

WORLD HERITAGE COMMITTEE REPORT ON THE MISSION TO KAKADU NATIONAL PARK, 26 OCTOBER TO 1 NOVEMBER 1998

Executive Summary and Recommendations

The mission notes the obligations of States Parties to the *World Heritage Convention* to identify, protect, conserve and transmit to future generations cultural and natural heritage of outstanding universal value.

After assessing the information made available to the mission in the background documents and stakeholder submissions, and through site visits and overflights, the mission has concluded that Kakadu National Park is exposed to a number of serious threats which are placing it under both ascertained and potential danger.

The recommendations made below, which are indicative of the main findings of the mission, have been formulated with the view to overcoming the serious threats to Kakadu National Park.

Recommendation 1: The mission has noted severe ascertained and potential dangers to the cultural and natural values of Kakadu National Park posed primarily by the proposal for uranium mining and milling at Jabiluka. The mission therefore recommends that the proposal to mine and mill uranium at Jabiluka should not proceed.

Recommendation 2: The mission noted the serious concerns and preoccupations expressed by some of Australia's most eminent scientists as to the unacceptably high degree of scientific uncertainties relating to the Jabiluka mine design, tailings disposal and possible impacts on catchment ecosystems. The mission shares these concerns and therefore recommends application of the Precautionary Principle which requires that mining operations at Jabiluka be ceased.

Recommendation 3: Further visual encroachment on the integrity of Kakadu National Park through uranium mining and the associated incremental expansion of urban and infrastructure development in and associated with the town of Jabiru, located within the World Heritage property, should be prevented.

Recommendation 4: The mission recommends that the Jabiluka Cultural Heritage Management Plan should be as thorough as possible. It should be prepared according to international best practice in cultural heritage management. This should be achieved in consultation and with the participation of Australia ICOMOS, the Australian Academy of the Humanities, the Australian Heritage Commission and the Northern Territory's Aboriginal Areas Protection Authority (AAPA). The Mission recommends that every effort is made to ensure thorough participation, negotiation and communication with traditional owners, custodians and managers to ensure the compilation of an accurate cultural inventory that will ensure the conservation of the cultural sites located within the Jabiluka Mineral Lease. It is the Mission's view that the Australian Academy of the Humanities should be approached to nominate world-class Australian or international expertise to undertake the review of the Cultural Heritage Management Plan announced by the Australian government during the mission.

Recommendation 5: The Mission recommends, as an utmost priority, exhaustive cultural mapping of the Jabiluka Mineral Lease and the Boyweg site and its boundaries to ensure protection of these integral elements of the outstanding cultural landscape of Kakadu. This survey and cultural mapping work should be undertaken by senior anthropologists working with Aboriginal custodians. The mission recommends that the Northern Territory's Aboriginal Areas Protection Authority (AAPA) undertake and document a full site identification survey that maps site boundaries. The anthropologists should report to a committee with representation from the Northern Territory's Aboriginal Areas Protection Authority (AAPA), the Australian Heritage Commission and the Gundjehmi Aboriginal Corporation and their work should be submitted to independent expert scrutiny via objective and impartial peer review.

Recommendation 6: The mission recommends that the Australian Government take a leading and decisive role in overseeing the immediate and effective implementation of the KRSIS recommendations. Implementation of the KRSIS recommendations should ensure that structures are in place within 12 months to begin to ameliorate the negative regional socio-cultural impacts of development on Aboriginal people that are a potential danger to the cultural values recognised when Kakadu National Park was inscribed on the World Heritage List according to cultural heritage criterion vi.

Recommendation 7: The mission notes the existence of the mining rights of Energy Resources Australia Ltd (ERA) in relation to the Jabiluka Mineral Lease. The mission also recognises the customary rights (and responsibilities) of the senior traditional owner, Ms Yvonne Margarula, to oppose a development that she believes will irretrievably damage her country and her people. The mission is of the view that it is incumbent on the Australian Government to recognise the special relationship of the Mirrar to their land and their rights to participate in decisions affecting them. Therefore the mission is of the opinion that the Australian Government, along with the other signatories, should reconsider the status of the 1982 agreement and the 1991 transfer of ownership to ensure maintenance of the fundamental rights of the traditional owners.

Recommendation 8: The mission is of the opinion that the full extent of the outstanding cultural landscape of Kakadu should be recognised and protected. The mission recommends that the State Party be asked to propose to the World Heritage Committee further recognition of the outstanding living cultural traditions of the traditional owners of Kakadu through application of cultural heritage criterion (iii) and the World Heritage cultural landscape categories. The mission is of the opinion that the living traditions of the traditional owners and custodians of Kakadu, and their spiritual ties to the land form the basis of the integrity of the cultural landscape.

Recommendation 9: The mission recommends that the Australian government should examine the feasibility of extending the boundary of Kakadu National Park and World Heritage property to ensure increased protection of more of the catchment of the East Alligator River. The mission recognized that this may be a lengthy procedure. It should involve the full engagement of the traditional owners whose consent would need to be gained, particularly if the expansion was to include land held under inalienable Aboriginal freehold title. The mission is of the opinion that work towards the recommended expansion of the Park should not detract from efforts to address the more immediate and urgent issues identified in this report.

Recommendation 10: The mission recommends that the Australian Government undertake considerable additional negotiation before requiring an immediate place for a Northern Territory Government representative on the Kakadu Board of Management. The mission further recommends that the Australian Government ensure that if a Northern Territory Government representative is placed on the Kakadu Board of Management, that two additional Aboriginal members be appointed (as offered by Minister Hill in a meeting with the mission team) to maintain a clear two-thirds majority for Aboriginal membership of the Board. The Mission also recommends that the proposed changes to the status of the Director of National Parks be reconsidered.

Recommendation 11: The mission considers that it is imperative that the breakdown in trust and communication that was perceived by, and articulated to, the mission be repaired. The mission is of the opinion that in accordance with the Aboriginal Land Rights Act, proper consultation with traditional owners must continue to be a requirement when considering any issues relating to the management of their lands. Furthermore the mission urges all indigenous and non-indigenous stakeholders with an interest in the Kakadu region to engage in a cross-cultural dialogue to ensure conservation of the outstanding heritage values of Kakadu for future generations.

Recommendation 12: With reference to the need to develop stronger community trust of, and communication with, the Supervising Scientist's Group, the mission recommends that the presence of ERISS be maintained in Jabiru and that the question of membership of the Advisory Committee should be reconsidered.

Recommendation 13: The mission is of the opinion that the Australian Government should discuss rescinding the 1981 Koongarra Project Area Act (which proposes amendment of the boundaries of Kakadu National Park to accommodate a mine at Koongarra) with the traditional owners and seek their consent to include the Koongarra Mineral Lease in the Park and therefore preclude mining.

Recommendation 14: In noting that the mining and tourism town of Jabiru is located within the World Heritage property, the mission questioned the compatibility of the incremental development and expansion of Jabiru with World Heritage conservation. The mission is of the view that urban and infrastructure development at Jabiru should be strictly controlled and recommends that Parks Australia North and the Board of Management play a greater role in the present management of, and future planning for, the town of Jabiru in cooperation with the traditional owners. The World Heritage Committee may wish to be appraised of the future of Jabiru and therefore may wish to ask for submission of a plan that describes the future of the town in line with objectives to protect the World Heritage values of the Park.

Recommendation 15: The mission recommends that for both *Mimosa pigra* and *Salvinia molesta*, adequate funds (separate from general management funds) should be identified and guaranteed, but not to the budgetary detriment of other Park management and protection priorities.

Recommendation 16: The mission recommends that additional necessary funds and resources be provided to research the potential threat of cane toads to Kakadu National Park and to develop measures to prevent such a threat.

The mission is of the opinion that recommendations and actions for the future conservation of Kakadu National Park once approved by the twenty-second session of the World Heritage Committee in Kyoto, Japan (30 November - 5 December 1998), should be implemented in a spirit of full transparency and public consultation in Australia. The mission advises that high level professional mediation between stakeholders be the starting point for such implementation.

ARTICLE 11(4) OF THE WORLD HERITAGE CONVENTION WORLD HERITAGE IN DANGER

Article 11(4) of the World Heritage Convention states that:

The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of List of World Heritage in Danger, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicise such entry immediately.