1. Indigenous policy, the mining industry, and Indigenous livelihoods: An introduction

Australia is a country characterised by its vast and sparsely inhabited arid landscapes. A recent and brief colonial history has given rise to a nation state that supports one of the richest economies in the world despite the small population of 20 million people. The productivity of the ‘land’ is embedded in the exploitation of vast mineral reserves in Australia (Trigger 1997a, 1997b); the subsequent flow of revenue to the state is critical to the maintenance of the Australian economy. In 2006–2007, the time setting for this study of mining agreements with Indigenous people in Australia, the value of Australian mineral exports was forecast to reach $89 billion, an 18 per cent increase on 2005–06. The net profit return on average shareholders’ funds had increased from 15.3 per cent in 2004–05 to 24.1 per cent in 2005–06 (Minerals Council of Australia (MCA) 2006). The development of new mineral extraction enterprises, and new-value adding enterprises, and the increase of production at existing mining operations in response to unprecedented world demand, fuelled a development boom in regional and remote parts of Australia.

However, the value of the minerals sector to Australian prosperity is in stark contrast to the economic poverty experienced by many Indigenous Australians, particularly those residing in mine hinterlands. This contrast is evident despite the existence of beneficial agreements between Indigenous groups and the mining industry and, in some cases State governments, in relation to the very mining that is generating such extraordinary capital. Indigenous poverty, however, appears to be only minimally ameliorated by such agreements (Taylor 2004; Taylor and Bell 2001; Taylor and Scambary 2005). A study of 45 land use agreements between the mining industry and Indigenous people found overwhelmingly that many such agreements are poorly constructed and are delivering little or no benefit to Indigenous parties (O’Faircheallaigh 2000, 2003, 2004, 2006). The same study finds that ‘a quarter are delivering very substantial outcomes to Aboriginal people’ (Hall 2007). This monograph focuses on three agreements that are widely promoted by the mining industry, the state and select Indigenous leaders, as delivering substantial benefits to Indigenous people: the Ranger Uranium Mine (RUM) Agreement in the Kakadu Region of the Northern Territory; the Yandi Land Use Agreement (YLUA) in the Central Pilbara of Western Australia; and the Gulf Communities Agreement (GCA) in the southern Gulf of Carpentaria in Queensland. This study is based on fieldwork undertaken between 2003 and 2007, a period that immediately
preceded the peak of Australian mineral development, otherwise termed ‘the boom’. Nonetheless, disparity between Indigenous Australians at the time and the burgeoning mining industry at the time is instructive for the present and the future.

Fig. 1.1 Location of Yandicoogina iron ore mine, Ranger uranium mine, and Century zinc mine

This research was undertaken under an Australian Research Council linkage project entitled Indigenous Community Organisations and Miners: Partnering Sustainable Development?, conducted by the Centre for Aboriginal Economic Policy Research at The Australian National University, with mining company Rio Tinto, and the Committee for Economic Development of Australia as industry partners in the project. Within this framework this study considers whether these three mining agreements are creating sustainable futures for Indigenous people associated with them? The study is situated within the changing government policy environment of 2003–07 that increasingly emphasised the attainment of mainstream economic development outcomes for Indigenous Australians in accordance with the broad economic-liberalist agenda of the then Commonwealth Government, culminating in the declaration of the Northern Territory Emergency Response. Notably, with a subsequent
change of government this direction has continued, and has been enshrined in the new *Stronger Futures* legislation applying to the Northern Territory. These recent events are not considered by this study, however a direct correlation exists between the aspirations of Indigenous people that are explored here and the constraints they faced, and the experience of the contemporary policy environment in 2012.

The multinational mining industry and its Australian peak body, the MCA, have promoted the attainment of sustainable development outcomes from its interaction with Indigenous Australians, and this has influenced the direction of Indigenous policy. Whilst the Ranger mine pre-dates the current promotion of ‘sustainable development’ within the industry, it is easily incorporated into such an agenda due to its common emphasis on both the payment of funds to Indigenous Australians and the employment and training of Indigenous Australians (see Chapter 3 for a detailed description of the agreements).

In the context of the three agreements, this study explores Indigenous people’s experiences of initiatives promoting ‘sustainability’ associated primarily with employment and training, business enterprise development, payment of compensation, and heritage protection. There are successes associated with each of the agreements, but these fall well short of overall agreement objectives to overcome Indigenous disadvantage via the creation of economic opportunity. The reasons for this are numerous and complex. Aspects examined here include the level of accord between defined agreement beneficiaries and local Indigenous conceptions of relatedness; Indigenous organisations arising from the agreements; their ability to represent the diversity of their memberships; the various effects of statutory and agreement defined conditions on the flow of benefits across the three agreements; the impact of agreements upon the role of the state as a service provider; and the nature of Indigenous autonomy over agreement benefits. The study finds that as the terms of the agreements define outcomes almost exclusively against mainstream economic engagement associated with the local mine economy, they promote limited ad hoc development interventions rather than the enduring sustainability defined by the agreements.

Consequently significant numbers of intended agreement beneficiaries are unable to participate in programs of employment, training or business development due to their status in relation to development-defined socioeconomic indices. Many Indigenous people who have land interests affected by major mining developments are either too old, suffer from chronic health issues, have limited education, or have a criminal record or substance abuse issue that precludes them from participating in the mine economy (Taylor and Scambary 2005). However, assessment of the statistical status of Indigenous Australians against standard social indicator areas including health, housing, education, and labour force participation disguises their productive capacity and extensive range of
skills and knowledge that lie outside the mainstream economy. This is not to suggest that poor health, low education, and minimal labour force participation should be ignored, but rather that there are alternative forms of economic engagement that utilise the skills of Indigenous people, rather than highlighting the capacity and skills deficit identified by standard social index assessments. This study emphasises the possibilities for alternative forms of engagement by reference to diverse Indigenous aspirations associated with mining agreements. Generally such aspirations are characterised by a desire for agreements that engender more innovative economic relationships, in both mainstream economic opportunities, and also in enhancing economic activity associated with the customary sector (Altman 2005). By studying the experiences and aspirations arising from Indigenous engagement with the mining industry in the context of these agreements, I argue that the terms and forms of economic engagement be broadened to incorporate Indigenous understandings of productivity and value.

This chapter presents a central theme by arguing that the current Indigenous policy direction of the state, and sustainable development agendas of the mining industry present a critical challenge to Indigenous notions of productivity and value via mainstream economic ‘development’ initiatives. Alternatives to the development paradigm are introduced by reference to Gibson-Graham’s (2005) diverse economy and Altman’s (2005) hybrid economy.

**Indigenous policy and mining agreements**

In the 1990s Indigenous policy in Australia began to change significantly, and this process has continued in the new millennium with the abolition of representative structures such as the Aboriginal and Torres Strait Islander Commission (ATSIC); the introduction of mutual obligation frameworks; and the increasing role of the private sector in Indigenous affairs, both in terms of philanthropy and in ways consistent with ‘practical reconciliation’. The rise of economic liberalism in the 1980s led to the increasing adoption of ‘market based policy instruments as a pragmatic political response to the combination of limited state capacity and steadily growing demands for state services’ (Quiggin 2005: 22). In line with economic liberalist agendas of reducing the size of the state, and consequently its qualitative and quantitative involvement in the economy (Quiggin 2005: 34), mining agreements with Indigenous people vest considerable ‘state-like’ powers in the industry in relation to the delivery of social-policy in select remote and regional areas of Australia. Such vesting creates an uneasy relationship between the state and mining companies; corporations resist the invitation to fulfil the role of service delivery (Mining Minerals and Sustainable Development 2002), which creates uncertainty for Indigenous people residing
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in mine hinterlands. The continuing deregulation of Indigenous policy entails many negative assumptions about Indigenous people and their capacity for mainstream economic participation that usefully inform this study. What follows is a brief outline of the emergence of the Indigenous policy framework of the Commonwealth Government up until 2007 that emphasises mainstream economic engagement in tacit opposition to Indigenous cultural dispositions.

In 1991 the Report of the Royal Commission into Aboriginal Deaths in Custody recommended that in light of the extent of Indigenous disadvantage identified in the course of the enquiry that ‘Reconciliation of the Aboriginal and non-Aboriginal communities must be an essential commitment on all sides if change is to be genuine and long term’ (Commonwealth of Australia 1991). The report urged bilateral support for its recommendations and in the same year The Council for Aboriginal Reconciliation was established as a statutory authority under the Council for Aboriginal Reconciliation Act 1991. The legislation also set the terms for a process to be conducted over a 10 year timeframe to advance formal reconciliation between Indigenous and non-Indigenous Australians. The critical endpoint for this formal process was set to be the Centenary of Federation in 2001.

Initial articulations of the policy of reconciliation were focused on a rights-based approach and accompanied by events such as the High Court’s judgment in Mabo v the State of Queensland, and the subsequent passage of the Native Title Act 1993 (NTA) which established a national framework for the recognition of pre-existing Indigenous rights in land. In 1994 the ‘Going Home Conference’ in Darwin raised the profile of prior policies of forcibly removing Aboriginal children from their parents and families. In response, the Human Rights and Equal Opportunity Commission in 1995 established an inquiry entitled the ‘National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families’ (Stolen Generations Inquiry), which conducted hearings nationally throughout 1995–96.

In 1996 the election of the Howard Liberal Government ushered in a different approach to reconciliation that focused on the attainment of ‘statistical equality’ under the rubric of ‘practical reconciliation’; the Howard Government claimed that the symbolic rights based approach of the previous administration had been unsuccessful. Practical reconciliation seeks to address Indigenous disadvantage in relation to tangible indicator areas such as housing, health, education and employment (Altman and Hunter 2003), whilst downplaying the ‘rights’ or symbolic reconciliation agenda of the Hawke and Keating (Australian Labor Party (ALP)) administrations of the early 1990s. The government response to the release of Bringing Them Home, the final report of the Stolen Generations Inquiry delivered in 1997, is indicative of the new policy approach to Indigenous affairs. Bringing Them Home recommended that a national apology be issued
to those who had been the subject of forcible removal. Despite widespread public support for an apology to be issued, the government, in particular Prime Minister Howard, refused on the basis that such an apology would implicate current generations of Australians in past injustices for which they were not personally responsible. Similarly, amendments to the NTA in 1998 significantly reduced the extent of rights recognised under the legislation. Notably these amendments were designed to create certainty of tenure for pastoral and mining interests, in light of claims of prior Indigenous ownership. These amendments in favour of development interests highlight how that government’s economic liberalism shaped its approach to Indigenous affairs by ‘plac[ing] more weight on economic freedom than on personal freedom or civil liberties’ (Quiggin 2005: 32).

The abolition of ATSIC in 2005 signalled further development in the approach of the Howard Government to Indigenous affairs. ‘Mainstreaming’ is the popular term given to the change in direction due to its emphasis on the delivery of services via already established government departments and state mechanisms, and the de-emphasis of existing Indigenous service delivery and representative organisations (‘the Indigenous sector’). Features of mainstreaming include the coordination of service delivery across State and Commonwealth agencies, and an emphasis on shared responsibility agreements at the local level based on principles of mutual obligation. A premise of mainstreaming is the notion that ‘passive welfare’ has had a devastating impact on Indigenous Australians (Rowse 2006: 169). Popular Indigenous leader Noel Pearson asserted a four-point plan for the development of a ‘real economy’ in his homelands on Cape York Peninsula in Queensland. Pearson’s plan entails access to traditional subsistence resources, adaptation of welfare programs into reciprocity programs, the development of community economies, and engaging in the real economy (Pearson 2000: 83). As Rowse (2006: 169) notes, the prominence of Pearson’s ideas in the Commonwealth Government’s ‘mainstreaming’ approach ‘add[s] complexity to our understanding of how the government intends to “empower” Indigenous Australians’.

Other significant changes accompanied the framework of mutual obligation and shared responsibility agreements. The Community Development Employment Program (CDEP) was a scheme that enabled Indigenous organisations to provide employment and training as an alternative to unemployment benefits. The

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1 These amendments are known as the ‘ten point plan’ and were in direct response to the High Court’s decision in *The Wik Peoples v The State of Queensland & Ors; The Thayorre People v The State of Queensland & Ors* [1996] HCA 40 (‘Wik decision’), which found that native title could coexist with pastoral leases. In the event of any conflict the High Court found that the rights of pastoralists would prevail. The intention of the amendments was to seek a compromise in conflicting interests, with Prime Minister Howard claiming that they ‘would return the pendulum to the centre, the Wik decision having swung too much in favour of the Aboriginal people’. The amendments had significant beneficial impacts for the land access of the mining industry, and were undoubtedly influenced by the Australian Mining Industry Council’s (now the MCA) sustained campaign for blanket extinguishment of native title rights and interests.
CDEP scheme was cancelled by the Commonwealth Government in 2007 with the intention that more meaningful employment opportunities would arise. The impacts on remote and regional communities as a result of this have, in the context of a platform of other profound policy changes, been dramatic. Changes to the scheme, including its abolition in urban areas and select regional areas, and the introduction of limited tenure for participants, are designed to bring the scheme into line with mainstream employment programs (Calma 2005).

Anecdotally, at the time of this study an impact of the cessation of CDEP was the migration of Indigenous people into areas where the scheme still operated. Undoubtedly influenced by research that asserts that communal land tenure is an obstacle to private home ownership, and thus to economic development, amendments have been made to the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA) to allow for the alienation of land in townships on Aboriginal freehold title. Further amendments provide the mining industry with improved access to Aboriginal freehold title, and further proposed amendments to the Act seek to modify the permit system for accessing Aboriginal Land Trust land.

As Altman and Rowse (2005: 159) note, accompanying this policy shift, or perhaps informing it, there has also been a disciplinary shift in policy development away from the humanities and in particular, anthropology, towards economics. In their discussion of the role of social sciences in policy development, Altman and Rowse (2005: 159) question whether the variant objectives of Indigenous policy ‘achieve equality of socioeconomic status or […] facilitate choice and self determination’. They indicate that the former is the focus of economically-informed social policy, which downplays ‘difference’ in favour of equality, whilst traditionally the latter has been based on the advice of anthropology and its emphasis on ‘cultural difference’. In this sense culture is something that ‘aggregates people and processes, rather than integrates them’ (Cohen 1993: 195–6). This shift is central to the arguments of this study, in particular how the influence of economic liberalism on Indigenous policy, more precisely ‘practical reconciliation’, excludes (or at best de-emphasises) the cultural imperatives of Indigenous economic agency. As Altman and Rowse (2005: 176) note ‘This approach ignores a point made by anthropology: that to change peoples’ forms of economic activity is to transform them culturally’.

A potentially more punitive aspect of the ‘new arrangements’ in Indigenous affairs has been identified by Rowse (2006: 178) who argues that this is

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2 The ALRA makes provision for the grant of land in the Northern Territory to Indigenous traditional owners via gazettal, or through a land claim process. The form of tenure granted is Aboriginal freehold title and is an inalienable communal form of title vested in an Aboriginal Land Trust. Recent amendments to the ALRA make provision for long-term leasing of land within townships on land trust land.

3 The permit system currently restricts the access of non-Indigenous people to Land Trust land to the discretion of traditional owners. A major criticism of the permit system is that it restricts scrutiny of Indigenous communities, particularly in terms of media access. However, there is little evidence to support such a view given the widespread and independent reporting in the media of Indigenous issues in the Northern Territory.
contained in both the language of statistical equality as the basis for practical reconciliation, and the language of responsibility associated with mutual obligation and mainstreaming. Rather than marking a return to the truly assimilationist policies of earlier decades, as some critics have asserted, Rowse highlights that the recognition of Indigenous difference has been retained alongside the devolution of responsibility for Indigenous service delivery across government departments. Rowse (2006: 172–3) notes the continuation of government-sponsored Indigenous specific programs; the continuation of a specific agency for the auditing of grants to Indigenous organisations (the Indigenous sector); the continued emphasis on service delivery via publicly funded Indigenous organisations; the exclusively Indigenous focus of the shared responsibility framework; and the continued enumeration of Indigenous Australians by the Australian Bureau of Statistics. Although the new approach to Indigenous affairs seeks to bypass Indigenous representative and advisory organisations in the delivery of service to individuals and families, nevertheless ‘the Indigenous sector has become a functional complement of Australian government agencies in the last quarter of the twentieth century’ (Rowse 2006: 174). The Indigenous sector emerged as a key factor in the negotiation of shared responsibility agreements and the delivery of associated programs. However, as Rowse notes the scrutiny of the specifically established Office of Evaluation and Audit (Indigenous Programs) within the Department of Finance and Deregulation over Indigenous organisations implies that these organisations are innately problematic. At the same time the shared responsibility agreement regime raised questions about the negotiability of citizenship rights for Indigenous Australians (Rowse 2006: 173). A growing body of statistical and analytical data on the socioeconomic status of Indigenous Australians, Rowse (2006: 179) asserts, represents a measure of the outcomes of practical reconciliation, the efforts of government towards attaining statistical equality, and a means of developing a critique of the whole process. The combination of the language of responsibility and mutual obligation with that of the attainment of equality destabilises concepts such as citizenship entitlements, and inserts the language of agency into the consideration of the success or failure of program delivery. Rowse (2006: 180) refers to a ‘discourse of corrupted but redeemable Indigenous agency’, to which government can readily refer in assessing the failure of programs to alter the statistical status of Indigenous people. More positively Rowse (2006: 182) notes that:

4 Whilst the shared responsibility agreement regime asserted that non-discretionary benefits (i.e. citizenship rights) would not be the subject of shared responsibility agreements, Rowse (2006: 170) notes that a distinction between discretionary and non-discretionary benefits is difficult to make.
As long as we are allowed to know the benchmarks of adequate public provision, the relatively new idea that citizens may fail their governments will still have to compete with the older idea that governments have persistently reneged on their responsibilities to Indigenous Australians.

The policy direction of the state, at the time of this study and currently, emphasises the fostering of greater mainstream economic participation of Indigenous people. Mining agreements are one way in which such participation is pursued. While the three agreements to be considered by this study have a number of similarities, such as the ethos of promoting economic participation, they are also distinct. A critical difference is the role of the state in each of these agreements. The Queensland Government is a party to the GCA, and the Commonwealth Government is a party to the RUM Agreement, whilst the Western Australian Government is not a party to the YLUA. This study describes how the direct involvement of the state varies in the agreement regime across the field sites. In short, the state’s primary concerns are to ensure the unimpeded development of mineral resources, and minimise liabilities arising from the impairment of native title (O’Faircheallaigh 2006: 9). Limited programs such as the Working in Partnership program are funded by the Commonwealth Government to promote greater participation of Indigenous people in the mining industry (Department of Industry, Tourism and Resources 2006).

As noted earlier, tension exists between the mainstreaming approach to Indigenous affairs and the substantial Indigenous sector that acts as an interlocutor with the state in the delivery of services (Rowse 2006). In the context of native title processes and agreements with the mining industry, Native Title Representative Bodies (NTRBs) are funded federally to represent the interests of Indigenous people within a geographic area under the terms of the NTA. In the Northern Territory, land councils established under the ALRA have assumed responsibility for representation of the native title interests of their constituents within their geographic boundaries, and are also recognised as NTRBs. With the 1998 amendments to the NTA, NTRBs have experienced a substantially increased workload due to increased complexity in the operation of the Act, and the introduction of strict time frames associated particularly with negotiation processes. Other agencies integral to the carriage of processes under the NTA at the time, such as the Federal Court of Australia and the National Native Title Tribunal, had received substantial funding increases to address this increased workload. However, NTRBs had experienced an overall decline in funding, and the increased intervention of the Commonwealth Government in the discretionary use of funding. O’Faircheallaigh (2006: 11–12) notes that this has reduced the capacity of these organisations to represent the interests of their clients adequately. Increasingly, the mining industry and other third party developers are funding NTRBs, and Indigenous people directly to fast-
track processes associated with the NTA in order to reach timely development outcomes (MCA 2006). Although such direct funding is aimed at pragmatic outcomes, it raises the serious prospect of a conflict of interest in adversarial negotiations over land use (Morgan, Kwaymullina and Kwaymullina 2006).

In a submission to the Commonwealth Government by the peak mining industry organisation, the MCA (2006: 25) notes that 60 per cent of mining operations in Australia are adjacent to Indigenous communities. The same submission notes that NTRBs ‘provide a critical platform for industry to negotiate mutually beneficial outcomes’, and recognises that ‘NTRBs have been chronically under-resourced in fulfilling their legislative functions in representing Indigenous interests’ (MCA 2006: 30). Such a shortfall in resourcing, the submission states, ‘has delayed the negotiation of mutually beneficial agreements and forced minerals companies to meet the resourcing gap’ (MCA 2006: 30).

Increasingly as the mining industry seeks to promote the development of ‘sustainable regional communities’ beyond the life of the mine, and via the negotiation of agreements with Indigenous people, the inadequacy of state services in the provision of community infrastructure and social services is hampering such efforts (MCA 2006: 23–5). The industry also criticises the government for the increased onus upon it to provide such services in the absence of social service provisioning (Mining Minerals and Sustainable Development 2002). A key conclusion of this study is that the three mining agreements examined, and undoubtedly others like them, are incapable of effecting significant mainstream economic outcomes for Indigenous parties to them. This fact underlines the incapacity of multi-national mining corporations to provide for such outcomes. This finding supports the provision of increased resources to the Indigenous sector to increase the capacity of representative Indigenous organisations to mediate relationships between the mining industry, the state and their Indigenous constituents.

The study of approximately 45 mining agreements in Australia by O’Faircheallaigh suggests that the limited success of such agreements follows from the NTA’s weakness as a statutory regime for negotiation (O’Faircheallaigh 2000, 2003, 2004, 2006; among other papers that make up the study). However, in response to the findings, the Minister for Aboriginal Affairs at the time suggested that Indigenous incapacity to manage financial flows from such agreements proved that money was wasted rather than invested. In addition the minister cited the findings as support for a central government platform that communal title of land prevents Indigenous home ownership, and is a major obstacle to mainstream economic engagement (Johnstone 2007). However, recent research suggests that deeply entrenched Indigenous disadvantage is the major obstacle to mainstream economic engagement.

5 Communities in this sense are physical locations where Indigenous people reside.
economic engagement, and that private title to land would neither promote greater rates of Indigenous homeownership or economic development (Altman, Linkhorn and Clarke 2005).

The mining industry

In Australia the mining industry has enjoyed a privileged relationship with the state, and, as Trigger (1997a, 1998) notes, it has successfully combined its activities with the ethos of ‘frontier development’ and nation building that has marked Australia’s colonial history. The exploitation of new mineral reserves was unimpeded by Indigenous interests until the passing of the ALRA, which gave Indigenous people a quasi property right in minerals through the provision of veto over exploration on Aboriginal freehold title land. Virulent opposition by the mining industry to the legislation is noted in Woodward’s inquiry into Aboriginal land rights (Woodward 1973). Prior to this the mining industry had purposefully targeted Aboriginal Reserve land, particularly in Queensland, with the support of the state (Roberts 1978) (see Chapter 2). Subsequent to the Mabo decision the NTA was passed providing a mechanism for Indigenous people across Australia to negotiate with the mining industry for land access. However, the passing of this legislation was met with a bitter campaign by the industry that asserted that the recognition of Indigenous rights created uncertainty for the industry and was therefore not in the national interest.

A notable shift in the approach of the mining industry to Indigenous issues occurred in 1995 when, in a speech to the Securities Institute, the Chief Executive Officer (CEO) of Rio Tinto Leon Davis heralded a new cooperative approach towards the antagonistic relationships with Indigenous people over mineral development, and predicted the active partnership of the company with Indigenous people (Davis 1995: 4). The new approach set out by Davis provided a framework for engagement utilising the terms of the NTA to negotiate Indigenous Land Use Agreements with recognised native title holders. Internationally the shift in approach was undoubtedly influenced by the holding to account of Broken Hill Proprietary Ltd (BHP) in relation to environmental degradation caused by its operations at Ok Tedi mine (Banks and Ballard 1997), and the forced closure of the Rio Tinto owned Panguna mine on the Island of Bougainville due to the militant opposition of landowners (Denoon 2000; Filer 1999b). In Western Australia the controversial development of the Marandoo

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6 An extensive literature exists on relationships between multi-national mining corporations and local communities in Melanesia and the Asia-Pacific region. This literature informs the current study through its consideration of the socioeconomic impacts of large scale mining on local communities, and consideration of issues of sustainability (e.g. Ballard and Banks 2003; Banks 1999; Banks and Ballard 1997; Connell, Howitt and Douglas 1991; Filer 1999a, 1999b; MacIntyre 2004; MacIntyre and Foale 2004).
deposit via the excision of the site from the Karijini National Park in the central Pilbara, and exemption of the development area from the Western Australian *Aboriginal Heritage Act* 1972, had tarnished the public reputation of Hamersley Iron, a subsidiary of Rio Tinto (Davis 1995). Disputes such as Marandoo that were played out in the public eye and decided in favour of mining companies, demonstrate the vested interests entailed in the relationship between the industry and the state. Also they emphasise the enormous political and economic disparity between Indigenous Australians and the broader populace, despite the existence of large scale mineral development on their traditional lands. In addition Rio Tinto’s new approach, later adopted by the Australian mineral industry, coincided with the rhetoric of ‘sustainability’ emerging from international development forums.

The concept of sustainability as applied by the mining industry began with the 1972 United Nations (UN) Conference on the Human Environment, followed by the 1987 UN Commission on Environment which gave rise to the Brundlandt Report entitled *Our Common Future*. Brundlandt provided a definition of sustainability that has endured, being:

> Development that meets the needs of the present without compromising the ability of future generations to meet their own needs (World Commission on Environment and Development 1987).

The mining industry has engaged the term ‘sustainable development’ to equate the interests of business and community. A key mechanism is the construct of ‘the triple bottom line’, which emphasises the interrelationship between economic, environmental and social sustainability. However, definitional difficulties and conceptual constraints have given rise to a diversity of views over what constitutes social sustainability (MacDonald and Gibson 2006; Martin, Hondros and Scambary 2004). A BHP industry representative speaking of his company’s Pilbara iron ore interests stated that:

> We recognise that to have a sustainable business we need to ensure our communities share in our success and have recently set as a global target to contribute, in aggregate, 1 per cent of our pre-tax profits on a rolling three year average to sustainable community development programs (Hunt 2002).

This statement and many others like it generated by the industry in the marketing of its efforts in relation to Indigenous issues, sheds some light upon the limitations of the industry in dealing with social policy issues. Whilst a 1 per cent aggregate of BHP profits is no insignificant sum, the goal of creating a sustainable business is not the same as the creation of sustainable outcomes.
for Indigenous people, except insofar as the two are related in terms of the
generation of company reputation and the continued licence to operate. Trebeck
(2004) states that:

the mandate of the company to operate is not guaranteed solely by
government decree, but is obtained by providing returns to local
communities—gaining and maintaining a social licence to operate. This
need for sound community relations […] is fundamentally an issue of
reputation, because if a particular community does not perceive the
company in a positive light, they can manifest this displeasure in a way
that hampers […] operations.

The alignment of company interests and community interests is an important
tool in the creation of a social licence to operate within the rhetoric of
sustainable development, which portrays the relationship between the Industry
and Indigenous people as being harmonious and mutually beneficial. Such
images represent a valuable component of a company’s risk management. Again,
Trebeck (2004) states that the language of ‘win-win’ outcomes, and its inherent
assumptions about the desirability of the Industry’s activities, leave little room
for outright opposition. Esteva (2005: 16) characterises sustainable development
as a conceptual and political assertion of the concept of ‘redevelopment’ which
‘implies the economic colonisation of the informal sector [and] the last and
definitive assault against organised resistance to development and the economy.
He states ‘in its mainstream interpretation, sustainable development has
been explicitly conceived as a strategy for sustaining “development”, not for
supporting the flourishing and enduring of an infinitely diverse natural and
social life’ (Esteva 2005: 16).

In addition to a new cooperative approach, the language of negotiation between
the mining industry and Indigenous interests also changed, and reflects
the influence of the principles of economic liberalism. The shift away from
compensation towards ‘community benefits’, or ‘benefit sharing’, in the language
of agreements conveys a critical change to the representation of Indigenous
people, as those in receipt, in agreements. Outcomes associated with previous
compensatory regimes, particularly those in the Northern Territory, such as at
Groote Eylandt, the Gove Peninsula, and early agreements under the ALRA such
as at Nabarlek, and at Ranger mine, are often cited for their failure to redress
Indigenous disadvantage. Nabarlek in particular is highlighted as a flawed
agreement on the basis of inadequate structures for the distribution of funds
and a lack of clarity of the intended recipient group (Altman and Smith 1994).
The Nabarlek case was cited by the deputy president of the National Native
Title Tribunal, Fred Chaney, as an example of a poor agreement on the basis that
substantial agreement payments were made to traditional owners without any
long-term investment (Laurie 2007). Chaney adds that ‘many current agreements
deliver what Aborigines living in remote areas need: real jobs’ (Laurie 2007). In the same article Laurie cites Ian Williams, an ex-Rio Tinto employee who was involved in negotiations for both the YLUA and the GCA, and until recently was a trustee associated with the Argyle diamond mine in the Kimberley, and stresses the prescriptive nature of agreements. However, Williams notes that so far the Argyle trusts associated with the Argyle Participation Agreement have funded renal health and school development programs, indicating increased legitimisation of mining agreements to fund social services in lieu of the state (Laurie 2007).

In the Northern Territory distribution of mining royalties under the ALRA are allocated to incorporated organisations whose members reside in, or are traditional owners of the areas affected by mining, land councils, and the Aboriginals Benefit Account (ABA) according to a 30/30/40 formula (see Chapters 3 and 4). The ABA (2005: 9) operates as a trust ‘for the benefit of Aborigines living in the Northern Territory’. The Commonwealth Minister for Aboriginal Affairs exercises discretionary power over expenditure from the ABA. At the time of this research, the ABA (2005: 2) held approximately $100 million, $50 million of which has been made available for a Regional Economic Development Strategy. Lack of clarity in the ALRA gives rise to debate over whether mining royalty equivalents paid to the ABA are public or private, and whether the Commonwealth Government should have the right of discretion over such funds (Altman 1983a, 1985b, 1996a; Altman and Levitus 1999; Reeves 1998, 2000). Northern Territory land councils and other commentators suspect that the funds made available from this source will be utilised to substitute government expenditure on the provision of social services (Johnstone 2007). A perception exists that the ABA is used to fund a range of projects and programmes which arguably should be funded by the state.

Under the Northern Territory land rights regime, there is a common misconception that the majority of royalty payments from mining on Aboriginal land are paid as cash to individuals and groups, without acknowledging, as at Ranger, the proportion that is paid to the ABA, statutory bodies and organisations established under the terms of the agreements that may have broader functions in the delivery of social services in remote areas (see discussion of Gagudju Association in Chapter 4). A consequence of the perception of affluence generated by the existence of large scale mining is the withdrawal of government service provision. In many cases the cash amounts ultimately received by individuals are considerably less than assumed, and often of a minimal order after division amongst a group (see Chapter 4). Consequently the capacity of such payments to redress economic disadvantage across the entire intended recipient group is limited. Instances of misappropriation and mismanagement of funds, and uneven distributions across groups are cited also as examples of the failure of
the royalty provisions of the ALRA. However, such instances are usually the result of organisational dysfunction, which, in the case of the Century mine and the GCA, is not mitigated against in their establishment (see Chapter 6).

These agreements emphasise ‘community benefit’; they seek to avoid a situation where such benefits become a form of corporate welfare payment, and to encourage the engagement of individuals in mainstream economic activity. However, the manner in which the community benefits packages are constituted privilege individual agency over forms of Indigenous communal action. Thus the terms of engagement are set to downplay typically Indigenous forms of productivity. This is paradoxical in that the statutory requirements under the NTA and the ALRA that give rise to the recognition of Indigenous proprietary rights and interests in land, and which form the basis for the negotiation of commercial agreements, emphasise primordial traditions of communality. This tension is explored in this monograph. The capacity and desire of individuals to engage is mediated by assessments of the costs and benefits that such engagement may entail for other obligations to country and to kin, and ultimately to cultural identity. Diverse responses range from active participation in mainstream economic activity associated with the mine economy, to resistance arising from the challenge that mining development presents to the integrity of country and hence the maintenance of cultural identity and distinctiveness. The perpetuation of animosities engendered by the historically hostile relationships between Indigenous people and the mining industry in Australia is also a factor. Overwhelmingly, and perhaps unspectacularly, this study of three specific agreements reveals the ambivalence of many Indigenous people to mining and its associated agreements. Ambivalence is generated partly by the inevitability of mineral development, its associated social, commercial and physical infrastructure, and from the positive and negative experiences of Indigenous people in the face of such development (Trigger 1998).

Development, aspirations, and livelihoods

The development ethos that informs the current policy direction in Indigenous affairs, and is a keystone to the formal engagement between the mining industry and Indigenous people in the context of agreements, defines Indigenous people as underdeveloped. Esteva (2005: 7) signals this corollary to post-war development discourse and grounds ‘the burden of connotations that it carries’ in the language of evolution, growth and maturation. Esteva (2005), in his historical account of the emergence of ‘development’, emphasises the hegemonic nature of a capitalist project to alleviate perceived poverty and underdevelopment in a colonising and homogenising manner. There is a broad literature criticising ‘development’
Esteva (2005: 18) asserts that the social construction of development is integral to an autonomous economic sphere and the generation of scarcity:

Establishing economic value requires the disvaluing of all other forms of social existence. Disvalue transmogrifies skills into lack, commons into resources, men and women into commodified labour, tradition into burden, wisdom into ignorance, autonomy into dependency. It transmogrifies people’s autonomous activities embodying wants, skills, hopes and interactions with one another, and with the environment, into needs whose satisfaction requires the mediation of the market.

Esteva’s rejoinder to the coercive dependencies that he identifies as being engendered by development and the market economy, is to draw attention to the strategies of the ‘common man’ at the margins of economic hegemony, to re-embed economic practice in culture, and develop a ‘new commons’. He envisages a cultural revival of sorts, and a reclamation of the definition of needs in the name of reducing scarcity. Culturally embedded education and healthcare, he asserts, remove the need for absent teachers and schools, doctors and hospitals and reaffirm the multiple strategies for survival entailed in Indigenous cultural knowledge and relationships to the environment (Esteva 2005: 20–1). Fulfilling Esteva’s desire to discard economy and development is not the goal of this study. However, Esteva’s work represents a useful reminder of how alternative modes of economic interaction can emphasise the skills and capacities derived from Indigenous knowledge systems, over the skills and capacities conventionally valued by Western industrial measures.

Like Esteva’s new commons, critical analysis of the development paradigm has generated a post-development discourse that beckons consideration of non-market economic relations, and customary activities as legitimate forms of economically productive action. The Gibson-Graham (2005: 5) notion of a ‘diverse economy’ is premised:

on unhinging notions of development from the European experience of industrial growth and capitalist expansion; decentering conceptions of economy and deessentialising economic logics as the motor of history; loosening the discursive grip of unilinear trajectories on narratives of change; and undermining the hierarchical valuations of cultures, practices and economic sites.

Gibson-Graham’s (2005) study of the municipality of Jagna in the Philippines identifies a diverse economy consisting of ‘a thin veneer of capitalist economic activity underlain by a thick mesh of traditional practices and relationships’ that ground what is termed the ‘community economy’. This community economy is explained as:
Those economic practices that sustain lives and maintain wellbeing directly (without resort to the circuitous mechanisms of capitalist industrialisation and income trickle down) that distribute surplus to the material and cultural maintenance of community and that actively make a commons (Gibson-Graham 2005: 16).

Such an approach is not to suggest that a return to the primordial past is desired by Indigenous people, but rather that the alterity of Indigenous culturally grounded economic activity is maintained despite the colonial experience. From research conducted over a 25 year period with Kuninjku people of western Arnhem Land, Altman (2005: 36) has developed a model for the analysis of the interdependencies of the market, the state and the customary components of the economy. Altman’s hybrid economy recognises the intercultural context of the economy in remote areas where the products of customary activities supplement resources from other sectors. Often hunting, gathering and fishing significantly supplement household and community consumption (Altman 1987; Bomford and Caughley 1996; Griffiths 2000), and are supported indirectly by the state, for example in the form of CDEP payments. The production and sale of Indigenous art is informed by cultural knowledge, facilitated by government funded art centres, and driven by profits from a lively international art market (Altman 2005: 38). Other examples of hybridity include the commercial use of wildlife, cultural tourism, and biodiversity management (Altman 2005). Underlying the growing importance of this last factor is increasing global concern for the state of the environment, particularly in terms of climate change and water resources.

The majority of Indigenous Australians reside in urban and metropolitan areas. However approximately 26 per cent of Indigenous Australians, or 120,000 individuals reside ‘on what is increasingly referred to as the Indigenous estate, an area that covers about 20 per cent of the Australian continent or about 1.5 million square kilometres mainly made up of environmentally intact desert and tropical savanna’ (Altman 2007). Increasingly, Indigenous people in these regions are engaging in programs of biodiversity management that utilise Indigenous knowledge systems in the control of weeds and feral animals. Traditional fire management practices particularly in the tropical savannas are being adapted to pastoral management, biodiversity protection, and innovatively in privately negotiated carbon abatement programs (Northern Land Council (NLC) 2006). Government bodies, such as the Australian Quarantine and Inspection Services and the Australian Customs Service, are forming partnerships with Indigenous people living in remote areas and employing them to undertake important activities including border control and disease management. Such activities are formalising the hybrid economy model espoused by Altman, through increased government funding for biodiversity projects.
Within the policy debate in Australia that increasingly asserted the failure of self-determination approaches over the last 30 years, economic liberalism and the pursuit of practical reconciliation has found support for greater market integration from influential Indigenous spokespeople such as Noel Pearson, and Warren Mundine, former National President of the ALP. Pearson’s ‘real economy’ model highlights a disjuncture between post-colonial Indigenous cultural dispositions and Indigenous society’s capacity to attain development outcomes. Central to Pearson’s argument is the concept of ‘welfare poison’, which he maintains has undermined traditional society and authority and instituted a destructive dependence on the state. Pearson’s four point plan for the establishment of the ‘real economy’ shares a number of tenets with both Gibson-Graham’s diverse economy, and Altman’s hybrid economy (Buchanan 2006). But, as Altman noted, Pearson’s emphasis upon engagement with the market economy gained prominence and provided ‘moral authority’ to the ‘pro-growth’ discourse of Indigenous development. Similarly Mundine’s public statements support Hughes and Warin’s assertion (Hughes 2005; Hughes and Warin 2005), and espoused by then Minister Brough, that communal ownership of land prevents private home ownership and hence is the major obstacle to Indigenous mainstream economic participation. The subtext of such views is the assumption that the market economy is unlikely to develop in remote areas, and that therefore Indigenous people should relocate to urban areas that offer greater economic opportunities (Hughes and Warin 2005). This approach makes invisible the customary economy and the value that is derived from the exploitation of land based resources by Indigenous people residing on their traditional estate. During the 1970s many Indigenous people moved away from government and mission settlements back to traditional lands. The ‘homeland movement’ was primarily a north Australian phenomenon and was enabled to some extent by policy and legislative developments. Altman (1987) notes that decentralisation assisted in the revitalisation, and continued practice of hunter-gatherer technologies and practice. Gray (1977) observes that increasing mineral prospecting, particularly in Arnhem Land in the Northern Territory, and the desire to protect sacred sites was also a motivating factor in decentralisation.

The approaches of Gibson-Graham, Pearson and Altman understand non-market economic activity differently, yet overall their work can be characterised as taking a livelihood approach to economic development (de Haan and Zoomers 2005). This study adopts the term ‘livelihoods’ in its description of the diverse aspirations of Indigenous people in the context of their engagement with the mining industry. In this study livelihoods refer to the diverse activities in which Indigenous people engage to sustain themselves. Livelihoods incorporate tangible economic activities associated with the cash economy including work, welfare and commercial enterprise; and resources from the customary sector derived from activities such as hunting, fishing and gathering. Livelihoods
are reliant on networks of relatedness of people to kin and country and entail a complex of obligations defined by a corpus of Indigenous law and custom. In this sense livelihoods incorporate intangible aspects of social life that are reliant not only on physical resources, but also on symbolic resources associated with relatedness to and knowledge of country. These resources are drawn upon constantly in the mediation of authority of Indigenous individuals within groups, and in the assertion of the distinctiveness of Indigenous identity to the broader world. Livelihood pursuits entail aspects of productive agency aimed at deriving forms of value that are not reducible to an economic analysis. That is, the effort expended in accessing, maintaining and utilising symbolic resources yields definitive constructions of personal and group identity.

Livelihood aspirations emerging from fieldwork undertaken for this study are expressed in terms of the resources perceived to arise from mining agreements. They include a range of activities premised on access and management of land and the development of supportive and representative organisations. Access to land is a key Indigenous aspiration. Thus any statement about the centrality of land based relationships and responsibilities is a political assertion of a means of redressing scarcity and social dysfunction associated with living in regional urban environments. In the central Pilbara Indigenous residents desire access to land for the establishment of family-based ‘communities’, and the access to resources that residence upon one’s own country brings. In the Kakadu region the establishment of a number of outstations was facilitated by the Gagudju Association, which emerged as a successful Indigenous organisation in the context of the establishment of Ranger mine and the declaration of Kakadu National Park. Converse to this positive outcome, Mirrar Gundjeihmi people express their opposition to the development of the nearby Jabiluka deposit in terms of loss of land and hence cultural identity (Gundjeihmi Aboriginal Corporation 2001). In the southern Gulf of Carpentaria access to land (for ‘living areas’ and rangelands) is also a key aspiration.

Associated with Indigenous aspirations for access to country are aspirations for a multitude of resources to support such access. Vehicles to get there, funds to build houses, to buy generators and to sink bores, represent some of these tangible and associated aspirations. Access to cash resources to purchase equipment is sought from multiple sources including mining agreement trust funds, government grant funding, and in many cases through labour force participation, or business enterprises. Indigenous aspirations identified by this study can be grouped into a number of general areas that emphasise the interdependencies of models such as those outlined above. The maintenance of family and kin structures reinforces relatedness and rights to land and defines membership, exclusivity and authority within the Indigenous polity, and supports political assertions of cultural distinctiveness. Representative
Indigenous organisations present a resource in assertions of rights arising from cultural distinctiveness, particularly when made against the state, and in the context of this study, the mining industry. Such organisations are integral in claims to land under relevant statutes, negotiations relating to land access, and in the establishment of partnerships in enterprise development that generate resources required for a broad range of livelihoods. Intra-Indigenous politics and conflict can compromise the efficacy of such organisations to achieve outcomes for their constituents, but also highlight the need for innovative governance design in order to accommodate processes for resolution and management of disputes. A key factor that emerges from this study is the impact that different definitions of ‘community’ associated with mining agreements can have on the stability of agreement-based Indigenous organisations.

Family and kin structures are also intrinsic to the range of pursuits associated with Indigenous customary economy. Customary rules and norms associated with social relationships influence rights to hunt, fish and gather and to utilise land resources. Such rules and norms are reinforced through the myriad symbolic resources associated with a sentient landscape, and, more formally in many areas, through the conduct of ceremonial activity. Such activities generate a range of social values that identify Indigenous people. Notably this study provides examples of individuals who engage in mainstream economic activity without apparent detriment to their sense of identity. For example, a number of Century Mine employees indicated their aspiration to obtain ‘rangelands’ upon which to hunt and live and regarded their employment as a strategic path to gaining the necessary resources to realise this goal. Clearly there is significant diversity within and across the field sites analysed by this study that has not been addressed by the mainstream approach of the state or the mining industry thus far.

This study assumes that value is derived by Indigenous people and groups through culturally informed productive action that serves to create and reaffirm cultural identity, ‘which is the fundamental expression of their being’ (Throsby 2001: 11). At this point it is useful to consider the terms productivity and value, culture, and cultural identity in more detail. Indeed this fundamental expression is the basis for ‘a productive life’ (or a good life) and is much greater in its scope than suggested by representations of Indigenous agency in mining agreements. As Povinelli (1993: 27) notes:

Aboriginal notions of work, labor, history, and authenticity are assessed and, in many ways, forged by hunter-gatherer discourses and by Western law, but Aborigines’ real-life activities and dialogues also critique and challenge the reified categories of ‘hunter-gatherer theory’ and produce identity not in any way reducible to them.
Whilst interaction with the mining industry represents only one segment of Indigenous lifeworlds, this forum offers potential benefits, in particular resources that can support and augment the customary economy, by establishing its material and, indeed, symbolic worth through the assertion of cultural difference. However, as a corollary, Indigenous agency is also motivated by a desire to minimise the cost that such engagement may present to expressions of cultural identity. Multiple understandings of how value can be derived underpin the choices made by Indigenous Australians and determine the types of productive action taken.

The distinction Altman and Rowse (2005) make between approaches to Indigenous policy grounded in economically informed views emphasising equality and sameness, and approaches based upon anthropologically informed views that emphasise diversity and choice, are indicative of the broader disciplinary relationship in which the role of culture is only recognised within economic systems when it can be commodified. As Throsby (2001: 8–9) suggests, the dominant neo-classical paradigm in economics, which constructs economics as being without a cultural context, is not culture-free. Indeed the economy is a system of social organisation. Economists employing neoclassical modelling to account for culture, do so only within economic terms and as such ‘remain remote from an engagement with the wider issues of culture and real-world economic life’ (Throsby 2001: 9). This research employs Throsby’s argument that questions of value are intrinsic to both economics and culture and that they provide a mechanism for the recognition of ‘cultural value’. Throsby’s (2001: 28–9) definition of cultural value consists of a range of cultural value characteristics or components including the aesthetic, the spiritual, the social, the historical, the symbolic, and the authentic. However, whilst cautioning that economic and cultural value must be kept distinct, and that economics has a limited capacity to recognise cultural value in its entirety, he urges that it is ‘in the elaboration of notions of value, and the transformation of value either into economic price or into some assessment of cultural worth, [that] the two fields diverge’ (Throsby 2001: 41). There are clear examples throughout this study of assessments of cultural value made by Indigenous people in accordance with their own traditions, heritage, and institutions. Assessments of cultural and economic value diverge in the context of mining agreements and inform emergent relationships between Indigenous people, the mining industry, and the state.

Holistic notions of culture that encompass all facets of the way people do things inevitably encompass economic practice. Indeed, many determinist accounts of culture draw relationships between the cultural imperatives of pre-capitalist societies and economic activity. Neither modern economic theory nor practice is culture free, and in drawing the notions of culture and economics together
Throsby (2001: 14) suggests ‘that at some fundamental level, the conceptual foundations upon which both economics and culture rest have to do with notions of value’. For Throsby ‘cultural capital’ captures the value of a ‘cultural product’ (or cultural productivity per se), in both its tangible and intangible forms, while recognising the economic and cultural importance of such a product.

The term ‘culture’ has a myriad of meanings and implications in the popular and academic lexicon. In academic discourse these different meanings reflect successive paradigm shifts from evolutionism, historical particularism, the structural/functionalism of Radcliffe-Brown and Malinowski, through to more contemporary conceptions of ideology such as cultural materialism and cultural idealism, structuralism and later post-modernism. The task here is not to recount the various approaches to the study of culture in anthropology. However, culture will be discussed in terms of aggregation of individuals into groups on the basis of shared ‘attitudes, beliefs, mores, customs, values, and practices’ (Throsby 2001: 4). It assumes that a group’s use of ‘signs’ and ‘symbols’ to convey meanings is important to the production of its cultural identity (Cohen 1993), and in the sanctioning of the behaviour of individuals both in relation to the group and also external to it. Difference and diversity within the group is implied by the use of the term ‘aggregation’, which also serves to distance this definition of culture from populist renderings that blur the distinctiveness of cultural groups by assuming homogeneity within them.

Cultural identity implies that an association of individuals is defined by a set of common characteristics, and that the group is reliant on symbolic transactions, and mutual identification. As with culture, cultural identity depends upon symbolism derived from everyday life, and productive action, as Povinelli asserts in relation to the Belyuen. Individuals are ‘active in the creation of culture rather than passive in receiving it’ (Cohen 1993). As Cohen notes, the action of individuals in developing culture, has implications for the politicisation of cultural identity. He asserts that cultural identity is a matter of autobiography in that ‘when we consult ourselves about who we are, it involves more than a negative reflection of who we are not’ (Cohen 1993: 198); it also entails context specific judgments and choices, that reflect mutual understanding of signs and symbols. This kind of activity is designed to assert inward identification with a group, and distinction to other cultural identities.

The invisibility of the customary economy when perceived through mainstream notions of the ‘productivity’, or productive labour, of Indigenous people in the ‘customary sector’ (Altman 2001a: 5) limits the value that can be derived both by the mining industry and Indigenous people from their mutual engagement. To explain, Indigenous productivity is steeped in cultural continuity and is an integral mechanism for the production of cultural identity (Povinelli 1993). The value of Indigenous productivity in the customary economy is realised
through multiple activities including quantifiable pursuits such as hunting and gathering, and the production of art (Altman 2005); and in less quantifiable activities such as development and maintenance of outstations, engagement in family or kin relations, conduct of ceremony or by engaging with a sentient landscape in the production, reproduction, and reinterpretation of cultural identity, by ‘just being there’ (Povinelli 1993: 31). The quantifiable activities Altman outlines are not productive in a purely economic sense, rather as Povinelli (1993: 26–7) observes:

it is a form of production in the fullest cultural and economic sense of this term, generating a range of sociocultural meanings and political-economic problems and rewards. Hunting and gathering grounds Belyuen Aborigines’ relationship to the Cox Peninsula and, vis-à-vis other ethnic groups in the region, [and] defines their Aboriginality.

This study does not attempt to quantify culturally grounded Indigenous productive action. Rather it proposes that such cultural value can only be truly realised by those who produce it, and those who receive it. However, manifestations of the nature or essence of cultural value are readily identifiable in the chains and modes of interaction between Indigenous people and the mining industry. For example, statements about the lack of desire to work for the mining industry in the Pilbara and which are supported with statements about the damage that mining does to the country, or the preference to work ‘for my community instead’, clearly demonstrate a set of priorities, the pursuit of which entails assessments of value, or cost. As with the Jabiluka protests in the Northern Territory, opposition to the mine is clearly articulated in terms of the cost that has been incurred by Mirrar Gundjeihmi traditional owners as a result of the Ranger mine. Similarly at Century mine the success of local Indigenous employment programs demonstrates not only Indigenous access to employment, but also local Indigenous people’s desire to work there.

When considering cost and value, it is important to determine what motivates people in making a choice about the terms and nature of their engagement. Throughout this study the link between Indigenous productive action and cultural identity is implicit; this relationship is not necessarily quantifiable in economic terms, nonetheless it is observable in the relationships associated with mining agreements.

Cohen (1993: 199) notes that a minimal condition for the politicisation of cultural identity is individuals’ realisation that ignorance of their culture undermines their integrity, and that such marginalisation creates power imbalances with respect to the marginalisers. He notes that culture is expressed symbolically, and as such has no fixed meaning, and that may make it invisible to others. Both Povinelli (1993) and Merlan (1998) note that Indigenous culture is represented
in Australia in popular discourse through legislative and policy frameworks. This study shows that politicised cultural identity mitigates against reified notions of Indigenous identity, by drawing on a symbolic repertoire to assert distinctiveness. Politicised cultural identity also strives to protect and maintain the body of symbolic resources required for the continued construction and reinterpretation of culture, and which reified notions of Indigeneity are perceived to threaten. For example, some individuals perceived full-time work in the mining industry as jeopardising the attainment of Indigenous aspirations for the future by placing barriers between them and symbolic resources central to their identity as individuals and as Indigenous people. Working a 12-hour shift means distance from family and country and its symbolic value. Conversely, Pearson’s claim of the destructiveness of ‘welfare poison’ assumes the erosion of culture that such dependency has inured, and views the real economy as a means of re-establishing the role of individual responsibility.

Relationships between Indigenous parties to agreements and the industry are never definable purely in terms of Indigenous people’s desire or lack of desire to engage in programs provided under the rubric of ‘community benefits’. In struggling to maintain links between the present and the mythic and historical past, in the pursuit of aspirations for the future, many older people suggest that young people should both engage with the mine economy, and fulfil obligations of a cultural nature. The need to garner resources from multiple sources—including wage labour, compensation, business development, and engagement in Indigenous cultural and social life—are seen by many Indigenous people as essential in maintaining and augmenting cultural identity. A parallel can be drawn between Davis’s observations (2005: 58) in relation to Indigenous pastoralists in the Kimberley when he states that ‘commercial pastoralism allows Aborigines the capacity to accrue the social and cultural capital that has historically rested with white pastoralists whilst maintaining a radical alterity to them’. Such alterity is demonstrated by a Kaiadilt man from Bentinck Island in the Gulf of Carpentaria, who, whilst working at Century mine, also maintained a radical opposition to a cyclone-mooring buoy associated with the Century port facility at Karumba, and constructed on a sacred site within his traditional estate (see Chapters 3 and 6). Reconciliation of Indigenous alterity with participation in the mine workforce is highlighted in the statement made by a Gangalidda worker at the Century mine, when he stated his goal as ‘helping my people achieve their white dreams but staying black to do them’ (interview, July 2003; see Chapter 6 for discussion of the intersection of Indigenous cultural dispositions and mine site employment).

This study illustrates that Indigenous people seek to influence both industry and the state to accept modes of engagement that allow for the augmentation of Indigenous identity, and hence the derivation of value from cultural, political
and economic arenas of Indigenous life. This study follows the dynamics of agreement-defined engagement primarily in the context of three agreements, but more generally seeks to impute principles about conflicting notions of the nexus between Indigenous identity, value and productivity.

Methodology

This multi-sited ethnography entailed eight months fieldwork in numerous locales in the Pilbara (Western Australia), the southern Gulf of Carpentaria (Queensland), and Kakadu National Park (Northern Territory). Within each of these regions, intensive fieldwork occurred at locations including mine sites, regional towns, town camps, Indigenous communities, Indigenous organisations, government offices, and the offices of the mining industry. The style of fieldwork was influenced by the multi-sited nature of the study, and utilised a technique of targeted interviews rather than a traditional style of participant observation. The study occurred within the broader context of historically informed relationships between the mining industry, the state and Indigenous Australians.

Rio Tinto precursor, Conzinc Rio Tinto of Australia (CRA), was the original owner of the Century mine in Queensland and negotiated the GCA. CRA was also the parent company of Hamersley Iron (now Pilbara Iron), the owner of the Yandicoogina deposit in the Central Pilbara and responsible for the negotiation of the YLUA. The Ranger mine has undergone a number of ownership changes, but is currently operated by Energy Resources of Australia (ERA) a subsidiary of Rio Tinto. Whilst Zinifex who owned the Century mine at the time of this study later amalgamated with Oxiana Limited to form Oz Minerals who were subsequently acquired by Chinese miner MMG Pty Ltd who currently operate the mine and administer the GCA. The corporate lineage of Rio Tinto across the three field sites, offered useful points of comparison between the sites. The location of the three mines within separate State and Territory jurisdictions contributes regional differences in agreement outcomes (see O’Faircheallaigh 2006).

Relationships between Indigenous people and land are essential to an understanding of interactions with the mining industry, and central to the arguments of this study. Such relationships are critical to the generation and maintenance of Indigenous identity, are context specific, and are constantly negotiated. This study does not essentialise Indigenous relationships to land across the three field sites, and hence northern Australia, but rather attempts to elucidate the general tenets of land ownership in each region, and seeks to demonstrate the influence that such relationships have in the context of mining.
agreements. Such elucidation is reliant on both field and documentary data: whilst underpinning much this research, detailed documentation of land tenure and kinship is not the primary focus.

The focus here is more on diversity within the Indigenous polity and thus to demonstrate multiple world views within that polity. What emerges from the ethnographic breadth of this study are the broad political, social and economic motivations entailed in the intercultural relationships engendered by mining agreements. Whilst grounded in the localism of such relations in the three geographic regions, this study does not detail the minutiae of daily life to the extent of much traditional ethnography. The analytic intention is to illuminate emergent themes and motivations of relationships between Indigenous people, the mining industry, and the Australian state in much the way envisaged by Marcus in his description of multi-sited ethnographic techniques. Marcus (1999a) states ‘Multi-sited research constructs an account of the world system as exemplified by individual sites and ratified through the emergence of common or parallel narratives between them’. This proposition is supported by this research in its description of Indigenous narratives about economic development and cultural value, which are all locally grounded, but mutually recognisable across the three field sites. Marcus (1999b: 8) describes the possibilities of such research as follows:

The fieldwork in the second site is often different in nature to the first site. It is perhaps less intensive than work in the first, interested in probing a way of life as well as an imaginary, but always with the first site in mind. The second site is probed for itself, but the nature of its relation to the first site becomes the foremost question. Is there a reciprocal relation at the level of the imaginary, or not? Is there a material relation, one of periodic exchange, or is the relation totally virtual?

Linkages have emerged across sites, both through chains of relations, physical presence, and via narratives arising from normative notions of how people imagine their situations. The relationships between the apparently disparate field sites of this study are, as Marcus suggests, virtual, material and at the level of the imaginary. Indigenous mine workers described sacred sites and the fecund landscapes of their traditional estates as imbued with symbolism and meaning whilst driving Haulpac trucks carrying ore in the Century mine pit. Residents at a small community in the Pilbara discussed the positive benefits of the mining industry, but acknowledged their disengagement from it, while looking at the modified outline of what is left of Waragathuni, the Indigenous name for Mt Tom Price mine. European staff of Indigenous organisations talked of the inequality between the mining industry and the Indigenous sector in the negotiation and implementation of land access agreements. Indigenous staff of mining companies outlined the program to create robust regional
economies through sustainable initiatives. Emerging from these juxtapositions, both within field sites and across them, are diverse and contested narratives concerning distinctiveness, authenticity, equality, autonomy, and responsibility that are informed by normative modes of social transaction and cultural process. These narratives reach beyond the local, and inform networks, relationships, and multiple subjective understandings of the ‘intercultural’ across the sites of enquiry, and at the same time suggest the much larger scale and context of such processes.

What emerges is a network of structural similarities between the negotiation and administration of mining agreements informed by corporate (i.e. commercial) responses to changes in global economic and political conditions, and emergent national policy agendas. Indigenous responses to the mining industry are informed by their lived experience, which in all three cases examined here are characterised by economic and social marginality. The relationships described here are not static, however, and it is important to acknowledge the temporality of a study of this nature. It is argued that the current agreements are historically informed and emergent, and that both the policy context within which they occur and Indigenous responses to them are fluid and changing.

**Conclusion**

This introductory chapter has outlined the central themes of this monograph and has contextualised the study as occurring within the broader Australian Indigenous policy environment that seeks the mainstream economic engagement of Indigenous people. It has been argued that forms of productivity associated with the customary sector—referred to here as livelihoods—are made invisible by policy motivated by practical reconciliation and mainstreaming. Indigenous ambivalence has been introduced as an encompassing descriptor of diverse Indigenous experiences of engagement with the mining industry. Livelihood aspirations point to Indigenous development expectations associated with engagement with the mining industry. Livelihoods are not however purely aspirational, but entail the range of activities (and associated knowledge and skills) that many Indigenous people currently engage in to supplement resources available from both the state and market sectors. Altman’s hybrid economy and Gibson-Graham’s diverse economy already exist in mine hinterlands but are only minimally supported or recognised by the terms of mining agreements. This is because of ideological opposition and also the invisibility of the customary sector to the development project.

Chapter 2, provides historical background of the hinterlands of the three mines essential to analysis of the three field sites. Rather than being isolated
enclaves of localism, relationships between Indigenous people, the state, and the mining industry exist within a broader historical and political context. The chapter traces relationships across the three sites at the level of state policy, mining industry operations, and Indigenous rights discourse. The capacity of Indigenous people for economic engagement, particularly in mining, is highlighted through a description of the Pilbara pastoral strike of 1946 and the subsequent emergence of a successful and independent Indigenous mining collective known as the Pilbara social movement (Wilson 1980).

Chapter 3 introduces the mechanisms and structures associated with each of the agreements for the delivery of benefits and broader regional engagement. Such structures include Indigenous organisations, trust structures, committee structures, and internal corporate structures associated with the agreements. These structures define the space for Indigenous productive activity in the context of the three agreements, and restrict cultural autonomy. Drawing upon earlier studies of mining in Australia (Cousins and Nieuwenhuysen 1984; Rogers 1973) it asserts that the substance and intention of agreements between Indigenous people and the mining industry have changed little.

Chapter 4 describes the RUM Agreement. It focuses particularly on the dynamics of community definition associated with the agreement and its impacts not just for the attainment of agreement objectives, but for contestation within the Indigenous polity over issues of land ownership, access to resources, and the definition of personal and group identity. There is significant evidence that the ‘social contract’ designed to isolate Indigenous people from the impacts of mining has resulted in institutional economic exclusion and has placed significant duress on Indigenous society in the region (Gundjeihmi Aboriginal Corporation 2001; KRSIS 1997a, 1997b). This chapter describes emerging and current organisational relationships surrounding Ranger mine and the nearby Jabiluka deposit, to argue that administrative structures in the region challenge the maintenance of Indigenous identity, and to identify an emergent nexus between the recognition of Indigenous citizenship rights and their consent to mineral development.

Chapter 5 considers the YLUA in the context of rapidly expanding mineral development in the Pilbara region of Western Australia. Dynamics associated with the operation of trusts are examined to highlight the restrictive nature of the agreement on typically Indigenous aspirations for land access and protection of cultural heritage. Like the Kakadu region, issues of group membership are contested in the context of mining agreements. The chapter argues that the scale of mineral development, in conjunction with the agreement structures designed to mitigate impacts, increasingly distance Indigenous people from a range of land-based customary resources and challenge their ability to maintain cultural
institutions that define their identity. Social indicator data throws light upon the continued economic marginalisation of Indigenous people in the Pilbara, one of the most important mineral regions in Australia (Taylor and Scambary 2005).

Chapter 6 describes diverse Indigenous responses to the Century Zinc mine in the southern Gulf of Carpentaria as ambivalent to the mine and the broader project of ‘nation building’ that Trigger observes is implied in mineral developments such as Century (Trigger 1998). The chapter notes the manner in which Indigenous resistance can prompt beneficial responses from mining corporations. Militant action by Indigenous organisations and individuals during the negotiations of the agreement, and particularly in the form of a sit-in at the mine site by Waanyi people in 2007, prompted active consideration of the terms of the GCA within mine operation. High Indigenous employment rates at the mine are described as a successful outcome of the GCA, and highlight the nuanced potentialities of an intercultural engagement between the commercial realities of mining and Indigenous lifeworlds. However, this is merely localised success. This chapter contends that the scale of the agreement and poor definition in its structures demonstrates the inadequacy of market engagement on its own to meet Indigenous aspirations for the future.

The final chapter concludes by arguing that mining agreements in their current form have a limited capacity to attain sustainable outcomes for Indigenous people either in the sense anticipated by the economic liberalism of current policy approaches that emphasise mainstream economic engagement, or in terms of typically Indigenous aspirations for the future. Structures designed to limit individual and communal autonomy of agreement-derived benefits create confusion and uncertainty within the Indigenous polity, which leads to ambivalent responses to the overall project of mainstream economic development. Such ambivalence beckons innovation in the broadening of the terms of engagement to incorporate Indigenous worldviews and aspirations for the future of distinctive Indigenous identities. The conclusion reflects upon the current trend of removing Indigenous levers to influence their engagement with the mainstream economy such as amendments to enabling statutes such as the ALRA and the NTA. The de-emphasising of Indigenous rights in favour of statistical equality encourages Indigenous people to adopt a level of confidence in market engagement that is contradicted by their experience of interaction with multinational corporations, the predominant market force in the three regions described.