

Aboriginal alliance fights against 'cultural property crime'

RIO TINTO'S blasting of the 46,000-year-old caves at the Juukan Gorge in the Pilbara has badly damaged the relationship between the native title sector and the resources industry and will take much time and major reforms to repair.

Writing in the *Saturday Paper* about the Juukan Gorge caves, Professor Marcia Langton said "along with several other places, they held evidence of the astonishing antiquity of human occupation on this continent".

"The religious significance of the sites and the archaeological evidence for their preservation was raised with Rio Tinto before the destruction. It is my belief that Rio Tinto wilfully ignored and suppressed this information."

And while the company has been condemned for destroying the caves so it could mine \$135 million worth of iron ore, Ms Langton argued the power to stop resource companies from vandalising the cultural heritage of Aboriginal people lies firmly with governments.

She said the Australian Government could have prevented this "cultural property crime" if it had nominated the caves for world heritage status.

France succeeded in listing its much less ancient Lascaux Cave on the UNESCO World Heritage List in 1979.

Ms Langton said the reason the Australian Government didn't do the same for the Juukan Gorge caves is simple: "They were not valued in the same way by Australian governments".

"The settler obliteration of our landscapes is so normalised that the laws protecting the company are greater than those protecting our most important religious places," she said.

"The very idea that Rio Tinto has committed a cultural property crime – and that mining companies that destroy significant cultural heritage places across Australia are engaged in criminal activity – would not be countenanced in Australian legal and political circles."

Ms Langton said "neither Rio Tinto personnel nor the responsible minister in the federal government considered the cultural and heritage value of the Juukan Gorge before it was destroyed".

"The minister had the power to intervene, and was cognisant of [knew about] the importance of the sites, but did nothing."

"The complicity in this and hundreds of other cases is a failure of the Australian regulatory systems for mining and cultural heritage," Ms



Professor Marcia Langton wants the Australian Government to take the lead in protecting cultural sites. Photo: Belinda Mason



The Juukan Gorge caves before and after the blast.

Langton said.

CLC Chief Executive Joe Martin-Jard believes that law makers have a strong responsibility for reforming cultural heritage laws that permit the destruction of

to allow Aboriginal people to make decisions on their own cultural heritage, based on free, prior and informed consent," he said.

The CLC's submission to the federal parliamentary

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places other civilised nations would be proud to call their own.

"Our heritage laws need

inquiry into the destruction of the caves argued that responsibility at the federal level belongs not with the

environment portfolio but with Aboriginal affairs.

The minister responsible for this portfolio, Indigenous Australians Minister Ken Wyatt, agreed with Ms Langton's comment to the ABC's Radio National Drive program that Aboriginal custodians "must have the power to say no" to the destruction of significant sites.

He told the same program that Ms Langton's call for a veto right was "very valid".

Until heritage laws are reformed to better protect Aboriginal sites, the CLC submission argued, governments should stop making decisions that will damage them.

In the Northern Territory, sacred sites are protected by the Aboriginal Land Rights Act (ALRA), the Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act, the Northern Territory Sacred Sites Act (NTSSA) and a few other laws, but there is still a risk that what happened in the Pilbara could happen here.

The NTSSA gives the relevant NT minister the power to let developers and miners desecrate or destroy a sacred site and history has shown that it will be used.

When the Northern

Territory Government wanted to build a dam in the late 1990s that would have flooded the Atniltye, Atnyere Arrkelthe and Urewe Aterle sites at Junction Waterhole near Alice Springs, the NT minister issued an Aboriginal Areas Protection Authority (AAPA) certificate to allow the dam.

The federal Minister for Aboriginal and Torres Strait Islander Affairs at the time used the ATSIHP Act in 1992 to override the NTSSA and protect the sites.

The CLC wants to prevent a repeat by:

- removing the NT minister's power to make decisions that could lead to the desecration of a sacred site

- inserting a right to review the minister's and the AAPA's decisions if custodians ask for it or if more information comes to light, and

- giving greater recognition to the CLC's sacred site clearance certificates and the NT land councils' important role in protecting sacred sites under the ALRA.

"The international attention on the flaws of our cultural heritage protection should give the NT Government a strong reason to make long overdue reforms to the NTSSA," Mr Martin-Jard said.