

GUADIANA REPORT

The two hardest-fought rock art conservation battles in the history of the International Federation of Rock Art Organisations (IFRAO) have been the campaigns to save the petroglyph sites in the lower Côa valley of north-eastern Portugal and those in the Guadiana valley in south-eastern Portugal. In 1997, a plan rejected or deferred since 1952 to dam the Guadiana was resurrected. The Alqueva dam will result in the inundation of 250 km², making it the largest man-made lake of Europe. Substantial archaeological salvage operations were undertaken and according to the director of this project, no rock art would be submerged by this reservoir. Although about 100 archaeologists were working on the project by 2001, they still reported no finds of rock art (the Guadiana impact studies had been begun in the 1980s). In April 2001, however, Spanish researchers reported a significant number of rock art sites in the small area of Spanish territory that was to be inundated by the dam (published in the following month in *RAR*; Collado Giraldo 2001). Yet there were still no reports from the much greater Portuguese sector of the area. An environmentalist NGO then received an anonymous tip-off that a large corpus of rock art sites existed on the Portuguese side as well. The Institute of Portuguese Archaeology (IPA) finally admitted the existence of several hundred sites in the Portuguese area to be inundated.

This was about seven months before the final completion of the Alqueva dam in late 2001, and a hasty campaign to record the massive corpus commenced. The Portuguese office of IFRAO initiated immediate requests to defer construction work and I demanded that recording standards be greatly improved (Bednarik 2001). Mila Simões de Abreu also launched a petition to save the Guadiana rock art, which attracted the support of thousands of specialists and heritage administrators and of the International Union for Prehistoric and Protohistoric Sciences (UISPP). IFRAO's endeavours to save the Guadiana corpus were, however, brusquely rejected by the President of the ICOMOS-CAR Committee for Rock Art, and the petition was not signed by most of the members of the organisation he heads. Bearing in mind that by late 2001 it had transpired that there were 600 to 800 rock art sites to be destroyed by the project, this is of particular concern.

Equally interesting is the role of the Portuguese authorities responsible for rock art protection. Besides commencing hurriedly to record the rock art as the dam was being completed and closed and the waters began to rise, they attacked everyone who was even slightly critical of their role. The Director of IPA suggested publicly that the reason why his teams may not have seen the rock art was because it was perhaps covered by river sand. So what he suggested was that during the sixteen years the valley had been studied, hundreds of petroglyph sites were covered by sediment, but in early 2001 they were all miraculously uncovered. He also claimed that the rock art was not important enough to warrant its preservation, but at no time did he admit that the rock art's existence had been concealed.

Within weeks of the admission that hundreds of rock art sites were known in the Guadiana valley, the responsible government minister, the Minister of Culture, was relieved of his duties, but the archaeologists responsible for the disaster remained in office. In September 2001 the Union of Prehistoric and Protohistoric Sciences voted to appoint a committee to investigate the Guadiana issues (UISPP 2001). This led to a scathing response by the Director of IPA (Zilhão 2001) and to his other unbecoming attacks on various individuals and international organisations, resulting in defamation proceedings. His main objection against the UISPP committee, apart from describing it as incompetent, was that it was 'uninvited', i.e. not invited by him. The huge Alqueva dam was completed in late 2001 and opened in February 2002, an event that was internationally condemned. Within weeks, the Director of the Guadiana archaeological salvage project, António Carlos Silva, resigned, shortly after publication of his report (Silva and Lanca 2001), and in April 2002 the government lost the national election.

The newly elected government wasted no time in acting on the state of public archaeology in Portugal, whose reputation even the Director of IPA admitted was in tatters by that time. On 6 May the government announced the downgrading of IPA, which prompted the immediate resignation of the Director of IPA, who commenced a campaign to reverse what he calls the 'extinction' of public archaeology in Portugal. But what in fact occurred was that the new government, concerned about the developments of recent years, merely promised to improve international collaboration in archaeology, and to decentralise the administration of public archaeology.

During June 2002, the major Guadiana rock art concentrations at Cheles became inundated. Most of the valley's rock art has remained unrecorded, and where records were made they do not meet any reasonable international recording standards. Clearly there had been insufficient time for recording, and it was further reduced by several months during which there 'were too many mosquitos' in the valley. Moreover, the teams involved in the recording work were inadequately experienced in modern methods and lacked even rudimentary relevant equipment.

A lesson from the Côa controversy had been that 'the political nature of the archaeologists' strategy influenced their scientific discourse' (Gonçalves 1998: 18). To preserve their claim that the rock art is of Palaeolithic age, they tied its preservation to this age claim, and in fact demanded that it must be preserved *because* it is of Palaeolithic age. This was a fundamental error of strategy in several respects. The Palaeolithic age was far from demonstrated, and such an equation is unacceptable to rock art researchers and site managers around the world because it would prejudice demands for preserving Holocene rock art elsewhere. The argument that Holocene rock art is somehow less deserving of

preservation than older rock art is emotive and subjective rather than rational. It is likely to be contradicted by many stakeholders, such as indigenous custodians in other world regions or researchers specialising in periods other than the Palaeolithic. It follows that the strategy Gonçalves (1998) examines was not only politically motivated, it implies a lack of consideration of the broader and long-term ramifications. It prepared the conditions leading to the Guadiana disaster, which in part was caused by the IPA's pronouncement of the rock art as being 'less important' than the much smaller Côa corpus.

Since 1994, political manoeuvring has become the hallmark of Portuguese state archaeology, and the objectionable technical practices of the past continued unabated. Indeed, in one case the Director of IPA even admitted that the two were linked, when he conceded that his scrubbing of the Côa petroglyphs was politically motivated (Zilhão 1996). The aspect of the Guadiana affair that is most difficult to understand is that it followed in the wake of the Côa fiasco, which has cost the public of Portugal so dearly. It was precisely this painful experience the country underwent in 1995 that was directly responsible for the establishment of IPA. Yet in all the subsequent years, it is claimed, it never occurred to this organisation to examine the location of the largest reservoir ever built in Europe to see if rock art was affected. Contract conditions of the participants of the project's environmental impact study include a requirement preventing them from making public statements about their project, which seems to explain why it was an anonymous tip-off that alerted the public. Of particular concern is that both the impact studies and the archaeological salvage work were conducted under the authority of the Empresa de Desenvolvimento e Infra-estruturas do Alqueva, which is the very same agency that built the dam. The concept of a conflict of interest does not seem to have been appreciated either by the Portuguese authorities, or by the relevant European Union agencies that blindly accepted the environmental impact assessment by the dam builders themselves.

The present government of Portugal has not planned or executed the Guadiana reservoir, it inherited it. Consequently there appears to be no hope of saving the Guadiana rock art corpus, one of the largest concentrations of Europe, from being inundated first by water, then under billions of tonnes of sediment as the reservoir silts up. IFRAO has made a valiant attempt to avert the Guadiana catastrophe, but because the existence of the rock art was successfully concealed until the scenario of its destruction was complete, there was nothing left to do but to establish the reasons for this calamity. Responsibility for the Guadiana incident rests squarely with the former leadership of Portuguese public archaeology, and with the international spin-doctors who supported this clique during its reign.

R. G. Bednarik

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- RAR 19-615

DAMPIER REPORT

In contrast to the Guadiana disaster, which seems destined to end with the complete obliteration of Portugal's largest remaining rock art concentration, the outlook for the Dampier rock art in Western Australia is considerably brighter. Here, IFRAO managed to catch the culprits in the early stages of their mischief, and the chances of success of our campaign are significantly better. However, the first year of the Dampier campaign has shown that this is going to be a long battle and IFRAO needs all the support it can muster. The stakes are much higher than on the Guadiana. For one thing, the Dampier rock art corpus is regarded as the largest complex of petroglyph sites in the world. But at the same time, the scale of the proposed development is also much greater than in Portugal. For instance, the largest export deal in the entire history of Australia has just been signed, for \$25 billion worth of natural gas to be processed at Dampier. Very powerful corporate interests are involved here, and a state government willing to bend its own rules to accommodate them.

Nevertheless, there are also some similarities with Guadiana. The Dampier issue, too, is attributable to a cover-up,

but one that occurred decades ago. In 1962, in response to a proposal to construct a deep-water port on Depuch Island, east of the Dampier Archipelago, the Western Australian Museum conducted an impact study (Ride and Neumann 1964). It found concentrations of rock art on the island and the plan was abandoned. In the following year, the government and mining interests decided to build the harbour and ore-processing plant on nearby Dampier Island instead. No mention of any rock art was made. Four years later I commenced my survey of the Dampier rock art, registering some 570 petroglyph sites and numerous rock arrangements over the following years. I witnessed destruction of rock art (Bednarik 1973, 1977) and my inability to prevent it contributed to my determination to establish an independent body that could oppose state vandalism of rock art. In part, AURA is a result of this experience of helplessness in the face of very powerful vested interests.

The discovery in 1971 of major off-shore natural gas deposits led to the establishment of a petrochemical industry in the early 1980s, and to further destruction of rock art (Vinnicombe 1987). Encouraged by the success of IFRAO in preventing rock art vandalism in other continents, and realising that the principal danger to the rock art was its legislative protector, the Western Australian state government, I proposed that the Dampier Archipelago be repatriated to indigenous ownership and be made a National Park (Bednarik 1994). This would excise at least part of the land from the jurisdiction of the corrupt state government and place it under the control of Aboriginal custodians and the federal government, and facilitate nomination to World Heritage status.

In 1996 the development of the Maitland Heavy Industry Estate, located on the mainland to the south-east of Dampier, was announced, and this seemed to remove the immediate main threat to the rock art. But a change in government led to a change in policy, and the current government is instead dedicated to trebling the industry on Murujuga (Burrup). It announced this plan in late 2001 and IFRAO, with the enthusiastic support of AURA, drew a line in the sand at the beginning of 2002. We informed the Premier and the four relevant State Ministers that IFRAO would not tolerate any further destruction of rock art in the Dampier Archipelago, and that we would use all means available to us to prevent it.

Since then there has been a considerable volume of correspondence with the state government, and we have joined forces with other interests seeking the protection of the area. Most particularly productive has been the collaboration of a Green politician, Robin Chapple MLC, who has repeatedly and profitably raised the matter in parliament. After the publication of two articles in the May 2002 issue of *RAR*, outlining the systematic neglect of Dampier rock art by the state government, IFRAO commenced a media campaign in Western Australia that led to extensive public debate. A webpage was established for the Dampier campaign and an international Internet petition begun. This soon illustrated the strong support the campaign enjoyed in Western Australia, confirming enthusiastic public support in the immediate geographical vicinity of Dampier (particularly in the towns Karratha and Dampier, those closest to the rock art) as demonstrated by the huge turnout of local supporters at a public rally held at Hearson Cove, Murujuga. This event on 9 June 2002 became a spontaneous demonstration of unanimous support for the relocation of the planned industries to Maitland. On 22 August the National Trust of Australia accepted our nomination of the Dampier rock art to its list of Endangered Sites, and within a few days ICOMOS expressed its concern to the state government.

On 16 October the State Premier, Dr Geoff Gallop MLA, informed IFRAO that it has taken two important steps towards proper care for the Murujuga rock art—the first such initiatives in history. It has appointed a Rock Art Monitoring Reference Committee of nine members, which will oversee a four-year study of the deterioration of the petroglyphs. This study will be undertaken by consultants sought through a process of public tenders, and its intended purpose is to test existing data on the rate and forms of deterioration. Secondly, and perhaps more significantly, the Department of Indigenous Affairs, which has been accused by us to have neglected its duty of protecting the Dampier rock art, has now been directed to develop a heritage management plan for the area. As of November 2002 it is in the process of developing the terms of reference and specifications for the commissioning of such a plan. It will be prepared by independent external consultants and it will cover all the points IFRAO, AURA and individual rock art researchers have raised. In short, it will end almost four decades of neglect by the state agency legally responsible for the petroglyphs.

Although two of IFRAO's demands, the establishment of an independent committee and the exercising of the liable Minister's responsibility for the protection of the rock art, have thus been met in principle, nothing in these concessions indicates that the key requirements will be met. They are a guarantee that no further rock art in the Dampier Archipelago will be removed, damaged or destroyed; a relocation of industrial expansion plans to alternative sites; and an undertaking that the local Aboriginal communities be compensated for the almost complete annihilation of the Yaburara by the police force of the State of Western Australia in 1868 (see paper in this issue, *Brief Reports*).

IFRAO is committed to preventing any further destruction of Dampier rock art, and I have now nominated it to the World Monuments Fund for inclusion in its *WMF List of the 100 Most Endangered Sites in the World*. This list includes currently no sites in Australia, and in contrast to UNESCO's World Heritage List, nominations need not have the support of either the site owner or the relevant government (it is this factor that prevents World Heritage nomination). It has become clear that the Dampier Archipelago needs to be excised from the jurisdiction of the state government, and one way to achieve this is to have it nominated as a National Park, as which it can then be nominated for World Heritage listing. To this end I have petitioned the Federal Minister for the Environment and Heritage, the Hon. Dr David Kemp MP, whose response has been significantly more helpful. Dr Kemp concurs that state agreement for World Heritage nomination, for which he feels there may be a good case, is not likely to be secured. He feels that the Dampier 'petroglyphs would appear to be a good candidate for national heritage listing assessment under the national heritage

regime proposed by the government's heritage bills currently before the federal Government'. He considers that IFRAO 'would be well placed to work in conjunction with Aboriginal people who have rights and interests in the area to prepare a quality nomination that would enable such an assessment to be undertaken'.

A most dramatic development has taken place immediately before this *IFRAO Report* went to press. I had made a submission to the National Native Title Tribunal (NNTT) in August 2002, concerning an upcoming hearing to determine whether the government of Western Australia should be allowed to compulsorily acquire the land of the Dampier Archipelago from three Native Claimant Groups (the Ngarluma, the Yindjibarndi, Yaburara and Mardudhunera, and the Wong-goo-tt-oo). This is itself a bogus procedure, because the Traditional Owners of the area have never been given the land; it is simply a pre-emptive strike to preclude land claims. It is stridently opposed by at least one of the Claimants, and on behalf of IFRAO I argued that the success of this legal manoeuvre would seriously endanger the remaining rock art. In an unprecedented ruling that made legal history in Australia, the NNTT decided on 6 November, on the basis of my submission and after having it debated exhaustively for many hours, to invite public comment on the case. On 9 November the NNTT advertised for submissions from the general public to establish the public interest of the issue. Numerous submissions were made, including many by IFRAO members and a 87-page submission by myself as President of IFRAO. The Summary of my submission to the NNTT is reproduced below.

All of these factors will add to the protection of Dampier rock art, and to an erosion of the influence of the state government that has been so disastrous not only for this heritage property, but also for the original creators of this great monument. With the support of thousands of people, IFRAO will eventually secure perpetual protection of Murujuga and the rest of the Dampier rock art precinct, but this will be a slow and frustrating process. We are opposed by immensely powerful corporate interests as well as political ones. The Federation needs to be clear that it will require all of the skill and determination it can muster to bring the Dampier issue to a fully successful conclusion, and that this will depend on international as well as domestic action.

R. G. Bednarik

RAR 19-616

SUMMARY OF THE IFRAO SUBMISSION TO THE NATIONAL NATIVE TITLE TRIBUNAL OF AUSTRALIA

There appears to be complete and worldwide consensus that, as far as is known, the petroglyph concentration of the Dampier Archipelago on the coast of Western Australia's Pilbara region is the largest concentration of such phenomena in the world. This immense cultural resource includes also what is suggested to be Australia's major concentration of megaliths, such as standing stones and other rock structures. The Dampier Rock Art Precinct, the subject of this submission, is generally agreed to be the largest cultural heritage property of Australia, and as such should be viewed primarily as one of the great historical monuments of the world, irrespective of who owns, controls or manages it. This is a fundamental issue to appreciate.

It follows from this that, as a nation that considers itself to be civilised in the full sense of that word, Australia has no choice but to thoroughly condemn the endemic culture of neglect that has marked the history of the management of this property. The National Native Title Tribunal faces an important task in assessing this issue. Two grave errors of judgment by the government of Western Australia have occurred historically in relation to it. The first was the decision in February 1868 of the then Government Resident in Roebourne, R. J. Sholl, to swear in a bloodthirsty mob as special constables and have them apprehend some Aboriginal fugitives. He thus unleashed a chain of events that led to a series of massacres over a period of about three months, resulting in the almost complete genocide of the Yaburara people. The second error occurred in 1963, when the existence of the rock art at Dampier was concealed because a previous inspection of an alternative site by the Western Australian Museum had led to the abandonment of plans of establishing industrial installations there.

In 2002, history offers an opportunity to correct these mistakes. The state government is determined to add a third fatal error of judgment to its record, but the Tribunal has the chance of changing history. It can set in motion developments that will reverse the mistake of 1963, and will help the nation to atone for the mistake of 1868. In this submission we illustrate the effects of the 1963 error, how it will be compounded if the present state government is allowed to proceed with its rush to destroy the Dampier Rock Art Precinct, and what the greater implications of its policy will be.

The state government's plan to fit as many petrochemical and other plants on the land surface of the 'Burrup Peninsula' as it can physically accommodate is entirely incompatible with the idea that the area features one of the world's major cultural heritage monuments. Previous development of this kind has destroyed between 20% and 25% of the rock art that existed there in the early 1960s, and the government has made no secret of the fact that further rock art sites will be destroyed if the new developments were to proceed. Moreover, there is scientific evidence pointing to a slower, but more thorough process of rock art destruction, through the massive volume of acidic emissions of the proposed industry. The most incredible aspect of this matter is that the very same state government that bears the legal responsibility of preserving this cultural heritage is planning to establish the nation's largest single polluter (in terms of concentration) in precisely the same location as the nation's largest cultural heritage property—and without any

economic reason at all. There is absolutely no technical or logistic requirement for this industry to be in a specific locality. This petrochemical industry could be erected anywhere along the natural gas pipeline. The government's obsession with placing the plant that will increase emissions state-wide by at least 28% in this small area that is generally acknowledged to have world heritage significance can only be described as perverse.

The Tribunal has an opportunity to review the circumstances of this obsession as they are illustrated in this submission. It also has the opportunity to change the culture of endemic neglect as it persists in the state of Western Australia. Obsessed with selling off the state's natural resources at bargain prices (30% below world prices), the state government is now determined to deprive the local Indigenous community of its birthrights, and to deprive the nation of its greatest single cultural property as well as of a unique natural environment. It is determined to continue the practices of the 19th century, of dispossessing the Aborigines and of facilitating the enrichment of a small minority at the expense of the natural and cultural heritage of the state. Dampier resembles very closely the Franklin River controversy of Tasmania two decades ago: a state government blindly pursued a policy of large project development, determined to invest hugely in a project that would generate a few hundred permanent jobs, to compete in a depressed world energy market. In both cases there are no significant economic benefits, except for a very small number of privileged people, in both cases the proposal would destroy a property of world significance, and in both cases the same investment of money would, if applied to different industries, provide employment for tens of thousands. The main difference between Tasmania and the Pilbara is that in the latter case, the resource in question is non-renewable, we are depriving future generations of Western Australians by underselling countries such as Indonesia and Qatar on the world market. The extraordinary haste of the government to force through these projects speaks for itself.

The mistake of 1868, the genocide of the Yaburara, cannot be undone, but we can acknowledge it and atone for it. For instance, it was an insult to the Indigenes to rename the island formerly known as Dampier Island (an honourable and historically acceptable name) after a bank clerk of the 19th century, Henry Burrup, when a perfectly good Aboriginal name was available. Why not go all the way and name it Sholl Peninsula, in honour of the man who caused the near-annihilation of the Yaburara on the killing fields of Murujuga? The ignorance and impertinence of this state government is breathtaking and unbelievable, and just as all right-thinking citizens of the world would condemn the genocide of the Yaburara, history will condemn the present government for the deliberate destruction of the last vestiges of the Yaburara's culture: the haunting art they left on the boulders of their land Murujuga.

As a result of state policies, Western Australia presents to the world the picture of a dismal society with a tendency of denying history and creating its own distorted version of the past and present. Nowhere is this more obvious than in the choice of its heritage values. While practically all countries in the world, including the remaining states of Australia, make at least an attempt to present some semblance of balance in the way they present their past, as expressed in their heritage values, Western Australia's official heritage expresses only denial. In most countries, the history before the introduction of writing is well represented in their heritage, usually making up well in excess of 25% of the country's heritage sites, sometimes more than 50%. In Western Australia, no National Park has been created primarily for its Indigenous values, such as Aboriginal rock art. If rock art does occur in a National Park it is mere coincidence. There are no heritage sites in the state to celebrate its Macassan heritage, nor are there any heritage sites or properties (other than shipwreck sites) to present the pre-British European history of Western Australia. This state of denial is illustrated by the state's reaction to the only early Dutch rock inscription ever reported, which was erased by the state's operatives, presumably to protect the legality of British sovereignty. Western Australia has a long history of historical denial, which is well reflected in the preoccupations of its contemporary society. More mature societies throughout the world honour their pre-Historic histories, even celebrate them. In this respect Western Australia has a lot to learn from all countries, ranging from Peru to Thailand to Britain. Where would English history and heritage be without its monuments of the Neolithic, the Bronze Age, the Iron Age? They consist primarily of stone arrangements, rock art and occupation sites, precisely as does the cultural heritage of Dampier. Western Australia ought to inquire into how much a relatively poor country, such as India, spends annually on the preservation and management of its cultural heritage that is older than 200 years, and then compare this with its own puny efforts in the same area, pre-1800 heritage.

This is not just about Western Australia deserving international pariah status in the area of heritage neglect and heritage denial—which it undeniably deserves and will secure if this Federation has its way—there are more serious aspects. Western Australia was first settled by people about 60 000 years ago. By encouraging the denial of 99.7% of its history through such measures as intentional destruction or systematic neglect of sites, the state of Western Australia not only seeks to eradicate most of its history, it offends those who reject the official lie that Western Australia has no history other than that which begins with British colonisation, and that this history was one of peaceful acquisition. The policy of denial offends four types of people: the Indigenous citizens, the citizens who are of non-British extraction, those who are of British extraction but would prefer the truth, and those people who live in other countries and object to a history made up of lies.

One importance of Dampier is that it provides a poignant illustration of this. Here we have a cultural heritage property any country in the world would be proud to call its own, a monument the size of countless Stonehenges, a monument that exceeds in size and age and impact most of what the rest of the world offers. Its rock art illustrates a culture and a way of life that extends into the very mists of early history. This property was acquired not peacefully, as the campaign of denial that passes as history in Western Australian school curricula would have it, it was acquired by rudely genocidal means. The history of denial, which began in the 19th century, continues at Dampier in 2002. There is absolutely no reason why the planned petrochemical industry needs to be on Murujuga, and alternative sites are

available, so we need to ask: why this obsessive insistence of destroying this heritage? The answer is to be found in the fundamental structures of denial. How are Aboriginal people expected to feel about this abomination of history? Were the sacrifices of their ancestors entirely in vain?

The history of the neglect and fully intentional destruction of the world's greatest collection of rock carvings demonstrates clearly enough that this government is unfit to manage the world heritage property it has control over. It is either unwilling or incapable of discharging its duties under its own *Aboriginal Heritage Act* of 1972, it projects to the rest of the world the image of a banana republic whose population is driven only by one motivation, greed. This is an insult to all citizens of Western Australia. It is self-evident and does not need to be demonstrated that this government is unfit to manage Murujuga. Therefore the specific recommendations this submission has arrived at are not just obvious—they are inescapable:

- (1) The Place Names Committee should be requested to replace the offensive name 'Burrup Peninsula' with 'Murujuga', the name that indisputably has historical precedence.**
- (2) All currently undeveloped land of the Dampier Archipelago should be declared a National Park and should be managed by a competent entity such as the NPWS.**
- (3) The entire archipelago should be returned to Indigenous ownership, to be held in perpetuity by all members of the local Indigenous communities, with the proviso that the rock art precinct be leased as a National Park to the Commonwealth.**
- (4) To facilitate item (3) a working party needs to be established that will examine similar arrangements elsewhere, most especially in Kakadu and Uluru National Parks, to adopt any suitable practical arrangements that have worked successfully there.**
- (5) Concerning existing industrial installations on Murujuga, their operators should be required to pay appropriate rent to the Indigenous land owners.**

Further to item (5), we already have such an arrangement in Kakadu, where a mining venture (Ranger Uranium) operates within a National Park owned by Aboriginal people. Once item (2) is implemented, there will be no obstacle to nominating Dampier for UNESCO World Heritage listing. The only obstacle to this is the fact that the state government will veto such an application under the current conditions (cf. advice by the federal Minister for the Environment and Heritage).

The almost complete extermination of the Yaburara was conducted entirely by police, consisting of regular officers and sworn-in special constables. Therefore the government of Western Australia bears full responsibility for the Murujuga Campaign of February – May 1868. No compensation for the wholesale massacre of men, women and children (the only known survivors were adult males) has been made for this hideous crime. This case needs to be taken to the international court for determination of compensation—if only to demonstrate the point that greed is not as good as the 'social elite' of Western Australia seems to think.

The above recommendations would have massive economic, social, cultural and political effects on the relevant Indigenous communities. The short-term effects would be communal confidence and sense of direction, and a perception that justice was done at last. The long-term effects would include economic independence, as members of the community would find employment in park management and in the local industries (as is the case in Kakadu), and the community would collect and distribute regular income from royalties. Presumably any surplus would be invested in the community's own initiatives to secure an economic future. These benefits would accrue gradually, under managed conditions, but within decades they would lead to the development of a community resembling that of Arnhem Land: full of confidence and as equal partners in the development of Australia. The state government, on the other hand, wishes to resolve the issue via a package that requires the community to forego the right to claim the sacred sites. The money it offers will soon be frittered away, and the right to own their ancestors' sacred sites should not even be for sale in the first place. There is no concept of selling sacred sites in a traditional Indigenous code, anywhere in the world, nor do any individual Aborigines have the right to sell such land rights. Moreover, while there can be no doubt that these sites belong to the local Indigenous communities, there is equally no doubt that in a wider sense, they are also the property of all of humanity. Nobody buys or sells Stonehenge or the Taj Mahal. Such monuments are not commodities, they are part of the Dreaming of all human beings—past, present and future. The Dampier rock art precinct certainly falls into the same category, and once it has been inscribed in the World Heritage List, all Australians will rejoice, together with the immediate owners and perpetual custodians.

It is the prerogative of the Tribunal to create the circumstances that will lead to this—the only solution for the Dampier rock art that is worthy of consideration.

Robert G. Bednarik

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