in this section are: what type of power do they use? How does the heritage community exert power over Indigenous groups? How does the heritage community exert power over mining companies?

The use of payment and coercion, or hard power, is not relevant to the flow of power between the heritage community and the Indigenous community. The use of soft power, however, is definitely relevant. This is explored in the theoretical example of the Authorized Heritage Discourse (AHD) (Smith, 2004).

Through the AHD, Smith (2004) argues, the heritage community defines what heritage is, using knowledge and expertise as a base for this power. This definition then influences policy, which then reasserts the position of the heritage community. This concept has also been explored within a discussion of the Australian Burra Charter, as well as the Venice charter utilizing critical discourse analysis (Waterton, Smith, & Campbell, 2006). The AHD is an example of a type of soft power that influences and affects Indigenous communities and the discourse of their heritage and identity. An example is the value placed upon stone tools in the Pilbara region, as this is the predominant type of archaeological site found (Ryan & Morse, 2009). The quantifiable amount of Indigenous heritage value to be obtained from their analysis is debatable as stone tools, valued by archaeologists for their cultural value, take on an amplified meaning. This meaning is then used to define what a heritage site is, and only the heritage community can assess the archaeological significance of this site. This assessment often influences the position of the Indigenous groups and the mining company.

Through the AHD, knowledge and education are forms of soft power that show the influence of the heritage community upon Indigenous communities and their heritage values. However, the influence of heritage practitioners through direct Indigenous community engagement and collaboration can at times lead to better outcomes for Indigenous groups, where greater heritage values may be salvaged within the development process. Examples of this type of community engagement are now becoming common throughout the colonial world and are considered to be part of a discipline-wide effort to decolonize the profession (Greer, 2010; Nicholas, 2006; Silliman, 2008; Smith & Jackson, 2006). How does the heritage community exert influence over development companies? The only avenue of power that is available to the heritage community in relation to their influence over development companies is the use of the archaeological interpretation of the past. This influence

determines what becomes labeled as cultural heritage, subsequently triggering the legislative framework. This form of influence is evident in every archaeological consulting report, whether cultural material is identified or not. A prevalent concrete example of archaeological site preservation in the Pilbara region of Western Australia is that of the Burrup Peninsula, which contains petroglyphs of considerable antiquity (Vinnicombe, 2002). The site has been significantly damaged by development since its identification and partial recording; intensive lobbying has resulted in the listing of the Burrup Peninsula on the Australian National Heritage List in 2008 (Australian Government: Department of the Environment, 2015). This has, to an extent, hindered development in the area. This influence is of very limited scope, but simply identifying heritage in the landscape can alter the outcomes of the development to some extent. The heritage community's influence through power relationships with development companies and Indigenous groups are defined by the lack of any hard power, but a very strong form of influence in terms of soft power.

### **Indigenous Communities**

The third perspective explores the type of power that Indigenous communities use to exert influence over both the mining companies and the heritage community. It should be noted that although the preservation of cultural heritage is often the main priority for Indigenous communities, the alleviation of poverty, as well as education and work opportunities often take precedence. The use of soft power by Indigenous communities is evident through the use of public interaction through the media. This is becoming a form of influence for Indigenous communities in the Pilbara. A good example is the Indigenous YAC and their website and media company's successful engagement with other media sources in order to gain wider exposure (YAC, 2012). In this case the use of the media included prominent Australian news programs including the 7.30 Report, Four Corners, the Australian Broadcasting



Corporation and YouTube clips. The use of soft power by YAC also prompted a soft power response from FMGL that includes YouTube clips, press releases, and even the alteration of the FMGL Wikipedia page (Cowie, 2013). Under provisions of the Native Title Act 1993, Native Title groups are only allowed a six-month (or longer if both parties agree) window for negotiation with developers (Altman & Markham, 2013). This can lead to the development company delaying agreement in the hope that the Native Title group will settle for a lower price. Native Title groups can use strategic behavior such as this in order to raise public support. A delay could also be used to jeopardize the viability of the mining project (Altman & Markham, 2013). In both cases the use of influence and negotiation as form of power would be classified as an exertion of soft power. There is no doubt that the use of soft power by YAC in the FMGL case assisted in the dissolution of the Native Title group purportedly created by FMGL.

Another aspect of the influence that Indigenous communities have is upon the heritage community. The use of soft power by Indigenous communities can be identified in the attraction of knowledge often held by community members. Knowledge of customs and traditional law is of interest to many in the heritage community. This

knowledge can then form the basis of soft power and influence, although mostly at a personal level. Indigenous groups involved in the development process do increasingly have some form of hard power in the form of payment towards archaeological companies within the heritage community. This is often facilitated through the state level legislation, for example the Aboriginal Heritage Act 2006 (Victoria), and the influence of Registered Aboriginal Parties to finalize and authorize archaeological reports prior to development. Legislation showing this level of decolonized influence is, however, not applicable within all states of Australia and does not apply to the Pilbara region. The influence of this form of hard power to alter outcomes may often be negated due to the complex nature of the power relationship between these two actors.

### Discussion

In this case study the mining company or developer is the only actor that displays significant forms of hard power upon both other actors (see Figure 2). This use of hard power, combined with influential soft power, places it in a position of strength. The direct influence of hard power, when combined with the attraction of soft power, is simply greater. This ultimately influences the outcomes of the heritage work in

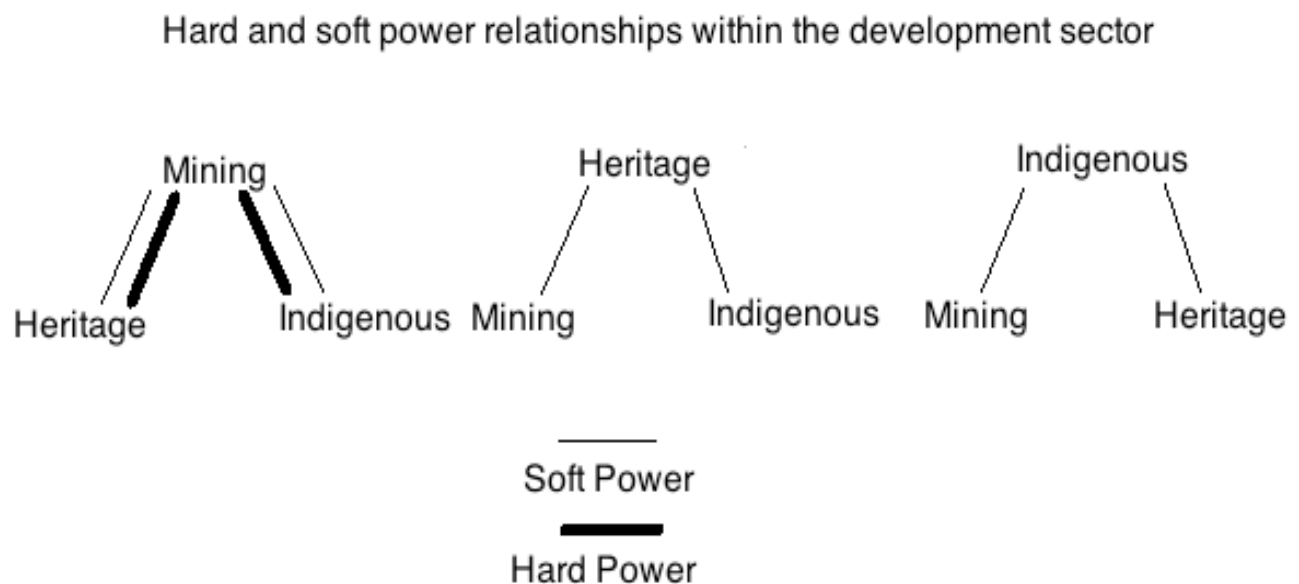


Figure 2. Graphic representation of power relationships.



this area that often means that Indigenous heritage values are not adequately identified or preserved, as this is not always in the best interest of the most powerful actor, the mining industry.

It is clear that, as described in the previous sections, the power relationships of the three actors highlighted in this discussion are unequal. The mining industry is the only actor that is really capable of utilizing hard power in a useful combination with soft power, making it a dominant force in the sector. This means that the outcomes of consulting archaeology in the Pilbara region are dependent upon how the mining industry utilizes their influence.

Self-interest is a major factor in what powerful actors choose to do and will influence the outcomes of any situation. If it is in the best interest of the mining company to work with Indigenous communities by using both hard and soft power, it will, as this will achieve the best results for them. The destruction of Indigenous heritage values occurs when places of cultural significance are impacted, which in turn affects identity and Indigenous relationships with the past through the very landscape that is being destroyed through mining. Smith states that “this concern for the past is important in providing a sense of community, and a sense of a shared past that helps bond community and social identity” (2012, p. 138). Perhaps, in this way, development assists communities in defining their modern selves, but it does not help protect Indigenous heritage values. An argument could also be made that without the funding of these large development groups the archaeological resources in the Pilbara region would never have been rediscovered.

Archaeology in the Pilbara could be understood as not really a form of archaeology at all, but just a vehicle that allows for legislative compliance. The results of this type of archaeology often end up in “a swamp of grey literature” (Morse, 2009, p. 3), adding little to the narrative of the past. Research-based archaeology, although at times destructive (e.g., excavation), allows for greater meaning to be attached to the outcomes of the archaeological process through

focused research questions that add to a greater narrative of the past. Often the research process itself (depending upon its approach) may not add to the understanding and preservation of Indigenous heritage values in many places. Before this happens, archaeology in Australia may need to move beyond the constructs of historical, contact, and Indigenous archaeology and consider the narrative of the past as a whole (Williamson, 2004). In turn, this narrative could assist in the discourse related to the preservation of Indigenous heritage values. Due to the power imbalance within the mining sector development-based archaeology does not often protect Indigenous heritage values or assist productive outcomes for Indigenous stakeholders. Although Nye’s (2004) model of power is derived from Weber’s (1964) work it becomes evident throughout this discussion that within the application of soft power by all parties lies the potential for influence in a transformative (or positivist) fashion.

### **Conclusion**

The nature of power is its influence upon behavior. The heritage community and Indigenous community are not exempt from this. The ethical responsibility of the heritage practitioner should ideally, in respect to conservation and heritage values, be aligned with the self-defined interests and values of Indigenous communities, not just compliance with heritage legislation. Although ideal, it is through this process that the discipline will become truly decolonized. The long-term preservation and management of Indigenous heritage values and archaeological sites relies on the heritage community and its ability to work collaboratively with Indigenous groups and at times go beyond the minimums required by the legislation. For the heritage community, this is one aspect of ethical responsibility that comes with the privilege of education and knowledge.

For development companies, establishing best practice policy that creates accountability for the preservation of cultural and archaeological heritage through the empowerment of the Indigenous community is likely one of the most direct routes to decolonizing the industry. The sophisticated use of both hard and soft power by

development companies needs to go beyond the scope of the legislative compliance in order to contribute to sustainable relationships with Indigenous groups. Ultimately, the real debate should be about enabling the empowerment of Indigenous groups through education and training and the restructuring of heritage and Native Title regulations at both the national and international levels.

### **Acknowledgements**

I would like to thank the patience of the NEXUS editors, in particular Madeleine Mant, as well as my supervisor Dr. Mick Morrison for comments on previous versions of this paper. However, of course, all errors and opinions are entirely my own.

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