

3. LOCAL ORGANISATION AND LAND TENURE IN THE KARLAMILYI (RUDALL RIVER) REGION

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1:0 INTRODUCTION

This section describes the nature and functioning of 'traditional' local organisation and land tenure in the study region, as reconstructed from available evidence. It is also concerned with changes that have occurred as a result of European colonisation and which have affected these aspects of Western Desert Aboriginal culture in significant ways.

It must be made clear at the outset that all accounts of Aboriginal societies as they are believed to have functioned prior to the influence of Europeans and their culture are essentially reconstructions. Such reconstructions are based primarily on three kinds of data: Aboriginal people's accounts of their early lives in predominantly traditional situations away from direct European influences; direct observations of such situations and of contact milieux, where a high degree of tradition-orientation has persisted until quite recently; and inferences drawn from historical and anthropological data gathered in a wide range of situations throughout the continent.

In this particular case, I draw heavily on my own fieldwork data, collected over the period 1963-1988. This research includes several months spent in the desert proper among groups having minimal prior contact with Europeans, but was mainly located at the Jigalong community, where I have spent about three years in all. When fieldwork began in 1963, the large majority of adults at the settlement were desert-born and had spent their early lives in a pre-contact environment. The Karlamilyi (Rudall River) area was the traditional homeland of some of them, and was well known to most others, because of its importance as a conduit through which mostly Manyjilyjarra speakers had passed, and lived for varying lengths of time, in their movements in and out of the Western Desert. The primary sources used here are my fieldwork notebooks and my monograph (Tonkinson 1978), which reconstructs the pre-contact society and culture of the people who lived in a wide area surrounding Lake Disappointment

(Kumpupintil), and for whom I coined the collective term 'Mardudjara' (Martujarra). In the course of this report, I will also be making mention of a variety of other sources, pertaining mainly but not exclusively to the Western Desert area, to support the arguments presented and provide a comparative perspective.

In this report, I have omitted all discussion of secret-sacred matters, such as the locale of major ceremonial sites (*yinta*) and the content of mythology, ritual and songlines, since such information is not necessary for the purposes of this report.

The account that follows is provided under a number of headings :

1. PRE-CONTACT LOCAL ORGANISATION

This section provides a general, introductory account for the non-specialist reader, and talks of Aboriginal culture as a whole, as well as the Western Desert region, of which the study area is a part. It includes discussion of some of the constituent units of Aboriginal societies, namely: 'tribes' and 'linguistic units', bands, ranges and estates, the estate group and land tenure, boundaries and their permeability, and patterns of movement.

2. THE STUDY AREA

As its title suggests, this section focusses more specifically on the Rudall-Lake Disappointment area, in terms of the units introduced in Section 1. It delineates the major linguistic units in the area, and discusses the importance of the unique Karlamilyi (Rudall) River system, whose reliable water sources made them attractive as 'big meeting' venues and, therefore, of interest to a people over a wide area.

3. EMIGRATION AND THE STUDY AREA

No adequate understanding of existing Aboriginal attitudes towards land tenure in the study area, particularly the Karlamilyi (Rudall) River, can be achieved without examination of post-contact history, including early migrations and succession by incoming groups, rights gained via multiple criteria, including: residence, birth, totemic affiliation, and caretaker-ship of country and paraphernalia.

4. CONTEMPORARY SITUATION

In this final section, recent developments and competing claims of 'ownership' are examined, in terms of: bases for claims of 'proprietorship' and the reasons for collective representation on the part of most of the claimants; the bases of the Strelley and the WDLC claims; the role of 'residence' in the assessment/recognition of claims.

2:0 PRE-CONTACT LOCAL ORGANISATION

By 'local organisation', I mean the ways in which individuals and groups relate to their physical environment, such that the dispersal and movement of Aborigines are understood against a background of attachment to sites, zones and territories that underpins their entire culture. The nature of Aboriginal Australian local organisation has been the subject of considerable discussion and debate in anthropology, and important advances in our understanding have occurred in the past quarter century.¹

2:1 LINGUISTIC UNITS OR 'TRIBES'

The broadest named collectivity in the study region was the linguistic unit or 'tribe', although the latter term has been in disfavour since Berndt (1959) pointed out its inappropriateness as a label for Western Desert collectivities (see also Peterson 1976 for detailed critiques of the 'tribe' concept as applicable to Aboriginal Australia and Fried 1975, for his valuable comments on definitional difficulties associated with 'tribe' generally). Tindale (1974) provides a 'tribal' map of the whole continent, but its accuracy varies widely, and for the Western Desert, in general, it is poor. The term 'linguistic unit', proposed by Berndt (1959), is also problematic, because multilingualism - or, more accurately in the Western Desert case, the speaking of several dialects of a single language - is universal in traditional Aboriginal Australia (cf. Dixon 1976; Sutton 1978; Trigger 1987). However, the 'linguistic unit' or 'language group' label is certainly preferable to 'tribe' in its applicability to the Western Desert situation, and probably for the continent as a whole, although it requires explanation. It refers to a territorial area associated with a particular dialect, and to those who identify accordingly, regardless of which dialect(s) such people actually speak. This association is said to originate in the Dreaming through the actions of the ancestral creative beings. As Rumsey (n.d.:12-13) notes, language (or dialect) and country are *directly* linked, and the *mediated* link is between language and people; thus Warnman people are not Warnman because they speak Warnman, but because they are otherwise linked (by descent, totemic connection or whatever other affiliatory criteria are recognised) to *places* to which the Warnman language is also linked. Available evidence on the traditional status of this territorial-linguistic label suggests that it was used by neighbouring groups to describe the dialect associated with a particular area and its constituent groups. It probably would not have been a major label for self-reference in everyday discourse, since it would have been for most social

¹ Major references on this subject include: Barker 1976; Bern 1979; R. Berndt 1959; Berndt and Berndt 1945, 1964/1988; Birsdell 1970; Gould 1969a, 1969b, 1980; Hamilton 1980; Hiatt 1962, 1966, 1984, 1986; Keen 1988; Meggitt 1962; Myers 1986; Peterson 1972; 1975, 1976, 1986; Shapiro 1979; Stanner 1965; Tindale 1974; Turner 1980; Williams 1986.

purposes too broad a method of classification. In other words, identity inheres in sets of associations and affiliations (e.g. birthplace, place of residence, father's or mother's country, totemic connections, etc.) that are pitched at more specific levels of geographic and social reference. Thus, in common with the rest of the continent, Western Desert 'linguistic units' never existed as corporate groups, and both economic and political functions were the responsibility of much lower level, on-the-ground groupings. Rumsey (n.d. 14) doubts that there are many anthropologists today who would argue that *any* Australian Aboriginal social groupings are or have ever been truly 'corporate' in the sense assumed by Radcliffe-Brown (1930-31) in his classic description of Aboriginal social organisation. The focus for investigations into Aboriginal relationships with land today has switched from Radcliffe-Brown's concern with whether it was 'hordes' or 'tribes' that had ownership and dominion over land, to the potentially more fruitful question: What are the various bases (always both material *and* "ideational") upon which interests in land are asserted, and under what conditions does this or that sort of interest or assertion prevail...? (Rumsey n.d.:14)

Social and cultural life also entailed the frequent cross-cutting of such units, and the largest assemblies of people (referred to by Berndt 1959 as the 'religious unit') never coincided in personnel with a single linguistic unit, but was made up of members of several such units who came together for the major business of the society once or twice a year. The social horizons of the people in the study region encompass a very broad geographical and cultural area, and for them 'society' has always been constituted via shared links of kinship, marriage alliance, religion, values and so on, to a totality embracing the entire Western Desert cultural bloc (cf. Berndt and Berndt 1945; Berndt 1959).

Tonkinson (1978:9) provides a map of the study region which includes some major sites and the names of associated principal linguistic units (but excluding the Ngulipartu and Nyangumarta speakers whose territories lie to the the north of the area under consideration as 'Martujarra' territories). No boundaries are marked, not because such socially recognised demarcations do not exist, but because they tend to be zones rather than precisely delineated divisions in most cases, and more important, because Western Desert cultures focus on clusters of points in space, rather than enclosed or bounded tracts (cf. O'Connell 1976). As Peterson (1986:56) notes, '... in the desert proper, boundaries lose their significance and the focus is unequivocally on sites and the tracks that link many of them together.'

The major elements of local organisation in the Western Desert reflect its flexibility and fluidity, and as I have argued elsewhere (Tonkinson 1978, 1987, 1988), an absence of concern with boundaries and exclusiveness of group membership. The permeability of boundaries is intimately associated with ecological adaptation and with survival strategies in a region where the critical factor is the unreliability and scarcity of rainfall. The spatial and social interrelationships of groups in the study area are discussed below in some detail.

2:2 BAND, RANGE, ESTATE

The land-occupying, economic unit was everywhere the band, comprising two or more families, most often with a patrilineally related core, but changeable in size and composition according to a variety of ecological and social factors, and associated with a particular stretch of territory (or 'run', as it is sometimes referred to by Aborigines). Within every linguistic unit were a number of bands and at least one 'estate'. Most anthropologists, in discussing Aboriginal local organisation follow Stanner (1965; see also Barker 1976 and Peterson 1986) in proposing a basic distinction between the concepts of 'range' and 'estate'. The range was the large area exploited by bands in the course of their food quest, and, under normal circumstances, it would normally include within it an estate. The estate was the traditional heartland of a number of contiguous bands. It was made up of a limited number of important waterholes and sacred sites to which members were strongly attached religiously, and for which they had important proprietorial responsibilities. In the study area, the ranges of the bands that occupied it would have overlapped considerably, but the territorial anchorage provided by the estates, as well as strong attachments to the heartland, or 'main place', helped maintain the integrity of the different estate groups, no matter where their constituent bands happened to be at any time. Prolonged drought would have distorted the normal pattern of ranges, pushing many bands into the same better watered areas during food and water shortages. The Karlamilyi (Rudall) River, with its many water sources, appears to have been one such area of refuge, which helps explain its significance to groups of a wide area of the study region.

2:3 THE ESTATE-GROUP AND LAND TENURE

The entity which is here referred to as the 'estate-group' has no reality as an exclusive, on-the-ground collectivity, and in this sense it is like the larger linguistic unit. Although hard evidence is scanty, it is known with certainty that there were no unilineal descent groups, such as lineages or clans, in the Western Desert area. However, given a clear patri-virilocal tendency in residence rules and practices, and a strong preference for children to be born somewhere in or near the estate of their

father (so that both would share the same ancestral totem), the core of the estate-group would have consisted of people related patrilineally.²

Significantly, however, there were several other criteria for membership in, or affiliations with, this entity (cf. Barker 1976, Tonkinson, 1978). Conception, birth, 'residence', links through one's mother, mother's father and father's mother, initiation, entitlements through ritual, and so on, all serve to ensure that every individual will enjoy eligibility and allegiances to more than one estate-group, even where, as is usually the case, there is a primary allegiance to a single group (for a detailed discussion of the situation in the study area, see Tonkinson 1978:49-54).

The group that assembles for the periodic performance of vitally important rituals in the estate will have a core of male elders with patrilineal links to the heartland, but many others who assist and participate will be affiliated in ways other than through descent, and there will always be other members with strong links via descent (including out-marrying women) who are absent because they are living in more distant territories and are married to men who are members of different estate-groups. **Ecological circumstances in the Western Desert did not permit the development of clan-like corporate groups, which could close boundaries and exclude outsiders, so the evolution of a flexible system of attachment combined with high mobility maximised access to available resources over the widest possible area, and necessitated a cultural emphasis on mutuality and an expansive view of 'society'.**

The implications for land tenure of multiple rights in a single estate and rights in a number of different estates are major. Most significantly, descent (both patrilineal, and less significantly, matrilineal) from the senior guardians of the estate is an important but not exclusive criterion for claims to 'ownership' of land, since the other factors just mentioned, notably birth, residence, initiation and ritual entitlement via a space initiatory ceremony (see Tonkinson 1978:78-9) are also legitimate bases to justify such claims to 'ownership.' I put the word 'ownership' in inverted commas, since in almost all of Aboriginal Australia, there was no concept of the alienability of land; it could not be bought or sold, and property rights, in the desert at least, are more often phrased by Aborigines in terms of responsibility for, than control over, sites and resources. These are most often exercised by groups rather than individuals. Of

² In his recent comprehensive overview of the literature on Aboriginal territorial organisation, Peterson (1986:72) concludes that 'The evidence points to an ideology of patrilineal descent having had a central place in the land tenure systems of the great majority of Aboriginal population...' But he also notes (p59) that rights in places or estates are '... mediated by descent, residence, kinship and/or ceremonial links.'

course, in the probably uncommon event that all members of the given local group (most often, this would be a clan) were to die, then conventions of succession were universal in Aboriginal Australia, and there were always people in neighbouring areas who were eligible to assume the necessary proprietorial responsibilities via one or more of the multiple criteria for affiliation to territory (cf. Peterson 1986:145-6).

Peterson (1986:11) suggests that 'The existence of a variety of rights acquired in a variety of ways in a particular tract of land would not prevent the designation of all the right holders as collectively constituting the owning group, provided the rights were not ranked.' In the study area, for example, it is clear that people's strong sense of attachment to 'home' areas will act as anchors, so they are likely to participate regularly in the religious activities which centre on one, or perhaps two, estates, and to have periodic participation in two or three others. However, they could not commit themselves so fully to all estates in which they may have rights under the multiple criteria for affiliation, and their rights would be weaker because of this lack of commitment. So there would be stronger and weaker claims, but no clear hierarchy such that a single person could ever be *the* owner, to the exclusion of all others. **Western Desert ethos and practice strongly favoured collective responsibility and the maximising of rights and responsibilities (cf. Tonkinson 1988).**

2:4 MOVEMENT PATTERNS

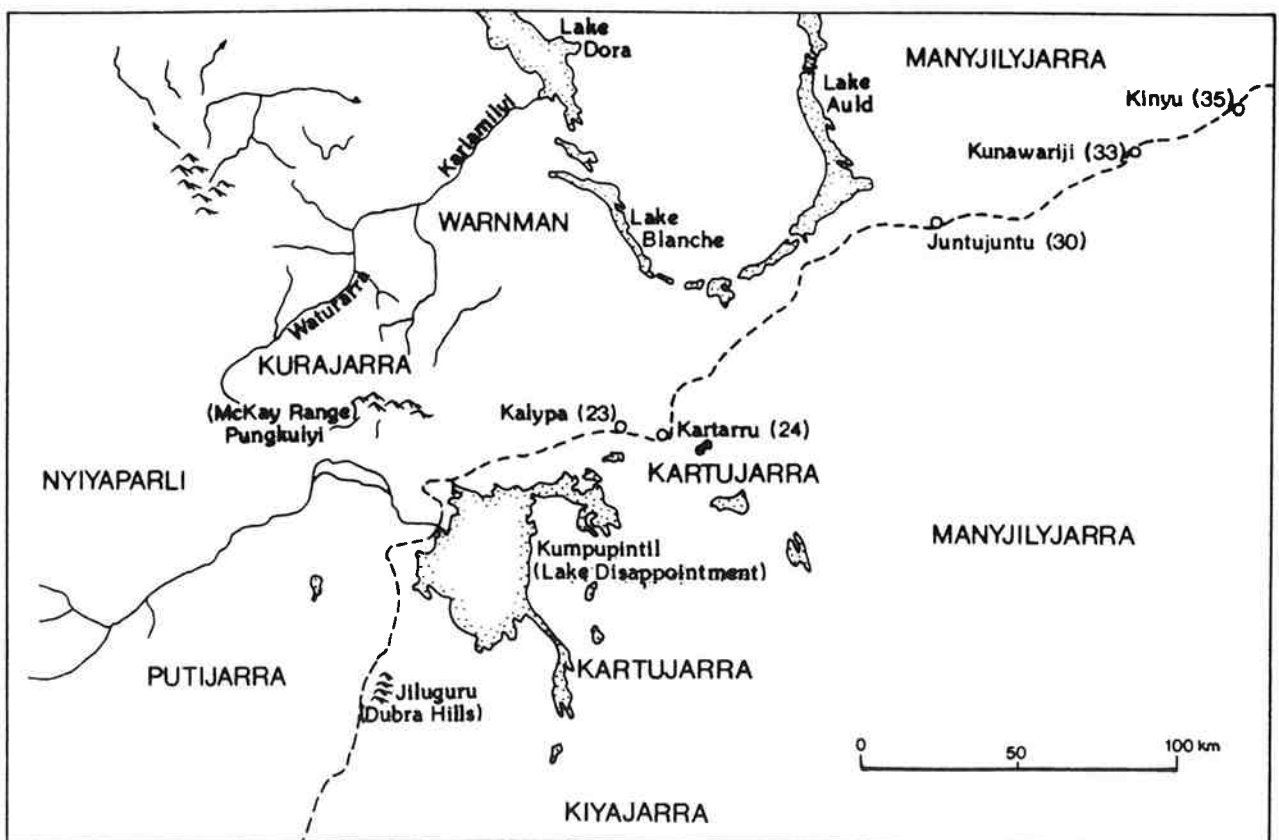
Life in all of Aboriginal Australia was nomadic and consisted of an alternating rhythm of dispersal and aggregation, dictated by a host of factors, both ecological and cultural. In the Western Desert region aridity and unreliable rainfall dictated low population densities, relatively small group sizes as the norm, and dispersal of bands for the great majority of the time. Gould (1969a, 1980) and Tonkinson (1978:28-30) detail the nature of Western Desert movement patterns, noting the tendency of bands to retreat towards major (i.e. the most reliable) water sources as transient surface waters dry out. For as long as possible, they avoid exploiting the major waters and surrounding areas, since they never know how long it will be until the next useful rains. Sites that combine the virtues of reliable water, good food supplies and religious importance are periodically chosen as the venue for large gatherings (*jabal* or 'big meetings') where, over a period of perhaps one to three weeks, much of the society's business is transacted around a core of religious activities, most notably, initiation rites for males.

Given the high value placed on sociability, at many other times during the year bands seek contact with neighbouring groups, to temporarily camp together, exchange

information, and perhaps combine in a variety of other activities, including ritual performances. At any given time, there were small groups of senior men, as guardians, conducting young initiates on extended journeys in the footsteps of the creative beings of the Dreaming, making contact with local groups as they travelled to perform rituals associated with the ancestral beings concerned. Such was the network of kinship and marriage links, that there were also some people absent from their habitual bands, perhaps visiting their in-laws or other kin. People could and did pass freely into the territories of others, and as long as the important conventions of hosts and visitors were observed, there were no problems with such movement. Again, Western Desert culture leaned heavily towards an openness of boundaries, since conflict and boundary-closing behaviours would have worked against survival in such a precarious environment.

3:0 LOCAL ORGANISATION IN THE STUDY AREA

Tindale (1974; see Map 1) shows only four groups in the study area: Ngolibardu (Ngulipartu), Wanman (Warnman), Kartudjara (Kartujarra) and Potidjara (Putijarra), with the Njangamarda (Nyangumarta) to the north, and the Mandjildjara (Manyjilyjarra) and Keiadjara (Kiyajarra) to the north-east and south-east respectively. As mentioned above, his data for the Western Desert are generally poor and inaccurate, so he cannot be taken as an authoritative source in this case. For



Map 2: Martujarra territory

example, (1974:19), he argues that the Nyangumarta had a term for 'horde [band] territory' when the word concerned, *mili*, exists only as a possessive suffix, and he talks of Warnman local organisation in highly contradictory terms (see Peterson 1986:30). Not only do his suggested boundaries and locations of 'tribal' groups fail to accord with what Aborigines from the areas concerned claim, but he makes no mention at all of the Kurajarra people, who were centred on the McKay Range (Pungkulyi) area and shared their northern border with the Warnman, along a short stretch of the Karlamilyi (Rudall) River, near Karlkunkarkun. He thus has Kartujarra territory bordering directly onto the Karlamilyi (Rudall) River from the south, which is incorrect, and has somehow transposed the general locations of the Putijarra and Kartujarra people.

Map 2 (taken from Tonkinson 1978:9) shows the relative positions of the major linguistic units in the study area, as plotted from information supplied to me by Jigalong Aborigines. As I have noted elsewhere, it is impossible to estimate the pre-contact populations of the groups I refer to as to Martujarra. The Kurajarra, like the Ngulipartu, were apparently smaller groups than their neighbours, with smaller territories, and both experienced sharp declines in their numbers (at least in part caused by absorption via intermarriage into larger groups), such that today only a few descendants of the original groups survive. Decades of settlement living and subsequent intermarriage have further blurred the separate identities of the various linguistic unit members, and very few people still identify as either Putijarra or Kiyajarra, for example. The two dominant groups at Jigalong have long been the earlier arrivals, the Kartujarra and the Manyjilyjarra, whose migration from the desert proper began later. At Jigalong in the 1960s and 1970s, there was a tendency for Warnman people to self-identify most often as Manyjilyjarra (especially if the children of mixed Manyjilyjarra-Warnman marriages) and to speak that dialect, but in the past few years there has been a reawakening of a Warnman identity, in that people are once again using it as a label for self-identification.

Map 2 does not indicate any boundaries, for reasons discussed in Section 1 (above), though in some cases a natural feature marks a boundary very clearly (e.g. the Savory Creek, which divides Niyaparli from their southern neighbours, the Putijarra; and, as mentioned above, the section of the Karlamilyi (Rudall) River that divides Warnman from the territory of their Kurajarra neighbours to the south). More often, there are 'crossover zones' that are identified by Aborigines as separating the different linguistic units, and particular waterholes thus may be 'half and half'; i.e. in the zone between two neighbouring units. There is no question in Aboriginal minds about

which linguistic unit's territory is where, but these 'units' are not corporate groups or 'tribes', and the on-the-ground reality is small land-occupying bands, of changing composition and variously overlapping ranges, whose members would normally speak at least one dialect and, in some cases, in-marrying wives would speak different dialects from those of their husband.

At certain times, such as during prolonged droughts, and when a 'big meeting' was being held, many groups would be found well outside their normal ranges; thus, in the study area, southern Nyangumarta, Manyjilyjarra, Kartujarra, Putijarra, etc. people might all be found, with the host Warnman and Kurajarra, at Karlkunkarlkun on the Karlamilyi (Rudall) River, or Kartujarra speakers might have spent long periods with their Putijarra neighbours in and around the Durba Hills (Jiluguru) region, and so on. These kinds of aggregations and dislocations were made possible by the cultural emphasis on permeable boundaries. However, such movements must be understood in terms of occupation and exploitation; i.e. land use, as distinct from considerations of 'ownership' of territory, which focused importantly on religious responsibilities of an enduring nature, and remained constant regardless of where people wandered in the course of their food quest, etc.

As indicated on Map 2, the Karlamilyi (Rudall River) region of the study area was named by Aborigines in two sections: the upper reaches, west of a zone between an important site called Bunumalara and another major site, Jinjipungku, were called Wardurarra, and the lower section, from this zone northeast to Lake Dora, was called Karlamilyi. Ngulipartu territory (not indicated on Map 2) did not come down onto the Rudall, as suggested by Tindale (1974:252), but ended further north, in the upper reaches of Yandacooge and Coolbro Creeks at the southern end of the Throssell Range. Warnman territory extended north to Lake Dora, and east to just beyond Lake Auld, where it bordered onto Manyjilyjarra territory at Nyangkaputajarra soak, near Jurntujurntu (Well 30, Canning Stock Route). Their neighbours to the southwest and south were the Kurajarra, whose territory extended into the upper reaches of the Karlamilyi (Rudall) River at Nyalayi and Warlawarnu rockholes, with the border zone embracing the sites of Karlkunkarlkun rockhole and Karlayakarlaya soak on the River. To the southeast were the Kartujarra, with the Canning Stock Route between Wells 23-23 marking the approximate border zone. (Tindale 1974:259 puts their southern boundary in ecological terms, as where spinifex gives way to mulga thickets).

The Karlamilyi (Rudall) River is unique in the Western Desert, being a major watercourse that contains reliable water sources, some of which can be safely classed

as permanent. This attribute, plus the abundance of wildlife attracted to the watercourse and its environs, must have made it appear like a veritable oasis to the dwellers of the desert proper, so it is little wonder that the River region was well known to groups from over a wide area - both for its mythological origins, as a creation of the major creative beings, the Two Men (Wati Kujarra), and its significance as a food and water resource, especially in bad times. There is every likelihood that in pre-contact days, it would have functioned as a major 'track' and that groups would have moved up and down it - just as the Canning Stock Route was exploited for extended journeying, once the Aborigines realised that it provided a chain of reliable water sources through the desert, and a route to areas of European settlement.

In contrast to the Karlamilyi (Rudall) River, the study region's single largest landform, Lake Disappointment (Kumpupintil) was strictly avoided by the peoples whose territories surrounded it. Being a salt lake, and usually dry, it is not attractive as an exploitation zone anyway, but great fear of the Ngayurnangalku mythological beings, who are said to live in their own world under the lake, made it a place where not even the most fearless would ever set foot. Thus the Lake formed a major impediment to movement, in contrast to the conduit provided by the Karlamilyi (Rudall) River for easy passage. To this day, the Lake and its surroundings for some distance away from the lakeshore remain absolutely tabooed to humans, as does the airspace above it, since the Ngayurnangalku are believed to have the power to pull aircraft down out of the sky and crash them on the lake surface.

4:0 EMIGRATION AND THE STUDY AREA

As noted earlier, it is impossible to estimate the pre-contact populations of the various groups in the study area, and details concerning the number of constituent bands (itself a fluctuating figure anyway) and estate-groups will never be known. The Manyilyjarra were scattered over the largest area, but in the poorest country, so bands would have been small and highly dispersed much of the time, whereas the Kurajarra occupied a much smaller, but better resourced territory, so their population density would very likely have been considerably higher than that of the Manyilyjarra. The territory of the Warnman embraced both arid sandhill zones and the much richer riverine zone, so on balance they would also have had a higher population density than the Manyilyjarra. But after the advent of Europeans, those groups closest to the stations and settlements suffered disruptions, migration and population decline, while the people in the desert proper continued their traditional lifestyles virtually unaffected. Thus, today there are very few Niyaparli people left, only a handful of descendants of the Ngulipartu and Kurajarra, small numbers of Putijarra and

Kiyajarra, probably less than a hundred Warnman, but several hundred people identifying as Kartujarra or Manyjilyjarra.

The pattern of emigration from the desert proper onto outlying pastoral stations and into settlements has been detailed elsewhere (Tonkinson 1974, 1978), so only a brief summary is provided here. Aborigines were attracted to the Europeans initially to obtain prized material items, and sometimes needed foodstuffs, and most returned to their desert homelands. Those whose lands were alienated by pastoral leases had no alternative but to stay and become part of the pastoral or mining scene. Pastoralists along the frontier regions encouraged visiting Aborigines to stay on and work for them, and the pattern of periodic short stays gradually gave way to more permanent settlement among the Whites, by desert Aborigines. The entire Western Desert area began emptying via outmigration perhaps as long as a century ago. On the western side of the desert the depopulation was well underway, certainly from the early years of this century. This followed the expansion of the pastoral frontier eastwards in the very late 1800s and early 1900s, and the construction of the Canning Stock Route in 1906-7. Jigalong, originally a depot on the No.1 Rabbit Proof Fence, became a ration issue point for local Aborigines in the early 1900s, and by 1930 was beginning to attract desert Aborigines from the east. It became a Christian mission just after WWII and by the 1950s was attracting Manyjilyjarra people.

The major waterhole route from the Canning Stock Route to Jigalong, utilised by countless groups as they made their final exits from the traditional homelands, went from Well 30 west to the lower reaches of the Rudall (Karlamilyi) and on down the River to Nyalayi rockhole, in Kurajarra country, then down to Talawana Station via a soak (Wuruwurunya) in Nyiyaparli country, southwest onto wells on the Rabbit Proof Fence and into Jigalong. For this route, I recorded fifty sites (all water sources), and there are, no doubt, additional smaller and/or neighbouring alternative stopping places along the way. This route was *the* major conduit for the movement of Warnman and Manyjilyjarra people out of the desert, but it was also used by many Kartujarra and Kurajarra people.

By the 1960s, when the last groups emigrated, or were evacuated from the desert, their main area of residence was the Rudall area, because of its reliable waters and good food supplies. Like countless groups before them, they had chosen the Rudall area as their final staging place; it became a locus of attachment to country, an adopted homeland, and these groups, of mixed Warnman, Kartujarra, Manyjilyjarra identities, by prolonged residence and by 'looking after' (*kanyilpayi*) the region,

established strong successional rights in this area. Many of the present Jigalong people of middle age were born in the Rudall region, and for them it *is* home, to which they are bound in many culturally significant ways, including ties of conception and ancestral totemism (cf. Tonkinson 1978:61-3). Many of the older Jigalong Aborigines had attended 'big meetings' in the Rudall region and many of the men had been ritually 'introduced' to the country via the important *mirtayiti* stage of initiation.

The fact is that a large number of Aborigines claim strong associations with the Rudall region, on the bases of the kinds of affiliation just mentioned, such that it is now the concern of a much wider proprietary group than its original Warnman and Kurajarra inhabitants. These rights are acknowledged freely by all the Warnman Aborigines I interviewed in the course of a field visit in August 1987, to compile a report on the Karlamilyi (Rudall River) region for the Western Australian Museum's Aboriginal Sites Department (see Tonkinson n.d., and 4. below) All those interviewed pointed out that the Karlamilyi (Rudall River) functioned as 'homeland' for many groups from the Desert far to the east, when they moved into it after most of the original inhabitants had long since moved west towards Nullagine or southwest down the waterhole route to the desert fringe stations of Talawana and Balfour Downs, and thence to Jigalong. The important point here is that the original sets of rights held by the Warnman and Kurajarra were not extinguished by their physical absence from their traditional homeland region; but new, shared rights came into being among those who later moved into, and resided for varying periods of time in, the Rudall region.

5:0 THE CONTEMPORARY SITUATION

In this concluding section, I summarise the situation as I understood it to have been during my field visit, in 1987, and which is in essence unaltered to the present, in terms of its political dimensions. My purpose is to clarify the issues of Aboriginal land tenure, or ownership, of the Karlamilyi (Rudall River) region, in the context of competing groups and claims, and to offer comment on the legitimacy of these claims. Much of this is detailed in my report (cited above), a copy of which I presume will be made available to the impact assessment group for whom this set of documents is being prepared. Also important is the report prepared for the Nomads Group on the traditional links of members of that group with the Rudall/Yandacooge Region (O'Connor and Associates, 1987), which offers, in some details, a contrasting perspective.

Members of the two Aboriginal outstation communities living closest to the mining development at Kintyre, Punmu and Parngurr (Cotton Creek), and their co-members in the regional Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC),

opposed the mining activities. Their objections were based on the disturbance and desecration caused to sites and country in general; on the disturbance to their lifestyles and hunting and gathering activities by the presence and intrusive activities of miners; and on their fear of uranium, for reasons based solely in traditional beliefs about the properties of sites in the Kintyre area, as well as on fears derived from what they understand about uranium in information reaching them from the outside world. Another group of Aborigines, not members of the WDPAC organisation, but of the Nomads Group, contained individuals with legitimate claims to speak for the Rudall area, but were not living in the region and had expressed support for the continuance of mining activities in the region.

At meetings of the WDLG held at Parngurr during my site visit, and in the course of many interviews held with Warnman and other people in Jigalong and at Parngurr, including people from Punmu, the following conclusions emerged :

- (a) there are individuals in the Nomads Group (named in the O'Connor and Associates report) who have legitimate rights in the Rudall region and who, therefore, should participate in any discussions on the future of the area;
- (b) there was absolute unanimity among all the Warnman men and women I talked to, that they (and, in their view, the three Nomads men) could *not* claim to possess exclusive proprietary rights to the Rudall region, and therefore, were not willing to speak as individuals or families for the region. A single reason for this was given; namely, that many other people, including large numbers of Manyjilyjarra speakers, also had legitimate proprietary rights in the Rudall region and must, therefore, also be included in any discussions regarding the region;
- (c) at the level of WDPAC membership, there was unanimity among the adult men and women that the WDPAC should speak for them in matters pertaining to the Rudall region, but not to the exclusion of the Nomads individuals with acknowledged links to the region.

6:0 THE COMPETING CLAIMS

On the question of strength of claims, the WDPAC people favoured theirs over the claims of the Nomads on two major bases :

- (i) strong rights based on current residence in the area on the part of two WDPAC communities, numbering more than 100 people, who are actively engaged in 'looking after the country' by visits to sites and the monitoring of mining company activities in the region; and
- (ii) a far larger number of people with 'traditional' (pre-contact) affiliations with the area. Most of the Nomads are members of linguistic units (e.g. Nyangumarta and Nyamal) whose countries were far to the north and northwest of the Rudall region.

These arguments were advanced on moral grounds, closely linked to 'traditional cultural concerns' in relation to the Aborigines' responsibility to care for country, but also, as a corollary of this responsibility, the necessity to oppose mining activities. They, therefore, opposed themselves to those Aborigines (namely, the Nomads Group), who live elsewhere and are believed to want mining to proceed, for financial gain and in disregard of the consequences for country.

The grounds for proprietary rights in the Rudall region put forward by the Nomads claimants are discussed and presented in the O'Connor report. In this report, an interesting distinction between 'trusteeship' of land (by resident immigrants) and 'traditional ownership' is proposed (pp20-21), though no locally grounded ethnographic justification (with vernacular terms for *both* categories) is provided. This report also states, in italics :

Those members of the Nomads group who inherited traditional rights to the Rudall/ Ynadacooge region are adamant [sic] that they have never in the past, do not now, and will not in the future grant trusteeship of this region to any other party. (p21)

And in subsequent discussion, the report speaks of a *single* 'traditional owner', not only for *all* of the lower Rudall River known as Karlamilyi, but for its 'songlines and sacred objects' as well. If correct, this situation would have few parallels anywhere in Aboriginal Australia, save possibly for parts of Arnhem Land and western Cape York Peninsula, and perhaps a few other areas that are as ecologically rich as these.

In essence O'Connor's account proposes 'traditional' notions of individual ownership, and of proprietary rights of such a strength that major criteria for multiple affiliation, and hence proprietary rights, are denied. If correct, this would make the Karlamilyi

(Rudall River) unique in the entire Western Desert Cultural Bloc, which occupies one sixth of the Australian continent. It would also deny the existence and legitimacy of processes of succession entailing the assumption of proprietary rights, which, if it were correct, would be an additional unique feature.

In sum, the Nomads claim is premised on exclusivity and the denial of the legitimacy of shared entitlements based on multiple criteria of affiliation, whereas the WDPAC claim is the opposite: it affirms these criteria as legitimate, and is as inclusive as possible.

Any objective assessment of the two claims, taking into account the overwhelming weight of anthropological evidence, and particularly that for the Western Desert area, must favour the WDPAC view of land tenure. The Nomads' report lists a number of criteria for 'traditional ownership' (p220), but omits such centrally important criteria as residence, which is universally recognised in Aboriginal Australia (cf. Peterson 1986), and totemic affiliations, which are everywhere fundamental in linking people to place in such a way as to confer proprietary rights and responsibilities.

Since there is no Aboriginal land rights legislation in Western Australia, no clues exist as to which way a ruling would go in the event that the two parties took their differences to a court of law. The outcome would depend very much on the particular wording of the legislation, but I suspect that residence on, and the active discharge of responsibility for, land in the contemporary situation would be prominent criteria, as well as 'traditional' land tenure rules, and that the arguments for historical change and succession to proprietary (but not exclusive) rights in land would find considerable favour. All this is mere speculation, of course, but in the Rudall case a large majority of people, whose rights to speak for the region are attested, continue to favour the same kind of inclusivity and broadly encompassing view of 'ownership' that characterised Martujarra society as it is understood to have been in traditional times.

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