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**UNITED NATIONS EDUCATIONAL
SCIENTIFIC AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

**Twenty-second session
Kyoto, Japan
30 November – 5 December 1998**

Information Document: Report on the mission to Kakadu National Park, Australia, 26 October to 1 November 1998

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ABOUT THIS REPORT

This report represents the findings and recommendations of the mission to Kakadu National Park that took place from 26 October to 1 November 1998. As foreseen in the Terms of Reference for the mission (see Annex II of this report), the report focuses primarily on ascertained and potential threats to the World Heritage values of Kakadu National Park posed by the Jabiluka mining proposal, and presents recommendations concerning mitigating measures.

The report was prepared in a number of stages at which time all mission members had the opportunity to comment on drafts. In the final stage of drafting all mission members were invited by the Chairperson of the World Heritage Committee, and leader of the mission, to append personal or qualifying statements if they so wished. The statement received from Professor Jon Altman, prepared jointly with Dr Roy Green, is attached as Annex I. The other five members of the mission agreed to and support the report. These five members are Professor F. Francioni (Chairperson, World Heritage Committee), B.von Droste (Director, UNESCO World Heritage Centre), P. Dugan (IUCN), P. Parker (ICOMOS) and J. Cook (United States National Park Service).

ACKNOWLEDGEMENTS

The mission team would like to express their sincere thanks to the Australian authorities for having hosted and co-ordinated the mission. The mission team also thanks the various stakeholders for the high degree of disclosure of information and the quality of oral and written submissions provided to the team.

EXECUTIVE SUMMARY AND LIST OF 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 Area's 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 Margarulu, 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.

1. BACKGROUND TO THE MISSION

During their twenty-first and twenty-second sessions, in 1997 and 1998, respectively, the World Heritage Committee and its Bureau received reports on the state of conservation of Kakadu National Park from the World Conservation Union (IUCN). The reports noted potential threats from the proposal to commence construction of a uranium mine on the Jabiluka Mineral Lease within an enclave of the World Heritage property. In October 1996, IUCN's World Conservation Congress passed a resolution on the conservation of Kakadu National Park which included reference to the need to prevent the development of the Jabiluka and Koongarra (a Mineral Lease also located in an enclave of the World Heritage property, see Map I) uranium mines should it be shown that such mining would threaten Kakadu's World Heritage values. This resolution and a statement from IUCN were presented to the Bureau at its twenty-second session in June 1998.

Australian and international environmental non-governmental organisations, the traditional owners of the Jabiluka Mineral Lease (the Mirrar Aboriginal people) and individuals and groups speaking on behalf of the traditional owners have opposed the mining proposal because they believe that mining at Jabiluka will have an irreversible impact on the integrity of the World Heritage cultural and natural values of Kakadu National Park and the cultural heritage of the Mirrar people. The traditional lands of the Mirrar people cover the Ranger and Jabiluka Mineral Leases, the Jabiru township and other surrounding areas within the World Heritage property.

In 1997 and 1998, the Commonwealth Government of Australia provided reports to the Committee and the Bureau to demonstrate its commitment to the conservation of World Heritage values of the Kakadu National Park. In particular, the reports detailed the assessment and approvals process involving both levels of Government in Australia – that of the Commonwealth and the Northern Territory – that has allowed development of the Jabiluka uranium mine site to proceed. The reports also outlined the assessment process being conducted to determine the milling and tailings management options for the Jabiluka mine (the so-called JMA - Jabiluka Milling Alternative and RMA - Ranger Milling Alternative).

Technical data and information concerning the Jabiluka mining proposal and its environmental and cultural impacts are voluminous and complex. Different stakeholders hold diverse and often contradictory views on the potential impacts which the mining proposal would have on the World Heritage values of Kakadu National Park. Hence, the Bureau of the World Heritage Committee, at its twenty-second session held at UNESCO Headquarters, Paris, from 22 to 27 June 1998, requested the Chairperson of the Committee to lead a mission to Australia and Kakadu National Park. The mission originally scheduled for 4 to 10 October 1998 was postponed by the Australian Minister for the Environment. Subsequently the mission took place from 26 October to 1 November 1998. The itinerary for the mission and list of mission members and State Party observers is attached as Annex III.

The goals and objectives of the mission are presented in the mission Terms of Reference included as Annex II to this report.

2 STATEMENT OF CONTEXT CONCERNING THE ESTABLISHMENT OF KAKADU NATIONAL PARK

The establishment of Kakadu National Park in 1978 led to the restoration and rehabilitation of some landscapes and ecosystems that were suffering, most notably under the impact of introduced species such as buffalo. The Park's establishment also included an early recognition and support for the rights of Aboriginal people by the Commonwealth government. These rights were tied to the possibility of economic opportunity and for political and social support structures through the creation of such bodies and organizations as the Northern Land Council, Aboriginal associations, and later the Board of Management for Kakadu National Park. Mining profits, for example from the Ranger uranium mine, which has now been in operation for more than 18 years, were to be shared for the benefit of Aboriginal peoples and the Australian people as a whole.

Inevitably such a complex situation involved compromises and accommodation of many interests. Three obvious accommodations included the presumption of mining at the border and within, but excised from, the natural and cultural systems of a national park, the recognition of Aboriginal land rights conditioned by immediate lease-back subject to conservation and mining, and the presumption that the infusion of large amounts of money into the Aboriginal community would be, in the main, a positive development.

Conditions are vastly different 25 years after these arrangements were made. Section 7.17 of this report notes some of the conservation successes. In the area of social justice and Aboriginal rights, there now exists an expanded legal framework in which issues relating to Aboriginal peoples rights and interests over land are discussed, reviewed, and resolved. The Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* is currently undergoing review and scrutiny. The social and economic benefits and impacts on Aboriginal people in the Kakadu region have also been studied, most recently by the Kakadu Regional Social Impact Study (KRSIS) (see Section 7.9 below).

3 STATEMENT OF CONTEXT CONCERNING THE INCLUSION OF KAKADU NATIONAL PARK ON THE WORLD HERITAGE LIST

3.1 Introduction

The following statement of context is principally derived from the Stage I, II and III nominations of Kakadu National Park submitted by the Commonwealth of Australia. Reference is also made to the technical evaluations performed at the time by IUCN and ICOMOS.

Kakadu National Park, Australia was inscribed on the World Heritage List in three stages - Stage I in 1981 (6,144 km^2), Stage II in 1987 (an additional 6,929 km^2), and Stage III in 1992 (bringing the total size to 19,804 km^2) (see Map II).

3.2 Stage I, 1981

Kakadu **Stage I** was inscribed on the List on the basis of **cultural heritage criterion (iii)** for its outstanding art and archaeological sites and **natural heritage criteria (ii), (iii) and (iv)** for its

wide range of ecosystems of high integrity, habitats and species, scenic values and scientific, research and educational values. The Stage I nomination refers to the National Park having been leased to the Director of the National Parks and Wildlife Service by the **traditional Aboriginal landowners**. The nomination refers to a number of **mineral lease areas** having been "excluded" from the Park (namely the **Koongarra Mineral Lease**) and also refers to a Supervising Scientist being "responsible for monitoring and limiting the effects of **uranium mining** in the Alligator Rivers Region". Figure 3 of the nomination shows densities of archaeological and rock art sites in the Kakadu region. One of these densities including an **"Archaeological area" and a number of rock art sites** corresponds with the location of the Jabiluka Mineral Lease although it is not explicitly marked as such in the Figure.

3.3 Stage II, 1987

The Kakadu **Stage II** nomination was a proposal for the inscription of the combined area of Kakadu National Park Stages I and II on the basis of the same natural and cultural heritage criteria as for Stage I (see Section 3.2 above). The archaeological site of **Malakananja II** is referred to as one of the significant archaeological sites occurring in Stage II and is used to justify the inclusion of Stage II on the World Heritage List[1]. Malakananja II is noted as being one of several "significant archaeological sites occurring in Stage 2" with "Grindstones, amongst the world's earliest evidence of this technique of food preparation". It is later referred to as providing "some of the world's oldest evidence of the technology of edge-ground axes and the preparation of pigments of at least 13,000 years ago".

The nomination refers to the highest densities of archaeological occupation sites as occurring "on the floodplains of the East and South Alligator Rivers at the interface of the estuaries and freshwater environments and in the escarpment country represented in Stage 2 by the Jabiluka outlier". The nomination included reference to the **Ranger Uranium Mine** in the Magela Creek catchment being "a potential threat to areas downstream and to the stringent environmental controls" having "prevented adverse effects on the Park". The two maps included in the Stage II nomination whilst showing the general outline of the Ranger and Jabiluka Mineral Leases do not clearly label them as Mineral Leases excised from the area nominated for inclusion in the World Heritage List.

3.4 Stage III, 1992

The Kakadu **Stage III** nomination was made on the basis of **cultural heritage criteria (i) and (vi)**, and not cultural heritage criterion (iii) as had been used for Stages I and II[2]. The nomination

[1] As noted in Section 7.7 below, Malakananja II was not included within the boundaries of either the Stage I, II or III World Heritage property but is located in the Jabiluka Mineral Lease excised from the World Heritage property.

[2] Cultural heritage criterion (iii) had been used to justify the inclusion of Kakadu National Park Stages I and II on the World Heritage List. Between 1980 and 1992 the text of cultural heritage criterion (iii) read,

> "Bear a unique or at least exceptional testimony to a civilization which has disappeared".

The Stage III nomination notes that,

> "Kakadu National Park also meets aspects of criterion (iii) in that it bears unique, or at least exceptional, testimony to a civilisation. It does not fully meet this criterion because there has been continuous occupation of the area and the civilisation cannot therefore be considered to have disappeared".

However, since being modified by the World Heritage Committee at its sixteenth session in December 1992, the text of cultural heritage

also justified the inclusion of Kakadu Stage III on the List by using natural heritage criterion ii and making specific reference to **human interaction with the environment**. At its fifteenth session the Bureau clearly stated that the proposed extension of Kakadu Stages I and II to include Stage III would increase the size of the World Heritage site by a third and that the original nomination of 1981 was substantially modified. The Bureau therefore regarded the Stage III nomination as a **new nomination**.

The archaeological site of **Malakananja II** is referred to several times in the Stage III nomination as one of the significant archaeological sites which indicates an antiquity of human occupation in the Kakadu region of about 50,000 years and therefore justifying inclusion of Kakadu Stage III in the World Heritage List[3].

In its evaluation of Kakadu Stage III in 1992, IUCN comments that the long-term aspects of waste disposal and eventual recovery of the uranium mine at Ranger give some cause for concern. IUCN stated that in addition to the excised uranium mine at Ranger, there are also two other leases excised from the Park and World Heritage property, one of which (Jabiluka) is located close to an important floodplain inside the Park. IUCN also referred to the prospects of further mining activity within Stage III having been eliminated but the future potential effects on Kakadu of uranium mining outside the park and from within the enclosure (enclave) being deserving of on-going scrutiny. IUCN commented on the artificial nature of the straight lines of the Kakadu boundary, referring instead to the desirability of using ecological/hydrological criteria to define the protected area. IUCN interpreted the Stage III nomination as having ensured the threat from gold mining at Coronation Hill in the headwaters of the South Alligator as having been extinguished. IUCN noted the only concern as being the possible future effects of mining in the small excised leases which could cause future problems.

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criterion (iii) now reads,

> "Bear a unique or at least exceptional testimony to a civilization **or cultural tradition** which has disappeared" (bold added for emphasis).

Criterion (iii) now has increased applicability to places such as Kakadu National Park where living cultural traditions continue to exist and are of outstanding universal value.

[3]As noted in Section 7.7 below, Malakananja II was not included within the boundaries of the Stage I, II or III World Heritage property but is located in the Jabiluka Mineral Lease excised from the World Heritage property. Environment Australia has noted that:

> "These sites and areas referred to above were all known and recorded prior to the nomination of the Park for World Heritage inscription. A number of them were referred to in the nomination documents. They did not form part of the area nominated to the World Heritage List because they were situated within a locality which not only formed part of a mining lease but also did not form part of the Park. It was therefore considered that they would not meet the necessary requirements for inscription of properties outlined in the Operational Guidelines for the World Heritage Convention" (Environment Australia, September 1998).

4 STATEMENT OF CONTEXT CONCERNING THE INTERNATIONAL OBLIGATIONS TO PROTECT THE RIGHTS OF INDIGENOUS PEOPLES

4.1 Introduction

Given that the vast majority of Kakadu National Park is owned or under claim by Aboriginal people, and that the traditional lands of the Mirrar Aboriginal people cover the Ranger and Jabiluka Mineral Leases, the Jabiru township and other surrounding areas within the World Heritage property, it is important to outline the development of international law in the period following the adoption of the *World Heritage Convention* that has led to increasing support of the claims of indigenous peoples to the recognition of their living culture. This development is particularly evident in those areas of international law that concern a) the relationship between peoples and the land, b) the respect of human rights, c) the right to participate in decisions affecting them, and, d) the right to recover cultural objects removed from their land.

4.2 Recognition of the special relationship between indigenous peoples and their land

The special nature of the connection between indigenous peoples and their land has been recognized both in the practice of the United Nations Human Rights Committee under the Covenant on Civil and Political Rights, and in the decisions of domestic courts.

4.3 Respect for the human rights of indigenous peoples

With regard to human rights, international legal norms affecting indigenous peoples include the prohibition of racial discrimination, the protection of minorities as provided by Article 27 of the United Nations Covenant on Civil and Political Rights, and most importantly, the right to self-determination. The latter right has been fully recognized as a right to self-government within existing States in recent legislative enactments, in autonomy arrangements, and in governmental policy statements.

4.4 The rights of indigenous peoples to participate in decisions affecting them

The right to participate in decisions affecting the life and the development of indigenous peoples has been the object of an even more explicit and direct recognition in international legal norms and institutions. ILO Convention No. 169 of 1989 provides that indigenous and tribal peoples "shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well being and the lands they occupy or otherwise use." Even more forcefully, the 1993 Declaration on the Rights of Indigenous Peoples asserts that: "Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that states obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or their resources." Although this Declaration is not legally binding, it is noteworthy that the underlying principles have been applied in recent decisions of the highest national courts. Likewise, the World Bank has adopted since 1991 operational directives requiring “participation by indigenous peoples in decision making throughout project

planning, implementation and evaluation … to ensure that indigenous peoples do not suffer adverse effects during the development process … and that they receive culturally compatible social and economic benefits".

4.5 The rights of indigenous peoples to recover cultural objects removed from their land

Finally, recognition of the general interest of the international community to the preservation of the culture of indigenous peoples can be found in the special provisions adopted in the 1995 UNIDROIT Convention on the return of stolen or illegally exported cultural objects. Article 3, para. 8 provides that a claim for the restitution of cultural property stolen from indigenous or tribal communities is not subject to the time limitations applicable to ordinary cultural heritage but to the exceptional regime of imprescriptibility (Article 3, para. 4) or longer time limitation (Article 3, para. 5).

4.6 Concluding statement

In light of the above, it is clear that, regardless of whether indigenous peoples are regarded as independent subjects of international law, they are entitled to certain rights *vis a vis* the State where they are located, among which the right to self identification and to respect of their collective identity and living culture. It is submitted that these rights must be taken into account in interpreting the relevant provisions of the 1972 *World Heritage Convention* and its *Operational Guidelines* and therefore should be considered with relation to the conservation and management of the World Heritage property under consideration here, Kakadu National Park. This is consistent with the principles laid down in Article 31, paragraph 3 of the Vienna Convention on the Law of Treaties.

5 CULTURAL HERITAGE

5.1 Cultural heritage values

Kakadu National Park Stage III was inscribed on the World Heritage List on the basis of cultural heritage criteria (i) and (vi). At the time of inscription[4], Kakadu National Park was acknowledged to,

> i) represent a unique artistic achievement, a masterpiece of the creative genius;

[4] Cultural heritage criterion (iii) had been used to justify the inclusion of Kakadu National Park Stages I and II on the World Heritage List. Between 1980 and 1992 the text of cultural heritage criterion (iii) read,

> "Bear a unique or at least exceptional testimony to a civilization which has disappeared".

Since being modified by the World Heritage Committee at its sixteenth session in December 1992, the text of cultural heritage criterion (iii) now reads,

> "Bear a unique or at least exceptional testimony to a **cultural tradition** or to a civilization which **is living** or which has disappeared" (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998) (bold added for emphasis).

vi) be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance (Paragraph 24a., *Operational Guidelines for the Implementation of the World Heritage Convention*, 1991)[5].

"The Park's cultural World Heritage values relate to its outstanding art sites, archaeological sites and religious sites relating to the Dreaming. The cultural sites exhibit great antiquity and have a continuous temporal span from the Pleistocene epoch to the present. At the same time, they also form part of a living cultural tradition which continues today. The sites show great diversity, both in space and through time, yet the overwhelming picture is one of continuous cultural development. The state of preservation of the sites is generally very good, and because the sites are protected by national park status, this level of preservation is likely to continue. The art sites in themselves represent a unique artistic achievement.

This combination of attributes makes Kakadu's cultural sites rare, if not unique, in the world." (Environment Australia, September 1998).

5.2 Guidelines for the inclusion of cultural properties on the List of World Heritage in Danger

In accordance with paragraph 77 of the *Operational Guidelines* "a World Heritage property - as defined in Articles 1 and 2 of the Convention - can be entered on the List of World Heritage in Danger by the Committee when it finds that the condition of the property corresponds to at least one of the criteria" set out in paragraph 78 concerning the case of cultural properties and paragraph 79 concerning the case of natural properties. Cultural properties are held to face an Ascertained Danger when the property is faced with specific and proven imminent danger, such as:

(a) serious deterioration of materials;
(b) serious deterioration of structure and/or ornamental features;
(c) serious deterioration of architectural or town-planning coherence;
(d) serious deterioration of urban or rural space, or the natural environment;
(e) significant loss of historical authenticity;
(f) important loss of cultural significance (Paragraph 78 (i), *Operational Guidelines for the Implementation of the World Heritage Convention*, 1998).

Cultural properties are held to face potential danger when the property is faced with threats which could have deleterious effects on its inherent characteristics. Such threats are, for example:

(a) modification of juridical status of the property diminishing the degree of its protection;
(b) lack of conservation policy;

[5]At the time of nomination of Stage III, cultural heritage criterion (vi) did not include reference to "living traditions". However, the nomination itself used the living traditions of Kakadu to justify inscription on the World Heritage List. Since being modified by the World Heritage Committee at its sixteenth session in December 1992, the text of cultural heritage criterion (vi) now reads,

> "be directly or tangibly associated with events or **living traditions**, with ideas or beliefs of outstanding universal significance" (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998) (bold added for emphasis).

(c) threatening effects of regional planning projects;
(d) threatening effects of town planning;
(e) outbreak or threat of armed conflict;
(f) gradual changes due to geological, climatic or other environmental factors (Paragraph 78 (ii), *Operational Guidelines for the Implementation of the World Heritage Convention*, 1998).

Section 7 of this report enunciates the ascertained and potential dangers to the cultural values of Kakadu National Park.

6. NATURAL HERITAGE

6.1 Natural heritage values

Kakadu National Park Stage III was also inscribed on the World Heritage List on the basis of natural heritage criteria (ii), (iii) and (iv). At the time of inscription, Kakadu National Park was acknowledged to,

> ii) be outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment; as distinct from the periods of the earth's development, this focuses upon ongoing processes in the development of communities, of plants and animals, landforms and marine and fresh water bodies.[6]
>
> iii) contain superlative natural phenomena, formations or features, for instance, outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements.[7]
>
> iv) contain the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive (Paragraph 44a., *Operational Guidelines for the implementation of the World Heritage Convention*, 1991).

"The natural World Heritage values of the Park relate to its outstanding natural features and processes. The extensive size of the Park, along with the fact that it has suffered relatively little disturbance from European settlement, mean that these features and processes are particularly well preserved. Climatic records preserved in coastal and floodplain sequences elucidate significant geomorphological processes. In relation to

[6] In December 1992 the sixteenth session of the World Heritage Committee removed reference to "man's interaction with his natural environment" from this criterion so that the criterion now reads:

> "Be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals" (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998).

[7] In December 1992 the sixteenth session of the World Heritage Committee removed reference to "exceptional combinations of natural and cultural elements " from this criterion so that the criterion now reads:

> "Contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance." (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998).

biological evolution, the Park provides a special opportunity to investigate large-scale evolutionary processes in an intact landscape, especially those relating to wet-dry tropics. The archaeological remains and rock art of the Kakadu region represent an outstanding example of man's interaction with the natural environment.

Kakadu National Park contains features of great natural beauty and magnificent, sweeping landscapes. The focal points are the internationally important wetlands and the spectacular escarpment and its outliers.

Biologically, the Park is paradoxically representative and unique. It is representative of the ecosystems of a vast area of northern Australia but it is unique in that it incorporates one almost complete river system and all the major landforms and habitat types of the area, plus others not found anywhere else. These attributes provide Kakadu with the widest range of habitats and greatest number of species of any similar-sized area in monsoonal north Australia. Its position in the monsoonal tropics of a continent renowned for its unusual and endemic fauna emphasises its importance from the point of view of science and conservation" (Environment Australia, September 1998).

6.2 Guidelines for the inclusion of natural properties on the List of World Heritage in Danger

In accordance with paragraph 77 of the *Operational Guidelines* "a World Heritage property - as defined in Articles 1 and 2 of the Convention - can be entered on the List of World Heritage in Danger by the Committee when it finds that the condition of the property corresponds to at least one of the criteria" set out in paragraph 78 concerning the case of cultural properties and paragraph 79 concerning the case of natural properties. Natural properties are held to face an ascertained danger when the property is faced with specific and proven imminent danger, such as:

(a) A serious decline in the population of the endangered species or the other species of outstanding universal value which the property was legally established to protect, either by natural factors such as disease or by man-made factors such as poaching.
(b) Severe deterioration of the natural beauty or scientific value of the property, as by human settlement, construction of reservoirs which flood important parts of the property, industrial and agricultural development including use of pesticides and fertilizers, major public works, mining, pollution, logging, firewood collection, etc.
(c) Human encroachment on boundaries or in upstream areas which threaten the integrity of the property (Paragraph 79(i), *Operational Guidelines for the implementation of the World Heritage Convention*, 1998).

Natural properties are held to face potential danger when the property is faced with major threats which could have deleterious effects on its inherent characteristics. Such threats are, for example:

(a) a modification of the legal protective status of the area;
(b) planned resettlement or development projects within the property or so situated that the impacts threaten the property;

(c) outbreak or threat of armed conflict;
(d) the management plan is lacking or inadequate, or not fully implemented (Paragraph 79 (ii), *Operational Guidelines for the implementation of the World Heritage Convention*, 1998).

Section 7 of this report enunciates the ascertained and potential dangers to the natural values of Kakadu National Park.

7 THREATS LEADING TO ASCERTAINED AND POTENTIAL DANGERS

In 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 the following serious ascertained and potential threats are posed to Kakadu National Park.

The mission recommends a number or corrective measures to ensure that the serious threats and dangers to Kakadu National Park are overcome. Corrective measures are presented in the form of numbered recommendations.

7.1 Changes to the "three mines policy" for uranium mining in Australia

Between 1983 and March 1996 a "three mines policy" was in operation in Australia with respect to uranium mining. This policy limited the number of operational uranium mines in Australia to three (including the Ranger mine located within, but excised from, the Kakadu National Park), and therefore effectively excluded the possibility of uranium ore extraction at either the Jabiluka or the Koongarra Mineral Leases (both located within, but excised from, the World Heritage property). With a March 1996 change in policy, this limitation on the construction of new uranium mines in Australia came to an end.

The mission was informed that Ranger (an open cut uranium mine) is expected to continue operating for another seven or eight years. The Jabiluka mining proposal would therefore see two uranium mines operating in the Kakadu region at the same time. The mission notes that this is in contradiction with the recommendation of the Fox Inquiry (conducted more than 20 years ago) for sequential development of mines in the Alligator Rivers Region.

The mission is of the opinion that the change in uranium mining policy will have a profound impact on the integrity of Kakadu National Park as it has opened the way for the construction of at least one new uranium mine within, but excised from, the Park, and for the concomitant development of increased infrastructure support in the vicinity.

The mission is of the opinion that this significant change in uranium mining policy, and the implications of that change, may not have been adequately communicated to, and/or fully understood by, the World Heritage Committee at either its twentieth or twenty-first sessions in 1996 or 1997 respectively.

7.2 Environmental Impact Assessment process for Jabiluka

There has been heated debate over the processes adopted to evaluate the proposal for the Jabiluka mine. The Commonwealth government informed the mission that the procedures followed were in accordance with legal requirements, and provided the opportunity for public and expert inputs.

Focus of recent discussion has been on the 77 "recommendations" made by the Minister for the Environment and Heritage, Senator Hill, as a consequence of the Assessment processes, and the conversion of these to "requirements" by the Minister for Resources and Energy, Senator Parer. ERA (the mining proponent) must comply with these "requirements" before the Commonwealth government will consider issuing an export permit for uranium when the mine is proposed to become fully operational (currently expected to be in about the year 2000). There is a view by some stakeholders that the process of translating the “recommendations” into “requirements” has lessened the rigour of conditions that need to be met. The mission was concerned by the possibility of a diminution in environmental controls. The Commonwealth government provided reassurance that there has been no diminution of the "recommendations".

7.3 The Jabiluka and Ranger Milling Alternatives

The Commonwealth government has decided that all tailings from the Jabiluka mining proposal would be stored underground. Furthermore, the government has assessed two options for the milling of the ore proposed to be extracted from Jabiluka. These are known as the Jabiluka Milling Alternative (JMA) and Ranger Milling Alternative (RMA).

The milling of Jabiluka ore at Ranger was, and remains, ERA’s preferred option for the development of the Jabiluka project. It would involve the construction of a new road between the Ranger and Jabiluka Mineral Leases. The mission recognises that the RMA would have less direct impact on the Jabiluka area but that this has been opposed by the senior traditional owner because of fundamental opposition to mining. Despite not being the preferred environmental option, ERA is currently intending to install a mill at Jabiluka.

7.4 Construction of the Jabiluka uranium mine

Despite the concern expressed by the twenty-second session of the Bureau of the World Heritage Committee which met at UNESCO Headquarters from 22 to 27 June 1998, in June/July 1998 construction of a new uranium mine on the Jabiluka Mineral Lease within an enclave of Kakadu National Park commenced. The Bureau had noted that "Uranium mining in an area of high natural and cultural values is of sensitivity and concern".

Photograph 1 shows the status of the construction of the uranium mine on the Jabiluka Mineral Lease at the end of October 1998. The Jabiluka mine, unlike the open cut uranium mine at Ranger, is an underground mine. However, the underground mine requires significant surface works and facilities.

The mission is concerned that the construction of a mine, and mining of uranium, at Jabiluka have been presented to the Committee as a *fait accompli*. It is relevant to note here that Paragraph 56 of the *Operational Guidelines* clearly states that:

> **"56.** The World Heritage Committee invites the States Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage to inform the Committee, through the UNESCO Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the World Heritage value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions **that would be difficult to reverse**, so that the Committee may assist in seeking appropriate solutions to ensure that the world heritage value of the site is fully preserved." (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998), (bold added for emphasis)."

The mission seriously questions the compatibility of mining, and particularly uranium mining and milling, in such close proximity, and upstream from, a World Heritage property, and regards the Jabiluka mine as contributing threats which are posing both **ascertained and potential dangers** to the cultural and natural values of the World Heritage property. These threats are further elaborated below in Sections 7.5 to 7.17.

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.

7.5 Scientific uncertainties and the need for risk assessment

There are three issues of scientific uncertainty that lead to a finding of potential danger: (i) the degree of uncertainty concerning the quality of the hydrological modeling carried out in designing the water management plan for the mine site and the implication that this may lead to the release of water from the mine site into the Swift Creek system; (ii) the degree of uncertainty concerning the effectiveness of the concrete pasting process as a means of storing the tailings in the mine void, and (iii) the possible impacts on catchment ecosystems.

The mission received extensive briefings from ERA and the Supervising Scientist Group (SSG). The mission recognizes the scientific analyses carried out by ERA and the valuable role and work of the Supervising Scientist Group (SSG). However, in the light of the concerns expressed by some of Australia's most authoritative and widely respected scientists and the uncertainty that these concerns raise, the mission is of the view that "best practice" is not to continue mining at Jabiluka regardless of the concerns, but rather to apply the Precautionary Principle[8] which requires that mining operations at Jabiluka be ceased.

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[8] It is relevant to note here that the Bureau at its twenty-second sesion reached consensus on the need to proceed on the basis of the precautionary Principle even in the absence of complete date. Of further relevance to this point is Principal 15 of the 1992 Rio Declaration , which reads as follows:

> "... where there are threats of servious damage, lack of scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation"

There is also uncertainty expressed by ERA over the location and extent of the uranium ore body at Jabiluka and the consequent uncertainty over the final scale and duration of the Jabiluka mine. This uncertainty combined with the scientific concerns adds to the conclusion that the property is faced with a potential danger as defined in Paragraph 79 (ii) of the *Operational Guidelines*.

Given the uncertainties mentioned above, the mission notes that formal risk assessments should have been undertaken for the Jabiluka mining proposal. Risk assessment processes are capable of putting solid upper-limit probability factors against the various environmental risks; and the mission considers this essential to conveying a realistic picture of the likely overall impact of the mine.

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.

7.6 Visual impact

The mission recognizes that whilst the Jabiluka lease is not legally within the Park and World Heritage property, the location of the mine site in an enclave within the Park boundaries, and in particular in the area between the escarpment and the Magela floodplain, diminishes the natural beauty of the magnificent, sweeping landscapes of internationally important wetlands and adjacent escarpment (see Photograph I). This present impact will be increased further should the road from Jabiluka to Ranger be constructed as currently proposed (RMA - Ranger Milling Alternative) or, alternatively, should the uranium ore to be extracted from Jabiluka be milled at the mine site (JMA - Jabiluka Milling Alternative).

The view has been expressed to the mission that the visual impact of the underground mine at Jabiluka is insignificant when compared with the open cut mine Ranger (see Photograph II). While the mission notes that the Jabiluka mine site is not visible to visitors to the park from the ground, it is readily visible from the air from where visitors making overflights are especially well able to appreciate the sweeping landscapes for which Kakadu was inscribed on the World Heritage List and is famous. The mission therefore holds that the visual impact of Jabiluka, 22 km north of Ranger and Jabiru, is a distinct and significant additional impact. Furthermore, it should be noted that uranium mining is the principle reason for the expansion of the town of Jabiru located within the World Heritage property and the development of associated infrastructure. The vivid visual intrusion of Jabiru on the integrity of Kakadu National Park cannot be disputed.

Hence, the mission believes that the Jabiluka mine constitutes an ascertained danger for the natural World Heritage values of Kakadu in that it constitutes a deterioration of the "natural beauty or scientific value of the property" as set out in Paragraph 79 (i)(b) of the *Operational Guidelines*. The impact has already begun with the start of mining operations at Jabiluka in June 1998.

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.

7.7 Dangers to the cultural values of the Jabiluka Mineral Lease

The Mission was informed of the anthropological and archaeological significance of the Jabiluka Mineral Lease. Despite the fact that the Jabiluka Mineral Lease is excised as an enclave from Kakadu National Park (and therefore from the World Heritage property), overwhelming and uncontested evidence provided to the Mission from some stakeholders including traditional owners and managers, academics, and others, indicated that the cultural heritage values of the Mineral Lease are at least the equal of the abutting National Park and World Heritage property.

The mission was made aware of the two Australian Heritage Commission areas located within the Jabiluka Mineral Lease which are recognised as being of National Estate value[9]. These two areas are collectively known as the Djawumbu-Madjawarna Sites Complex and include the important archaeological site of Malakananja II used to justify the inclusion of Kakadu Stage III on the World Heritage List. Map III shows the location of the Jabiluka Mineral Lease, Ranger Project Area, Kakadu National Park and the Djawaumbu-Madjawarna Sites Complex and the approximate location of Malakananja II. As already noted above, Malakananja II is located within the Jabiluka Mineral Lease.

The value of the Djawumbu-Madjawarnarna Sites Complex (including the Jabiluka outlier and Malakananja II) is recognised, in part, by the Australian Heritage Commission listing of the Jabiluka outlier on the Register of the National Estate. Furthermore, the outstanding cultural values of the Jabiluka Mineral Lease were recognized in the Stage III nomination for inscription on the World Heritage List. Environment Australia notes that:

> "These sites and areas referred to above were all known and recorded prior to the nomination of the Park for World Heritage inscription. A number of them were referred to in the nomination documents. They did not form part of the area nominated to the World Heritage List because they were situated within a locality which not only formed part of a mining lease but also did not form part of the Park. It was therefore considered that they would not meet the necessary requirements for inscription of properties outlined in the Operational Guidelines for the World Heritage Convention" (Environment Australia, September 1998)

The mission is concerned that the cultural integrity of the Jabiluka Mineral Lease (and in particular of the Australian Heritage Commission areas including the Jabiluka Outlier and Malakananja II) is potentially under direct threat from the proximity and scale of the mine construction. This has the potential to impact on the cultural values of the adjoining World Heritage property. These threats would escalate as mine development proceeds.

The mission concluded that the existence of sacred sites, dreaming sites and trails, and other areas of particular spiritual significance to Aboriginal people were not fully considered in the course of establishing (1) the original boundaries of the Jabiluka Mineral Lease, (2) the mine construction

[9]The mission was informed that ERA does not pursue access to these portions of the Mineral Lease.

site, (3) the boundaries of the areas identified as significant by the Australian Heritage Commission, or (4) the boundaries of the World Heritage area. The mission was made aware that this may have been the result of survey and documentation methodologies and standards at the time which tended to focus primarily on archaeological, occupation, burial and rock art sites and not on sites of anthropological or associative value.

The Mission was concerned to learn that there has been no recent comprehensive archaeological and anthropological survey performed as part of the Environmental Impact Assessment process used to approve the construction of the Jabiluka uranium mine. The construction of the mine commenced without this fundamental work having been performed. Furthermore, the mission was provided with evidence by Australia ICOMOS and Australian academics that, in general, environmental monitoring and accountability relating to the construction of the Jabiluka mine did not extend to the cultural heritage domain. The mission is of the view that it is important that the cultural sites of local, regional, national and international significance located within the Jabiluka Mineral Lease are adequately protected to standards set by international best practice in cultural heritage management. Finally, the mission believes that international best environmental practice and a precautionary approach must also extend to the protection of cultural values (see Recommendation 4 below).

In this regard the mission did note the recent commencement of work on the Cultural Heritage Management Plan for the Jabiluka Mineral Lease. The Mission endorses the Australian Government decision announced to it, to subject the Interim Cultural Heritage Management Plan to peer review. The mission is of the view that this Plan should be as thorough as possible: best practice is needed here and may be achieved in consultation and with the participation and peer review 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 be 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 lead to the conservation of the cultural sites located within the Jabiluka Mineral Lease.

The mission's attention was drawn to the potential impacts of dust and vibration on rock art and archaeological sites (located both within the World Heritage property and Mineral Lease) during mine construction and mining itself. The mission was made aware of some control and monitoring processes now having been put in place in this regard. The mission suggests that very careful study of the impacts of dust and vibration on rock art and archaeological sites be maintained in the area. On this point, the mission notes that a leading expert in this field is now being consulted by the Supervising Scientist. The Mission endorses the Australian Government's recent engagement of this world-class expert to assess the potential impacts of dust, vibration, etc on rock art and occupation shelters both within, and hopefully adjacent to, the Jabiluka mine site.

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.

7.8 The Bowyeg Djang (Gecko Dreaming) site

The mission was informed of the system of beliefs that Aboriginal people have that refers to the natural features of the landscape and all that is living within it being created during a period that is now often known as the Dreaming. The landscape, including specific sites, features and tracks was formed, changed and became spiritually imbued during this period of creation.

The mission noted the uncontested evidence of the existence of the **Bowyeg Djang (Gecko Dreaming) site** within the Jabiluka Mineral Lease. Bowyeg is a site that has been documented in the literature since at least 1978.

> "Another significant Aboriginal area within the Jabiluka lease, a locality known as Boyweg, covers part of the valley where the mine is being constructed. A key element of Boyweg is a permanent soak/swamp. The area does not form part of the Register of the National Estate listing for the Djawumbu-Madjawarna Sites Complex. The Boyweg (or gecko) site, has been described as a sacred Aboriginal site relating to the Dreaming, and is regarded by some as a dangerous sacred site ... a complex of sites, known as Boyweg-Almudj, where 'Almudj' refers to the Rainbow Serpent - a prominent Dreaming figure across large areas of Australia ... " (Environment Australia, September 1998).

Whilst the fact that the landscape of Kakadu is spiritually imbued was used in the justification of the World Heritage nomination and inscription, the Boyweg site was not referred to specifically.

Some Mirarr people, and in particular their senior spokesperson (Ms Yvonne Margarula), are fundamentally fearful of the possible destructive impact of the Jabiluka uranium mine on the Bowyeg dreaming site. This fear mirrors deeply felt concerns of the late father of Ms Margarula about the potentially destructive impacts of the Ranger mine, also on Mirarr estate, on the indigenous religious/spiritual landscape. Given the scale and depth of the Jabiluka mine decline, and its underground proximity to the Bowyeg site (see Map II), such uncertainty and concern is, in the view of the mission, understandable.

The mission regards the issue of the application for the registration of the Boyweg site as a sacred site and the need to establish its boundaries as requiring urgent and separate resolution. This is particularly important because Boyweg's "area of influence" is becoming increasingly disclosed, and also contested, as the physical dimensions of the mine site, mine portal and decline are becoming increasingly apparent. The mission reached a consensus opinion that ERA should voluntarily suspend all activity that would directly or indirectly impact the areas proposed as encompassing the Boyweg site. 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 and associative values of the outstanding cultural landscape

of Kakadu. It is important for future harmonious community relations, as outlined in the Mineral Council of Australia's submission to the mission about Codes of Conduct, that all legal recourse and the potential for any future legal challenge is exhausted in mapping Bowyeg. It is important that all due process is undertaken.

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 Area's 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.

7.9 Threats to the living cultural heritage of Kakadu

The integrity of the World Heritage associative values recognized by the inclusion of Kakadu National Park on the World Heritage List on the basis of cultural criterion vi depends on the ability of affected Aboriginal communities to continue their traditional relationships to the land. Clearly this ability, and therefore the living cultural heritage values for which Kakadu National Park was listed, are demonstrably under threat. The living traditions are being directly and indirectly impacted by mining activity at Jabiluka and by other social and economic distresses.

The mission is of the opinion that threats to the living cultural traditions of Kakadu have increased since its inscription on the World Heritage List in three stages in 1981, 1987 and 1992. The nature of incursions into the Kakadu area which include mining, tourism, urbanisation and resident population growth have been thoroughly documented in the Kakadu Region Social Impact Study (KRSIS) completed in July 1997.

In analysing the social and economic conditions of the Aboriginal peoples of the Kakadu Area, the KRSIS made a significant finding relevant to this mission report. The KRSIS noted that while substantial economic investments have been realised by Aboriginal associations, particularly in the tourist industry, there has been, for a variety of reasons including population growth, little sustained progress in improving the social and economic well being of Aboriginal communities despite the large amount of money that has flowed to Aboriginal people in the area. It is also recognized by the mission that whilst there are a number of contributing causes of the social and economic distresses described in the KRSIS reports cited above, there is little question that money from mining, and associated disputation, fuels that distress.

The KRSIS made many recommendations for immediate ameliorative action by all participating parties - the Australian Government, Northern Territory Government, ERA, Parks Australia North, Aboriginal representative organisations (most notably, the Northern Land Council) and Aboriginal regional organisations (such as, the Gundjehmi Aboriginal Association). Some 15 months later the vast majority of the recommendations have not been implemented and an implementation process headed by Mr Bob Collins is only now being established.

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.

7.10 The 1982 Agreement

In 1982 when an earlier proposal to mine uranium at the Jabiluka Mineral Lease was being pursued, and because the Jabiluka Mineral Lease was Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*, agreement of the traditional owners was needed before the mine could proceed.

> "In 1982 agreement was reached, pursuant to Section 43 of the Act, between the mining company and the Northern Land Council (who were acting on behalf of the traditional owners). This agreement ... addressed the protection of Aboriginal sacred sites. The agreement (referred to as the '1982 Agreement') is an agreement between the Northern Land Council, and Pancontinental Mining Limited and Getty Oil Development Company Limited.
>
> …
>
> Energy Resources of Australia (ERA) had purchased the mineral lease from Pancontinental in 1991. In December 1991 the Northern Land Council consented to the transfer to ERA of the right to operate the Jabiluka Project (Environment Australia, September 1998).

The Mission was presented with the opinion by some stakeholders that the 1982 agreement consenting to mining at Jabiluka, was made under conditions that would not be acceptable today. Specific claim was made that the agreement was made in an atmosphere that suggested that not to agree would threaten Aboriginal land rights in the region and would prevent the flow of monies that at the time presented one of the few ways for Aboriginal people to sustain their existence in the region.

The traditional owners also asserted that ensuing agreements such as the 1991 transfer of ownership of Jabiluka from Pancontinental to ERA were not completely understood by those who signed them.

Other stakeholders are of the opinion that the 1982 Section 43 Agreement for mining uranium at Jabiluka must be honoured, as must the 1991 transfer of ownership.

The mission considers that Jabiluka serves as a critical threshold in the relationship between the Aboriginal people of Kakadu, and the impact of development infrastructure upon their country and beliefs, and therefore that any continuation or escalation of disputation on this issue has the potential to further fracture the regional Aboriginal polity, further undermine and ultimately

extinguish the living cultural heritage of indigenous people, and in particular the Mirrar, in the region. 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 (see Section 4 above) and therefore reconsider the status of the 1982 agreement and the 1991 transfer of ownership.

In summary, the mission considers that the strongly held beliefs of the traditional owners must be respected and that furthermore, the implementation of the *World Heritage Convention* (in this case the protection of the living cultural traditions recognised through World Heritage inscription) must take into account the fundamental rights of the indigenous people (see Section 4 above).

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 Margarulu, 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.

7.11 Lack of recognition of the Kakadu cultural landscape

The mission was made constantly aware that the living cultural tradition of Kakadu, recognised through World Heritage inscription, is underpinned by the special relationship between the Aboriginal traditional owners and their land. However, at the time of the December 1992 Stage III inscription of Kakadu National Park on the World Heritage List, Kakadu was not assessed or evaluated as a potential World Heritage cultural landscape as, at that time, the World Heritage cultural landscape categories had not yet been approved by the World Heritage Committee[10]. This point has been noted on a number of occasions, most recently by ICOMOS at the twenty-second session of the Bureau of the World Heritage Committee in June 1998. At that time ICOMOS

[10] According to Paragraph 39 of the *Operational* Guidelines, World Heritage cultural landscapes fall into three main categories, namely:

(i) The most easily identifiable is the clearly defined landscape designed and created intentionally by man. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

(ii) The second category is the organically evolved landscape. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:
- a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
- a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.

(iii) The final category is the associative cultural landscape. The inclusion of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent (*Operational Guidelines for the Implementation of the World Heritage Convention*, 1998).

expressed the need to better assess the full diversity of cultural values, including spiritual values and living cultural traditions, at Kakadu and in the Jabiluka mining lease. ICOMOS also commented that at the time of inclusion in the List, nomination as a cultural landscape had not been possible, and raised the possibility of Kakadu being considered in the future as a cultural landscape of potential World Heritage value.

The mission heard of the support for the concept of World Heritage cultural landscapes from a number of stakeholders who described, in detail, the particular relevance of the concept to the recognition and conservation of the intense connectedness between the traditional owners of Kakadu and their environment. The mission learnt that in 1995 the Kakadu National Park Board of Management lodged a formal request to the Commonwealth Government to renominate Kakadu as a World Heritage cultural landscape.

A number of stakeholders referred to the excision of the Jabiluka Mineral Lease from the area nominated to and inscribed on the World Heritage List as failing to reflect the views, perceptions and meanings of that area as an integral part of the regional cultural landscape and their living cultural traditions.

It was also noted that cultural heritage criterion (iii) had been used to justify the inclusion of Kakadu National Park Stages I and II on the World Heritage List. Between 1980 and 1992 the text of cultural heritage criterion (iii) read “Bear a unique or at least exceptional testimony to a civilization which has disappeared”. The Stage III nomination notes that "Kakadu National Park also meets aspects of criterion (iii) in that it bears unique, or at least exceptional, testimony to a civilisation. It does not fully meet this criterion because there has been continuous occupation of the area and the civilisation cannot therefore be considered to have disappeared". However, since being modified by the World Heritage Committee at its sixteenth session in December 1992, the text of cultural heritage criterion (iii) now reads “Bear a unique or at least exceptional testimony to a civilization **or cultural tradition** which has disappeared” (bold added for emphasis). Criterion (iii) now has increased applicability to places such as Kakadu National Park where living cultural traditions continue to exist and are of outstanding universal value.

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.

7.12 Limitations to the boundaries of Kakadu National Park

Whilst the mission acknowledged the extensive area of the National Park and World Heritage property (19,804 km^2), the mission was in favour of the suggestions made in a number of submissions to extend the World Heritage property to include more of the catchment of the East Alligator River. Such an extension is vital to ensure the ecological integrity and conservation of the downstream wetlands which form the core of the World Heritage property. Without this protection, the ecological integrity of the Kakadu region, including the existing World Heritage

property, is in potential danger as the possibility of additional mining projects commencing in the upper catchment has not been excluded.

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.

7.13 Threat to the continuation of the "joint management" regime at Kakadu National Park

In 1989 a Board of Management was established for Kakadu National Park. The Board is composed of 14 people including 10 Aboriginal people nominated by the traditional owners of the Park. The Chairperson of the Board is selected from the Aboriginal members of the Board. This arrangement has been interpreted as reinforcing the status of Aboriginal traditional owners as the landlords or lessors of much of the Park and World Heritage property.

Kakadu National Park and World Heritage property is one of a small number of National Parks in Australia that operates under the oversight of a Board of Management. It is notable that this is an operations and decision-making Board, not just an advisory board. The “joint management” of Kakadu by Aboriginal and non-Aboriginal people has been praised as a model for cross-cultural stewardship of a protected area.

The mission notes that, generally speaking, the parties involved feel the concept of "joint management" has worked well. It is further noted that all parties stressed that it takes commitment to, and constant working with, this process and should not be taken for granted. One individual has summed this up as follows: "Trust and co-operation is what makes it work - hard won, easily lost". It is this last comment that leads the mission to express concern.

There is a growing concern on the part of the Board itself and others that existing and proposed changes are fostering a deterioration of that trust. Deterioration to the point that the mission was informed that the Aboriginal lessees will consider legal action to **cancel** the lease of the National Park should the lease holder be changed by proposed legislation (the *Environment Protection and Biodiversity Conservation Bill 1998*).

If "best practices" are to exist and World Heritage values protected through management of the Park, this deterioration of communication and trust must be reversed.

The mission was petitioned by the indigenous members of the Kakadu Board of Management in closed session and in the Board's written and public submission about concerns about proposed amendments as incorporated in the *Environment Protection and Biodiversity Bill 1998*. The Board is concerned about a ministerial requirement that a Northern Territory Government representative is included on the Board as an additional member and that the Director of National

Parks becomes accountable to the Minister via the Secretary of the Department of Environment and Heritage. These concerns must not be taken lightly. They reflect a historic ambivalence of some Board members to the Northern Territory Government, particularly owing to some of its past public positions on National Parks and Land Rights; a predictable reaction to imposition without due consultation and an example of bi-passing regional protocols; and a reflection of the autonomy of the Board. Importantly, this resistance to change also reflects a Board confidence in the way that joint management has worked in the past decade. The mission understands that the Northern Land Council has taken initial steps to revoke the lease of Kakadu National Park to the Commonwealth. The mission is concerned that any tensions in the exemplary joint management practice of Kakadu could threaten the management of the World Heritage property.

The Australian Government should carefully consider the Board's reaction on these issues, especially as some Board members are also members of Mirarr clan and of the Djabulukgu Association. These changes appear to these Aboriginal people as yet another imposition, and trust is again eroded. Similarly, the mission is concerned that while the Supervising Scientist remains an independent statutory office holder to ensure an appearance of total independence from government, it is proposed that the Director of National Parks is not. This, in regional terms, may appear inconsistent.

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.

7.14 Overall breakdown in trust and communication

Throughout the mission it was apparent that there is a growing despondency among Aboriginal people in the Kakadu National Park region about the deterioration of relations and communication with a range of external parties - namely the Australian Government, the Northern Territory Government, ERA, Environment Australia and the Northern Land Council (NLC, an indigenous statutory body charged with representing their interests). Despite the institutional frameworks for indigenous empowerment manifest in structures like the Kakadu Board of Management and rights established by Land Rights legislation since 1976, effective indigenous influence in the face of increasing development pressures is abating.

Indigenous relationships with external institutions are built over the longer term and are frequently based on relationships of trust with key individuals. Such trust requires considerable personal investment. Trust is being undermined incrementally by a series of external impositions that are rarely based on diplomatic negotiation between Aboriginal land owners and external agencies. For example, the mission heard that proposed changes to the membership of the Kakadu Board of Management and the proposed change to the status of the Director the National Park Service (see Section 7.13 above) have been poorly communicated, not adequately negotiated and are therefore

undermining valuable relationships of trust previously established between indigenous and non-indigenous stakeholders of Kakadu National Park. The mission considers that such a breakdown in communication and trust has the potential to jeopardise the conservation and management of Kakadu National Park and that until ameliorative action is taken the living cultural heritage of the Park, namely its indigenous population, will remain under threat.

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.

With specific reference to the Supervising Scientist's Group (SSG) the mission was informed of the technical competence and expertise of the SSG, and of the long term chemical, biological and radiological monitoring programs in place at Ranger. In its discussions in the region, the mission did become aware of a number of concerns in relation to the SSG:

- The community considers it difficult o interact and communicate with the SSG, in particular the Environmental Research Institute (ERISS). The mission was informed that this has been recognized by the SSG and a position has been created specifically to remedy this problem.

- The intention to relocate much of ERISS to Darwin is seen to be making the SSG more remote, and could exacerbate the matter raised above. While the mission recognizes the reasons for such a move, it believes that a strong presence needs to be maintained at Jabiru.

- The membership of the Advisory Committee is extensive, but recent decisions to reduce representation of non-governmental organisations, and in particular conservation groups, is seen as detrimental to open and informed debates on environmental matters and other topics relating to mining in the Alligator Rivers Region. The mission is of the opinion that the question of membership of the Advisory Committee should be reconsidered.

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.

7.15 The Koongarra Mineral Lease

The mission noted that the Koongarra Mineral Lease (see Map I) is located near the highly culturally significant and highly visited Nourlangie outlier with its outstanding galleries of rock art. The Australian Government articulated a view to the mission that this Mineral Lease excised from Kakadu National Park should never be developed. It was however acknowledged that the legal rights of traditional owners under Australian law include the opportunity to oppose this view.

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.

7.16 The town of Jabiru

The mining and tourism town of Jabiru is located within the World Heritage property (see Map I).

The mission noted the concern expressed by a number of stakeholders that the town of Jabiru will continue to grow and become a regional-urban centre beyond current planning and inconsistent with the objectives of managing a World Heritage property. This concern is heightened given the opening of a second uranium mine (Jabiluka) and the concomitant urban and infrastructure development within the Kakadu region.

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.

8 OTHER THREATS

The Mission was informed of substantial progress in improving certain elements of the natural heritage integrity of the Park since inscription on the World Heritage List. Most notably the mission notes favourably the removal of buffalo from the Park area, the increased control of weed invasions and some improvements in infrastructure and management arrangements to reduce the impact of visitors to the Park. However, several mission members were of the opinion that the following additional threats to the ecological integrity of Kakadu National Park should be mentioned in this report.

8.1 Fire and feral animal management

The mission was informed that the mining, mine construction and infrastructure development activities carried out by Energy Resources Australia Inc. (ERA), both at the Ranger and Jabiluka mine site and Jabiru, have impacts on the management of the National Park. Concerns over fire and feral animal management in the mineral leases, and between the mineral leases and National Park, were raised by the Board, the Park staff and the Commonwealth government representatives. It was suggested that funds be made available by ERA to Parks Australia to deal with these and other resource and management issues caused by the town and mine sites. ERA

acknowledged these problems to the mission and indicated a willingness to delegate land management to Parks Australia in the areas of the Mineral Leases away from the immediate location of the mine sites.

8.2 Weeds

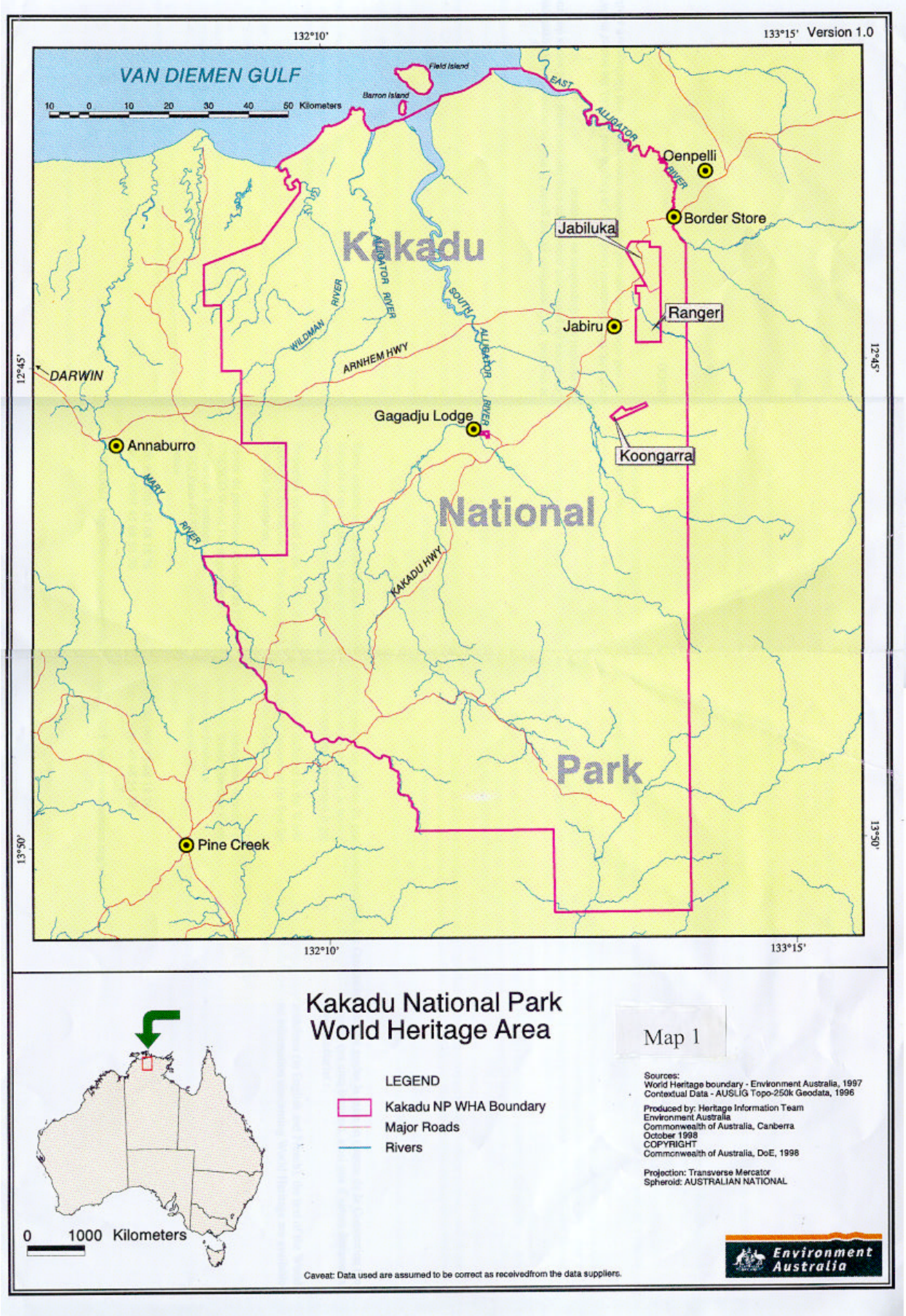
The mission was impressed by the efforts to control outbreaks of weed in the Park, and the remarkable success achieved. Obviously this will be an ongoing problem until biological or other control mechanisms are developed to remove, or drastically reduce, these weeds from northern Australia. The mission notes that this control is a costly process, but stresses that this intensive effort should be continued to preserve the integrity of the natural heritage values of the World Heritage property.

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.

8.3 Cane toads

The mission was made aware of the steady migration of cane toads (a destructive introduced species in Australia) towards Kakadu. The mission recognised that there is some debate as to the level of impact which this pest may have, and that either because of this or for other reasons, there has been a reduction in funding made available to study ways to control this threat. The mission notes that the cane toad might have severe, even devastating, effects on some of the native fauna in Kakadu, and considers that application of the Precautionary Principle leads to the view that necessary resources be provided to tackle this problem as a matter of urgency.

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.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VAN DIEMEN GULF
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SOUTH ALLIGATOR RIVER
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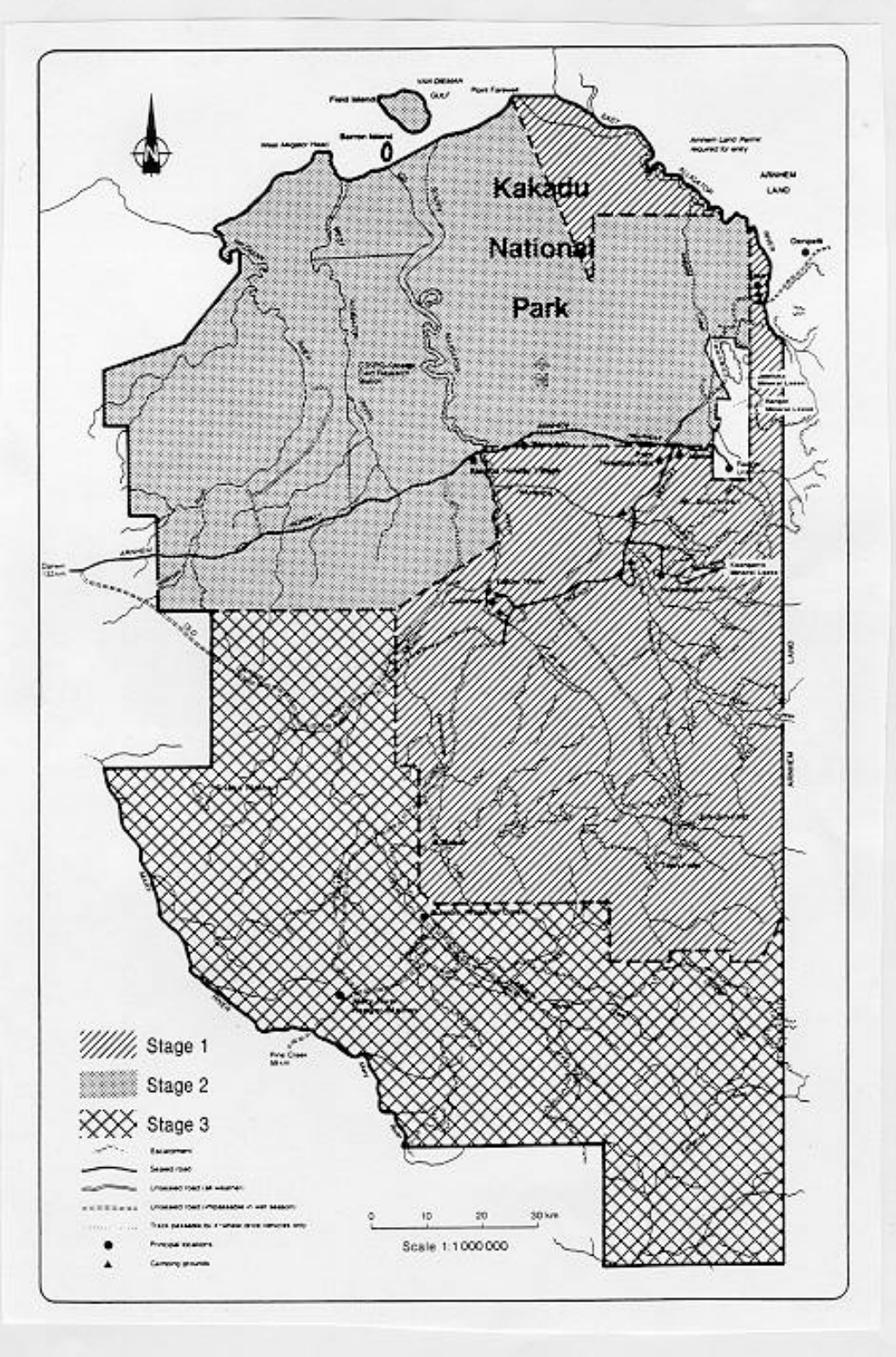
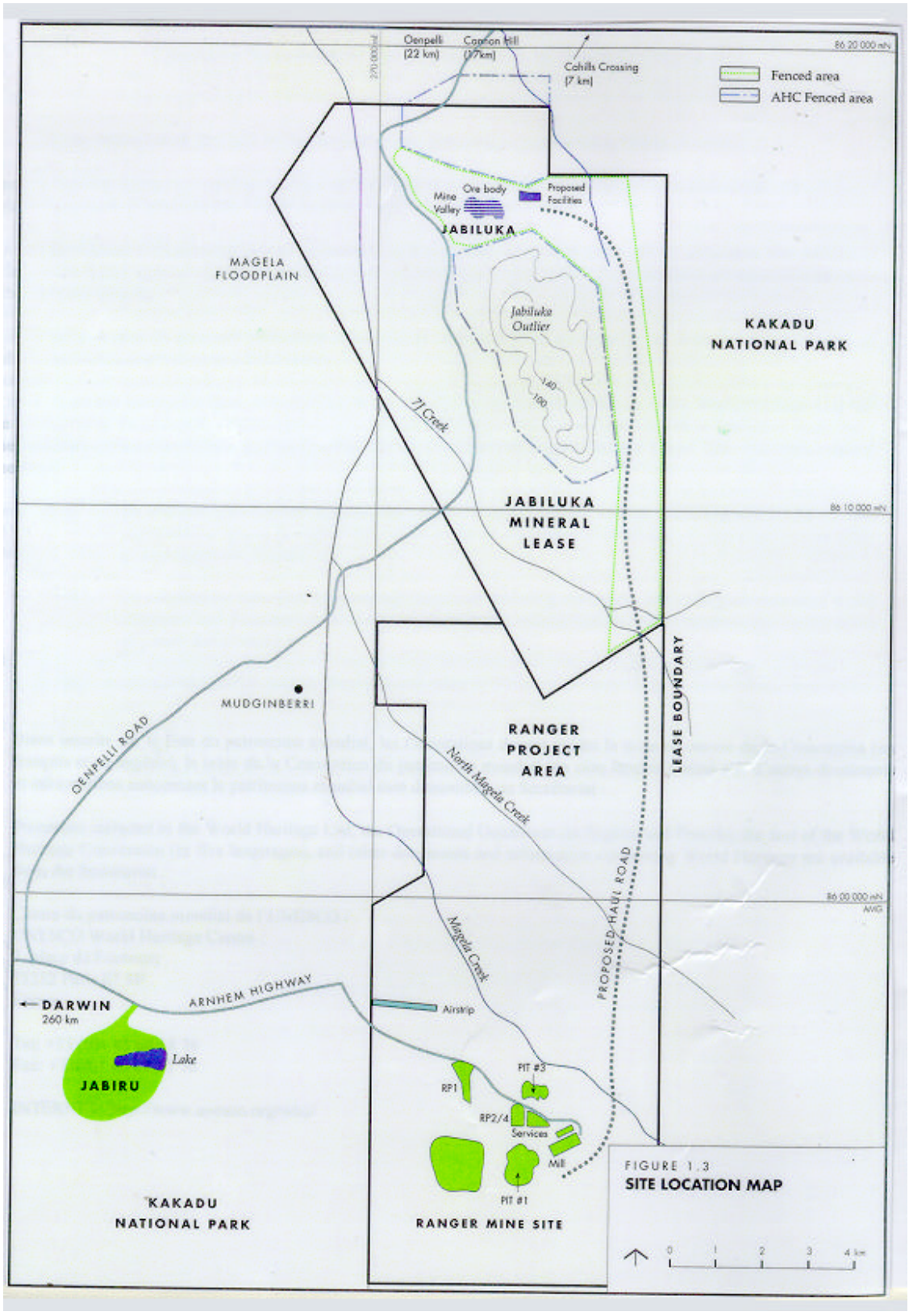
Jabiru
ARNHEM HWY
DARWIN
12°45'
Gagadju Lodge
Annaburro
Koongarra
MARY RIVER
National
KAKADU HWY
Park
Pine Creek
13°50'
0 1000 Kilometers
Kakadu National Park
World Heritage Area
Map 1
LEGEND
Kakadu NP WHA Boundary
Major Roads
Rivers
Sources:
World Heritage boundary - Environment Australia, 1997
Contextual Data - AUSLIG Topo-250k Geodata, 1996
Produced by: Heritage Information Team
Environment Australia
Commonwealth of Australia, Canberra
October 1998
COPYRIGHT
Commonwealth of Australia, DoE, 1998
Projection: Transverse Mercator
Spheroid: AUSTRALIAN NATIONAL
Caveat: Data used are assumed to be correct as receivedfrom the data suppliers.
Environment Australia

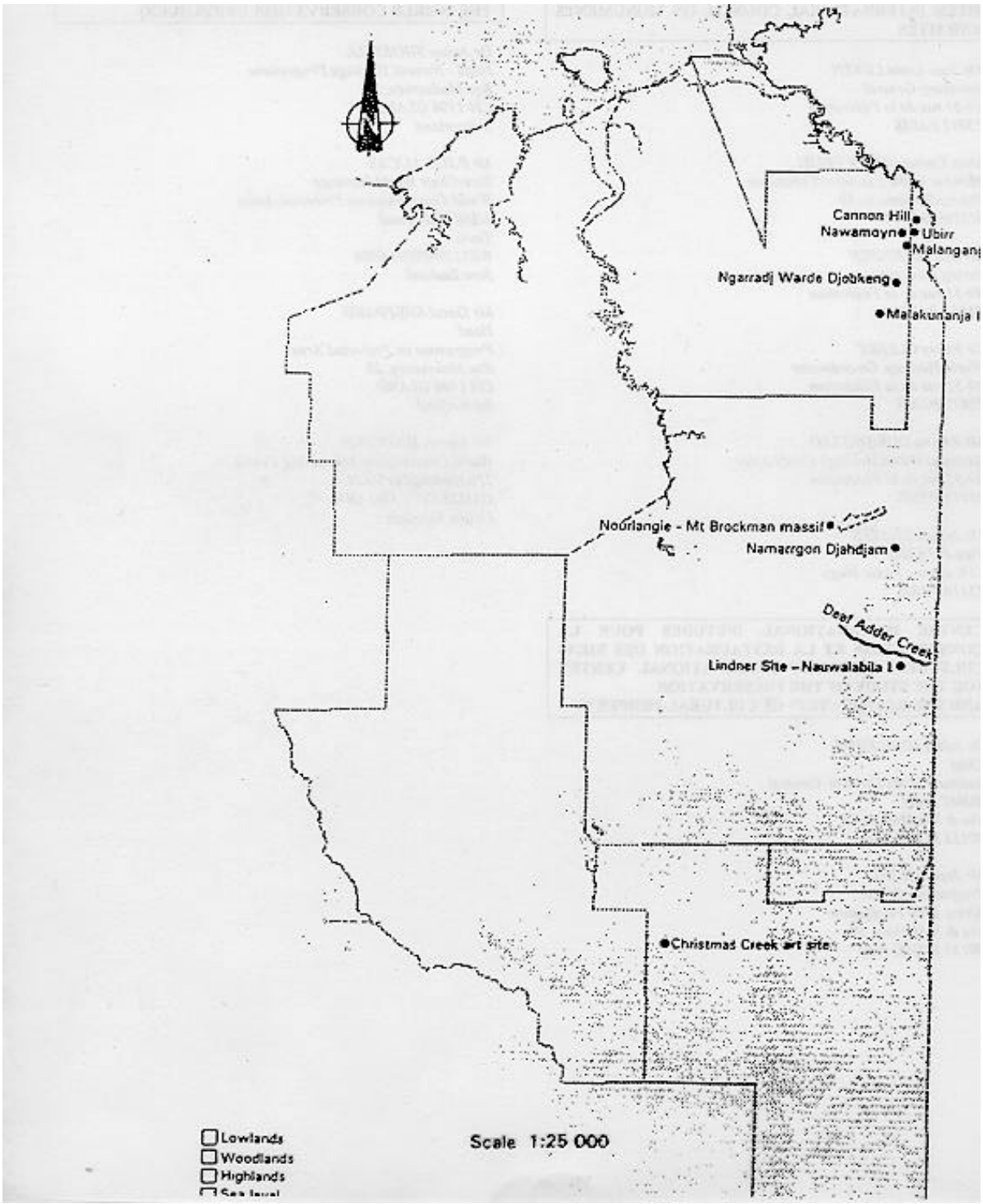
Map II The three stages of Kakadu National Park

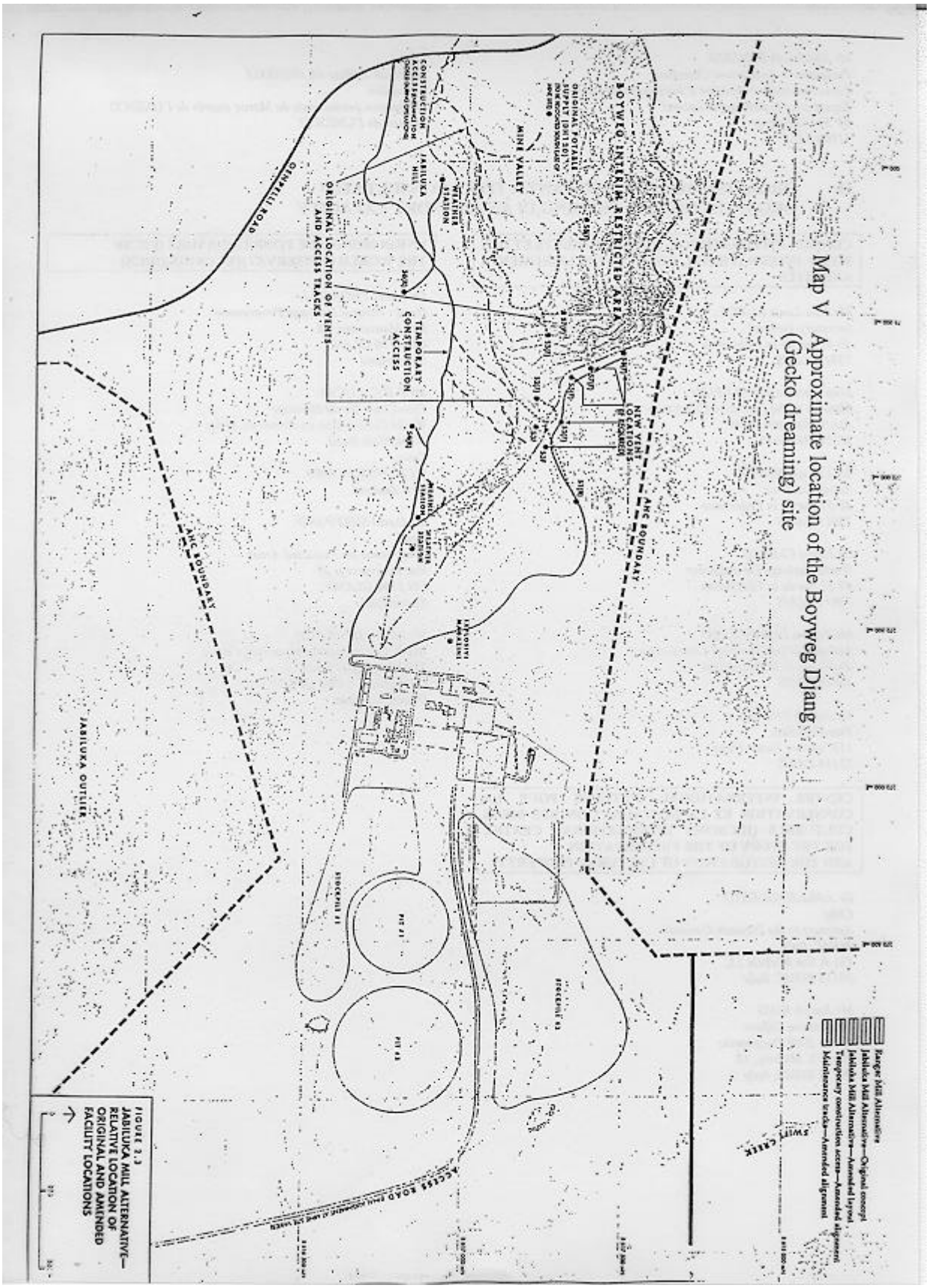


Map III Jabiluka and Ranger Mineral Leases, the two Australian Heritage Commission areas known as the Djawaumbu-Madjawarna Sites Complex



Map IV Location of major Aboriginal art and archaeological sites in Kakadu National Park, including the archaeological site known as Malakananja II (within the Jabiluka Mineral Lease)




Map V Approximate location of the Boyweg Djang
(Gecko dreaming) site
BOYWEG INTERIM RESTRICTED AREA
ARC BOUNDARY
NEW VENT LOCATIONS IN QUARRY
TEMPORARY CONSTRUCTION ACCESS
ORIGINAL LOCATION OF VENTS AND ACCESS TRACKS
MINE VALLEY
JABILUKA HILL
DJMPALLI ROAD
ACCESS ROAD
JABILUKA OUTLIER
SWIFT CREEK
Ranger Mill Alternative
Jabiluka Mill Alternative—Original concept
Jabiluka Mill Alternative—Amended layout
Temporary construction access—Amended alignment
Maintenance tracks—Amended alignment
FIGURE 2.3
JABILUKA MILL ALTERNATIVE—
RELATIVE LOCATION OF
ORIGINAL AND AMENDED
FACILITY LOCATIONS

Photograph 1 Aerial view showing the status of the construction of the uranium mine on the Jabiluka Mineral Lease, October 1998.

Photograph 2 Aerial view of the Ranger uranium mine, October 1998.

ANNEX I

Statement received from Professor Jon Altman, prepared jointly with Dr Roy Green (24 November 1998)

Professor Francesco Francioni
Chairperson of the World Heritage Committee
UNESCO World Heritage Centre
7, Place de Fontenoy
75352 Paris 07 SP
FRANCE

Dear Professor Francioni

Thank you for sending me, and other Mission members, a copy of the confidential second draft of the Mission's report. There has obviously been a great deal of effort put into the report in order to ensure informed discussion in Kyoto. I have been asked by Dr Roy Green to also comment on his behalf and the brief comments made here represent our collective view.

Dr Green and I have some remaining concerns. We entered the Mission reporting phase, after our final sessions on 31 October 1998, in a spirit of consensus. The majority drafting group, comprising Dr John Cook, Dr Roy Green, Dr Patricia Parker and myself drafted an initial report in this spirit with the understanding that we would make a genuine attempt to incorporate the stated views of all Mission members.

The fundamental thrust of the report we drafted was to outline potential threats to the cultural and natural values of Kakadu National Park posed by a range of factors, especially the proposed Jabiluka mine. We wrote a series of extremely strong recommendations urging the Australian Government to consider these issues and report back in detail to the 23rd session of the Committee and its Bureau in 1999. Essentially we believed that we had found a way forward to ensure that the Australian Government reformed the Jabiluka mining proposal to comprehensively protect the values of the Kakadu World Heritage Area.

The first circulated draft of 17 November was in our view a little provocative in tone and allowed little room for compromise on Jabiluka. As co-authors of the majority draft, and under enormous time pressure, we rejected such an uncompromising stance and urged significant change. We are very pleased that in the current draft (of 23 November) a number of the suggestions made by all members have now been incorporated.

We remain disappointed, however, that our views on a number of major issues have been disregarded without an attempt to mediate our differences on whether the final report should have a no-mining statement. We realise that this might largely be due to time constraints. We are also acutely aware that the issues we are addressing are extremely difficult and sensitive. But if we, as a UNESCO Mission, cannot constructively discuss our areas of agreement and disagreement and find a consensus resolution, how can we expect the Australian Government, the mining company

and the Aboriginal traditional owners to do so? Now, we are left in the unenviable position where we can only place our concerns in the form of a qualifying statement to a report that includes several key recommendations not endorsed by all; this could make informed decision-making problematic.

In general terms, we strongly support the majority of the report's recommendations, but we cannot endorse Recommendations 1, 2, 3 and 7 and have some reservations about elements of Recommendations 5, 9 and 13. We reiterate our overall support for recognising the very strong environmental case for milling Jabiluka ore at Ranger. I would like to draw attention to our specific concerns with four of the major recommendations:

Recommendation 1: There was no recommendation from the majority calling for immediate halting of the Jabiluka mine. A mine has existed at Ranger, adjacent to the World Heritage Area, for nearly twenty years? Is the intention of the Mission to regard mining and World Heritage as mutually exclusive? If so, should the Committee regard the original decision to inscribe the Park as a mistake?

Recommendation 2: The treatment of scientific issues is selective, accepting evidence to support the position not to countenance Jabiluka and disregarding all other evidence, including the world-class work carried out at Ranger. We are concerned at the dismissal, without discussion or argument, of credible scientific evidence put forward by scientists with two decades of experience in the region in favour of the views expressed by three equally credible scientists from one university. We are disappointed that there is little discussion of the Ranger Milling Alternative which was the Mission's preferred option that had the unanimous support of all scientific opinion. The option to delay mining until scientific concerns are addressed, as was suggested by the majority, is not even canvassed.

Recommendation 3: The Mission notes that the Jabiluka mine site would not be visible from areas frequented by visitors. Visual encroachment on the World Heritage Area would only be visible from the air as in Photograph 1. Is this therefore the benchmark we wish to apply in all World Heritage Areas? The Jabiru township issue was not discussed in any detail by the Mission and no conclusion was reached that expansion would be due to mining at Jabiluka rather than expansion due to tourism growth.

Recommendation 7: This recommendation ignores the considerable sovereign risk implications of requiring the Australian Government to reconsider the status of the 1982 and 1991 agreements. It would overturn the principles of property law in Australia, establishing the precedent that a changing oral consent could over-rule a written contract, thereby privileging the property rights of one group over another, and would jeopardise Aboriginal economic opportunities based on mining futures and, possibly, the credibility of Aboriginal land rights law.

In conclusion, it is still not entirely clear to us how the fundamental shift to an anti-mining philosophy from the consensus, or at least majority, position reached on 31 October occurred. Our support of that position was based on a pragmatic view that it would be a much more effective means to ensure further ameliorative action by the Australian Government to address any potential

threats to Kakadu's World Heritage status.

I emphasise that Dr Green has participated fully in the preparation of these comments and is fully supportive of them. We remain extremely grateful for the opportunity to participate as members of the UNESCO Kakadu Mission, but remain concerned about the manner of arriving at four key recommendations in the final report.

Yours sincerely

Professor Jon Altman

24 November 1998

ANNEX II

TERMS OF REFERENCE - WORLD HERITAGE MISSION TO KAKADU NATIONAL PARK, AUSTRALIA

Preamble: Kakadu National Park, Australia was inscribed on UNESCO's World Heritage List in three stages, in 1981, 1987, and 1992, respectively. In 1981 and 1987 when the nomination of Kakadu Stages I and II were completed, Kakadu was recognised on the basis of cultural heritage criterion (iii) and natural heritage criteria (ii), (iii) and (iv). The evaluation of the Stage III nomination in 1992, led to a revision of the cultural heritage criteria under which Kakadu is inscribed on the World Heritage List; i.e. under cultural heritage criteria (i) and (vi), instead of under criterion (iii).

Changes to the cultural and natural heritage criteria, used in the nominations and evaluations of Kakadu National Park and its inscription on the World Heritage List are provided in Annex 1 and Annex 2.

Ranger, Jabiluka and Koongarra are three mining leases, which are not part of Kakadu National Park nor the area nominated to and inscribed on the World Heritage List. The Ranger mine has been in operation for eighteen years. Of the other two mining leases, consideration of proposals for mining Jabiluka - an enclave within, but outside the boundaries of the Kakadu National Park - have raised serious concerns among some environmental organisations. In 1982 an agreement was reached with the Northern Land Council on behalf of the Mirrar people, the traditional owners of the Jabiluka mining lease area, to allow mining to proceed. Some traditional owners now oppose the mining.

The World Heritage Committee and its Bureau received several reports on the state of conservation of Kakadu National Park, during their twenty-first and twenty-second sessions, in 1997 and 1998, respectively. The Commonwealth Government of Australian has provided detailed reports to the Committee and the Bureau to demonstrate its commitment to the conservation of World Heritage values of Kakadu National Park. An assessment and approvals process involving both levels of Government in Australia – that of the Commonwealth and the Northern Territory – has allowed development of the mine site to proceed subject to more than 70 stringent environmental conditions. An additional process is in place to assess the milling and tailing options for the Jabiluka mine. Yet, Australian and international environmental NGOs, and individuals and groups speaking on behalf of the Mirrar people have rejected the mining proposal because they believe that mining at Jabiluka will have an irreversible impact on the integrity of World Heritage values of the Kakadu National Park and the heritage of the Mirrar people. The traditional lands of the Mirrar people cover areas both within and outside the World Heritage Area.

Technical data and information concerning the Jabiluka mining proposal and its environmental and cultural impacts are voluminous and complex. Different stakeholders hold diverse and contradictory views on the potential impacts which the mining proposal would have on the World Heritage values of the Kakadu National Park. Hence, the Bureau of the World Heritage Committee, at its twenty-second session held at UNESCO, Paris, during 22-27 June

1998, requested the Chairperson of the Committee to lead a mission to Australia and Kakadu National Park. The mission's findings and recommendations are expected to tabled for discussions to the twenty-second extra-ordinary session of the Bureau (27-28 November 1998) and the twenty-second ordinary session of the Committee (30 November – 5 December 1998), to be held in Kyoto, Japan.

Goals and Objectives: The goals of the mission are to:

(a) Enable the Bureau and the Committee to obtain an up-to-date and balanced view of any ascertained and potential threats posed by the Jabiluka mining proposal to the World Heritage values of Kakadu National Park; and

(b) facilitate discussions of the Bureau and the Committee, concerning the Jabiluka mining proposal, during their respective sessions in Kyoto, Japan, in November-December 1998, to arrive at a set of recommendations which will effectively address any significant mine- related issues and problems that may be threatening the World Heritage values of the Park.

The objectives of the mission are to:

(i) Note, on the basis of cultural and natural heritage criteria for which the site has been inscribed on the World Heritage List, the World Heritage values of the Kakadu National Park;

(ii) Determine and describe any ascertained and potential threats to the World Heritage values of the Kakadu National Park, particularly in relation to possible threats arising from the Jabiluka mining proposal;

(iii) Review the more than 70 environmental conditions and other measures put in place by the Commonwealth Government of Australia for compliance by the proponents of the Jabiluka mining project and assess their relevance and adequacy for the conservation of the World Heritage values of the Kakadu National Park;

(iv) Listen to, and analyse the various stakeholders' (including the Mirrar and other groups of traditional owners within Kakadu) points of view of any ascertained and potential threats posed by the Jabiluka mining proposal to the World Heritage values of the Kakadu National Park; and

(v) Provide a succinct synthesis of the findings and recommendations of the mission and recommend any measures to safeguard the World Heritage values of the Park, including whether it should be considered for inclusion in the List of World Heritage in Danger, for consideration by the Bureau and the Committee at their respective sessions in Kyoto, Japan, during November-December 1998.

Composition of the Mission Team:

The mission team will comprise the following individuals and expertise:

(a) The Chairperson of the World Heritage Committee, Professor Francesco Francioni, who is also a Professor of Law at the Faculty of Law in Sienna, Italy. Professor Francioni is a specialist in International Environmental Law and will lead the mission in his capacity as the Chairperson of the World Heritage Committee; and

(b) Dr Bernd von Droste, Director, World Heritage Centre, UNESCO, Paris is the former Director of the Division of Ecological Sciences at UNESCO and Secretary of the MAB Programme. Dr von Droste has been involved in international programmes for the conservation of the environment and biodiversity and has participated in similar missions to resolve World Heritage conservation issues and problems in Yellowstone (USA) and Galapagos (Ecuador) National Parks, Lake Baikal (Russian Federation), Machu Picchu (Peru) and Mt Nimba (Guinea).

In addition to the two individuals mentioned above, the mission team will comprise one expert each representing the Advisory Bodies to the World Heritage Convention on cultural and natural heritage conservation; namely International Council of Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN), respectively. Depending on the profile of the IUCN and ICOMOS experts to be identified, one or more other international experts may have to be invited to ensure coverage of the full range of expertise needed for fielding a mission team which will attain the goals and objectives of the mission. The main areas of expertise which are being sought are the following:

(i) Conservation of environmental and natural heritage values in protected areas and surrounding lands;

(ii) Experience in addressing threats and problems arising from proposed and on-going projects to extract mineral resources is essential[2];

(iii) Preservation of the cultural heritage of indigenous communities, particularly with regard to addressing ethical and legal issues involved in the identification and conservation of cultural heritage of indigenous peoples;

(iv) Work experience in addressing such issues in a World Heritage site and/or a protected area will be an advantage.

In addition, up to two Australian nationals will be invited to be a permanent member of the team. He/she/they should have the following attributes:

(i) Direct experience with the work of the World Heritage Convention at the international level;

(ii) Recognised contributions to the implementation of the World Heritage Convention

in Australia;

(iii) Perceived impartiality by the Australian community in relation to the public debate about uranium extraction at the Jabiluka site;

(iv) Stature, maturity and conflict resolution skills so as to facilitate the team's negotiations and discussions with the different stakeholders concerned with the Kakadu-Jabiluka mining issue; and

Dates of the Mission: From 4 to 10 October 1998

Mission Plan: The Commonwealth Government of Australia, in consultation with all the stakeholders concerned, is responsible for suggesting to the Chairperson of the World Heritage Committee, the World Heritage Centre, IUCN and ICOMOS a plan for the mission. The plan shall include, for example, the following:

(a) An equitable and appropriate allocation of time of the mission to hearing the views of the different stakeholders, in particular the Commonwealth Government of Australia, the Government of the Northern Territory, representatives of affected Aboriginal people in the Kakadu region (including the Mirrar people), Australian non-Governmental Organisations and other relevant national and local groups representing academe, the mining industry and others as appropriate.

(b) A visit to Kakadu National Park, including to the Jabiluka mining lease area.

(c) A visit to the Ranger mining lease, which has been operational for the last eighteen years in order to understand its environmental impacts and effectiveness of mitigation measures that have been implemented will be highly desirable.

Expected Mission Outputs: The principal outputs expected are:

(a) A comprehensive report on the findings and recommendations of the mission, including a detailed analysis of any ascertained and potential threats to the World Heritage values of Kakadu National Park posed by the Jabiluka mining proposal, and recommendations concerning mitigating measures. The report should be finalised before 10 November 1998 and be made available in English and French at the Bureau and Committee sessions to be held in Kyoto, Japan in November-December 1998;

An executive summary of the mission's findings and recommendations, to be finalised, before 15 October 1998, for inclusion in the working document on the state of conservation of properties included in the World Heritage List for the twenty-second extra-ordinary session of the Bureau, to be convened on 27 and 28 November 1998, in Kyoto, Japan.

ANNEX 1 Changes to cultural heritage criteria, 1978 to 1998

Cultural heritage criterion	*Operational Guidelines* 1978	*Operational Guidelines* October 1980	*Operational Guidelines* January 1984	*Operational Guidelines* February 1994 (As revised by World Heritage Committee, December 1992)	*Operational Guidelines* February 1998 (As revised by World Heritage Committee, December 1997)
i	Represent a unique artistic or aesthetic achievement, a masterpiece of the creative genius.	Represent a unique artistic achievement, a masterpiece of the creative genius.	No change	Represent a unique artistic achievement, a masterpiece of creative genius.	No change
ii	Have exerted considerable influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental sculpture, garden and landscape design, related arts, town-planning or human settlements.	Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or town-planning and landscaping.	No change	Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or town-planning and landscape design.	Exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design.
iii	Be unique, extremely rare, or of great antiquity.	Bear a unique or at least exceptional testimony to a civilization which has disappeared.	No change	Bear a unique or at least exceptional testimony to a civilization or cultural tradition which has disappeared.	Bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.
iv	Be among the most characteristic examples of a type of structure, the type representing an important cultural, social, artistic, scientific, technological or industrial development.	Be an outstanding example of a type of structure which illustrates a significant stage in history.	Be an outstanding example of a type of building or architectural ensemble which illustrates a significant stage in history	Be an outstanding example of a type of building or architectural ensemble or landscape which illustrates (a) significant stage(s) in human history.	Be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history.
v	Be a characteristic example of a significant style of architecture, method of construction or form of town-planning or traditional human settlement that is fragile by nature or has become vulnerable under the impact of irreversible socio-cultural or economic change.	Be an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.	No change	Be an outstanding example of a traditional human settlement or land-use which is representative of a culture (or cultures), especially when it has become vulnerable under the impact of irreversible change.	No change
vi	Be most importantly associated with ideas or beliefs, with events or with persons, of outstanding historical importance or significance.	Be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance (the Committee considered that this criterion should justify inclusion in the List only in exceptional circumstances or in conjunction with other criteria).	No change	Be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (the Committee considers that this criterion should justify inclusion in the List only in exceptional circumstances or in conjunction with other criteria.	be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (the Committee considers that this criterion should justify inclusion in the List only in exceptional circumstances and in conjunction with other criteria cultural or natural).

ANNEX 2 Changes to natural heritage criteria, 1978 to 1998

Natural heritage criterion	Operational Guidelines 1978	Operational Guidelines October 1980	Operational Guidelines November 1983	Operational Guidelines February 1994 (As revised by World Heritage Committee, December 1992)	Operational Guidelines February 1998 (As revised by World Heritage Committee, December 1997)
i	Be outstanding examples representing the major stages of the earth's evolutionary history. This category would include sites which represent the major "eras" of geological history such as the "the age of reptiles" where the development of the planet's natural diversity can well be demonstrated and such as the "ice age" where early man and his environment underwent major changes.	Be outstanding examples representing the major stages of the earth's evolutionary history.	No change	Be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features.	No change
ii	Be outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment. As distinct from the periods of the earth's development, this focuses upon ongoing processes in the development of communities, of plants and animals, landforms and marine and fresh water bodies This category would include for example (a) as geological processes, glaciation and volcanism, (b) as biological evolution, examples of biomes such as tropical rainforests, deserts and tundra, (c) as interaction between man and his natural environment, terraced agricultural landscapes.	Be outstanding examples representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment; as distinct from the periods of the earth's development, this focuses upon ongoing processes in the development of communities, of plants and animals, landforms and marine and fresh water bodies.	No change	Be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.	No change
iii	Contain unique, rare or superlative natural phenomena, formations or features or areas of exceptional natural beauty, such as superlative examples of the most important ecosystems to man, natural features, (for instance, rivers, mountains, waterfalls), spectacles presented by great concentrations of animals, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements.	Contain superlative natural phenomena, formations or features or areas of exceptional natural beauty, such as superlative examples of the most important ecosystems, natural features, spectacles presented by great concentrations of animals, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements.	Contain superlative natural phenomena, formations or features, for instance, outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements.	Contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance.	No change
iv	Be habitats where populations of rare or endangered species of plants and animals still survive. This category would include those ecosystems in which concentrations of plants and animals of universal interest and significance are found.	Contain the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive.	No change	Contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.	No change

ANNEX III

Itinerary (including list of mission members and State Party observers)

UNESCO
Kakadu
Mission Itinerary

Members:

Chair:	Prof Francesco Francioni
	Mr Bernd von Droste
	Dr Patricia Parker
	Dr John Cook
	Dr Patrick Dugan
	Dr Roy Green
	Prof Jon Altman
Rapporteur:	Dr Sarah Titchen

State Party Observers

Ms Sharon Sullivan

Dr Peter Bridgewater

BREAKFAST

6.45am Assemble in foyer of Holiday Inn, Darwin to travel to Kakadu National Park by road in minibus

7.00am Leave for Kakadu National Park. Greg Miles (Parks Australia joins Mission for trip to Kakadu). Special morning tea at Bark Hut. (may call in to Mamukala)

11.45am Check-in at Frontier Lodge and deposit luggage in rooms.

12.00pm Lunch at Bowali Visitor Centre.

1.00pm Meet representatives of Mirrar for welcome and with Northern Land Council (NLC) for short briefing on the role of the NLC.

Mirrar
- To be advised

Northern Land Council
- To be advised

2.00pm Meet Kakadu National Park Board of Management

Board of Management

• Mick Alderson	Chairperson - Murumburr
• Jonathon Nadji	Bunidj
• Jacob Nayinggul	Manilakarr
• Jessie Alderson	Murumburr
• Yvonne Margarulu	Mirrar Gundjehmi
• Steve Willika	Jawoyn
• Bessie Coleman	Jawoyn
• Sandy Barraway1	Jawoyn
• Victor Cooper	Minitja/Limilngan
• John Hicks	Director of Parks North
• John Malligan	Tourism Industry Representative

4.30pm Transfer to Jabiru for helicopter overflight of the Jabiluka and Ranger area and the Arnhem escarpment. The following people will accompany the Mission:

• Yvonne Margarula	Traditional owner, Mirrar Gundjehmi
• Murray Garde	Ms Margarula's Interpreter
• Peter Wellings	Manager of Aboriginal Communications for the Environmental Research Institute of the Supervising Scientist (ERISS)
• Bob Cleary	Deputy Chief Executive of Energy Resources Australia

5:40pm Land at East Alligator Ranger Station for transfer to Ubirr to view rock art.

- Bill Neidjie (Kakadu Man) Bunidj
- Andrew Turner Chief Ranger, East Alligator District
- Greg Miles Parks Australia

6:50pm Depart Ubirr for Frontier Lodge

Tuesday 27 October - Kakadu

BREAKFAST

7:15am Please complete checkout by this time. Assemble in foyer of the Frontier Lodge to be taken to meetings

7.30am Meetings with Aboriginal traditional owners affected by the Jabiluka mine (including Mirrar and other affected Aboriginal people).

LUNCH Will be provided by the traditional owners

3.30pm Meetings conclude

3.30pm Visit to Environmental Research Institute of the Supervising Scientist (ERISS), Jabiru for briefing by the Supervising Scientist Group (SSG) on environmental issues of Jabiluka and the Ranger mine (for 3 hours)

- Peter Bridgewater Chief Science Adviser and Supervising Scientist
- Arthur Johnston Director, ERISS
- Peter Wellings Manager of Aboriginal Communications, ERISS

DINNER

8.00pm Briefing on legal and management framework for protection of Kakadu in Jim Jim Room, Crocodile Hotel (one hour)

Department of Environment and Heritage

- Ms Sharon Sullivan Head, Australian and World Heritage Group
- Dr Barry Reville Assistant Secretary, World Heritage & Wilderness Branch
- Gerry Morvell Head, Environment Protection Group

Department of Agriculture, Fisheries and Forestry

- Mr Roland Pittar Director Uranium Industries Section

Department of Industry, Science and Resources

- Mr Robin Bryant Assistant Secretary, Energy and Minerals Branch

ACCOMMODATION AT CROCODILE HOTEL, JABIRU IN KAKADU NP

Wednesday 28 October - Kakadu

BREAKFAST

7:15am Assemble in foyer of the Crocodile Hotel to be transported to Jabiluka mine site on minibus

7.30am Leave for Jabiluka mine site for meeting with environment groups (4.5 hours)
- Group details to be advised

12.00pm Meeting concludes, depart mine site for Jabiru

12:20pm Arrive at Crocodile Hotel for lunch

1.30pm Meeting with Parks Australia staff at Bowali Visitor Centre (2 hours)

• John Hicks	Director of Parks North
• Manfred Haala	Kakadu Park Manager
• Piers Barrow	Natural Resource Manager
• Scott Suridge	Operations Manager Park South
• John DeKoning	Operations Manager Park North
• Fiona Peek	Interpretation Officer
• Maree David	Consultant for Cultural Resource Management
• JoAnn Mitchell	Training Officer
• Ian Irvine	Administrative Officer

3:30pm Depart for Warradjan Cultural Centre on minibus

4:10pm Arrive at Warradjan Cultural Centre -
Mission will be met by :

• Mick Alderson	Senior Traditional Owner Murumburr Clan
• Violet Lawson	Traditional Owner Murumburr Clan

5.00pm Arrive at Yellow Waters for boat cruise in 20 seat vessel
Accompanied by Mick Alderson, Violet Lawson and Manfred Haala

6:30pm Depart Yellow Waters for hotel

7:30pm Dinner

ACCOMMODATION AT CROCODILE HOTEL, JABIRU IN KAKADU NP

Thursday 29 October- Kakadu, Kakadu to Darwin

BREAKFAST

7:45am Please complete checkout of all Mission members by this time and leave luggage for loading on Mission minibus.

8.00am Meet Energy Resources Australia (ERA) representatives in Jim Jim Room at Crocodile Hotel.

9:00am Depart for tour of Jabiluka site, concluding at Ranger mine at 1.30pm (includes lunch).

10:30am Bus with Mission members luggage departs for Darwin

1:30pm Leave Ranger Mine to catch plane to Darwin

1.45pm Chartered flight from Jabiru to Darwin
Mission will be met at the Darwin airport by the mini bus and taken to Holiday Inn for check in.

3.00pm Roundtable with Northern Territory Government representatives at NT House (up to 3 hours)

- Ms Barbara Singer — Assistant Secretary, Environment Protection Division, Northern Territory Department of Lands, Planning and Environment
- Dr Bill Freeland — Deputy Director, Parks and Wildlife Commission of the Northern Territory
- Neville Jones — Director, Northern Territory Office of Aboriginal Development
- Tony McGill — Director, Mines Division, Northern Territory Department of Mines and Energy

6.00pm Meeting with Bob Collins regarding KRSIS

evening Internal meeting of the Mission

Note: Please arrange checkout this evening as it will be an early start Friday morning.

ACCOMMODATION AT HOLIDAY INN – DARWIN

Friday 30 October Darwin to Canberra, Canberra

1:15pm Arrive Canberra and transfer to Parliment House for meeting with the Minister for the Environment and Heritage (your luggage will be taken to the Hyatt Hotel)

2.00pm Meeting with the Minister for the Environment and Heritage at Parliment House

- Senator the Hon Robert Hill

3.00pm Transfer to the Hyatt

3.15pm Roundtable with conservation groups in Oak Room at the Hyatt Hotel

• Ms Yvonne Margarula	Gundjehmi Aboriginal Corporation
• Ms Christine Kristopherson	Gundjehmi Aboriginal Corporation
• Ms Jacqui Katona	Gundjehmi Aboriginal Corporation
• Mr Alec Marr	Wilderness Society
• Ms Virginia Young	Wilderness Society
• Mr John Hallam	Friends of the Earth
• Mr Peter Hitchcock	Consultant
• Mr Michael Krockenberger	Australian Conservation Foundation

5:15pm Meeting with representatives of ACIUCN and Australia ICOMOS in Oak Rm

ACIUCN

• Mr Roger Lembit	President
• Ms Pam Eiser	Executive Officer

Australia ICOMOS

- Professor Isabel McBryde, archaeologist, world heritage expert, and expert on joint management with indigenous people of world heritage areas [as member of Uluru-Kata Tjuta Board of Management]

- Ms Jane Lennon, geographer, historian and cultural heritage manager, Australia ICOMOS World Heritage Sub-Committee convenor and expert on the management of natural/cultural landscapes, including world heritage areas

- Ms Sheridan Burke, member of (International) ICOMOS Executive Committee (observer)

- Ms Marilyn Truscott, President, Australia ICOMOS, archaeologist and cultural heritage manager with long experience in indigenous cultural heritage (observer)

6.15pm meeting conclude

7.00pm Drinks for the Mission with the Secretary of the Department of Environment & Heritage, Mr Roger Beale AM in the Murrumbidgee Rm at the Hyatt

Also attending:

• Ms Sharon Sullivan	Head , Australian and World Heritage Group
• Mr Stephen Hunter	Head, Biodiversity Group
• Mr Colin Griffiths	Director of National Parks and Wildlife, Biodiversity Group,
• Mr Peter Vaughan	Director of Indigenous Affairs, Department of Prime Minister and Cabinet.
• Mr Rob Butterworth	Head, Environment Priorities + Coordination Group
• Dr Arthur Johnston	Director ERISS
• Mr Gerry Morvell	Head Environment Protection Group
• Mr Daryl King	Director, World Heritage Unit

ACCOMODATION AT THE HYATT HOTEL CANBERRA

Saturday 31 October - Canberra

BREAKFAST

8.00am Meeting with Minerals Council of Australia (one hour) in Mt Ainsle Conference Room, Hyatt Hotel Canberra

• Mr Dick Wells	Executive Director
• Ms Karen Grady	Assistant Director Environment

9.00am Meetings with representatives from academe, Mt Ainsle Conference Room

9:00-10:15am *Cultural Aspects*

Academy of Humanities

- Emeritus Prof John Mulvaney
- Prof Rhys Jones
- Prof Bob Wasson (Observer)

10:15-11:30am *Science Aspects*

Scientific experts

• Prof Bob Wasson	Head of Geography Department, Australian National University
• Emeritus Prof Ralph Slatyer	Ecosystem Dynamics Group, Research School of Biological Sciences, Australian National University
• Prof Ian White	Centre for Resource and Environmental Studies

- Dr Brendan Mackay — Senior Lecturer, Department of Geography, Australian National University

Academy of Technological Sciences and Engineering

- Prof Colin Pearson — Director, National Centre for Cultural Heritage Science Studies, University of Canberra
- Prof John Richards — Deputy Vice Chancellor, Australian National University

LUNCH Working lunch- Hyatt Hotel

1.00pm Meeting with Commonwealth government representatives, including Environment Australia (approximately 3 hours) in the Mt Ainsle Conference Room

Department of the Environment and Heritage

- Ms Sharon Sullivan — Head, Australian and World Heritage Group
- Dr Barry Reville — Assistant Secretary, World Heritage & Wilderness Branch
- Mr Stephen Hunter — Head, Biodiversity Group
- Mr Gerry Morvell — Head, Environment Protection Group
- Mr Colin Griffiths — Director of National Parks and Wildlife, Biodiversity Group,
- Dr Peter Bridgewater — Chief Science Adviser and Supervising Scientist

Department of Prime Minister and Cabinet

- Mr Peter Vaughan — First Assistant Secretary, Office of Indigenous Affairs

Department of Agriculture, Fisheries and Forestry

- Mr Roland Pittar — Director Uranium Industries Section

Department of Industry, Science and Resources

- Mr Robin Bryant — Assistant Secretary, Energy and Minerals Branch

7.00pm Internal meeting of the Mission

Sunday 1 November - Canberra

all day Meeting with Mission Secretariat to continue drafting work in Mt Ainslie Room

LUNCH Working lunch - Hyatt Hotel

5.00pm Travel by Mission members to their country of origin (transfers to Canberra airport can be arranged as required)

BREAKFAST

7:15am Assemble in foyer of the Crocodile Hotel to be transported to Jabiluka mine site on minibus

7.30am Leave for Jabiluka mine site for meeting with environment groups (4.5 hours)

- Group details to be advised