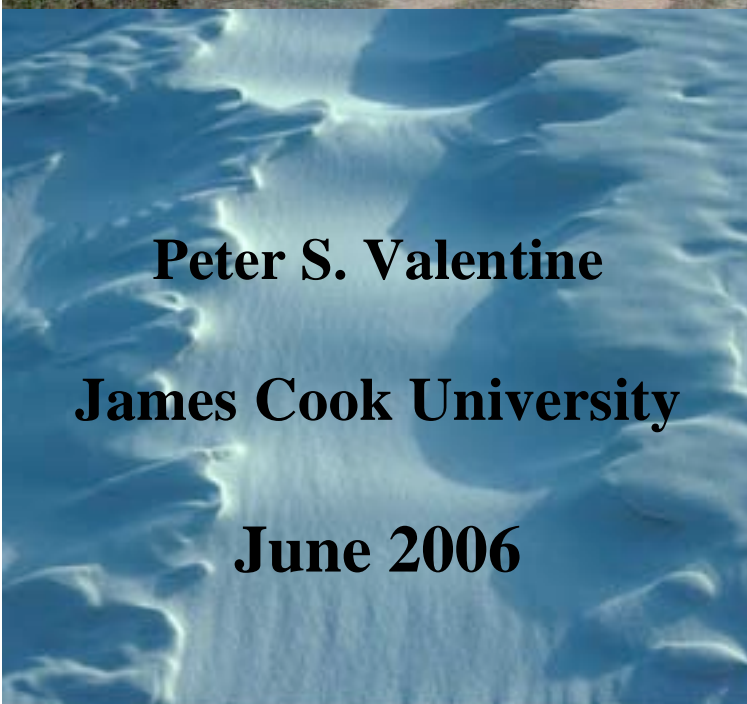


# COMPILING A CASE FOR WORLD HERITAGE ON CAPE YORK PENINSULA



**Peter S. Valentine**

**James Cook University**

**June 2006**



**COMPILING A CASE FOR WORLD HERITAGE**

**ON**

**CAPE YORK PENINSULA**



**FINAL REPORT FOR QPWS**

**June 2006**

**Associate Professor Peter Valentine  
James Cook University  
Townsville**

# TABLE OF CONTENTS

LIST OF ACRONYMS.....	IV
BACKGROUND TO THE BRIEF (FROM QPWS).....	V
TERMS OF REFERENCE.....	VI
STATEMENT ON METHODOLOGY.....	VII
<b>SECTION 1 .....</b>	<b>1</b>
EXECUTIVE SUMMARY AND CONCLUSIONS FOR SECTION 1.....	1
BACKGROUND TO WORLD HERITAGE POTENTIAL FOR CAPE YORK PENINSULA .....	2
THE PROSPECT FOR LISTING AS NATIONAL HERITAGE .....	7
CULTURAL HERITAGE: NATIONAL AND WORLD HERITAGE LISTING .....	8
A CULTURAL LANDSCAPE NOMINATION OF CAPE YORK PENINSULA?.....	9
<i>Categories of World Heritage Cultural Landscape .....</i>	<i>10</i>
CONCLUSIONS .....	13
<b>SECTION 2 .....</b>	<b>14</b>
EXECUTIVE SUMMARY AND CONCLUSIONS FOR SECTION 2.....	14
A FRAMEWORK FOR NOMINATION OF NATURAL HERITAGE .....	16
<i>Criteria for World Heritage Inscription.....</i>	<i>16</i>
ADDITIONAL CONSIDERATIONS FROM THE OPERATIONAL GUIDELINES .....	26
<i>Biosphere Reserves and World Heritage .....</i>	<i>26</i>
<i>Threat Analysis.....</i>	<i>28</i>
MANAGEMENT REQUIREMENTS AS A CHALLENGE TO WORLD HERITAGE LISTING .....	31
<i>Joint Management of National Parks in Australia .....</i>	<i>32</i>
<i>Community-Conserved Areas .....</i>	<i>34</i>
<i>Indigenous Protected Areas .....</i>	<i>35</i>
<i>Conservation Arrangements in Cape York Peninsula .....</i>	<i>37</i>
CRITERIA FOR NATIONAL HERITAGE LISTING.....	40
<i>National Natural Heritage .....</i>	<i>42</i>
MAP 1.    CAPE YORK PENINSULA PLACES ON THE REGISTER OF THE NATIONAL ESTATE.....	43
<i>National Cultural and Historic Heritage.....</i>	<i>44</i>
CONCLUSIONS .....	45
<b>SECTION 3 .....</b>	<b>48</b>
POSSIBLE BOUNDARY OPTIONS FOR WORLD HERITAGE ON CAPE YORK PENINSULA .....	48
WORLD HERITAGE NOMINATIONS AND COMMUNITY ENGAGEMENT .....	50
POTENTIAL NOMINATION OPTIONS FOR CYP .....	55
<i>Scenario 1.....</i>	<i>55</i>
<i>Map 2.    Cape York Peninsula land tenure with emphasis on grazing lands, state lands, National Parks,</i> <i>Aboriginal lands and mining leases. ....</i>	<i>57</i>

<i>Scenario 2</i> .....	58
<i>Scenario 3</i> .....	59
<i>Map 3. Scenario 3: The Eastern Cape York Ecosystem</i> .....	60
<i>Map 4. Scenario 3: Eastern Cape York Ecosystem with overlay of State Lands and other tenure</i> .....	61
<i>Scenario 4</i> .....	62
<i>Map 5. Scenario 4: Greater Eastern Cape York Ecosystem</i> .....	63
<i>Map 6. Scenario 4: Greater Eastern Cape York Ecosystem with overlay of state land tenure</i> .....	64
<i>Scenario 5</i> .....	65
<i>Map 7. Scenario 5: Queensland State Lands in Cape York Peninsula</i> .....	66
<b>SECTION 4</b> .....	<b>67</b>
<b>FURTHER ANALYSIS AND DOCUMENTATION REQUIREMENTS</b> .....	67
<i>For natural World Heritage:</i> .....	67
<i>For cultural World Heritage:</i> .....	68
<b>SECTION 5</b> .....	<b>70</b>
<b>TASKS FOR WORLD HERITAGE NOMINATION</b> .....	70
<b>PROPOSED TIMELINE FOR NOMINATION PROCESSES</b> .....	74
<b>ACKNOWLEDGEMENTS</b> .....	<b>76</b>
<b>REFERENCES</b> .....	<b>77</b>

## LIST OF ACRONYMS

AFMS	Australian Fossil Mammal Sites (Riversleigh and Naracoorte)
CCA	Community Conserved Area
CERRA	Central Eastern Rainforest Reserves (Australia)
CL	Cultural Landscape
CYLC	Cape York Land Council
CYP	Cape York Peninsula
CYPLUS	Cape York Peninsula Land Use Strategy
DEH	Commonwealth Department of Environment and Heritage
EPBC Act	Environment Protection and Biodiversity Conservation Act
IBRA	Interim Biogeographic Regionalisation for Australia
ICOMOS	International Council on Monuments and Sites
ID	Identification number
ILUA	Indigenous Land Use Agreement
IPA	Indigenous Protected Area
IUCN	The World Conservation Union
IUCN-CEESP	Commission on Environmental, Economic and Social Policy
MAB	Man and Biosphere Program
NGO	Non-governmental Organisation
NHT	Natural Heritage Trust
NRS	National Reserve System
NP	National Park
PNG	Papua New Guinea
QPWS	Queensland Parks and Wildlife Service
TO	Traditional Owner
UNEP-WCMC	United Nations Environment Programme World Conservation Monitoring Centre
UNESCO	United Nations Educational, Scientific and Cultural Organisation
US F&W	United States Fish and Wildlife Service
USFS	United States Forest Service
US NPS	United States National Park Service
WCPA	World Commission on Protected Areas (IUCN)
WH	World Heritage
WHC	World Heritage Committee

# COMPILING THE CASE FOR WORLD HERITAGE LISTING FOR PART OF CAPE YORK PENINSULA

*A Report to Queensland Parks and Wildlife Service  
June, 2006.*

**AUTHOR:** *Associate Professor Peter S. Valentine, James Cook University.*

## **BACKGROUND TO THE BRIEF (FROM QPWS)**

Mackey et al. (2001) assert that Cape York Peninsula has retained its “*integrity of natural systems and processes over such a vast area across entire watersheds, that gives Cape York Peninsula its unique character and global environmental significance*” and that “*a substantial proportion has the potential to qualify as World Heritage*”.

The Great Barrier Reef World Heritage Area adjacent to the Cape York Peninsula is complementary to the high level of natural integrity on the land, creating a continuous corridor of land and sea of high natural integrity from the northern end of the Wet Tropics World Heritage Area to the tip of Cape York Peninsula.

For the purposes of developing a case for World Heritage nomination, Cape York Peninsula is taken to be all land on the peninsula north of 16°S latitude, excluding land that is already listed as part of the Wet Tropics World Heritage property. While all land will need to be considered in the assessment, it is not expected that any potential nomination would interfere with the intent of any existing mining authorities on the Peninsula.

It is recognised that indigenous and post-contact heritage has not been studied to the same extent as the natural attributes of the area. For that reason, the case for nomination should, at this point of time, concentrate on natural heritage while still identifying cultural heritage attributes that are highlighted in the publications and reports being considered.

## **TERMS OF REFERENCE**

- 1. Review existing and available literature, including the Mackey et al. (2001) publication on natural heritage significance and reports deriving from CYPLUS, and report on whether there is a case for part of Cape York Peninsula being nominated for World Heritage and National Heritage listing.**
- 2. If a case exists, develop a framework for nomination based on the criteria in the World Heritage Convention, the Operational Guidelines for the implementation of the World Heritage Convention, and the requirements of the EPBC Act.**
- 3. Identify, in document form and on maps, the boundary or boundary options for that proposed nomination, being mindful of the requirement that a nomination should not interfere with the intent of any existing mining authority.**
- 4. Advise on any further analysis and documentation that would be required in order to progress the nomination, and suggest appropriate experts who might be approached to carry out the work.**
- 5. Identify key statutory and administrative processes including management requirements, to achieve World Heritage and National Heritage listing, and develop an indicative annotated framework and timetable for the process of preparing and submitting such nominations.**

The Report is presented in five Sections corresponding to the specific terms of reference for the work.

## STATEMENT ON METHODOLOGY

The approach to the tasks required has been to undertake a desktop study of documentary and other material as a basis for developing a considered opinion about the issues addressed. There has been an enormous amount of material written about Cape York Peninsula by a wide range of scientific experts. Fortunately a great deal of this material has been brought together as part of the Cape York Peninsula Land Use Strategy (CYPLUS) process and more recently in the outstanding work of Mackey, Nix and Hitchcock (2001) commissioned by the Queensland Government and available to the public. This work was an essential source for the natural heritage component of the study. The critical new work undertaken was linking the understanding of the natural heritage of Cape York Peninsula to the requirements established by the World Heritage Committee for inscribing a place on the World Heritage List. For this study the principal source for World Heritage matters was the revised set of Operational Guidelines developed by the World Heritage Committee and now current.

Two features of these new Guidelines are worth noting. The first is that the Committee has greatly increased the emphasis on management and community participation as part of the process of evaluation associated with each nomination. The second feature is the greater clarity with which the revised Guidelines present the requirements for nomination, evaluation and listing. Both these changes have been helpful in developing an understanding of the requirements associated with possible nomination of Cape York Peninsula for the World Heritage list.

There are many other sources for a good understanding on World Heritage and these have provided useful additional clarification, especially the publications from IUCN with regard to natural heritage. The excellent web sites maintained by both the World Heritage Centre<sup>1</sup> and IUCN<sup>2</sup> provide access to a wealth of original material about global World Heritage that has been useful.

In the case of the National Heritage list and processes, there is less history to call upon since these developments are recent and have so far had limited implementation. However the EPBC Regulations and the Federal Government guidelines provide a good starting point for analysis. Previous experience with the Register of the National Estate also assisted. In essence, the long operation of the Register of the National Estate under the previous Australian Heritage Commission provides a useful starting point for the consideration of National Heritage.

---

<sup>1</sup> <http://whc.unesco.org/>

<sup>2</sup> <http://www.iucn.org/>



In addition to the desktop work and analysis, a number of personal discussions were held with a wide range of individuals who have particular knowledge and experience about Cape York Peninsula. These were informal and not “on the record” in some cases but they added enormously to my ability to appreciate the range of issues and possibilities for Cape York Peninsula. An initial meeting with QPWS staff (Buzz Symonds and Clive Cook) helped develop a list of people with whom to have private conversations and these were extended as time and availability allowed. This work was not meant to involve community engagement and it does not pretend to have engaged with anyone other than experts and other than a small sample of these.

Following submission of a draft report in April, valuable comments were provided by staff from QPWS and additional work on a range of elements was completed during May in an attempt to further clarify the outcomes of the study.

## **SECTION 1**

*Review existing and available literature, including the Mackey et al. (2001) publication on natural heritage significance and reports deriving from CYPLUS, and report on whether there is a case for part of Cape York Peninsula being nominated for World Heritage and National Heritage listing.*

### **Executive Summary and Conclusions for Section 1.**

A review of available literature on Cape York Peninsula natural heritage and analysis of the precedents and prevailing practices of the World Heritage Committee was undertaken. The specific requirements for inclusion on the National Heritage list was also reviewed despite much more limited availability of practice and precedent. In my opinion the evidence referred to is adequate to conclude that a case exists for the nomination of Cape York Peninsula for both the National Heritage list and for the World Heritage list. The case is strong for both natural and cultural heritage attributes for the National List and while the evidence is better assembled for natural heritage I am equally convinced that cultural heritage criteria for the National List can also be met, although it will require significant collaborative compilation effort. Nomination for World Heritage on cultural criteria would be best judged following a much more comprehensive review and analysis of data than has yet been undertaken, but the prospect of significant parts of Cape York Peninsula meeting the criteria for a 'cultural landscape' seems high. The strong link between natural and cultural heritage within such a nomination makes this an even greater prospect for Cape York Peninsula. Unlike Uluru and Kakadu, Cape York Peninsula has many discrete Indigenous traditional owner groups and each of these will need to be separately involved in any development of a World Heritage nomination that includes extensive areas of the Peninsula. Cultural heritage is in the first instance entirely in the hands of traditional owners who must therefore agree to the extent of any sharing that may be implicit in a cultural heritage nomination. Given the views of both Conservation groups and Aboriginal people that World Heritage nomination will only proceed with Traditional Owner consent the most appropriate process to confirm the basis of any Cultural World Heritage nomination is as part of this consent engagement.

## **Background to World Heritage Potential for Cape York Peninsula**

On the tenth anniversary of the adoption by UNESCO of the Convention for the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) the International Union for the Conservation of Nature (IUCN) published a seminal document regarding natural heritage. This was the first indicative inventory of the world's most outstanding natural areas (IUCN, 1982). In this international inventory IUCN identified a total of 219 potential World Heritage sites, some of which had already been inscribed but most of which had not. The process adopted was to review sites within the eight global biogeographical realms and to evaluate their potential for nomination to the World Heritage List according to the criteria at that time. The list was derived from the input of regional and international experts in each of the realms. For the Australian realm (excluding the Antarctic realm) a total of 13 sites were included. It is interesting to note that all but three of these proposals have now been inscribed on the World Heritage List. Those now inscribed are the Great Barrier Reef, Willandra Lakes, Kakadu, Lord Howe Island, Southwest Tasmania, Uluru, Queensland rainforests (i.e. Wet Tropics), Great Sandy Region (i.e. Fraser Island), Shark Bay and the Kimberlies (at least in the form of Purnululu). Of the three not yet nominated by Australia one is the outstanding Forest and Wildflower region of Western Australia (the southwest area) while the other two are both Queensland sites. The first, the Channel Country, involves both Queensland and the Northern Territory and although its focus is on the catchment areas of Lake Eyre, might reasonably incorporate much of the Lake Eyre Basin. There has been some public discussion about the Lake Eyre Basin as a potential World Heritage site but no progress has been made, partly due to strong political concerns following the unfortunate experience of graziers in the Willandra Lakes listing. The final property in the IUCN 1982 indicative list was Cape York Peninsula and at that time it was considered that its natural heritage attributes would meet all four World Heritage criteria for natural heritage (IUCN, 1982). It is worth noting that embedded in one of the criteria used at that time was recognition of a site as an outstanding example of "man's interaction with his environment" (Operational Guidelines 1982, natural criterion (ii) ).

Ten years earlier than this, a significant Australian symposium explored the biogeographic and cultural dimensions of the Torres Strait region (Cape York Peninsula and southern Papua) and the results were published in a highly cited volume (Walker, 1972). This was a ground-breaking work in that it not only explored the nature and significance of the natural environment of this region but also reviewed what was then understood about the cultural history. In essence, the biogeographic components highlighted the interchange between ancient Gondwanan elements (both within Cape York Peninsula and within PNG) and the recent (Pleistocene) invasion of Indomalayan flora and

fauna. The interaction of the two main biotic assemblies of different origins was both facilitated and impeded by what has come to be known as the bridge and barrier roles of Cape York Peninsula. This theme of a meeting and exchange between two quite separate continental biota remains reflected in the present biogeographic patterns on Cape York Peninsula along with a smaller scale nexus between the flora and fauna of Papua New Guinea and Cape York Peninsula.

Also in the 1970s, Peter Stanton (1976) wrote an influential work entitled *National Parks for Cape York Peninsula*, which recommended specific areas of high-quality scenery and major ecosystems of the Peninsula to be set aside and preserved in national parks. Stanton later presented an evocative address at the second World Wilderness Conference held in Cairns in 1980. *“The Cape York Peninsula must be one of the most complex regions still left on earth. There can be no more starkly contrasting ecosystems than those of the sclerophyll communities of eastern Australia and the tropical rainforest, yet here a wide range of variation in both these communities can be found in complex inter-relationship. There is little to equal the drama of complex rainforest giving way along an abrupt boundary to the harsh sunlit grey-green world of the eucalyptus forest or the single species monotony of a melaleuca swamp.”* (Stanton, 1982). It was with words like this that Cape York Peninsula was so compellingly introduced to the global community. At this same conference, Dr Geoff Mosley, then the Director of the Australian Conservation Foundation, drew attention to the possibility of a long term solution to the future of Cape York Peninsula being formulated *“involving both a return of the land to its rightful owners and the conservation of the distinctive qualities of the peninsula”* (Mosley, 1982). He alluded to the then Premier of Queensland, along with conservationists, urging the area *“become a national park in its entirety”*.

While many of Stanton’s recommendations for protected areas were put into effect, land-use planning remained critically deficient in Cape York Peninsula. Connell Wagner (1989) was contracted by the Queensland Government to conduct a Cape York Peninsula Resource Analysis. This compilation of natural, cultural and socio-economic resource knowledge was recognised as the first step towards preparation of a development or land-use strategy for the region.

In 1992 the Cape York Peninsula Land Use Study commenced as an initiative of the Commonwealth and Queensland governments. CYPLUS Stage one produced *“8 gigabytes of data, probably produced two PhDs, some 45 different papers and reports, and invested some \$7.9 million into a wide range of bureaucracies and consultants”* (Petrich, 2001, para.6). Stage one was followed by the Cape York Peninsula Land Use Strategy, which was released in May 1997. Stage 2 involved the development of a strategy for sustainable land use and economic and social development. The document was presented in the form of a vision, principles, broad policies and mechanisms for the implementation of these policies (Memmott & McDougal, 2003).

In 1996 the Cape York Land Use Heads of Agreement was signed by representatives of Cape York's indigenous communities, cattle graziers and environment groups. Embedded in this Agreement, environment groups obtained a commitment for the assessment and protection of World Heritage values in the Peninsula. The Queensland government formally committed to the Heads of Agreement when Premier Peter Beattie signed the document in September 2001.

Following CYPLUS stage 2, the Cape York Natural Heritage Trust Plan was launched in February 1998 to provide support in three major areas: 1. support for Cape York Property Plans; 2. an enhanced and expanded network of Protected Areas; and 3. Indigenous peoples, land management. The implementation of the NHT Plan (and utilisation of the available \$40 million) has been fraught with difficulties and progress has been slow in many areas (Centre for International Economics Resource Policy & Management, 1999; Schneiders & Hill, 2003).

In 1999 the Queensland Government commissioned a study of the natural heritage significance of Cape York Peninsula. This study was asked to produce draft assessment criteria for natural heritage significance, evaluate the adequacy of the existing inventory for applying these criteria and apply the draft criteria to prepare a Statement of Natural Heritage Significance (Mackey, Nix and Hitchcock, 2001). The authors believed that "no existing set [of criteria] encompasses all the necessary and sufficient conditions. Rather, it was necessary to derive a new set of universal heritage assessment criteria." (p.7) The World Heritage criteria were reviewed and incorporated into the authors' new set of criteria. Even so, there is a strong relationship between the criteria used by Mackey et al. and both the UNESCO World Heritage criteria and the Commonwealth National Heritage criteria.

The report addressed the recommendation in the CYPLUS stage 2 final report which recommended bringing together all relevant natural heritage data obtained in stages one and two for review against specific criteria. In addition, the report made a substantial contribution to clause 13 of the Cape York Heads of Agreement.

This outstanding work has become a central plank in understanding the natural heritage significance of Cape York Peninsula. The compilation of natural heritage attributes was extensive and drew upon most of the preceding scientific literature and a wealth of recent reports that formed part of the CYPLUS program. Mackey et al. (2001) reviewed and assessed the utility of the 21 CYPLUS natural resource reports and drew extensively upon them in reaching their conclusions. The present review has relied principally on this excellent work for an assessment of the case for natural World Heritage nomination.

Some additional insight is available in the recent work on rainforests of Cape York Peninsula (Stanton and Fell, 2005). This work confirmed the importance of many east coast sites previously identified but also for the first time identified the significance of the Laura Basin and in particular the Melville Range. The very many patch forests scattered through the Laura basin had not previously been studied and Stanton and Fell indicate that this area is of particular botanical significance (patches are isolated, each one distinct, numerous new species and range extensions were uncovered). The Melville Range is described as the most distinctive part of the whole study area with the prospect that the elevated granites may have supported refugia for earlier rainforest flora.

In the 2004 election campaign the Queensland Labor party committed to spending \$10 million “to protect Cape York Peninsula’s world class natural and cultural heritage” in their next term of government. The commitment included initiating the listing of suitable Peninsula lands on the National Heritage List and to compile the case towards World Heritage listing of appropriate areas. This report contributes towards the fulfilment of part of that commitment.

In 2004 a strategy paper was prepared by IUCN to consider future priorities for a credible and complete list of natural and mixed World Heritage Sites (IUCN, 2004). This strategy paper sought to identify gaps in the system following a comprehensive analysis of the global World Heritage network (Magin and Chape, 2004). The World Heritage Committee had previously decided to pursue a Global Strategy for a Balanced, Representative and Credible World Heritage List and this is an action program forming part of the new (current) Operational Guidelines. It was in response to this new imperative that IUCN developed the strategy paper (IUCN, 2004).

The paper identified major gaps in the World Heritage coverage of five Udvardy Biomes one of which is Tropical Grassland/Savanna. Although IUCN did indicate some potential sites that might meet the Biome gaps, it was explicitly stated that the list was not exclusive therefore allowing some prospect for the tropical savanna areas within Australia to meet the identified gap analysis (only one tropical savanna site was included in the indicative list, the Sudd-Sahelian savanna (not in the Australian realm)).

Full details of World Heritage criteria are provided in Section 2.

The IUCN approach to evaluation of WH nominations, in addition to an assessment of the extent to which a site meets the WH criteria, also uses five natural quality indicators:

- a) distinctiveness: does the site contain species, habitats, physical features not duplicated elsewhere?
- b) integrity: does the site function as a reasonably self-contained unit?
- c) naturalness: to what extent has the site been affected by human activities?
- d) dependency: how critical is the site to key species and ecosystems?
- e) diversity: what diversity of species, habitat types and natural features does the site contain?

On these five natural quality indicators Cape York Peninsula has the potential to score highly, a view reinforced by the findings in Mackey et al. (2001) who drew particular attention to the excellent integrity conditions that prevail. The high level of natural integrity of the hydrological processes underpins the ecological integrity and the “remarkably unfragmented set of landscape ecosystems” of Cape York Peninsula.

All of the above leads to a clear conclusion that Cape York Peninsula has natural heritage of outstanding universal value and that a case can be made for the development of a nomination for World Heritage listing. A framework for the development of such a nomination is provided in Section 2.

Given that IUCN found that Cape York Peninsula would meet all four criteria for natural world heritage in 1982, what may have changed since then? Two key changes need to be considered. First, in 1982 nominations for the World Heritage list were generally rather limited documents and many sites were inscribed based on perhaps 10 or 15 pages of support. This was partly due to the well known qualities of the places nominated (for example the Great Barrier Reef) and partly due to an enthusiasm to have the list established.

A comparison between these early nomination documents and more recent nominations is quite revealing, indicating the much greater detail and level of scientific support in the more recent nominations. Australia has also recognised the deficiencies in the original nomination material and has acted to undertake updated evaluations of the outstanding universal value of sites that were nominated in the early years of the convention. The initial work was done by Lucas, Webb, Valentine and Marsh in reviewing the Great Barrier Reef (1997). Subsequently similar work was done for the Australian Fossil Mammals Site (Luly and Valentine, 1998) and since then Fraser Island and other sites have also been re-examined to improve the knowledge base for management.

The second area of change has been a very much greater focus by the World Heritage Committee on the existing and future management arrangements for nominated sites. Included in this is a recent strengthening and emphasis on community participation components of state party responsibilities.

## **The Prospect for Listing as National Heritage**

With regard to the prospect for nomination to National Heritage listing, the level of significance required is appreciatively less (national versus international) and although the criteria are worded differently, there is sufficient common ground to allow a parallel nomination for natural heritage for the National List. In addition to the prospect for natural heritage listing, the National Heritage also provides categories for listing that do not match any of the World Heritage criteria. It is considered that there may be significant value in developing a nomination for the National List based on at least two historical-cultural elements in addition to natural heritage criteria.

The first would reflect the historical significance of Cape York Peninsula to the history of European settlement of Australia. This year marks the 400<sup>th</sup> anniversary of the first European to land on and map Australia, an event that occurred on the west coast of Cape York Peninsula at Cape Keer-weer south of present day Aurukun. The experiences of Willem Janszoon and his crew on the *Duyfken* in 1606 have traditionally marked the beginning of Euro-Australian history of the nation. Subsequently the exploits of a series of explorers, adventurers, miners, graziers and settlers map out an historic record of the euro-Australians discovering and settling this significant part of the country (May, 1995). A nomination of all or parts of CYP for the National List using the historical criteria may provide a basis for community pride and unity (through national recognition and acknowledgement) that could help support the processes of international acknowledgement. The material to do this is already well developed and recorded (for example, Jack, 1921; Beale, 1970).

The second set of attributes of Cape York Peninsula that fit the National List is the importance of the region for science. These include extensive records of early scientists and explorers in collecting material that subsequently helped develop our current appreciation of the continental scale changes associated with the interchange between Gondwanan elements (Australia and PNG) and the Indo-Malayan Realm. Some of these attributes have already been identified in the listing of parts of CYP on the Register of the National Estate (see Section 2).



## **Cultural Heritage: National and World Heritage Listing**

The opportunity for nominating Cape York Peninsula for both National Heritage listing and for World Heritage listing according to cultural heritage criteria exists but the prospects for a successful nomination are more complicated than for historical or natural heritage. For the National list the key criteria link places nominated to their importance for a particular community or group and therefore allow the strong connections between traditional owners and their country to be recognised (place by place). This suggests that each language group may be recognised separately and assuming an agreement is reached, the country listed. Collectively this could cover some or much of CYP. However to be considered of outstanding significance (the threshold for the National List) it would have to contain attributes of significance to the nation, not just the local or regional community. Such an argument may be based on the rarity within Australia of traditional management of largely intact ecosystems by traditional owners. In Cape York Peninsula this may be demonstrated over a much larger area than elsewhere in Australia where either the environment or the Indigenous people have been transformed significantly. The evidence to support such a nomination has not yet been collated in the public domain.

The case for World Heritage nomination is much more challenging but could be based on the notion of a cultural landscape (now widely applied, see Fowler, 2003) and also for specific areas may be considered under a number of other criteria. The greatest challenge will be to seek individual support from traditional owners to first participate in any identification process for World Heritage sites (i.e. each TO will need to be a participant in the identification and nomination process) and then to provide evidence about the cultural heritage. Secondary data derived from anthropologists and archaeologists can very much assist a case but would clearly be predicated on TO support and participation. It would be presumptuous to identify such material without the direct involvement of traditional owners. Additional relevant and recent material may be available as part of various native title claims but these have not been assembled into a publicly available document that could form the basis of a Cape York Peninsula cultural heritage nomination.

The current prospect for full engagement with traditional owners seems limited given the immediate focus on tenure resolution and land management negotiations throughout Cape York Peninsula and the lingering disputes and hurt about past tenure denial. Cordell (1995), in a volume that provides some excellent material on traditional practice, cautions against making definitive judgments as to the meaning of other people's customs. This volume also reinforces the idea that each community is quite distinct and should not be treated as a subset of the greater region. However, the "*stand alone case studies as a collection provide a strong sense of the Peninsula's cultural diversity*" (Cordell, 1995). They provide material evidence that Cape York Peninsula demonstrates a rich source to appreciate the interactions of people with the environment.

In the absence of a comprehensive cultural heritage review (something apparently promised as part of NHT but remaining incomplete (abandoned?) at this stage) the basis for any such cultural nomination remains limited. In any event, the requirement for community participation suggests that any nomination is likely to be a long way ahead. Further comments regarding cultural heritage are made in sections 4 and 5 below.

## **A Cultural Landscape Nomination of Cape York Peninsula?**

According to the World Heritage Committee the purpose of a cultural landscape is “to reveal and sustain the great diversity of the interactions between humans and their environment, to protect living cultures and preserve the traces of those which have disappeared...” (WHC, 2006). Cultural landscapes should be selected on the basis of both their universal value and for their representation of a clearly defined geo-cultural region and also for their capacity to illustrate the essential and distinct cultural elements of such regions. In his comprehensive review of World Heritage cultural landscapes Fowler (2003: 22) cites a definition of a cultural landscape by Parks Canada: “an Aboriginal cultural landscape is a place valued by an Aboriginal group (or groups) because of their long and complex relationship with that land. It expresses their unity with the natural and spiritual environment. It embodies their traditional knowledge of spirits places, land uses, and ecology.” The recognition of cultural landscapes encourages an “anthropological approach to the definition of cultural heritage and people’s relationship with the environment” (Fowler, 2003: 20).

Originally, the World Heritage Convention divided potential World Heritage sites into either natural or cultural categories. For a time, these were considered ‘opposites’ because at the time, nature conservationists thought that “the less human interference there had been with an area, the ‘better’ it was” (Fowler, 2003: 15). As used by the World Heritage Committee, the word ‘cultural’ embraced individual monuments, structures, buildings and ruins as “isolated phenomena” with little thought of context and the landscape itself. Fowler (2003) points out that this perception was found not to be able to cope with whole areas of cultural interest like the Lake District (U.K.).

In 1992 the cultural criteria were revised to include ‘cultural landscapes’ in an amendment to the *Operational Guidelines*. The category of site called ‘cultural landscape’ was created to enable nomination of sites that previously could not meet the existing criteria.

In 1994 the World Heritage Committee's Global Strategy advocated thematic studies as a means of obtaining a more representative World Heritage List. The Committee recognised that there was a predominance of monuments of European architecture and grand, spectacular, man-made landscapes, but a dearth of African, Asian and Pacific places as well as few from recent centuries. They also recognised that traditional cultures with their depth, complexity and diverse relationships with their environment were hardly represented at all. Cultural landscape can clearly be a medium for expanding representation from these missing elements.

However, overall, in a numerical sense, the Committee's hope for the popular success of the cultural landscape concept as a mechanism for inscribing World Heritage sites of a non-monumental nature has not so far been realised. Of the 30 cultural landscapes inscribed by 2002, 21 were in Europe, the remaining 9 scattered as 2 in Latin America/Caribbean (both in Cuba), 4 in Asia Pacific, 1 in Arab States and 2 in Africa (Fowler, 2003). Clearly the geographical impact is negligible except in (largely western) Europe and Cuba. Fowler believes that the small numbers in sub-Saharan Africa and Australasia do not properly represent the impact of the idea of cultural landscape in those areas, where the concept has been welcomed, much discussed and is being applied.

Within Australia the concept is well represented in the growth of Indigenous Protected Areas. The analysis of cultural landscapes completed by Fowler shows that far from expanding access to the World Heritage list for these kinds of properties, the Committee has continued to use traditional cultural criteria only rarely taking the extra step of declaring a cultural landscape. The analysis shows that during the period when the first 30 cultural landscape sites were designated another 70 listed World Heritage sites could have been designated as cultural landscapes but were not (Fowler, 2003).

### **Categories of World Heritage Cultural Landscape**

The World Heritage Operational Guidelines define cultural landscapes in three main categories (WHC 2005) as set out below.

- (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.
  - 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 2005, Annex 3, Para 10).

It is this third category of associative cultural landscape for which Uluru (Australia’s only WH cultural landscape) was listed as was Tongariro in New Zealand. Tsodilo in Botswana (home of the San people of the Kalahari Desert) is arguably worthy of cultural landscape listing in this category but was not identified as such by the Committee. Fowler’s analysis suggests that Kakadu could be listed under category 2b, the continuing landscape, while Willandra Lakes could be listed under category 2a, a relict landscape (Fowler, 2003). It seems highly likely that some if not most of Cape York Peninsula would qualify under category 2b as well as category 3.

ICOMOS is the lead body in the case of cultural landscapes, working closely with IUCN. Nomination files are sent to both agencies by the World Heritage Centre. IUCN then decides whether it should or should not send a mission to the site and informs ICOMOS accordingly.

All potential World Heritage sites have to meet at least one of the ten criteria outlined in the *Operational Guidelines*. Potential cultural landscapes must be nominated under at least one of the six cultural criteria. A potential cultural landscape site may also be nominated under natural criteria, which if inscribed, would become a ‘mixed site’. In addition to meeting the criteria, all cultural sites have to meet conditions of authenticity and in the case of cultural landscapes, their distinctive character and components and adequate legal, contractual or traditional protection (and nowadays, a management plan). There are examples of sites not being listed because of the absence of a management plan.

According to the Nara Document on Authenticity (Annex 4 in the Operational Guidelines), knowledge and understanding of original and subsequent characteristics of cultural heritage, their meanings, and sources of information are a prerequisite for assessing all aspects of authenticity, including form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling. The World Heritage Committee is alert to the dangers of judging cultural heritage outside its specific context and this means the reference point for authenticity of Cape York Peninsula will need to be located in the cultural heritage of the traditional owners.

The meaning of the word integrity in the context of cultural World Heritage is wholeness, completeness, unimpaired or uncorrupted condition, continuation of traditional values and social fabric. Integrity is the extent to which the layered historic evidence, meanings and relationships between elements remain intact and can be interpreted by the landscape. Continuing landscapes reflect a process of evolution in form and features that can be 'read' like documents, but their condition of historical integrity can also be defined by the continuity of traditional functions, and the relationship of parts with the whole landscape.

The third category of cultural landscape allows for the expression in landscape terms of the idea underlying World Heritage criterion (vi) [*places directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance*], but it was expected that it would be used only rarely, and such has so far proved to be the case.

According to Fowler (2003) the original example, Tongariro, set such a high standard of demonstrating associative cultural heritage, but nevertheless in a context which non-indigenous people could appreciate, that extreme care is being taken with further claimants.

Perhaps more than expected so far cultural landscapes seem often to be about living people as much as living landscapes. They may sometimes be remote but in general they are not deserted places. World Heritage cultural landscapes are characteristically areas where people are continuing to try to gain a livelihood. In the context of Cape York Peninsula this may be a critical component in gaining community support for World Heritage nomination.

Fowler's review concluded with some very interesting reflections that have important meaning for Cape York Peninsula. He raised as an ethical consideration whether or not 'preserving' small, essentially non-Westernised indigenous populations in their 'natural' habitats is the proper business of those implementing the World Heritage Convention. "Given that the World Heritage Convention was devised to protect natural and artefactual heritage, including landscape, it would be a significant move were emphasis to shift to people too; yet one of the major lessons learnt from cultural landscapes as well as ordinary World Heritage sites is that the best way in most cases to secure the future of that which we wish to maintain is to involve the residents" (Fowler 2003:56). If we sustain the people then we have secured the best means of maintaining the heritage that we wish to look after. A landscape perspective also recognises the continuity between the past and with people living and working on the land today. These views resonate particularly in the Cape York Peninsula context. More information about involving local residents, particularly the traditional owners of CYP, with World Heritage nominations and management can be found in Sections 2 and 3.

## **Conclusions**

In my opinion the evidence referred to is adequate to conclude that a case exists for the nomination of Cape York Peninsula for both the National Heritage list and for the World Heritage list. The case is strong for both natural and cultural heritage attributes for the National List and while the evidence is better assembled for natural heritage I am equally convinced that cultural heritage criteria for the National List can also be met. Nomination for World Heritage on cultural criteria would be best judged following a much more comprehensive review and analysis of data than has yet been undertaken, but the prospect of significant parts of Cape York Peninsula meeting the criteria for a 'cultural landscape' seems high. The strong link between natural and cultural heritage within such a nomination makes this an even greater prospect for Cape York Peninsula. Unlike Uluru and Kakadu, Cape York Peninsula has many discrete Indigenous traditional owner groups and each of these will need to be separately involved in any development of a World Heritage nomination that includes extensive areas of the Peninsula. Cultural heritage is in the first instance entirely in the hands of traditional owners who must therefore agree to the extent of any sharing that may be implicit in a cultural heritage nomination. Given the views of both Conservation groups and Aboriginal people that World Heritage nomination will only proceed with Traditional Owner consent the most appropriate process to confirm the basis of any Cultural World Heritage nomination is as part of this consent engagement.

## SECTION 2

*If a case exists, develop a framework for nomination based on the criteria in the World Heritage Convention, the Operational Guidelines for the implementation of the World Heritage Convention, and the requirements of the EPBC Act.*

### Executive Summary and Conclusions for Section 2

The evidence suggests that Cape York Peninsula can readily meet the following criteria for National Heritage listing:

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history; [natural and cultural]
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history; [natural and cultural]
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history; [natural and cultural]
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
  - a class of Australia's natural or cultural places; or
  - a class of Australia's natural or cultural environments; [natural and cultural]
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group; [natural and cultural]
- (i) the place has outstanding heritage value to the nation because of the place's importance as part of indigenous tradition. [cultural]

Depending on the different sites that may be included in any nomination all or some of the above criteria can be met. It is considered that for at least criterion (a) Cape York Peninsula can meet natural, historical and indigenous criteria for national significance.

The evidence suggests that Cape York Peninsula can meet the following criteria for World Heritage listing:

- (vii) to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance [old natural (iii)]
- (viii) to 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 [old natural (i)]
- (ix) to 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 [old natural (ii)]
- (x) to 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 [old natural (iv)]

In addition it is also considered that there is a possible case for listing using cultural heritage criteria:

- (iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared
- (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
- (vi) to 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 preferably be used in conjunction with other criteria).

On the basis of a limited exposure to examples from across the Peninsula the opportunities for cultural listing seem to be there and it is expected these would be confirmed and deepened as part of the process of developing a nomination, however there are some significant challenges in making a link between evidence and the criteria. It is probable that a nomination under the Cultural Landscape option would be successful. The possible inclusion of Indigenous Protected Areas and other forms of community conservation is also examined. There is potential for Indigenous lands to contribute significantly to a World Heritage nomination. The framework for this should include full engagement with Traditional Owners whose cultural property must form the basis of any nomination. For this reason it would be premature to advance specific attributes as a basis for a World Heritage nomination.

Some of the associated elements that may ensure a greater likelihood of success have been identified and the possibility for these to be incorporated in a nomination has been explored. Key components of this refer to the integrity of the site nominated, the management arrangements that may guarantee protection and conservation of the site and the importance of participation of the community both in the nomination process and in the subsequent management arrangements.

Because there are a number of options available (in terms of specific places and sites to be included in any nomination) the potential use of a Biosphere Reserve approach has been explored. This internationally popular approach (nearly half of all natural WH sites are also in Biosphere Reserves) may provide a unifying theme for advancing the World Heritage prospects for Cape York Peninsula. It may also be applied in conjunction with a serial nomination for core conservation areas. The key elements of Cape York Peninsula that align with the World Heritage natural criteria are identified, largely based on Mackey et al. 2001 but supplemented with additional material. The crucial importance of the existing integrity of Cape York Peninsula has been reinforced and linked to future management arrangements. This aspect is also critical in the context of boundary design.



## A Framework for Nomination of Natural Heritage

### Criteria for World Heritage Inscription

To be included on the World Heritage List, sites must be of outstanding universal value and meet at least one out of ten assessment criteria. These criteria are explained in the *Operational Guidelines for the Implementation of the World Heritage Convention* which, besides the text of the Convention, is the main working tool on World Heritage. The criteria are occasionally revised by the Committee to reflect the evolution of the World Heritage concept itself.

Until the end of 2004, World Heritage sites were selected on the basis of six cultural and four natural criteria. With the adoption of the revised Operational Guidelines for the Implementation of the World Heritage Convention, only one set of ten criteria exists, resulting in the re-numbering and re-ordering of the natural criteria.

	<b>Cultural criteria</b>						<b>Natural criteria</b>			
<i>Operational Guidelines 2002</i>	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(i)	(ii)	(iii)	(iv)
<i>Operational Guidelines 2005</i>	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)

The four natural criteria (pre – 2005) are retained but are numbered as follows:  
old (i) = new (viii); old (ii) = new (ix); old (iii) = new (vii); old (iv) = new (x).

This rearrangement only becomes important when comparing sites listed prior to 2006. Because the old cultural criteria have been listed first in the new integrated list it becomes necessary to check how site managers may refer to specific criteria for which the site was listed. Generally this would only be important for the nomination process when making comparisons between the nominated site and other sites nominated using the same criteria. All historical data and even the existing official World Heritage list and the UNEP-WCMC database refer to the old criteria numbers.

The full ten integrated criteria are listed below as they currently apply. It is to these specific criteria that any new nomination must refer.

### **Assessment criteria (2005):**

- i. to represent a masterpiece of human creative genius
- ii. to 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. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared
- iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history
- 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
- vi. to 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 preferably be used in conjunction with other criteria)
- vii. to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance [old natural (iii)]
- viii. to 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 [old natural (i)]
- ix. to 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 [old natural (ii)]
- x. to 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 [old natural (iv)]

The protection, management, authenticity and integrity of properties are also important considerations.

Since 1992 significant interactions between people and the natural environment have been recognized as cultural landscapes, as discussed in Section 1.

For Cape York Peninsula, the evidence presented in Mackey et al. (2001) supports the nomination of Cape York Peninsula under criterion (viii), criterion (ix) and criterion (x).

### ***WH Criterion VIII***

In essence, the case for criterion (viii) relates to the outstanding examples representing major stages of earth's history. This has been well documented in Mackey et al. through reference to the break up of Gondwana and the continental drift to the north, the collision with the SE Asian plate and associated continental scale transformations involving both Australia and Papua New Guinea.

*“Cape York Peninsula holds the key to our understanding of events at the leading edge of the Australian plate.”* (Mackey et al., 2001:50). It is probably this fact more than anything that creates the global significance of the peninsula in terms of Criterion (viii). Key components, as outlined by the Mackey et al. review and endorsed here, are as follows:

1. the ancient rocks that capture a complex history over many hundreds of millions of years involving sedimentary origins, metamorphosis including granitic intrusion and extensive volcanic activity;
2. the connection within the Australian continental plate of southern New Guinea and the collision with the Pacific Plate and consequent uplift;
3. the intermittent linking of New Guinea and Australia through Cape York Peninsula and the distinctive bridge and barrier effects, including the role of Lake Carpentaria;
4. the persistence of the landscape that suggest processes and features of a timescale rarely seen elsewhere;
5. the distinct record of post-glacial geomorphic processes captured by the beach-barrier systems on the former Lake Carpentaria shoreline and now part of western Cape York Peninsula.

The same criterion is addressed through the on-going processes and significant features that include the exceptional Shelburne Bay and Cape Flattery dunefields, the coastal processes and features of both east and west coasts of the Peninsula and the river systems. By comparison with other sites within Australia and elsewhere these features are outstanding. Mackey et al. (2001) consider that the eastern dunefields and the chenier systems are of global significance as evidence of geo-evolution under the influence of global climate change and sea-level change. Figure 1. shows part of the extensive coastal dunefields and associated lakes of Shelburne Bay (Photograph P.S. Valentine) Figure 2. is a satellite image of the spectacular western coast near the mouth of the Mitchell River with Pleistocene and Holocene cheniers clearly visible. (Image from Google Earth) A combination of criteria (vii) and (viii).

Some of these earth process attributes supports a much broader nomination covering much of Cape York Peninsula to capture such features as the western coastline and the adjacent Pleistocene shoreline chenier ridge system; the other features of the western peninsula including colluvial/alluvial outwash plains and deltas, the bauxite formations, the beach-barrier systems; the Mitchell Palmer limestone belt, the Black Mountain and Melville Range boulder landscapes and the extensive eastern coast dunefields and coastal features.

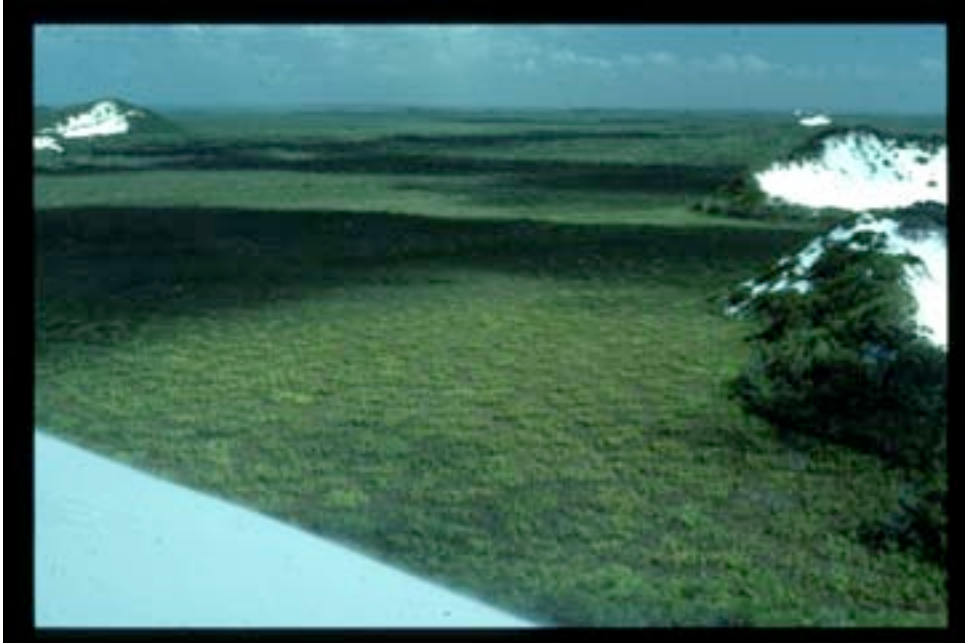


Figure 1. Shelburne Dunefields and Lakes, outstanding feature and beauty.



Figure 2. Satellite image of Mitchell River delta and cheniers, process and beauty.

*“The whole of Cape York, as part of the physical bridge between Australia and of New Guinea represents an outstanding evolving geological landscape. Cape York Peninsula holds the key to connections between the ancient, stable shield of Australia and the much younger evolving land mass of New Guinea. Cape York Peninsula contains a central spine of very old rocks (1,500 m.y. Pre-Cambrian) which graphically reveal geo-evolution including volcanic and granitic intrusion. Notwithstanding some of the major tectonic events taking place to the north and east of Cape York Peninsula, it appears to have been extraordinarily stable over the past few hundred million years. To the point where the stability and age of the landscape has attracted scientific attention with recent research suggesting for example that the Kimba Plateau may be the oldest known continental drainage divide in the world, at 180 m.y. Cape York Peninsula contains extensive and potentially very important Quaternary landscape units which provide some of the most graphic evidence of recent geoevolution. The eastern dunefields and the chenier systems are of global significance as evidence of geo-evolution under the influence of global climate change/sea level change.”* (Mackey et al., 2001:56). These authors conclude that all these features “clearly qualify as being of global significance” in terms of geological and geo-evolutionary criteria. This matches the World Heritage criterion:

*“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”.* (WHC Operational Guidelines 2005).

### **WH Criterion IX**

The argument concerning Criterion (ix) focuses on the remarkable diversity at ecosystem level across a range of environmental gradients with ecological processes at an outstanding level of intactness. It may be argued that this intact system, especially the east coast, is the last remnant of an environment that once extended throughout the east coast of the continent. For the Peninsula as a whole this includes terrestrial, freshwater and coastal ecosystems and along the east coast is bounded by one of the world's most pristine coral reef system. The Peninsula also represents the ongoing processes that create bridge and barrier for the interplay of biota between the Australian and the Indo-malayan realms. According to Mackey et al. (2001:59) *“Cape York Peninsula holds an amalgam of the megadiverse Australian biota and the megadiverse New Guinea biota in a dynamic matrix that is of global significance.”*

The complex and diverse environments and associated ecosystems in Cape York Peninsula are not preserved elsewhere. In particular the fully functioning tropical savanna environments of Cape York Peninsula represent a biome now largely transformed elsewhere in the world.

There is a strong argument about the distinctive nature and condition of the tropical savanna in Cape York Peninsula being superior to other areas in Australia also described as tropical savanna

(including the Kimberlies and the top end – less diverse and more impacted). It appears that the climatic and edaphic conditions (low nutrient status) of Cape York Peninsula have to a large extent protected the savannas from grazing degradation suffered elsewhere.

Some of the biological process attributes for Cape York Peninsula have been identified by Abrahams et al. (1995) and further elaborated in Mackey et al. (2001). These contribute to the contrasting role of Cape York Peninsula in capturing the Australian-New Guinea biogeographic connection compared with the Wet Tropics capturing the Australia-Gondwana connection. Mackey et al. note that Cape York Peninsula preserves much more of the megatherm (tropical lowland) biological inheritance that is shared with New Guinea. “Both regions are of equal importance and have international significance from a biodiversity perspective” (Mackey et al., 2001:69).

The above attributes contribute to a strong conclusion that Cape York Peninsula matches the World Heritage criterion (ix):

“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” (WHC Operational Guidelines, 2005).



Figure 3 and Figure 4. Examples of tropical lowland biological inheritance shared with New Guinea. On the left is a first instar larva of the only member of the Riodinidae family of butterflies in Australia, the Harlequin Metalmark (*Praetaxila segecia*). Photographed at Rocky River in the McIlwraith Range. On the right is the spectacular Green Python (*Morelia viridis*) known only from New Guinea and Cape York Peninsula. Photographed at Iron Range National Park. (Photographs: P.S. Valentine).

### ***WH Criterion X***

For criterion (x) the focus for Cape York Peninsula is on both the high diversity at ecosystem level (and there are few places anywhere with the same range of ecosystems in such a relatively small area) and the high degree of ecological integrity present in the Peninsula. The absolute levels of endemism are not as significant as the mix of ancestry from Gondwanan elements, Indomalayan invaders, refugia from prior Australian communities and links to northern and southern biota. Mackey et al. (2001) have reviewed the data sets available for Cape York Peninsula biota and conclude that it is bioclimatically distinct from New Guinea as well as from the adjacent Wet Tropics. In comparison with other Australian regions (Arnhem Land and the Kimberley Region) Cape York Peninsula has greater floristic endemism and richness. These differences are pronounced for some groups (for example orchids; freshwater fish, with the Wenlock River and the Jardine River being particularly rich; butterflies and other invertebrates). Cape York Peninsula preserves much more (than the Wet Tropics) of the megatherm tropical biological inheritance that is shared with New Guinea and “*both regions are of equal importance and have international significance from a biodiversity perspective*” (Mackey et al., 2001:77). Perhaps critically, Cape York Peninsula is both an area of outstanding biodiversity and is a largely intact land and biological bridge retaining valuable evidence of bio-evolution and on-going fragmentation (Mackey et al., 2001).

The coastal communities are remarkable by global standards with perhaps the world’s greatest undisturbed tropical coast bounded to the east by the world’s greatest protected coral reef system. There is just over 1,000 km of coastline along the eastern side of Cape York Peninsula. The absence of transformed environments and dense settlement in any of the east coast catchments is outstanding at a global scale.

This lack of development pressure has protected the inshore marine environments as well as the coastal and estuarine communities including extensive and diverse mangrove habitat. The catchments of the east coast are largely intact with minimal disturbance, a feature of great rarity everywhere. The western coastline of Cape York Peninsula is some 900 km long and largely pristine apart from the active mining sites and the coastal developments at Weipa. Mackey et al. (2001) developed a criterion around integrity. Although not specified as a criterion for World Heritage, the Committee (and IUCN) requires a test of integrity that is sometimes very difficult in the face of modern land use practices. In Cape York Peninsula the very high levels of ecological integrity add considerably to its international significance. This is manifest in the protection of savanna environments that is a hallmark of Cape York Peninsula and is globally outstanding. In-situ conservation of biological diversity remains remarkable throughout Cape York Peninsula.

The attributes identified do contribute to the case that Cape York Peninsula meets the criterion (x) for World Heritage listing:

*“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”* (WHC Operational Guidelines, 2005).



Figure 5. One of many species of epiphytic orchids protected in the Iron Range National Park. (Photograph P.S. Valentine).

The Iron Range area also preserves many other unusual plants and insects including two endemic species of butterflies whose larvae feed on ferns. Both these species are in the genus *Hypochrysops* (Lycaenidae) and are examples of an Australian/New Guinea group of animals that may have only recently expanded north and west. One of the 57 species has crossed Weber’s Line (Sands, 1986).

Many of the mammals and birds also exhibit the links between New Guinea and Australia and are currently protected within both the National Park estate and in many of the lands owned by Aboriginal communities. In some cases critical areas of conservation significance also occur on pastoral lands (Abrahams et al., 1995). It seems that for at least some communities of plants and animals the ongoing low intensity grazing typical of Cape York Peninsula has not proved threatening yet.





Figure 6. Flowers from *Syzigium puberulum* at Iron Range. This species is a food plant for the larvae of the endemic lycaenid butterfly *Jamides cyta* . (Photograph P.S. Valentine)



Figure 7. A White-faced Robin, Iron Range. An example of a bird species not found outside Cape York Peninsula within Australia but also shared with New Guinea. There are many other species with this distribution pattern. (Photograph P.S. Valentine).

### ***WH Criterion VII***

A case could also be made for criterion (vii) superlative natural beauty. The combination of distinct elements of the landscape that are in themselves of outstanding aesthetic appeal (the mountain ranges, coastlines, rainforests, dunefields, gallery forests, floodplains and savanna) and the diversity of landscapes (including distinctive features such as magnetic termite mounds) produces a superlative natural environment. This criterion is always challenging to IUCN and also to the Committee as the need to find universal value is often more challenging in the case of aesthetics. Even so, the suite of superlative natural phenomena in Cape York Peninsula, presented as images in part of the nomination, could help demonstrate the case. Publications such as Frith and Frith (1995) also assist in making the case for outstanding universal value. One of the most important ways to make this case is through the presentation of visual images of the nominated site. Such images, as slide shows or video presentations, form part of the nomination. Collectively a case can be made that Cape York Peninsula meets the criterion (vii) for World Heritage listing:

*“to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance”* (WHC Operational Guidelines, 2005).



Figure 8. An example of savanna woodland in Cape York Peninsula, but even this ecosystem occurs in a great variety of forms throughout the Peninsula. This photograph is at Lakefield National Park and includes other distinctive elements (two different termite mounds including the magnetic mounds) and one typical eucalypt grassland community of the eastern peninsula. (Photograph P.S. Valentine).

## **Additional Considerations from the Operational Guidelines**

A critical element of World Heritage listing is the requirement for natural sites to be relatively intact (the Committee refers to the condition of integrity of each site). In its assessment, IUCN also refers specifically to the degree of naturalness of such sites. There are ecological guidelines for this requirement, including for example, boundaries that encompass key ecological processes. For criterion (viii) sites would need to incorporate all or most of the interrelated and interdependent elements in their natural relationships. This may be quite difficult to achieve, especially if boundaries are drawn to the typical cadastral lines for property. A more appropriate boundary may include catchment boundaries or ecosystem boundaries. For criterion (ix) it would be expected that the site boundary would capture the necessary elements to demonstrate the key aspects of the processes essential for the long term conservation of the ecosystems and the biodiversity they contain. Similarly sites nominated under criterion (x) must contain habitats for maintaining the most diverse flora and fauna of the biogeographic region. In general the larger the area of sites the stronger the case for maintaining integrity in the face of external pressures and the more likely that the site will be able to protect the natural heritage for which it has been nominated. Alternative approaches do exist where strong use is made of buffer zones (recommended by the World Heritage Committee) or where a wider management framework is employed

### **Biosphere Reserves and World Heritage**

One common mechanism that States Parties to the World Heritage Convention employ is to combine their natural World Heritage sites with Biosphere Reserves. Almost 50% of current natural World Heritage sites in the world have such a management framework. Usually the World Heritage sites form the so-called core components of the Biosphere Reserve and the surrounding buffer zones and transition zones provide strong ecological protection to the core while allowing for integrated management and economic development.

Biosphere Reserves are a product of the UNESCO Man and the Biosphere Program that was launched in 1970 and was perhaps well ahead of its time conceptually. However, with the rise of ecologically sustainable development as a global policy, reflected through most jurisdictions, there has been a renewal of interest in Biosphere Reserves. Today there are 482 sites in 102 countries. The concept draws together three distinct components:

- ∞ Conservation: landscapes, ecosystems, species and genetic variation
- ∞ Development: economic and human and culturally adapted
- ∞ Logistic support: research, monitoring, environmental education and training

The classic model for a Biosphere Reserve is focused on a core conservation component with the buffer and transition zones bringing together science and sustainable resource management (for the specific region).

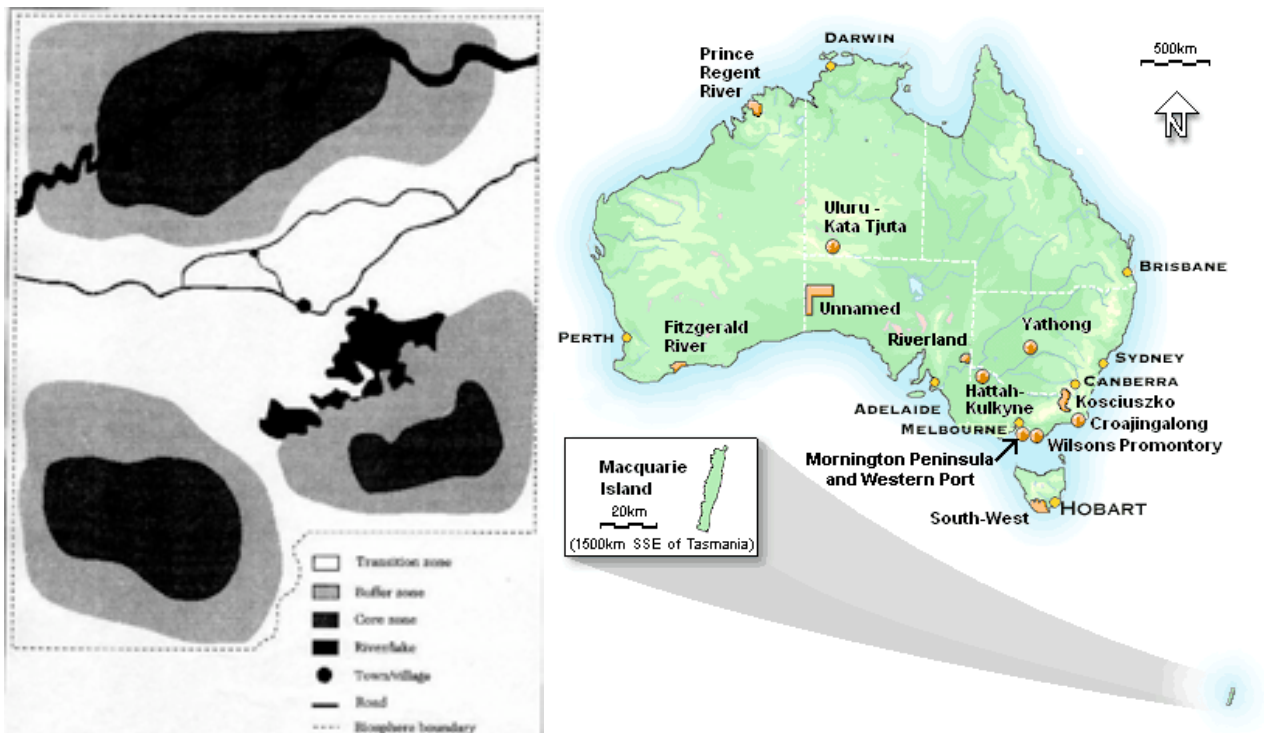


Figure 9 (left) and Figure 10 (right). The conceptual model for Biosphere Reserves showing the core conservation areas surrounded by buffer zones and transition zones. Both of the latter are committed to using best available science to develop sustainable land use practices for the particular bioregion. Figure 9 shows the set of 12 Biosphere Reserves in Australia, which were all originally nominated as the core areas only. Since then some of the Biosphere reserves have had additional components added (Fitzsimons and Wescott, 2005). The Fitzgerald River Biosphere Reserve in W.A. has had an informal development of non-core components to complement its initial National Park component (Watson and Sanders, 1997). In 2005 a thirteenth Australian site was added, Barkinji Biosphere Reserve in New South Wales, along the Murray River. The design for this site seems to be much more closely aligned with the original concepts with designated core, buffer and transition zones. Cape York Peninsula may provide another opportunity for the idea to be properly applied in Australia.

The advantage of this approach is that it provides a key opportunity for full participation in sustainable land management that also contributes directly to better conservation outcomes. It is not threatening to existing land users as it incorporates many activities in addition to conservation and can help support the critical integrity conditions for a World Heritage site.

For Cape York Peninsula these integrity conditions are most likely to be met through the scale of the site nominated. Although it is believed that ecological integrity for Cape York Peninsula is generally very high, to capture the components that are needed for the criteria used implies an extensive rather than limited site boundary.

One important global consideration relates to the tropical dry forest savanna biome. As noted above and also emphasised in Mackey et al. (2001), elsewhere in the world this biome has been severely degraded and “the most extensive areas that have been least disturbed by modern technological society are the Australian tropical savanna landscapes” (Mackey et al., 2001:117). If this is coupled with the recognised priority for savanna landscapes in the Global Strategy for World Heritage (see above) then Cape York Peninsula savannas take on an immediate global significance.

Options regarding site nominations are available under the operational guidelines and these include the idea of a serial nomination. Examples of this approach are increasingly employed and in Australia there are two such sites.

The first is the Central Eastern Rainforest Reserves of Australia (CERRA), a property with 41 separate parcels of land (in NSW and Queensland) each contributing to a significant compilation of sites themed around subtropical rainforests. Another example is the Australian Fossil Mammal Site that was nominated as three separate parcels and listed as two (in SA and Queensland). It is clear that this World Heritage site should eventually have more sites nominated to fill in the temporal gaps in the fossil records for Australian mammals. It might therefore be possible to consider a serial nomination for Cape York Peninsula around particular natural themes. Such an approach may not present such a convincing case unless each component had strong integrity and it might undermine the essence of the complexity in the natural environments of Cape York Peninsula. Further discussion of this point will be undertaken in the context of potential boundaries for nomination in Section 3.

### **Threat Analysis**

It is recognised that some sites of outstanding universal significance face threats to their conservation and the World Heritage Committee considers potential threats as an important aspect of any nomination as well as ongoing management. The List of World Heritage in Danger attests to the variety and reality of threats to present World Heritage sites. In preparing nominations the prospects of specific threats should be addressed.

Cape York Peninsula has not been without significant threats to biodiversity conservation and some of these have become widely recognised. Mackey et al. (2001) identified some of the more widespread threats to Cape York Peninsula natural heritage attributes. Some additional past and present threats have been identified by others and these are assembled in the following Table. The important issue is to identify the mechanisms that would allow such threats to be countered once a World Heritage site is inscribed. In some cases it may be a formal and effective process for the assessment and management of environmental impacts. In others protection may be assured through legal means (State and Commonwealth Law). For at least some of the threats an appropriate management framework may provide confidence that the threats will be properly addressed.

World Heritage is tenure blind and can embrace a wide range of ongoing activities without threatening the site. Protection and conservation in World Heritage Areas is a product of management more than tenure although most natural World Heritage Areas are actually IUCN Category II Protected Areas (i.e. National Parks). Where a property is already a National Park then much of the necessary protection and conservation is more readily guaranteed (through legislative and financial support) but the key consideration is effective management.

**TABLE 1 PAST AND PRESENT THREATS TO NATURAL HERITAGE IN CYP**

Past Threats	Comments
<b>Sand Mining – Shelburne Bay</b>	<ul style="list-style-type: none"> <li>- 1980s: high grade silica sand deposits attracted interest from mining companies.</li> <li>- Qld Government approved mining leases, but Commonwealth government did not approve foreign investment for export-based mining development.</li> <li>- 1999: after a one-year extension by the previous National Party Government, the cattle lease that covered Shelburne Bay expired.</li> <li>- Labor Gov. decides to protect area; lease not be renewed; land reverted to State Government ownership.</li> </ul>
<b>Spaceport Proposal</b>	<ul style="list-style-type: none"> <li>- Concept initiated by the Qld Gov in 1986</li> <li>- Site under investigation: Temple Bay/Bromley Holding</li> <li>- Facilities proposed included: seaport, airport, township &amp; assoc. utilities: e.g. roads, water, sewage, garbage etc.</li> <li>- Applications failed due to lack of political interest (Cth level); considerable tax payer funded local infrastructure set up costs; opposition by local communities and environment groups; and other technical difficulties.</li> </ul>
<b>Lloyd Bay Development</b>	<ul style="list-style-type: none"> <li>- The Courier Mail of 3.9.90 reported that Fardale Ltd planned to spend about \$1 billion building a resort on the former Line Hill property, Lloyd Bay; employing about 2000 staff and catering to about 3000 tourists. The property lies on the northern boundary of the Lockhart River Aboriginal community who were concerned about access to traditional fishing areas and of the likely impact of a major resort on their community.</li> <li>- The Lockhart River community eventually bought the property from the Administrator</li> </ul>
<b>Sale/subdivision of Starcke aggregation</b>	<ul style="list-style-type: none"> <li>- 26.2.93: The "Starcke" aggregation was advertised for sale by George Quaid Holdings Pty Ltd in the "Wall Street Journal". Asking price: \$US18 million/\$A25 million</li> <li>- 19/04/93 "Courier-Mail" cites the Wall Street Journal advertisements &amp; included comments attributed to the then Minister for Environment and to a spokesman for the Wilderness Society in which concern was raised about the prospect of "wilderness" land being sold overseas.</li> <li>- 10/09/93 the QLD Minister for Environment wrote to the claimant opening negotiations for the purchase of all or "a substantial part of 'Starcke' for National Park purposes". Mr Quaid responded by advising his asking price of \$US18,000,000.</li> <li>- 16/09/93 the State Government tabled in Parliament the "<i>Starcke Pastoral Holding Acquisition Bill</i>"</li> <li>- June 2001: The Land Court ordered \$5,686,700 to be paid by the QLD government to George Quaid Holdings as compensation for the compulsory acquisition of Starcke</li> </ul>

Current Threats	Comments
<b>Bauxite Mining</b>	<ul style="list-style-type: none"> <li>- Leases cover 385,088 ha of Western CYP</li> <li>- Currently the single major disturbance to integrity (<b>Mackey et al: 128</b>)</li> <li>- Bauxite plateau vegetation class structurally unique to CYP: <i>Eucalyptus tetradonta</i>, <i>E. nesophila</i> + <i>Erythrophleum chlorostachys</i> (<b>p 106</b>)</li> <li>- If mining continued to exhaustion of deposits, this will eliminate the distinctive tall woodland vegetation type</li> <li>- Rehabilitation of mine sites is very unlikely to return the areas to anything like their original state.</li> <li>- The bauxite formations on the west coast... significant for geodiversity (<b>p.160</b>)</li> <li>- <b>Stanton:</b> the “best of the Eucalyptus tetradonta forest is on the bauxite”; ... “taking away the permeable, deep, well-drained topsoil and replacing it with a shallow layer of soil sitting above a hardpan and that must forever change the hydrology of a vast area of landscape, of even the area they don’t mine.” (<b>pers.comm</b>)</li> </ul>
<b>Land clearing, especially in ground-water recharge areas</b>	<ul style="list-style-type: none"> <li>- <b>Mackey et al:</b> “clearing in groundwater recharge areas can impact downstream biological communities. This connectivity of surface/sub-surface and biological / geophysical processes necessitates a very conservative approach to assessing the potential impact of any clearing and development proposals. Maintaining the natural integrity of Cape York Peninsula’s hydroecological processes should be a paramount management goal.” (<b>p.169</b>)</li> <li>- All clearing has the potential to detrimentally impact on a range of identified values. It is neither possible nor appropriate to assess the heritage significance of a site at the local or property level alone.</li> <li>- Necessary to consider all clearing developments in the context of the global, regional and national natural heritage values of CYP. (<b>p169</b>)</li> </ul>
<b>Logging – Lockhart River</b>	<ul style="list-style-type: none"> <li>- 2003: Future Corporation announced a proposal to log a significant region of land near Lockhart River and to grow large-scale forests.</li> <li>- The Mangkuma Land Trust/Traditional Owners were to receive royalty payments &amp; a share in all profit.</li> </ul>
<b>Fire Regimes</b>	<ul style="list-style-type: none"> <li>- Ongoing debate about the role of prescribed burning in the management of Cape York Peninsula.</li> <li>- Fire regimes can be changed to modify vegetation patterns to meet a land use objective, for example, to benefit grazing or to promote the habitat of a rare and endangered species. (<b>Mackey et al: 169</b>)</li> </ul>
<b>Piecemeal Decision Making</b>	<ul style="list-style-type: none"> <li>- <b>Mackey et al:</b> “the accumulated impact of decisions at the local and property level, especially those that are not readily reversible, represents a threat to the long term conservation of the area’s natural heritage values. This form of threat is sometimes referred to as the tyranny of small decisions. The remedy to such threats is on-going, information-based regional planning to provide the context and framework for smaller scaled decisions in this special part of the Australian continent.</li> </ul>
<b>Gas Pipeline</b>	<ul style="list-style-type: none"> <li>- “The proposed gas pipeline from PNG to Gladstone will run the length of Cape York Peninsula, mostly following the main Cape access road but in the south diverging further west.</li> <li>- The pipeline has the potential to have major impacts, both directly and indirectly, on some of the identified heritage values of Cape York Peninsula” (<b>Mackey et al: p.168</b>)</li> </ul>
<b>Sand mining – Cape Flattery</b>	<ul style="list-style-type: none"> <li>- The existing Cape Flattery Silica Mines lease covers 4915 ha</li> </ul>

## **Management Requirements as a Challenge to World Heritage Listing**

The World Heritage Committee has strong requirements for appropriate management arrangements to ensure the effective protection and conservation of World Heritage sites. The Operational Guidelines provide a number of references to management expectations. In the case of Cape York Peninsula there are two distinct elements to consider. The first is an adequate and appropriately resourced management framework for the nominated site. Given the current discussions concerning consistent management arrangements within Australia (and there is no real consistency at present) the formal arrangements for management of any nominated site will need to be negotiated between Queensland and the Federal Government.

There are models that could be used including the arrangements for the multi-tenured Wet Tropics of Queensland World Heritage Area in which a small Board and Authority sets policy for day to day management that is delivered by the various landowners. Multiple sites can make such a framework more appealing to ensure consistency across the World Heritage Area as in the CERRA World Heritage Area. If a World Heritage nomination was confined to simply the National Parks and other conservation reserves in Cape York Peninsula then a single agency management arrangement (QPWS) would work. It is much more likely that a Cape York Peninsula World Heritage Area would incorporate multiple tenures including private land, leasehold land and Queensland State land.

A significant component of even a purely natural heritage site could include Aboriginal land and that raises a number of questions concerning both the processes of nomination and the structure of management. It is likely that the specific arrangements for management collaboration would be a focus of the evaluation of the nomination by the Advisory Bodies (ICOMOS and IUCN). Australia already has some very good examples and experience in this field and it is worth considering some of these approaches as possible templates or at least reference points for the development of a Cape York Peninsula framework. In particular the progress in multi-tenure and stakeholder/community involvement in managing the Wet Tropics World Heritage Area may provide evidence of capacity and commitment. The recent signing of the Regional Agreement offers further support for this commitment as does the development of a cooperative framework in the form of the Aboriginal Rainforest Council.



## **Joint Management of National Parks in Australia**

The Australian Government, and the State and Territory governments, have developed relatively strong co-management arrangements for protected areas over the last two decades, following the passing of legislation that recognised Aboriginal rights to land and natural resources. In Australia, the term ‘joint management’ is often used in preference to ‘co-management’. Joint management generally refers to situations where authority and responsibility for protected areas is shared between governments and Aboriginal people through the establishment of legal partnerships and management structures.

According to Smyth (2001: 75), “[j]oint management represents a trade-off between the rights and interests of traditional owners, and the rights and interests of government conservation agencies and the wider Australian community”. The meaning of ‘rights and interests’ in a joint management sense may be congruent with the meaning applied in the case of a native title claim. Where native title is found to exist, the ‘rights and interests’ of traditional owners will depend not only on the traditional laws and customs of the native title holders, but also of other parties’ rights and interests over the same area. If native title is determined to exist, parties may still need to negotiate the practicalities of how everyone’s rights and interests can be exercised alongside each other (National Native Title Tribunal 2000).

Gurig National Park (Northern Territory) became the first jointly managed National Park in Australia in 1981. Since this time, further co-management arrangements have been developed for parks in other States and Territories, according to several ‘models’.

These models represent a continuum of partnership arrangements from weak involvement of traditional owners to stronger levels of participation. The most sophisticated, or strongest, co-management arrangement from a traditional owner perspective involves:

- ∞ the transfer of ownership or tenure (via inalienable freehold) of a national park to Aboriginal people
- ∞ an Aboriginal majority on a board of management (reflecting decision making responsibility and authority)
- ∞ an annual fee paid (e.g. the payment of rent) to traditional owners, via a community council or the board of management
- ∞ a management plan prepared through participatory means

- ∞ a management agreement addressing issues including recognition of traditional knowledge and customs, arrangements for employment and training, reservations of rights of use and access
- ∞ a share in revenue from the park in terms of camping permits and entry fees
- ∞ the trade-off involves the leaseback of the park to the respective government for a long but defined period of time

Examples of the above joint management arrangements include the World Heritage Areas of Uluru-Kata Tjuta National Park and Kakadu National Park.

The Queensland joint management model is substantially less sophisticated because the enabling State legislation (the Aboriginal Land Act, 1991) contains no guarantee of an Aboriginal majority on the board of management; involves the compulsory leaseback of the area to the government agency in perpetuity; and no annual fee for the traditional owner community. Aboriginal groups in Queensland have not accepted the provisions of the Queensland model to date, as the degree of Aboriginal control is considerably less than that of the 'Uluru' model.

Many Aboriginal traditional owners in Queensland have preferred to claim their land under the Commonwealth Native Title Act, 1993 in the hope that this process may deliver greater recognition of Aboriginal rights and interests.

In Cape York Peninsula, joint management arrangements over many or most national parks have yet to be negotiated. Comprehensive management plans have not yet been finalised for any protected area in Cape York Peninsula, although there are various components for some National Parks (for example fire management plans and resource management plans).

In discussions with a range of informants it is clear that there is a variety of forms of co-management in Cape York Peninsula at this time with no great consistency or even clarity about the complete aspirations of either QPWS or TOs. This is an important area for further work as part of the preparation of any nomination. Such work should also engage with the wider interest groups, for example the parties to the Cape York Heads of Agreement. Considerable progress has been made in the Wet Tropics World Heritage in the face of the complexity of Aboriginal native title ownership. Unlike both Uluru and Kakadu, where indigenous rights were largely held by a single group, the Wet Tropics encompasses a wide range of traditional owners from 18 different tribal groups. This complexity has made it very difficult for a unified voice to be expressed by traditional owners over management of the World Heritage Area. The recent recognition of the Rainforest Aboriginal Advisory Committee as a formal part of the management of the Wet Tropics WHA is a significant step.

## Community-Conserved Areas

One of the underlying factors that has been identified with regard to the outstanding universal value of Cape York Peninsula is its high integrity and naturalness. This is despite thousands of years of occupation by Aboriginal peoples and two centuries of European settlement. In Cape York Peninsula, as in few other places, traditional owners have continued to manage their lands and sustain it in a very high condition of integrity. In the post-European era this has involved many examples of work without much State support.

Cordell (1995) provides some excellent examples of indigenous land and sea management with direct reference to traditional knowledge and practice across a variety of places and communities in Cape York Peninsula. Kowanayama provides an example of a community-based program towards sustainable resource management in the modern context. The Kowanayama Natural Resource Management Plan integrates the traditions of the community with modern natural resource management but does so in a very different context of responsibility and priorities compared with non-indigenous NRM (KLNRMO, 2003).

Such plans, to the extent that they address biodiversity conservation outcomes, would be seen as having met the effective management requirement for natural World Heritage. One question to be considered is whether existing legal arrangements over such lands allow for the State Party to meet its World Heritage responsibilities. The existence of a formal plan and scope for its continuity would most likely do so.

Despite the existence of some tensions across differing value systems, Cordell concludes that indigenous mixed commercial and subsistence economies have not yet induced over-exploitation or placed unsustainable pressure on resources in Cape York Peninsula.

Along the continuum of protected area management models, community conserved areas (CCAs) represent arrangements where responsibility and authority for ownership and management has been largely devolved to a local community (see Borrini-Feyerabend, Kothari & Oviedo, 2004, p.30). A definition of CCAs has been provided by IUCN-CEESP (n.d) as being:

*“natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous peoples and local and mobile communities through customary laws or other effective means”.*

In Cape York Peninsula, a number of Aboriginal communities currently undertake natural and cultural resource management in their country, often coordinated by land and sea management centres or offices. These centres were frequently initiated entirely by the community in response to a perceived threat to communal resources and have been maintained for extended periods with limited external funding or support from the State and Commonwealth. While no doubt varying in their levels of effectiveness, some of these community organisations have or are developing management plans for their country, and are highly regarded as role models for self-governance in natural and cultural resource management in Cape York Peninsula and across northern Australia.

In the context of continuing integrity for the Cape York Peninsula environments, these have the potential to form an important part of the future management arrangements for any World Heritage area that includes DOGIT or other Aboriginal lands. It is important to acknowledge and recognise these developments as contributing to the future integrity of Cape York Peninsula.

### **Indigenous Protected Areas**

Indigenous Protected Areas (IPAs) are an Australian Commonwealth Government initiative which is said to be Australia's version of community conserved areas. Indigenous Protected Areas can only be established over land that an Aboriginal group has secure tenure (including freehold, deed of grant or leasehold land). Otherwise, Indigenous groups and State/Territory agencies can apply to the Indigenous Protected Area Program for funding to develop cooperative management arrangements over existing protected areas. IPAs can be established as formal conservation agreements under State or Territory legislation, or under Indigenous/Customary law.

The most highly desirable IPAs are located within a high or moderate priority IBRA region which has few protected areas; includes land with significant natural and cultural heritage values; the proponent community organisation has a strong interest in managing their land for conservation; the proponent community organisation has adequate capacity to manage the land and to administer funds; has obtained support from the relevant State/Territory nature conservation agency; and has obtained contributions and support from other sources to assist the management of the proposed Indigenous Protected Area.

An IPA must be established voluntarily by Aboriginal landholders who are prepared to ‘protect’ their land as part of the National Reserve System in return for government funds and, if required, other types of management assistance. In return for government assistance, Aboriginal owners of IPAs are required to develop a management plan and to make a commitment to manage their land (and/or waters and resources) with the goal of conserving its biodiversity values. Because an IPA is initiated and endorsed voluntarily by the Aboriginal community, the community can choose the level of government involvement (e.g. support is available for advice on legal, heritage and conservation aspects of management), the level of visitor access (if any) and the extent of development to meet their needs. Aboriginal land owners can use a variety of legal mechanisms to control activities on their land, including local government by-laws and privacy laws.

According to Smyth (2001), IPAs are attractive to some Aboriginal land owners because they bring management resources without the loss of autonomy associated with co-management regimes. IPAs also provide public recognition of the natural and cultural values of Aboriginal land, and of the capacity of the Aboriginal people to protect and nurture those values.

IPAs are attractive to government conservation agencies because they effectively add to the nation’s conservation estate without the need to acquire the land and without the cost of establishing all the infrastructure, staffing, housing etc of a conventional national park.

No IPAs have been declared in Cape York Peninsula, however, there is a proposed “Kaanju Homelands (Wenlock and Pascoe Rivers) Indigenous Protected Area” which has currently stalled (I.Haskovec (DEH), pers comm. 2006). The area of Kaanju Homelands being investigated for IPA establishment encompasses some 471,536 hectares and is centred on the Wenlock and Pascoe Rivers. Further details are provided in Smith and Claudie (2003), who indicate that the longer term intention is to manage all of their homelands, including areas under pastoral use, through various agreements. It may be that an appropriate World Heritage framework can assist such cooperative approaches to the management of indigenous homelands.

Some concerns exist regarding the longer term prospects of the Indigenous Protected Area Program, particularly that the majority of IPAs do not have the level of long-term security needed to be accredited within the National Reserve System (NRS) (Natural Resource Management Ministerial Council 2004). Currently, IPAs receive funding for development of management plans, consultations and negotiations, and a share of on-ground management costs on a year by year arrangement. Therefore, funding assistance for the ongoing management of Indigenous Protected Areas needs further consideration. In addition, protected areas established under State, Territory and Commonwealth legislation have regulations established in law to assist in the management of

protected areas. However, according to the IUCN (1994) protected area management guidelines, protected areas may be declared under traditional or customary law, without the added protection of statutory law, as long as that customary law is deemed to be 'effective'. According to some commentators, this lack of statutory protection has the potential to present difficulties for managers in some circumstances in meeting their management obligations.

While IPAs can be de-registered on request by the Traditional Owners and funding is not guaranteed into the long term, to date no IPA project has been turned down for funding and no IPAs have been de-registered (I. Haskovec (DEH) pers comm., 2006). Some commentators may argue that even national parks protected under State legislation are not 100% secure. As unlikely as it may be, Queensland national park declarations can be legally revoked by the Governor in Council on recommendation from the Minister (s50, Nature Conservation Act, 1992). In addition, the resourcing of the protected area system has been recognised as being grossly inadequate in Cape York Peninsula (Gall 1994; Larsen 2005). Recent allocations by the Queensland Government may help improve the situation.

Statutory protection for Indigenous Protected Areas declared under traditional law would be acquired if the area were to be declared a World Heritage Area. Under the EPBC Act the Commonwealth government has responsibility for land that has national environmental significance, such as World Heritage Areas. Consequently, if a World Heritage Area was declared over an Indigenous Protected Area (or any other tenure) the Commonwealth would acquire responsibilities for identification, protection, conservation, transmission, rehabilitation and presentation under the World Heritage Convention. In such a case, the traditional owners of an IPA may have concerns about any potential loss of autonomy over their land.

### **Conservation Arrangements in Cape York Peninsula**

As a result of the Mabo (1992) and Wik Peoples (1996) decisions, native title interests are likely to have survived across large tracts of the Australian continent, including 87% (at least 12 million hectares) of Cape York Peninsula (Fitzgerald, 2001). Much of this land underlies pastoral holdings and protected areas, therefore, as native title claims are determined, traditional owners are likely to seek cooperative management arrangements and/or conservation agreements with pastoralists and the State government. Cooperative management mechanisms and conservation agreements specify each party's obligations, rights, responsibilities and powers in reference to an area of land.

Conservation agreements with Indigenous peoples are often made as part of Indigenous Land Use Agreements (ILUA) over State land (e.g. national parks) and pastoral leases; as well as over private land (e.g. nature refuges over Aboriginal trust land). Non-Indigenous land-holders may be party to ‘conservation agreements’ over private land under the Nature Conservation Act. At the moment conservation agreements (for nature refuges) exist over Marina Plains and part of Kalpowar (both Aboriginal land), as well as a few small freehold and leasehold areas around Cooktown. There appears to be difficulty in finalising further agreements with pastoralists due to a number of issues including dealing with native title and the uncertainty of the review of leasehold land in Queensland and potential for tenure upgrades.

Recent negotiations in Cape York Peninsula between the State and traditional owners with regards to cooperative management arrangements for national parks and conservation agreements over freehold land have afforded outcomes that include, amongst others:

- ∞ the occupation of national parks for camping and residential purposes
- ∞ traditional use of wildlife (e.g. hunting)
- ∞ sharing of operational activities such as weed and feral animal control
- ∞ a role in decision-making, negotiation of management protocols etc.
- ∞ funding for the traditional owners to perform works and provide services on the national park and nature refuge by way of grants and contracts
- ∞ provide employment and training for Indigenous rangers
- ∞ assistance and training to support commercial tourism applications in the national park and nature refuge areas

Section 5 (g) of the Nature Conservation Act provides for the cooperative involvement of land-holders (including owners of freehold land and lease holders) in the conservation of nature. Terms for the declaration of conservation agreements (under section 45(5)) include financial and other incentives or assistance provided by the State. Without such support, community conservation areas are at risk of becoming ‘paper parks’. Generally, all land-holders (people with an interest in the land) must agree on the terms of the conservation agreement, however, the Minister can recommend the compulsory declaration of a nature refuge or the compulsory acquisition of land for the purpose of conservation. In 1996, signatories of the Cape York Land Use Heads of Agreement also agreed to protect areas of high conservation and cultural value, including for World Heritage Listing. The parties agreed that there will be no compulsory acquisition of private or leasehold land unless all avenues of negotiation have been exhausted; and that a nomination for World Heritage would only proceed where an agreed management arrangement has been negotiated with affected landholders.

Conservation agreements can also be created between the Commonwealth and private landholders with usage rights (including, but not limited to, Indigenous peoples and/or their representative organisation) in order to protect biodiversity or the World Heritage or National Heritage values of land. Policy and administrative procedures are currently being developed under sections 304-312 of the EPBC Act, 1999 to further this end (I.Haskovec, pers comm., 2006). These agreements are voluntary but once made are legally binding on all parties to the agreement and anybody who subsequently acquires an interest in the land.

The Commonwealth and State can develop a bilateral agreement for the protection and management of any future Cape York Peninsula World Heritage Area under the EPBC Act. A bilateral agreement exists for the Sydney Opera House which aims to protect the World Heritage and National Heritage values from unacceptable and unsustainable impacts; ensure an efficient, timely, and effective process for environmental assessment and approval of actions; and minimise duplication of environmental assessment and approval processes (Department of Environment and Heritage 2005).

Without undermining the value of present arrangements, any nomination for World Heritage listing is likely to fail unless greater clarity is provided about management arrangements involving cooperation including in particular the conservation outcomes of such arrangements and the capacity of all parties to achieve the ultimate objectives of the management plans. In a review of indigenous land management and native title on Cape York Peninsula, Memmott & McDougal (2003) are critical of the failure to identify a clear position on the involvement of Indigenous people in national park and conservation area management. Even so they see considerable scope for meaningful involvement in the management of nature conservation areas. The complexity of this task will depend a little on the extent of inclusion of Aboriginal and other non-state lands in the nomination. The recently completed Kalpower agreement may provide a valuable example of the kind of approach necessary. A test to be considered regarding management plans is their explicit content regarding the responsibilities that State Parties have for their World Heritage Sites (amongst others these are identification, protection, conservation, transmission, rehabilitation and presentation). As is the case for the Wet Tropics World Heritage Area, the State may establish legislation to give effect to the appropriate framework including policies and protocols for management.



## **Criteria for National Heritage Listing**

It is worth recalling that the stated objectives of the National Heritage List is to identify and protect those places with outstanding natural, indigenous or historic heritage value to the nation. While the criteria that have been established draw attention to the attributes that appropriate sites must have, a critical concept is the significance of each site. It is recognised that some sites meeting the criteria will be of local or regional significance but not necessarily of national significance. Other sites will be of national significance but perhaps not of international significance. These distinctions are largely tested by the application of thresholds as a second test for each nomination. The process is largely comparative. Does a given site have greater or lesser significance within the Australian context for similar sites? Only sites deemed by the Australian Heritage Council to have outstanding significance (i.e. be of genuinely National significance) will be listed. Although this new system has been implemented now for over two years, the National Heritage List has only 26 sites of which only two are in Queensland. Even the Australian World Heritage Sites have not yet been added to the list (except the Royal Exhibition Building) despite clearly meeting the threshold and criteria. The regulations enabled an easy listing of the sites by the Minister (given the recognition that World Heritage is a more than adequate test for National significance) but so far none has been listed. Most current World Heritage sites are identified as being on the indicative list for National Heritage awaiting nomination and assessment. This is perhaps salutary in contemplating the ease or rapidity with which any nominated site may be listed on the National Heritage List. It should be noted however that the Federal Government is requiring that future World Heritage nominations will only go forward for sites already on the National Heritage list.

While any person may nominate a site, it is the sole responsibility of the Australian Heritage Council to determine whether a nominated site reaches the threshold of significance. The necessary criteria to be addressed in nominating a place for the National Heritage List are described as part of the EPBC Act regulations.

- (1) For section 324D of the Act, subregulation (2) prescribes the National Heritage criteria for the following:
  - (a) natural heritage values of places;
  - (b) indigenous heritage values of places;
  - (c) historic heritage values of places.

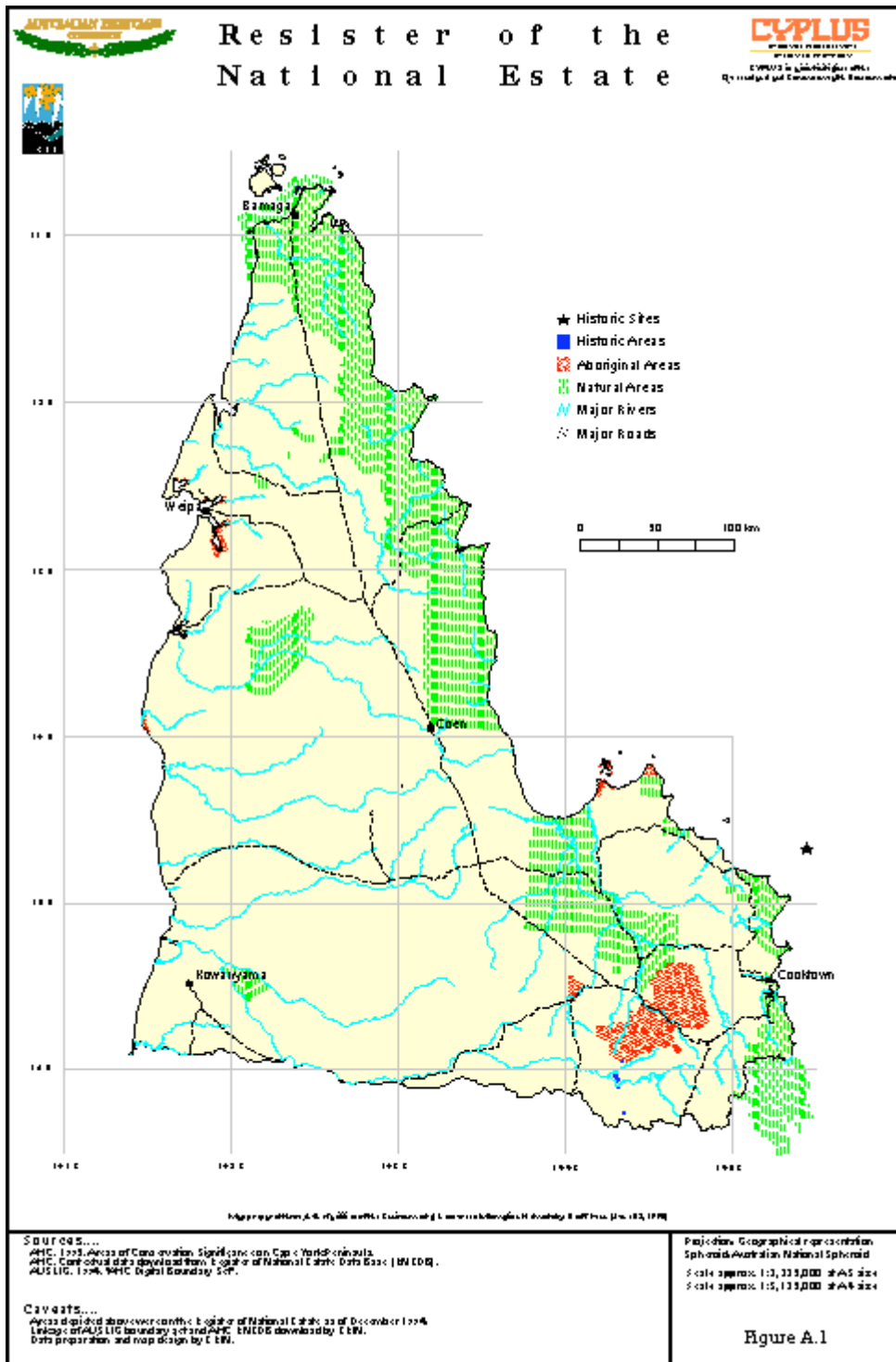
- (2) The National Heritage criteria for a place are any or all of the following:
- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
  - (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
  - (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
  - (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
    - i. a class of Australia's natural or cultural places; or
    - ii. a class of Australia's natural or cultural environments;
  - (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
  - (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
  - (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
  - (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
  - (i) the place has outstanding heritage value to the nation because of the place's importance as part of indigenous tradition.
- (3) For subregulation (2), the ***cultural*** aspect of a criterion means the indigenous cultural aspect, the non-indigenous cultural aspect, or both.

In the case of Cape York Peninsula both criterion (a) and criterion (c) clearly apply and are likely to be judged of national significance. However the evidence assembled by Mackey et al. also supports the listing according to criteria (b), (d) and (e). The attributes discussed above (under World Heritage) apply directly to criterion (a) in the context of natural heritage. In addition, as suggested elsewhere, there is considerable evidence for the importance of Cape York Peninsula for Australia's historic heritage.

## **National Natural Heritage**

A significant part of Cape York Peninsula is already listed on the Register of the National Estate with a large number of natural, cultural and historic places listed. Amongst the natural places listed is North East Cape York (Place ID 9092), an area of about 1,700,000 ha extending from the tip of Cape York south to capture the entire Jardine River, the Shelburne Dunefields, the Olive River, Pascoe River, Iron Range and through to the McIllwraith Range. The Jardine River National Park is also separately listed (ID 9094) as are the Jardine River Swamps (ID 15080) and the Iron Range Rainforests (ID18060) and the Iron Range NP Portland Roads area (ID 9093). Other sites that are Registered include Archer Bend National Park (ID 9090); Cape Bedford, Cape Flattery Dunefields (ID15071); Melville National Parks (ID 9109) and the Bertiehaugh Dry Vine Forests (ID 17824) that stretch as five patches from 35 to 100 km northeast of Weipa. These are all registered for their natural heritage. There are other areas that remain on the indicative list including extensive tracts of western Cape York Peninsula. Amongst these are the Wik Region near Aurukun (ID 100304 about 750,000 ha); the Mitchell River – Nassau River Area, Kowanyama (ID 18708 about 400,000 ha); the Archer River – Holroyd River Area, Aurukun (ID 17914 about 300,000 ha). While all three of these are Indicative Places for Natural Heritage it is also recognised that these have very significant cultural heritage attributes. At the time the Commonwealth Government moved to replace the National Heritage Commission with the National Heritage Council and to diminish national attention on the Register of the National Estate in favour of the National Heritage list, there remained a great deal of unfinished business especially in Queensland. One outcome of this change is that there remain many unassessed sites (merely recorded as Indicative Places in the Register) and these are now unlikely to be progressed for a considerable time, if ever. Despite this unfinished business the Register does give a good indication of the natural heritage significance of Cape York Peninsula. Abrahams et al. (1995) provide a map of all Cape York Peninsula places then listed on the Register of the National Estate and there has been little change since then (reproduced as Map 1).

The extent of Cape York Peninsula that may meet the threshold for National Heritage (natural category) is likely to be a very high proportion of the entire area. There are few parts of the peninsula that are not capable of nomination for natural attributes.



**Map 1. Cape York Peninsula places on the Register of the National Estate**

## National Cultural and Historic Heritage

With regard to both cultural and historic heritage, there are several sites on the Register of the National Estate that are worth mentioning in the context of potential National Heritage. These include the Registered historic places of Possession Island near Bamaga, the site where James Cook proclaimed possession of the East Coast of Australia from Torres Strait to New South Wales (ID 9111) and Somerset the site of the Jardine brothers settlement near Cape York (ID 16080). Another highly significant site for both historical and indigenous attributes is Cape Keerweer (ID 16829). This site is only registered for indigenous Heritage but is of national importance for its historical elements, the site of the first encounter with Aboriginal people by Dutch explorers exactly 400 years ago this year. The interaction with Aboriginal people at this site has set the scene for some of the enduring tensions between black and white society (notably “the role of alcohol and sugar and the betrayal of trust with treachery” RNE Statement of Significance). Other indigenous sites on the Register include Cape Melville (ID9102) and Quinkan Country (ID9089 about 230,000 ha) with its extensive and spectacular cave paintings.



Figure 11. Cape Keerweer, about halfway between Weipa and Kowanyama.

Satellite image downloaded from Google Earth.

## Conclusions

The evidence suggests that Cape York Peninsula can readily meet the following criteria for National Heritage listing:

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history; [natural and cultural]
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history; [natural and cultural]
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history; [natural and cultural]
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
  - a class of Australia's natural or cultural places; or
  - a class of Australia's natural or cultural environments; [natural and cultural]
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group; [natural and cultural]
- (i) the place has outstanding heritage value to the nation because of the place's importance as part of indigenous tradition. [cultural]

Depending on the different sites that may be included in any nomination all or some of the above criteria can be met. It is considered that for at least criterion (a) Cape York Peninsula can meet natural, historical and indigenous criteria for national significance.

The evidence suggests that Cape York Peninsula can meet the following criteria for World Heritage listing:

- (vii) to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance [old natural (iii)]
- (viii) to 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 [old natural (i)]
- (ix) to 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 [old natural (ii)]

(x) to 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 [old natural (iv)]

In addition it is also considered that there is probably a case for listing using cultural heritage criteria:

(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared

(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

(vi) to 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 preferably be used in conjunction with other criteria).

On the basis of a limited exposure to examples from across the Peninsula the opportunities for cultural listing seem to be there and it is expected these would be confirmed and deepened as part of the process of developing a nomination. It is likely that a nomination under the Cultural Landscape option would be successful. The possible inclusion of Indigenous Protected Areas and other forms of community conservation was also examined. There is potential for Indigenous lands to contribute significantly to a World Heritage nomination. The framework for this should include full engagement with Traditional Owners whose cultural property must form the basis of any nomination. For this reason it would be premature to advance specific attributes as a basis for a World Heritage nomination.

Some of the associated elements that may ensure a greater likelihood of success have been identified and the possibility for these to be incorporated in a nomination has been explored. Key components of this refer to the integrity of the site nominated, the management arrangements that may guarantee protection and conservation of the site and the importance of participation of the community both in the nomination process and in the subsequent management arrangements.

Because there are a number of options available (in terms of specific places and sites to be included in any nomination) the potential use of a Biosphere Reserve approach has been explored. This internationally popular approach (nearly half of all natural World Heritage sites are also in Biosphere Reserves) may provide a unifying theme for advancing the World Heritage prospects for

Cape York Peninsula. It may also be applied in conjunction with a serial nomination for core conservation areas. The key elements of Cape York Peninsula that align with the World Heritage natural criteria are identified, largely based on Mackey et al. 2001 but supplemented with additional material. The crucial importance of the existing integrity of Cape York Peninsula has been reinforced and linked to future management arrangements. This aspect is also critical in the context of boundary design.



## SECTION 3

*Identify, in document form and on maps, the boundary or boundary options for that proposed nomination, being mindful of the requirement that a nomination should not interfere with the intent of any existing mining authority.*

### **Possible Boundary Options for World Heritage on Cape York Peninsula**

One of the key requirements for natural World Heritage relates to the integrity of the site and some elements of this are directly connected to boundary choice. There may be a tension between an ecologically desirable boundary and the existing use (or ownership) of land proposed for inclusion. While World Heritage is tenure blind there is none the less a requirement to manage the site to protect the attributes that give the property outstanding universal value. With natural World Heritage this management requirement is often met by a coincidence between the World Heritage site and an existing protected area management boundary (or agency). For example, all the natural World Heritage sites in the USA have been nominated as existing National Parks under the jurisdiction of the US National Park Service. For the majority of natural World Heritage sites this has been the case. In Australia there are a number of quite different arrangements for World Heritage properties, often leading to the creation of a management entity where none previously existed.

With the progression of time it has become clear that not all administrative boundaries are adequate for ecological processes and increasingly the World Heritage Committee has addressed this issue for new nominations. It has also led the Committee to be concerned about the effects of external activities on the site (and there are numerous examples of such sites, many on the List of World Heritage in Danger). Even long-standing sites that may have been considered perfectly adequate from an ecological perspective have come under question from ecologists. For instance it is now clear that Yellowstone National Park World Heritage Area, despite its existing size, is not able to fully support the survival of many of its species and management is being increasingly directed at the Greater Yellowstone Ecosystem (an area three times the size of the National Park and involving a number of different land tenures and management bodies). These kinds of developments are in accord with the rise of Ecosystem-based Management, an approach that has become the cornerstone of most conservation organizations including IUCN. It is the mandated management approach for the US NPS, the US F&W S and the USFS. Given the difficulties of capturing more land in the public estate for conservation it has also proved very effective in quite rapidly expanding the protection of biodiversity from a variety of land tenure arrangements.

In the context of World Heritage these developments are reflected in the Operational Guidelines where the Committee has increasingly specified requirements for adequate boundaries and for the use of buffer zones to ensure the protection of the site's outstanding universal value from the effects of external activities. Globally many countries have made use of another UNESCO program to support their World Heritage natural sites. This is the concept of Biosphere Reserves under the UNESCO Man and the Biosphere Program (MAB) as discussed in the previous section. Almost 50% of all World Heritage natural sites form part of a Biosphere Reserve. Generally the arrangement is that the Biosphere Reserve will be declared over a much larger area with the World Heritage components forming the essential core conservation zones of the Biosphere Reserve. The advantage of this approach is that Biosphere Reserves have as their principal objective the linking of sustainable economic activity within a given bioregion with conservation of biodiversity and ecosystem services. The critical outcome is the application of science to ensure long term sustainable use for the natural resources of the bioregion. The buffer and transition zones surround and enhance the protection of the core conservation components.

For Cape York Peninsula there may be a strong advantage in having a wide special management concept (perhaps the Greater Cape York Peninsula Ecosystem or something along those lines) that may actually be the entire CYPLUS area, within which the nominated World Heritage Area(s) may form a core devoted to conservation outcomes. Such an approach may be a useful strategy within which to develop National Heritage nominations first and then later, the World Heritage nomination. Already Cape York Peninsula is widely recognised as a place of great significance both nationally and locally and with its own essential and ubiquitous character, much valued by residents and visitors alike. There are potential benefits in terms of engagement with the community in building on that common ground through formal acknowledgement in the local context before considering national and international acknowledgement.

In addition to an appropriate boundary the WHC requires a management plan or management system for each World Heritage property that addresses the preservation of its outstanding universal value. In the most recent Operational Guidelines the Committee has developed strong support for a participatory approach that may reflect the more complex realities of natural heritage today. While the approaches identified as being effective are not prescriptive (and are varied) the Committee expects them to be effective within a given culture. The World Heritage Committee has also increasingly required community engagement as part of all elements of State Party responsibilities from identification through to management. This increased emphasis must be taken into account for the nomination of Cape York Peninsula. The details of this expectation are identified below.

## World Heritage Nominations and Community Engagement

The World Heritage Convention requires State Parties to identify, protect, conserve, present and transmit to future generations areas of outstanding universal value. Article five of the Convention requires States Parties to adopt general policies to “*give the cultural and natural heritage a function in the life of the community*”. Paragraph 12 of the Operational Guidelines (2005), states that “*States Parties to the Convention are encouraged to ensure the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination and protection of World Heritage properties*”. By so doing, it is believed that local communities will support, protect and maintain the integrity of World Heritage sites. The participation of local people in the nomination process is said to be essential to enable them to have a “*shared responsibility with the State Party in the maintenance of the property. States Parties are encouraged to prepare nominations with the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, NGOs and other interested parties*” (Operational Guidelines, Paragraph 123).

Words such as ‘inform’, ‘consult’, ‘integrate’, ‘public awareness’, ‘involvement’, ‘collaboration’, ‘participatory means’, ‘co-operation’, and ‘active participation’ are employed to accentuate the World Heritage Committee’s intent that the engagement of local communities is a required process for implementation of the World Heritage Convention. The Operational Guidelines uses these words and others throughout the document; however, the word ‘community’ is not defined in the document, and ‘indigenous’ peoples are rarely referred to as a separate entity (requiring special engagement processes) to a ‘community’. An exception occurs in decision WHC-05/29.COM/8A (WHC, 2005b), that states that the “*Compilation of Tentative Lists should involve local communities and indigenous peoples and should include public consultation where appropriate*”. Paragraph 90 of the Operational Guidelines refers to ‘traditional societies’, recognising that such people often occur in natural communities and their activities “*may be consistent with the outstanding universal value of the area where they are ecologically sustainable*”. The lack of definition and clarity in the Operational Guidelines allows the State Parties to remain flexible in the choice of techniques or methods of community engagement according to the particular contextual situation of the (potential) World Heritage site. However, it is clear that the involvement is to be “active”.

In the Budapest Declaration of 2002 (WHC, 2002), the World Heritage Committee called for new partnerships to foster World Heritage conservation. This included:

- ensuring an appropriate and equitable balance between conservation, sustainability and development, so that World Heritage properties can be protected through appropriate activities contributing to the social and economic development and the quality of life of communities
- promoting World Heritage through communication, education, research, training and public awareness strategies
- seeking to ensure the active involvement of our local communities at all levels in the identification, protection and management of our World Heritage properties...

As part of the nomination process of a World Heritage site, a State Party must specify the actual or intended management arrangements for the property. Paragraph 111 of the Operational Guidelines states that an effective management system could include a thorough shared understanding of the property by all stakeholders, and the involvement of partners and stakeholders. In addition, periodic reporting requirements of nominated sites requires State Parties to provide an analysis of the process by which World Heritage nominations are prepared. This includes information regarding *“the collaboration and co-operation with local authorities and people, the motivation, obstacles and difficulties encountered in that process and perceived benefits and lessons learnt”* (Operational Guidelines, 2005, Annex 7).

The cultural landscape category permits the integration of social, spiritual and cultural aspects of World Heritage sites. Consequently, the role of stakeholders and communities increased significantly in the World Heritage concept (Titchen, 1996).

Australian legislation concerning the nomination and management World Heritage sites is currently included within the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and its regulations (EPBC Regulations). According to the EPBC Act, the Commonwealth *“may submit a property for inclusion in the World Heritage List only after seeking the agreement of relevant States, self-governing Territories and land-holders”*; and also *“must try to prepare and implement management plans for other properties on the World Heritage List, in co-operation with the relevant States and self-governing Territories”*. (Ch5, Pt15, Div1A, S313). However, a *“failure to comply with this section does not affect the submission of a property to the World Heritage Committee for inclusion in the World Heritage List or the status of a property as a declared World Heritage property.”* (S314).

While the Commonwealth may still nominate a property without the support of the State, due to the changes in the Operational Guidelines, it has become increasingly unlikely that IUCN/ICOMOS and the World Heritage Committee would assess that nomination favourably if community support for the nomination was lacking.

Through the EPBC Act, the Australian Government invites the public to comment on each decision taken before its implementation (nomination of sites, review of management plans). The Act also recognises the role of Indigenous people in the conservation and sustainable development of World Heritage Sites.

While the EPBC Act is quite vague on how and when to involve local communities, the EPBC Regulations are more specific. The Regulations encourage the development of community-based conservation and protection strategies involving governments, community, scientists and other experts, landholders and Indigenous peoples (Sched 5, Pt 10 Div 1 S1, 2, 3 – Schedule 5A – Schedule 5B S2, 5, 6). Under the EPBC Act and Regulations, the management principles prescribed for a site must be consistent with Australia's obligations under the World Heritage Convention (S323). In addition, the "*Commonwealth must endeavour to ensure the preparation and implementation of a management plan for a World Heritage property consistent with Australia's obligations under the World Heritage Convention and the Australian World Heritage management principles*" (Environment Australia, 2002).

Given the World Heritage Committee's requirements for community engagement a number of specific issues may further complicate the design of any communication or community engagement strategy for Cape York Peninsula. There is currently a lack of awareness and information at the local level on WH possibilities, effects and benefits. This gap will need to be addressed by a program of community engagement prior to any nomination. This program will need to be tailored specifically to suit the distinctive information and capacity needs of each community. Engagement with Indigenous peoples (60% of the population of the Peninsula) must be undertaken at the local level as many communities and traditional owner groups do not wish to be represented at the regional or sub-regional level. On the other hand, pastoralists and other stakeholders may be more willing to accept regional or sub-regional representation of their needs and interests. The needs and interests of pastoralists and other community stakeholders have not been well represented in the preparation of this document, therefore, much research is required before recommendations for a suitable community engagement strategy can be formulated. However, certain issues have been identified and are outlined in the paragraphs that follow.

Unfortunately there are significant unresolved tenure issues with traditional owners throughout the Peninsula. This historical reality creates some challenges for the advancement of any World Heritage nomination. It seems likely that many communities will not wish to engage with the Government about World Heritage at this time. For at least some communities any discussion about World Heritage should follow tenure and land management resolution. Timing of community engagement and the nomination process is critical. Even awareness programs may be too early at this stage.

WH nomination should not be advanced without a serious program of engagement with CYP people about WH and its benefits and costs. It is recommended that the engagement process show that indigenous rights and uses may co-exist with WH. Any communication strategy must take competing interests and views of the land into account not just indigenous/non-indigenous. There are potentially many land tenures involved in nomination, which requires involvement from many government agencies, not just QPWS. The communication strategy must take these various interests into account and target accordingly. There are potentially many different views amongst traditional owners in Cape York Peninsula regarding World Heritage.

Some of the likely elements to consider are:

- ∞ TOs are unlikely to engage in WH negotiations if they don't see tangible benefits accruing to them
- ∞ TOs will want to be completely satisfied that WH listing will not harm their legal or traditional interests
- ∞ TOs are reluctant to provide any cultural information (intellectual property rights). This information is needed to make the case for 'cultural' WH listing
- ∞ Aboriginal communities are likely to see WH as yet another regulation of (and perhaps deprivation of) the exercise of current and future rights; and to perceive that WH is anti-'economic development' (i.e. limits grazing and mining)
- ∞ Some historical distrust for WH in CYP communities (e.g. graziers have concern over loss of management choices over, for example, fire regimes; some people will believe there will be a loss of rights or power; and there is a fear (conspiracy theory) that the 'government' or 'United Nations' will take over their land)
- ∞ There remains some historical distrust amongst/between CYP stakeholders, for example,
  - some conservationists and/or scientists distrust community based management of land:

- believing that traditional owners have lost traditional land management knowledge
  - believing that community conserved areas are not real ‘conservation’ lands, providing inadequate protection due to lack of formal management arrangements and solid legislation for enforcement
  - prefer the ‘westernised’ conservation paradigm
- Some traditional owner groups distrust environmental NGOs/green groups, seeking a stronger commitment to TO aspirations. Influences on environmental NGO groups are often derived from constituencies in southeast Queensland and the capital cities of eastern Australia. Therefore, their agenda is often focused on national and state community interests rather than those found locally in Cape York Peninsula. Seeking a balance in these matters can be challenging and difficult.
- ∞ Engagement must ultimately be undertaken at a community level with individual traditional owner groups, because:
  - nomination can only proceed with TOs’ full knowledge and support
  - TOs can be/are sometimes distrustful of regional representation, even by Indigenous groups such as Balkanu & CYLC
  - the Land Council and/or Balkanu cannot speak for the TOs: i.e. give the consent for listing, or provide cultural information on behalf of TOs although there will be a critical role to assist in the process of awareness raising and community engagement
  - anthropologists can only provide information when requested to do so by TOs, and the anthropologists themselves must be engaged and cooperative
- ∞ the Land Council and/or Balkanu must have a clear role and give political legitimacy to the listing process
- ∞ the WH facilitator must be someone the community/TOs/Balkanu/all stakeholders can trust
- ∞ many environmental NGOs will only support listing with TO consent
- ∞ environmental NGOs are pivotal to successful nomination: will provide advice and information to the communities with which they have built up a rapport over many years
- ∞ communication of WH attributes/objectives must be clear to avoid multiple interpretations
- ∞ communication strategy must be mindful of community priorities: community preference to resolve issues of health, education, land ownership/management first rather than discuss WH
- ∞ communication strategy must take into account capacity of TOs: e.g. spoken & written English skills
- ∞ communication strategy must take into account ‘consultation fatigue’

Other related issues include when to involve wider Australian community? The Wilderness Society is already conducting a wider awareness campaign of CYP environmental attributes and there has been much expectation in some quarters for a World Heritage nomination as part of long term protection of Cape York Peninsula natural heritage.

One challenge will be to unite Indigenous and non-Indigenous people of CYP. Perhaps a strategic approach would be to pursue National Heritage listing first and include common heritage stories such as colonial/cattle history. A story or theme (upon which the nomination is based) can be used to ‘unite’ people/communities (scientists and other stakeholders) if well communicated. Community engagement must address the proposed management of the nominated area to limit the prospects of misleading views developing about World Heritage and its management. Politicians representing CYP communities (local, state, federal) should be included in the communication strategy to become better educated in WH objectives and to provide support for nomination.

All of the above issues will be of greater or lesser concern depending on the specific boundary option chosen.

## **Potential Nomination Options for CYP**

In this section a number of possible scenarios for World Heritage nomination are described and the pros and cons of each discussed. Indicative maps of proposals are included. This discussion is exclusively based on *natural* World Heritage but it is recognised that much of the proposed areas will include cultural attributes of outstanding significance. It is also recognised that there is likely to be strong overlap between natural and cultural heritage boundaries. There is some degree of sensitivity about drawing lines because this identification should occur with the community.

### **Scenario 1.**

***Entire Peninsula: CYPLUS boundary minus the WTQWHA sites*** (Daintree, Black Mountain etc) and with some specific excisions to cover existing mining leases (see Map 2). Such a nomination, if successful, would create the world’s largest terrestrial World Heritage site covering an area of 12 million ha. This size would not be near the world’s largest protected area, which is North-East Greenland National Park at 97 million ha. Even the Great Barrier Reef World Heritage Area (at 34 million ha) is only third on the list of world’s largest protected areas. The largest terrestrial natural WH site is the trans-border Canadian/USA Kluane/Wrangell-St Elias/Glacier Bay/Tatsenshini-Elsek World Heritage Area (9.8 million ha). The largest single State Party terrestrial natural property is Niger’s Air and Tenere Natural Reserves World Heritage Area (7.7 million ha).

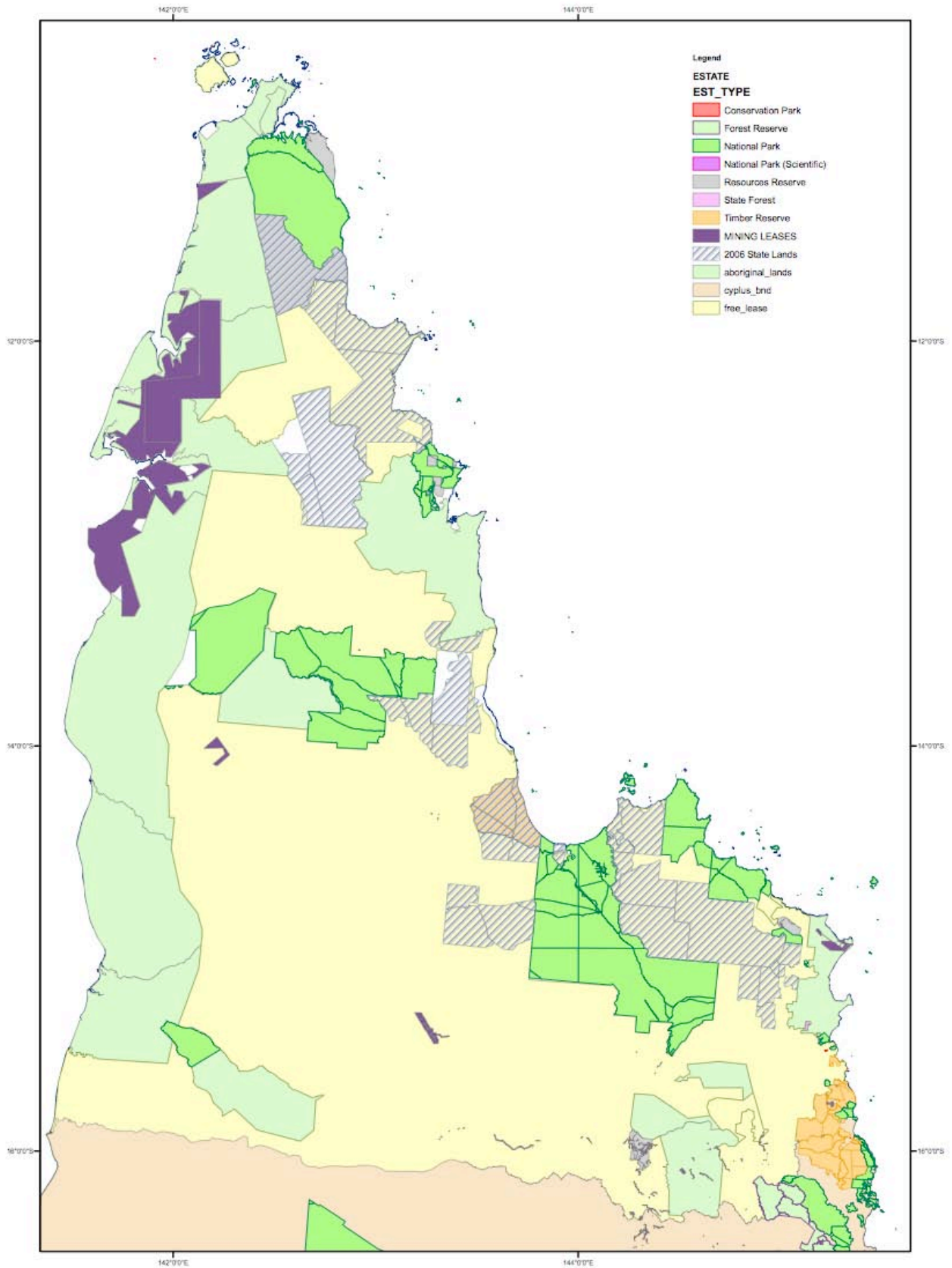


This scenario would be based on the concept of a Greater Cape York Ecosystem Reserve within which are embedded high conservation zones. The use of a Biosphere Reserve would fit with this scenario. Such a proposal could be advanced on natural criteria only, a mixed site or cultural landscape (type 3 or type 2b). The designated core areas would primarily be protected area estate and community conserved areas under formal agreements – restricted human use. These would be surrounded by buffer zones (traditional and contemporary/controlled human use). This proposal would have a formal zoning scheme as for the Great Barrier Reef World Heritage Area with a wider array of allowable use than within the Wet Tropics of Queensland World Heritage Area.

**Advantages.** This approach (or one like it) has the merit of familiarity to the regional community (i.e. based on the idea of a wide range of allowable use permitted within the Great Barrier Reef World Heritage Area). Zoning proposals would be less threatening with core areas in the already identified conservation estate and the future CCAs developed with traditional owners and perhaps additional conservation agreements with graziers who were interested. Undertaken parallel with the development of a National Heritage listing that helped to draw all elements of the community together it could be a further tool to consolidate the sustainable outcomes vision for all of Cape York Peninsula (for example Hill and Turton, 2004).

**Disadvantages.** The Greater Cape York Ecosystem would be a significant challenge for the World Heritage Committee without very significant evidence of community support (a product of full engagement) and a nomination that was able to demonstrate the essential integrity of the boundary. That would depend on the criteria and arguments employed and could be made from both a natural heritage perspective and a cultural landscape perspective. There may be a risk that some people may wish to be excluded and in that case have the nomination disrupted through fragmentation (the Swiss cheese approach). It is not clear that the requirement to have complete community engagement and significant support is a disadvantage other than the time and resources it will take. Success in this would help ensure a socially and economically sustainable future for the Peninsula.

In the end World Heritage must be allied with a positive and enduring outcome for the residents of Cape York Peninsula. This approach also fits nicely within the Biosphere Reserve framework identified in Section 2. Given its existing global popularity and the integration of economic, social and conservation priorities within it, this could be a valuable tool for community support.



**Map 2. Cape York Peninsula land tenure with emphasis on grazing lands, state lands, National Parks, Aboriginal lands and mining leases.**

## **Scenario 2.**

***Serial Nomination of core conservation areas:*** cultural landscapes (mixed nominated under cultural criteria and natural criteria) with core areas (protected area estate and community conserved areas) within the WHA.

The major difference between this option and Scenario 1 is that only a subset of the Peninsula would be nominated for World Heritage with the exact dimensions dependent on outcomes from the community engagement processes of identification. While the core areas of natural heritage would include all of the conservation estate at least some natural heritage would come from Aboriginal lands and at least some of the core natural heritage areas will have cultural heritage attributes.

***Advantages.*** The notion of a cultural landscape, with its integrated natural and cultural attributes, is more relevant to Indigenous culture than separate natural and cultural heritage sites. Most of the existing Queensland conservation estate in Cape York Peninsula can be readily integrated to a serial nomination involving four or five main blocks and one or two outliers. Many of these areas need further work on joint management arrangements and that could proceed in conjunction with the development of CCAs for participating communities who may wish to have their lands acknowledged as part of the cultural landscape. Some areas will have higher priorities, especially those that include ecosystems not well captured in the Queensland State lands (for example western coastal ecosystems) and those parcels of land that add to ecological integrity (for example connectivity for fragmented components).

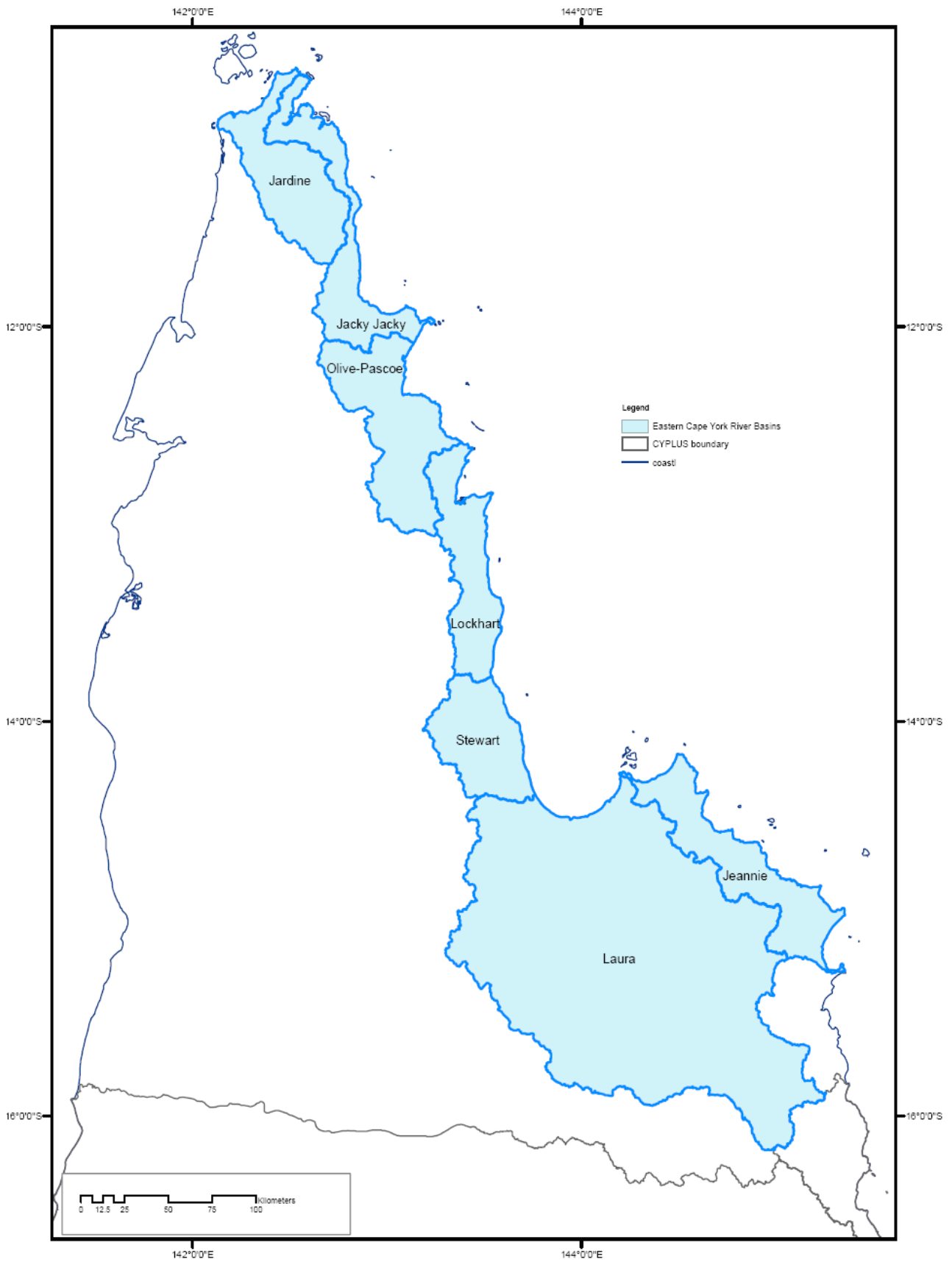
***Disadvantages.*** One immediate disadvantage is the lack of present clarity of what might constitute the eventual serial nomination and the lack of focus on the critical criteria for nomination and listing, especially for natural heritage. This approach commits to the nomination but requires an extended process to identify boundaries that will delay progress for some time. While this may seem like a disadvantage to those who currently support the World Heritage listing of Cape York Peninsula, in the longer run this may provide a more sustainable (because community supported) outcome. Whatever scenario involves cultural heritage and/or cultural landscape nominations will be drawn out because of the unfinished business of both land tenure and of cultural heritage inventory work. However, in the long run this may provide a much more appropriate boundary and a site that is strongly supported by the community, an outcome very much desired by the WHC.

### **Scenario 3.**

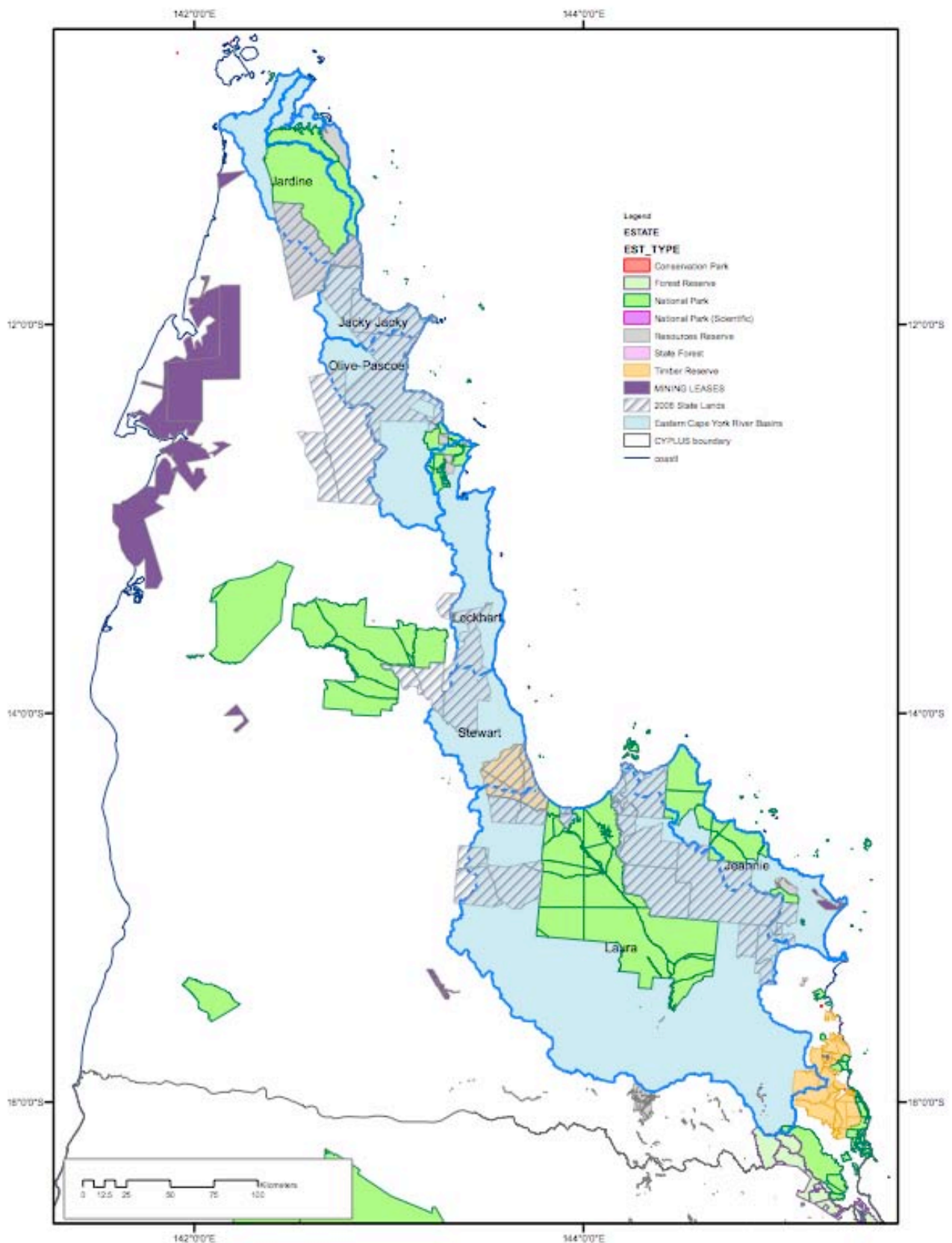
***Eastern Cape York Ecosystems.*** The boundary of this proposal is shown on Map 3. (and the tenure overlay in Map 4.) The boundary is the catchments for all east coast river systems (Jacky Jacky, Olive-Pascoe, Lockhart, Stewart, Normanby/Laura, Jeannie) and associated east coast streams (Claudie, Nesbitt, Chester, Rocky, Massey, . .) plus the Jardine Catchment.

***Advantages.*** This scenario has a recognizable ecosystem boundary system that captures a large proportion of the Cape York Peninsula outstanding universal significance from a natural heritage perspective. The area is contiguous being a single parcel of land, a situation much preferred for clarity about identification and management. Much of the essential components for all of the World Heritage criteria are represented and are proposed within an ideal management framework for integrity outcomes. The bulk of this proposal is in State Land (see Map 4 with an overlay of State Land parcels) and therefore subject to easier development of management arrangements, although still requiring tenure resolution. The inclusion of the complete coast (over one thousand km) is an outstanding component, adjacent to the GBRWHA and the WTWHA. Because it is catchment based this proposal also accords with the Queensland State initiative to protect Wild Rivers.

***Disadvantages.*** Significant components of this scenario involve Aboriginal land and that will involve considerable effort for engagement about inclusion and management as part of the World Heritage site. However, the connectivity provided by the Aboriginal lands is critical and so too the additional ecosystem representation. Much of the area is remote and will involve a significant investment in additional management although this may lead to excellent joint management outcomes in the longer run. It may require a minor excision to cover existing mining leases (principally Cape Flattery). The proposal excludes the western and central Peninsula that also contributes to the natural heritage significance of Cape York Peninsula.



**Map 3. Scenario 3: The Eastern Cape York Ecosystem**



**Map 4. Scenario 3: Eastern Cape York Ecosystem with overlay of State Lands and other tenure**

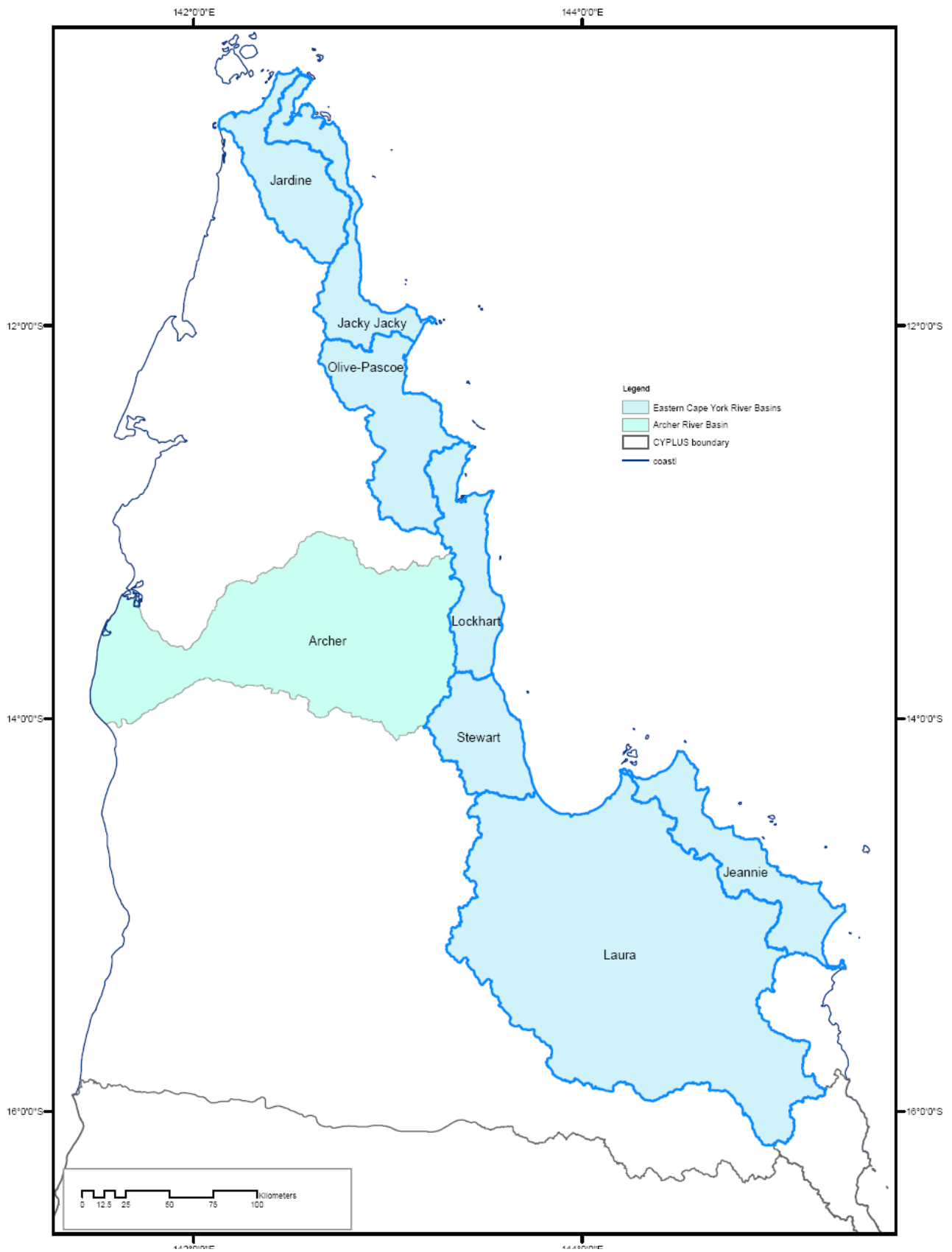
**Plain blue sites not otherwise indicated are Aboriginal land or grazing properties.**

#### **Scenario 4.**

***Greater Eastern Cape York Ecosystems.*** The area to be nominated under this scenario is the full set of east coast catchments (as in Scenario 3) with the addition of the Archer River catchment to capture the key elements of the east-west environmental gradient including riparian forests and floodplains. Maps 5 and 6 show the proposed indicative boundary.

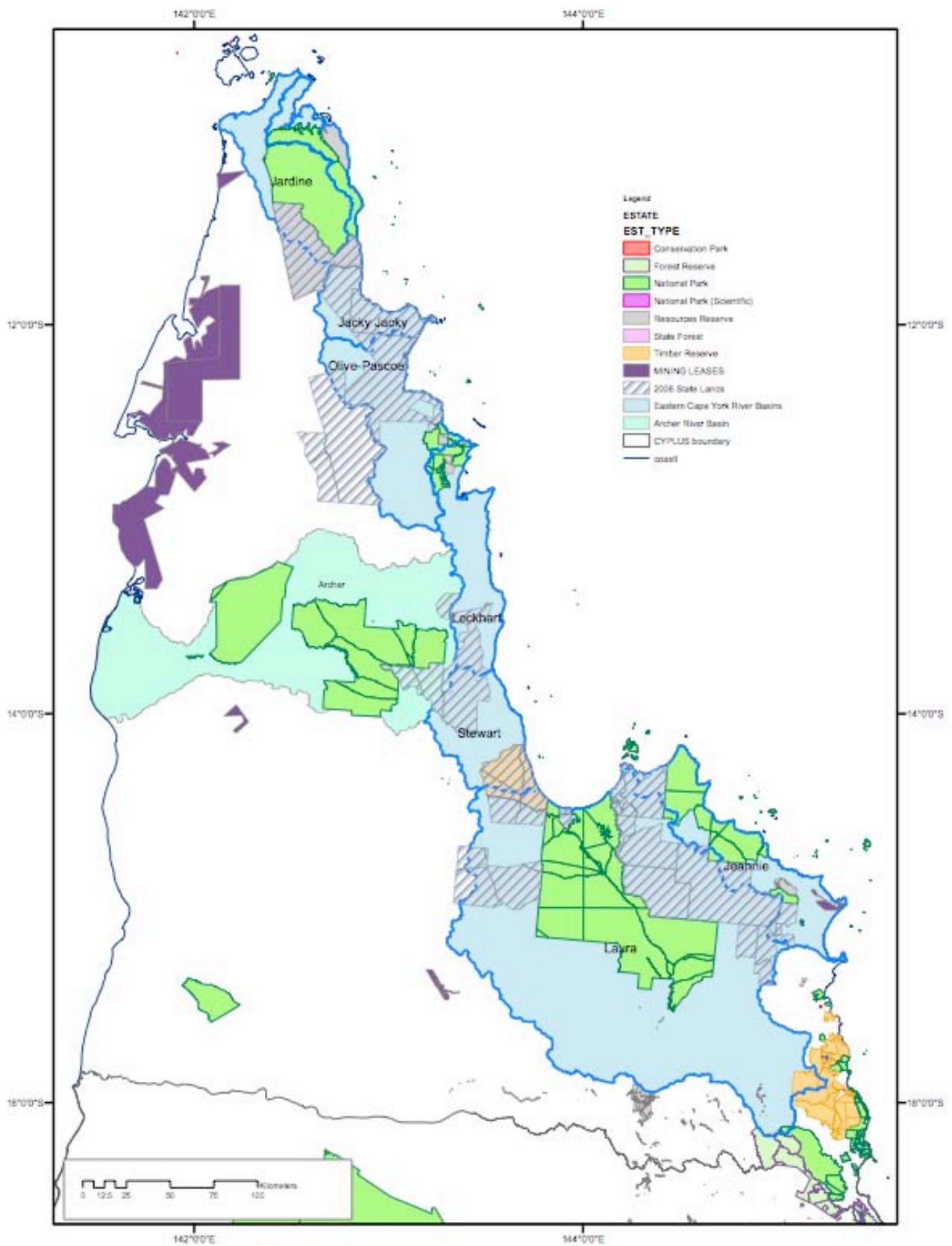
***Advantages.*** This extension of Scenario 3 has all its advantages but in addition significantly adds distinct and outstanding components to the nomination. The floodplains of the Archer Bend section contain the best examples of gallery forest in the Peninsula and the entire catchment is an outstanding freshwater system. Distinctive deltaic systems in the lower reaches increase ecosystem diversity and much of the area is already included in the Queensland conservation estate. In particular additional savanna components strengthen the importance of this nomination in addressing current imbalances in the World Heritage list. It retains the connectivity and easily identified boundary of the site and also retains the ecosystem based management framework.

***Disadvantages.*** The main disadvantage is a significant increase in the area of non-State land included thereby increasing the complexity for both nomination and for management. This immediate cost may be seen as a worthwhile longer term investment. The most significant disadvantage is the relatively small component of the west coast environments included with only the Jardine Swamps and the Archer River floodplains included (<10% of the coast). The management arrangements for this nomination might involve a combination of core protected areas with conservation agreements covering the remainder. Quite an exercise to achieve but a potentially very effective outcome. In many ways this would mirror the management arrangements for the Wet Tropics or even the GBR WHA.



**Map 5. Scenario 4: Greater Eastern Cape York Ecosystem.**





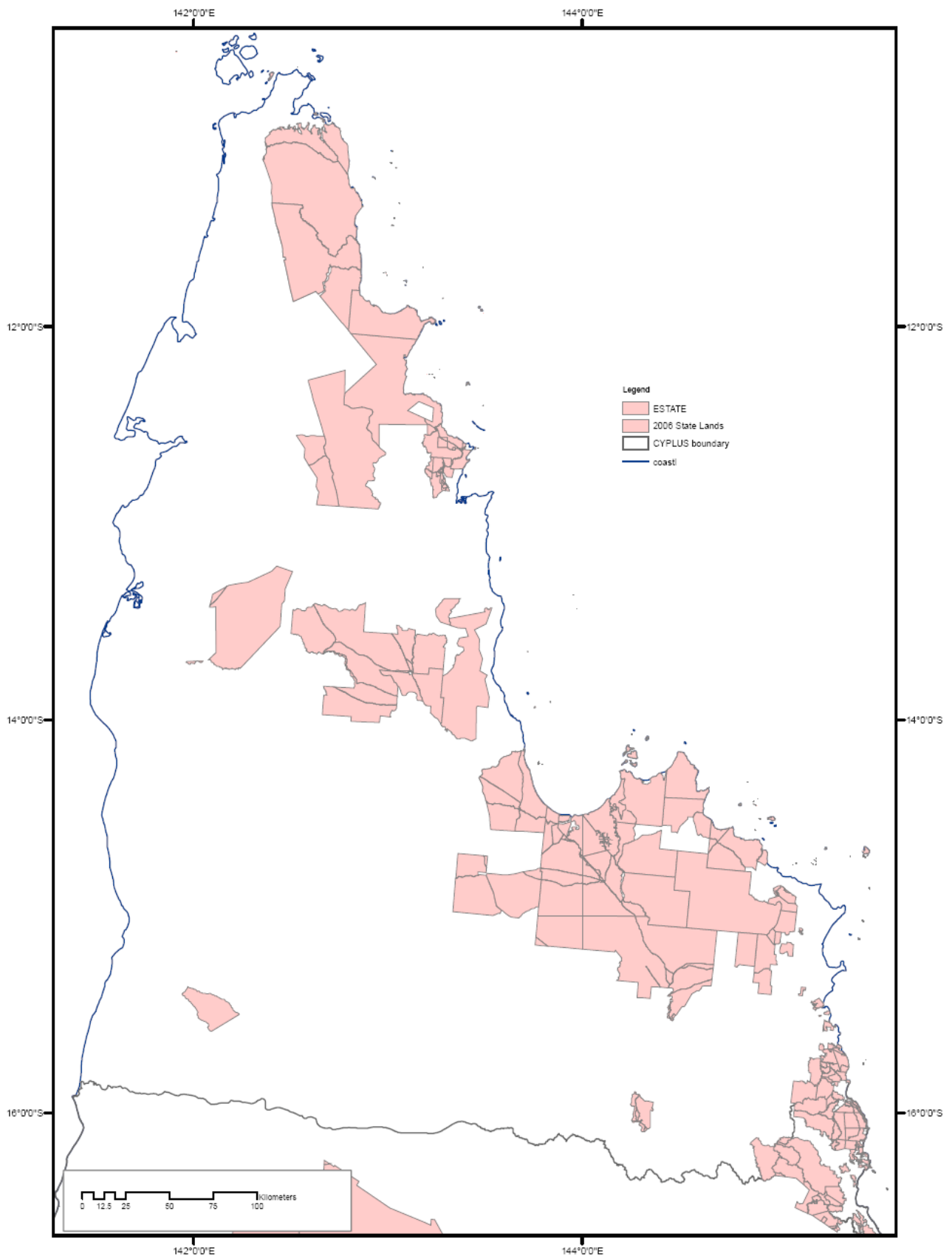
**Map 6. Scenario 4: Greater Eastern Cape York Ecosystem with overlay of state land tenure**

## **Scenario 5.**

***Cape York Peninsula Protected Areas.*** In essence this would be a stand alone serial nomination of existing protected areas and state lands purchased (and to be purchased) for conservation purposes. The intention for further purchase (as indicated by the Queensland Government) means that the precise eventual boundary cannot yet be identified. However, Map 7 shows the current National Parks and other state lands on the Peninsula. Clearly this is a significant extent of land and does capture much of the ecosystem diversity upon which a natural World Heritage nomination would be based. It has been long recognised that the eastern Peninsula has outstanding natural heritage attributes and both Mackey et al. (2001) and Stanton and Fell (2005) draw attention to these qualities.

***Advantages.*** The principal advantage is that these parcels would be subject to direct management by State agencies and/or a State-based World Heritage management authority. Protection would be strong and there would be a prospect of effective conservation through government-mandated management. There is already a model of serial sites globally and within Australia and the strong protection may to some extent offset missing ecosystem and integrity components. Designated National Parks being nominated for World Heritage raises less community concern than a wider boundary that may incorporate multiple tenures. However, native title issues would remain and would require resolution (that may include joint management).

***Disadvantages.*** There would be a number of outstanding areas of the peninsula that would not be included in such a nomination. These include the lower Jardine catchment, many parts of the west coast and its exceptional examples of coastal processes; extensive areas of savanna that would add substantially to the international significance of the nomination. In addition the lack of a catchment based boundary is seen as inferior in the longer run and the gaps in connectivity also limit the long term integrity. It may be possible to address these disadvantages through cooperative management with adjacent landowners but this would be piecemeal at best (certainly in the short term). It is also a lost opportunity to make something exceptional about any Cape York Peninsula World Heritage site in the form of a larger vision for long term continental scale conservation. Perhaps as a first step in a program of expanded ecosystem-based management this would be seen as effective.



**Map 7. Scenario 5: Queensland State Lands in Cape York Peninsula.**

## SECTION 4

*Advise on any further analysis and documentation that would be required in order to progress the nomination, and suggest appropriate experts who might be approached to carry out the work.*

### **Further analysis and documentation requirements**

#### **For natural World Heritage:**

A workplan for the completion of elements of the nomination would include a small number of tasks not already done. The formal specification of the attributes that fit each criterion can only be done properly once the boundary has been determined. It is clear that most of the required information is already assembled and has been identified in Section 2. Additional illustrative and detailed components need to be added as appropriate for the specific nomination boundary. Comparisons within Australia and across other comparable sites internationally also needs doing. This is not a major task but covers a number of fields. The importance of Cape York Peninsula savanna environments can be further developed. One key element is the integrity issue and while Mackey et al. used the wilderness mapping as a surrogate for naturalness (and integrity) there may be better data now available. The recent Vegetation Assets, States and Transitions (VAST) work of Brendan Mackey (ANU) and Rob Lesslie (BRS) may provide additional insight into the relative significance of Cape York Peninsula within Australia and also fresh data on naturalness and integrity. Their initial work on habitat condition classification shows high significance for Cape York Peninsula (especially with core intact areas) compared with everywhere else in eastern Australia and southwestern Australia. Only the great deserts provide a comparable and extensive area of relatively intact habitat. They have not yet undertaken a specific project looking at Cape York Peninsula and that would be helpful for two reasons. First to confirm the importance of the Peninsula in terms of naturalness and integrity. The second reason would be to help clarify internal management and perhaps key connectivity tasks for the non protected area lands.

Dr Brendan Mackey, Dr Rob Lesslie, Professor Neil Enright (especially on the connections with New Guinea), Peter Stanton, Professor Jamie Kirkpatrick (who is very familiar with National Heritage as well as World Heritage and has himself undertaken a significant continent wide study of environmental disturbance), Professor Jon Nott who is working on coastal environments and processes in Cape York Peninsula], Professor Dave Gillieson for savanna and karst environments, Dr Rod Fensham would also have good capacity to provide comparative analysis. Dr Marc Hockings, on a range of management related aspects. Peter Hitchcock has wide experience also.

### **For cultural World Heritage:**

This is the major work needed. Needs anthropologists, archaeologists and somebody familiar with cultural landscapes. Also an historian, good for somebody familiar with the National Heritage approach also. The issue is not simply identifying cultural heritage within Cape York Peninsula but linking that heritage to the criteria for World Heritage. My superficial assessment suggests that the most likely argument for Cape York Peninsula to be accepted for its cultural heritage would be via the Cultural Landscape pathway. The World Heritage Convention is very much about material culture rather than non-material culture and the focus is therefore on built or transformed features. It is therefore quite challenging to develop the evidence that supports Cape York Peninsula being nominated for at least one of the cultural criteria. For a site to be nominated as a Cultural Landscape it must first satisfy at least one criterion. It seems to me, on the basis of more easily identified evidence, that the following criteria may be worthy of analysis for Cape York Peninsula:

(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared

(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

(vi) to 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 preferably be used in conjunction with other criteria)

It is not possible to be confident about this without significantly more assembly of evidence and argument that would link the cultural significance to the place nominated. Some potential evidence is readily assembled such as the outstanding rock art in the sandstone country of the Peninsula. Other links (ie testimony) may be more problematic but could include evidence about fire use and its relationship between culture and the environment (shaping the environment?). The work needed would bring together the knowledge of anthropologists, archaeologists, ecologists, palaeo-ecologists and traditional owners to derive the necessary evidence to support a nomination against one or more of these criteria. Much of the rich information already assembled about the cultural heritage in Cape York Peninsula is about non-material culture and may be less adapted to the requirements of this particular convention. An important task will be to identify whether any comparable human-environment cultures have previously formed the basis of a site nomination. It is worth reflecting on Fowler's comments about the World Heritage Convention and such a focus on people. If one of the cultural criteria were to be met, then it seems likely that a good case could be made for a cultural landscape (either a 2b or 3 category).

This report has not been able to pursue cultural World Heritage prospects with the same level of confidence as for natural heritage.

The work on Cultural World Heritage would benefit from people knowledgeable about the specific areas examined as well as with broad appreciation of the cultural dimensions of World Heritage. Valuable advice could be gained from Dr Sarah Titchen (currently at UNESCO, NY) and from Dr Peter Fowler whose work I have cited. Locally there are several potentially valuable contributors to progress this matter including Dr Dermot Smyth, Dr Sandra Parnell, Dr Rosemary Hill and Ms Leah Talbot. Some other knowledgeable people could include Professor Fay Gale (University of Adelaide) who has worked on World Heritage sites in Australia; Professor Richard Baker at ANU. It would also be helpful to contact ICOMOS for advice on specific experts on cultural heritage criteria.

### **Some Ideas for Implementation of Natural World Heritage.**

One way to advance the process would be to establish working groups or task forces around the different elements. In particular these would include:

- a) clarification and writing of the natural heritage attributes with each of the WH criteria, narrowed to specific sites to be nominated/included (this should include scientists and experts relevant to both natural attributes and also World Heritage including involvement with the Commonwealth WH Unit);
- b) development of the National Heritage nomination and criteria (this could valuably include an advisor from Commonwealth DEH) and the evidence to support it (most likely historical, natural and cultural components);
- c) development of a communication program for an awareness and a consultation/engagement process with Cape York Peninsula communities; (this would be much assisted by cooperation with NGO groups including Conservation NGOs and Indigenous NGOs as well as a range of stakeholder groups);
- d) development of proposed management arrangements for the Peninsula and this group would very usefully include existing WH site managers as well as IUCN/WCPA members.

It may be cost-effective to use a Delphi process to canvass scientists and researchers nationally and internationally for the final details of attributes and criteria. Previous similar work has been very effectively managed through the use of a dedicated research officer to conduct the program (the Lucas et al. study was a good example).

## SECTION 5

*Identify key statutory and administrative processes including management requirements, to achieve World Heritage and National Heritage listing, and develop an indicative annotated framework and timetable for the process of preparing and submitting such nominations.*

### **Tasks for World Heritage Nomination**

Preparation of the formal nomination document to ensure listing of the site (or sites) on the National Heritage List.

Request the Federal Government to ensure that the proposed nomination is registered with the World Heritage Committee as part of Australia's tentative list. This needs to occur prior to the year of nomination. The deadline for nominations is February 1<sup>st</sup> in any year and the sites must already be on the State Party's tentative list. Given the current limitations on nominations that apply to all States Parties it would be sensible to add Cape York Peninsula to the Australian tentative list sooner rather than later. There are currently no natural sites on the Australian tentative list and just two cultural sites (Sydney Opera House and Australian Convict Sites). The decision about this step is complicated by the requirement to first identify the potential boundary so that a broad description can be provided (mainly on the key attributes or elements included). Because the Committee requires participation as part of identification it seems unlikely that this could be completed in a satisfactory way until a formal process of awareness and consultation had been completed. This will also involve at least some focus on tenure issues (certainly native title), the extent of which will depend on the prospective nomination boundary chosen. The requirements that need to be met at the time of nomination help clarify the thinking of the Committee and the elements of assessment that will be made. These are spelled out below.

It needs to be clear that a nomination received by February first in any year cannot be considered by the Committee until at the earliest 16 or 17 months later (the annual June/July meeting of the Committee).

For a nomination to be received by the Committee it must be judged complete by the 1<sup>st</sup> of February in the year of nomination. To meet the test of completeness all of the following items must be included in the nomination: (*para 132 in Operational Guidelines*).

“For a nomination to be considered as "**complete**", the following requirements are to be met:

1. Identification of the Property

The boundaries of the property being proposed shall be clearly defined, unambiguously distinguishing between the nominated property and any buffer zone (when present) (see paragraphs 103-107). Maps shall be sufficiently detailed to determine precisely which area of land and/or water is nominated. Officially up-to-date published topographic maps of the State Party annotated to show the property boundaries shall be provided if available. A nomination shall be considered "incomplete" if it does not include clearly defined boundaries.

2. Description of the Property

The Description of the property shall include the identification of the property, and an overview of its history and development. All component parts that are mapped shall be identified and described. In particular, where serial nominations are proposed, each of the component parts shall be clearly described. The History and Development of the property shall describe how the property has reached its present form and the significant changes that it has undergone. This information shall provide the important facts needed to support and give substance to the argument that the property meets the criteria of outstanding universal value and conditions of integrity and/or authenticity.

3. Justification for Inscription

This section shall indicate the World Heritage criteria (see Paragraph 77) under which the property is proposed, together with a clearly stated argument for the use of each criterion. Based on the criteria, a proposed Statement of Outstanding Universal Value (see paragraphs 49-53 and 155) of the property prepared by the State Party shall make clear why the property is considered to merit inscription on the World Heritage List. A comparative analysis of the property in relation to similar properties, whether or not on the World Heritage List, both at the national and international levels, shall also be provided. The comparative analysis shall explain the importance of the nominated property in its national and international context. Statements of integrity and/or authenticity shall be included and shall demonstrate how the property satisfies the conditions outlined in paragraphs 78-95.

4. State of conservation and factors affecting the property

This section shall include accurate information on the present state of conservation of the property (including information on its physical condition of the property and conservation measures in place). It shall also include a description of the factors affecting the property



(including threats). Information provided in this section constitutes the baseline data which are necessary to monitor the state of conservation of the nominated property in the future.

#### 5. Protection and management

Protection: Section 5 shall include the list of the legislative, regulatory, contractual, planning, institutional and/ or traditional measures most relevant to the protection of the property and provide a detailed analysis of the way in which this protection actually operates. Legislative, regulatory, contractual planning and/or institutional texts, or an abstract of the texts, shall also be attached in English or French.

Management: An appropriate management plan or other management system is essential and shall be provided in the nomination. Assurances of the effective implementation of the management plan or other management system are also expected.

A copy of the management plan or documentation of the management system shall be annexed to the nomination. If the management plan exists only in a language other than English or French, an English or French detailed description of its provisions shall be annexed. A detailed analysis or explanation of the management plan or a documented management system shall be provided. A nomination which does not include the above-mentioned documents is considered incomplete unless other documents guiding the management of the property until the finalization of the management plan are provided as outlined in paragraph 115.

#### 6. Monitoring

States Parties shall include the key indicators proposed to measure and assess the state of conservation of the property, the factors affecting it, conservation measures at the property, the periodicity of their examination, and the identity of the responsible authorities.

#### 7. Documentation

All necessary documentation to substantiate the nomination shall be provided. In addition to what is indicated above, this shall include photographs, 35 mm slides, image inventory and photograph authorization form. The text of the nomination shall be transmitted in printed form as well as in electronic format (Diskette or CD-Rom).

#### 8. Contact Information of responsible authorities

Detailed contact information of responsible authorities shall be provided.

#### 9. Signature on behalf of the State Party

The nomination shall conclude with the original signature of the official empowered to sign it on behalf of the State Party.

#### 10. Number of printed copies required

- Nominations of cultural properties (excluding cultural landscapes): 2 copies
- Nominations of natural properties: 3 copies
- Nominations of mixed properties and cultural landscapes: 4 copies

#### 11. Paper and electronic format

Nominations shall be presented on A4-size paper (or "letter"); and in electronic format (diskette or CD-ROM). At least one paper copy shall be presented in a loose-leaf format to facilitate photocopying, rather than in a bound volume.”

Some of these tasks are very time consuming, especially the development of a management plan and a management framework and the formal designation of boundaries. Some are predicated on a significant amount of preparatory work with community organizations. Items 1 to 7 above are tasks that can commence immediately in terms of gathering material that will be used to produce the documents and other material required. For example, development of the justification for listing and preparation of the protection and management and monitoring components, state of conservation and threats and the acquisition of photographs and other descriptive material can proceed over the next few years.

## Proposed Timeline for Nomination Processes

YEAR	TASK	PARTICIPANTS
2006/2007	ADVANCE TENURE RESOLUTION ON CAPE YORK PENINSULA LANDS AS A PRECURSOR TO MEANINGFUL ENGAGEMENT WITH TRADITIONAL OWNERS OVER THE IDEAS OF WORLD HERITAGE	CYTRIG, TOS.
2006/2007	COLLATE EXISTING MATERIAL ON CULTURAL HERITAGE AND HISTORIC HERITAGE ON CAPE YORK PENINSULA AND BEGIN PLANNING FOR A FORMAL ENGAGEMENT OVER THE IDENTIFICATION OF NATIONAL ESTATE SITES. MOVE TOWARDS A DECISION ON THE RANGE OF BOUNDARY OPTIONS AND THE LIKELY CHOICE.	STATE GOV., WITH BALKANU/CYLC, TRADITIONAL OWNERS, ANTHROPOLOGISTS, ARCHAEOLOGISTS AND HISTORIANS. FEDERAL GOVERNMENT AHC.
2006/2007	FINALISE THE EVIDENCE AND CRITERIA FOR NATURAL HERITAGE NOMINATION AND PREPARE INITIAL DRAFTS FOR THE MOST LIKELY BOUNDARY OPTIONS. THIS EXERCISE WILL REVEAL FURTHER THE STRENGTHS AND WEAKNESSES OF SPECIFIC PROPOSALS. THIS WORK NEEDS TO BE MAPPED WITH THE CULTURAL HERITAGE PROSPECTS AND WILL INVOLVE WIDER COMMUNITY ENGAGEMENT.	STATE GOVT, EXPERTS, COMMUNITY INCLUDING NGOS AND TOS
2007	CONSIDER THE DEVELOPMENT OF A BIOSPHERE RESERVE AND/OR GREATER CAPE YORK PENINSULA ECOSYSTEM FRAMEWORK FOR PROGRESSING THE DEVELOPMENT OF APPROPRIATE ECONOMIC FUTURES FOR THE PENINSULA.	STATE GOVT, NGOS, COMMUNITY GROUPS
2007/2008	COMMENCE A COMMUNITY ENGAGEMENT PROCESS WITH ALL CAPE YORK PENINSULA COMMUNITIES ABOUT THE MEANING OF WORLD HERITAGE AND THE POSSIBLE ADVANTAGES FOR THE PENINSULA. THIS SHOULD BE A COLLABORATIVE TASK WITH THE FEDERAL GOVERNMENT AND OTHER PARTIES.	STATE GOVT, FEDERAL GOVT, ALL GROUPS

2008	NOMINATE ALL OR PARTS OF CAPE YORK PENINSULA TO THE NATIONAL HERITAGE LIST BASED ON NATURAL, CULTURAL AND HISTORIC HERITAGE. ASSEMBLE PHOTOGRAPHS FOR USE IN THIS AND THE WORLD HERITAGE NOMINATION.	QUEENSLAND GOVERNMENT WITH APPROPRIATE SUPPORT.
2008	IF COMMUNITY ACCEPTANCE GAINED, IMPLEMENT THE GREATER CAPE YORK ECOSYSTEM FRAMEWORK AND/OR BIOSPHERE RESERVE. ALSO NEED TO DEVELOP MANAGEMENT FRAMEWORK AND THE LEGISLATIVE SUPPORT FOR ANY PROPOSED NOMINATION. WILL NEED WORKING WITH FEDERAL GOVERNMENT FOR JOINT MANAGEMENT ARRANGEMENTS.	QUEENSLAND GOVERNMENT AND PARTNERS.
2008/2009	PREPARE THE NOMINATION DOCUMENTS FOR WORLD HERITAGE LISTING. THESE INCLUDE ALL THE TASKS IDENTIFIED IN PARAGRAPH 132 OF THE OPERATIONAL GUIDELINES AND OUTLINED ABOVE. CRITICAL AND TIME CONSUMING COMPONENTS INCLUDE THE BOUNDARY DEFINITION AND THE MANAGEMENT ARRANGEMENTS, MANAGEMENT PLAN.	QUEENSLAND GOVERNMENT AND FEDERAL GOVERNMENT IN PARTNERSHIP WITH APPROPRIATE SUPPORT.
2010	COMPLETE NOMINATION SUBMITTED BY FEBRUARY 1 <sup>ST</sup> .	FEDERAL GOVERNMENT

The timeline above is at best indicative and it is clearly a very broad outline of the tasks required. Much depends on the iteration of various stages with different groups, the community and a range of jurisdictional interests. In my view I believe that the tasks could be completed in the time proposed with appropriate resources and commitment.

There is an opportunity to make this an outstanding example of a fully engaged process to identify and nominate a World Heritage site of exceptional scale and importance. It will not be easy but it could be enormously worthwhile.

## ACKNOWLEDGEMENTS

Many people have contributed to this work by providing advice and comments during the period of the project. In particular I thank Kathryn Larsen who has assisted in many ways and has provided significant and valuable input as a research assistant. Others have been responsible for much advice and support in matters pertaining to World Heritage in previous years, although not directly related to this report, and I especially acknowledge Bing Lucas and Adrian Phillips (colleagues from IUCN) for guidance. Dr James Thorsell provided significant learning about World Heritage over many years and especially while I was a World Heritage Fellow at IUCN Headquarters under his mentorship and during a conjoint appointment as Professional Associates at the East West Center. I have also benefited from discussions with Peter Ogilvie and Bruce Leaver over a period of time and through work with Dr Warren Nichols.

### **Others more directly involved with this project**

**QPWS:** Clive Cook, Buzz Symonds, Geoff Meadows, Mark Peacock, Bruce Lawson, Peter Ogilvie (via phone link), Dan Murphy, Bruce Wannan, Peter Latch, John Winter, Keith McDonald

**Scientists/Consultants:** Peter Stanton, Peter Hitchcock, Brendan Mackey (ANU)

**ACF:** Rosemary Hill, Leah Talbot

**TWS:** Kerryn O'Connor, Dr Barry Traill

**Balkanu:** Matt Salmon

**CYLC:** Matt Patterson

**JCU:** Dave Gillieson

I also thank other colleagues for informal discussions and support during the time I have been working on the project.

Those named provided comments and suggestions that I always found valuable but any failings in this report remain solely my responsibility.

## REFERENCES

- Abrahams, H., Mulvaney, M., Glasco, D., & Bugg, A. (eds) 1995 *Areas of Conservation Significance on Cape York Peninsula*. CYPLUS Report, Australian Heritage Commission.
- Beale, E. 1970 *Kennedy of Cape York*. Rigby, Adelaide. 281 pp.
- Borrini-Feyerabend, G., Kothari, A., & Oviedo, G. 2004. *Indigenous and local communities and protected areas: Towards equity and enhanced conservation*. Gland, Switzerland and Cambridge, UK
- Centre for International Economics Resource Policy & Management. (1999). *Midterm review of the Natural Heritage Trust: Cape York Natural Heritage Trust Plan*. Canberra: Australian Government Natural Heritage Trust.
- Cordell, J. 1995. *Indigenous management of land and sea and traditional activities in Cape York Peninsula*. Brisbane and Canberra: Office of the Co-ordinator General of Queensland, Department of the Environment, Sport and Territories, and The University of Queensland.
- Department of Environment and Heritage, 2005 *Bilateral agreements and declarations: The Sydney Opera House*. Available at:  
<http://www.deh.gov.au/epbc/assessmentsapprovals/bilateral/sydneyoperahouse/index.html>
- Environment Australia (EA), 2002. *Periodic Report 2002 – Section I*. World Heritage Periodic Reporting Asia-Pacific Region 2003 - Australian Contribution to the Regional Synthesis Report, December 2002.
- Fitzgerald, T. 2001. *Cape York justice study report*. Brisbane: Queensland Government.
- Fitzsimons, J.A. and Wescott, G. 2005 History and Attributes of Selected Australian Multi-tenure Reserve Networks, *Australian Geographer* 36(1):75-93
- Fowler, P. J. 2003. *World Heritage Cultural Landscapes 1992-2002*. Paris: UNESCO World Heritage Centre.
- Frith, D.W. and Frith, C.B. 1995 *Cape York Peninsula: A Natural History* Reed Books, Chatswood.
- Gall, B. 1994. *A review of the adequacy of resourcing of the national parks of Cape York Peninsula, Qld*. Brisbane: Queensland National Parks and Wildlife Service.
- Hill, R. and Turton, S. M. (Eds.) (2004) *Culturally and Environmentally Appropriate Economies for Cape York Peninsula*. CRC for Tropical Rainforest Ecology and Management and Australian Conservation Foundation. Cairns. (108 pp).

- IUCN 1982 *The World's Greatest Natural Areas: an Indicative Inventory of Natural Sites of World Heritage Quality*. IUCN, Gland.
- IUCN 1994 *Guidelines for protected area management categories*. Gland: CNPPA, with the assistance of WCMC.
- IUCN 2004 *The World Heritage List: future priorities for a credible and complete list of natural and mixed sites*. Strategy Paper prepared by WCPA. IUCN, Gland. (available at <http://www.iucn.org/themes/wcpa/wheritage/globalstrategy.htm>)
- IUCN-CEESP n.d. *Community conserved areas and co-managed protected areas*. (available April, 2006 at [http://www.iucn.org/themes/ceesp/Wkg\\_grp/TILCEPA/community.htm](http://www.iucn.org/themes/ceesp/Wkg_grp/TILCEPA/community.htm))
- Jack, R. L. 1921 *Northmost Australia: three centuries of exploration, discovery, and adventure in and around the Cape York Peninsula, Queensland* Simkin, Marshall, Hamilton, Kent and Co., London.
- KLMNO 2003 *Kowanyama Natural Resource Management Plan*. Kowanyama Land and Natural Resource Management Office, 47pp. (available May, 2006 at [http://www.kowanyama.qld.gov.au/1NRM\\_FULL\\_PLAN\\_V5\\_Kowanyama.pdf](http://www.kowanyama.qld.gov.au/1NRM_FULL_PLAN_V5_Kowanyama.pdf))
- Larsen, K. A. 2005. *Parks in crisis: An analysis of the resourcing and management of national parks and other protected areas in Cape York Peninsula*. Cairns: The Wilderness Society.
- Lucas, PHC, Webb, T., Valentine, PS, & Marsh, H. 1997 *The Outstanding Universal Value of the Great Barrier Reef World Heritage Area*, Special Publication, GBRMPA
- Luly, J.G. & Valentine, P.S. 1998 *On the outstanding universal value of the Australian Fossil Mammals Sites (Riversleigh/Naracoorte) World Heritage Site*, Environment Australia, Canberra, 79 pp (including Appendices)
- Mackey, B.G., Nix, H. and Hitchcock, P. 2001 *The Natural Heritage Significance of Cape York Peninsula*. Anutech Pty Ltd, ANU, Qld EPA.
- Magin, C. and Chape, S. 2004 *Review of the World Heritage Network: Biogeography, Habitats and Biodiversity*. UNEP-WCMC.
- May, D. 1995. An overview of the history of Cape York Peninsula. In J. Cordell (Ed.), *Indigenous management of land and sea and traditional activities in Cape York Peninsula* (Ch.16, 1-27). Brisbane and Canberra: Cape York Peninsula Land Use Strategy, Office of the Coordinator General of Queensland, Department of the Environment, Sport and Territories and the University of Queensland.
- Memmott, P. and McDougall, S. 2003. *Holding title and managing land in Cape York: Indigenous land management and native title*. Perth: Commonwealth of Australia, National Native Title Tribunal.

- Mosley, J.G. 1982 The volunteer's role in nature conservation, pp 169-172 in *Wilderness*, edited by Vance Martin, Findhorn Press, Scotland. 215 pp.
- Natural Heritage Trust. (1998). *Cape York Natural Heritage Trust Plan*. Retrieved May 31, 2006, from <http://www.nht.gov.au/nht1/programs/cynhttp/pubs/capeyork-noimage.pdf>
- National Native Title Tribunal. 2000 *What is native title determination?* Canberra: National Native Title Tribunal, Commonwealth of Australia.
- Natural Resource Management Ministerial Council 2004. *Directions for the National Reserve System – A partnership approach*. Canberra: Australian Government, Department of the Environment and Heritage.
- Petrich, J. (2001). *Cape York Partnership Plan: the foundations*. Retrieved May 31, 2006, from [http://www.brisinst.org.au/papers/petrich\\_jim\\_foundations/print.html](http://www.brisinst.org.au/papers/petrich_jim_foundations/print.html)
- Queensland Labor. (2004). *Protecting Queensland's natural heritage: Cape York's outstanding values policy*. Retrieved November 24, 2004, from [http://www.teambeattie.com/db\\_download/Cape\\_York\\_Policy\\_04\\_01\\_30.pdf](http://www.teambeattie.com/db_download/Cape_York_Policy_04_01_30.pdf)
- Sands, D.P.A. 1986 A Revision of the Genus *Hypochrysops* C.&R. Felder (Lepidoptera: Lycaenidae). *Entomonograph* Vol 7. 116 pp. E.J. Brill/Scandinavian Science Press
- Schneiders, L., & Hill, R. 2003. *Cape York Peninsula Natural Heritage Trust review*. Retrieved February 10, 2005, from <http://www.acfonline.org.au/docs/general/00480.pdf>
- Smith, B.R. 2002 Differences and Opinions: Aboriginal People, Pastoralism and National Parks in Central Cape York Peninsula. *Spinifex* 23(2):7-8.
- Smyth, D. 2001. Joint management of national parks. In *Working on country*, edited by R. Baker, J. Davies and E. Young. South Melbourne: Oxford University Press. (p.75-95)
- Soule, M. and Terborgh, J. (eds) 1999 *Continental Conservation: scientific foundations of regional reserve networks*. Island Press, Washington. 227 pp.
- Stanton, J.P. 1976 *National Parks for Cape York Peninsula*, ACF, Melbourne. 56 pp.
- Stanton, J.P. 1982 The Wilderness of Cape York Peninsula, in *Wilderness*, edited Vance Martin, Findhorn Press, Scotland. 215 pp.
- Stanton, P. and Fell, D. 2005 *The Rainforests of Cape York Peninsula*. CRC TREM Research Report, Cairns.
- Titchen S. 1996b. *On the construction of 'outstanding universal value': Some comments on the implementation of the 1972 UNESCO World Heritage Convention*. *Conservation and Management of Archeological Sites* I, 235-242.
- Walker, D. (ed) 1972 *Bridge and Barrier: the natural and cultural history of Torres Strait*. RSPS, ANU. Canberra.



- Watson, J. & Sanders, A. 1997 Fitzgerald River National Park biosphere reserve 1978 – 1997: the evolution of integrated protected area management, *Parks* 7(1):9-19.
- World Heritage Committee 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. UNESCO World Heritage Centre. Paris. (Also available at <http://whc.unesco.org/archive/convention-en.pdf>)
- World Heritage Committee 2002. *Budapest Declaration on World Heritage*. UNESCO World Heritage Centre. Paris (Also available at <http://whc.unesco.org/archive/02budapest-decl.htm>)
- World Heritage Committee 2005 *The Operational Guidelines for the Implementation of the World Heritage Convention*. UNESCO World Heritage Centre. Paris. (available at <http://whc.unesco.org/en/guidelines>)
- World Heritage Committee 2005b WHC-05/29.COM/8A: Tentative Lists of States Parties submitted in conformity with the Operational Guidelines (2005) and as of 30 May 2005. UNESCO World Heritage Centre. Paris. (available at <http://whc.unesco.org/archive/2005/whc05-29com-08Ae.pdf>)
- World Heritage Committee 2006. *Cultural Landscapes*. UNESCO World Heritage Centre. Paris. (available at <http://whc.unesco.org/en/culturallandscape/>)