## australian ARCHAEOLOGY

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### australian ARCHAEOLOGY

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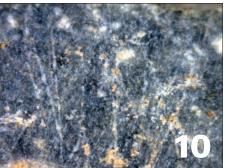
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NSW. This toured small community libraries in western NSW, bringing Milne's beautiful photographs back to their homeland. Some trees have returned home too: in 2010, Museum Victoria repatriated a carved tree to the Baradine community in northwest NSW. It had been removed 90 years earlier and acquired by the museum in 1921 through an exchange with the Australian Museum. The tree was carved in 1876 to mark the burial site of five Gamilaroi men (however, strangely, this tree does not seem to be listed in The Dendroglyphs or 'Carved Trees' of New South Wales).

Sydney University and the State Library are to be commended on reprinting this volume. It makes accessible an important and beautiful aspect of Aboriginal culture that has been mostly lost and, until now, largely forgotten.

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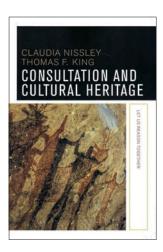
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# Consultation and Cultural Heritage: Let us Reason Together by Claudia Nissley and Thomas F. King

2014. Left Coast Press, Walnut Creek, 173 pp. ISBN 978-1-61132-399-3 (pbk).

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Don't take your guns to town son, Leave your guns at home Bill, Don't take your guns to town. (Johnny Cash)

Consultation and Cultural Heritage: Let us Reason Together is based on Claudia Nissley's and Thomas F. King's collective 70 years of experience in cultural heritage management, so I think it's safe to say they're well qualified to have written this latest offering from one of my

favourite academic publishing houses, Left Coast Press. Nissley's and King's experience is primarily North American and thus this book draws on many US examples, and cites American legislation; hence the need for them to reiterate the advice of Johnny Cash regarding the requirement to attend consultation meetings disarmed (seriously! see p.67). The occasional Americanism aside, there is much in this book that's directly applicable to an Australian context and I can thoroughly recommend it as a worthwhile addition to every archaeologist's bookshelf.

Nissley's and King's justification for writing the book was because they'd noticed that, in recent years and in many cases, consultation had regressed to a purely administrative, tick-the-box exercise, the outcomes of which were essentially predetermined (p.7). As they note, while ideally consultation should be undertaken with the intent of groups coming together to exchange their views, there must be a desire 'to accomplish something' from the process (p.11, their emphasis). Yet 'the intent and meaning of consultation seems to have been lost on a lot of those charged with doing it'; hence, their aim in this book is to help arrest this trend (p.11). Helpfully, early in the book the authors distinguish between 'public participation' and 'consultation', noting that, while the former might form a part of consultation, it does not constitute consultation in and of itself (p.20); this is a valuable distinction that a few proponents and regulators in certain Australian states perhaps need reminding of.

After the first couple of chapters that introduce the basic concepts and set out for readers the reasons why consultation is important—drawing on the wisdom of John Cleese in the role of Her Brittanic Majesty Queen Elizabeth I from 'Decisions, Decisions' and Jesus of Nazareth:

'Do unto others as you would have them do unto you'— Nissley and King delve into the nitty-gritty of the actual process itself. They summarise consultation as generally comprising four components, which are then used to structure the subsequent chapters:

- Seeking, during which time you figure out with whom you need to consult;
- Discussing, involving a back and forth dialogue between the parties;
- Considering, when you genuinely consider the viewpoints of the various parties and what their issues are; and,
- Reaching agreement (if feasible).

Chapter 3 deals with the 'Seeking' phase of consultation, with the main advice being to commence the process as soon as possible, bearing in mind that you need to have sufficient information available to hand to make your interactions with stakeholders meaningful (p.34). As Nissley and King point out, talking to stakeholders during the latter stage of a project when it is too late for the discussion to have any influence on decision-making—a situation seen time and again in the Australian context—is not consultation. This practice is, in fact, pointless and contributes to the frustration that many stakeholders experience during engagement with proponents (p.35). Within this chapter, the section on 'Respecting Cultural Differences' (pp.40-45) is of particular relevance for those consulting with Australian Indigenous communities, as is that titled 'Consider Differences in Capabilities, Knowledge and Intents' (pp.48-50); the importance of recognising cultural difference is a consistent, valuable theme that runs throughout the remainder of the book. Without explicitly stating so, or being drawn into it in detail, much of this chapter goes to the heart of the social/cultural versus scientific values debate that has been so often prevalent in recent years in heritage assessment and management.

In one of the few theoretical parts of the book, 'Respecting Cultural Differences', the authors contextualise their discussion in terms of Hall's (1976) 'low' and 'high' context cultural groups (pp.40–41). They follow this with the presentation of some informative examples of the failure to consult meaningfully with the Sandia Pueblo, Commancho and Quechan tribes in a series of short case studies. From these they conclude that, at the heart of effective consultation, are three simple questions that proponents should put to stakeholders:

- 1. Do you have concerns about our proposal?
- 2. If so, would you like to consult with us about your concerns and how we can resolve them?
- 3. If so, how would you like to consult? (p.45; their emphasis).

The final section of Chapter 3, 'Inviting People to Consult', offers some simple but sage advice on consultation invitation letters, including presenting a real, 'slightly modified' letter that highlights some common traps to help avoid putting stakeholders offside from the outset (pp.54–57). This is supplemented by Appendix 2, which contains an even 'better' example of 'bureau-speak' in a consultation invitation letter, followed, thankfully, by an example antidote to the condition.

Chapter 4 deals with the 'Discussion' phase of consultation. The sub-section, 'Exchanging Views' (pp.59–69), looks at setting up meetings, and reminds organisers explicitly to take into account factors such as timing, venue, cost, values

and power differentials between parties. It also emphasises the thought and preparation the individual personally needs to undertake in preparing for meetings, and this is where the advice about not carrying side-arms comes in. The short section on 'Interests, not Positions' (pp.68–69), is another of the few theorised parts of the book, this time drawing on the work of Fisher et al. (2011). Here, Nissley and King suggest consultants focus on the often-times negotiable *interests* that underlie seemingly intractable *positions* during consultation meetings. Again, readers are reminded of the importance that cultural awareness can play during such discussions.

Chapter 5 deals with the need actually and genuinely to consider the views of stakeholders. The issues of recognising and understanding community concerns, and working out how those concerns relate to the relevant legislation, comprise the first few pages of this chapter. While the specific examples described are US-based, it's not hard to figure out how they relate to the Australian scene. In deriving 'Solutions' to the concerns and challenges of stakeholders (pp.85-87), Nissley and King remind us that rote solutions should often be re-examined rather than rolled out automatically—sometimes all that is needed is a little 'creative tweaking' to generate a successful outcome. In all cases, the critical element of a solution is ensuring that you've discussed with the community what they regard to be the best way to move forward. They also wisely point out that, just because a proposed solution might make a proponent 'squirm', it shouldn't be ignored or dismissed out of hand (p.89).

Chapter 6, 'Seeking Agreement', makes the important distinction between 'consultation' and 'negotiation', noting that often the terms are used interchangeably when they shouldn't be (p.97); negotiation that works towards a binding agreement is a much more effective and satisfying process than mere public participation in a consultation process. And while this is not a 'how to negotiate' guide, the authors present a short, though useful, annotated bibliography of other resources to consider if you require advice on the negotiation process. One of the most important points the authors make in this chapter is what consultation is not, i.e. where consultation commences with the proponent presenting a draft document to the community with whom they are consulting and seek their 'sign off' on it (p.101). Rather, this is the epitome of the 'tick the box' administrative approach to 'pseudo-consulting', and is often seen in the Australian context during the development of cultural heritage management plans in certain states and 'Right to Negotiate Agreements' with Indigenous communities. Another gem in this chapter, with which many of us working in Australia will surely empathise, is the cautionary advice about the involvement of lawyers in the meeting room (p.66) and during the preparation of any agreements or documents drawn up through the consultation process (p.111).

The concluding chapter of the book, 'Reasoning Together—Or Not', presents an interesting case study examining the consultation process with the Hualapai, Hopi, Navajo, Southern Paiute and Zuni tribes regarding non-native fish management in the Grand Canyon. This is followed by a list and summary discussion of the authors' key principles to guide consultation (pp.126–131):

- 1. None of us is God;
- 2. A made up mind impedes (or dooms) consultation;

- 3. All solutions deserve a fair shot;
- 4. Everyone should be at the table;
- 5. Comprehensive beats special-purpose consultation;
- 6. Comprehensive consultation can be made to happen;
- 7. Consultation should have an end-point; and,
- 8. Any agreement reached should be implemented.

As are many of the offerings from Left Coast Press, Consultation and Cultural Heritage is written in a conversational, non-academic tone (i.e. minimal references, citations and notes cluttering up the authors' message), and I consequently finished it in just a few hours. And yes, it's true that a lot of the information presented is simple, common sense—but it's common sense worth heeding. For newly minted consultants, reading this book will enable you to approach the process of consultation with a greater degree of confidence. For those who've been in the sector for a long time, the book is a useful refresher that might help you avoid falling into the same malaise that Nissley and King identified in US-based consulting. I'm even going so far as to suggest

that this book should be placed on the required reading list for all undergraduate and graduate topics in cultural heritage management. Further, there is also much of value in here for research-based students required to undertake consultation for their research projects. Finally, I can see a great deal of sense in encouraging both proponents and our environmental management colleagues to read this book—I imagine it could prove quite enlightening to some of them. If you can't convince them to read it themselves, putting into practice some of Nissley's and King's suggestions yourself will help you go a long way in ensuring that any consultation you undertake is a meaningful and worthwhile process—and that can only be a good thing for all involved.

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