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The Resistance Movement of Aboriginal People To Fight Against The Plans For A Nuclear Waste Dump In South Australia

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Abstract: *Aborigine is the indigenous people of Australia who have attempted to oppose the proposal for South Australia to host an international nuclear dump. Even though the rights of indigenous people have been recognized by the United Nations Declaration on the Rights of Indigenous Peoples, the treatment they receive are not in accordance with the standard of living. The object of this this paper is to examine the struggle of Aboriginal Australia as indigenous people who seek to ensure their basic rights to clean environment from nuclear waste by using normative juridical method. The results of the paper show that Aboriginal people have commenced their struggle by the formation of global movement in the form of local campaign (Kupa Piti Kungka Juta), Australian Nuclear Free Alliance (ANFA), in collaboration with Amnesty International and the International Campaign to Abolish Nuclear Weapons (ICAN). All efforts are made to pressure the Australian government not to consider South Australia as a nuclear waste disposal site. This is because nuclear waste can have an impact on public health and environmental damage, trigger nuclear war, and become a threat to the land of Aboriginal people.*

Keywords: *South Australia, Aboriginal People, Nuclear Dump*

INTRODUCTION

The issue of indigenous peoples has caught the world's attention since the General Assembly adopted the United Nations Declaration on the

Rights of Indigenous Peoples on 13 September 2007.¹ Despite the fact that

¹ P. Havemann, (2013). "Indigenous Peoples Human Rights," in Goodhart, M. (ed.)

the declaration may not be mandatory, it has established a global standard for the treatment of indigenous peoples in accordance with the survival, dignity, and well-being.² One of the biggest challenges encountered by them today is how to defend their territories and overcome the “asset stripping” threatening their livelihoods, culture, and the way of life.³ A case in point is the plans for a nuclear dump in South Australia (SA) which is vehemently opposed by indigenous Australians.⁴

Human Rights, 2nd edition: Oxford University Press, Oxford, p. 245.

² United Nations Human Rights Office of the High Commissioner, ‘*Declaration on the Rights of Indigenous Peoples*’, United Nations Human Rights Office of the High Commissioner (website), <<http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx>> accessed 23 May 2016.

³ First Peoples Worldwide, ‘*Who are the indigenous peoples: Indigenous movement*’, First Peoples Worldwide (website), <<http://www.firstpeoples.org/who-are-indigenous-peoples/the-indigenous-movement>> accessed 23 May 2016.

⁴ There are two different types of nuclear dump proposed in South Australia: low-level waste and high-level waste. This paper will talk about the high-level one. While the low-level waste is proposed to dump medical material from hospitals and universities in the Flinders Ranges (the largest mountain range in South Australia), the high-level one is aimed to host Australia as an international nuclear dump for a uranium plant, a fuel fabrication plant, and a nuclear waste repository. See N, Gage, ‘Flinders ranges Communities divided over whether to host Australia’s planned nuclear waste dump’, *ABS News*, <[http://www.abc.net.au/news/2016-02-24/flinders-ranges-communities-divided-over-](http://www.abc.net.au/news/2016-02-24/flinders-ranges-communities-divided-over-nuclear-waste-dump/7194592)

Basically, the initiative of this dump has been announced by the Howard Government since February 1998.⁵ Following that, there have been also the reports of “Australia’s uranium-Greenhouse friendly fuel for an energy hungry world” and the 2007 “Uranium Mining, processing, and Nuclear Energy review Taskforce 2006” introducing the importance for having nuclear energy in Australia in order to reduce greenhouse gas emissions in the years to come.⁶ For that reasons, the federal government plans to construct a nuclear reactor in Sydney and then dispose of the radioactive waste in the remote South Australia.⁷

However, such a plan is still contentious in Australia up to date.

<[nuclear-waste-dump/7194592](http://www.abc.net.au/news/2016-02-24/flinders-ranges-communities-divided-over-nuclear-waste-dump/7194592)> accessed 23 May 2016. See also Friends of the Earth Australia, ‘Australia as the world’s nuclear waste dump?’, *Friends of the Earth Australia (website)*, <<http://www.foe.org.au/anti-nuclear/issues/oz/import-waste>> accessed 23 May 2016.

⁵ N. Low and B. Gleeson, (2006). *Radioactive Racism in Australia*, Australian Public Affairs (Chain Reaction), No. 96, p. 13.

⁶ Parliament of South Australia, ‘Nuclear’, *Parliament of South Australia (website)*, 22 November 2010, <http://www.aph.gov.au/About/Parliament/Parliamentary_Departments/Parliamentary_Library/Browse_by_Topic/ClimateChangeold/responses/mitigation/emissions/nuclear> accessed 24 May 2016.

⁷ Anti Nuclear Campaign, (2004) ‘ALG Agrees not to dump in SA’, *Habitat Australia*, Vol. 32, No. 2, , p. 6.

While it is true that the establishment of nuclear power may offer benefits to Australia, it has been criticized on the ground that nuclear reactor accidents are possible and inevitable.⁸ But beyond this, the strongest protest is sparked from the Aboriginal community. They urged the Australian government to stop proposing for a dump in the South Australian outback or anywhere around Australia.⁹ The federal government is expected to show a mark of respect for the rights of Aboriginal Australians over their land. Nuclear waste dump is widely forecast to not only poison the Aboriginals' land including waters, plants, and animals, but it will also threaten their cultural heritage.¹⁰ Also, some elderly Aborigines are still suffering from

physiological trauma in remembrance of the British nuclear test at Maralinga, South Australia in the 1950s. Therefore, they strongly oppose any nuclear dump initiated by the Federal Government.¹¹ They have conducted a range of events so far including a local and international campaign in order to tell the world about their struggle in fighting against any nuclear proliferation in Australia including the nuclear dump plans.

In this paper, I will argue that Aboriginal people have been effective in promoting a global movement to reject the plans for a high-level nuclear dump in South Australia. This argument is based on the involvement of indigenous Australians in local and international events including 'Kupa Piti Kungka Juta', International Campaign to Abolish Nuclear Weapons (ICAN), Amnesty International, and Australian Nuclear Free Alliance (ANFA) to speak up against the dump. In particular, the proposed dump is believed to damage public health and

⁸ B. Martin, 'Opposing Nuclear Power: Past and Present', *Social Alternatives*, Vol. 26, No. 2, 2007, p. 44.

⁹ N. Whiting, 'Aboriginal woman reaffirm fight against nuclear waste dump in South Australia', *ABC News (website)*, 16 October 2015, <<http://www.abc.net.au/news/2015-10-16/aboriginal-women-fight-against-nuclear-waste-dump-in-sa/6861012>> accessed 24 May 2016.

¹⁰ M. Dulaney, 'Traditional owners in the Flinders ranges say nuclear waste dumps threaten cultural heritage', *ABC News (website)*, 24 February 2016, <<http://www.abc.net.au/news/2016-02-24/traditional-owners-flinders-ranges-fears-on-nuclear-waste-dump/7195030>> accessed 24 May 2016.

¹¹ N. Whiting, 'Aboriginal people affected by Maralinga nuclear tests take peace sculpture to Japan', *ABC (Radio)*, 14 April 2016, <<http://www.abc.net.au/am/content/2016/s4442906.htm>> accessed 24 May 2016.

environmental, trigger the nuclear war, and show disrespect to Aboriginal people's rights. This paper will first sketch out the British nuclear test at Maralinga, SA, in the 1950s to provide a brief background for nuclear events in Australia and then examine its implications to indigenous Australians. Next, it will offer three different case studies: Kupa Piti Kungka Juta, ICAN, Amnesty International and ANFA. Finally, this paper will present the arguments for and against the proposed nuclear dump.

METHOD

The method used in this study is a type of normative legal research that examines the application of the principles of international law in conjunction with the life of a state. As a type of normative legal research, it is prioritized to review the legal materials

ANALYSIS AND DISCUSSION

Nuclear History In Australia And Implications To Aborigin Australian People

In order to understand the nuclear events in Australia, it is worth examining the nuclear weapons tests

conducted by the British government between 1952 and 1963.¹² The tests were conducted at Maralinga and Emu Field in South Australia and on the Monte Bello Islands off the coast of Western Australia.¹³ In doing so, the British government received full support from the Australian government comprising of twelve major nuclear tests explosions and up to 600 'minor trials' including radioactive materials.¹⁴ It is worth noting that both the Australian and British government did not ask permission from the Aboriginal language groups in that area, namely Pitjantjatjara, Tjarutja, and Kokatha.¹⁵ A major test called 'Totem I' was exploded on 15 October 1953 and resulted in a radioactive cloud. It was

¹² The reason why the British government chose Australia is simply because Australian desert look like the perfect place to the nuclear tests. As reported by Australian Institute of Criminology that the "remoteness and sparse population of Australia made it an attractive alternative." But beyond this, apparently the British Government intended to possess nuclear weapons rather than relying on the United States during the Cold-War. See SBS, 'Backgrounder: Why was Maralinga used for secret nuclear tests?', *SBS (News)*, 6 November 2014, <<http://www.sbs.com.au/news/article/2014/11/05/backgrounder-why-was-maralinga-used-secret-nuclear-tests>> accessed 24 May 2016.

¹³ Low and Gleeson, *Op. Cit.*, p. 14.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

later known as the Black Mist and covered over 250 km northwest to Wallatinna and down to Coober Pedy.¹⁶ Notwithstanding the 'Native Patrol Officers' had attempted to make sure all Aboriginal people were taken out prior to the test, the signs they gave were in English and only a few Aborigines could understand. As a consequence, that event resulted in the death of Aboriginal people and spurred the sudden outbreak of sickness in their community.¹⁷

From 1956 to 1957, Aboriginal people were relocated from Ooldea to Yalata, a mission station 150 km west of Ceduna, in preparation for the next tests conducted at Maralinga.¹⁸ However, the movement of Aboriginal people (activities) still occurred at Maralinga at the time of the tests. Apparently, Maralinga was a traditional Aboriginal route, thereby making it difficult to take them away.¹⁹ As a consequence, sickness and death caused by the radiation level inflicted pain and suffering on Aboriginal people. To respond this, the Australian

government carried out a clean-up of the Maralinga nuclear test site.²⁰ Having said that, the Australian government had not taken a serious action as they did not use sufficient resources, nor did they bury the plutonium on the correct way.²¹ As stated by Alan Parkinson, a nuclear engineer and a Maralinga whistleblower, that "What was done at Maralinga was a cheap and nasty solution that wouldn't be adopted on white-fellas land".²² Given that situation, in 1995 the British government responded it by giving US\$13.5 million compensation to the Maralinga Tjarutja; unfortunately, other Aboriginal groups including the Kupa Piti Kungka Tjuta received nothing, not even no apology.²³

Moreover, it should also bear in mind that Australia has played a pivotal role in providing the nuclear raw

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² J. Green, 'Radioactive racism: The promises don't last, but the problems always do', *Green Left Weekly*, 17 November 1993, <<https://www.greenleft.org.au/node/33517>> accessed 25 May 2016.

²³ J. Green, 'Summary: British Nuclear Weapons Tests in Australia', Friends of the Earth Australia, <<http://www.foe.org.au/anti-nuclear/issues/oz/britbombs/summary>> accessed 25 May 2016.

materials for a number of countries.²⁴ Indeed, Australia is considered as one of the uranium suppliers to a few nuclear power states. It is initially purposed for the military applications but later for the nuclear power industry.²⁵ In doing so, it has been found that Australia endeavoured to foster a friendly relationship with the United Kingdom and the United States by supplying uranium in order to have access for nuclear concerns from these two countries.²⁶ Subsequently, the Australian government expressed its willingness to pursue nuclear power and independent nuclear weapons-building capacity in the 1970s.²⁷ Nonetheless, there has been a debate in the parliament for whether or not Australia should establish a radioactive nuclear dump. For that reason, Australian governments and political parties were divided into some groups concerning nuclear energy and nuclear policy.²⁸ Whilst the Australian government led by Prime Minister

Menzies, Holt, and Gorton were in favour of nuclear development, the following Prime Ministers including William McMahon were reluctant to support that.²⁹ Eventually, under the Coalition Government of John Howard, the issue of nuclear energy was raised. They then planned to fund and establish a new research reactor in Sydney, however, encountered indigenous resistance.³⁰

Regarding this issue, Australia is not the only country in the world proposing the establishment of the nuclear dump to enhance the well-being of indigenous people.³¹ This event has occurred somewhere in the northern hemisphere. As a matter of fact, North American indigenous activist Winona LaDuke told the 2006 Indigenous World Uranium Summit that the greatest breakthroughs of the world of nuclear industry in dealing with radioactive waste for over the

²⁴ I. Holland, 'Waste Not Want Not? Australia and the Politics of High-level nuclear Waste', *Australian Journal of Political Science*, Vol. 37, No. 2, p. 284.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ In this context, PM Hawke argued that opening up traditional lands would end the disadvantaged faced by them. He further said it would "finally eliminate these disgraceful gaps in well-being and lifetime opportunities". See J Green, 'Why Australia should not become the world's nuclear waste dump', *Green Left Weekly*, Issue 1020, 2014, p. 12.

years was to take it underground and dump it on an Indian reservation.³² By the same token, the US state of New Mexico also opened the Waste Isolation Pilot Plant (WIPP) for storing long-lived intermediate level military waste. However, the WIPP has been closed due to a fire and radiation leaks.³³ These accidents caused six employees go to the Carlsbad hospital to get treatment for smoke inhalation. Another seven workers were treated in the location while 86 people were evacuated.³⁴ Clearly, the risks of such dangerous waste are inevitable. Next, I will present three different case studies showing the involvement of Aboriginal Australians to speak up against the proposed nuclear dump in SA.

Case Study I: Kupa Piti Kungka Tjuta

The 'Kupa Piti Kungka Tjuta' is a council of Senior *Anangu* (Aboriginal) Woman Elders from the countries of Antikarinya, Yankunytjatjara, and Kokatha (Aboriginal names) - South Australia.³⁵ The word *Kupa Piti* means

'white men's holes' which then gives a name to Coober Pedy (a non-indigenous place in South Australia).³⁶ While *Kungka* is defined as a woman, *Tjuta* means many. In 1990 the Kungka Tjuta gathered in Coober Pedy and worked closely between one another to foster their traditional woman's culture including the transfer of stories and knowledge, the preservation of cultural performances, and the fulfilment of their obligation to protect the country.³⁷ Having said that, in 1995 they considerably expanded their purpose in land protection in response to the announcement of the Australian government plans to bury nuclear waste from Sydney's Lucas Heights nuclear reactor in the South Australian desert.³⁸ In particular, they were driven by the retentive memory of the *puyu pulka* (big smoke) from the British

<http://www.iratiwanti.org/iratiwanti.php3?page=kungkas>> accessed 26 May 2016.

³⁶ J. Lennon, (2000) *I'm the one that knows this country! The story of Jessie Lennon and Cooper Peddie*, Aboriginal Study Press, Canberra, p. 47.

³⁷ E. Vincent, 'Nuclear Colonialism in the South Australian Desert', *Local global: Identity, Security, and Community*, Vol. 3, 2007, p. 104.

³⁸ Seeds of Peace, 'Kupa Piti Kungka Tjuta and the Nuclear Waste Dump', <http://www.ncca.org.au/files/Reports_and_Publications/DOV/SoP_7C_KUPA_PITI_KUNGKA_TJUTA.pdf> accessed 26 May 2016.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ The Kupa Piti Kungka Tjuta, 'About the Kungkas', Irati Wanti Campaign (website), <<http://web.archive.org/web/20080718193219/>

nuclear test in the 1950s causing the chronic sickness and deaths of indigenous Australians.³⁹ That event is widely believed to have carried far-reaching implications for their lives, and, for that reason, they are not in favour of any nuclear proliferations initiated by the federal government.⁴⁰

Subsequently, the Kupa Piti Kungka Tjuta organized a vigorous campaign to reject the dumping plans proposed by the Federal Government's Department of Education, Science and Training (DEST) in collaboration with the Australian Nuclear Science and Technology Organisation (ANSTO).⁴¹ Their campaign, which was called 'Irati Wanti: The Poison, Leave it', started from 1998 to 2004.⁴² During their struggle, they received considerable support from a number of parties including environmental and anti-nuclear groups, the Australian Council of Trade Unions (ACTU), the South Australian United Trades and Labour

Council, and many others.⁴³ Despite the fact that they were only few women and it could be difficult to defeat the government, these Senior Aboriginal women strongly believed they would win the battle at the end.⁴⁴ Obviously, there had been an attempt made by the Australian government to a buy-off Aboriginal opponents with regards to dumping plans in 2002.⁴⁵ Indeed, an amount of \$90,000 was offered to three native groups (Kokatha, Kuyani, and Barngala) for enabling the federal government to take over their land. However, it failed due to the refusal of the Kokatha and Barngala.⁴⁶ They noted:

"Our Native Title rights are not for sale. We are talking about our culture, our lore, and our dreaming. We are talking about our future generations we're protecting here. We do not have a "for sale" sign up and we never will."⁴⁷

³⁹ A. Kerly and C. Deane, 'Green and Black: Aboriginal Australians and the Nuclear Industry', *New Internationalists*, Issue 382, p. 19.

⁴⁰ *Ibid.*

⁴¹ Vincent, *Op. Cit.*, p. 104.

⁴² Kupa Piti Kungka Tjuta, 'Irati Wanti – the Poison, Leave it', *Campaign (website)* <<http://echotango.org/portfolio/irati-wanti-the-poison-leave-it/>> accessed 26 May 2016.

⁴³ S. Harbison, 'Irati Wanti – The Poison, Leave it', *Green Left Weekly*, 17 September 2003, <<https://www.greenleft.org.au/node/29031>> accessed 26 May 2016.

⁴⁴ Low and Gleeson, *Op. Cit.*, p. 15.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

Moreover, the Kupa Piti Kungka Tjuta also maintained their stance on the matter of nuclear dump plans. In this respect, they said:

We are the Aboriginal women - Yankunytjatjara, Antikarinya, and Kokatha. We know the country. The poison the Government is talking about will poison the land. We're worrying for the country and we're worrying for the kids. We say "NO radioactive dump in our ngura, in our country." It's strictly poison, we don't want it.⁴⁸

Finally, the campaign has proven to be successful in convincing the Federal Government to stop proposing nuclear dump. As a matter of fact, on 14 July 2004 the Australian government announced the cancellation of its plans to dump the nuclear waste in the remote South Australia.⁴⁹ Notwithstanding the Federal Government attempted to turn out the

dump plan in the Northern Territory afterwards, it found outright rejection from a strong campaign organized by traditional owners up there (Aboriginal people).⁵⁰

Case Study II: International Campaign to Abolish Nuclear Weapon (ICAN) in Australia

The ICAN is a global campaign coalition which aims to convince the cosmopolitan public and mobilize them to take actions against their government in conjunction with the ban of nuclear proliferations.⁵¹ In doing so, this campaign attempts to persuade countries, international institutions, civil society, and other important actors to seriously consider the nuclear proliferation as an instrument-threatening the harmony of the world and causing an environmental disaster.⁵² In 2007 ICAN Australia was officially launched at the Victorian parliament house in Melbourne. From then onwards, this campaign has

⁴⁸ I. M. Stewart, *et al.*, (2008). "Talking Straight Out: Stories from the Irati Wanti Campaign," *Alapatja Press*, , Coober Pedy, p. 9.

⁴⁹ Friends of the Earth Australia, 'The Successful Campaign Against Nuclear Dumping in South Australia', *Friends of the Earth Australia (website)*, <<http://www.foe.org.au/anti-nuclear/issues/oz/nontdump/winnerz>> 26 May 2016. See also S. Scopelianos, 'A Timeline of South Australia's Nuclear Dump Debate', ABC News, 5 May 2016, <<http://www.abc.net.au/news/2015-09-22/a-timeline-of-south-australia's-nuclear-dump-debate/6794606>> accessed 26 May 2016.

⁵⁰ Green, 'Why Australia should not become the world's nuclear waste dump', p. 12.

⁵¹ International Campaign to Abolish Nuclear Weapons (ICAN), 'Campaign Overview', *International Campaign to Abolish Nuclear Weapons (website)*, <<http://www.icanw.org/campaign/campaign-overview/>> accessed 27 May 2016.

⁵² *Ibid.*

successfully encouraged individuals and organisations from all around the world to take a course of action for a treaty banning nuclear weapons.⁵³ In Australia, this campaign has collaborated closely with Aboriginal Australians offering them an opportunity to stand up for their rights particularly in response to SA nuclear waste dump plans. Indeed, in April 2016 the ICAN facilitated ‘The Black Mist White Rain Speaking Tour’ running for over four days in four different states across Australia (Adelaide, Melbourne, Sydney, and Brisbane).⁵⁴

Many of the speakers on the tour were the victims’ family of British nuclear tests in the 1950s in the South Australian desert.⁵⁵ Prior to their talks, they had attended a range of international events for sharing their

stories about nuclear events in Australia and gathering a global support in regards to the nuclear dump plans.⁵⁶ For instance, in December 2014 Sue Coleman-Haseldine, born at the Koonibba mission near Maralinga - South Australia – a site of British nuclear tests, visited Austria to give her testimony at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons.⁵⁷ She told the participants about far-reaching implications of the British nuclear testing on Aboriginal land as well as on her family and the indigenous Australians communities in South Australia.⁵⁸ In the same light, Karina Lester also delivered a speech about her family’s stories at the World Nuclear Victims Forum in Hiroshima in November 2015.⁵⁹ Her father, Yankunyjtajjara elder Yami Lester, was blinded due to the ‘black mist’ fallout produced by the British nuclear tests in the desert of South Australia.⁶⁰ For that reason, she strongly opposed any nuclear proliferation including the

⁵³ International Campaign to Abolish Nuclear Weapons (ICAN), ‘About ICAN in Australia’, *International Campaign to Abolish Nuclear Weapons* (website), <<http://www.icanw.org/au/ican-australia-people/>> accessed 27 May 2016.

⁵⁴ International Campaign to Abolish Nuclear Weapons (ICAN), ‘Black Mist White Rain: Nuclear Testing in Our Region’, *International Campaign to Abolish Nuclear Weapons* (website), <<http://www.icanw.org/au/bmwr/>> accessed 27 May 2016.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

plans for the nuclear dump in South Australia.⁶¹

Case Study III: Amnesty International and Australian Nuclear Free Alliance (ANFA)

Amnesty International also plays a pivotal role in advocating the rights of Aboriginal people in conjunction with nuclear dump plans in South Australia.⁶² Indeed, it collaborates with Aboriginal people, communities, and institutions in Australia in order to make sure the indigenous rights are well-protected and respected.⁶³ In particular, it aims to ensure the rights mentioned in the UN Declaration on the Rights of Indigenous Peoples including decision-making about their future, are conducted in a practical and effective way.⁶⁴ The issues it advocates consist of three main areas: Aboriginal and Torres Strait Islander overrepresentation in the context of criminal justice system; the rights of Aboriginal people to live on their

ancestral land; and rights to have freedom from any discrimination and constitutional reforms.⁶⁵ Amnesty International's Indigenous rights staff are Aboriginal people from across Australia who are widely believed as adviser and expert for advocating indigenous issues in Australia.⁶⁶ One of the programs it has conducted to date is to support the Aboriginal community of Muckaty (Manuwangkyu) to fight against the radioactive waste dumping proposed by the Federal Government.⁶⁷

Moreover, there is also an Australian Nuclear Free Alliance (ANFA) comprising Aboriginal Australians and civil society groups aiming to reject any nuclear proliferations on Aboriginal lands.⁶⁸ Established in 1997, this alliance offers a valuable window of opportunity to share ideas and thoughts in order to preserve the Aboriginal culture and

⁶¹ *Ibid.*

⁶² Amnesty International (Australia), 'Our Campaign for the Rights of Indigenous Peoples', *Amnesty International (website)*, 16 December 2015,

<http://www.amnesty.org.au/indigenous-rights/comments/24406/> accessed 28 May 2016.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Amnesty International (Australia), 'Past Recipients of Human Rights Innovation Fund', *Amnesty International (website)*, 26 April 2013, <http://www.amnesty.org.au/about/comments/21837/> accessed 28 May 2016.

⁶⁸ Australian Nuclear Free Alliance (ANFA), 'About Us', *Australian Nuclear Free Alliance (website)*, <http://www.anfa.org.au/about/> accessed 28 May 2016.

protect the country from nuclear developments.⁶⁹ In doing so, ANFA appeals to all nuclear countries not to consider Australia as the destination of the nuclear waste dump. They argue that the nuclear industry has put their lands at a disadvantage, starting from the British nuclear tests to uranium exploration to the proposed nuclear waste storage facility.⁷⁰ In 2015, ANFA representations attended the World Uranium Symposium in Quebec, Canada, and then sought for having a connection with the international nuclear-free movement.⁷¹ This alliance believes that such a connection would help them to share information, experiences, and campaign ideas in order to foster their movement.⁷² So far, this alliance has established a connection with First Nation people, activists and environmental institutions in Taiwan,

Saskatchewan (Canada), and Africa.⁷³ In practice, ANFA has proven successful strengthening the campaign against the proposed nuclear waste dump in the remote South Australia and in Northern Territory.⁷⁴

The Arguments For and Against The Plans For A Nuclear Dump in South Australia.

It could be argued that by using the Aboriginal land for the establishment of nuclear dump sites, it may overcome the disadvantages encountered by them.⁷⁵ For this reason, in 2005 the former Prime Minister Bob Hawke asserted that Australia should become the world's nuclear waste dump.⁷⁶ On this matter, Dr. Jim Green observes that Australia is one of many countries that consider nuclear waste dumping as the means to alleviate the poverty faced by

⁶⁹ *Ibid.*

⁷⁰ Australian Nuclear Free Alliance (ANFA), 'Sign the Declaration', *Australian Nuclear Free Alliance (website)*, <<http://www.anfa.org.au/sign-the-declaration/>> accessed 28 May 2016.

⁷¹ Australian Nuclear Free Alliance (ANFA), 'ANFA National Meeting Statement-2015', *Australian Nuclear Free Alliance (website)*, <<http://www.anfa.org.au/anfa-national-meeting-statement/>> accessed 28 May 2016.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Australian Nuclear Free Alliance (ANFA), 'About Us', *Loc. Cit.*

⁷⁵ Green, 'Why Australia should not become the world's nuclear waste dump', p. 12. See also *The Guardian*, 'Bob Hawke: Nuclear waste storage could end indigenous disadvantage', the *Guardian (website)*, <<http://www.theguardian.com/world/2014/aug/03/bob-hawke-nuclear-waste-storage-could-end-indigenous-disadvantage>> accessed 29 May 2016.

⁷⁶ Green, 'Why Australia should not become the world's nuclear waste dump', *Loc. Cit.*

indigenous people.⁷⁷ Also, nuclear power may offer a solution to tackle global warming by providing a non-polluting alternative to fossil fuels in which many countries are pursuing including Australia.⁷⁸ However, the use of nuclear power may lead to a terrible catastrophe for human beings and the environment. As written by Professor John Veevers from Macquarie University in the Australian geologist in 1999 that an international high-level nuclear waste dump will enormously contribute to the severe public health and environmental damage.⁷⁹ In this context, Veevers asserted, 250,000 tonnes of dangerous radioactive waste from the northern hemisphere would settle in Australia for at least 10,000 years marking Australia as a potentially dreadful place to live.⁸⁰ By the same token, Clarke also emphasizes that people would feel the tremendous heat coming from the reactor nuclear fuel as

well as the potentially dangerous radioactive waste for thousands of years to come.⁸¹

Furthermore, one of the most compelling arguments in support of building a nuclear waste storage is simply because the South Australian desert is deemed as a remote wasteland and low inhabitants – impact few people.⁸² This thought is driven by the history of white exploration. According to Haynes, the arid interior is seen as a model of ‘blank space’ and it contributed to the sense of fear during the colonial history.⁸³ Haynes states that “The changelessness ascribed to the desert was also attributed to its Indigenous inhabitants; both were seen as primitive, obdurate and inimical to civilisation”.⁸⁴ Also, a state is capable of declaring sovereignty over new lands at international law based on three means: conquest, cession, and occupation of territory which was

⁷⁷ *Ibid.*

⁷⁸ Martin, *Op. Cit.*, p. 43.

⁷⁹ Friends of the Earth Australia, ‘Australia as the world’s nuclear waste dump?’, *op. cit.*

⁸⁰ J.J. Veevers, ‘Disposal of British RADwaste at home and in antipodean Australia’, Department of Earth & Planetary Sciences (Australian Geologist), Macquarie University, <<http://web.archive.org/web/20120410062832/http://eps.mq.edu.au/media/veevers1.htm>> accessed 29 May 2016.

⁸¹ R. Clarke, ‘Nuclear Waste Dump in South Australia’, Green Left Weekly, Issue 1091, 19 April 2016, p. 8.

⁸² Vincent, *op. cit.*, p. 105.

⁸³ R. D. Haynes, (1998) *Seeking the Centre: The Australian Desert in literature, art, and film*, Cambridge University Press, Cambridge, p. 34.

⁸⁴ *Ibid.*

known as *terra nullius*.⁸⁵ However, Aboriginal Australians consider the desert as a precious land. As a matter of fact, the Anangu people, whose home is the desert, do not discern it as a 'blank space'.⁸⁶ For them, 'it is a network of known places, full of meaning. Rather than dead, it is life-sustaining'. Based on the oral histories, they believe that the desert is full of place names, history of a journey, and long-distance travelling.⁸⁷ Indigenous Australians also regard the land as a representation of their culture.⁸⁸ In this respect, Irene Watson, a survivor of *terra nullius*, observed that the struggles made by Aboriginal people related to sovereignty over their land are perceived by states as a threat to 'territorial integrity'.⁸⁹ Thus, it is expected that the federal government can change its perspectives in regards to indigenous rights over the dump plans.

It has also been argued that Australia is responsible for processing its nuclear waste. Indeed, Australia's nuclear waste was exported to France to be reprocessed and sent back to the temporary storage facility at Sydney's Lucas Heights.⁹⁰ Owing to this, many believe that Australia should find its own somewhere safe to store it. Accordingly, in 2007 the Federal Council of the Liberal Party adopted a resolution to host an international nuclear dump in Australia.⁹¹ The resolution emphasized that it was crucial for Australia to expand its uranium mining in collaboration with nuclear power generation and global nuclear waste storage.⁹² Soon after, six sites were shortlisted and added to the nuclear dump plans.⁹³ However, Falk et

⁸⁵ S. Dodds, 'Justice and Indigenous land Rights', *Inquiry*, Vol. 41, No. 2, 1998, p. 189.

⁸⁶ Vincent, *Op. Cit.*, p. 106.

⁸⁷ *Ibid.*

⁸⁸ Friends of the Earth, 'Australians leading the charge for a nuclear weapons-free world', *Chain reaction (Australian Public Affairs)*, No. 123, 2015, p. 5.

⁸⁹ I. Watson, 'Buried Alive', *Law and Critique*, Vol. 13, No. 3, 2002, p. 268.

⁹⁰ L. Hyams, 'Nuclear waste arrives at temporary Lucas Heights storage facility after being processed in France', *ABC News*, 6 December 2015, <<http://www.abc.net.au/news/2015-12-06/nuclear-waste-arrives-at-lucas-heights-storage-facility/7005516>> accessed 30 May 2016.

⁹¹ Friends of the Earth Australia, 'Australia as the world's nuclear waste dump?' *op. cit.*

⁹² *Ibid.* See also M. Sevier, 'Considerations for Nuclear Power in Australia', *International Journal of Environmental Studies*, Vol. 63, No. 6, 2006, p. 859.

⁹³ Cortlinye, Pinkawillinie, and Barndioota are the three proposed sites situated in South Australia whereas Hale in the Northern Territory, Sallys Flat in New South Wales and

al asserted that the initiative of building nuclear dump may contribute to the proliferation of nuclear hazards triggering the nuclear war among nations.⁹⁴ In this context, the Ranger Uranium Environmental Inquiry (RUEI) also discovered that Aboriginal elders are extremely concerned about uranium mining and nuclear power because these two activities would weaken their spiritual and physical relationship with their land.⁹⁵ By the same token, the Prime Minister, Malcolm Turnbull, in 2015 predicted that Australia may continue to send its nuclear waste to other countries to proceed. He was a bit sceptical about whether Australia could establish the nuclear power stations in the near future.⁹⁶ In addition, Falk et al. also

found that the plans for a nuclear waste storage are firmly opposed to the Australian Radiation Protection and Nuclear Safety Act 1998 it has committed to.⁹⁷

Finally, the tentative findings from Nuclear Fuel cycle Royal Commission in 2016 noted that the development of nuclear activities could enhance the well-being of the South Australian community and it therefore should go ahead.⁹⁸ However, the report had not discussed any accidents related to nuclear reactors. Indeed, Dr. Jim Green found that it had not mentioned the closing down of a New Mexico waste storage due to a chemical explosion in 2014, neither had the report revealed the fire spread at a nuclear waste dump in Nevada in 2015.⁹⁹ To respond to the

Oman Ama in Queensland are the optional. See M. Doran, 'Six sites shortlisted for Australia's first nuclear waste dump; Government faces battle to convince locals worried over safety', *ABC News*, 14 November 2015,

<<http://www.abc.net.au/news/2015-11-13/government-releases-shortlist-sites-for-nuclear-waste-storage/6937244>> accessed 30 May 2016.

⁹⁴ J. Falk, J. Green, and G. Mudd, 'Australia, uranium and nuclear power', *International Journal of Environmental Studies*, Vol. 63, No. 6, p. 847.

⁹⁵ *Ibid.*

⁹⁶ The Guardian, 'Australia could store nuclear waste for other countries, Malcolm Turnbull says', *The Guardian (website)*, 28 October 2015,

<<http://www.theguardian.com/environment/2015/oct/28/australia-could-store-nuclear-waste-for-other-countries-malcolm-turnbull-says>> accessed 31 May 2016.

⁹⁷ Falk, Green, and Mudd, *Op. Cit.*, p. 849

⁹⁸ Nuclear Fuel Cycle Royal Commission tentative findings, 'Overview', *Nuclear Fuel Cycle Royal Commission (report)*, Adelaide, South Australia, 2016, p. 2, <<http://nuclearrc.sa.gov.au/app/uploads/2016/02/NFCRC-Tentative-Findings.pdf>> accessed 31 May 2016.

⁹⁹ D. Keane, 'Nuclear Fuel Cycle Royal Commission: final report expected to reiterate support for dump', *ABC News*, 9 May 2016, <<http://www.abc.net.au/news/2016-05-09/nuclear-fuel-cycle-royal-commission-final>>

report, Aboriginal people organized a protest by saying it could be ‘cultural genocide’ and a threat to their society.¹⁰⁰ Even though Australia did not sign the UN Declaration on the Rights of Indigenous Peoples in 2007, it has worked out its stance and finally ended up with the official endorsement of the Declaration on 3 April 2009.¹⁰¹ Hence, Australia should be straightforward to recognize indigenous rights, listen to what they say, and ensure the place they live is environmentally safe. As stated in Article 29 (2) of the declaration, “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior, and

informed consent.”¹⁰² So far, Australia has shown its respect for the rights of Aboriginal people over their land by not forcing the plans for the high-level nuclear dump.

CONCLUSION

This paper has examined how Indigenous Australians commenced a global movement in order to reject the plans for establishing an international nuclear dump in South Australia’s remote Aboriginal lands. They are driven by the unforgettable experience when the British government undertook nuclear tests in 1950s. Indeed, the tests have resulted in the deaths and long-term sickness encountered by Aboriginal people. Moreover, the three case studies have shown how powerful the struggle is to make a movement against the proposed nuclear dumps. Firstly, the ‘Kupa Piti Kungka Tjuta’ campaign comprising Aboriginal women elders was effective in convincing the federal government to abandon the nuclear dump plans in

[report-to-be-revealed/7394400](#)> accessed 31 May 2016.

¹⁰⁰ C. Campbell, ‘Nuclear dump protesters warn of ‘cultural genocide’ in South Australia, *ABC News*, 16 May 2016, <<http://www.abc.net.au/news/2016-05-16/nuclear-dump-protesters-warn-of-cultural-genocide-in-sa/7419406>> accessed 31 May 2016.

¹⁰¹ Amnesty International (Australia), ‘Declaration on the Rights of Indigenous Peoples’, *Amnesty International (website)*, 16 December 2015, <<http://www.amnesty.org.au/indigenous-rights/comments/20815/>> accessed 31 May 2016.

¹⁰² United Nations Declaration on the Rights of Indigenous Peoples, <http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf> accessed 31 May 2016, p. 11.

2004. Secondly, in collaboration with indigenous Australians, the ICAN has organized events including 'The Black Mist White Rain Speaking Tour' to offer a window of opportunity for Aboriginal Australians to tell their stories and to gather support from the international community against dump plans. Finally, Amnesty International has also enabled Aboriginal Australians to speak up against the dump. In the same way, ANFA plays a pivotal role in making a connection with other groups and institutions overseas to obtain campaign ideas and pressure the Australian Federal Government not to consider any nuclear developments in Australia.

Furthermore, while it is true that the establishment of nuclear dumps could end the disadvantages faced by the aboriginal people and offer a solution to global warming, nuclear accidents are unavoidable and likely to happen. It threatens human beings and environment, and harm public health as in many other countries. Even though the Australian government considers the desert as a blank space and a remote wasteland, it is worthy land for Aboriginal people in respect to their

culture and way of life. Also, despite the fact that Australia is expected to find a storage for its nuclear waste, it is possible to look for the dump in other countries. This is vital because the establishment of a nuclear dump in Australia could stimulate the development of nuclear weapons and also bring tonnes of dangerous radioactive materials to settle in Australia. The findings reported from the Nuclear Fuel Cycle Royal Commission is incomplete and does not reflect accurately the full issues as it did not mention any nuclear accidents experienced by other countries over the last few years or to detail the reasons for Aboriginal peoples' opposition to the dump. More importantly, in 2009 the Australian government has endorsed the UN Declaration on the Rights of Indigenous Peoples. Therefore, it is expected that the federal government can fulfil its obligations to not only ensure the rights of indigenous Australians are protected, but also to guarantee the place they live is safe.

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