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Original Article

Ranger Uranium Mine and the *Mirarr* (Part 1), 1970–2000: The risks of 'riding roughshod'

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ABSTRACT

The *Mirarr* struggle against uranium mining on their ancestral lands commenced in the 1970s, when the Australian government disregarded *Mirarr* opposition to the development of the Ranger mine and exempted the community from exercising rights granted to First Peoples under the *Aboriginal Land Rights (Northern Territory) Act 1976*. This paved the way for construction of Ranger and the adjacent town of Jabiru. Ranger has been a continuing source of conflict between the *Mirarr* and their representative organisation (the Gundjeihmi Aboriginal Corporation), the Northern Land Council, the mine's operator (Energy Resources of Australia), and the Commonwealth government ever since. This paper, the first of two charting the relationship over time between *Mirarr* and Energy Resources of Australia, examines the history and legacy of Ranger and the proposed Jabiluka uranium development. Reporting on primary data gathered during interviews with key stakeholders in the mining company, Gundjeihmi Aboriginal Corporation, Jabiru community, regulatory agencies and other knowledgeable respondents, it finds that there was systematic indifference to the impacts of mining on *Mirarr* and limited regulatory oversight. The paper employs the interpretive lenses of rights, social and business risk, and social impact in order to understand the legacies of the mine and to present a modern interpretation of Ranger's history.

1. Introduction

The Ranger Uranium Mine in Australia's Northern Territory has been the subject of continual rancour and opposition since it first was proposed in the 1970s. Situated on the ancestral lands of the *Mirarr* Traditional Owners some 250 kilometres East of Darwin, and surrounded by the World Heritage Listed Kakadu National Park, the mine received equivocal support from some regional Indigenous leaders and the Northern Land Council (NLC), the peak statutory body charged with representing and managing the interests, lands and seas of First Peoples in the Territory's northern region (RUM-JTC-2; Bowers, 1978). However, *Mirarr*, who have inhabited the Alligator Rivers Region for at least 50,000 years (Roberts et al., 1990), publicly have been vocal in their opposition to Ranger and consistently have expressed anger at their treatment by the Commonwealth government, regulators and the mine's operator, Energy Resources of Australia (ERA) (GAC, 2011). As a consequence of the presence of the mine, *Mirarr* Traditional Owners, through their representative organisation, the Gundjeihmi Aboriginal Corporation (GAC), have reported experiencing impacts on the practise of traditional culture, the health and wellbeing of community members, their country, and the regional environment (Katona, 1999; GAC, 1999, 2002, 2005; GAC, n.d.).

While the history of Ranger and how it came to be has been well documented (see, for example: Fox, 1976, 1977; O'Brien, 2003; Tolazzi, 2012), it is worth revisiting this history in order to arrive at an understanding of how historical events have influenced contemporary relationships at Ranger, and to derive lessons for the uranium industry's engagement with First Peoples more broadly. The discourse on Ranger and the proposed Jabiluka development in the 1970s, 80s and 90s was inflammatory, tending to cast *Mirarr* and ERA as opponents locked in conflict, with the community, inter alia, powerless to withstand the forces of social change precipitated by the presence of the mine and the prospective Jabiluka development. However, in the years since the acrimonious debates of the mid- to late-1990s over the future of mining in the Region, more moderate perspectives have emerged on this period and on the relationship between ERA and *Mirarr*.

Reporting on data obtained from interviews with key stakeholders during two field visits to Jabiru (the main town servicing Ranger) and Darwin in the final quarter of 2013, this paper reflects

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the emergence of this moderate discourse and brings up to date the literature on the period. Using the lenses of human rights, social risk and business risk, and social impact, the paper examines the history of the Ranger mine, its impacts, and the relationship between ERA and *Mirarr*. The utility of this approach is discussed in Graetz and Franks, 2013, Graetz and Franks, forthcoming and Kemp et al. (2011), with the latter asserting that '[t]he inequitable distributions of risks, impacts, and benefits are key drivers of resource conflicts' (2011, 93).

The scope of the paper is limited to discussion and analysis of events that occurred during the three decades to 2000, for two reasons. First, the year 2000 marks the point at which time ownership of ERA changed. This was a watershed moment in the history of Ranger and a separate paper is warranted for the discussion and analysis of events since the change of ownership. Second, given the emergence of more moderate perspectives on the history of the Ranger mine, there is value in (re)exploring this history in some detail. The timing of this paper also is felicitous, given statements by the GAC about the future of mining at Ranger following the December 2013 leach tank failure at the mine (Elliott, 2013; ABC News, 2013), as well as the pending regulatory decision on whether ERA will be permitted to develop the proposed Ranger 3 Deeps underground mine, which is due in 2015. These issues are discussed at length in part two (Graetz, forthcoming).

2. Methodology

Data for this study were collected during two stages of research. The first stage involved a desktop review of the existing publicly available literature, including company and government reports, publications by Indigenous representative organisations, media reports, and the academic literature across a range of disciplines. The second stage of data collection comprised interviews with key stakeholders, participant observation—the epistemology of which is discussed in Atkinson and Hammersley (1994)—and shadowing (McDonald, 2005; Czarniawska, 2007) of a senior member of ERA's community relations team during two field visits to Jabiru and Darwin in September and October 2013 for a period of one month. ERA personnel, Jabiru town residents, regulators and other knowledgeable observers in industry and academia were interviewed. Many respondents had dual or multiple affiliations with different stakeholders. Some have served in local government and/or regulatory roles. Only primary current affiliations are reflected in the respondent codes in order to protect identities. Stakeholders in civil society, representatives of the NLC and other members of the academe either declined to participate in the research or did not respond to requests for interviews. Interviews with several former ERA employees were conducted in Brisbane. Two interviews were conducted by telephone, and one respondent provided written responses to questions via e-mail. In addition, the author observed and/or participated in seven meetings at ERA, attended a full Ranger site induction and engaged in a number of confidential 'off the record' conversations with knowledgeable stakeholders to obtain supplemental contextual information. The author conducted three extended telephone interviews with a senior GAC staff member totalling three and a half hours, and met with GAC representatives during the field visit to Jabiru. There also was e-mail correspondence between the author and GAC staff during the course of the research.

Twenty-two informants initially were approached via telephone and e-mail, having been identified through a mapping exercise of the major stakeholders. Informants also facilitated introductions in line with the snowball sampling method (Noy, 2008). There were 18 formal respondents, representing an 82 per cent success rate. There were six female and 12 male respondents; several respondents were First Australians. Interviews totalled 27 h, with the average length of interview being approximately one hour. Detailed notes were kept for all interviews, and all but four respondents granted consent for their interview to be recorded. One respondent withdrew from the study. Respondents' names have been de-identified; however, they have been assigned a unique code based on the stakeholder group to which they belong. Stakeholder groups, respondent codes, and interview dates are provided after the bibliography. Respondents have had the opportunity to review and comment on an earlier draft of this paper. Amendments were made based on reviews undertaken by respondents.

In addition, over the course of ten months (December 2012 to September 2013), the author negotiated with ERA to gain access to the Ranger mine site, company personnel, and corporate documents, as well as to secure status as an observer of the social impact assessment (SIA) for the proposed Ranger 3 Deeps underground development. Plans to observe the SIA did not proceed, with fieldwork undertaken independent of the SIA process. A separate agreement was reached with the GAC, which represents the rights of *Mirarr*. As a consequence of this agreement, the GAC was provided an opportunity to participate in the research, and to read, comment on, and provide clarifying supplementary material for the paper. *Mirarr* Traditional Owners chose to participate in the research through the agency of the GAC.

As noted above, the author made two visits to Jabiru and Darwin. Both visits received logistical support from ERA. Neither the company nor the GAC exercised editorial control over the argument of the paper. Ethics approval for the project was obtained from The University of Queensland's Behavioural and Social Sciences Ethical Review Committee.

3. The history of uranium mining in the Alligator Rivers Region

3.1. The geological survey of uranium

The Ranger mine and *Mirarr* traditional lands are located within the Alligator Rivers Region of the Northern Territory. The Region encompasses approximately 28,000 square kilometres of biodiversity-rich lands, and includes Kakadu National Park, extensive Ramsar-listed wetlands, and various water catchments (DE, n.d.). The Region continuously has been home to First Peoples for at least 50,000–60,000 years (Roberts et al., 1990). There are 30 settlements within the Region, ranging in size from town camps, through family outstations, to the major community of Gunbalanya (Carr, 2014). *Mirarr* are based at *Djirrbiyuk* (Whistle Duck) outstation, with some members of the community living at Mudginberri Outstation.

Uranium was first geologically surveyed in the South Alligator Valley in 1953 at Coronation Hill. Between 1953 and 1960, 20 further deposits were identified, with 13 of these mined between 1959 and 1965. Regulatory governance of the social and environmental impacts of mining was lax during this period (RUM-REG-1). Four major uranium deposits subsequently were discovered in the Region: Ranger (1969), Nabarlek and Koongarra (1970), and Jabiluka 1 (1971) (Giblin, 2004). Jabiluka 2, a much larger deposit, was identified in 1973. Nabarlek was mined over 143 days during the dry season of 1979–1980, with milling completed in 1988 (Waggitt, N.d.; Paulka, 2012). It since has been rehabilitated, but is yet to be granted regulatory release. Due to the wishes of Jeffrey Lee, the Senior Traditional Owner of the *Djok* clan, as well as Commonwealth government legislation that effectively restricted the number of uranium developments in Australia, the Koongarra deposit was not mined. Koongarra successfully was incorporated into Kakadu National Park in 2013, having achieved World Heritage Listed status in 2011 (Burke, 2013). French uranium company, Areva, unsuccessfully had sought to mine the deposit