

## Kakadu's Nuclear Threat

A submission to the Quebec Office of Environmental Public Hearings (BAPE) on the issues of the uranium industry by Gundjehmi Aboriginal Corporation, Kakadu National Park, Australia.

October 2014

### Mirarr country

The traditional estate of the Mirarr people lies within the World Heritage listed Kakadu National Park and Arnhem Land in the Northern Territory of Australia. Since uranium was discovered on their country in the 1970s, the Mirarr have been fighting to protect their land and waters from mining. Today, Mirarr country encompasses the Ranger and Jabiluka Mineral Leases, the mining town of Jabiru and parts of Kakadu National Park and the Arnhem Land reserve. Uranium mining has operated on Mirarr land for over 30 years. The Mirarr opposed the establishment of the Ranger uranium mine and continue to resist all activities that pose a threat to their country and culture.

The Mirarr Senior Traditional Owner Yvonne Margarula leads the Mirarr in their fight to protect country. Yvonne's father, Toby Gangale, opposed plans for uranium exploration and mining on his country in the 1970s. In 1995, the Mirarr clan, along with the Northern Land Council, established Gundjehmi Aboriginal Corporation to manage royalties from the Ranger mine and represent Mirarr peoples' rights and interests.

In 2005 the Mirarr succeeded in halting the development of the proposed Jabiluka mine by securing the agreement of the mining company (Rio Tinto's Energy Resources of Australia - ERA), the Northern Land Council and Federal Government that no mining at Jabiluka can proceed without the written consent of the Mirarr. This basic right of veto over development took over a decade of Mirarr-lead national and international struggle.

### Ranger mine: an unwanted legacy

Of most serious concern to Mirarr is the destruction of country and the decline of traditional culture: results of continued mining on their land. The Ranger Uranium Mine was imposed on traditional owners when the 1977 Ranger Uranium Environmental Inquiry acknowledged the Mirarr opposed the mine but determined that 'their opposition should not be allowed to prevail'. Mining began at Ranger in 1981. Today it is the second largest uranium mine in the world and in some years has supplied around 10 per cent of the global uranium market.

Mirarr have always been concerned that uranium from their country will end up as toxic radioactive waste, be diverted into nuclear weapons or be involved in a nuclear emergency such as the Fukushima crisis. Japanese nuclear utilities including TEPCO are major customers of

ERA. It is highly likely that uranium from Kakadu may be in the stricken Japanese reactors. In 2011 Dr Robert Floyd, Director General of the Australian Safeguards and Non-Proliferation Office of the Department of Foreign Affairs and Trade confirmed that "Australian obligated nuclear material was at the Fukushima Daiichi site"<sup>1</sup> The Mirarr have expressed 'deep concern' about this in a correspondence to UN Secretary General Ban ki-Moon, see below for link to full text.

Recurring water and tailings management problems have plagued the Ranger mine over the 30 years of its operation. Hundreds of spills, leaks and license breaches have been recorded since Ranger opened and the mine has contributed to growing social problems in the region. The head of the Australian Federal Government agency that monitors Ranger has indicated that the Ranger tailings dam is seeping at a rate of around 100,000 L/day. In April 2010 contaminated water was detected downstream of the mine in the Magela Creek near an Indigenous community. The mining company, following prompting by the Australian Senate, ultimately acknowledged that Ranger was the source of this contamination.

In March 2004, mine process water was accidentally directed into the mine's drinking water system. This resulted in several workers drinking and showering in water containing uranium at concentrations 400 times greater than the maximum permissible drinking level. In December 2009, a dam burst, sending 6 million litres of contaminated water into the National Park.

In February 2011, amidst heavy wet season rainfall, heightened scrutiny over water management issues and the tailings dam nearing capacity, ERA suspended uranium processing at Ranger. Processing did not restart until August of that same year.

In December 2013 a leach tank at Ranger burst spilling over one million litres of radioactive acid into the mine site. The mine was closed for six months as a result. The resulting inquiry found that ERA had failed to meet expected standards and recommended a comprehensive review of the regulation of Ranger.

ERA's ongoing failure to adequately protect the park and the people living and working within it is of enormous concern to Mirarr.

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<sup>1</sup> Australia, Committees 2011, *Joint Standing Committee on Treaties*, page 9 accessed 03/03/12 at: <http://tiny.cc/goc1r>

## Pressure still on: expansion proposal for Ranger

In a bid to maintain a foothold in the region, ERA is currently pursuing an expansion proposal for Ranger.

### Ranger 3 Deeps

In 2009 ERA announced the discovery of an ore body within the Ranger lease area which they are calling Ranger 3 Deeps. Digging commenced on an 'exploration decline' (tunnel) towards the ore body. When completed, this tunnel will be several kilometres long and up to 450m below the surface and under the Magela Creek which feeds the Ramsar-listed wetlands of Kakadu.

There was no requirement for environmental assessment for this tunnel as it was described as an 'exploration activity'. ERA estimates that, if mined, Ranger 3 Deeps would yield 34,000 tonnes of uranium.

The Federal Government is currently considering an Environmental Impact Assessment document for the underground mine proposal at Ranger 3 Deeps and is expected to make a decision in early 2015. Despite lodging an EIS Energy Resources of Australia has not yet decided whether it will proceed with the underground mine. The Mirarr are currently considering the EIS and will make a public submission prior to the mid-December 2014 deadline.

### Heap Leaching -- abandoned before it started

In 2011 plans for a large 'acid heap leach facility' at Ranger were abandoned. The proposal involved spraying sulphuric acid onto heaps of low grade ore and then collecting the resulting slurry for processing into uranium oxide. This method of uranium extraction has never been tested in a wet/dry tropical environment like Kakadu and posed severe contamination threats. The Mirarr and key environmental NGOs were very concerned by this proposal and made their opposition to it clear.

## Mirarr-led fight stopped Jabiluka Uranium Mine

While the Ranger mine continues to produce the world's uranium ore and radioactive waste and leak contaminated water into the surrounding National Park, the Jabiluka deposit has never been developed. Federal government policy from the early 1980s until the mid-1990s prevented new uranium mines in Australia but with the election of a conservative Federal government in 1996, uranium mining was back on the agenda. ERA was keen to push ahead with Jabiluka. Mirarr remained steadfast in their opposition to further mining on their country and began working with supporters in the environment, peace, anti-nuclear and Indigenous movements from across the country and around the world.

The result was a huge domestic and international campaign against the proposed mine at

Jabiluka. The campaign involved inquiries by Australia's Parliament, legal challenges to the mine, a national speaking tour of traditional owners, a protest camp hosting 5,000 people over eight months (527 of whom were arrested in peaceful protests - including Senior Traditional Owner Yvonne Margarula), large rallies in all major Australian cities, mobilisation of a national and international support base of tens of thousands of people, a speaking tour in Europe, lobbying to various international bodies including UNESCO (the World Heritage Committee recommended suspension of work at Jabiluka due to threats to Kakadu's World Heritage values) and the UNHCHR, the European Parliament (which passed a resolution against Jabiluka in 1998) and the US Congress (members of which wrote a letter in support of Mirarr to President Clinton) and much more. Yvonne Margarula and the then Executive Officer of the Gundjeihmi Aboriginal Corporation, Jacqui Katona, jointly received the Goldman Environmental Prize in 1999 and in 1998 Yvonne was awarded the Friends of the Earth International Nuclear Free Future Award in recognition of her work on the campaign. These phenomenal efforts resulted in stopping the Jabiluka mine. The Mirarr signed an agreement with Rio Tinto in 2005 that prevents the mine's development without the written consent of the Traditional Owners.

The Mirarr never accepted the inevitability of mining at Jabiluka, despite constant company, industry and government assurances that the project would go ahead. In their struggle to protect their country and culture they made Jabiluka a millstone for one of the world's largest resource companies and have redefined future resource conflicts in Australia and internationally by elevating the rights of Indigenous people everywhere to determine what happens to their country and their community. The resolution of the Jabiluka dispute is sometimes portrayed, by mining companies and their retainers in academia and the media, as an act of corporate social responsibility on the part of Rio Tinto and its subsidiary ERA. The reality was that without the Mirarr concerted campaign against the company, asserting cultural and environmental rights, networking internationally with support groups, and without their persistence in negotiating a settlement, the so-called Jabiluka Long Term Care and Maintenance Agreement would not have occurred.

The Mirarr remain clear in their continued opposition to mining at Jabiluka and maintain their long-standing commitment to seeing the area permanently protected.

## International support

The Mirarr have a long history of interest and support from the international community.

- In January 1998, the European Parliament passed a resolution in support of Mirarr and their struggle against uranium mining on their country. This resolution calls on member states to **ban all imports of uranium from mines where the land rights of indigenous people are compromised.** It also calls for the establishment of an

independent study into the imports of EU member states analysing the impacts of uranium mining and processing on the health, environment and rights of indigenous people. Full resolution text [here](#).

- In October 1998, the UNESCO World Heritage Committee sent a high level expert Mission to Kakadu to assess the impacts of uranium mining on the World Heritage values of the national park. The mission recommended that the mine at Jabiluka should not proceed. Details of all 16 recommendations of the Mission are available [here](#). Following the Mission's visit, the World Heritage Committee considered the impacts to Kakadu and after heavy lobbying from the Australian Government, the Committee failed to list the park as World Heritage 'In Danger' but called for ongoing monitoring and action.
- In June 1999, 34 members of the US Congress signed a petition to President Clinton. The petition urged the President to support the proposed World Heritage 'In Danger' listing of Kakadu National Park at the upcoming 1999 Extraordinary Session of the World Heritage Committee and to encourage US representatives at UNESCO to oppose uranium mining within the park.
- A 2009 European Commission report<sup>2</sup> recognises the significant global inequality resulting from the fact that 70% of the world's uranium resources are located within the lands of Indigenous peoples, while the consumers of the uranium are in developed countries. This same report also recommended a comprehensive life cycle analysis of all energy costs associated with uranium mining, milling, processing, transport and decommissioning.
- In August 2010 the International Physicians for the Prevention of Nuclear War (IPPNW) World Congress passed a motion calling for an **end to uranium mining globally in light of the grave threats it poses to health, human rights and the environment**. See [here](#) for the full text.
- In March 2011, the Australia New Zealand delegation of the European Parliament visited Australia. The group requested - and received - a briefing from the Mirarr and their representatives about their experience of uranium mining on their lands. As a result of this meeting, members of the delegation have identified the need for increased research into the whole of life cycle costings and implications of uranium mining where uranium is sourced by EU member states.

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<sup>2</sup> 2009, Falck, W. E., JRC Scientific and Technical Reports, 'Towards a Sustainable Front-End of Nuclear Energy Systems', European Commission Joint Research Centre Institute for Energy, p8, p32.

## Recommendations

- Uranium is a unique mineral with specific properties and risks and as such it requires special attention and scrutiny from state parties, regulators and producers.
- As noted in the EC report referenced above, the vast majority of uranium exploration, mining and processing occurs on Indigenous lands. This fact requires heightened attention to ensuring the necessary pre-conditions for the realisation of free, prior and informed consent are met. There must also be clear and independent verification and dispute resolution processes for all stages of any proposed mining operation.
- The waste from uranium mining is dangerous and long lasting. It contains around 85% of the original radioactivity of the mined rock. The mining process makes the radioactivity far more bio-available than in its natural state. Combined with the long-lived nature of the radioactivity, this means that significantly greater attention must be given to closure and post-closure planning and management.

## Further information

### links and references

1. Gundjeihmi Aboriginal Corporation's [submission](#) to the United Nations Office of the High Commissioner for Human Rights Workshop on "Indigenous peoples, private sector natural resource, energy and mining companies and human rights" .
2. Recent letter from Mirarr Senior Traditional Owner Yvonne Margarula to UN Secretary-General Ban Ki-Moon highlighting Mirarr concern and sympathy for those impacted by the ongoing Fukushima nuclear crisis. This letter notes Mirarr's 'deep concern' that uranium from their lands might be implicated in Japan's current nuclear crisis. Full text available [here](#).
3. Video statement from Senior Mirarr Traditional Owner Yvonne Maragarula made in August 2010 to the 'Sacred Lands, Poisoned Peoples' International Congress in Basel. View [here](#).