



Local—National—Global: Defining Indigenous Values of Murujuga’s Cultural Landscape in the Frame of International Patrimony

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Abstract

Murujuga, as the Dampier Archipelago (including Burrup Peninsula) National Heritage Listed Place is known to its traditional custodians, is on the Pilbara coast of northern Western Australia. Murujuga’s scientific values are endorsed on Australia’s National Heritage List under a range of significance criteria. This chapter describes how an Australian local Aboriginal community’s contemporary connections and significance values have been framed through the lens of Outstanding Universal Value in a world heritage nomination—and the scaffolding required to translate local and national heritage values into the global purview. The World Heritage List (WHL) criteria distinguish between natural and cultural values: an anathema to Aboriginal custodians who see *ngurra* (country) as both a natural and cultural domain. We describe the disjunct between Aboriginal custodial connections to country and UNESCO’s framing of Outstanding Universal Values (OUV) for a world heritage nomination. The Ngarda-Ngarli are pursuing World Heritage by documenting outstanding universal cultural values under criteria i, iii, and v). For Aboriginal custodians this journey towards international recognition provides an opportunity to assert their local connection and control over this significant place, in the belief that global recognition will increase its protection. This chapter explores whether World Heritage recognition will help its traditional custodians to manage this extraordinary heritage estate, particularly in the face of the national economic value being placed on Industry in this same landscape.

Keywords

Outstanding Universal Value · World heritage · Cultural landscapes · Rock art · Murujuga · Dampier Archipelago

15.1 Introduction

As this book explores the globalization of deep-time art and the increased awareness of both early and persistent image-making phenomena across the globe, in this chapter we explore how the concept of global patrimony, as enshrined in UNESCO’s World Heritage List, requires a translation of value-making from both national and local scales. We also discuss what is often a tension between the objectives of the UNESCO’s nomination process—and national agendas of identity and heritage valuing with the desires of the local community (Bergman Rosamond 2022; and see De Cesari 2010). Tensions have been documented elsewhere across the globe where UNESCO’s ‘global protection ambition’ (Meskell and Van Damme 2008) creates significant distress for local communities whose local aspirations for self-determination and sustainable economies at a World Heritage (hereafter WH) place may be contradictory to the national economic interest (McDonald 2015a). Identity assertions of the state party who nominates and administers the WH Place—and ultimately provides the protective regime to manage the Place—invariably has economic ambitions to balance in this process, making it a complex mix of political and economic decision-making balanced with their responsibilities under global charters of UNESCO (UNESCO 1945, 1972) to respect human rights and protect the world’s natural and cultural heritage (Colwell and Joy 2015).

The globalization of archaeological practice means that shared techniques and approaches are now instantly transportable to an international audience. Almost instantaneous communication of research findings through digital platforms and social media means that knowledge, and

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approaches to understanding this, can be instantly appreciated, and disseminated into most counties around the world. International coverage means that local and national research and management agendas can be transformed into international realms (Baptista and Fernandes 2007; Kemp et al. 2021; McDonald 2020): the destruction of the Juukan Gorge rockshelters by RioTinto in 2020, being a recent case in point!

The UNESCO World Heritage List, with its criteria for Outstanding Universal Value (OUV), strives to define significance on the world stage. To be enshrined on the World Heritage List, a property “must be of outstanding universal value and meet at least one out of ten selection criteria”. These ten criteria are defined as seven cultural and three natural criteria recently reconceptualised by UNESCO in their revised Operational Guidelines (UNESCO 2021). These are described and justified through a nomination process administered by the State party—and the prescriptive nature of this process highlights inconsistencies between what is funda-

mentally a Eurocentric world view—and in this Australian case study—an Indigenous worldview.

Murujuga is the traditional *ngurra* (country) of the *Yaburara* people, located in the Pilbara region of Western Australia (Tindale 1974). Murujuga means ‘hip bone sticking out’ in *Ngarluma*, one of the traditional languages spoken by Ngarla-Ngarli (the collective term for the Traditional Owners and Custodians who look after Murujuga today). Murujuga is Land and Sea Country—an archipelago covering c. 40,000 hectares and with 42 islands, islets and rocky outcrops ranging in size from 2 to 3290 hectares (see Fig. 15.1).

Murujuga is widely held as a sacred place within the broader Pilbara region. Despite recent displacement and dispossession of country through colonisation and the devastating Flying Foam massacre of local Aboriginal people in 1868 (Gara 1984) and the state based BMIEA agreement which excluded native title from this landscape (Flanagan Flanagan n.d.; Zarandona 2015), detailed knowledge of

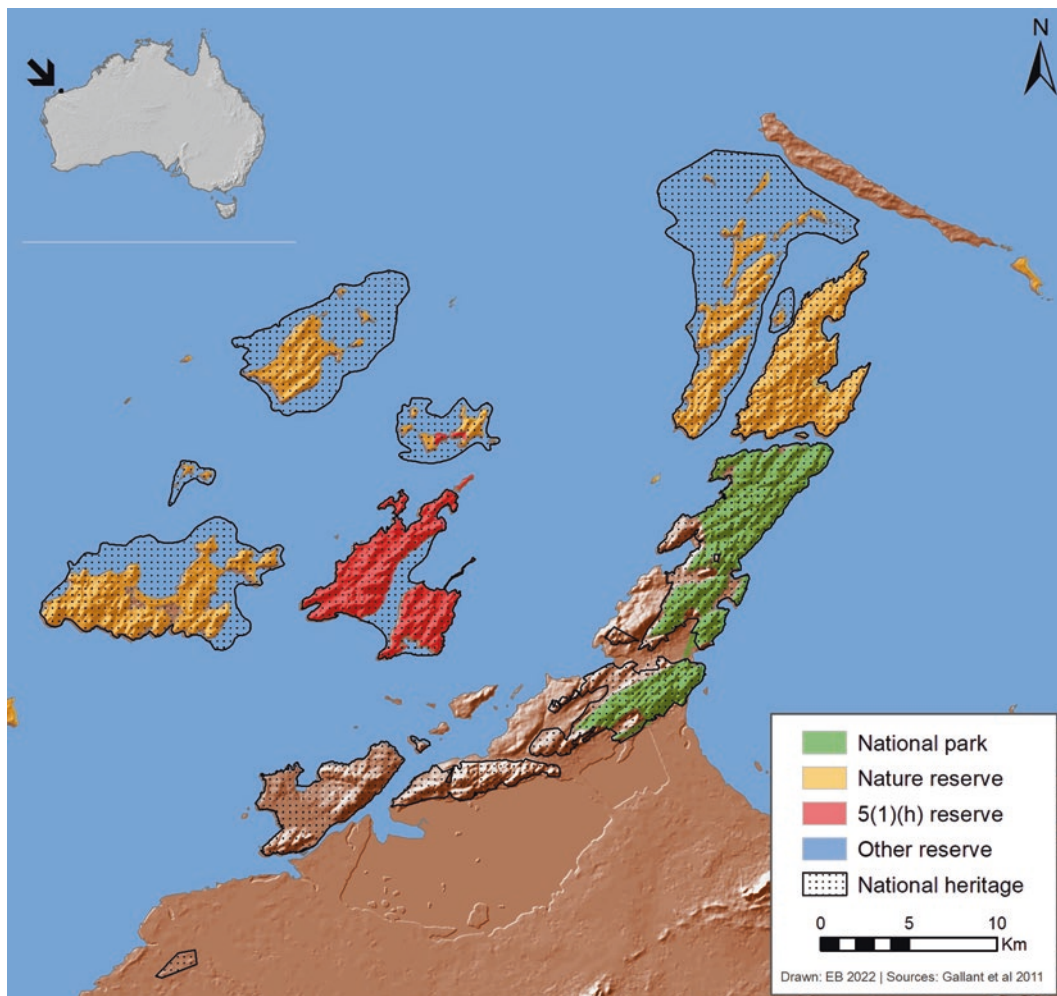


Fig. 15.1 The Dampier Archipelago in north-western Australia showing the boundaries of the National Heritage Listing and land management tenure. Areas outside the conservation estate are a mixture of land uses

Murujuga has been maintained through the practice of Law in surrounding communities by the custodians who come together to care for this country (Daniel and Others 1991).

The significance of Murujuga has been recognised at varying scales through local, State and Commonwealth protective listings (see <https://www.dcceew.gov.au/parks-heritage/heritage/places/national/dampier-archipelago>), however the heritage values that are recognised are typically archaeological and scientific values associated with the rock art and other physical attributes of the property due largely to the nature of documentation that has been undertaken, and the definitions deployed by the various legislative instruments (see Lawrence 2012). The National Heritage listing recognised the scientific values of the rock art and stone structures and did not explore the contemporary values of the place, despite it being nominated by the Aboriginal community (Bird and Hallam 2006; McDonald and Veth 2009). The continuing separation between natural and cultural values in the OUV criteria and in the nomination process by governments is mysterious to Aboriginal people given the integral interconnection between country and culture. In the case of this cultural landscape, the risk that this continued separation brings is in misidentifying the extraordinary significance that is apparent only through a consideration of how the natural and cultural world at Murujuga have been inextricably connected for thousands of generations (Fig. 15.2).

So how can the translation of Indigenous community values through national heritage legislation (The *Environmental Protection and Biodiversity Conservation Act 1999*) and nomination processes and into the perspective of international patrimony be achieved, and what does this mean for

the recognition of cultural and scientific values at these different levels?

How do Aboriginal people make sense of these global perspectives as they demonstrate the connection between culture, rock art, mythological narratives and *ngurra* (country)?

How do Australian national identity agendas which have led to the listing ANZAC sites (the Kokoda Trail and Gallipoli), the Melbourne cricket ground and the Sydney Opera House: values of a state-nation founded in the nineteenth century, align with Indigenous heritage and cultural value identification in the World Heritage process? Murujuga is only the second property in Australia which has been nominated for its Indigenous cultural values (Smith et al. 2019), although there are properties with combined natural/Indigenous cultural values and several other Australian world heritage properties (such as Kakadu and Uluru-Kata Tjuta) originally listed for their outstanding natural values that have had cultural values added retrospectively to their WH values (e.g. criteria i) and vi)), largely because of their rock art (Logan 2013; McDonald and Clayton 2016; and see UNESCO 1999).

15.2 National Heritage Instruments

Following amendments to the Australian *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), Australia’s National Heritage List (ANHL hereafter) was established in 2003. The ANHL was established to recognise and protect natural, historic and Indigenous places of



Fig. 15.2 An aerial view of Murujuga at the northern end of archipelago

outstanding heritage significance to the nation. The Australian Government is responsible for protecting places of world and national significance and for ensuring Commonwealth compliance with State heritage and planning laws (*EPBC Act 1999*, Chap. 5, Part 15, Division 1A, sections 324X-Z). To be on the ANHL, heritage places must have demonstrated heritage values against one or more criteria (Australian Heritage Council 2009).

15.2.1 National Heritage Assessment Processes

The Dampier Archipelago (including Burrup Peninsula) was nominated by traditional custodians for inclusion on the ANHL in 2003, the same year that Ngarluma, Yindjibarndi, Yaburara, Mardudunhera and Wong-Goo-Tt-Oo people entered into the Burrup and Maitland Industrial Estates Agreement (BMIEA). The BMIEA agreement granted freehold title over what is now the Murujuga National Park in exchange for the compulsory acquisition of all native title rights and interests on the Burrup Peninsula (McDonald 2015a).

The Brief for assessing the national heritage values process required only the identification of the scientific values for the place (see McDonald and Veth 2005, 2006). Cultural values assessments, while excluded by this Brief, were assumed by the nomination process and were addressed by the Commonwealth Department. The commissioned study (McDonald and Veth 2005, 2006) concluded that the nominated property was of outstanding scientific significance—and that it met at least four of the national criteria—noting it is only necessary for an area to meet one criterion to be added to the List. The listing for the property on Australian Government website (<https://www.dcceew.gov.au/sites/default/files/env/pages/d53ee213-2f1e-481e-b0f6-85d861a52de2/files/10572701.pdf>) defines Murujuga's rock art and stone structures as meeting criteria a, b, c, d and f, and also defines explicitly how the values of the place meet each individual criterion (and see McDonald 2017).

Part of the nominated Murujuga Cultural Landscape was inscribed on the National Heritage List in 2007 and it was an important step for Ngarda-Ngarli in their efforts to protect Murujuga. However, the legislative protection that is awarded by virtue of a ANHL inscription protects only those attributes that contribute towards significance according to the identified National Heritage Values and ANHL criteria. In the case of Murujuga, it is only particular rock art characteristics and stone structures that are protected by the Listing, not the cultural, spiritual or natural attributes that are considered by Ngarda-Ngarli to be innate features of a cultural landscape. This is the antithesis to Indigenous concepts of 'protecting country' and fails to ascribe cultural meaning

to rock art or its context that might allow for a more holistic consideration of what would be considered a 'significant impact' to the values within the National Heritage property boundary. The prescription of what is significant according to a scientific review restricts the consideration of impacts to those scientifically valued attributes only and places decision-making in the hands of scientific experts and regulatory bodies rather than the traditional owners and custodians who have managed this landscape for more than 50,000 years and who have a more complex and holistic understanding of how elements within a cultural landscape are fundamentally intertwined.

The exclusion of any consideration of cultural values during the National Heritage nomination process means that although the EPBC Act applies to any proposed development either inside or outside of the property, it is only stone structures and explicitly identified characteristics of the rock art that are protected. The National Heritage Listing of Murujuga was undertaken with the Free, Prior and Informed Consent of Ngarda-Ngarli at the time of the nomination process, however without the meaningful participation of Ngarda-Ngarli in the identification of values and criteria for inscription, the National Heritage Listing has failed to protect the significance of the cultural landscape a whole.

Australian Commonwealth legislation (the EPBC Act) protects both National and World Heritage Listings under the same mechanisms, however the World Heritage Listing for Murujuga has been an entirely indigenous led nomination to ensure the better identification and protection of attributes and values for protection.

15.3 Defining Outstanding Universal Value for World Heritage List

15.3.1 World Heritage Nomination

The perceived value in World Heritage Listing of the Murujuga Cultural Landscape then lies not in additional protection mechanisms through the legislation, but in the protection of additional attributes that recognise the property as a cultural landscape (defined under the World Heritage Convention as a landscape which represents the combined works of nature and man).

The Murujuga Cultural Landscape is being put forward to UNESCO as demonstrating potential Outstanding Universal Value through:

- Criterion (i): to represent a masterpiece of human creative genius;
- Criterion (iii): to bear a unique or at least exceptional testimony to a cultural tradition or civilisation which is living or which has disappeared; and

- Criterion (v): to be an outstanding example of a traditional human settlement, land-use or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.

Developing the nomination required serious consideration of how the physical attributes of the property are envisaged, not only in terms of its outstanding creativity (i), as most rock art properties across the world are registered, but also how this bears exceptional testimony to a living cultural tradition (iii), and how the present property represents human interaction with the landscape/seascape over periods of dramatic climatic and environmental change (v).

While the State party is the official nominator of a property to UNESCO, the Murujuga Cultural Landscape nomination provided an opportunity to develop a process to support indigenous participation based on genuine leadership rather than the documentation of free, prior and informed consent that is often held as the measure of Indigenous engagement in World Heritage processes. At Murujuga, it was Ngarda-Ngarli that ultimately decided what was significant about this place and what they wanted to see included within the nomination document. Critical to Ngarda-Ngarli was that this document – written to comply with the revised operational guidelines (UNESCO 2021; following UNESCO 2008), international assessment criteria and comparative themes – did not jeopardise the authentic Indigenous perspective of the property through the artificial siloing of cultural and natural significance and tangible and intangible values, for the sake of demonstrating OUV and management mechanisms. The current dossier preparation has taken 4 years, following the announcement in 2018 that the West Australian State government would support this, 8 years after the commissioning of the initial OUV assessment (McDonald and Veth 2011; Lawrence 2012). This was a long-term goal by the Ngarda-ngarli, as showcased in the World heritage summit held in Karratha in 2018, weeks before the State’s announcement (see Standen 2018).

A successful nomination to the World Heritage list requires not only the documentation of potential Outstanding Universal Value, but also a demonstration of authenticity and integrity, as well as an adequate monitoring, management and protection regime for those values. In Australia, the meaningful engagement of Aboriginal people in decision-making over country and in the management of land and sea is not automatically embedded in legislation or existing protection mechanisms. That is not to say that it does not routinely happen: there are examples across Australia of superb Aboriginal management (e.g. the Budj Bim Cultural Landscape, Willandra Lakes World Heritage Area). However, these are negotiated on a property-by-property basis and a significant part of the Murujuga nomination necessarily

involved negotiating the recognition of these processes in formal agreements that would meet international assessment criteria. Such negotiations have required meaningful commitment by both State and Commonwealth governments in formalising structures that include Aboriginal decision-making. These processes would benefit from embedding best-practice standards into existing Commonwealth legislation that manage World Heritage properties within Australia.

The World Heritage assessment processes are necessarily prescriptive to enable comparison of sites across regions, countries and the world. This prescriptive approach, however, immediately creates issues when it comes to rock art and Indigenous cultural landscapes. These main issues can be broadly categorised as:

- The Eurocentric (or Western) focus on criteria, themes and significance indicators at both a national and an international level;
- The relative immaturity of Australia as a settler nation and how the national identity agenda deals with the significance of its deep time Indigenous history compared to its comparatively recent colonial history; and
- The homogenisation of OUV significance across cultures and timescales and the ways in which the nomination process requires documentation and evidence of places and rock art as expressions of culture, beliefs and experience.

The documentation and demonstration of significance pose several additional challenges:

- The requirement to provide evidence for connection between culture and rock art requires a siloing of what are holistic concepts of country, Law and culture;
- The challenge of revealing sacred and secret information, which is the nexus between country, culture and rock art in Australian Aboriginal culture;
- Representing complex information at a national and international level, where Indigenous world views and the concept of Aboriginal Lore and Law are not universal but provide a critical basis for understanding significance of a living cultural tradition and the landscape within which it operates.

The separation of natural and cultural values in the OUV is seen as a challenge to indigenous management of cultural values, as it creates an unnatural divide between indigenous perceptions of country which do not distinguish their management of country in this way.

The assembling of a dossier which complies with the current operational guidelines (UNESCO 2021) requires documentation of significance, monitoring and management within a system of western hegemony that is fundamentally foreign to Indigenous concepts of country, place and the way Aboriginal people see the world as being intrinsically interconnected.

15.3.2 Murujuga Cultural Landscape— Translating Local Significance Into International Values

The Murujuga Cultural Landscape is currently nominated for inscription onto the UNESCO World Heritage List and is on Australia's UNESCO Tentative List (as of February 2021). The property is renowned for its rock art and stone arrangements, but Murujuga is extraordinary for reasons far beyond the simple physical attributes that have been documented within its boundary. The Murujuga cultural landscape has been occupied for at least 50,000 years, from when Murujuga was an inland desert rangeland, through periods of dramatic climatic and environmental change including the last Ice Age, and to its most recent formation as a coastal archipelago made up of islands which are the former high points of the now submerged rangeland.

Murujuga's cultural landscape includes land and sea country, across which is inscribed some of the world's most abundant and diverse rock art as well as myriad stone structures (Lawrence 2012; McDonald and Veth 2009, 2011; Mulvaney 2015). The scientific values are imbued in the more than one million petroglyphs (Fig. 15.3) that demonstrate the use of this arid landscape through more than 50,000 years (Veth et al. 2017), as well as subsequent millennia of attachment to this place by the first peoples who

arrived on the northwest coast and persisted through massive environmental change and evolving coastlines to thrive as coastal hunter-gatherer-fishers-collectors until the 1860s—and the arrival of European explorers, whalers, pearlers and pastoralists (Mulvaney 2015; Paterson et al. 2019; McDonald and Mulvaney 2023, Vinnicombe 2002). A chronological sequence of styles has been identified which trace these deep-time changes in art production (Mulvaney 2013, 2015; McDonald 2015b), chronicling changing human forms (e.g. the widespread desert archaic faces and subsequent Murujuga stylistic variants), a range of anthropomorphic styles which reveal changing ceremonial accoutrement; changing environmental conditions associated with the transition from an arid landscape to a seascape, and the advent of a maritime-coastal adapted economy since 7000 years ago (McDonald and Mulvaney 2023; Wade 2022).

For thousands of generations, Murujuga has been managed by Ngarda-Ngarli according to the Indigenous principles of Lore for country, put in place at the creation, and traditional Law for men and women which was put in place for them to maintain the balance of the natural world. It is this Lore and Law (see, for instance, Robinson and Raven 2020) that is inscribed through the rock art onto country at Murujuga, and it is the encyclopaedic knowledge for country that is held within continuing cultural practices that pass on knowledge of the interconnectedness of country and how to



Fig. 15.3 Examples of Murujuga petroglyphs (clockwise from top left): Thylacines on large vertical panel; human feet; fat-tailed kangaroo; and turtle panel on large block that has been flaked amongst tool-stone quarry

manage a dynamically changing environment within the context of a continuing Lore/Law.

Murujuga Land and Sea Country is held to be a continuous cultural landscape by Ngarda-ngarli, a deeply storied and significant place that records both the movements of the ancestral creation spirits and the interaction between the landscape and generations of ancestors. Every part of this *ngurra* (i.e. 'country') and the ways in which this landscape has been inscribed are intricately connected to people's history, identity, and sacred beliefs.

This means that it is not possible at Murujuga to protect cultural values without protecting natural values or vice versa. It is the holistic concept of the combined natural and cultural world at Murujuga which has maintained balance within this land and sea country for 50,000 years. Nature and culture are not just connected; they are inextricably linked. And it requires some contortion to adequately represent this significance within the existing significance criteria and themes for both the national and international Heritage covenants.

15.4 Challenges for Indigenous Custodians to 'Fit' Knowledge Into UNESCO's Criteria and Thematic Frameworks

The nomination of a cultural landscape that is a part of a living cultural tradition is a complex undertaking for those cultures where knowledge of country, culture and ceremony is secret/sacred. In these instances, the information that would effectively demonstrate how the property meets the criteria for inclusion on the World Heritage List is often restricted to those who have gone through traditional protocols of initiation into Aboriginal Law.

The very differentiation between Lore and Law for the purposes of the nomination was an exercise in the artificial separation of concepts to convey a complex worldview and belief system in language that speaks to an international audience and fits within the documentation and management expectations of the World Heritage nomination, assessment and state of conservation reporting processes. In this case, Lore refers to the narratives that were put into place for Country at Creation, which include creation stories, ancestral movements, jinna (songlines) and the rules or ordering the natural world. Law refers to the Aboriginal practice of cultural Law and ceremonial Business, which includes men's business, women's business, social and cultural obligations and the system of rules that exists to ensure the ongoing balance of the natural world. Regulatory law is a separate concept that has no connection to either Lore or Law.

Although Lore, Law and Land and Sea management include profane concepts and open information, the detailed knowledge of how these understandings interact is often

restricted to those who have demonstrated the understanding and conduct required for the progressive acquisition of cultural knowledge. The inscription (modification) of a cultural landscape and the ritual interaction between Aboriginal people and the *ngurra* they inhabit can only be comprehensively understood by those who are immersed in the rules and ideology of the specific culture tied to that *ngurra*.

A State Party must provide sufficient explanation and documentation of indigenous culture to raise reasonable expectation for these to contribute to Outstanding Universal Value according to the World Heritage criteria, whilst respecting the cultural protocols that restrict the documentation and dissemination of knowledge.

At Murujuga, where Ngarda-Ngarli have sought to include the intangible values of Lore/Law and ongoing protocols for decision making in their Land and Sea Management, this was an essential attribute contributing to the significance of this cultural landscape. Rather than attempting to demonstrate the extensive knowledge that is held for the Murujuga Cultural Landscape, the Murujuga nomination has attempted to convey the complex interaction between attributes critical to comprehending the significance of the Murujuga Cultural Landscape from the perspective of Ngarda-Ngarli.

15.4.1 Cultural Values: An Indigenous Perspective

Ensuring that indigenous cultural values are defined from an indigenous perspective has been historically challenging in previous World Heritage nomination processes, where these are largely overseen and managed by the State Party and where the role of indigenous people can be easily marginalised (United Nations General Assembly 2012). This is evident across World Heritage properties in Australia, where properties with significant cultural value have been nominated as natural properties (Francis 2017; Pocock and Lilley 2017); and where the Outstanding Universal Values of Aboriginal cultural properties values have been largely presented as significance associated with archaeological evidence, often subsequently to the Inscription on the WHL for the natural values (Logan 2013; Taçon et al. 2007).

It was important for Ngarda-Ngarli that the proposed Outstanding Universal Value of the Murujuga Cultural Landscape includes a recognition of the intangible values associated with the spiritual significance of the Murujuga Cultural Landscape. This includes the unique manifestation of creation beliefs inherent in the property that connect Murujuga to a shared Law network. It also involves the system of land and sea management that is dictated by cultural Law and protocols, as well as the inextricable link between natural attributes, cultural inscription of the property and a living cultural tradition.

The WH operational guidelines clearly allow for a diversity of interactions between humankind and the natural environment (Guidelines paragraph 8) and the categories of cultural landscape similarly allow for significant variation in the material evidence that may be presented to demonstrate a cultural landscape (Guidelines paragraph 10).

According to Aboriginal cosmology, the formation of the world and its long-term management is the fundamental basis of culture and Aboriginal Law. The landscape and the natural world were created by the movement of Ancestral creation spirits and their interactions as they journeyed through the newly created landscape. Aboriginal people today recreate those movements and interactions as a way of passing on the Law that governs people's responsibility for maintaining Country and the natural world today.

In this way, the natural world itself is a significant part of the cultural landscape and Caring for Country is a culturally understood 'modification' of the landscape that is not manifest in any physical inscription, but in (for example) diversity of ecological communities and sustained occupation through challenging climatic periods – recognised early by Rhys Jones (1969), and more recently by Bill Gammage (2011), Bruce Pascoe (2018) and Michael-Shawn Fletcher et al. (2021).

This has been acknowledged for decades through deep discussion regarding cultural landscapes and the appropriate criteria that would allow for recognition of this balance (see the proposed amendments to inscription criteria from the 1991 WHC meeting), and the inclusion of criterion (v) to reflect the potential range of landscapes managed by traditional methods.

Murujuga is an example of a cultural landscape where the impact of human activity on *ngurra* is the result of careful management through traditional Aboriginal Law, evidenced in the extraordinary biodiversity that has been maintained over 50,000 years of human occupation as seen in the changing rock art repertoire (Booth et al. 2022). The demonstration of the cultural knowledge and practices that have managed this country is challenging to document, where secret and sacred knowledge is passed down according to strict protocols in an entirely oral tradition.

Similarly, the distinction between tangible and intangible attributes that contribute to Outstanding Universal Value required by the nomination process is fundamentally a Eurocentric conceptualisation of landscapes which is at odds with many Indigenous world views. The Ngarda-Ngarli conceive of their world as an inextricable combination of natural, spiritual and cultural elements that are interconnected and have indivisible reciprocal effects.

The very concept of identifying individual attributes that contribute to Outstanding Universal Value is a difficult one to manage when attempting to prioritise indigenous perspectives. The extensive range of attributes that have been identi-

fied as contributing to potential Outstanding Universal Value in the Murujuga Cultural Landscape reflects the holistic perspective that Ngarda-Ngarli hold for their *ngurra*. Their view is that a successful inscription of the property will allow them to meaningfully protect the interconnected natural and cultural, tangible and intangible elements of the very characteristics that gives the Murujuga cultural landscape its significance.

Further cross-cultural dissonance is encountered where the World Heritage process demands an assessment of comparative exceptionality. The capacity of a site/place to reflect the specific works and actions of ancestral beings and creation spirits, as well as representing a shared system of Law networks that extends across the Pilbara and even further—into the arid Australian interior—means that a comparative analysis overlooks the importance of those shared networks. It is the cultural knowledges of the broader sphere which contribute to the potency of the place, which is at the centre of this comparison. The Ngarda-Ngarli would not suggest that their cultural tradition is inherently exceptional in comparison to their neighbours. But they do argue that Murujuga is an exceptional example representing the works of creation and the place where Law was first written into the Country itself.

Some cultural and technical complexity for the Murujuga nomination process was encountered in demonstrating comparative significance for one part of a region with shared cultural traditions and a linked network of Law systems. While it is explicit within creation Lore that each cultural system (defined based on language and connection to country) has its own system of Law and land/sea management precisely because of the differing needs of country, the detail of that difference is often determined by the natural attributes, and the opportunities and obligations that *ngurra* conveys to its custodians—further highlighting the necessity of overcoming the cultural/natural divide in demonstrating how an association between cultural tradition and country can be 'exceptional' in the context of a shared cultural perspective that is made unique by its adaptation to a particular landscape.

Murujuga's hard volcanic geology preserves every mark made on it (Pillans and Keith Fifield 2013), its permanent water features and high biodiversity at the interface between significant landforms archives people's deep time attachment to this landscape in a way that is unrivalled in the broader region. However, Ngarda-Ngarli are adamant that the archaeological record at Murujuga (including the rock art) not be viewed as an independent or externalised explanation of Ngarda-Ngarli culture. The continuation of a living culture of Lore, Law and Land and Sea management is the lens through which the inscribed landscape is given meaning and significance.

15.4.2 The Protection and Management of Tangible and Intangible Values

It is not without cause that Ngarda-Ngarli have concerns about a focus on the rock art as an independent attribute that makes Murujuga significant. The rock art at Murujuga undoubtedly has extraordinary significance from a Western, scientific perspective. From an indigenous perspective, the rock art at Murujuga is significant primarily as a record of the Law that Marrga inscribed into the *ngurra* (Palmer 1977a, b) during ‘*the Time When the World was Soft*’ and a record of the longevity and adaptability of Law that has allowed their ancestors to manage Murujuga since Creation.

The protection of the tangible properties of this landscape as attributes with greater significance than intangible attributes (including Aboriginal management and decision-making for *ngurra*) fails to acknowledge what makes this Cultural Landscape a truly exceptional one.

This is a significant shortcoming of the National Heritage Listing, which has privileged the protection for rock art and stone structures based on specific scientific criteria defined by heritage legislation, industry and non-indigenous peak bodies over those values identified by custodians whose ancestors have managed this landscape for over 50,000 years. It also means that impact is measured according to the criteria set by those protections, which ultimately means that decision making regarding the management of heritage (and country) is taken from Ngarda-Ngarli and vested in those same non-indigenous bodies.

15.4.3 Continuity of Law Rather than a Static Snapshot of Traditional Practices

A particular challenge for managing intangible cultural values, which are defined as “part of a living cultural tradition”, is in defining the ways in which those traditions may develop or change in response to circumstances and still be considered an ‘authentic’ demonstration of a cultural tradition. Australian custodians similarly face this problem in their assertion of native title rights (Glaskin 2003; Weir 2012).

According to Ngarda-Ngarli beliefs, Law has been practiced since creation and amended as required by a dynamically changing landscape. The management of an evolving landscape has always been a part of Law and cultural practice. Throughout the early occupation of the Murujuga Cultural Landscape change has included climatic and environmental variability, massive shifts in occupation of territory because of sea level change, changing language and

territorial boundaries and social structures. Today, Ngarda-Ngarli understand that it is their responsibility to continue to adapt their management strategies to include the changes wrought by colonisation and industrialisation of the Murujuga Cultural Landscape.

This becomes extraordinarily complicated with the imposition of governance structures, approvals processes and assessments of significance and impact according to external subject matter experts and regulators with no requirement for Aboriginal engagement (see, for example, Commonwealth of Australia 2013). In practice, this will often undermine the traditional cultural authority of people who should have far greater power and rights over decision-making for their own *ngurra*.

The documentation and presentation of attributes that have significant value to Ngarda-Ngarli has been a careful process of ensuring that the knowledge and management of *ngurra* itself, as well as the traditional decision-making structures for managing Law and *ngurra* is held with equal regard to the physical attributes that make the property a significant place for non-Indigenous visitors.

For MAC, this has included the development of Management Agreements and Management Plans that formalise a role for Ngarda-Ngarli in the management of different tenures within the Murujuga Cultural Landscape, building capacity within MAC to manage heritage, cultural information and *ngurra*, and the development of a complex database that supports the monitoring and management of potential Outstanding Universal Values (MAC 2015). These management mechanisms have had to support:

- The documentation of archaeologically and culturally significant places in such a way that information is comprehensively recorded but access is restricted to those with the necessary cultural authority;
- The ongoing monitoring of sites by Ngarda-Ngarli and other indigenous rangers (see Fig. 15.4) in such a way that sites can be managed without compromising the cultural safety of the rangers;
- The succession of songs, rituals, cultural practices and cultural knowledge in a digital age without compromising on the cultural protocols that determine the traditional nature of knowledge transfer;
- The continuous monitoring of ecological and natural attributes to ensure the currency of a seasonal calendar that safeguards both the continuation of cultural management traditions and the development of new strategies that support cultural management of an evolving landscape.



Fig. 15.4 MAC Ranger Manager and Mardudunhera man Peter Cooper, surveys the Murujuga cultural landscape. Dolphin Island

15.4.4 Resourcing

This WH process has required resourcing of internal expertise to support an Indigenous-led World Heritage nomination for the Murujuga Cultural Landscape. MAC is in a relatively unique position to assert their agency and self-determination over the World Heritage nomination process through having free-hold title over part of the property, Joint Management Agreements over part of the property, funding support from the State and Commonwealth Governments, relationships with government and industry stakeholders, access to independent advisors and adequate organisational and governance systems to engage their own World Heritage project manager and author.

Developing the dossier to document the Murujuga Cultural landscape, involved the resourcing of an Indigenous author (AS) to oversee the collection and curation of the property's cultural values working directly with Ngarda-Ngarli. This has had a significant impact in fore-fronting the inextricability of natural and cultural attributes that are required for any meaningful discussion of significance related to a cultural landscape. Other sections of the nomination dossier were written by other management and technical specialists (including JM), which has made the dossier a multidisciplinary effort, overseen throughout the whole process by the oversight of Ngarda-ngarli elders.

This detailed development of the Ngarda-Ngarli narrative for Murujuga fundamentally focused the criteria for which World Heritage Listing was sought. A full consideration of how people have lived on and protected this *ngurra* for generations could only be demonstrated through a combined consideration of OUV criterion (iii) and (v). Together, these criteria contextualise intangible values; land- and sea-use; and the adaptation of Law and culture to a changing landscape in a way that more authentically encapsulates the Ngarda-Ngarli perspective.

The holistic representation of natural and cultural values and the inextricability of tangible and intangible heritage at Murujuga arguably makes the property a critical addition to the World Heritage List—not because it is unique in its consideration of a cultural landscape in this manner but because such places are so far not well-represented on the World Heritage List.

15.5 Conclusion

These conversations about *ngurra* and culture and cultural values are continuing, as they have been for a long time. What we need now is a shift in the way we consider the interconnectedness of the attributes and management of Outstanding Universal Values. Although this is the basis of

Aboriginal land and sea management in Australia, it requires an ontological shift in the way Property managers perceive the divide between natural and cultural and tangible and intangible values for the purposes of ascribing value and management of those values.

Thus, in colonised countries, there needs to be a shift in UNESCO's gaze so it can reflect a better understanding of Indigenous people's perceptions of country and their management of land and sea based on a complex understanding of those connections. However, at a local and national level, settler nations also need to shift the way we perceive—and legislate—for management of cultural landscapes to reflect a more holistic understanding of natural and cultural interdependence of heritage places (Environmental Protection Authority 2016). There remain significant legislative /institutional barriers for site management in western hegemony that assumes a regulatory agency has expertise in only one of either natural or cultural heritage—and in Western Australia, even distinguishes legislatively between historic and Indigenous heritage (<https://www.dcceew.gov.au/parks-heritage/heritage/organisations/wa>). This siloing of significance values and the separation in legislative/regulatory management contributes to ongoing challenges in recognising the existing mechanisms for the holistic monitoring, management, and protection of an entire cultural landscape.

This is not impossible to address within the current system, but it puts the onus on Aboriginal people to negotiate effective legal agreements to formalise their role in the management of land and sea country and the cultural values that are inherent within these. The nomination of the Murujuga Cultural Landscape has highlighted the need to meaningfully embed Aboriginal decision making and involvement in managing country within existing legislative structures as a critical part of the nomination process.

We find ourselves at a point – locally, nationally and globally – where State, Commonwealth and International instruments focus on identifying a direct link between knowledge and specific places within a landscape; where there is an onus on Aboriginal people to document the sum-total of traditional ecological knowledge and Indigenous cultural knowledge for a place so that the management responsibility for a property can be placed within colonial management structures, perpetuating the disempowerment of Indigenous governance. This result is problematic from a rights-based perspective but is also contradictory to protection when significance is directly related to the living culture that is managing a cultural landscape. We cannot continue to focus on the management of tangible values alone, as if we can separate aspects of a cultural landscape from that living culture's decision-making and governance realities.

Australia needs to find a way to elevate the voices, knowledge, and decision-making of Aboriginal people when it comes to management of a cultural landscape or we perpetuate

the systemic privileging of white knowledge systems and antiquated regulatory regimes over indigenous knowledge. To meaningfully engage with the most extraordinary values of these places, and to truly celebrate the international patrimony of its Charter, UNESCO needs to move on from a system that inherently privileges peak scientific bodies as subject matter experts over Indigenous knowledge in relation to the values of complex cultural landscapes (and see Gupta et al. 2023).

The worst-case scenario for Murujuga is that WHL protection continues to identify only the physical attributes of the place over the intangible values of traditional ecological knowledge, traditional cultural knowledge, and the connection between country, culture, Law and Business. This protection is already afforded by the National heritage listing made over a decade ago—which signifies the rock art and stone structures—but lacks reference to the extensive cultural connections and values now documented. The current World Heritage nomination for Murujuga, with its extensive documentation of contemporary values and the interconnectedness of the cultural landscape will expand the protection of this Property's values by recognising the continuity of cultural management and connections between country and Ngarda-Ngarli.

We have an opportunity with the Murujuga nomination to avoid the systemic inequality that exists within many UNESCO coda and legislative mechanisms that privilege white/western/global north perspectives over a multitude of indigenous perspectives: thus, artificially constraining Indigenous knowledge and categorising and constraining archaeological sites or specific cultural places rather than recognising the much more complex perceptions of cultural landscapes. The Murujuga *ngurra* is an inscribed cultural landscape where the significant rock art and stone structures are a component part of the stories and practice of Law associated with a cultural landscape that has been managed by successive generation for the last 50,000 years.

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