



Kevin Bodel
Inquiry Secretary
Joint Standing Committee on Treaties
Parliament House
Canberra
via email: Kevin.Bodel.Reps@aph.gov.au

Friday April 27th, 2012

Dear Kevin,

Re: *Fifth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (Bali, 15 April 2011)*

As the representative organisation of the Mirarr people, from whose land half of Australia's uranium exports are sourced, Gundjeihmi Aboriginal Corporation welcomes the opportunity to participate in this process.

Please do not hesitate to contact me for any further information.

Yours sincerely,

Justin O'Brien
Executive Officer

Submission to the *Fifth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (Bali, 15 April 2011)*

This submission has been prepared by the Gundjeihmi Aboriginal Corporation (GAC). GAC is an organisation established, managed and controlled by the Mirarr people to protect and advance their rights and interests.

Gundjeihmi Aboriginal Corporation welcomes the opportunity to submit to this process and thanks the committee for considering the views of the Mirarr. This submission will outline the Mirarr experience of uranium mining on their country and detail their key concerns regarding Australia's ongoing involvement in nuclear science and technology and the proposed renewal of this Agreement.

The traditional estate of the Mirarr people lies within the bounds of the World Heritage listed Kakadu National Park in the Northern Territory, Australia and parts of West Arnhem Land. The Mirarr Senior Traditional Owner, Yvonne Margarula, leads the Mirarr. Yvonne's father, Toby Gangale, opposed plans for uranium exploration and mining on his country in the 1970s but his opposition and that of other local Aboriginal people was overruled in the decision to mine uranium at Ranger and issues leases for the proposed Jabiluka mine area.

Today, Mirarr country encompasses the Ranger Project Area and the Jabiluka Mineral Lease, the mining town of Jabiru and parts of Kakadu National Park and Western Arnhem Land. Uranium mining has been taking place on Mirarr land for some three decades. Mirarr opposed the establishment of the Ranger uranium mine on their lands and continue to resist all activities that pose a threat to country and culture.

Mirarr have long held concerns regarding all aspects of uranium mining on their land. In the years since it opened in 1980 the Ranger mine has been the focus of sustained criticism over its environmental performance, particularly concerns over the management of excess water and mine wastes. A 2003 Inquiry into uranium mining by the Australian Senate found that 'ERA failed to inform stakeholders, failed to follow correct procedures and did not take timely action on a number of major incidents'. The Inquiry identified 'a pattern of under-performance and non-compliance' and concluded that changes were necessary in order to protect the environment and its inhabitants from 'serious or irreversible damage'¹.

Of particular relevance to this treaty process is the concern of the Mirarr regarding the potential uses and impacts of uranium from their country once it is exported for nuclear technologies.

In 1978, before the Australian Government imposed the Ranger uranium mine on the Mirarr people, Senior Traditional Owner Toby Gangale expressed his concern about uranium from Mirarr land ending up in nuclear weapons. As Traditional Owners, Mirarr bear responsibility for the impacts that their country has on others, whether as visitors to their country or as recipients of uranium oxide derived from their lands. Given this, the possibility of uranium from Mirarr land being incorporated into a nuclear weapon or present at the site of a nuclear accident is of enormous concern to Mirarr.

Mirarr acknowledge and sympathise with widely held concerns regarding the lack of enforceable safeguards to ensure uranium intended for nuclear power is not diverted to nuclear weapons. This point

¹Commonwealth of Australia, 2003, *Regulating the Ranger, Jabiluka, Beverly and Honeymoon uranium mines*, p xix

was also made by the authors of the recent UN system-wide study into the implications of the accident at the Fukushima Daiichi nuclear power plant:

Nuclear science and technology can also be used to develop nuclear weapons. Compliance with international legal instruments, such as the Treaty on the Non-Proliferation of Nuclear Weapons, other bilateral and multilateral non-proliferation agreements and safeguards agreements with the IAEA, is therefore an essential element of the responsible use of nuclear power.²

Given that three of the signatories to this Agreement are Nuclear Weapons States (NWS): China, India and Pakistan, and of these India and Pakistan are not signatories to the Nuclear Non-Proliferation Treaty (NPT), the Mirarr concern about the fate of uranium sourced from their land with relation to this Agreement is clearly justified.

In the case of China, compliance with the NPT - as recommended by the UN study - would include a tangible schedule for abolition of nuclear weapons stockpiles. China has no such schedule for disarmament and so cannot be found to be fully complying with the NPT. India and Pakistan both have nuclear weapons programs yet are not signatories to the NPT. Given this, it is difficult to see how the continued exchange of research, development and training with relation to nuclear science and technology with these countries can be considered within Australia's stated aim of advancing the objectives of the NPT.

It must also be noted that in addition to sharing nuclear science and technology information with these countries, the Australian Labor Party has recently expressed a commitment to selling uranium to India. The prospect of uranium from Mirarr land making its way to the poorly regulated nuclear industry of a Nuclear Weapons State is of grave concern to Mirarr.

In addition to concerns about nuclear proliferation, Mirarr are worried about nuclear material originating from their lands causing injury, distress or illness as the result of a nuclear accident. The recent UN post-Fukushima system-wide study acknowledges the inadequacy of current threat assessments and mitigation planning, including risks from severe and unpredictable weather events.³ This is of grave concern to Mirarr, particularly given the horrific impacts of just such a nuclear accident currently being experienced in Japan. The risk of further accidents at nuclear reactors elsewhere in the world continues to grow as reactors age and extreme weather events and other impacts of climate change heighten.

In April 2011 following the earthquake, tsunami and subsequent nuclear disaster in Japan, Yvonne Margarula wrote to United Nations Secretary-General Ban ki-Moon. In the letter Yvonne expressed her sorrow at the impact the radiation is having on the lives of people in Japan. She noted that "it is likely that the radiation problems at Fukushima are, at least in part, fuelled by uranium derived from our traditional lands. This makes us feel very sad." (the full text of Yvonne's letter is appended to this submission)

²United Nations, 2011, *System-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant*, para 18

³United Nations, 2011, *System-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant*, para 8

It has since been confirmed by Dr Robert Floyd, Director General Australian Safeguards and Non-proliferation Office of the Department of Foreign Affairs and Trade that “Australian obligated nuclear material was at the Fukushima Daiichi site”.⁴

Yvonne Margarula also told the Secretary-General “This is an industry that we have never supported in the past and that we want no part of into the future. We all are diminished by the awful events now unfolding at Fukushima. I urge you to consider our viewpoint in your deliberations with governments in relation the Fukushima emergency and the nuclear industry in general.”

This sentiment is now extended to the committee – GAC urges the committee to consider the viewpoint of the Mirarr, from whose traditional lands uranium is mined and shipped overseas beyond their control.

The renewal of this Agreement would facilitate the ongoing development of an industry that the Mirarr have stated categorically that they want no part of.

Australia is engaged with the nuclear industry through uranium mining and exports as well as through research and technology – the focus of this Agreement. In reviewing this Agreement it is imperative that Australia meets the responsibilities incumbent upon it as a nuclear nation. An automatic renewal of the Agreement in the context of heightened concerns regarding nuclear safety would be irresponsible at best. In the lead-up to the 2012 Nuclear Security Summit, there will be an even greater focus on the dangers of nuclear power. The current crisis at Fukushima is dramatic proof that the old safeguards were not sufficient to avert disaster.

GAC urges the committee to withhold renewal of this Agreement until:

- all parties to it can be shown to be in full compliance with the Nuclear Non-Proliferation Treaty and
- all those with nuclear power undertake renewed safety studies on all existing reactors and and undertake to decommission those that have exceeded their safely functional lifespan.

The responsibility Traditional Owners have for the impacts of material from their country demands such safeguards.

References

United Nations, 2011, *System-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant*

Commonwealth of Australia, 2003, *Regulating the Ranger, Jabiluka, Beverly and Honeymoon uranium mines*

Hard Yakka Productions, 1980, *Dirt Cheap*, film recording

Appendices

(i) Letter from Yvonne Margarula to UN Secretary-General, Ban ki-Moon

⁴Australia, Committees 2011, *Joint Standing Committee on Treaties*, page 9 accessed 03/03/12 at: <http://tiny.cc/goc1r>

GUNDJEIHMI

ABORIGINAL CORPORATION



Ban ki-Moon
Secretary-General United Nations
760 United Nations Plaza
New York, NY USA 10017

Dear Secretary-General,

It was with great sadness that we Mirarr People of the World Heritage listed Kakadu National Park in the Northern Territory of Australia learned of the suffering of the Japanese people due the recent earthquake, tsunami and nuclear crisis. Our thoughts and prayers are with the people of Japan at this most difficult of times. We hope that individuals, families, communities and the nation may rebuild their lives. We also hope for a speedy resolution to the ongoing Fukushima nuclear emergency.

It is known that Aboriginal people have occupied Australia for some 60,000 years because of an archaeological site on my country in Kakadu, where people, including myself as a child, regularly visited and camped. I am the clan leader, or senior traditional owner, in the world's oldest continuing cultural tradition. We Mirarr are the traditional owners of the land now subject to the Ranger Uranium Mine and the site of the proposed Jabiluka uranium mine. The Ranger mine now produces some 10% of the world's mined uranium. We Aboriginal people opposed Ranger's development and even though our opposition was overruled it has never gone away.

A month ago a delegation of this Corporation, comprising three young Indigenous women from Kakadu, visited Tokyo, Hiroshima and Nagasaki as part of the 72nd Global Peace Voyage of the Peace Boat. Here they met with Hibakusha (survivors of the atomic bombings of Hiroshima and Nagasaki) and people and organisations concerned with nuclear and peace issues. This recent visit heightens the sense of solidarity we feel for the people of Japan in their suffering and reinforces the Mirarr People's position against further uranium mining in Kakadu.

In the early 1970s the Australian Government, as part of its negotiations with Japanese Prime Minister Kakuei Tanaka, committed to the export of uranium from our land at Ranger to Japan. This commitment came many years before the enactment of Aboriginal land rights in the Northern Territory. We were not consulted about this. We opposed Ranger's development. When the Australian Government introduced land rights legislation in 1976 our ability to stop the Ranger mine was blocked by special provisions of the *Aboriginal Land Rights (Northern Territory) Act*. Given the long history between Japanese nuclear companies and Australian uranium miners, it is likely that the radiation problems at Fukushima are, at least in part, fuelled by uranium derived from our traditional lands. This makes us feel very sad.

• PH: 08 8979 2200 • PO BOX 245 JABIRU NT 0886 • FAX: 08 8979 2299 •
e-mail: gundjeihmi@mirarr.net Internet: www.mirarr.net

Ranger has operated since 1980 and has brought much hardship to local Aboriginal people and environmental damage to our country. For over 30 years we have experienced and lived with the 'front end' reality of uranium mining and we are opposed to any further mining at the Jabiluka site. From 1998, I led an international coalition of environment, peace, faith and human rights groups against Jabiluka's development. We received a lot of support from international networks and institutions such as UNESCO, the European Parliament and the US Congress. Over an eight-month period in 1998 more than 5000 protesters, including myself and other Mirarr traditional owners, peacefully blockaded the Jabiluka site. All our efforts were recognised that year when I was awarded both the Friends of the Earth International Environment Award and the Nuclear-Free Future Award. In 1999 I jointly received, with Jacqui Katona, the Goldman Environment Prize for my efforts to protect my country from uranium mining. We Mirarr remain opposed to Jabiluka's development; the Fukushima incident only strengthens our resolve.

Today some 12 million litres of radioactive contaminated water lies on site at the Ranger Uranium Mine, upstream of Indigenous communities and internationally recognised Ramsar listed wetlands. The mining company, owned by Rio Tinto, has suspended all milling of uranium due to the persistent water management problems and threats posed to the environment. All this is of great concern and is taking place within Australia's largest national park and our homeland, Kakadu.

I am writing to you to convey our solidarity and support with all those people across the world who see in the events at Fukushima a dire warning of the risks posed by the nuclear industry. This is an industry that we have never supported in the past and that we want no part of into the future. We are all diminished by the awful events now unfolding at Fukushima. I urge you to consider our viewpoint in your deliberations with governments in relation the Fukushima emergency and the nuclear industry in general.

In 2009 the European Commission found that approximately 70% of uranium used in nuclear reactors is sourced from the homelands of Indigenous minorities worldwide. We Mirarr believe that this constitutes an unfair impact on Indigenous people now and into the future. We suffer the dangers and long term impacts of the front end of the nuclear fuel cycle so that others overseas may continue to enjoy lives without the awareness of the impacts this has on the lives of others.

For many thousands of years we Aboriginal people of Kakadu have respected sacred sites where special and dangerous power resides. We call these places and this power *Djang*. There is *Djang* associated with both the Ranger mine area and the site of the proposed Jabiluka mine. We believe and have always believed that when this *Djang* is disturbed a great and dangerous power is unleashed upon the entire world. My father warned the Australian Government about this in the 1970s, but no one in positions of power listened to him. We hope that people such as yourself will listen, and act, today.

Yours truly,



Yvonne Margarula

6/4/11