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Sam Grey, *University of Victoria*
Rauna Kuokkanen, *University of Lapland*

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Indigenous governance of cultural heritage: searching for alternatives to co-management

Sam Grey [a] and Rauna Kuokkanen[b]

[a]Political Science, University of Victoria, Victoria, Canada; [b]University of Lapland, Arctic Indigenous Studies, Rovaniemi, Finland

ABSTRACT

In this paper, we critically examine the co-management of Indigenous peoples' cultural heritage as simultaneously a driver and product of the culturalisation of Indigenous peoples: the reduction of complex *legal-political orders*, anchored in specific lands, value systems, rights, and practices, to *material cultures*. Co-management has been hailed as a defensibly imperfect, 'tweakable' system that benefits both Indigenous and state parties, and moreover, a stepping stone to Indigenous self-determination. Departing from these analyses, we argue that co-management is not just an administrative arrangement but also a state-ratified international rights regime, and accordingly, that it cannot do other than undermine Indigenous self-determination and imperil Indigenous peoples' cultural heritage. We suggest that cultural heritage can only thrive by being actively engaged with *in situ*: via the living practice of Indigenous governance. Operationalising our argument, we first consider the challenges of cultural heritage protection in Sápmi; specifically, the co-management of Laponia, in Sweden, and the unprotected sacred area of Suttesája in Finland. We then discuss a more promising framework: the Quechua 'Biocultural Heritage Territory' of the Parque de la Papa, in Peru. Finally, we apply the lessons of the Parque to Suttesája, showing how this opens up governance-based avenues to safeguarding Indigenous sacred areas.

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Introduction

In this paper we examine the co-management of Indigenous peoples' cultural heritage as simultaneously a driver and a product of the culturalization of Indigenous peoples. Culturalization refers to a common practice and strategy of emphasising cultural identity and cultural difference over legal and political status, which essentialises Indigenous peoples and reduces Indigenous rights to minority rights (Schulte-Tenckhoff 2012). Arising from the intersecting discourses/practices of 'culture,' 'heritage,' and 'management' (as we discuss in the following sections), co-management has been characterised as a defensibly imperfect, 'tweakable' system that provides important dividends to both Indigenous and state parties, while additionally building a more productive and respectful relationship between the two (see, among others, Colfer 2005; Lu, Chueh, and Kao 2012). The staunchest proponents go further, asserting that co-management is, or can be, a stepping stone to Indigenous self-determination (Natcher 2001; Kakekaspan et al. 2013; Broderstad 2011; Abele and Prince 2006).

First, we establish that prevailing, 'authorised' cultural heritage discourse cannot escape its founding in powerful concepts that are ontologically, epistemologically, and axiologically

CONTACT Sam Grey sam.grey@snpolytechnic.com Political Science, University of Victoria, STN CSC, V8W2Y2, Victoria, BC, Canada

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incompatible with – and in fact hostile to – Indigenous peoples' social and political thought. Accordingly, the protection mechanisms that arise from this discourse are not only theoretically and practically ineffective in Indigenous contexts, they are opposed to the effective preservation and promotion of Indigenous peoples' cultural heritage. We argue that cultural heritage can only thrive by being actively engaged with in situ: on Indigenous lands, through Indigenous institutions. We then demonstrate that co-management specifically, because its roots lie equally in neoliberalism and settler colonialism, has proven most adept at subverting Indigenous peoples' inherent rights and reinforcing state systems and jurisdictions. We assert that co-management is part of a globally-diffused approach, enshrined in the *World Heritage Convention*, that offers mere participation in lieu of actual control, while culturalizing and instrumentalising Indigenous polities and rights. These arguments converge in our core thesis: that cultural heritage co-management cannot be 'tweaked' to provide better outcomes for Indigenous peoples, nor can it provide a stepping stone to their self-determination. This is not to claim that there are never any benefits to co-management agreements in practice; indeed, a central premise in our argument is that a perceived or stated lack of alternatives (attributable, in turn, to either a dearth of practical imagination or a lack of political will, or both) often presents co-management as a relatively better – or better-than-nothing – scheme (Goetze 2005; King 2007; Spielmann and Unger 2000). Relatedly, there are analyses that present co-management arrangements as extending along something like a spectrum, from greater to lesser Indigenous 'control;' these are neither analytically nor theoretically incorrect or necessarily misguided but represent a different approach and purpose to our own (Reo et al. 2017; Maclean et al. 2012; Broderstad 2011; Mulrennan and Scott 2005).[1] Nor is our intention to dismiss the strategic uptake and skilful deployment of co-management discourse and practice by Indigenous communities worldwide (most effectively, to date, in Oceania and North America) (see, among others, Caruso 2011; Diver 2016; Reo et al. 2017; Salée and Lévesque 2010).

Instead, what we are arguing is that co-management is not merely a temporary (or evolving) administrative arrangement but an ossified international rights regime, governed at the state level, that – whatever else it might accomplish – actively displaces Indigenous rights and Indigenous governance. In doing so, these systems and instruments violate the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) which, in establishing to the norm of Indigenous self-determination, forms the proper basis of Indigenous peoples' *governance* of their own cultural heritage. In drawing these observations together we outline the key consonances between co-management and late colonial treatymaking in settler states. Accordingly, we conclude that the solution is not to improve co-management but to remove it as a barrier to Indigenous peoples' governance of their own cultural heritage. Operationalising our argument, we first consider the challenges of cultural heritage protection in Sápmi; specifically, the co-management arrangement at Laponia, in Northern Sweden, and the unprotected sacred Sámi area of Suttesája in Northern Finland. We then discuss a more promising framework for Indigenous governance of cultural heritage: the Quechua 'Biocultural Heritage Territory' of the Parque de la Papa, in Peru. Finally, we apply the lessons of the Parque to Suttesája, showing how this lateral learning opens up governance-based avenues to safeguarding Indigenous sacred areas. In fleshing out our theoretical discussion, these specific cases were chosen because they illuminate the three core issues we examine: the ongoing threat to Indigenous cultural heritage and sacred areas (seen at Suttesája); the problem of the co-management regime in attempting to address this threat (in Lapponia); and one possible exemplar of Indigenous governance of their cultural heritage (at the Parque de la Papa), which demonstrates both the existence and viability of alternative 'best practices.'

A genealogy of cultural heritage co-management

'Cultural heritage co-management' sits at the nexus of three discourses and practices: cultural rights, heritage protection, and conservation management. All three are simultaneously anticipatory and backward-looking, since they are concerned with the future preservation of some inherently fragile, historic good. And all three are, despite being grounded in law and policy, profoundly depoliticising. Where these discourses and practices overlap and combine, ideologies, processes, and systems emerge that have particular consequences for Indigenous peoples. We begin our discussion by considering the concepts of 'culture' and 'heritage,' and the evolution and diffusion of 'co-management' as the dominant policy paradigm in the preservation of, and control over, the cultural heritage of Indigenous peoples.

Culture

In international law, the prevailing conception of culture is associated with material patrimony, either of certain groups or of humankind generally; or is focused through the lens of creativity, as an artistic or scientific creation, while also emphasising the sites of its exhibition (museums, galleries, libraries, theatres, and concert halls) (Xanthaki 2007). Notions of culture as capital, accumulated property, and material objects are fundamentally incompatible with Indigenous understandings, which encompass 'the sum total of the material and spiritual activities' of a people, and which, therefore, cannot be created or owned by any individual' (Xanthaki 2007, 207). For Indigenous peoples, the term 'culture' is often used as shorthand for their myriad relationships with the land, plants, animals, and other human beings. For them, 'culture' commonly refers to all aspects of life: worldviews, value and knowledge systems, law, social organisation, economies, and land-based activities. The increasingly common Indigenous law-based policies governing 'cultural heritage' in Indigenous territories make this definitional continuity clear: the Nłeʔkepmxc of Shulus declare that, 'our cultural heritage is both physical and spiritual; tangible and intangible,' while the Simpcw Council include, under 'cultural heritage resources,' cultural expressions (songs, dances, art, stories, images, and designs), 'locales of spiritual and ceremonial significance,' 'traditional use areas,' traditional knowledge, plants and medicines, and any other site, practice, or item of historical or contemporary use or significance (Simpcw First Nation 2015; Lower Nicola Indian Band 2017). The legal status of both of these documents extends the sphere of 'culture' to include Indigenous law and traditional governance; the definition and its expression are also inseparable, parts of the continuity. This is a holistic understanding – yet that same holism is susceptible to misrepresentations that render everything Indigenous peoples do and everything they have as simply 'culture.' In this way, the Lockean colonial hierarchy, in which the West has 'societies' and Indigenous peoples have mere 'cultures,' remains firmly in place. This extremely common framework continues to inform everyday discourse, effectively determining the way in which scholarship, human rights instruments, and politics are framed and organised. It erases the fact that Indigenous peoples are not only societies like any other, but also distinct polities with pre-existing governance and legal orders.

Further, conceptualising Indigenous societies in terms of 'culture' makes the least demands of, and does not pose a threat to, the neoliberal multicultural state. In fact, such a framing fits well with state efforts to display, if not commodify, Indigenous peoples' cultures (cf. Engle 2010) while separating those 'cultures' from the lands from which they arise and to which they are inseparably linked (Grey and Patel 2015). Further, neoliberal multiculturalism strives to erase historical and political specificity, including experiences of past and ongoing colonialism, in order to re-cast Indigenous peoples as one minority among many, supplanting Indigenous inherent (political) rights with minority (cultural) rights (Grey and Newman 2018). Indigenous peoples thus become *cultures* instead of *nations*.

Foundational to this misclassification is an enduring misunderstanding about the material objects displayed in public and private 'collections:' many of these are, in fact, expressions of Indigenous peoples' social organisation, political orders, legal systems, land-based practices, and forms of governance. An example is the goavddis, the Sámi drum, used historically by the noaidi or shaman: while it is a material object, bearing a visual representation of the Sámi worldview, the drum is employed by an individual empowered and trained to assist the deliberative decision-making processes of a community. The knowledge, skills, and practices that accompany the drum enable its effective and purposeful use in Sámi collective life. It is, in short, a tool of traditional governance. This fact both reflects a reality in which there is typically no separation between tangible and intangible elements of culture and makes it inappropriate to classify the goavddis as 'cultural property' separate from the actions and interactions that constitute its use (cf. Tsosie 2012). Partly as a result of such assertions, there have been growing calls for the reassessment of established understandings of material culture and increasing attention to the fact that the primary value of 'culture' does not necessarily lie in the tangible object or built form. Unfortunately, as Turnpenny notes, existing protection mechanisms 'may be adequate for [...] physical fabric, [but] they fail in terms of understanding and communicating wider cultural heritage values,' as well as the broader knowledges and social practices related to the object or site, including histories, stories, and even language (Turnpenny 2004, 298). The *Statement on Hodinohsoni/Rotinonhsyonni Intellectual Rights & Responsibilities*, which determines proper action in the handling of 'cultural patrimony' at Six Nations of the Grand River, articulates this same idea: 'oral history, sacred objects, traditional practices, as well as the underlying philosophy and beliefs, cannot be protected from exploitation because they represent a worldview and mind-set that can only be understood by its active practice' (Deyohahá:ge 2015).

Heritage

Like the word 'culture,' 'heritage' is frequently used to mean 'all things to all people' (Larkham 1995). As one scholar notes, '[t]oday the word "heritage" is used to describe everything from brands of breakfast cereal to luxury tableware. It is seldom defined and often used unselfconsciously' (Gibson 2017, 183). The concept is mired in connotations of a static past and frozen cultures, with an excessive focus on (once again) the material: objects, monuments, and landscapes. Heritage *protection*, though, has always been about land conflicts: from concerns about urban sprawl, resulting in 'green zones' being established around Western metropolises; to the phenomenon of gentrification; to the creation of national parks and the accompanying 'Yellowstone' or 'fortress' model.

In the 1990s a paradigm shift occurred, from preserving historic or 'lost' cultural traditions to embracing living cultures as well (Dahlström 2003). Unfortunately, this reorientation largely orbited UNESCO's 1972 *Convention Concerning the Protection of World Cultural and Natural Heritage* (usually referred to as the *World Heritage Convention*, or WHC), the foundation of 'authorised' heritage discourse and the agreement that formalised, and gave legal heft to, the idea of a common, 'heritage of all humanity' (Smith 2006). According to UNESCO, '[w]hat makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located.'[2] Such a framing disembeds heritage from territory, implicitly rejecting the claim that 'protection' and 'promotion' are localised governance issues. Further, the *World Heritage Convention* has a considerable gap 'between the rhetoric on the international level and the actual political practices on a national and regional level' (Heinämäki et al. 2017, 101). As a result, the WHC has not served Indigenous peoples well.

The UN Expert Mechanism on the Rights of Indigenous Peoples states that, 'there have been repeated complaints by Indigenous peoples and human rights organisations about violations of the rights of Indigenous peoples in the implementation of the *World Heritage Convention*. There is no

procedure to ensure the participation of Indigenous peoples in the nomination and management of World Heritage sites nor is there a policy to ensure their free, prior and informed consent to the nomination of such sites' (EMRIP 2015, para. 38; UNPFII 2013, para. 38). Instead, the WHC merely 'recommends' that states involve Indigenous peoples and respect their rights (Marsden 2014). This is particularly troubling as many of the sites on the World Heritage List are located in, or contain parts of, Indigenous peoples' territories. In fact, Indigenous peoples are only afforded a role in the 'information gathering' phase of the nomination process, wherein their lifeways and traditional knowledge are mined as 'information sources' in states' claims about the 'authenticity' and 'integrity' of potential World Heritage Sites (Marsden 2014). Other major concerns include inadequate involvement of Indigenous peoples in the management of, and restrictions and prohibitions on Indigenous land-use activities in, some World Heritage sites, up to and including the forced relocation of Indigenous groups; the diversion of cultural heritage tourism earnings away from Indigenous communities; and the presentation, whether tacit or overt, of Indigenous peoples themselves as 'tourist attractions' (IWGIA and Forest Peoples Programme 2015; Ween 2012; Viikari 2009). This is why, at a 2012 expert meeting in Copenhagen, The UN Special Rapporteur on Indigenous peoples recommended that the WHC be made consistent with the UNDRIP.

Unsurprisingly, there have been growing calls, globally, for more substantive Indigenous participation in cultural heritage matters generally, and within the World Heritage Convention mechanisms in particular – even (or especially) in the wake of the World Heritage Committee's 2001 rejection of a proposed 'World Heritage Indigenous Peoples Council of Experts' to advise Convention bodies (Viikari 2009). Yet despite these serious theoretical and practical failings, some scholars argue that the *World Heritage Convention* can still serve, in certain circumstances, as a tool for Indigenous peoples to reclaim not only their control of, but their right to, self-determination over their cultural heritage (Green 2009; Green and Turtinen 2017). According to this literature, with careful planning, a clear strategy, and a willing state party, Indigenous peoples can create successful *co-management agreements*.

Co-management

Since at least the 1970s, globally 'heritage' has blended with its green twin, conservation, in the task of 'saving' nature from the twin threats of decay and development, while recasting it as an exploitable cultural asset (Samuel 2008; Davison 2008; Hollowell and Nicholas 2009). In the 1980s the near-simultaneous rise of, on the one hand, neoliberalism and, on the other, sustainable development, created a counterintuitive synchronicity between the discourses of *devolution* and *participation*.[3] An 'idealized narrative' quickly emerged across popular, academic, and governmental publications (Conley and Moote 2003, 372). In it, co-management[4] is about solving resource problems and promoting conservation by harnessing local knowledge in a process that reduces the vulnerability and builds the internal capacity of resource-dependent communities, while improving state-Indigenous relations (Colfer 2005; Lu, Chueh, and Kao 2012). Benefits to the state include gains in perceived legitimacy and a considerable reduction in management costs.

Co-management, then, was being ideologically positioned as (ostensibly) a bridge between centralised state mechanisms (Holling and Meffe 1996) and self-regulation (Berkes 1994). It was, in short, intended to either merely rhetorically or actually practically share decision-making authority between the state (as a resource 'owner') and the local community (as a resource 'user'). Some authors expanded the binary dynamic of state-society to include the market as a third 'stakeholder' (Yandle 2003). This theoretical framing was meant to solve the longstanding regulatory conundrum of property that is commodifiable and highly desirable yet cannot be rendered 'exclusive' (i.e., for the exclusive use of certain parties, often by legal ownership or specific zoning): so-called 'common resources,' which were traditionally managed by the government alone, on behalf of all citizens. Definitions of co-management were initially overly vague, yet this conceptual fuzziness did not curb the spread of co-management as a policy prescription. By 2008,

more than a dozen characterisations were circulating and co-management had become 'almost ubiquitous' across a wide range of fields, from protected areas to fisheries, wildlife conservation, tourism, and rural development projects (Carlsson and Berkes 2005; Plummer and FitzGibbon 2004b, 834; Berkes 1994). The most basic definition remains a 'sharing of rights and responsibilities by the government and civil society' (Plummer and FitzGibbon 2004b, 863), though there is little consistency, beyond this, in terminology, conceptual underpinnings, measures, or outcomes.

Co-management as a phenomenon, however, has a much longer history, with evidence of it in legal agreements in 19th-century Spain and Norway (Guillet 2002; Jentoft 1989). Tellingly, the first modern legal arrangement, and the first instance of the actual term *co-management* to describe such an arrangement, both occur in settler colonial contexts. In 1942, Gwich'in and Inuvialuit hunters presented the Canadian government with the assertion that Indigenous knowledge was too important to be omitted from decision-making about wildlife regulations in the Western Arctic. This meeting catalysed the first of many committees presenting a collective Indigenous voice in provincial/territorial and federal regulatory processes, which evolved into land claims bodies as oil and gas exploration got underway in the 1960s (Robinson 1999). A few years later, fourteen Pacific Northwestern tribes, asserting infringement of fishing rights, went up against the state of Washington, the Washington Department of Fisheries, the Washington Game Commission, and the Washington Reef Net Owners Association. The original treaty language from 1854 and 1855 – the Indigenous right to harvest fish 'in common with' settlers – was key in Federal District Judge George Boldt's landmark 1974 decision to split the formerly state-managed commercial fishery, designating one half as 'treaty-tribe' and the remaining half as 'all-citizen' (Knutson 1987). Note that even this, though, contributed to the culturalization of Indigenous politics: while the dispute was over property rights, in this case they were specifically framed as *cultural* property rights – worse, the tribes had a 'culturally distinctive Indian relation to the [...] resource' in question (Knutson 1987), rather than a legal right to it.

Mounting case studies worldwide indicate that co-management arrangements have four proximate causes, one of which is unique to Indigenous contexts – though Indigenous groups can and do figure in all four, and some cases show a combination of causes (Castro and Nielsen 2001; Spak 2005; Borrini-Feyerabend et al. 2004; Farrier and Adams 2011). Most are initiated from above, by states, in order to defuse political conflict, often as a response to high-profile activism. In some cases co-management is proposed 'from below,' by local communities, in response to a variety of stresses, not all of them negative. Co-management also emerges as a state solution to resource crises, although the characterisation of 'crisis' is frequently disputed (particularly by Indigenous groups responding to, for example, official wildlife population estimates and subsequent hunting quotas). Finally, co-management appears either as the state response to successful land claims challenges from Indigenous nations, or as a way for states to resolve Native title issues short of Indigenous self-determination.

Globally, cultural heritage co-management has rapidly become a major movement[5] in environmental and political relations with Indigenous peoples, driven by the rise of Indigenous rights in the international arena and the recent recognition of Native title across many settler states (Goetze 2005; Plummer and Fitzgibbon 2004a). States have tended to pursue these arrangements with certain Indigenous formations: those groups found in relatively peripheral areas, remote from bureaucratic control and where they constitute a majority; who maintain strong connections to the land, relying on terrestrial or sea resources for subsistence (and sometimes commercial) activity; and in whose territories traditional land tenure, management, and knowledge systems (including Indigenous language) persist, yet formal land claims have not (yet) emerged. Some of the resources found in or on these Indigenous territories will be viewed as in decline or under threat, and there will typically be industrial interest in some other portion of the resource base. Often, the Indigenous people in question will have a history of agitating for territorial rights (Mulrennan and Scott 2005). Not for nothing, then, does Imai (2009) bluntly characterise co-management regimes as '[a] softer way for governments to access Indigenous lands.'

From co-management of, to self-determination over, Indigenous cultural heritage

Similarities between negotiating co-management agreements and treatymaking in the later colonial period are noteworthy. Indigenous peoples are often backed into co-management where the state asserts absolute jurisdiction, in an attempt to contain the damage being done to territory, authority, and practice – or all three. The agreements can also be rolled back or grossly undermined even after being entered into, if the state develops an overriding interest in strategic access (for example, waterways) or natural resource development in, around, or on Indigenous territories. Because the rights, interests, and priorities of Indigenous peoples were never the main impetus (they are what Mulrennan and Scott (2005) call a 'derivative motivation'), this is an eminently foreseeable, and consequently widely feared, outcome of co-management. For negotiations to even approach fairness, bargaining power is key – and varies inversely with the level of actionable interest extractive industries have in the land in question (Haller et al. 2008). In Canada, for example, Indigenous co-management in the forestry sector has been relatively more successful because (a) forestry is a key element of the national economy, (b) First Nations have either existing or pending land claims encompassing significant swaths of timber resources, and (c) clearcutting has impacted non-Indigenous populations as well as First Nations communities, and high-profile solidarity activism around this practice (for example, the 'Clayquot Sound protests') has garnered significant international attention (Wyatt 2008). By way of contrast, and as a norm in countries with no history of settler treatymaking, many Indigenous groups often cannot even get to co-management.[6]

It is not merely the practice of co-management, then, but the paradigm itself that is the problem; accordingly, it cannot be 'tweaked' to provide better outcomes for Indigenous peoples. This is the case because co-management is not just an *administrative arrangement*, but an *international rights regime*, ratified and enacted (i.e. governed) at the national level through policies and practices, that actively displaces Indigenous rights and Indigenous governance. It affords a method of enacting self-determination well short of, and in violation of the spirit and intent of, the *United Nations Declaration on the Rights of Indigenous Peoples*. Further, this interlocking schema – the rights regime and the governance thereof – reinforces the culturalization of Indigenous peoples and polities generally. And as a rights regime and governance system that shuts out the Indigenous in favour of the state, co-management cannot be a stepping stone to Indigenous self-determination. It cannot even be a means of producing the much less aspirational 'genuinely shared' jurisdiction over Indigenous cultural heritage. It is, in fact, almost never described as an interim measure of any kind, but instead as intended to 'create a permanent, institutionalised relationship between governments and representative aboriginal bodies' (Usher 1997).

The solution, then, is not to improve co-management, but to remove it as a barrier to Indigenous peoples' governance over their own cultural heritage. The modern colonial origins of Indigenous cultural heritage co-management are significant because they establish something of a trend: co-management as simultaneously reflective of Indigenous perspectives and a perversion of those perspectives; enacted by communities as a defence against further political encroachment and by states as a foil against Indigenous self-determination. Instead of acting as a 'bridge' between dissimilar but potentially synergistic systems, co-management augments – and arguably, is intended to augment – the pre-existing institutional arrangements of the nation-state and the international state system. Ultimately, it shores up state governance by adapting the regulatory frameworks, policy tools, and dispute resolution mechanisms already in place (Plummer and FitzGibbon 2004b). On top of all of this can be found what Farrier and Adams refer to as communities' 'unmet aspirations' (Farrier and Adams 2011, 2) for cultural heritage co-management, along with several problematic, unintended side-effects that crop up in even the most successful cases. To begin with, co-management agreements extend state power into matters that are often already successfully managed locally,[7] while increasing government monitoring of Indigenous groups – this is Ferguson's (1994) classic 'anti-politics machine' in action (Caruso 2011; Nadasdy 2005; Spak 2005).

The relevant international instruments, including the *World Heritage Convention*, focus on the *management* of Indigenous peoples' cultural heritage, or their *participation* in decision- and policymaking. In so doing, these global agreements violate the *United Nations Declaration on the Rights of Indigenous Peoples* which, in establishing to the norm of Indigenous self-determination, forms the basis of Indigenous peoples' *governance* of their cultural heritage (Tsosie 2012). Self-determination is the foundational norm of international law bestowed to all peoples, including Indigenous peoples, and 'governance' (or 'self-government') is the practical shape it takes in the political-legal realm. It is thus properly under this rubric that the protection of 'cultural heritage' ultimately resides.

Indigenous representatives typically endorse self-determination as a fundamental human right, according to which 'human beings, individually and as groups, are equally entitled to be in control of their own destinies, and to live within governing institutional orders that are devised accordingly' (Anaya 2009, 187). In spite of distinct processes or different legal purposes, the ultimate goal of self-determination is similar among the world's Indigenous peoples: autonomous authority and decision-making power over their own affairs. It is the right to and practice of self-determination that enables Indigenous peoples to remain distinct, by practicing their own laws, customs, and land tenure systems through their own institutions, in accordance with their traditions. Besides the recognition and exercise of political autonomy, an equally important normative dimension of Indigenous self-determination is active engagement in broader social and political structures, which often means interaction with and participation in the institutions of the state. These two forms of engagement are not mutually exclusive, nor do they evidence hypocrisy or ambivalence about Indigenous participation in their own political and legal orders.

Every society has its own governance systems and ways of expressing and describing how it governs. Simply put: governance is about a people choosing, collectively, how they organise themselves to run their own affairs and make decisions; share power, authority, and responsibilities; deal with internal dissent and heterogeneity of opinion and perspective; and design the necessary tools to implement decisions. Governance is thus much more than management or administration, and is also different from government. Whereas 'government' refers to the governing institutions (legislatures, court system, administration), 'governance' emphasises the broader processes of which institutions are a part (Abele 2007). 'Indigenous governance' is a term that recognises that Indigenous peoples have had, and in many cases continue to have, their own forms and institutions of governance and law. These may vary from informal and localised decision-making processes to complex, centralised, formal structures (Fondahl and Irlbacher-Fox 2009).

In the sphere of cultural heritage, the strategies adopted by Indigenous groups, and their successes, tend to reflect their bargaining power within a given neoliberal multicultural state. In the US, for example, Indigenous peoples 'have full authority to regulate their tangible and intangible cultural heritage under tribal law' (Tsosie 2012, 243). However, available protections are not only wan, but apply largely to material objects (Tsosie 2012). In Canada, some comprehensive land claims agreements provide the legal framework for Indigenous nations and communities to govern cultural heritage according to their own priorities and needs (Ford 2017).[8] This being said, groups without a land claims agreement in place have nevertheless actively asserted governance over their cultural heritage. For example, Sts'ailes, a nation in British Columbia's lower mainland that has refused to participate in the provincial treaty process, drafted a comprehensive *Cultural Heritage Resources Policy* in 2010 that includes both a philosophy of stewardship and actual mechanisms of management – Indigenous legal procedures they insist on being the binding regulation in their territory (Sts'ailes Aboriginal Rights & Title Department 2010). There are other examples of Indigenous peoples in the United States (including the Navajo, Hopi, and Zuni) successfully incorporating their spiritual, social and historical values into the governance of their culturally significant sites and heritage (see, among others, Turnpenny 2004); while additional, oft-cited examples include the co-management of Uluru-Kata Tjuta, in Australia, and the agreements in place in the Canadian province of Nunavut – including those 'creating' it (see, among many others, Ross et al. 2009; Rodon 1998; Ford 2017).

The stakes are high, and although there have been encouraging shifts in the policy environment, enthusiastic optimism is premature. Borrini-Feyerabend and Hill note that, in conservation, there has already been a movement away from 'management' (defined as 'what is done in pursuit of given objectives') towards 'governance' (defined as 'who decides what is to be done and how those decisions are taken') (Borrini-Feyerabend and Hill 2015, 171). Yet recently there have also been vigorous, renewed calls for a return to power-blind, state-centric approaches, labelled 'protectionist' and 'the new conservation science' (as well as 'authoritarian') (Wilshusen et al. 2002; Doak et al. 2014). This makes the question of 'management' especially urgent, since the meagre ground gained for and by Indigenous peoples under the rubric of co-management – along with the question of whether and what better systems might be built on that foundation – seems increasingly unstable.

Cultural heritage protection in Sápmi

In Sápmi, since 2001, only the Sámi Parliament in Norway has been delegated the authority to manage Sámi cultural heritage. Their focus is on documenting and protecting historic cultural and sacred sites and buildings, including the oral tradition and knowledge pertaining to these locations. Somewhat problematically, the connection to present-day social practices and values is not well established – or at least not well communicated to the public.[9] Additionally, Sámi governance of cultural heritage does not feature strongly in research or public debate, if at all.

Co-management in Laponia

In making their optimistic claims about the success of co-management 'done right,' authors cite various specific iterations, one of the most common of which is the UNESCO World Heritage Site of Laponia in Northern Sweden (Heinämäki et al. 2017). Membership on the World Heritage List confers a certain global prestige, while also promising economic benefits,[10] and Sweden has the highest number of such sites per capita of any country. Spanning nearly 10,000 square kilometres and consisting of four national parks and two nature reserves, Laponia constitutes 'one of the last and the largest and the best preserved areas of transhumance'[11] (Marsden 2014, 241). It was nominated on a number of criteria: besides its unique natural qualities and geomorphology, ranging from glacial activity to marshlands and primaeval forests, it was 'an outstanding example of traditional land-use, a cultural landscape reflecting the ancestral way of life of the Sámi people based around the seasonal herding of reindeer' (UNESCO 2018). Laponia is one of very few World Heritage 'mixed sites,'[12] combining natural and cultural elements, and is often cited as a leading example of Sámi self-determination in practice.[13]

The path to this co-management arrangement was a long and extremely difficult one. Initially, the Swedish government sought to nominate Laponia as a World Heritage Site only on natural criteria: the proposed area included some of the very first national parks in Europe, established at the turn of the twentieth century, which from that time had been classified as simply 'wilderness.' (Sweden was an early, and committed, adopter of the 'Yellowstone model,' or 'fortress' conservation.) The application was rejected, though, based on a lack of 'outstanding universal value' under this designation (Svels and Sande 2016; Ween 2012). The Sámi Parliament in Sweden and local Sámi reindeer herding districts got involved in drafting a new application based on both natural and cultural criteria, seeing the establishment of a formally designated site as, at least potentially, a key step towards self-governance (Green and Turtinen 2014). The timing, here, is important: these initiatives paced with growing criticism, globally, of Indigenous exclusion from world heritage discourses, practices, and policymaking. Nevertheless, from the outset the process was characterised by mutual mistrust between state agencies and the Sámi, who felt tokenised, leading to sentiments about Laponia epitomising the 'colonial structure' of the Swedish bureaucracy. The inclusion of 'cultural criteria' (i.e. the Indigenous component) in the Laponia application was given a very short timeframe for completion and was widely criticised by the local Sámi. It was also 'tacked on' to what

remained essentially the same, previously rejected nomination package (Green and Turtinen 2017), excluding the Sámi ontology of 'nature' – and thus, ironically, Sámi culture – in the process. For its part, the Swedish state had initially tried to nominate the site as a 'natural landscape' rather than a 'mixed site' precisely in order to circumvent the possibility of co-management, which it characterised as having little potential. The reclassification of the site, by definition entailing Sámi involvement in its management, was the recommendation of the WHC advisory bodies, and was strongly opposed by the Swedish government (Marsden 2014).[14]

Once Laponia was approved as a Heritage Site, local Sámi saw it as a great opportunity to begin considering Indigenous governance and building a transferrable management model.[15] However, token inclusion and the visibly unequal power relations between the parties in the application process carried over to negotiations about its management (Heinämäki et al. 2017). As one Sámi woman involved in the process put it, the state authorities attempted to carry out 'business as usual' with no serious interest in Sámi culture, perspectives, or input into decision-making – or any involvement at all, beyond merely inviting them to meetings and hearing their opinions.[16] The site had, prior to the World Heritage designation, been managed by the state alone, and the government was keen to maintain its monopoly 'say' (Green and Turtinen 2014). After a handful of such encounters some Sámi began to think about the process more closely vis-à-vis the fact that Laponia was about *their* territory, *their* lives, and *their* livelihoods. This coincided with discussions about Sámi self-determination more generally.

Initially, the Sámi and their concerns were ignored, but after several years of meetings, working groups, and internal discussions, a few Sámi participants decided to put forward an unprecedented proposal for an Indigenous majority in the co-management of Laponia.[17] For some Sámi this was too big a demand, while others hesitated to make such a request of the state. Their hesitation was justified, given that the proposal was immediately rejected by the federal government and municipal representatives, who wanted to negotiate other items first. The Sámi refused, though, stating that without an agreement on the foundational issue of representation the negotiations could not move forward. Unsurprisingly, the talks subsequently stalled for several years. The key Sámi individuals would not abandon their decolonising agenda and promised a full Sámi withdrawal from the Laponia process should the state not honour the majority demand – a move that would have effectively put an end to the Heritage Site. The state responded by arguing that the idea would not work in practice and could not be approved due to a lack of precedent anywhere in Scandinavia.[18] It took fifteen years of repetitive rounds of meetings and stalled talks before a co-management organisation (Laponiatjuottjudus) was established, in 2011, with Sámi majority, a Sámi chair, the inclusion of Sámi as the second official language in all written documents, and a consensus decision-making model.[19] This resolution, for some parties, would almost certainly have been fuelled by UNESCO's threat to withdraw Laponia's candidacy altogether (Holmgren, Sandström, and Zachrisson 2017).

In some ways, Laponiatjuottjudus breaks new ground; for example by foregrounding traditional Sámi knowledge and drawing on Sámi ways of organising and working, such as holding regular public meetings (rádedibme) for local input. In other ways, it remains 'within normative bureaucratic structures' (Heinämäki et al. 2017, 99). Green and Turtinen describe how 'the Sami in leading positions [still] have to adapt to existing rules and regulations and work through bureaucratic means' and 'follow [. . .] goals and aims that have been set up nationally' (2014, 64, 2017, 193). As for the question of it being an example of Indigenous self-determination: not everyone agrees. A Sámi reindeer herder from a district within the Heritage Site points out that Laponia is a model of *local management* with an *Indigenous majority*; it is not, however, *Sámi governance* – and this distinction is important. He suggests it is a good start with great potential but is hampered by a lack of skilled Sámi individuals to occupy the field, so to speak. As he put it: 'if all the educated Sámi came back to Sápmi, we'd have the competence to fill up all the positions all the way to the top, and perhaps then could start talking about Sámi governance.'[20] Further, analyses that focus on the Sámi majority and consensus model as 'facts' tend to overlook the adage that consensus is a process, not a result, along

with the ways that power structures this process – for example, how the state and municipalities (who together constitute 44% of the co-management organisation) still hold a near-monopoly on authorised and actionable knowledge, along with the resources to gather and mobilise it. As Maraud and Guyot put it: 'Sweden's role on the board remains very strong' (2016, 208). Other, practical challenges vis-à-vis self-determination lie with the exclusion of Sámi place names from maps and signs; limited local participation; and the underfunding of an underpowered Laponiatjuottjudus (Heinämäki et al. 2017; Reimerson 2016). Meanwhile, on the ground, Sámi reindeer herders have protested that their livelihoods are being turned into 'museum practice,' performed for tourists, rather than framed and supported as a modern economic activity; and since Laponia includes only a portion of the actual (and indeed, the most critical) grazing lands of their communities, their cultural heritage remains arguably *unprotected* (Ween 2012; Reimerson 2017).

Unfortunately, the political will to shore up the governance deficits at Laponia is not only lacking but pushing in the opposite direction: the majority of Jokkmokk municipal council (the largest town in the vicinity of the World Heritage Site) has recently announced that it wants the state to assume responsibility for the management of Laponia, either through the Swedish Environmental Protection Agency or the county administrative board. According to some councillors, Laponiatjuottjudus has become too politicised, preventing businesses from establishing and operating in the World Heritage Area (Pettersson 2017). The Jokkmokk municipal council has also challenged the Sámi presidency of Laponiatjuottjudus and argued for a rotating chairperson between all members of the Board. Since the establishment of Laponiatjuottjudus, the chair has been elected from the nine Sámi communities involved in the Laponia co-management regime. The dispute has effectively undermined the agreed terms of Laponiatjuottjudus, created an internal strife within the nine Sámi communities, and led to the resignation of the chair (Niia 2018; Sunna 2018).

In 1993 Sweden 'delegated' conservation of Sámi culture to the Sámi Parliament, while the conservation of nature (along with resource development in protected areas) has remained the sole jurisdiction of the Swedish Ministry of the Environment. Moreover, this bifurcation operates against the backdrop of state non-recognition of any Sámi right to land (Svels and Sande 2016; Reimerson 2016; Sande 2015). Thus, Sámi heritage is rendered if not purely immaterial, certainly non-territorial. In the actual texts and procedures around the co-management of Laponia, even in the rare instances when they are acknowledged as Indigenous (rather than a local group or ethnic minority), the Sámi are first culturalized, after which their culture is instrumentalized: they are *repositories of cultural knowledge*, necessary to make the site an efficient enterprise, and *bearers of cultural values*, necessary to make the site a matter of 'world heritage' (Reimerson 2016). In no framing are they *holders of Indigenous rights* of any kind, never mind the specific right to self-determination of their own cultural heritage.

Successful and sustainable Sámi governance of what is now Laponia, in fact, long predates not only the World Heritage Site, but also the national parks and nature reserves that are its component parts. Sande refers to this prior system specifically when she calls Laponia 'a lesson of sustainable self-management from prehistory to the present time' (Sande 2015, 802). Why then, was *that* system not the basis for a (re)new(ed) cultural heritage protection arrangement? Perhaps because, as Green and Turtinen note, '[t]he idea of a Sámi-designed management and conservation system seemed to the authorities implausible, unnecessary, and undoable' (Green and Turtinen 2017, 192). This posture is both cause and consequence of the aforementioned culturalization, prevalent in discourse from the everyday, to the academic, to the governmental. Proponents of co-management acknowledge this bias as an *initial* hurdle only, asserting that the Sámi have successfully 'Indigenised' the management of the site; further, some refer to this as the first stirrings of a wider movement. The extent to which Laponiatjuottjudus' incorporation of Sámi ontology, epistemology, and axiology, and ways of living and working that flow from these, might truly form the 'thin end of the wedge' in changing the praxis of cultural heritage protection in Sweden – or even just at Laponia – is unknown. If such a change is possible it will unfold at a glacial pace and would still operate within the bounds of existing normative conceptual frameworks and governance structures. The process is

just as likely to produce further conformation of Sámi to the dominant system, as they are slowly drawn into the 'Eurocentric synthesis' (Battiste and Henderson 2000).

The Suttesája case

Located in the northernmost part of Finland, the natural spring of Suttesája belongs to a larger area considered sacred by many Sámi. This is evident, for instance, in Sámi place names, several of which begin with the word for 'sacred' (bassi), and in the fact that it contains one of the three Áilegas peaks, which are among most revered Sámi mountains. The Suttesája area is designated a heritage site of cultural and historical significance in the registry of the Finnish National Board of Antiquities, as well as being one of the largest natural springs in Europe, which feeds an important watershed (Deatnu/Tana). While Suttesája continues to be a place of spiritual, historical, and cultural significance for many local Sámi, knowledge and appreciation of the area declined after the imposition of Christianity several generations ago. There have been two attempts to establish a water bottling venture at Suttesája, to sell its natural spring water to increasingly thirsty world markets. Any such initiative would have to satisfy constitutional protections of Sámi culture – but at issue, here, is the fact that none of the constitutionally-recognised and affirmed, 'integral' Sámi cultural rights (for example, to engage in reindeer herding) are in play. Instead, the development of the spring presents myriad, cumulative threats to spirituality, heritage, and identity. Moreover, the Finnish *Constitution Act* is vague about the cultural rights and obligations it imposes on government decision-makers, while legal precedent on the meaning of 'Sámi culture' is sparse (Kuokkanen and Bulmer 2006).

The water bottling project was first proposed in 2001, initiated by the Ohcejohka/Utsjoki municipality in collaboration with representatives from the Regional Environmental Centre of Lapland, but without informing – never mind consulting with – the Indigenous communities, or other interest groups who stood to be affected (Kuokkanen and Bulmer 2006). This venture was quietly withdrawn three years later, as the result of a legal appeal by four local Sámi, centred on the aforementioned, hazy meaning of 'Sami culture.' Nevertheless, the water bottling idea was revived in 2016, this time with a handful of local Sámi entrepreneurs (reflecting the internal divides wrought by colonialism, including or especially fractures along the lines demarcating 'sacredness'). The logic and strategy were the same as before: ironically, to vehemently deny the sacredness of the site while emphasising the economic potential of selling 'sacred' water to the world. Predictably, environmental and 'cultural impact' assessments engaged with neither Sámi history nor Sámi oral tradition (Kuokkanen and Bulmer 2006). Another public campaign of opposition ensued. This time the venture was stopped by Metsähallitus, the state-owned enterprise administering the 'state-owned' land in Finland, which declined to grant the applicants a lease in the area in May 2017, and again in March 2018.[21]

In the absence of measures foreclosing the next round of economic development proposals, Suttesája remains vulnerable to devastating exploitation – but what is the best way to protect the spring and its surroundings *along with* its broader meaning, and the values and knowledge that are attached to the area? Further, how can this be accomplished in a way that maintains and strengthens the significance of Suttesája to present-day practices and lives of local Sámi? 'Better' co-management, correcting the weaknesses evidenced at Laponia, is certainly an option; but not only is the evidence from that site discouraging, even its most impressive accomplishments are fragile at best. Certainly, many Sámi in Norway think so: they have, for years, resisted the extension of Laponia into their territory despite the fact such a transnationalization of the World Heritage Site would, to some extent, erase one of the borders that arbitrarily divide Sápmi. They fear that a Norwegian World Heritage Site would actually diminish the rights they currently exercise under Norway's ratification of the International Labour Organisation's *Indigenous and Tribal Peoples Convention, 1989* (ILO 169) (Svels and Sande 2016). Anders Urheim, a local Sámi leader at the proposed site, described the shield World Heritage status affords as far from additive; rather,

in his words, it amounts to being 'protected to death' (cited in Ween 2012, 262). Interestingly, they have used ILO 169 to block the establishment of a national park at Tysfjord-Hellemo, a prerequisite for nominating the extended Laponia site to the World Heritage List (Ween 2012). Throughout their resistance, Sámi inside of Norway have cited the difficulties at Laponia (Sande 2015).

With Finland having, like Sweden, failed to ratify ILO 169, these contrasting examples become particularly meaningful in evaluating the potential of World Heritage status in the Finnish case. Improvement on Laponia's outcomes becomes even less likely in light of the fact that official bodies representing Indigenous peoples in Finland, including the Sámi Parliament and the Sámi Council (an NGO), have been ineffective in pursuit of greater recognition and protection of Sámi rights nationally (Kuokkanen and Bulmer 2006). This is on top of the fact that seeking protection under the World Heritage Site system entails navigating a lengthy, tedious process in which there is no guarantee of approval. More fundamentally, however, if the objective is Indigenous governance of cultural heritage under the established international legal norm of self-determination, a co-management agreement falls well short. In Laponia, as discussed above, it produced a *local*, rather than *Indigenous* body to *co-manage*, rather than *govern*, the site.

Seeking alternatives to co-management

The rise of 'co-management' to global prominence has been problematic not only for the reasons we have already outlined, but also because that dominance has eclipsed consideration (or even awareness) of alternatives. Those alternatives have, to date, been more regularly explored not in cultural heritage praxis per se, but the closely related sphere of biodiversity conservation. In fact, the two – 'heritage' and 'conservation' – have begun to overlap in interesting ways, as Indigenous peoples strive for legal and political recognition of their own institutions and assert the inseparability of their cultures (tangible and intangible), histories, and territories. Nevertheless, this conversation has been both richer and more productive in the realm of conservation than that of heritage (or cultural heritage), where mainstream discussions of unique mechanisms, rooted in Indigenous rather than state or international law, date back decades.

We chose our illustrative case, the Parque de la Papa, not only because it locates the productive consonances between Indigenous and non-Indigenous rights regimes, but because it operationalises the underlying spirit that unites Indigenous rights instruments (like the UNDRIP and ILO 169) with the corpus of international jurisprudence, while specifically enacting local Indigenous laws. This is a sui generis system that reterritorializes and repoliticizes Indigenous rights both discursively and practically, developing a working model for the in situ, community-based *governance* of cultural heritage.

Peru: the Parque de la Papa Indigenous Biocultural Heritage Territory

The concept of 'biocultural diversity' arises from a recognition of the link between knowledge, culture, and ecology, rooted in the discovery of a correlation between the global loss of biodiversity and the global decline in language groups (Maffi and Woodley 2008). Indigenous peoples – who have always asserted this nature-culture nexus – have creatively built on the concept of *biocultural diversity* by further linking it to both *heritage* and *territory*. In 2005, a workshop involving Indigenous peoples from India, China, Kenya, Panama, and Peru introduced the term 'biocultural heritage:' a 'complex system of interdependent parts centered on the reciprocal relationship between Indigenous peoples and their natural environment' (Argumedo and Pimbert 2008, 6; Swiderska 2005). Immediately on the heels of this, a group of Andean communities operationalised the term, moving it into the legal and policy arena by coining the designation, 'Indigenous Biocultural Heritage Territory' (IBCHT). A sui generis system for protecting Indigenous peoples' rights (including legal security of traditional lands and resources) and pursuing endogenous development (including local, sustainable livelihoods), IBCHTs are

community-governed areas in which goals are defined and pursued through Indigenous institutions, knowledge, values, and practices. The underlying argument is that Indigenous systems must be safeguarded 'within their own cultural, temporal and spatial dimensions using a combination of protective tools' (ANDES 2013).

The first Indigenous Biocultural Heritage Territory was the 12,000-ha Parque de la Papa, located in the Peruvian altiplano. Twenty years ago, six highland villages of Amaru, Chawaytire, Cuyo Grande, Pampallaqta, Paru Paru, and Sacaca joined together as a federated entity, modelled on the Andean ayllu (community/extended kinship) system, Quechua socioeconomic principles (balance, harmony, and reciprocity/mutuality), and the Indigenous philosophy of sumaq kawsay (literally, 'beautiful life'). Governance herein is based in Quechua law and institutions and operates through community organisations rather than governments or 'hybrid' institutions. Overall leadership is provided by the Association of Communities of the Parque de la Papa, a collective (but independent) decision-making body, which operates according to customary norms and practices, and according to shared values and beliefs, across issue areas such as land use, food systems, and livelihoods. The founding of the Association followed traditional protocols, using local structures and processes, and was mapped out and mandated by the communities themselves. A central element of this body is the Council, consisting of one individual elected from each of the villages, who acts as a conduit to his or her own 'home' community. The Association is empowered to endorse and initiate revenue-raising activities within, by, and for the Parque, which unfold according to a binding, inter-community benefit-sharing agreement that was, itself, based on Quechua laws and principles (especially the abovementioned reciprocity/mutuality, or ayni in Runasimi), developed collaboratively across all five communities, and ratified by each. The bargaining power of the constituent villages increased when vested in this collective body, which is the official entity that enters into legal agreements with outside actors.

Other aspects (or levels) of governance are carried out by local, inter- and intra-village bodies: community assemblies, where knowledge is shared, issues reflected on and dialogued, and problems 'workshopped'; a series of something like 'standing committees' convened to address particular problems or opportunities (including 'microenterprise groups,' for example weaving and cooking collectives, and 'study groups'); and networks that link these groups across communities and with outside organisations, both laterally and horizontally, and see community members and collectives engaging in events at the local, regional, and global level. Members of each community can participate in all institutional structures and processes. Runasimi (rather than Spanish) is the official language of governance in the Parque de la Papa; further, thoroughgoing Quechua principles and practices support the oral intergenerational and intercommunity transmission/diffusion of knowledge.

It is noteworthy that this communal arrangement is neither small-scale nor was it easily undertaken: prior to the formation of the Parque, the 6,000 residents of the six villages had been embroiled in a longstanding conflict over land title in first the colonial, then the post-colonial Peruvian land tenure system (Apgar 2017). Nor has the path to *effective* Indigenous governance of the territory been smooth or direct. The Parque was initially listed as a 'Community-Conserved Area' (CCA) upon its founding in 1998. CCAs are a designation of the International Union for the Conservation of Nature, characterised by the organisation as one of four possible modes of governance in protected areas: private, state, co-management, and community based. In reality, though, most Community-Conserved Areas operate under co-management of some stripe, whether or not an explicit agreement is in place, and whether or not 'shared governance' – which describes the majority of these protected areas – is acknowledged *as co-management*. At the time, in the region, registration as a CCA was the available option that best met Quechua aspirations. Yet the communities' participation in the workshop that gave rise to the IBHT concept was driven, in large part, by their dissatisfaction with the shortcomings of the IUCN approach, and correlate disillusionment with its longer-term potential, after only seven years of operation as a Community-Conserved Area.

In the Parque de la Papa, local authorities – both community leaders and technical experts – are identified through a community-built consensus process using a Quechua-grounded matrix of personal merit, traditional knowledge, and experience. With the guidance of these authorities, the confederated villages have built a multifaceted, local solidarity economy; undertaken collaborative research to document and, where appropriate, disseminate traditional knowledge; negotiated and entered into agreements with external, public and private-sector partners of their choosing, collectively drafting community protocols to ethically and legally guide those interactions, participating in national and international policy processes, and co-authoring binding contracts and regional ordinances (Grey 2011). These last two tools of governance – bilateral hybrid instruments and community protocols – are new juridical instruments, flowing from Indigenous legal systems but legally compatible with (and, in fact, reinforcing) the corpus of human rights law.[22]

First formally recorded in the negotiations leading up to the *Nagoya Protocol*, these bilateral hybrid instruments and community protocols protect everything from cultivars within the Parque, to the Indigenous knowledge of the inhabitants, to the traditional structures and processes that steer the work therein; and include precedent-setting legislation prohibiting biopiracy, banning GMOs, repatriating material and immaterial heritage, registering Indigenous knowledge and the products thereof (thereby fighting patenting and other forms of alienation and commodification), and guiding non-Indigenous researcher behaviour (Grey 2011). In drafting a protocol, principles of local Quechua law are consulted, derivatives of these principles are created, and from these derivatives guidelines are developed. The end product is a written document that the communities can recognise and affirm because of its familiarity. This is not a *contract* but a living agreement that reflects the complex systems and relationships of Andean ayllus (traditional communities); enshrines Quechua principles of rakinakuy (equilibrium), yanantin (duality), and ayninakuy (reciprocity/mutuality); and which can be further negotiated should either local, Indigenous or wider, mainstream laws change. The Parque has used this methodology to create several successful biocultural protocols. These include internal arrangements for benefit-sharing within the confederation of communities, calling on behavioural norms and traditional mechanisms of redistribution based in economic solidarity; and agreements with external actors such as the International Potato Centre (CIP)[23] and Biodiversity International (both members of the Consultative Group on International Agricultural Research), Wisconsin University, the University of Toronto, and the International Union for the Conservation of Nature (Grey 2011).

The confederation of the original six constituent communities into a single structure – a community made up of communities, an ayllu within an ayllu, without this entailing a loss of autonomy or particular affiliation – catalysed a consolidation of and confidence in Quechua practices, knowledges, and identities (Muller 2006). Collectively overcoming certain key challenges and winning several important strategic victories amplified this effect. In the late 2000s, that catalysis reverberated through the different generations and genders living in the valley, with women and youth playing a strong (and increasingly prominent) role in the reconstitution effort (Argumedo and Wong 2010). Gender equality in the governance of the Parque is culturally rooted in the principle of yanantin, which is stitched into lived systems as the enacting of mutually reinforcing rights and obligations for both men and women. Women are considered to be equal holders, deployers, and embedders of cultural values in the workings of the communities and hold specific knowledge and practices considered essential to revitalisation efforts – without their equal participation, rakinakuy and ayninakuy cannot be achieved. This was not some timeless, noble, intact tradition, though: women in the Parque talk about having to work for their place at the table and prove their competence (even to their own husbands); to assert their right to participate, to lead, and to contribute (see, for example, Tapia and De la Torre 1998).

Women can and do occupy elected offices and additionally assume key roles in sub-Assembly, inter- and intra-community decision-making bodies (for example, committees and working groups, including those that assign the communal labour essential to local agricultural production). Several economic collectives are made up exclusively of women, or are organised around the preservation, application, and intergenerational transmission of women's traditional knowledge, for example of

medicinal plants in the Parque (the collective for which is called Sipas Warmi, or 'young women,' as it uses a mentorship model to pair elder Quechua women knowledge-holders with younger apprentices). Tijillay T'ika is another women's collective, this one mandated with documenting local Indigenous knowledge broadly through Runasimi-language media, and computer-editing, digitally storing, and securely protecting access to that media, which qualifies as a legal register of collective intellectual property (Dias and da Costa 2008). Women also hold the power to redistribute wealth through their central role in the network of barter markets that operate in the altiplano. Herein, as the key traders, mothers and daughters consciously tip economic exchanges in favour of the most vulnerable households (Pimbert 2005; ANDES 2005).

'Indigenous Biocultural Heritage Territory' is self-applied designation, not yet legally recognised, but one that nonetheless provides 'a platform from which to reclaim [...] rights that already exist under national and international law' (Sayre, Stenner, and Argumedo 2017, 104). Those rights are drawn from, and carefully reconcile, a variety of both legally binding and 'soft law' instruments: from the *Universal Declaration of Human Rights*, to the *Convention on Biological Diversity* and WHC, to the explicitly Indigenous rights delineated in ILO Convention 169 and the UNDRIP. Thus far the designation has been applied to specifically agroecological areas, but there is no reason it could not be more broadly taken up, adapted, and elaborated. The definition of 'bioculture' leaves the materiality and relationality of the territorial element undefined, after all: each community will have its own unique iteration of a 'complex system of interdependent parts centered on the reciprocal relationship between Indigenous peoples and their natural environment.'

IBCHTs exhibit hybrid and evolving forms of governance and engage in multi-scale political and economic interactions – achievements that are sometimes claimed for co-governance. The difference here (and indeed, the point) is that in the case of Indigenous Biocultural Heritage Territories, it is the Indigenous communities themselves are the drivers of this hybridity and interactivity, and the processes and systems entailed are anchored in Indigenous philosophies, legal-political orders, and everyday practices. In drawing political possibilities from the international legal stage, the communities of the Parque de la Papa are hardly unique (cf. Greene 2005); nor does their creativity and tenacity in these endeavours set them apart from other Indigenous groups, even in the Peruvian altiplano (cf. Oliart 2008). What they are accomplishing is example-setting: proving that Indigenous self-governance is a viable (indeed, in this case thriving) alternative to co-management. Certain caveats merit mention, however. In this instance, it is not so much that the state pursued a governance model that the communities resisted, but conversely, that the Peruvian government has expressed only wavering interest in the governance of the territory at all. The cultural heritage of state interest in this case was also 'mobile' – agricultural products, in particular the many and unique varieties of potato hybridised and cultivated in the Parque – and thus subject to both physical alienation and 'capture' via intellectual property laws, rather than being exploitable strictly *in situ*. Further, the communities ingeniously tapped into the government's desire to appear progressive vis-à-vis globally ascendant Indigenous rights instruments, and its interest in leveraging the centrality of Indigenous heritage to the effective commodification of the resource in question (Grey 2011). Peru being a 'developing' country, in this case, ironically may have provided additional leeway for Indigenous strategic manoeuverability, with the skyrocketing commercial value of 'ethnicity' in gastronomy adding momentum.

Discussion

The Laponia World Heritage Site (and in particular its steering body, Laponiatjuottjudus), for all of its problems, is a significant achievement in co-management – but it is not Indigenous governance. As Maraud and Guyot assert, it is 'seen as a local success more than an Indigenous one' (Maraud and Guyot 2016, 208). At other Indigenous sites in danger of exploitation, like Suttesája, it thus becomes necessary to look beyond Laponia for inspiration, in order to protect not just the land and

its natural features but the historical meaning *and contemporary relevance* of the values, knowledge, and practices threaded through these places.

If we consider the other case presented above, the Parque de la Papa, as a potential model for solving the challenges at Suttesája – the fact it remains inadequately protected, administered by the state-owned enterprise Metsähallitus, and thus vulnerable to commercial and other ventures – what 'best practices,' caveats, and guideposts would emerge from a comparative analysis? More specifically, how might the Parque shed light on a framework for Sámi governance that would simultaneously protect the environment and 'the sacred' that coalesces in the area, in the true sense of the term 'biocultural' (in spite of the problems/limitations of the term 'culture')? We propose that the development of such a model might look something like this:

(1) Identifying local authorities – both community leaders and technical experts – through a community-built consensus process, using a matrix of personal merit, expertise about traditional knowledge, and experience that informs many practices of Arctic Indigenous governance (Fondahl and Irlbacher-Fox 2009). Specifically, Sámi families who have extensively used the area, for whatever purposes, would play an important role in this process.
(2) With the guidance of identified authorities, establishing a community council and a procedure for, and schedule of, community assembly meetings.
(3) Identifying the key Sámi principles that need to inform the process of building, and later guiding, the established governing and stewardship structure/mechanism. These could include, inter alia, community assemblies for discussion and knowledge-sharing; standing committees to explore, document, and 'workshop' emergent problems and opportunities; and inter-, intra-, and extra-community networks and linkages, allowing all interested community members and groups to work together and with outside actors and organisations, at multiple levels (from the local to the regional to the global).
(4) Ensuring the collaborative design of educational materials, research, and culturally-grounded mechanisms to document and, where appropriate, disseminate traditional knowledge; and to negotiate and enter into agreements with external actors, according to Sami legal and ethical principles.
(5) Asserting and maintaining Sámi as the official language of governance in Suttesája.
(6) Consulting Sámi who have been involved in establishing and running Laponiatjuottjudus. Their advice and input would be particularly valuable in considering how to avoid the pitfalls of state take-over.

Conclusion

With its ideological roots in the neoliberal turn and its practical roots in the settler colonial project, co-management has demonstrated particular efficacy in channelling Indigenous activism and pulling an 'end run' around the question of Indigenous rights, including (or especially) rights to land and self-determination. Key to these accomplishments is the culturalization of Indigenous peoples and nations: the rhetorical and practical reduction of *polities* to *cultures*. Another reinforcing practice is the creation of a false equivalence between 'Indigenous' and 'minority,' erasing Indigeneity itself and, accordingly, myriad pre-existing political-legal orders and their territorial claims. The unprecedented, rapid, global diffusion of co-management as a policy prescription occurred alongside the rise of the global Indigenous rights movement. Unfortunately – and ironically – the latter inadvertently fuelled the former, as co-management performed a controlled inclusion of Indigeneity: for lack of a better term 'assimilating' the Indigenous knowledges, perspectives, and approaches that would otherwise have opposed it. This is not *(co-)managing Indigenous cultural heritage*, then, but *managing Indigenous sovereignty*.

Both the Sámi sites we have discussed are paradigmatic targets of co-management agreements: relatively peripheral, bureaucratically remote areas containing a higher concentration of (a)

Indigenous Peoples who maintain traditional land-based practices but whose right to the land is unrecognised, and (b) in-demand, scarce or threatened resources of interest to non-Indigenous parties. Laponia further illustrates one of the major proximate causes of Indigenous-state co-management agreements: the Swedish government agreed to Sámi demands only after attempting to simply outlast them in a political struggle that, if lost, would have cost the country an economically and socioculturally valuable good: the World Heritage Site nomination.

Perhaps the most important practical fallout of the rapid proliferation of co-management agreements has been their eclipsing of the possibility - and further, the existence - of alternative models. These models, although not (yet) recognised in any convention or treaty, nevertheless express the deepest principles of those compacts while managing a feat that has thus far proven beyond the abilities of states and their organisations: integrating international legal instruments and the UNDRIP in a way that preserves not merely the letter but the spirit of each. We have presented one such model: the Parque de la Papa in Andean Peru.

Analyses like ours, advocating Indigenous political resurgence, typically face criticism that either tacitly or explicitly appeals to the capacity shortfalls of the 'vanishing Indian:' Indigenous governance cannot be put in place because it has been sufficiently eroded as to be unworkable in practice today (or in simpler terms: you cannot have Indigenous governance because you do not already have Indigenous governance). This circular argument is easily falsified by the existing (and growing) number of Indigenous people that are asserting Indigenous law in, and Indigenous governance over, the preservation and promotion of their cultural heritage. Neither is ours an isolationist nor an essentialist argument, although critiques of Indigenous peoples' normative approaches to, and advocacy around policymaking often face such accusations. Indigenous communities and nations exhibit hybrid and evolving forms of governance and engage in multi-scale political and economic interactions – achievements that are sometimes claimed for co-governance. The difference here (indeed, the point) is that in the former, it is the Indigenous communities themselves are the drivers of this hybridity and interactivity, and the processes and systems entailed are anchored in Indigenous philosophies, legal-political orders, and everyday practices. Since Indigenous conceptualisations of culture are holistic, active, territorialised, and grounded in a specific set of values and philosophical system (including an ontology, epistemology, and axiology), they must be protected through the in-situ, community-based, lived practice of Indigenous governance.

Notes

1. We would respectfully point out, however, the apparent trend towards government abandonment of the term 'co-management' specifically because of the implication that it means the state is 'sharing power' (Clark and Joe-Strack 2017). Further, at least one official, in a region with a relatively lauded history of co-management, has implied that such arrangements are 'undemocratic' (Clark and Joe-Strack 2017).
2. http://whc.unesco.org/en/about/.
3. Since they both have roots in critiques of centralised, top-down management, neoliberalism was able to borrow the emancipatory language of sustainable development and marry it with market-based efficiency and self-interest arguments to craft an ostensibly 'win-win' scenario in heritage co-management.
4. The co-management approach has been discussed under a number of other monikers: joint, cooperative, collaborative, participatory, and multiparty management, among others.
5. The very first edited volume on co-management generally was published in 1989; by the mid-2000s a significant portion of the literature was devoted to Indigenous-state arrangements (Plummer and Armitage 2007; Pinkerton 1989).
6. In Taiwan, for example, federal legislation mandating such arrangements has been circumvented at the regional level by administrators who lack motivation to engage with tribal groups, and agencies that eschew losing control over conserved areas and conservation generally (Lu, Chueh, and Kao 2012).
7. In determining whether a site is already managed, states work from historical, almost always non-Indigenous sources, and the inquiry overall is guided by longstanding biases about the status of 'traditional livelihoods' as a significant environmental threat (Berkes 2008; Ross 2011).
8. The *Inuvialuit Self-Government Agreement-in-Principle* 'provides the Inuvialuit with jurisdiction and a broad scope to manage their cultural heritage in ways that they see as appropriate for their particular needs' (Ford

2017, 206); the *Nunavut Land Claims Agreement* provides 'principles for the various aspects of Inuit cultural heritage in Nunavut' including managing the archaeology of the territory (207); and the *Labrador Inuit Land Claims Agreement* provides the Nunatsiavut government 'jurisdiction and control over the creation of laws to protect archaeological and cultural material' (211).

9. See https://www.samediggi.no/Balvalusat2/Biras-areala-ja-kultursuodjaleapmi#section-Kulturmuittut.
10. These include not only the money from cultural heritage tourism, but also often significant employment opportunities, in establishing, restoring, and running the site (Ween 2012).
11. 'Transhumance is a term referring to the seasonal movement of people with their livestock, elsewhere called 'pastoralism' or 'nomadism.'
12. Of the 1,073 currently listed World Heritage Sites, 35 (3%) are classified as 'mixed.'
13. Personal communication, 14 June 2011.
14. Note, though that this recommendation still characterised Sámi as *local*, rather than *Indigenous*; further, this accords with the Swedish government's construction of Sámi 'special' rights as flowing from minority, versus *Indigenous* status.
15. Personal communication, 14 June 2011.
16. Personal communication, 14 June 2011.
17. Personal communication, 14 June 2011.
18. Personal communication, 14 June 2011.
19. More specifically, the parties include two municipalities, nine Sámi reindeer-herding communities (through Mijá Ednam, which in Sámi means 'our land'), the Norrbotten County Administrative Board and the Swedish Environmental Protection Agency.
20. Personal communication, 6 November 2017.
21. In 2017, the lease was not granted because segment of the affected area in the application was within the protected Natura 2000 area. In 2018, the applicants had revised the affected area but this time, the lease was declined on the grounds of 'very strong local Sámi opposition' (Paltto 2018).
22. These include, inter alia, the *Convention on Biodiversity*, the ILO *Convention 169*, and the *UNDRIP*.
23. This CIP protocol is noteworthy for setting several precedents in the assertion of Indigenous law as/through Indigenous governance. Under the Parque-CIP Biocultural Protocol, any access to the genetic resources of the communities must be carried out according to the local vision of prior informed consent, and said access does not allow for any type of gene privatisation, patenting, or GMO application (since these compromises, whether directly or in principle, the communities' ability to produce food and to fulfill their obligations to the land). Further, CIP came to the negotiating table after being approached by the communities about the institute's past violations of Quechua law in the Urubamba Valley – namely, collecting landraces and crop wild relatives from the territories of the six communities without their consent and without sharing the fruits of subsequent research. The protocol thus holds the International Potato Centre accountable to the communities' own law, while CIP's efforts represent (albeit voluntary) restorative justice for what was, under any other system, a perfectly legal act. In the case at hand, then, the biocultural protocol helps to ensure that Quechua farmers may continue to freely grow food and protect agrobiodiversity, while establishing that this has been their right and responsibility for generations. They are thus an important means by which to protect the *Parque* communities in the present and ensure the continuity of their knowledge-practice in the future. The researching and negotiation of the instrument also enlivened intra- and inter-community discussions about local knowledge-practice and Quechua governance.

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Notes on contributors

Sam Grey (ORCiD 0000-0002-5651-7266) Sam Grey is the Director of University and Lifelong Learning at Six Nations Polytechnic and a doctoral candidate in Political Science at the University of Victoria, where her dissertation explores the roles of emotion and virtue in Indigenous-Settler (ir)reconciliation. She has published on gender and truth commissions, decolonisation and peacemaking, and Indigenous women's rights; and is the editor of three books on Indigenous knowledge, governance, and rights-based advocacy.

Rauna Kuokkanen is Research Professor of Arctic Indigenous Studies at the University of Lapland, Finland. Prior to that, she was Associate Professor at the Department of Political Science and Indigenous Studies Program at the University of Toronto (2008–2018). Her main areas of research include comparative Indigenous politics, Indigenous feminist theory, Indigenous women's rights and Arctic Indigenous governance and legal and political traditions.

ORCID

Sam Grey http://orcid.org/0000-0002-5651-7266

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