7. Conclusion

This study examines relationships between the mining industry and Indigenous people associated with the Ranger Uranium Mine (RUM) Agreement, the Yandi Land Use Agreement (Y LUA) and the Gulf Communities Agreement (GCA). Indigenous perspectives on their engagement with the industry in the context of these agreements reveal ambivalence towards mineral development that is motivated by both the inevitability of such development, and the need to maintain and negotiate distinctive Indigenous identities to meet the challenges that such developments present. The responses of Indigenous people across the sites of inquiry are historically informed, as are the agreements themselves. Diverse Indigenous aspirations identified in this study seek innovation and flexibility in mining agreements to recognise and support Indigenous forms of economic activity and cultural practice. Such aspirations encompass both mainstream economic development objectives and the maintenance of livelihoods associated with the customary sector, and reflect the self assessment of needs, scarcity, and capacity. Claims for citizenship rights and typically Indigenous rights arise from the historic constraints on Indigenous religious, cultural and economic expression. Equitable and autonomous market engagement and the maintenance of distinct Indigenous cultural identities are not incompatible, but together raise the possibility of attaining a desired future. Indigenous aspirations here challenge the dichotomy of statistical and symbolic equality that continues to characterise Indigenous policy debates, and demand both.

Modern mining agreements arise from legislative frameworks such as the Aboriginal Land Rights (Northern Territory) 1976 Act (ALRA) and Native Title Act 1993 (NTA) that privilege the continuation of Indigenous traditions in the recognition of rights to land, and provide mechanisms to negotiate agreements with resource developers. However, resulting mining agreements deemphasise the cultural prerogatives of Indigenous people in favour of mainstream economic development initiatives, predominantly within the mine economy. The capacity and desire of Indigenous people to engage in mine employment and training is influenced by diverse life histories. Indigenous people associated with the three agreements examined in this study reside in both urban and remote settings. Some enjoy access to their traditional lands, whilst others do not. Education standards and health standards are variable. Customary knowledge and experience also varies. Many people consider themselves as part of the ‘stolen generation’, either through their own forced removal, or that of an antecedent. Many others are fortunate not to have experienced forced separation from family and kin.
A consequence of the emergent diversity of knowledge and skills is that only small numbers of intended agreement beneficiaries are able to engage in the mainstream economic opportunities presented by the agreements. Structures within all three agreements limit opportunities available—through their definition of community benefit, or through the adequacy of the structures themselves to achieve agreement outcomes, or both. Such limitations arise generally from three factors: the extent to which the mining industry is prepared or able to operate beyond its core commercial domain in the delivery of social services; the manner in which the Indigenous ‘community of benefit’ is conceptualised in the terms of the agreements; and the lack of Indigenous autonomy over agreement benefits that emerges from the historical legacy of social and economic exclusion. Consequently positive and negative agreement outcomes are ad hoc, and lead to the conclusion that mining agreements of themselves are not creating sustainable economic futures for Indigenous people in their areas of impact.

Despite the different statutory and jurisdictional influences shaping the three agreements considered, they arise from an unresolved history of adverse relations between the mining industry and Indigenous people. Oppositional interpretations of land and its resources are fundamental to such adversity. Indigenous views presented in this study characterise ‘country’ as sentient and meaningful, producing socially embedded management practices that yield both tangible and symbolic resources. This contrasts with a non-Indigenous view of landscape that, through the exploitation of its resources, becomes socially embedded and therefore meaningful. Both views contain judgements about the productive value of land, and in turn the knowledge and capacity required to attain such value. The Pilbara pastoral workers’ strike of 1946 and the emergent Pindan social movement, with their focus on mining, demonstrate that the two views are not incontrovertible. Rather, the state policies of protectionism and assimilation have enabled the historical dominance over Indigenous interests—firstly of the pastoral industry, and later the mining industry—a situation that endures in the modern era. This overlaying of Indigenous interests obstructs the visibility of Indigenous agency in deriving value from the land, and suppresses the possibilities of the divergence of notions of cultural and economic value.

The policy direction of mainstreaming that seeks Indigenous statistical equality is informed by the economic liberalist agenda of reducing the size of the state and promoting market integration. In remote areas the mining industry is often the only representation of the market, and becomes a focus for Indigenous people seeking the delivery of services that are normally provided by the state. However, the reluctance of the industry to assume such responsibilities is an increasing source of tension in the tripartite relationships entailed in mining agreements, and one that suggests an emerging nexus between Indigenous
consent to mining and access to non-discretionary citizenship rights. In the context of mining agreements, trust funds, and in-kind support from the mining industry, are increasingly funding Indigenous health, housing and education programs in order to produce the competencies required for mine employment. The industry has also been (reluctantly) funding under-resourced native title representative bodies (NTRBs) to resolve legislative processes, normally funded by the state, in order to obtain timely security of tenure for mining and exploration activities (Minerals Council of Australia (MCA) 2006). This emerging role of the industry is converse to the Indigenous sector which is the target of funding cuts, increased scrutiny from government, and devolution of functions to mainstream government departments. Given the historic dominance of mining interests over Indigenous interests a key consequence of agreements such as the YLUA and the GCA is the inculcation of Indigenous people residing in mining areas into the narrow agenda of mineral development. The anti-Jabiluka campaign by the Mirrar Gundjeihmi invoked the authority of Indigenous identity in opposition to the threats and constraints presented by mining to their cultural autonomy.

In the context of the three agreements considered, the relationships between the mining industry and regional land councils and NTRBs can be characterised as fraught. Such relationships arise from the historic opposition of the industry to the statutes under which these organisations operate, and the constraints they place on mineral development. Amendments to statutes such as the ALRA and the NTA have favoured the industry in its pursuit of security of tenure for commercial mining operations. Past representations by the mining industry of land councils and NTRBs as recalcitrant, anti-development, and self-interested in debates about the workability of legislative mechanisms are reflected in the mainstreaming approach of bypassing intermediary Indigenous organisations in service delivery (Vanstone 2005). However, ongoing management of the agreements considered here, and the relationships that they engender, suggest a clear role for such organisations, and the development of specific and local expertise to represent Indigenous people in dealings with the mining industry. This is despite the varying roles played by such organisations in the three agreements, and the varying support they currently draw from their Indigenous constituents.

Expertise to identify people whose land interests and lives are impacted by mining development is reliant on knowledge of local tenure systems, political and social allegiances. Land councils and NTRBs, despite any current shortcomings, are ideally institutionally situated to fulfil this role and subsequent representation of Indigenous interests in negotiations with resource developers. Associated with all three agreements considered here are incongruous definitions of the relevant community that arise from initial assessment of land interests impacted
or affected by the mine. The renegotiation and realignment of the community of benefit by Indigenous people themselves at all three locations has emerged over time. The assumption that initial definitions of the community will encompass the unity of the group for the life of an agreement is inevitably challenged by influences internal to the group, and also by extraneous pressures. This is particularly so where community definitions were initially expansive as at Ranger, or entail coalitions as in the Pilbara. Indigenous regional land interests and the intra-Indigenous relationships and politics they entail are dynamic and context specific. The process of defining the region of impact of mining varies from region to region and is affected by a number of considerations including the extent of Indigenous knowledge of local land interests particularly in urban and regional areas, the scale of development as in the Pilbara, or the potential environmental impacts as in the southern Gulf of Carpentaria and in Kakadu National Park. The objectives of mining agreements to attain regional economic development outcomes are constrained not only by the financial scale of the multi-year agreements themselves, but by the lack of definition of discrete land interests within their area of impact. This is not to suggest that agreements cannot be reached on a regional basis, but rather that such agreements must account for local land interests that they encompass in order to maintain their relevance and regional legitimacy.

Assertions of the authority of the Mirrar Gundjeihmi over their traditional estate and the financial flows from the Ranger mine are described in terms of their impact on Indigenous organisations and the range of functions that they fulfil. Similar processes of disaggregation are described in the central Pilbara, but are additionally influenced by the scale of mineral development in the region. In the southern Gulf of Carpentaria, renegotiation is also occurring in terms of assertions of the discrete rights of Waanyi people, and of groups not initially considered by the GCA. The YLUA and the GCA statically define the community, and despite five-year reviews of both agreements, there appears little scope for reflecting local assessments of the relevant community. However, redefinition of the community risks the loss of relevance and efficacy of static agreement structures and organisations in the attainment of agreement outcomes. The decline of the Gagudju Association is a clear example of the adverse impact of the assertion of discrete rights and interests. Inadequate consideration of discrete land interests in the GCA was also a factor in the 2002 Century mine sit-in, demonstrating that mines themselves are not enclaves isolated from the lives of Indigenous people. The mining industry’s management and understanding of the complex Indigenous politics associated with land interests and access

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1 Examples include the internal relationships of the Gagudju Association’s membership; in the Pilbara the negotiation of discrete mining agreements outside the Gumala coalition; and in the southern Gulf of Carpentaria the finding that Gangalidda people had succeeded to Minginidda country in the Wellesley Islands Sea claim.
to benefits is limited. The absence of organisations that possess the relevant specialist expertise to represent Indigenous interests risks drawing the industry further into realms outside its core commercial functions, and raises the potential for conflict.

The representative and governance expertise of existing organisations is variable across the three regions, and is influenced by the relatively recent establishment of many NTRBs and land councils, and diminishing levels of resources available through state funding (O’Faircheallaigh 2006). Also, the adversarial relationships between land councils and NTRBs and the mining industry have led to situations where representative organisations are bypassed, as in the Century mine negotiations, or at least heavily criticised. An enduring example of organisational dysfunction that has influenced modern mining agreements is that of the Kunwinjku Association and the Nabarlek Traditional Owners’ Association emerging from the Queensland Mines Limited (QML) Agreement (1979–95) with the Northern Land Council (NLC) concerning the Nabarlek uranium mine in western Arnhem Land. Research documenting the poor governance of these associations, and unclear definitions of agreement recipients, indicates that significant sums of money derived from the agreement were wasted (Altman and Smith 1994; Kesteven 1983; O’Faircheallaigh 1988). The most recent of these research publications is the review of the Nabarlek Traditional Owners’ Association undertaken by Altman and Smith (1994) on behalf of the NLC, and subsequently published. Altman and Smith’s research notes a number of factors that are still relevant, including the finite life of mines and, hence, financial flows to Indigenous people; the limited capacity for strategic responsiveness to organisational capacity shortfalls of Indigenous agencies by government departments, the mining industry and Indigenous representative organisations; and legislative ambiguity in the purpose of mining money to be compensatory or benefit sharing payments, hence public or private, in their application. Such factors indicate, as does this study, that consideration of poor governance and poor accountability in the context of mining agreements extends beyond the Indigenous sector to include the mining industry and the state. Altman and Smith (1994: 1) note that the NLC was subject to intense and perhaps excessive scrutiny for its role in the QML agreement compared to other stakeholders, but commend the organisation for sponsoring and allowing publication of the research ‘in the interests of learning from the mistakes of the past’. Such reflexivity is rare in the assessments of mining agreements by stakeholders. Though this example is dated and singular, it nonetheless is transparent and demonstrates the potential maturity of Indigenous organisations in furthering engagement with external parties—maturity that has in many cases remained latent in the face of oppositional stances by the state and the mining industry to the discourse of Indigenous rights that inevitably accompanies the representation of Indigenous interests.
Altman and Smith’s (1994) research occurred on the cusp of a new agreement era emerging from the passing of the NTA, and coincided with the new approach of Rio Tinto to work with the new legislative framework (Davis 1995), an approach subsequently adopted by the industry. The business case for the new approach is influenced by the maintenance of corporate image through the portrayal of mining companies as good corporate citizens. Obtaining a social licence to operate is premised on companies working in partnership with communities in the areas in which they operate and the generation of community benefit. The Nabarlek case is considered a worst-case example, and one which if repeated might reflect poorly on mining companies as contributing to Indigenous social dysfunction. The new approach of attaining Indigenous community benefit through mining agreements entailed a reactionary response to the perceived wastage associated with the royalty regime under the ALRA which, as noted in Chapter 4, is extrapolated from Nabarlek to apply generally to all mining agreements under the ALRA. The post NTA practice of tying compensatory payments to specific purposes defined in mining agreements as community benefits packages, mitigates against Nabarlek type situations, but as this research has explored, also reduces Indigenous autonomy over funds derived from what are essentially commercial negotiations under the NTA. The dominant role of the mining industry in setting the terms of modern mining agreements was enabled by the unexpected High Court decision in *Mabo No. 2*, subsequent uncertainty under the new NTA legislative regime; its national focus, and the absence of Indigenous organisations in many parts of Australia that could assume the mantle of being NTRBs under the NTA.

Programs of employment and training, business development, heritage and environmental protection target compensatory benefits at tangible outcomes. Indigenous support for these programs is premised on the economic and social advantage that they represent, but also on the accessibility of such programs to the intended agreement beneficiaries. Inaccessibility of such programs diminishes their relevance in the repertoire of available resources, and generates ambivalent responses. At Century mine, Indigenous employment is viewed as a successful outcome from the agreement, but one which was undermined by the poor workforce representation of local/mine adjacent Waanyi people, and compounded by dysfunctional agreement structures culminating in the confrontational/activist 2002 sit-in at the mine canteen. In the Pilbara, the perception of there being no clear progression into employment at the conclusion of training programs, poor land access, and lack of access to trust funds generated Indigenous ambivalence. At Ranger, the request by Mirrar Gundjeihmi to Energy Resources of Australia (ERA) not to employ Indigenous people at all reflects their anti mining stance, but also a desire to avoid the negative social consequences associated with an influx of Indigenous migrants. Mirrar Gundjeihmi opposition to the development of the Jabiluka prospect also
reflected an assessment of cost incurred in terms of reduced cultural autonomy and enhanced social dysfunction as a result of their experience of the Ranger mine. The perception that mining agreements bring prosperity to Indigenous people is promulgated by the mining industry and the state. However, the documented experience of Indigenous people impacted by the Ranger mine is that cost shifting from the state to the regional recipients of ‘areas affected’ payments and the mining company ERA has resulted in the region being arguably economically and socially worse off than nearby comparable regions of the Northern Territory (Kakadu Region Social Impact Study (KRSIS) 1997a; Taylor 1999). The withdrawal of the state in the Kakadu region in the delivery of what should be non-discretionary citizenship rights should be cautionary, both to the attainment of mainstream economic objectives implied by modern mining agreements, and the ‘normalisation’ approach of current Indigenous policy.

Many people who participated in this study, particularly the elderly, the infirm, those without formal educational qualifications, people who have a criminal record, and those who choose not to engage in the mine economy, maintain that they have seen little benefit from mining agreements. This is not to deny the in-kind assistance and programs that mining companies have engaged in at all three regions. Rather it suggests that the anticipated outcomes associated with the agreements, and arising from varied and complex negotiating processes, have not eventuated. In the Pilbara for example, the existence of a substantial trust fund associated with the YLUA is viewed positively, but the inability of the Gumala membership to readily access funds created the widespread perception that they have little autonomy within the agreement to determine the shape of their future. Conversely, in the Gulf of Carpentaria poor corporate governance associated with the GCA, and unstable recipient organisations do not assist in the creation of a capital base, and similarly undermine intended agreement outcomes. The history of the Ranger mine and associated Indigenous organisations highlights the loss of autonomy of the Mirrar Gundjeihmi through the dispersal of their authority in the administrative frameworks designed to minimise the impacts of mining. However, through the interplay of local identity politics associated with Ranger mine and later the Jabiluka protest, the Mirrar Gundjeihmi have re-emerged as powerful actors in the region. This has had consequences for other regional interests, especially the Bunidj and Murrumburr people, through the dilution of their authority in the organisations and institutions associated with mining in the Kakadu region.

Despite the provision of mainstream economic opportunities, access to land remains a critical issue at all three sites considered. In the Kakadu region the Ranger and Jabiluka leases occupy approximately 50 per cent of the Mirrar Gundjeihmi estate. Whilst the YLUA and the GCA make provision for the return of pastoral land holdings of the respective mining companies, the outcomes of
such provisions are unclear to many. Title to a number of leases in the Gulf of Carpentaria has been granted, though the continuation of commercial pastoral operations on Lawn Hill Station is seen by some to preclude Indigenous use of the area. In the Pilbara, the timeframes for the return of leasehold land is unclear. The desire to access land for livelihood and religious pursuits is a central theme of this study and one that suggests the need to broaden the terms of engagement entailed in mining agreements.

Livelihoods are described generally as a range of activities associated with the customary sector, including fishing, hunting, gathering, the production of art and craft, the conduct of ritual, and the maintenance of family and kin relations. Tangible livelihood outcomes are economic, and are considered by many Indigenous people to be reliable in comparison to the risks of dependency associated with obtaining resources through engagement with the market and the state. Symbolic resources are also derived through the conduct of livelihood activities and are central to the maintenance and construction of distinct Indigenous identities. The symbolism of everyday life is drawn upon in the inward assertions of identification with a group of people, and outwardly in the assertion of difference to other cultural identities. Examples are provided from all three field sites of the continued practice of livelihoods associated with the customary sector. Whilst the yield of livelihood practices has not been quantified in this research, the nature of cultural value that is derived from such activities is manifest in the choices individuals make about their lives and, in the context of this study, their limited level of engagement with the mine economy. Assessments of costs and benefits are considered in terms of economic gain, but also in terms of personal and group identity. As such, cultural value derived is only truly perceptible to those who produce it. However, this study does not assert that poor outcomes against agreement objectives are reducible to the choices Indigenous people make about the nature of their engagement with the mine economy. Rather, the choices people make are to a large extent dictated by the opportunities that are available. Structural obstacles to mainstream economic engagement presented by poverty, social and economic exclusion—and structures arising from the agreements themselves—define narrow terms of engagement. Like the pastoral industry before it, the obstacles to cultural autonomy that are presented by the presence of the mining industry also impact on the customary sector. Access to land—for the purpose of establishing residence, or accessing resources, or maintaining links to important sites in the sentient landscape—is a key aspiration across the field sites, and is integrally linked to the range of tangible and symbolic resources that land access provides.

The possibility for a convergence of economic value and Indigenous cultural value is clearly reflected in the dual aspirations of Indigenous people across the breadth of this study to enhance both their market engagement, and engagement
with the customary sector. Across Northern Australia the recognition of cultural value in economic price is emerging in innovative partnerships that emphasise Indigenous land management practices. Extensive networks of Indigenous ranger groups are already involved in projects associated with the maintenance of biodiversity, disease control, border control, feral animal and weed management, fire management, and greenhouse gas abatement. Such projects recognise and enhance the value of Indigenous knowledge and capacity deriving from relationships to land, and have the potential for developmental outcomes in terms of the generation of economic resources. The benefits to Indigenous people, aside from those arising from fee-for-service arrangements, include the opportunity for the continuation of cultural traditions, the maintenance of heritage, and the maintenance of distinctive identities.

The possibility for the application of community benefits packages associated with mining agreements in areas of land management is noted, particularly given the extensive pastoral land holdings of mining companies. This is not to suggest that programs of mainstream engagement aimed at the mine economy should be abandoned, but rather to suggest a possible area in which the application of community benefits can be fruitfully augmented. Further innovation is required in the forms of engagement between the mining industry and Indigenous people to promote Indigenous empowerment and autonomy. Central to this is the recognition of who Indigenous people are, and respect for the diverse range of knowledge and skills they possess.

This multi-sited ethnography has described the diversity of Indigenous people and their aspirations associated with the Ranger mine in the Kakadu region, the Yandicoogina mine in the central Pilbara, and the Century mine in the southern Gulf of Carpentaria. Emerging from the broad scope of this study are numerous Indigenous narratives concerning distinctiveness, authenticity, equality, autonomy and responsibility. These narratives reach beyond the local relationships with the mining industry and state entailed in mining agreements, and draw upon the historic experiences of Indigenous people to demand both citizenship rights and symbolic rights. This research presents a description and analysis of what might be described as a colonial moment in the emerging relationships between Indigenous people and the Australian nation state. Indigenous struggles to seek redress of social and economic exclusion draw upon normative modes of social transaction and cultural process that rally against reified representations of indigeneity, and suggest ongoing cultural transformations. Such transformations are reflected in strategies and aspirations for the future that seek to innovatively resolve conflicting notions of productivity and value through positive assertions of Indigenous distinctiveness within the broader realm of an Australian national identity. Through examination of these three mining agreements it is clear that Indigenous people residing in mine
hinterlands engage and respond to global influences while at the same time engaging with the customary. A clear example is the Century mine workers who drive Haulpac trucks in the mine, but still draw upon the tangible and symbolic resources of their country in the construction of identity and the maintenance of tradition. The title of this monograph, *My Country, Mine Country*, reflects the capacity of Indigenous people to define and influence their intercultural engagement, and to negotiate the complex priorities and tensions that arise from the inter-subjective considerations it entails. It also suggests that poor understanding of Indigenous capacity by the state and the mining industry perpetuates dichotomous relationships with Indigenous people. In the same way that Indigenous people recognise the value of mainstream economic engagement and accessing their citizenship entitlements as a means of supplementing the customary, a clear challenge exists for the Australian nation to respond and recognise the value of its Indigenous citizens and their myriad productive activities.