Kakadu World Heritage Area: Protecting Values and Attributes

There are various threats to Kakadu, from impacts such as the presence of water buffalo, the threat of feral cane toads, feral weeds, and the management of tourist activities to name just a few. However, I want to direct my remarks today to the proposal to start up another uranium mine in an enclave within the Kakadu World Heritage area. This land is called Jabiluka.

Jabiluka is culturally, biologically and ecologically a contiguous and significant part of the World Heritage area. Its values are similar to, and certainly equal to, those of the surrounding park and World Heritage area.

Cultural World Heritage

It is not my role today to speak to the cultural values of Kakadu and the proposed Jabiluka mine. I want to acknowledge the heroic efforts of the Mirrar people in fighting against all odds to defend and manage their cultural heritage, which happens to be a gift of outstanding universal value to the world. In their generosity, from a position of great social disadvantage in Australia, they have leased back to all Australians the majority of their lands as a National Park, and have managed their lands to protect their outstanding universal values. It is with deep regret that I acknowledge that we, the people of Australia, are allowing our elected Government of the day to push, with all of its resources, the abomination of an additional uranium mine in their country against their will and repeated pleas.

Last Friday, the Mirrar people of Kakadu and the Australian Conservation Foundation signed a historic agreement calling for an end to mining in Kakadu National Park. The 'Kakadu Charter' signed by the two organisations states that "Mining activity within the external boundaries of Kakadu National Park poses potential and ascertained threats to the natural and cultural values of this World Heritage area and has been responsible for significant adverse environmental and social impacts." Both parties agreed to 'promote and support federal policies that:

• Ban future mining in Kakadu National Park, including the Jabiluka project,
• Facilitate the expiry of mining tenements within the external boundaries of Kakadu National Park.'

Natural World Heritage

From a natural environment perspective, it is useful to provide a little history. The IUCN, the World Heritage Bureau and the World Heritage Committee have all expressed grave and serious concerns about the impacts of the proposed Jabiluka mine on the Kakadu World Heritage area. There have been two missions to Kakadu: the first a World Heritage Committee mission in October 1998 and, more recently, the UNESCO mission in July 2000. The report of the latter mission will be considered at the World Heritage Committee meeting in Cairns later this month.

And what have these missions and other bodies, backed up by ICOMOS and the IUCN, had to say?
The World Heritage Committee mission of October 1998 stated that the World Heritage values of Kakadu National Park were threatened, and made sixteen recommendations to overcome these threats. One of these recommendations was that the proposal to mine and mill uranium at Jabiluka should not proceed.

The Environment, Communications, Information Technology and Arts Reference Committee of the Australian Senate, in July 1999, concluded that

“The Jabiluka uranium mine poses a grave threat to the natural and cultural heritage values of Kakadu National Park. The traditional owners see the land, their sacred heritage and their living culture as one. The continued development of the mine is dangerous, threatening the very survival of a culture that has existed in Kakadu for 50,000 years: The mine should not be allowed to proceed”.

Following the response of the Australian authorities, through the offices of the Australian Supervising Scientist (ASS), to the report by the mission of the World Heritage Committee, the World Heritage Committee asked the International Council of Science (ICSU) to form an Independent Science Panel (ISP) to review the Australian Government report. The panel concluded that there were still many outstanding concerns and made 17 principle recommendations. Australia responded and in July 1999, the World Heritage Committee requested a further report from the panel. The ISP report of September 2000 still documents concerns, especially the “need for a more comprehensive risk assessment of both the freshwater and terrestrial ecosystems at a landscape catchment scale”. More alarming is the report of the Australian expert engaged to work with the ISP, who concluded that the arguments of the Australian Government and the mining company (ERA) cannot be upheld until a number of qualifications are satisfied. Among the qualifications are that:

- The ecological impacts can only be gauged fully when a clear and detailed statement of the natural values of both the Jabiluka lease site and its surroundings have been provided
- A more complex analysis of potential impacts needs to be undertaken.

**ACF's Major Concerns About Impacts on the Natural Heritage of Kakadu**

- Values within and adjacent to the Jabiluka mine site are not known. If you don’t know the values, how can you protect them?

- If we are to protect and conserve our World Heritage properties then it is important and necessary to take into account all heritage values and attributes of these properties particularly when dealing with sites that meet a number of World Heritage criteria

- Proponents of the Jabiluka mine place great store in the record of the nearby
Ranger uranium mine. However the recent major leak from a tailings water return pipe and the delays in having the incident reported to the appropriate officials highlight concerns about the performance of the Ranger uranium mine.

- The Inter-governmental Panel on Climate Change representing the majority science view on this issue has recently been reported as saying that the impacts of greenhouse gas emissions could lead to climate variation of a warming of up to six degrees over the next hundred years, double the impact there were predicting five years ago. Jabiluka mine will result in toxic waste repositories that have to be managed for thousands of years. The risk of this is substantially heightened by the increasing uncertainties of future weather patterns given ongoing climate change. The Ranger uranium mine has struggled to manage its waste repositories after unusual rainfall events just over a short twenty-year period.

- The ISP report of September 2000, while indicating that ten of its original seventeen recommendations have been met, still states that "there is still need for a more comprehensive risk assessment", and that "the present review arrangements lack transparency and an independent perspective". They also state that "the traditional owners feel excluded from the decision-making process".

- ACF is also most concerned that new national environment legislation in Australia weakens the protection offered to World Heritage sites. This legislation enables bilateral agreements to be struck between the Federal and State governments in Australia relating to both assessment and approval of proposed development projects. ACF recognizes that a bilateral agreement cannot be put in place without a valid management plan. However our legal advice is that it would be possible through such a bilateral agreement for a State or Territory that is not a direct signatory to the World Heritage Convention to approve developments that potentially compromise World Heritage values. National government intervention under the EPBC Act could be too late to prevent permanent damage to World Heritage values from an approval given by a State government. I know that growing up in Queensland, one should never put the future of a World Heritage Site between a State Premier who has one many elections on States' rights issues and the national interest.

**ACF Believes:**

- A uranium mine in the middle of a World Heritage area, or for that matter any such substantial mining activity, is totally inappropriate. The World Heritage Committee would probably reject a nomination for Kakadu today that contained uranium mines in the middle of it, on the grounds that does not meet the criteria for integrity.

- Independent and reputable polling in Australia in recent times has shown that well over 70% of the Australian population oppose the Jabiluka mine.

- The Australian government should withdraw approvals for mining at Jabiluka and add the mining lease to the park.
• The Australian government, instead of spending millions of dollars of public funds and resources lobbying to promote the mine worldwide, should direct more funds and resources to improving the management of Kakadu.

• Rio Tinto, as a global mining company, should shut down the mine and return the land to its traditional owners. Policies that respect and defend the cultural and environmental heritage of Kakadu will be supported.

• A full biological study of the mining lease area and surrounds should be undertaken. In particular, the rare endemic and/or endangered flora and fauna of the region need to be identified and protected.

• The World Heritage Committee should continue to assess and monitor the situation because indeed a great World Heritage Site is threatened and Australians are looking for independent, sound views and advice from the international community.

Broader World Heritage Issues

ACF is committed to recognizing cultural heritage protection and the need to integrate natural and cultural values. We are going through a process of listening, talking and learning from the Mirrar, the Cape York Land Council and the Kimberley Land Council.

There is a need for better monitoring of all World Heritage Sites.

The present tentative list is inadequate. It needs to be fully developed for Australia. We have recently launched on our website information about the management of current World Heritage Sites and a tentative list.

Australia and Australians can sort out our own politics on Jabiluka. The majority of Australians are formally opposed to this mine, ACF and Gundjehmi have a strong commitment to work to ban future mining in Kakadu National Park including the Jabiluka project.

In our view, a critical role for the World Heritage Committee is to give sound and independent technical advice, not politically compromised decisions, to the Australian government and the Australian people. Politically compromised positions, influenced by the intense lobbying of a particular government of the day, is a slippery slope for the loss of the integrity of the World Heritage Convention itself. Advice from the World Heritage Committee also needs to indicate clearly, based on professional analysis, when sites are threatened. In our view the ‘in danger’ mechanism is a most important technical alerting mechanism for all members of the Convention, and should not rely on the approval of the relevant State party for such a listing.
The independent technical and professional advisory roles of both IUCN and ICOMOS is fundamental to the implementation of the Convention.

I want to strongly acknowledge the deep spiritual relationships between Aboriginal Australians and their land. But enlightened by that, and drawing on experience, I want to suggest that there is an emerging dimension of relationship with place across the Australian community. It is not that just Kakadu, the Great Barrier Reef, the wet tropical rainforests and the Franklin are there with outstanding intrinsic values, but also that the actions of hundreds of thousands of Australians from all walks of life in struggling for their protection against major threats is now part of the heritage of these sites. Through these acts of protecting these places, World Heritage has now becoming ingrained in the soul of the living Australian culture of today, and in the end that may be their greatest protection.

It is time for us to stand up and ensure that the work of the World Heritage Convention is treasured, strengthened and expanded - not weakened through the pursuit of a uranium mine in Kakadu.