



# First Nations

HERITAGE PROTECTION  
ALLIANCE

## Written Testimony for the House Natural Resources Committee *Re: Legislative Hearing on H.R. 1844, the Save Oak Flat Act*

20 April 2021

The First Nations Heritage Protection Alliance is an Australian organisation made up of Indigenous leaders from every state and Territory of our nation. These leaders are the heads of democratically elected Indigenous representative bodies. The Alliance was formed in 2020 after the mining company, Rio Tinto destroyed the irreplaceable 46,000-year-old Juukan Gorge Cave, a site of immense cultural and historical significance. This site contained large numbers of irreplaceable Indigenous artefacts and was evidence of an unbroken ancestral connection with the contemporary Indigenous custodians of the land.

We write to you to raise our strongly held concerns about the possible destruction of sacred Apache Land in Arizona by the same company, Rio Tinto, that destroyed the Juukan Gorge in Australia. It seems clear that the plans by Resolution Copper (a wholly Australian owned mining company) proposes to mine copper at Oak Flat in Arizona is against the stated wishes of the Indigenous tribes who are associated with land.

### Parallels to the destruction of Juukan Gorge

The destruction of Juukan Gorge has had a devastating impact on the traditional owners of the site, the Puutu Kunti Kurrama and Pinikura (PKKP) People as well as on broader Australian society.

The destruction, likened by the UN to the Taliban destroying the Bamiyan Buddhas, has destroyed an irreplaceable cultural treasure, seriously eroded trust in the mining sector generally across the country and has caused investors in Australia and internationally to begin to rethink their approach when it comes to companies that engage with First Nations Peoples. The relationship that First Nations Peoples have with the land goes beyond a simple custodian relationship. The deep spiritual, customary and religious connection between people and land is a common feature of indigenous Peoples around the world. Allowing destructive mining at Oak Flat would be akin to mining under the Sydney Opera house or the Lincoln Memorial.

In his submission to the Australian joint-Parliamentary inquiry on the destruction of Juukan Gorge, Chairman Terry Rambler of the San Carlos Apache said, "This wholesale, unmitigated destruction affects all indigenous people throughout the world." The Alliance members feel this same way about the potential destruction of Oak Flat. We understand the incredible significance of this site and all of the cultural, social, religious and ecological value that it holds.





We know firsthand from the destruction of cultural heritage here in Australia, that these values are often irreplaceable. No amount of compensation or apology can ever adequately make up for the loss of a site of the importance of Oak Flat or Juukan Gorge. All peoples, not just the Indigenous custodians are left poorer for the destruction of these sites.

The interim report issued in December 2020 by the joint parliamentary inquiry into the destruction of Juukan Gorge caves was called “Never Again”. The destruction of this site by Rio Tinto was recognised to be such a profound loss to the PKKP people, the Australian community, and the international community that it should never be allowed to occur again. Despite this, we now face the prospect of Rio Tinto and their partners yet again destroying a massively significant, irreplaceable site for profit.

Rio Tinto were fully aware of the value of the Juukan Gorge site and of the PKKP’s opposition to its destruction. There was significant archaeological evidence, much of it commissioned by Rio Tinto itself. Despite this they failed to adequately consult, misled the traditional owners about available options and failed to live up to any accepted standard of decent conduct. This conduct led to international condemnation and the removal of several of their key personnel including their CEO and the Chairman of their board.

The inquiry found that; “Collectively, these deficiencies represent more than just a series of ‘unfortunate mistakes’ or mere ineptitude by individuals. Rio Tinto’s conduct reflects a corporate culture which prioritised commercial gain over the kind of meaningful engagement with Traditional Owners that should form a critical part of their social licence to operate.

## Oak Flat

We know from our dealings with North American Indian groups that Chi’chil Bildagoteel (Oak Flat) is a site of upmost significance to a number of tribes. There is unanimous opposition to the mining at Oak Flat. If this project proceeds we will see Australian mining companies destroy yet another irreplaceable site of vast religious and cultural value against the wishes of Indigenous peoples.

Resolution Copper’s plans to mine the site (detailed in several other submissions to this hearing) will cause immense destruction to this site leaving in its wake a crater over 1,000 feet deep. The volume of water that Resolution copper proposes to exploit is also phenomenal and should be a cause for great concern in a state as dry as Arizona. Even the most conservative estimates of water use for the Oak flat mine has the Australian owned mining company extracting 1.3 times more water than is contained in the entire Sydney harbour system.

### **Mining at Oak Flat is a direct threat to the UN Sustainable Development goals**

There is broad international consensus that all nations need to take decisive action to combat environmental degradation and poverty. The Sustainable development Goals, to which the United States is a signatory, contains seventeen clear and important goals to achieve this.

The Oak Flat mine is problematic in terms of a number of the Sustainable Development goals:





- Sustainable Development Goal 16 – Promote just, peaceful and inclusive societies – particularly Target 16.7 – Ensure responsive, inclusive, participatory and representative decision-making at all levels. This project has not adequately engaged with First nations people or respected their decision making.
- Sustainable Development Goal 3 – Good Health and Wellbeing. The Oak Flat mine threatens to have a profound negative impact upon the spiritual and physical health and wellbeing of people in that area.
- Goal 6: Clean Water and Sanitation – The proposed exploitation of immense quantities of water for the mine risks serious damage to the parched environment of Arizona and the people and wildlife that rely upon it.
- Goal 15: life on Land – the Oak Flat mine risks immense damage to land and biodiversity in the area. These natural systems are fundamental to Native American life, culture and religion.

The Australian First nations Heritage Protection Alliance strongly urges American lawmakers to reflect upon the appalling destruction that has occurred in Australia and ensure that this is not repeated in the United States.

As First Nation Australians we stand in solidarity with the First Nations of the United States and our brothers and sisters in Arizona. We share a sacred bond and a sacred responsibility in caring for our mother earth and to ensure her energies are managed to sustain life and spirit. We urge you as law makers to hear this sacred calling and work with the San Carlos Apache and other tribes to care for the spirit of their land and hold our Australian mining company, Rio Tinto to account for its past infractions and to ensure their malignant spirit of destruction Never Again wreak destruction on these sacred sites.

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