



## ORIENTATION

### ***US\$2.3 million: the largest fine in Chilean history for damage to the archaeological heritage***

By PATRICIO BUSTAMANTE DÍAZ

Environmental Qualification Resolution No. 038 (RCA 2004) imposed on Minera Los Pelambres precise requirements to approve the construction of a 3600 million tonnes toxic tailings dam in El Mauro, IV Region, Chile. The El Mauro dam is one of the biggest of its kind in the world. Over 500 rock art panels with 2000 petroglyphs and 148 archaeological sites were found in the area, to be buried under the mining waste tailings (Bustamante 2007, 2012a).

The company was required to build in nearby Monte Aranda a rock art park, showrooms and warehouses to keep the archaeological material and petroglyphs found at El Mauro. The company agreed to build the required infrastructure prior to the intervention at the archaeological sites, to ensure the proper handling and safekeeping of the material. Chilean law also requires archaeological research to be done to retrieve all possible data from an area, to increase scientific

understanding of ancient indigenous cultures who inhabited the area.

On 7 February 2014, the Superintendence of the Environment (SMA 2014) established that ten years after the removal of the archaeological material, the mining company had not complied with any of the regulatory requirements it had agreed upon to attain the governmental permits to build the dam, infringing Chilean law.

SMA investigators found that archaeologists had stored the excavated archaeological material at their own homes due to lack of warehouses and that petroglyphs removed from the area remained stored at inadequate facilities until 2013, as the agreed upon infrastructure at Monte Aranda was non-existent. They also determined that the mining company never delivered the final report on the El Mauro archaeological sites, as required by law. Investigators established that there are no photographs or plans with archaeological finds and petroglyph locations. Of 148 archaeological sites, Minera Los Pelambres was only able to present incomplete information on 40 sites. The faulty procedures employed at El Mauro may imply significant data loss (Bustamante 2012b).

The Comptroller General of the Republic has initiated proceedings at the Council of Monuments, which is



Figure 1. Map of El Monte Mauro and Aranda.

the governmental agency that oversees regulations on archaeological sites, to determine administrative responsibilities by its officials. The Comptroller has established that, contrary to declarations by Council of Monuments' personnel to Congress, the Ministry of Education and the SMA, the final report required by law was never delivered by Minera Los Pelambres.

Local prosecutors at the Los Vilos Court have dismissed complaints by the SMA and the community about heritage damage by the Mining Company or possible antiquities trafficking. Chilean law requires a court order for police to begin investigations on these matters, so they remain unresolved. In the ensuing legal battle between the mining company and complainants, the La Serena Appeals Court has overturned rulings by the Los Vilos court against complainants.

Furthermore, the Chilean Society of Archaeology has consistently refused to investigate complaints.

The SMA findings prove the allegations by the community are real. The company infringed Chilean law and damaged El Mauro's archaeological heritage. Government agencies and archaeologists failed in their duty to protect it. The US\$2.3 million fine is the largest of its kind in Chilean history, but the damage is done and is irreparable. It is expected the company will appeal to lower the fine's amount.

The 'rock art park' that the Minera Los Pelambres is currently building with a 10-year delay in Monte Aranda will be forever a monument to the folly of destroying ancient, 7000-years-old sites, to build a gigantic toxic dump that has been deemed unsafe by the Supreme Court ruling on 6 April 2013 that its currently being appealed by Los Pelambres.

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RAR 31-1145

## Saudi Arabian sites proposed for World Heritage listing

By R. G. BEDNARIK

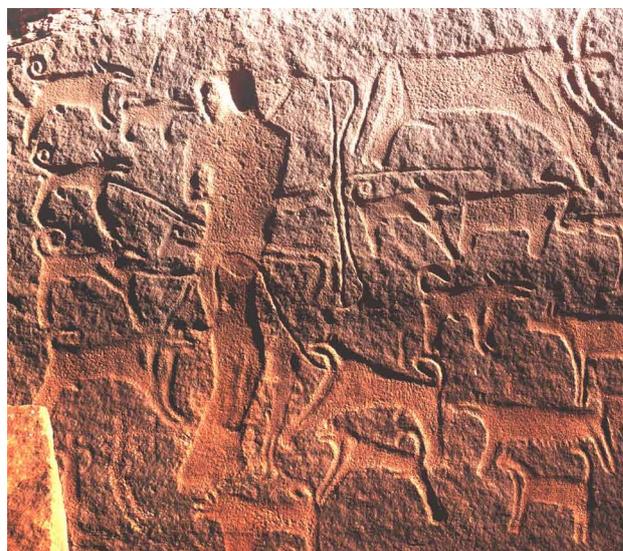
Like most countries in the world, Saudi Arabia does not have a rock art property on the UNESCO World Heritage List, yet it is one of the rock art-richest countries. But in early 2014, the Saudi Commission for Tourism and Antiquities submitted two of the most outstanding rock art complexes for inclusion on the List, those of Jabal Umm Sinman at Jubbah and of Jabal al-Manjor / Jabal al-Raat near Shuwaymis. Both monuments are in the Hail region. The nomination was prepared by Majeed Khan and Robert G. Bednarik, building on their work in the region for over one decade (Bednarik and Khan 2002, 2005).

Both properties comprise large numbers of petroglyphs representing numerous periods of almost the entire Holocene. The most outstanding component is the Neolithic tradition, epitomised especially well at the Shuwaymis sites, which were re-discovered only in 2001. These site complexes exemplify the most extensive and the most finely made corpus of Neolithic petroglyphs anywhere in the world, numbering many thousands of motifs. Prior to 6000 years ago the sites were near palaeo-lakes whose favourable environment supported flourishing cultural traditions. The subsequent rock art phases, many of which are now dated, document the region's gradual desertification.

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RAR 31-1146



Neolithic petroglyphs at Jabal al-Raat, Saudi Arabia.