# Undermining conflict:
## Multinational Miners, Conflict and Participation in Indonesia

Lian Napier Sinclair BCom, BA *W.Aust,* BA(Hons) *Murdoch*
January 2020

Thesis submitted for the degree of Doctor of Philosophy
Asia Research Centre / Global Studies
Murdoch University

I declare that:

This thesis is my own account of research conducted by myself, except where other sources are fully acknowledged by footnotes or referencing;

The thesis contains as its main contents work which has not been previously submitted for a degree at any university;

Editing and proofreading complies with the Institute of Professional Editors (2019)*, Guidelines for editing research theses.*; and

All necessary ethics and safety approvals have been obtained. The research is covered by permit number 2015/215 by Murdoch University's Human Research Ethics Committee and Risk Assessment for Murdoch Purposes number RAMP0343 – October 2015.

25/01/2020

Lian Napier Sinclair

# Abstract

Since the 1990s, participation has become the dominant method for multinational mining corporations to contain conflict with people affected by mining. Yet conflict, including violent confrontation, remains prevalent. The literature documents a wide range of outcomes of participatory mechanisms – they may produce compromise, exacerbate conflict or even create new opportunities for conflict – yet there is little literature explaining such variance. This thesis explains this diversity in terms of (a) factors involved in the design and implementation of participatory mechanisms by multinational miners and (b) factors determining how, when and why people affected by mining participate or not. I use the 'modes of participation' framework to analyse how institutional and ideological foundations for participation shape who can participate, on what issues and when. I argue that participatory mechanisms including corporate social responsibility (CSR) and community development are neither simple outcomes of corporate ethics nor merely greenwashing strategies, as they are often presented. Rather, participation is a mechanism of rule to both *contain manifestations of conflict* risky to corporate profitability and *create social relations* amenable to extractive accumulation.

Qualitative data are drawn from fieldwork across three case studies in Indonesia – the proposed coastal Kulon Progo sand iron mine in Yogyakarta, Newcrest's Gosowong gold mine in North Maluku and Rio Tinto's ex-Kelian gold mine in East Kalimantan. These cases are placed within an analysis of global corporate self-governance that has arisen in response to broader crises of legitimacy. Findings highlight the importance of historically constituted social relations and contestation across local and global scales in shaping participation. Particularly important for how people affected by mining participate are their control of land, histories of organisation, alliance structures and ideologies. These factors shape the desire and capacity of people affected by mining to resist or secure benefits from participation in mining developments.

# Acknowledgements

# Contents

# List of Figures

# List of Tables

# List of Acronyms

| | |
|---|---|
| ADB | Asia Development Bank |
| AMAN | *Aliansi Masyarakat Adat Nusantara*, Alliance of Indigenous Communities of the Archipelago |
| ASM | Artisanal and small-scale miners |
| BPD | *Badan Permusyawaratan Desa*, Village Consultative Body. Also referred to as the Village Representative Council |
| CAA | Community Aid Abroad, now Oxfam Australia |
| CAO | Compliance Advisor Ombudsman (IFC) |
| CSR | Corporate Social Responsibility |
| DFID | Department for International Development (UK) |
| EITI | Extractive Industries Transparency Initiative |
| FKMA | *Forum Komunikasi Masyarakat Agraria* – Agrarian Communities Communication Forum |
| FPIC | Free Prior Informed Consent; also corrupted as Free Prior Informed Consultation |
| GAM | *Gerakan Aceh Merdeka* – Free Aceh Movement |
| ICMM | International Council on Mining and Metals |
| IFC | International Finance Corporation |
| JATAM | *Jaringan Advokasi Tambang* – the Mining Advocacy Network |
| JMI | PT Jogja Megasa Iron – Operating company owned by Indomines Limited and JMM |
| JMM | PT Jogja Megasa Mining – Owned by members of the royal families of Yogyakarta |
| KEM | PT Kelian Equatorial Mining – Majority owned by Rio Tinto |
| LKMTL | *Lembaga Kesejateraan Masyarakat Tambang dan Lingkungan;* Council for Environment and Mining Communities Prosperity |
| MCA | Minerals Council of Australia |
| MIGA | Multilateral Investment Guarantee Agency |
| MMSD | *Mining, Minerals and Sustainable Development* initiative of the GMI |
| NHM | PT Nusa Halmahera Minerals – majority owned by Newcrest Mining Limited |
| NGO | Nongovernment Organisation – not including business associations |
| PPLP | *Paguyuban Petani Lahan Pantai* – Association of Shoreline Farmers, Kulon Progo |
| TNI | Tentara Nasional Indonesia – The Indonesian Army |
| UNDP-LEAD | *United National Development Program-Legal Empowerment and Assistance for the Disadvantaged* |
| VOC | The Dutch East India Company |
| WALHI | *Wahana Lungkungan Hidup Indonesia*; Friends of the Earth Indonesia |
| WBG | World Bank Group |
| WWF | World Wide Fund for Nature |
| MCSC | Mine Closure Steering Committee – KEM |
| KPM | *Komite Penasehat Masyarakat* – Community Advice Committee |

# Glossary

| | |
|---|---|
| *Permen* | Peraturan Menteri – Ministerial regulation |
| *adat* | Traditional or indigenous systems of law, culture, norms and institutions. |
| *Bertani atau mati!* | Farm or die! (PPLP slogan) |
| *Brimob* | Mobile Brigade, paramilitary and anti-riot police. |
| *Bupati* | Regent. The head of a *kabupaten*, elected by citizens. |
| *Camat* | The head of a district's government. Appointed by the *Bupati.* |
| *Dana Desa* | Village Fund – dedicated funding paid directly from the national government to village governments for development |
| *Desa* | Village, more specifically a defined administrative rural area with an elected head of government, called Kapala Desa. Desa are made up of dukuh (hamlets) and a number of desa make up kecematan or districts. |
| *Kabupaten* | Regency. Rural administrative area below province, above district and equivalent to a city. |
| *Kecematan* | District. Administrative area below province, above village. Sometimes also referred to as a sub-district. |
| *Kelompok Tani* | Farming group – to coordinate farming activities across a hamlet or village. |
| *Kepala Desa* | Village head. Elected by residents for six-year terms. |
| *Korporasi* | Corporation, corporative, cooperative. |
| *KomnasHAM* | National Commission for Human-Rights |
| *Menanam adalah melawan!* | Farming is fighting (PPLP slogan) |
| *Musyawarah desa* | Village Consultative Assembly. Usually held once a year for village officials to consult residents on development priorities. |
| *Paku Alam* | Prince and vice-governor of Yogyakarta, traditional ruler of Pakualaman principality. |
| *Penambang Rakyat* | People's miners. Artisanal and small-scale miners. |
| *Petani* | Peasant / farmer / agrarian small-holder. |
| *Sosilisasi* | Socialisation. Unlike in English, *sosilisasi* has more of an intentional connotation, and could include consultation. |
| *Preman* | Gangsters. Often hired by politicians and corporations to perform dirty work. |

# Chapter One: Introduction to Mining, Crises and Participation

Large-scale corporate mining has an extraordinary ability to generate controversy. The exploration for, extraction, processing, transport and distribution of coal, metals and minerals is inextricably associated with environmental pollution, land-grabbing, human rights abuse, poor governance, inequality, and violent conflict. Yet the global mining industry continues to enjoy enormous support. Its promise of economic development and modernisation appeals across national borders and social classes (J. Nem Singh and Bourgouin 2013a). Indeed, most of the current conveniences and technologies that we enjoy would be in short supply without the resources mining provides.

The positive and negative sides of mining stem from its ability to generate rapid economic, social, and political change. Land-grabbing and rapid changes in land use – from sites of subsistence, small scale mining, agricultural production, ecology or residence to sites of resource extraction – disrupts and demands new social relations of production and reproduction (Leifsen et al. 2017). This can threaten the basis of people's livelihoods (Ballard and Banks 2003).  Large mines come to dominate local economies and can cause localised or national inflationary pressures and exacerbate inequalities (Devi and Prayogo 2013; Perreault 2018). These changes inevitably produce winners and losers according to the distribution of impacts and opportunities. Even within villages or geographic communities, various "sets of sub-groups and individuals" (Horowitz 2011, 1385) develop differing opinions about the benefits and costs of development projects. The resultant contestation needs to be managed by corporations or states lest it manifest in forms of conflict that threaten the profitability of capital.

Multinational mining corporations are continuously reforming and refining their social and environmental practices in response to crises of legitimacy and conflicts with people affected by mining. Since the 1990s, multinational miners, along with their political allies and financiers, have developed a global network of self-regulatory standards and organisations to reconstitute their legitimacy as responsible corporate actors. Together with international financial institutions, they have developed new participatory conflict management mechanisms to contain and manage conflict with people affected by mining and other critics

(Hatcher 2014). Yet, in 2019, twenty years since the mainstreaming of corporate social responsibility (CSR), participation and community development in the mining sector, controversy, violence, and environmental destruction persist.

This thesis is concerned with the rise, forms and effects of corporate modes of participation as a mechanism for managing community relations and containing risky manifestations of conflict around large-scale mines. It develops theoretical and analytical frameworks to explain the diverse and often unpredicted outcomes of participation as a conflict management strategy. I present two related arguments. Firstly, *multinational mining corporations develop participatory mechanisms to contain and manage multi-scalar conflicts with people affected by mining and NGOs* (Non-Government Organisations).[1] At international scales this takes the form of a global network of self-governance standards and associations. At local scales, these mechanisms include participatory CSR, community development, environmental monitoring and consultative committees. These mechanisms all have implications for the distribution of political, social and economic goods and power. Secondly, *people affected by mining will secure most benefits from participatory mechanisms or most effectively resist them through their control of land, histories of organisation, alliance structures and ideological conceptions of the world.* Together, these factors underpin the capacity and desire of groups of people affected by mining to participate in or resist mining developments.

## Crises in Global Mining and the Significance of Participation

Mining corporations began to employ participatory approaches to CSR, community development, consultation and environmental management in the late 1990s following increased media and NGO attention on sustainability, human rights, environmental devastation, and even civil-war (Kirsch 2014; Cochrane 2017). Significant controversies developed from local campaigns as NGOs rallied against the lack of regulation, transparency, and accountability of mining companies in their overseas operations, especially in

---

[1] Throughout this thesis, I use the term NGO to refer to private (non-state), not-for-profit formal organisations, organised around a social purpose such as environmentalism, human-rights etc. NGOs may operate at sub-national, national, or international scales and may be made up of branches or affiliates across places. I therefore distinguish NGOs from business associations that represent the interests of profit-maximising firms and from less formalised local organisations or activist groups.

authoritarian contexts (Bünte 2018). Beyond reputational damage, several cases resulted in multinational miners being sued in their home jurisdictions and NGO campaigns to create regulations that would hold multinational miners' foreign operations to the standards that apply in their home states (Atkinson and Hudson 1998; Macdonald 2004; Kirsch 2014, 84–126; Bünte 2018). Conflict with communities affected by mining are immensely costly for corporations, if they develop into blockades, injunctions or other actions that delay or cancel projects. Franks et al. (2014, 7578) show that "as a result of conflict, a major, world-class mining project with capital expenditure of between US$3 and US$5 billion was reported to suffer roughly US$20 million per week of delayed production in net present value terms," while cancellation of projects runs into billions of dollars of lost capital.

Reputational damage, regulatory risk and conflict with local communities represents the loss (or failure to establish) a *social license to operate* – the "ongoing acceptance by society of a company carrying out its activities" (Brueckner and Eabrasu 2018, 218). *Sustained* reputational, regulatory and community opposition to multiple projects and corporations within the industry culminated in *crises of legitimacy.* In Gramscian terms, a crisis of legitimacy[2] occurs when a dominant class loses the consensus for its ideological leadership and risks being subjected to the regulation of other actors (Filippini 2017, 99; Chapter Four). This can occur independently of, yet is related to, the dominant class's structural power, which may be asserted through more coercive means to keep control. In this case, multinational mining corporations as a collective were threatened with increased state regulation and community intervention in their operations while the use of coercive measures is precisely what had led to the loss of legitimacy. Crises of legitimacy and their material cost were not limited to multinational miners but extended to their financiers and political supporters, notably the World Bank Group (Fox and Brown 2000; Danielson 2002; World Bank 2003; Hatcher 2014; Kirsch 2014).

Multinational miners and their financiers sought to address their collective crisis of legitimacy through forming a global network of associations, organisations and standards for the self-regulation of the environmental and social dimensions of mining (Chapter Four). Significant examples are the International Council on Mining and Metals (ICMM), The Equator Principles,

---

[2] Also synonymous with crisis of authority, confidence or hegemony, see (Gramsci 1971, Q13§23; 210-211).

The Kimberly Process, the Extractive Industries Transparency Initiative, the IFC's Compliance Advisor Ombudsman (CAO), and the UN Global Compact (Kirsch 2014; Hatcher 2020). Ideological fragments and practices from critics and allies – including sustainability, good governance, participatory development, and community empowerment – were incorporated into new self-governance standards. Together these form the ideological basis and institutional structures for new 'modes of participation' (Rodan 2018). More specifically they promote non-democratic consultative and particularistic ideologies of representation to restore legitimacy without conceding structural power (see Chapter Three). At the project level, corporations employed new participatory mechanisms based in internationally constituted modes of participation and in response to local risks to directly engage people affected by mining.

These strategies have not eliminated problems of environmental devastation, human rights abuse, violence or corruption. Of recent infamy is BHP's fight against liability and compensation claims following the collapse of the Samarco mine's tailings dam, 50% owned by BHP, that destroyed the Brazilian village of Bento Rodrigues (Ong 2016; Ferguson 2016). In Australia, both the corporate sector and government promote Australian mining corporations as world leaders in best practice associated with all aspects of extractives and extractive development (AusAID 2011; DFAT 2014). However, Australian mining companies have been involved in a significant number of mining related conflicts and subject to significant criticism by NGOs and media (Parfitt, Bryant, and Barrett 2012). Indonesian examples include when three activists were killed by police while resisting gold exploration in Bima by Arc Exploration (Kendari 2011) and the ongoing violence between police, non-state militias (*preman*) and community groups over sand-iron mining in Kulon Progo, Yogyakarta, by Perth based Indo Mines Ltd (JATAM 2009; Chapter Seven). Before BHP sold its huge Kalimantan 'Indomet' concession in June 2016, it had attracted significant media attention about the project's anticipated impact on rainforest ecosystems, climate, and traditional owners (Rompas 2013; Jacobson 2015; *Republika Online* 2016).

Together, global self-governance networks and local participatory mechanisms have been effective strategies to entrench the power of multinational miners in the face of challenges. Their interests and responsibilities have expanded to include the social and environmental dimensions of mining. With corporations becoming more involved in community

development programs, environmental monitoring and stakeholder consultation, incentives are created for people affected by mining to engage with corporate actors. The forms that conflict takes are continuously changing as participatory mechanisms evolve in response to ongoing contestation with critics and people affected by mining. Indeed, the main effect of CSR programs is to change the dynamics of conflict, rather than eliminate it (F. Li 2015). Participatory mechanisms shape and contain conflict, but often in quite unpredictable ways, in some cases opening up new opportunities for conflict (Arellano-Yanguas 2011; Leifsen et al. 2017).

## Explaining divergent outcomes

While there is a wealth of literature describing the reactions of people affected by mining to participatory mechanisms, there is very little that explains why and how people affected by mining choose to participate or not in corporate mechanisms. Groups of people affected by mining make strategic decisions to embrace, co-opt, resist or subvert attempts to elicit their participation (J. Nem Singh and Camba 2016; Conde and Le Billon 2017). Participatory mechanisms can be manipulated by groups and individuals to accommodate desires they were not designed for (Jayasuriya and Rodan 2007b; Horowitz 2015). Benefits can be extracted through each strategy. The ability of groups to extract greater benefits is related to their relative bargaining power (O'Faircheallaigh 2015) – or power to resist. Mechanisms of participation exist in the shadow of legalised and illegal deployable violence (Leith 2003; Arellano-Yanguas 2011; Welker 2014). To be sure, the prevailing political climate, risk of violence, and promises of development goods affect these strategic calculations. Yet what determines the capacity and desire of groups of people affected by mining to participate or not and how?

This lacuna can be explained by the tendency of literature to adopt a methodological or epistemological focus on particular sites or scales (national institutions, international organisations, individual corporations etc) of conflict and participation to the exclusion of others. While institutional approaches produce compelling accounts of the regulatory structures and governance of the social dimensions of mining, they take institutional reform *prima facie* and ignore expressions of conflict that occur outside of formal institutional structures (see Chapter Two). On the other hand, post-structuralist and constructivist

accounts provide descriptions of contests and power relations between actors but tend to ignore political economic structures that shape conflict. Likewise, there are few accounts of participation and conflict in extractive industries that analyse how local, national and global contestation over the social and environmental dimensions of mining overlap and constitute each other (cf Kirsch 2014). To understand both how, when and why multinational miners deploy participatory mechanisms *and* how groups of people affected by mining participate or not and the ways these two decisions are related, we must move past methodological focus on specific scales, sites and institutions.

The key contribution of this thesis is to develop empirical and theoretical understandings of how and why groups embrace, co-opt, or resist participatory mechanisms and their diverse outcomes. This is achieved by situating mining conflict – and the formal and informal institutions emerging from such – within broader processes of economic, political and social transformations across local, national and global scales and across state, corporate and autonomous sites of participation.

## Modes of Participation and Scales of Contestation

Extractive industry developments do not occur in a vacuum. The politics of extractives are inextricably linked to the broader political economies of the societies in which they operate. The *conflicts* surrounding extractive industries are also inextricable from broader dynamics of economic development and political change. I therefore conceptualise extractive projects as *precipitating, triggering* and/or *transforming* both the basis of social conflict and expressions of conflict rather than simply *causing* conflict. Mining corporations often become embroiled in conflicts that predate their presence but may have found little visible expression before the development of a mine. This is because social, economic and political divisions pre-exist extractive developments, including class, ethnic, gendered relations and political tensions (Borras and Franco 2013; A. Bebbington 2011; Arellano-Yanguas 2011). Histories of dispossession, colonialism and marginalisation may become entangled, especially where mining affects Indigenous people (Coumans 2008; Angelbeck 2008; Guichaoua 2012). The analytical task then is to unmask the dynamics of conflict, the role extractive developments play and how expressions of conflict are managed or perpetuated through corporatized participatory mechanisms.

To explain the forces behind participation, its governance, the forms that it takes, and how groups of people affected by mining respond to participatory mechanisms, I adopt the 'modes of participation' framework. Modes of participation are "the institutional structures and ideologies that shape the inclusion and exclusion of individuals and groups in the political process" (Jayasuriya and Rodan 2007a, 774). The framework was developed to analyse how state actors use participation as a technique for securing legitimacy and containing challenges from various groups. It explains particular forms of participation emerging at given moments and sites as the result of contestations over capitalist development (Rodan 2018). The modes of participation framework is a specific application of social conflict theory which understands society as made up of groups of actors who pursue their interests in competing versions of development.[3] Visible forms of conflict are treated as manifestations of contestation and the contradictions rooted within processes of capitalist development. The advantage of this approach is the focus on historically constituted social forces and the root causes of conflict, not merely its visible and institutional manifestations.

In this study, I adapt the modes of participation framework to examine corporate-sponsored sites of participation and how they are constructed against state-sponsored and autonomous sites of participation. This simply reflects the increasing trend and need for mining corporations to contain contradictions and conflicts resulting from extractive developments – particularly from acts of primitive accumulation or land grabbing. Beyond simply reacting to conflict, mining corporations use participatory mechanisms, CSR and particularly participatory community development work to construct social relations of production favourable to large scale mining. Here, 'social relations of production' is meant in the broad sense, as "everyday patterns of behaviour involved in the production and consumption of physical goods as well as the discursive institutional and cultural tactics established to ensure the hegemony of existing social relations" (Bieler and Morton 2018, 37), and includes social relations of reproduction (Chapter Three).

The second adaptation I make, given that participatory mechanisms operate largely at local scales while standards for their implementation and ideological legitimacy are enshrined at

---

[3] This approach, based in Marxist and Gramscian sociology, when applied to political economy has also been referred to as 'structural political economy' (Hutchison et al. 2014) or 'the Murdoch school of critical political economy' (Hameiri and Jones 2020).

international scales, is to combine the modes of participation framework with a 'politics of scale'. In political geography, the concept of scale refers to the spatial level (from local, metropolitan and provincial to national, regional and global) of social, political and economic activities (N. Smith 2008). The production of scale, along with the issues governed at any particular scale, is never given *a priori* but is the result of capitalist development, environmental factors, and political contestation (N. Smith 2003, 181–90; Swyngedouw and Heynen 2010; Allen 2018). For Smith (2008, 181–90), scale is reproduced through dynamics of capitalist development. Local scales have traditionally been sites of production and socialisation. Provincial scales are reproduced through the mechanics of distribution. National scales are reproduced through the support, defence and coordination of capital.[4] Following this, in this study I use 'local scale' or simply 'local' to refer to the areas surrounding a mine site that are directly impacted by or impact extractive developments. The local scale then is an outcome of capitalist development but always involves political contestation over who should be considered local for the purposes of community development, compensation or preferential employment amongst other befefits.

Because different opportunities, allies and resources are available at any given scale, actors strategically contest issues at scales, or across multiple scales, that are the most beneficial to their interests (Hameiri and Jones 2015, 56; Allen 2018). For example, social movements often attempt to 'jump scales' to the national or international where they can access allies, resources, media and invite public scrutiny (Escobar 2001; Kirsch 2014). Alliances which operate across political scales are a crucial factor in how effectively people affected by mining can campaign if they decide to reject participation – or how much knowledge and support they can receive to participate.[5]

I use the term 'people affected by mining' or 'groups of people affected by mining' and generally avoid 'local community' to signal that in any given locality, different individuals and groups of people will be affected and react differently. A micro political economy approach to community formation emphasises localised relationships that enable production and distribution of resources as a *process* of community creation (Roseberry 1989; Tania M. Li

---

[4] Ecological factors can also influence the production of scales of conflict and governance.
[5] Indeed, in all three cases in this thesis, people opposed to mining sought to create alliances with groups who could help attract national and international resources and legitimacy.

1996). Critically then, the very act of proposing a mining project can play a role in creating or splitting new scales and sites of political, economic and social relations as various actors and groups organise to contest or benefit from resource extraction.

In this approach, participatory mechanisms are not merely an ethical imperative or greenwashing exercise (eg Mzembe and Downs 2014; see: O'Faircheallaigh 2008). Rather, they are a political tool for multinational corporations to manage conflict and risk generated by rapid changes in social relations of production and reproduction generated by the development of large-scale mining. Conflicts are not limited to local scales or sites of production but spill over national and global scales through alliances of critics, supporters, and governance networks. It is this complex, multi-scalar conflict over the institutional and ideological bounds of participation that determines the diverse outcomes of participatory mechanisms.

In turn, people affected by mining's capacity to participate or not depends on their access to economic and political resources, their strategic assessment of negative and positive impacts of mining and their ideological receptivity to forms of participation on offer. Communities, or sub groups within communities, will gain more concessions and compensation when they organise to increase their power outside of and regardless of CSR programs, community development agreements and other forms of participation. Their power and agency to do so is rooted in their historically produced social relations. More specifically, groups' capacity to embrace, co-opt, resist or subvert participatory mechanisms are based on their control of land, history of organisation, alliances and ideologies. These four factors were identified through empirical fieldwork and are not meant to be an exhaustive or limiting list. Of these factors, ideology plays a special role. Ideologies are influenced by and influence how people conceive of their relationship to land, their organisation of production and social reproduction and their choice of allies. Indeed, each are internally related and coproduced through historical evolution of the social relations of production and reproduction (on the philosophy of internal relations see: Bieler and Morton 2018). I argue that understanding these factors explains why and how groups of people affected by mining often respond differently in what appear to be similar situations.

# Methodology and Methods

This study applies and extends the modes of participation framework to explain why the participatory mechanisms of multinational mining corporations produce wildly divergent outcomes in apparently similar situations. Social conflict theory, on which the modes of participation framework is based, employs an historical sociological analysis to understanding transformations producing "the global set of class relations attending capitalism, and the manner in which these relate to locally variegated patterns of investment, production and consumption, as well as geopolitical contestation" . It is sensitive to how: "Even the most localised contest is ultimately nested within a wider set of power relations that now span the globe" (Hameiri and Jones 2020, 16).

I therefore adopt a methodology that places individual and group decision making within a broader structural political economy analysis. Or, as Welker (2009, 168) argues:

> If we hope to understand how capitalism plays out on the ground, we must tease apart these alliances (community-company) and attend to the different political-moral frameworks that animate various actors – in defence of as well in opposition to capital.

Struggling with a similar question of local variability within political and economic structures, Horowitz (2008; 2011) combines wide-angle political economy analysis with focused micro-political 'actor oriented' approaches. Such a methodology strikes a balance between the equally distasteful economic determinism and political spontaneism that conceptualise actors as either without agency or unbounded by structural factors and takes as its unit of analysis 'actors-in-context' (Murdoch and Marsden 1995). This methodological approach places this research in critical realist epistemology that "takes the middle road through positivism and constructivism in asserting the existence of fixed structures within which society functions, while acknowledging that we have the capacity to exert influence through the constructions that result from social interaction" (Birks 2014, 20)

Here, Bieler and Morton (2018, 49) provide a useful warning about treating agency and structure as separate ontological categories that interact and influence each other externally when "Capitalist social relations of production shape the various structuring conditions as well as engender social class forces as key collective agents." Analysis, therefore, "commences with a focus on the structuring conditions of capitalist social relations of production, which by default implies that structure matters" (Bieler and Morton 2018, 44). The same danger of

reification applies to political scales, which are not separate realms but coproduced and internally related through the historical globalisation of capitalist relations.

Case study methods provide the opportunity to examine how political economic structures change through multi-scalar conflicts and changing social relations. Furthermore, qualitative case studies are an ideal research strategy to explain 'how' and 'why' questions (Yin 2003, 6). They allow detailed examination of phenomena, including localised dynamics, without losing sight of trends and pressures across societies. Multiple-case studies help to produce theoretical replication across cases with different political outcomes (see Yin 2003, 47).

The research methodology draws from a single country case – Indonesia – and applies within-case comparisons with three local cases chosen to demonstrate the diversity of corporate-community participation. In selecting three cases, a balance was struck between replication of theoretical explanations of divergent outcomes while still having the time and resources for sufficiently detailed investigation. Each of the three cases, introduced below, represent one of Yin's three categories: Kelian is a *critical case*, Gosowong a *typical case* and Kulon Progo an *extreme case*.[6] Furthermore, several insightful single or dual case studies of social conflict and mining in Indonesia have been written (Bachriadi 1998; Welker 2014; Peluso 2016; K. Robinson 2016). I build on their insights while producing a greater level of replication.

Each case study is primarily explanatory, focussing on how and why participatory mechanisms are used by multinational corporations and how and why people affected by mining react to them. Yet each case study also has exploratory elements examining factors determining the capacity and desire or groups of people affected by mining to participate or not.[7] This reflects

---

[6] Robert Yin (2003, 40) outlines the utility of the critical case for "testing a well-formulated theory"; the extreme or unique case where an occurrence "may be so rare that any single case is worth documenting and analysing"; (2003, 41) and the representative or typical case where "lessons learned from these cases are assumed to be informative about the experiences of the average person or institution" (2003, 41). He also identifies revelatory and longitudinal cases as the fourth and fifth rationales for selecting cases. Although these rationales are more applicable to single-case study designs, I identify that selecting critical, typical and extreme cases helps to demonstrate theoretical replicability over different case types as opposed to, for example, testing three typical cases.

[7] Yin (2003, 6) explains that *exploratory* case studies (or any other exploratory research method) are those that ask "what", "who" and "where" questions – "In contrast, 'how' and 'why' questions are more *explanatory* and likely to lead to the use of case studies, histories and experiments as the preferred research strategies". Thus, case studies, along with a small handful of other qualitative research strategies are uniquely placed to test theories that explain why and how particular outcomes arise.

the inductive/deductive split in my research questions. It is deductive because I apply the modes of participation framework to provide explanations for how multi-scalar contestations shape participatory mechanisms. It is inductive in that it was through fieldwork and analysis that the factors determining the capacity and desire of affected groups to participate – control of land, histories of organisation, alliance structures and ideologies. The questions in Table 1 guided my four-year investigation across the three cases in Indonesia, each involving Australian-based mining corporations.

*Table 1 - Research Questions*

| | **Research Questions** |
|---|---|
| 1. | How do multinational mining companies attempt to control risks posed by conflict with people affected by mining? |
| 2. | What factors explain when, why, how, and the degree to which multinational mining corporations use participatory mechanisms to manage conflict with people affected by mining? |
| 3. | How do participatory mechanisms shape, contain or change the forms that social conflict takes? |
| 4. | How and why are participatory mechanisms contested, co-opted, embraced or ignored by grass-roots and non-government organisations? |
| 5. | What factors, including access to resources, land use, alliance structures and strategies, or ideologies affect responses to participatory mechanisms by people affected by mining? |

Research methods involved literature review, document analysis, participant observation, and most importantly, in-depth semi-structured interviews in Indonesian or English. Semi-structured interviews create space for participants to make observations not predicted or anticipated by the researcher (Fife 2005), while participant observation helps "ensure the [interview] questions reflected the respondents' concerns and assumptions, not those of the researcher" (Mills 2014, 38). Participant observation allows researchers to observe and confirm data that participants have divulged. For example, by observing community events or protests, a researcher can gain an understanding of how factors such as age and gender affect participation.

Fieldwork was conducted across three case study locations plus the Indonesia capital, Jakarta, between 2015 and 2018 with a total of 15 months spent in-country. I conducted formal interviews with 80 unique individuals – some were interviewed multiple times, to check back

and update data over time. Formal interviews were supported by many more conversations, participant observation and fieldnotes. Most participants were people affected by mining, with a range of pro, contra or neutral voices included from each area. Representative sampling was used to ensure that different opinions and voices were included, including representation of people of different ages, genders and ehtnicities, where relevent and possible. Snowball sampling aided in reaching data saturation amongst each group. Triangulation of data was also provided by interviews with company employees, managers, and government officials.

Sometimes difficulty in obtaining data can be illuminating. In the case of Kulon Progo, the Australian parent company declined offers to be interviewed while community relations staff in the Indonesian subsidiary initially agreed but later cancelled arranged interviews. In Gosowong and Kulon Progo, women and men were both represented in formal interviews with people affected by mining, whereas in Kelian all 15 interviews were with men. This reflects the painful history of gendered violence associated with the Kelian Gold Mine and the ethical imperative to not force participants to revisit past trauma (see Chapter Five). Table 2 provides a summary of formal interviews.

*Table 2 - Formal Interviews*

| Case | Type | Number of formal interviews |
|---|---|---|
| **Kelian gold mine**<br>West Kutai, East Kalimantan<br>**Rio Tinto** | People affected by mining | 4 |
| | Local organisers | 2 |
| | Regency and village government officials | 3 |
| | District and provincial NGO workers and activists | 2 |
| | Company employees | 3 |
| **Gosowong gold mine**<br>Halmahera Utara<br>**North Maluku**<br>**Newcrest Mining** | People affected by mining | 4 |
| | Local organisers | 1 |
| | Provincial, regency and village government official | 9 |
| | Provincial NGO workers and activists | 2 |
| | Company employees | 1 |
| **Kulon Progo iron sand mine**<br>**Kulon Progo**<br>**Yogyakarta**<br>**Indo Mines Ltd** | People affected by mining | 25 |
| | Local organisers | 5 |
| | District and village government officials | 5 |
| | Provincial NGO workers and Activists | 5 |
| | Company employees | 0 |

Data analysis involved constant 'zigzagging' between literature, data collection, analysis, theoretical development and drafting. Early drafts of chapters based on case studies (Chapters Five, Six & Seven) were translated into Indonesian and copies provided to key informants during follow up fieldwork in 2018, providing further opportunities for informants to approve quotes, correct information or provide further details. The final section of Chapter Three outlines the analytical procedure applied to each case study. Appendix 1 provides a detailed description of data collection processes, ethical considerations and positionality.

## Case Study Selection

Indonesia presents a meta case containing three location-based cases. Each case then includes several embedded cases (Yin 2003, 52) – different groups of affected people who are offered different forms of participation or react differently to the same participatory mechanisms. Indonesia presents an ideal country to study contestation over the social and environmental impacts of mining for several reasons. From 2013 until July 2019, mining made up 15.66% of Indonesian exports and 4.77% of GDP (Bank Indonesia 2019b; 2019a see Chapter Three for more detail). According to Extractive Industry Transparency Initiative reporting, mining contributed 3.35% of state revenue in 2016, down from 4.14% in 2015 (EITI Indonesia 2018). This means the extractive sector is significant but not disproportionately dominant, unlike in countries such as Mongolia, Peru or the DRC where government revenue is dependent on extractive industries. This allows examination of the extractive sector as part of broader phenomena in political economy and suggests Indonesia presents a typical case, like countries with significant extractive sectors such as the Philippines, Chile or Australia.[8]

Secondly, Indonesia is a significant country for metal and mineral extraction, ranked seventh in the world for value of metallic minerals and coal extracted (ICMM 2018b). Extractive industries have been involved in many forms of conflict, from armed separatist wars to political protest and high-profile legal cases. Indeed, in Indonesia, high profile cases contributed to global crises of legitimacy for multinational miners as well as generating national and local crises (Guáqueta 2013). Freeport's Grasburg mine in West Papua is

---

[8] Mongolia, Peru and the DRC are ranked 16th, 21st and 2nd by the ICMM (2018b) in 2018 in terms of mining's contribution to the economy and government revenue. The Philippines, Chile and Australia were ranked 61st, 35th and 32nd. Indonesia was ranked 50th.

notorious for its links with the Indonesian Military (TNI), clashes with organised labour and toxic waste (Bachriadi 1998; Leith 2003). Exxon's gas field development played a role in independence conflicts in Aceh (G. Robinson 1998; Harker 2003; Aspinall 2007). The terrifying Lapindo mud volcano, triggered by drilling in a gas well, focused world attention on extractives and corruption in post-New Order Indonesia (Tapsell 2012; Tingay 2015). The Buyat Bay WALHI (*Wahana Lingkungan Hidup Indonesia*, The Indonesian Forum for Environment) case against Newmont resulted in high profile arrests (Symon 2007). While the Canadian owned Sorowako mine in Sulawesi has created dispossession and intra-community conflict (K. Robinson 2016).

Finally, archipelagic Indonesia presents a diverse range of political and social contexts within which extractives operate, allowing a bounded comparative study. There is a range of techniques used by corporate and state actors to manage conflict and a diversity of reactions from people affected by mining. This allowed the selection of case studies where different strategies are employed within the same national regulatory environment. Indeed, the three cases in this thesis are from geographically disparate areas of Indonesia: Kalimantan, Java and Maluku. The following subsections introduce each of the three cases.

The recent (since 2014) rise of resource nationalism in Indonesia has spurred the return of debates about developmentalist state (J. D. Wilson 2015; Warburton 2016; Gellert 2019; Tilley 2020; Chapter 4). Indonesia therefore presents a peculiar dynamic – as power is rebalanced between domestic conglomerates, the National Government and multinational corporations. Indeed, the selection of Indonesia during the resurgence of 'resource nationalism' shows that corporations remain the dominant governors of social dimensions of mining *despite* this assertion of state power. If this is the case in an increasingly developmental oriented state, it will hold even more so in more neoliberal oriented states.

### *Kelian Equatorial Mining – Rio Tinto's legacy*

Rio Tinto's former gold mine on the Kelian River in East Kalimantan operated from 1991 until 2005. It provides a rare insight into the conflict management strategies applied before and after modes of participation emerged globally. The case is especially critical because of Rio Tinto's leadership role in developing self-governance standards and associations. Human rights abuses and extreme inequality characterised the relationship between local communities and Rio Tinto's subsidiary, Kelian Equatorial Mining (KEM) until local activists

were able to form national and international alliances and force KEM into negotiations. Then, following the fall of the authoritarian New Order regime in Indonesia, space opened for organisations to campaign at local and national scales. Pressure on Rio Tinto, across multiple political scales, resulted in an expansion of participatory community programs, including the negotiation of compensation for evicted families and victims of human rights abuse. It therefore presents as a critical case – because of the timing at the creation of new democratic political regime domestically and new global governance regime globally – providing insight into the conflicts that spurred the creation of new regimes.

*Figure 1 - Case Study Locations*
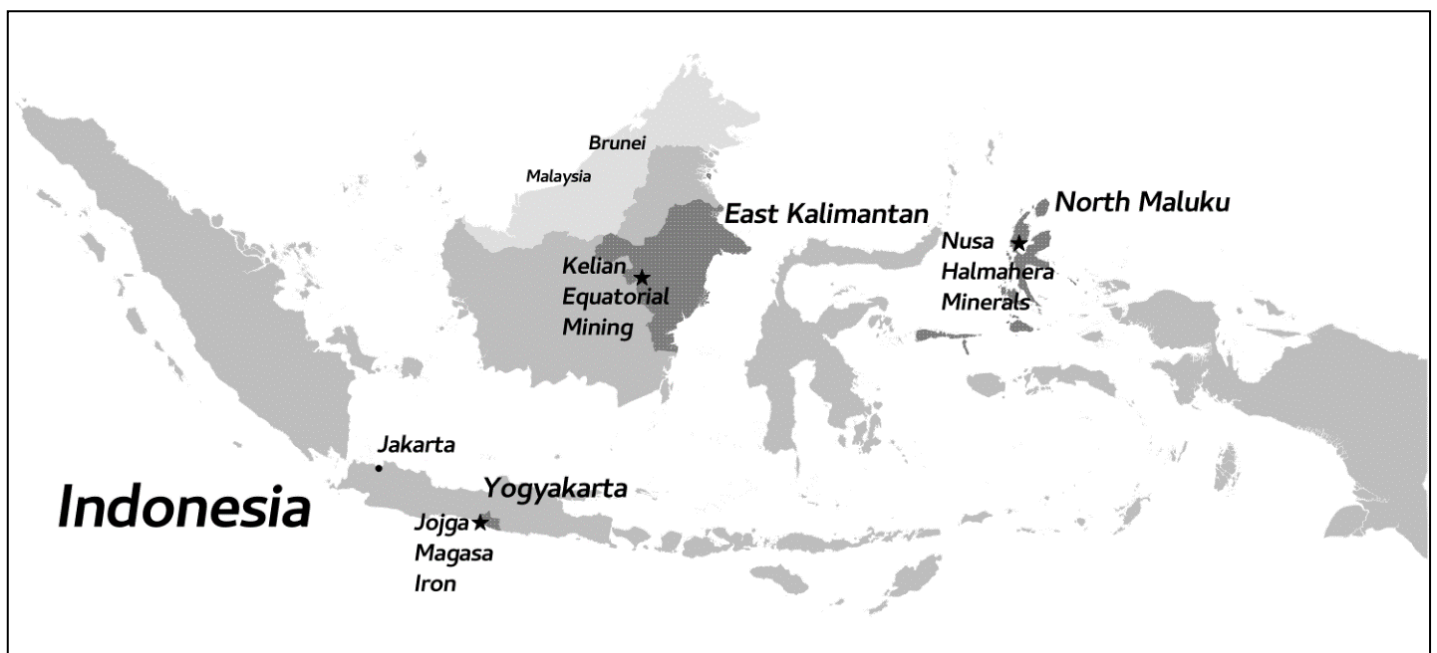


Map created by the author using open source data in QGIS

### *Nusa Halmahera Minerals - Newcrest's Gosowong Gold Mine*

Nusa Halmahera Minerals' (NHM) Gosowong mine, majority owned by Newcrest Mining Limited presents a typical representative case of a multinational mining corporation following international standards to respond to conflict with people affected by mining. The Gosowong mine in North Maluku has been producing gold and silver since 1999. In contrast to KEM, NHM employed community development programs from the beginning. However, this did not stop the mine becoming embroiled in violent conflict between politicians over the spoils of Indonesia's decentralisation process. However, after the conflict ended, NHM was able to shape social relations amenable to extraction through extensive community development,

and negotiations with local leaders. One percent of annual revenue from the mine is spent on community development projects "based on proposals developed by village teams elected by the communities" (Fletcher 2012). This kind of participatory community development program is typical – and can be taken to be representative of contemporary participatory mechanisms implemented by multinational miners. This holds despite local variability explaining the success in participation containing violent manifestations of conflict.

### *Jogja Megasa Iron - IndoMine's Kulon Progo Sand Iron Proposal*

Finally, the case of Jogja Magasa Iron presents an extreme or rare case (Yin 2003, 40) where a group of peasants[9] overcame the odds to successfully resist the mining company. This project was a joint venture between Australian mining company Indo Mines Ltd, the Royal Family of Yogyakarta and domestic conglomerate Rajawali Corp. The association of shoreline farmers (*Paguyuban Petani Lahan Pantai* – PPLP) refused and actively obstructed attempts to elicit their participation and even disrupted community development projects and consultation sessions. The rare success of a group of peasants refusing to participate and overcoming an elite coalition tests the theoretical framework in a case that deviates from the typical or representative case. Being a rare outcome, it also provides crucial insights into the factors that contribute to the capacity and desire of groups to resist mining.

## Organisation of this thesis

This thesis is organised into eight chapters, including this introduction and the conclusion. Chapter Two reviews the dominant approaches to conflict and participation in literature on extractive industries. It moves from a critique of 'problem-solving theory' to 'critical theories' (Cox 2009). Problem-solving theories include various forms of institutionalism and managerialism that assume negative social and environmental impacts of mining result from institutional failure or poor corporate practice and can be resolved through reform. Institutional and managerial approaches provide the assumptions that underpin emergent modes of participation in the extractive industries. Critical approaches seek to understand how current structures came about and how they might change. Reviewing critical political

---

[9] In this thesis, I use 'peasant' to refer to agrarian smallholders. Following Lucas and Warren (2013, 27) I translate the Indonesian '*petani'* as 'peasant', "implying traditional village ties and semisubsistance household based economic orientation" as opposed to "a more commercially oriented 'farmer'".

economy approaches to social conflict and participation, I argue that only by combining macro and micro versions of critical political economy can various forms and outcomes of participation be explained.

Chapter Three details the theoretical framework that guides my research and analysis. The modes of participation framework is combined with a politics of scale to understand how contestation over governance, ideology, and the disruption of primitive accumulation result in a variety of participatory mechanisms. Social reproduction theory explains how conflict generated by mining is not limited to formal political institutions or sites of production but encompass social relationships that sustain and reproduce livelihoods. The Gramscian concept of 'common-sense' is used to explain the ideological receptivity of people affected by mining to participation.

Chapter Four provides an account of how crises produced global self-governance networks for the social and environmental dimensions of mining, using the International Council on Metals and Mining as a demonstrative example. Mechanisms based in international standards are implemented at local scales, extending, and entrenching the power of multinational corporations. Across domestic regimes there is a trend towards minimal regulation of the social dimensions of mining as governments accept the modes of participation established by multinational corporations at the global scale. This is certainly the case in Indonesia where an analysis of the political economy of mining reveals that because of opportunistic alliances between domestic oligarchs, foreign capital, senior bureaucrats and politicians, corporations are left to self-regulate. Nevertheless, space has opened for people affected by mining and their allies to contest the social and environmental impacts of mining. Increased opportunities for alliance building, defending land and building autonomous organisations means there is a vast array of reactions by people affected by mining towards participation and mining.

Chapters Five, Six and Seven analyse fieldwork data from case studies in Kelian, Gosowong and Kulon Progo, respectively. Each chapter explains how participatory mechanisms came about, who participated, on what terms and who was excluded. Each case demonstrates the power of the modes of participation framework to explain diverse outcomes. In Kelian, participatory mechanisms were employed in reaction to threats to mining. As local groups increased in power, they were demanded forms of participation in their interests. However, the outcomes of participatory mechanisms reflected the balance of power between the

actors involved. In Gosowong, modes of participation offered by NHM were compatible with pre-existing common-sense understandings of political participation and were easily integrated into pre-existing structures. NHM secured the support, or at least non-opposition of key local leaders and regional politicians. Various groups were able to organise to extract benefits from NHM based on ideologies of indigeneity, cross-class alliances and physical blockades, although the mine's operations were never seriously threatened. In Kulon Progo, the mining company and government allies failed to present forms of participation that agreed with local actors' common-sense understandings of the world. Because of their independently organised modes of production and strong communitarian relations of social reproduction, peasants were powerful enough to resist the mine's development. In fact, the experience of marginalisation, resistance and alliance formation has strengthened the peasants' organisations and given rise to more equal gender relations across five villages.

Finally, Chapter Eight serves as a conclusion, extending the analysis and argument developed throughout the thesis while identifying limitations. New modes of participation, enshrined through networks of global governance, provide the institutional and ideological structures with which multinational mining companies respond to contemporary and future conflicts with local communities. These structures are not static but continue to evolve in relation to ongoing multi-scalar conflicts with people affected by mining and their allies. This is a significant analytic model for corporations, state actors, activists and NGOs to understanding and develop strategies in relation to current and emerging struggles over mining developments. Further empirical research could illuminate these dynamics from other perspectives. Non-traditional comparative work between authoritarian and democratic contexts or between developing and developed economies is promising for testing the limits of the theoretical and empirical generalisations made here. While the expansion and globalisation of capital and mining corporations from China, India and Russia is an established phenomenon, it is yet to be seen whether corporations from these countries will integrate and modify existing modes of participation, whether they will face a similar crisis of legitimacy to established multinational corporations, or whether they will produce alternative and competing global standards to manage the environmental and social dimensions of mining. The modes of participation framework contains the potential for further analysing, predicting and understanding these and other emerging developments in the global extractive industries.

# Chapter Two: Debating mining, conflict and participation

It is frustratingly common that, as Fabiana Li (2015, 10) observes, "the term 'conflict' gloss[es] over the intricacies of what [is] being described, often obscuring more than it reveal[s]." This is a call to investigate the complex causes of conflict in order to move past formulaic institutional responses. Any theoretical approach adopted will affect the treatment of every aspect of conflict. Different theoretical approaches emphasise or gloss over some causes while different groups of actors and sites of conflict are brought to the forefront or ignored. Most importantly, interventions and conflict management strategies are based in theoretical understandings, even if these foundations are not always explicit. The task, then, is to uncover what is being described or glossed over by 'conflict' to reveal the assumptions, problems and implications of significant theoretical approaches.

In this chapter I review and provide a critique of the main theoretical approaches to conflict and participation in literature on mining *and* explain how these underpin different models for intervention. The key distinction that I draw is between approaches that consider conflict an aberration from normal functional social order and those that conceptualise visible conflict as expressions of constant but changing contestations between social groups with conflicting interests over development outcomes. This distinction roughly corresponds to the famous distinction made by Robert Cox (2009, 316) between 'problem-solving' theory, which seeks to find practical solutions within current structures and 'critical theory' which seeks to explain how current structures came about and how they might be changed. This distinction is particularly important to make because of the persistence of violent conflict and human rights abuses surrounding mining, despite decades of reform and innovation. The potential for systemic change must be identified.

While each approach contributes something to our understanding of conflict and participation in mining, none can satisfactorily answer the questions posed in this thesis. I move from approaches most influential in practices of institutional and corporate conflict management, towards approaches that come closer to identifying systematic contradictions. Firstly, the resource curse debate has been influential in framing the problems of mining and

conflict on national scales. While largely focused on questions of resource extraction's contribution to 'development' and 'conflict', the idea of the resource curse is taken up as a problem addressed by neoinstitutionalism, the second approach critically evaluated here. Neoinstitutionalist approaches consider development as a public good and normatively privilege private-sector led development. They are therefore concerned with forms of conflict that threaten private development and corruption. These assumptions have underpinned the response of international organisations to conflicts over the benefits and impacts of large-scale mining, in particular that of the World Bank Group, in designing institutional 'fixes' and 'good governance' reform. Third, and sharing many assumptions about the inherent good of private-sector led development, managerial approaches have driven the responses of corporations to conflicts with local communities through Corporate Social Responsibility programs which aim to establish or maintain a *social licence to operate* by appropriating concepts from sustainability and participatory development theory and practice. Together, these three approaches are important to understand and critique because of their influence over current practices of conflict management in relation to mining. The critique of their application is taken up again in Chapter Four.

The fourth approach considered, historical institutionalism, is less concerned with private sector led growth as a normative good. Instead, authors are more concerned with the ways that institutional endowments structure the distribution of benefits and impacts of mining. For them, conflict between communities, corporations and states can generate institutional change. Yet ultimately, because of a methodological and ontological focus on institutions, their understanding of conflict fails to explain where change originates from. Next, post-structuralist approaches offer valuable insights into the dynamics of power and conflict outside formal institutions. Activist and NGO literature, while not sharing a common theoretical understanding, share an agenda of advocacy for radical institutional reform, including enshrining human-rights and free prior informed consent (FPIC) in legislation. These two sets of approaches move into the realm of critical theory in that they examine how underlying contestation between actors becomes manifest and some of the ways that this might change. Finally, it is critical political economy that best explains the emergence of conflict, its management through participation and responses of people affected by mining by placing them within the context of evolving local, domestic and global social relations. It is

through a combination of micro and macro critical political economy that multi-scalar conflicts and governance of mining can be understood.

# The Resource Curse

The 'resource curse hypothesis' emerged in the 1990s, in an attempt to explain decades of ambiguous economic and social development, along with high rates of conflict in resource rich countries. Most famously associated with Auty (1993), Ross (1999; 2018), and Collier and Hoeffler (2004), the hypothesis is that large natural resource endowments and high contributions of natural resources to total exports are correlated with more durable authoritarian regimes, ineffective bureaucracy, corruption, weak rule of law, slower economic development, civil war and violent conflict (Sachs and Warner 1999). Largely based in cross-country econometric and statistical analysis, the methodology of the earlier versions of the resource curse literature focuses on proving or disproving statistical relationships between social-economic indicators and various indicators of resource abundance or wealth (for example: Sachs and Warner 1999).

More recent applications show how poor development outcomes are particularly severe for minorities, indigenous people and women (Kotsadam and Tolonen 2016; Ross 2018). The curse is traditionally associated with diamonds and oil, but has been applied to gold (Elbra 2017), copper, and 'conflict resources'[1] in countries such as the Democratic Republic of the Congo (Matti 2010; Haufler 2017). The role of aid, environmental degradation and localised social conflict have also come to the fore in discussions of the resources curse (Morrison 2012; Banks 2014). Geographically, the resource curse is strongly associated with African countries, yet has been modified and applied across a range of contexts, including Indonesia (Rosser 2007) and Australia (Brueckner et al. 2014).

Debate continues over explanations for the correlation, however it can be summarised in three elements: first, high levels of resource exports during temporary booms appreciate exchange rates and decrease long-term competitiveness of other sectors of the economy (Sachs and Warner 1999). Second, the concentration of ownership, capital investment and

---

[1] The idea of conflict resources is especially associated with the protracted civil war in the Democratic Republic of the Congo and neighbouring countries where tin, tungsten, tantalum and gold extraction have financed militias and militaries (Meger 2012).

revenue lead to increased inequality, corruption and rent-seeking. Finally, tax and royalty rents available to states mean they can become less reliant on broad-based tax regimes, insulated from popular discontent and democratic accountability which entrenches rentier states (Elbra 2017, 40). Furthermore, concentrated resource rents can both generate grievances and provide lucrative incentives for armed rebellion (Collier and Hoeffler 2004). The resource curse is magnified where state institutions are weak or underdeveloped and therefore unable to manage the distortions or corrupting influence of an overreliance on natural resources (Grzybowski 2012, 7). As such, while resource extraction is seen as a significant cause of conflict, it is ultimately the institutional environment – weak governance, corruption, a narrow tax base and so on that is seen to entrench conflict and weak developmental outcomes.

The resource curse literature is a rebuke to the idea that mining would drive development in post-colonial countries from the 1950s, through the commodity booms and shocks of the 1970s (Matti 2010; Elbra 2017, 16–17). The persistence of the resource curse is also a rebuke to the World Bank's mining code revisions in the 1980s and 90s which deregulated and privatised mining sectors (J. Nem Singh and Bourgouin 2013c) – alongside the IMF's structural adjustment programs – which entrenched conflict, most infamously with the Philippines 1995 *Mining Act* (see Moody 2007, 19–24; and Elbra 2017, 17–18 for a full account).

The resource curse literature has been valuable for highlighting structural contradictions of extractive led development strategies. However, the majority the literature does not consider either domestic social conflicts or global economic structures in aggravating or ameliorating the effects of the resource curse (Rosser 2007). The role of multinational corporations and globalisation is also overlooked (cf Elbra 2017, 36). Because of its preoccupation with the national scale, and economic statistical analysis, it does not consider how resource conflicts traverse multiple political scales and the full range of actors involved.

With its successful framing of problems associated with natural resource dependence, and its focus on the role of state institutions, the resource curse hypothesis has been influential in institutional responses to conflict, poor development and weak governance in resource rich countries. It has influenced the World Bank's 'social-development' approach to extractive developments and governance (Fanthorpe and Gabelle 2013; Hatcher 2014). The neoinstitutionalist response to the resource curse assumes that it can be overcome through

interventions that penalise rent-seeking and corruption and promote good governance and participation (Kolstad, Wiig, and Williams 2009).

# Neoinstitutionalism and participatory development

Neoinstitutionalist[2] approaches to political economy grew out of new institutional economics, which rejected *laissez-faire* economics with the recognition that institutions play important roles in shaping human behaviour and the need for markets to be supported by institutional structures (North 1990; 2005; Stiglitz 2003). Following this, international institutions and states require the capacity to create and support markets and confront threats to their effective operation. Development is seen as a public good, not a as contested process of resource distribution (Hutchison et al. 2014). In this view, conflict is an aberration from normal social functioning, created by vested interests or institutional failure and visibly manifests as corruption, anti-market sentiment, violence, demonstrations, or war. In response to threats to private-sector led development, neoinstitutionalists advocate problem-solving reforms that increase privatisation, transparency, ownership, accountability, participation and stability to promote private-sector led economic growth and "compel national elites to deploy resource revenues for productive investments" (J. Nem Singh and Bourgouin 2013c, 31).

Neoinstitutionalism increased in influence following mounting opposition to and decreasing legitimacy of the deregulation agenda of the 'Washington-consensus' in the 1990s.[3] This led to the so-called 'post-Washington consensus', typified by the World Bank Group's 'social turn' and 'good governance' agenda (Doornbos 2001; Hatcher 2014; Carroll and Jarvis 2015). The World Bank Group's 'social-development model' entailed a renewed focus on poverty reduction along with social and environmental concerns (Hatcher 2015, 323). The current concept and practice of participatory development emerged as a protest or correction to earlier 'top-down' expert led modes of development that were disempowering intended

---

[2] For the purpose of this literature review, more critical approaches that combine new institutionalist approaches with historical institutionalism or critical legal studies such as Elbra (2017), Robinson (2016), and Kristiansen and Sulistiawati (2016) are included in the section on historical institutionalism (below).

[3] Development practice, modernisation theory, and associated IMF/World Bank shock therapy were undergoing a crisis of legitimacy through the 1980s and 1990s (Leal 2007).

beneficiaries (S. C. White 1996; Cooke and Kothari 2001, 5; Leal 2007). Development is then best supported by institutions that promote 'ownership', 'participation', 'empowerment', 'engagement' and, 'accountability' (Guggenheim 2006; Tania M. Li 2007). In this view, with 'correct' institutional design, conflict will be avoided altogether. However, when participatory techniques are employed "as a technical method of project work rather than as a political methodology of empowerment" (Hickey and Mohan 2005, 242), the differing interests of beneficiaries are ignored in favour of a project's 'success'. Accordingly, participation, especially when participation is not based on democratic principles, is used as a tool to co-opt rather than confront continued challenges to inequitable development. This critique is relevant for private-sector led resource extraction where the success or profitability of the mine is placed above all other considerations.

Neoinstitutionalism's influence in relation to extractive industries parallels and appropriates from these broader shifts in approaches to development. World Bank-sponsored privatisation and deregulation of the 1980s and 90s had failed to produce expected development outcomes (see above). In Southeast Asia, the pattern of deregulation continued through the 1990s so that:

> By the end of the 1990s, all the major mineral-rich countries in Southeast Asia had embarked in a race for reforms which would bring them to compete against each other for the most deregulated and liberalised mining regime (Hatcher 2020, 327)

Problems highlighted by the resource curse literature above, as well as proliferating opposition to large scale extractivism by affected communities and NGOs destabilised the hegemony of development through deregulation and liberalisation.

Neoinstitutionalism is the most influential approach that underpins international organisations' current approach to participation, conflict and extractive industries (for example: World Bank 2003; 2014; Fanthorpe and Gabelle 2013; Ali et al. 2017). Emblematic of this is the World Bank's *Extractive Industries Review* (2003) which famously recommended the standard of Free Prior Informed *Consent*, while the World Bank Group in fact adopted the lesser Free Prior Informed *Consultation.*[4] The social-development approach also underpins the United Nations' understanding of conflict (Grzybowski 2012), initiatives such as the

---

[4] Consultative ideologies of representation are explained further in Chapter Three. The *Extractive Industries Review* and the World Bank's response are considered in more detail in Chapter Four.

Extractive Industries Transparency Initiative and the Kimberley Process (Haufler 2017), and the World Bank's support for sovereign wealth funds (J. Nem Singh and Bourgouin 2013a, 7). Through such reforms, the World Bank Group and other international organisations were able to (partially) restore legitimacy for their involvement in the industry and contain risks to its investments. The politics of these institutional interventions are the subject of Chapter Four, for now it is enough to note that Neoinstitutionalists propose participation as a technocratic problem-solving technique while excluding democratic and rights-based forms of representation.

# Business studies and discourses of corporate social responsibility

While neoinstitutionalism has been the most influential body of literature on the governance and regulation of mining, interdisciplinary business studies and managerial approaches are dominant in corporate practices. Rather than a coherent theoretical approach, managerial/business studies approaches are a collection of pragmatic considerations of business risk and strategy, informed by insights from various theoretical traditions and disciplines including management, public relations, sociology, economics, political science, anthropology, and sustainability. These approaches have influenced discourses and practices of CSR, community relations, sustainable community development and the 'social license to operate' (O'Faircheallaigh and Ali 2008; Osburg and Schmidpeter 2013; McKenna 2015). What binds interdisciplinary business studies and managerial approaches together is the fundamental belief that large-scale corporate mining can be made responsible and sustainable through reforming business practice (for examples see: McKenna 2015; Bice 2016, xv; Ali et al. 2017). Like neoinstitutionalism, it is thoroughly problem-solving in orientation. It is no coincidence that discourses about CSR became mainstream around the same time as the World Bank's 'social turn' in the 1990s and early 2000s (Bice 2016). Both 'turns' responded to a series of controversies and crises of legitimacy in the mining industry and its governance.

Managerial approaches to conflict are primarily concerned with manifest forms of conflict that either pose some form of risk or threat to corporate profitability. Alternatively, authors and organisations may construct business cases to convince corporate actors to adopt more ethical policies and practices. Hence, managerial approaches identify immediate and specific

causes and manifestations of conflict (McKenna 2015, 7). Exemplifying this, Davis and Franks rank conflict "broadly along a continuum, from low-level tension to escalated situations involving a complete relationship break-down or violence" (R. Davis and Franks 2011, 3; see also: Laplante and Spears 2008). Conflict could then take the form of informal or formal complaints, legal proceedings, political advocacy, protests, blockades, sabotage, or violent confrontation.

In the critical literature on CSR, key debates concern the benefits of voluntary codes versus mandatory regulation (Phillips 2012) and the efficacy of national versus international regulation (Schumacher 2005; Sethi et al. 2011). Another concern is the risk that poorly regulated 'Community Development' programs can be used by local elites to extract tax and rent from mining corporations with little transparency for how the funds are used (Devi and Prayogo 2013). O'Faircheallaigh (2008, 2) divides the literature on CSR into three categories on the question of authenticity: authors that approach CSR as a cynical exercise in public relations; others that conceptualise it as a "part of a rational calculation of self-interest" for long-term profitability and; those that emphasise the ethical and moral decision making by individuals running corporations.

Managerial approaches are eclectic because they appropriate concepts and practice from critics and disciplines such as sustainability. The 'social license to operate' is a key concept developed by business in the late 1990s in response to the increasing salience of 'sustainability' (Brueckner and Eabrasu 2018). It is a way of operationalising social legitimacy, which can be as important as formal legal, environmental and political licences (Bice, Brueckner, and Pforr 2017). Obtaining a 'social license' is a subjective process, yet represents a shift on the part of corporations to actively manage and establish their social credentials, independent of their political allies and licences issued by state institutions (Prno and Slocombe 2012). Activists and other critics consciously attack the 'social licence' or public legitimacy of mining projects they oppose, just as they might challenge environmental permits through courts (Brueckner and Sinclair 2020). A chief strategy for securing social licence is with the participation of people affected by a project through consultation or community development programs (Prno and Slocombe 2012).

There are two broad practices emerging from business studies that are relevant for managing conflict and participation with local communities. Environmental and social impact

assessments give corporations understandings of the risks to a specific development while community-based agreements attempt, through the participation of some people affected by mining, to mitigate and control these risks (Barrow 2010). Impact assessments may involve the participation of people affected by mining or may simply be produced by experts. Either way, impact assessments provide the baseline of knowledge for negotiating community agreements, although usually only include those impacts deemed technically manageable or rational (McKenna 2015, 145).[5]

To sustain the assumption that 'win-win' solutions are possible, the premise of mining development and land grabbing are excluded from the range of impacts considered to cause conflict (for example, see: Barrow 2010; Bice 2016, 90). The literature consistently argues that risk of conflict and negative impacts will be minimised with greater and more equal participation in negotiations by people affected by mining (Barrow 2010). Ali (2003) goes so far as to argue that a corporation's approach to negotiations and participation is the most important factor in determining resistance to or acceptance of mining developments. Even for the most critical authors in this approach, mining may be questioned, but it must never be rejected; in the words of Bice, "To reject mining is to reject modern life" (2016, 1–2). People affected by mining or critics who reject participation or mining are therefore written off as irrational or pre-modern.

This business studies literature has led to improved practices and outcomes in the social and environmental impacts of mining. However, its ability to address structural roots of conflict remains limited as it upholds that profitability and efficiency drive development which is a value-neutral good (McKenna 2015, 3). O'Faircheallaigh (2015, 200) criticises the literature on negotiations for a "strong tendency … to focus on factors internal to the negotiation process … and to pay little attention to wider, structural factors that shape the context in which individual negotiations occur." As with neo-institutional approaches above, participation is conceptualised as a technocratic problem-solving technique, not as space for enforcing rights or questioning the premise of corporate mining developments. The negative

---

[5] Impact assessments procedures have evolved from narrow considerations of environmental impacts towards holistic assessments including cultural change, economic inequality, gender, health, human rights and governance and from considering only what is required by law to complying with international standards, to assessments tailored for specific projects (Bice 2016, 91; McKenna 2015, 145).

impacts of mining and resultant forms of conflict are still viewed as unfortunate but manageable side-effects of mining, not as inherent contestation between competing interests in development.

## Historical Institutionalism

Like the above approaches, historical institutionalism is largely a 'problem-solving' approach (cf A. Bebbington 2011), yet it responds to a broader set of problems. While in neoinstitutionalist and managerial approaches the key problem is how to best facilitate private-sector led growth, historical institutionalism can be harnessed to consider political regimes, democracy, inclusive development, human-rights, and social equity beyond narrow goals of economic growth. They do share a concern for the tendency of extractive industries and dependence on them to undermine governance institutions through corrupt practices or 'economic distortions' (Thorp et al. 2012; A. Bebbington, Bornschlegl, and Johnson 2013). Historical institutionalists recognise that there can be a fundamental conflict between the goal of states to generate revenue through extractive developments or facilitate private sector growth and protect the rights of citizens, promote democracy, or address inequality (Thorp et al. 2012; D. H. Bebbington 2011).

According to this approach, various formal and informal institutions have evolved in particular historical contexts to mediate this and other conflicts of interest. Historical institutionalism is concerned with the path dependency, layering and sequencing of institutional reform and how institutions are enmeshed in broader historical-social contexts. Institutions operate at various cultural, corporate or state sites at subnational, national or international scales (Angelbeck 2008; Elbra 2017). Historical institutionalist theories focus on explaining institutional change and stasis, based on the assumption that institutions shape subjects' behaviour. They can be divided into epochal and gradualist variants. Epochal approaches pose that institutional configurations are path dependent and institutional change is subject to great inertia that is only overcome in periods of crisis or rupture. Gradualist approaches, as the name suggests, assume that institutional arrangements change gradually following changes in political, social or economic context and "focuses on active agency *within* [emphasis in original] institutional settings" (Bell 2011, 890). Both variants however, provide

little understanding of what kinds of context or crisis produce institutional change, with 'context' becoming a kind of '*deus ex machina*' (Hameiri 2019).

The most valuable contribution of historical institutionalism to understanding extractive conflicts is the recognition that institutions and interventions develop from the evolution of social norms, discourses, and conflict. Some historical institutionalist accounts recognise institutional change as "a product of a series of conflicts" that then favour "certain actors, strategies and perceptions," (J. T. Nem Singh 2010, 1415) and shape ongoing strategic action. Following this, actors may compete for dominance of institutions, sites and scales that best represent their interests. For example, Elbra's (2014; 2017) contribution is to understand how multinational mining corporations deploy forms of power to legitimise global self-governance standards and avoid state regulation. She argues that contestation between MNCs and states in Sub-Saharan Africa are structured by institutional legacies and economic histories of colonial and capitalist development, which have left international corporations powerful *vis-á-vis* post-colonial states (Elbra 2017).

For historical institutionalists, the evolution of strong institutions is needed to resolve conflict between competing actors. Kristiansen and Sulistiawati (2016, 215) argue that land conflicts are triggered by "rising land values" and "unclear borders" – the result of weak and competing institutionalisations of land-rights in Eastern Indonesia. Here, there is conflict between *adat*[6]-based mechanisms and state institutions embodying communal and commercial conceptions of land-rights respectively. To decrease the prevalence of land conflicts, both between villagers and between villagers and corporations, including mining corporations, they propose that *adat* needs to be integrated into state institutions, these institutions strengthened, and the boundaries clarified. However, the context in which this could occur and the actors who would drive this change are not identified.

Placing more of a focus on local actors in conflict, contributors to a collection edited by Anthony Bebbington (2011) ask a fundamental question: can social conflict around extractives generate institutional changes (including through participation) that reduce social inequalities? This could occur when states, corporations or development agencies respond to conflict that becomes too hard to ignore or when people affected by mining force their way to the table.

---

[6] Traditional or indigenous systems of law, culture, norms and institutions.

For the contributors to that project, cautious hope that it can is tempered by observations that institutional reform can just as easily trigger new conflicts; for example, if opportunists respond by contesting the distribution of compensation payments (Arellano-Yanguas 2011). This approach considers that institutions are "the most critical factor in determining the final disposition of costs and benefits" and hence in shaping conflict (A. Bebbington, Bornschlegl, and Johnson 2013, 5).

Similarly, Kathryn Robinson's (2016) detailed analysis of conflict between a Canadian mining company and elements of the local community in Sorowako, South Sulawesi, concludes that: "Much of the conflict over land has its roots in the lack of clarity, or lack of enforcement, of the legal instruments that permit mining, including regulation of the entry of foreign miners" (K. Robinson 2016, 141–42). That is, the roots of conflict are given to be institutional failure, not the conflicting interests of groups over resources. In this view land conflict and human rights violations could be avoided through improved legislation, better enforcement and more participation.

Despite rich empirical and historical investigation, these examples are limited by their methodological and ontological choices regarding institutions. Firstly, historical institutionalism suffers from normative assumptions that state institutions are or should be neutral actors which regulate development and mediate conflict. Secondly, it ignores or provides no explanation for political change and conflict that occurs outside formal institutions. Thus, the methodological and ontological privileging of institutional politics overlooks the origins of the conflicts that are thought to generate institutional change.[7] For example, the lack of clarity in and enforcement of mining regulation in Indonesia is not simply the result of poor design but the product of corporate oligarchic power in the legislative and political process (Rosser and Edwin 2010). Stated differently: "HI tends to give institutions primary causal status, while institutions themselves are only weakly explained as a legacy of historical development" (Hameiri and Jones 2020, 13).

This is not to claim that institutions have no effect on how conflict manifests. Rather, my critique of historical institutionalism is that the institutional change is always bound up in the

---

[7] See Rosser (2013) for a similar critique of legalistic approaches to human rights reform in Indonesia.

conflicting interests and powers of different actors in resource extraction. O'Faircheallaigh's research in Australia shows that:

> Mining agreements will be limited in their ability to assist in protecting Aboriginal cultural heritage unless Aboriginal peoples can identify ways of enhancing their bargaining power vis a vis [*sic*] mining companies (2008, 30).

And that they might do this by forming alliances with NGOs or regional Aboriginal land organisations or otherwise altering the structural context within which participation occurs (O'Faircheallaigh 2015, 202). Similarly, Flemmer and Schilling-Vacaflor (2016) point to asymmetries of technical knowledge between state and indigenous participants in Bolivia and Peru as the major barrier to "effective participation" in consultations over hydrocarbon developments. The UNDP-LEAD pilot program in North Maluku (Chapter Six) is an example of historical institutionalism instrumentalised.

## Post-structuralism: power and knowledge

Post-structuralism provides alternative analyses of knowledge, conflict and participation that begin from bottom up micro-relations of power. It provides a useful critique of the reification of institutions and political economic structures through examining the origin of power in social relations. Drawing on Foucault:

> political actions, regimes, violence, and everyday practices ought neither to be understood as simply emanating from the intentions of rulers or participants nor, on the other hand, as driven by either material conditions or ideology (W. Brown 2015, 115).

Instead, 'political rationalities' are constitutive of both subjects and their governance, defining the realm of possibility for action (Tania M. Li 2006; W. Brown 2015). Post-structuralist scholars therefore:

> Begin from below, in the heterogeneous and dispersed micro-physics of power, explore specific forms of its exercise in different institutional sites, and consider how, if at all, these were articulated to produce broader and more persistent social configurations (Jessop 2007, 148).

Within post-structuralism, governmentality is the most important concept to study these actual practices of subjugation and colonisation as forms of rule. In his first lecture on governmentality, Foucault (2002, 206) referred to both a science and an art of government that is aimed towards coalescing and directing power through society: "In the art of government the task is to establish a continuity, in both an upward and downward direction". Governmentality is concerned with the:

ensemble formed by the institutions, procedures, analyses, and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principle form of knowledge political economy, and as its essential technical means apparatuses of security (Foucault 2002, 219–20).

In other words, the knowledges, rationalities and strategies that are required not only to manage the economy of a population but also to constitute the very subjects who will function in the economy. Of course, governmentality is not only employed by state actors but by any organisation seeking to exert control over a population through manipulating flows of power.

In relation to extractive conflicts, post-structuralist scholars begin with how mining companies, NGOs, and state actors create, control, maintain and marginalise kinds of knowledges, rationalities and strategies to constitute supportive discourses, 'truths' and populations (Wesley and MacCallum 2014). For Fabiana Li, institutions are not the most critical determinant of conflict, the power to produce knowledge is:

> Instead of taking transparency and participation as the end point of the analysis (the desired outcome that will prevent or reduce the incidence of conflicts), I consider how mechanisms of audit, environmental management, and accountability take shape and become enmeshed in the controversies. What I am proposing is an analysis that gets beyond common sense understandings of the 'conflicts' as a failure of state and corporate accountability (2015, 12).

Strategies of corporate miners to control and reframe knowledge involve the power to turn political and moral grievances into technical problems which are "technically manageable based on the solutions and interventions that [are] on offer" (F. Li 2015, 32). Indeed, through techniques of corporate management, standard setting and audit, the ways in which legitimate knowledge is defined is changing.

Authors refer to this collection of practices as 'audit culture' where "audits not only *monitor* performance, but come to *define* efficiency, quality and good practice" (F. Li 2015, 11; also Kirsch 2014, 168–72). For Welker (2014, 188):

> The proliferating standards, indicators, and metrics adopted by [mining companies] tend to bureaucratize, depoliticize, and render technical the social, environmental, and economic impacts of business. Many are developed through consensus-based "multistakeholder" processes; civil society participants lend these processes and their products legitimacy and hegemonic force, even when they may not endorse the results.

In this view, participation is a technology for defining legitimate knowledge and forming compliant subjects. To participate, and receive the benefits of participation, participants must

accept the bounds of legitimate knowledge explicitly or implicitly contained within the terms of participation. As a power relation that defines knowledge and legitimacy, participatory mechanisms interrupt and reshape conflict. Furthermore, through participation, persuasion, seduction, and manipulation, corporations and states create new 'extractive subjectivities' (Frederiksen and Himley 2020).

Within technocratic frameworks, there may be struggles about what information is correct, for example over different methods for measuring toxicity or differing calculations of compensation payments. The point is that technocratization provides rules for what kinds of knowledge count as legitimate. 'Deviant' subjects who insist on maintaining political, moral or cultural arguments in the face of technocratic rationality are ignored or repressed. That is not to suggest that a solid line is successfully drawn between rational and deviant subjects. Indeed, the technocratic rationalities legible in the extractive sector are based both in critical discourses of sustainability and the scientific disciplines required for mining – engineering, geology and law (Kirsch 2014). It is during this dynamic process that rationality comes to be defined.

If institutionalists overemphasise the institutional rules and structures as a determining factor in conflict, post-structuralists underemphasise political economic structures within which power operates. However, post-structuralist approaches are not unique in studying conflict from below or the micro-relations of power. Gramscian concepts of ideology and 'common-sense' also explain how particular 'rationalities' (or conceptions of the world) are produced through historical processes and provide frameworks for possible action (Gramsci 1971; Rupert 2006; Chapter Three). Social reproduction theory explains the ideological *and* material historical constitution of changing subjects (Chapter Three). Ultimately, while post-structuralist approaches offer rich descriptions of conflicts surrounding extractive industries, and are sensitive to the way legitimate knowledge is produced, their explanatory power is limited by the focus on knowledges and discursive power at the expense of structural power within changing capitalist relations of production.

## NGO and activist approaches

NGO and activist approaches to conflict and participation are not a coherent theoretical approach yet have been influential in popularising critiques of resource extraction and

participatory practices of international organisations, states and corporations. The works of activists like Roger Moody (1992; 2007) has been particularly influential in connecting industry practices across time, people affected by mining, and NGOs to create global alliances. Indeed, institutional and managerial approaches to and practices of participation often develop in reaction to NGO and activist criticism or proposals for strict regulation (see Chapter Four).

Rights based activism advocates enshrining rights in enforceable legal mechanisms and other institutions, especially prominent is advocacy for FPIC (Szablowski 2010). Yet activists tend to fetishize particular kinds of visible conflict, such as protest, demonstrations, blockades, statements, sabotage and petitions and are relatively unconcerned with less legible forms of contestation. Likewise, with the focus on social movement organisations and activist leaders, the agency of less obviously organised groups of people is overlooked.

Activists with radical democratic, environmentalist and post-colonialist approaches frequently advocate for institutional reform as a response to conflict. For example, a report authored by the Centre for International Environmental Law and the Indonesian Centre for Environmental Law argues that:

> Community-based property rights *by definition* emanate from and are enforced by communities. The *distinguishing feature* of CBPRs is that they derive their authority from the community in which they operate, not from the nation-state where they are located. Formal legal recognition or grant of CBPRs by the state, however, is generally desirable and can help to ensure that CBPRs are respected and used in pursuit of the public interest (Lynch and Harwell 2002, 3 emphasis in the original).

Beyond its normative argument that community-based property rights *should* exist and *should* be based in community consent, the report does not investigate the methods for communities to assert or enforce their Community Based Property Rights. Similarly, Community Aid Abroad (CAA, now Oxfam Australia) established a 'Mining Ombudsman' in 2000[8] in response to the lack of regulation of Australian mining companies operating abroad by the Australian government. CAA invoked various international declarations including the Universal Declaration of Human Rights to advocate for a formal complaints mechanism and stricter standards for Australian corporations (Macdonald 2004). These institutional strategies applied by CAA and the Centre for International Environmental Law clearly provide

---

[8] Since abandoned.

platforms for communities with grievances to address greater audiences and could help create regulatory tools for people affected by mining.

FPIC, enshrined in the *United Nation's Declaration on the Rights of Indigenous People* (2008), is a human-rights based veto for people affected by development projects because consent must be free of coercion and based on all relevant information presented in an appropriate manner, understandable to the affected group. FPIC is simultaneously a reform agenda for extractive industry governance, a standard by which regulations can be measured, a rhetorical discourse, and a voluntary code for mining corporations (or financial institutions) to follow (Szablowski 2010). Some proponents argue that FPIC in itself is not strong enough. To be effective, Laplante and Spears argue for an institutionalised FPIC, which "In addition to being free, prior, informed and consensual, FPIC must be enduring, enforceable and meaningful" (2008, 71). Flemmer and Schilling-Vacflor identify that indigenous people must have: "(1) considerable ownership of consultation practices; (2) the possibility to substantially participate in these arenas; and (3) the opportunity to shape the design and the execution of planned activities" (2016, 175).

FPIC must be accompanied by an equalising of power relationships and a recognition of values across difference, between corporations and the people affected by mining. However new attempts to institutionalise rights such as FPIC fail to understand that in creating new institutions, they are just as vulnerable to capture and will be beset by the same power relations as exist elsewhere. That is, despite radically different normative objectives, like institutionalist approaches above, NGO and activist approaches often overlook the roots of conflict in evolving social relations and how underlying social relations might be changed.

## Critical Political Economy

Critical political economy overcomes many of the problems identified in the literature thus far. For critical political economists, conflicts over mining takes place within broader historically produced structures and social relations. Conflict is inherent in contestations over the benefits and negative impacts of development and between competing pathways of development (Chapter Three). Explanations for conflict are found in the political, social, and economic relations surrounding mining within capitalism (Colley 2001; Hanlon 2008; J. Nem Singh and Bourgouin 2013b; Hatcher 2014). Interventions into conflict are not created *ex*

*nihilo* but are driven by social groups with interests in particular kinds of solutions. Critical political economy therefore rejects the idea that development is a value neutral good or institutions can be reformed to produce 'win-win' solutions. However, critical political economy remains divided between macro and micro variants. This artificial division has implications for which social forces and conflicts at which political scales are thought to drive political and economic change. This artificial division needs to be overcome to understand the multi-scalar contestations that drive the governance and implementation of participation as a conflict management strategy.

The macro, or structural variant,[9] best represented by Veltmeyer, Petras and colleagues' research into 'the new extractivism' is concerned with how ongoing crises in global capitalism and neoliberal modes of accumulation drive imperialist quests for cheaper resources (Veltmeyer and Petras 2014b). For them, new models of 'imperialism' or 'accumulation by dispossession' are enabled by national political regimes and involve:

> development with international cooperation and social participation as the means of weakening resistance (social movements) by providing the 'rural poor' (the semi-proletarianized or landless peasant farmers) an alternative to social mobilization and a direct confrontation with class power as a means of bringing about substantive social change (Veltmeyer and Petras 2014a, 9).

With less of a focus on political regimes and more on technological change within the industry, Dougherty (2016, 6) argues that:

> By placing the emphasis on the industry, we suggest that industrial change is the force of origin for much of what characterises the new extraction. The political, territorial, and environmental struggles all follow from transformations in global mining industries.

Thus, in structural political economy, development, resource extraction and processes of governance, participation, and corporate responsibility are driven by "dynamics of power relations between states, on the one hand and international financial institutions and private capital, on the other" (J. Nem Singh and Bourgouin 2013a, 5). Macro political economy is concerned with actors who operate at national and international political scales and how:

> Multinational corporations, the governments of the home countries of extractive industry companies, bilateral donors, International Financial Institutions (IFIs), non-government organisations (NGOs) and activists – are involved in shaping, promoting and challenging the modes of governance that oversee extractive industries (Hatcher 2020, 319)

---

[9] Also drawing on critical political geography.

Hatcher argues that the World Bank's enshrining of participation within national mining codes results from mining investors' need for "participatory schemes as a management tool to circumscribe the risks faced" (2015, 340). Likewise, the emergence of CSR programs is the result of global forces and the need to contain conflict within the corporate logic of private sector led development, reducing the threat and risk to capital accumulation (Hanlon 2008).

Structural critical political economy thus provides an analysis of the national and international drivers of governance, institutions and contestation and is therefore a powerful explanation of why (but not necessarily when and how) participation emerges as a conflict management strategy. However, the macro scale of structural political economy tends to over-emphasise the power of actors who are dominant within international and national political and economic structures (for example, oligarchs, MNCs, states, political parties, and international organisations) while underestimating the agency and power of people affected by mining. The privileged analytical position given to national and international scales often overshadows how developments in social relations of production shape both structure and agency (Bieler and Morton 2018). This becomes problematic when global forces, including economic crises, technological change and political regimes are given primary causal status within structural analysis. Furthermore, because of its macro approach, it offers less explanation for the variation of participatory mechanisms that emerge within the same or similar jurisdictions. It also offers no explanation for why people affected by mining take wildly divergent responses to participatory mechanisms.

In contrast, the micro variant of critical political economy is a collection of critical approaches to studying conflict from below. These approaches intersect with and draw from political ecology (Horowitz 2011; Peluso 2016; Allen 2018), sociology, critical agrarian studies (Lucas and Warren 2013; Bachriadi and Suryana 2016; Lahiri-Dutt 2018) and more recently have given rise to the 'everyday political economy' approach (Hobson and Seabrooke 2001; Elias and Rethel 2016). They build on classic work on subaltern actors' agency such as Scott's (1985) *Weapons of the Weak*, Peluso's (1992) 'repertoires of resistance', and Kerkvliet's (1990) *Everyday Politics*.

These approaches give methodological and analytical weight to the agency, strategy and relations of non-elite or 'local' actors and argues that by:

> Stressing the ordinary weapons of relatively powerless groups, we are able to understand how

ordinary people devise their livelihood and resistance strategies as they become integrated in global circuits of production and consumption (J. Nem Singh and Camba 2016, 51).

Here, local social relations[10] are taken to shape how economic and political change manifests (Elias et al. 2016). Nem Singh and Camba (2016) use this approach to show how some communities resisting mining in the Philippines are more militant while others are more legalistic. These approaches also sensitise analysis to the influence that gendered and racialized social relations can have on conflict and participation (Mahy 2011; Lahiri-Dutt 2012). They do this by privileging a broader array of actors – peasants, workers, village officials, sub-national NGOs, religious organisations, individual corporations, community relations managers and so on – and adopt greater sensitivity to how company-community conflicts play out around the mine site, including how gender, ethnicity and religion shape relations between groups. Through the focus on local social relations, micro approaches provide strong explanations for how and when participatory mechanisms are implemented, the specific forms they take and how and why people affected by mining participate or not.

The danger and limitations here are reversed. Micro approaches to political economy can give too much weight to the agency of actors at local scales and underestimate the barriers and opportunities presented by established governance regimes and powerful economic actors. I have called this divide artificial because it is more often a matter of methodological and analytical emphasis than conceptual disagreements. The macro structural variant of critical political economy need not ignore local social relations just as the micro everyday variant must place local social relations within their global context. Because of the multi-scalar nature of mining conflicts, it is critically important not only to recognise that conflicts between multinational mining corporations and people affected by mining are embedded in local, national and global capitalist social relations but analyse the ways in which sets of relations at each scale shape each other.

While the following chapter develops my theoretical framework and the previous chapter introduced my case study methodology, for now it is enough to highlight the danger of reifying particular social actors, scales, sites or manifestations of conflict. Combining macro and micro critical political economy approaches conceptualises scales, sites, structures and

---

[10] Local social relations may be capitalist or non-capitalist and encompasses class, gender, ethnic relations and so on.

agencies as internally related parts of a social whole. For example, Chapter Four provides an historical analysis of how local-scale company-community conflicts led to the emergence of new modes of participation at the global scale which in turn shape local participatory mechanisms – the capitalist relations at each scale are sides of the same coin. Likewise, Kirsch (2014, 2) looks to emerging global alliances that "make international resources available to new categories of actors" and new technologies of communication can be deployed by actors as potential levers of power to either make conflict more visible or to seek a resolution. It is in this dynamic that we can find explanations for when, how and why corporate participatory mechanisms emerge *and* how people affected by mining choose to participate or not. The flowing chapter develops the critical political economy framework used in this thesis and introduces some more specific analytical concepts – 'modes of participation', 'social reproduction theory', 'politics of scale' and 'common-sense'.

## Conclusion

The approaches considered in this chapter all proceed from the observation that mining has failed to realise the promises of development, let alone sustainable or equitable development, and that negative consequences of mining are too serious to ignore. On this, there is consensus. Despite decades of incremental improvements in the regulation and practice of community relations and environmental management, conflict, human-rights abuses and environmental destruction have intensified. Indeed, new technologies such as non-conventional gas extraction and mountain top removal dramatically increase both the impacts of mining and the number of affected people.

Reviewing the most common and influential approaches in the literature, I have dismissed 'problem-solving' approaches that propose institutional fixes without critically analysing the structures within which conflicts occur. These approaches are unable to provide comprehensive answers to the research questions posed in this thesis because of their methodological or ontological focus on particular sites, manifestations, causes or scales of conflict. It makes sense that international organisations would adopt institutional approaches and corporations would adopt managerial approaches or that NGOs and activists adopt approaches focused human-rights. Each actor adopts the approach that focuses on reforming what is within their control and interests. However, each approach excludes causes and sites

of conflict that are inconvenient to their interests and therefore cannot explain why, how or when participatory mechanisms are employed as conflict management strategies by multinational corporations.

Neoinstitutionalists propose technocratic forms of participation and dismiss rights-based or democratic alternatives and, by extension, only consider forms of conflict that are deemed manageable within technocratic frameworks. Their insistence that win-win solutions are possible means that the inherently conflictual nature of establishing mines – including land grabbing – is ignored. The possibility to fundamentally challenge the rationale for mining or the power structures surrounding corporate-community engagement is placed outside permissible contestation. Likewise, managerialist approaches overlook that development is a contested process between competing development pathways that are beneficial to some interests and detrimental to others. Such assumptions are anti-democratic as they limit legitimate political participation to questions of how to benefit from a pre-selected pathway of development.

Historical institutionalists, despite considering a broader range of problems and conflicts, because of their ontological conception of institutions as the primary determinants of social relations, fail to understand the broader social context within which institutions operate or adequately account for conflicts that occur outside and produce changes in institutional structures. The paradox is that even as institutions are viewed as embedded in society, they are reified as interventions into the same dynamics from which they were born. Rights-based approaches also suffer from an emphasis on the manifestations of conflict – human-rights violations – that could be avoided through democratic or international institutional reform and thus overlook the roots of conflict within changing social relations. Governmentality and post-structuralist approaches bring a welcome focus on the construction, agency and power of people affected by mining and their allies. This leads to more detailed investigations into the lives of people affected by mining and how they engage in conflict and participation. However, the focus on the micro relations of power often comes at the expense of understanding the structural context of conflict.

Critical political economy approaches explain both how, when and why mining corporations implement participatory mechanisms *and* how people affected by mining decide to participate or not, when the micro/marco divide is bridged. It is approaches from critical

political economy that place the causes of conflict and responses to it within the evolving social relations of capitalist development. To explain why participation has emerged as the dominant form of managing conflict with people affected by mining across the globe and the different forms that it takes across time and space, we need analyses that can understand how governance and reforms driven at global or national scales are shaped by local political economic and social conditions and *vice versa*. We need approaches that dig beneath visible manifestations of conflict to understand the structures and agencies that drive them.

It is to this task that I turn in the next chapter. I apply a social conflict theory of critical political economy with particular sensitivity to how changing relations of production and social reproduction generate conflicts that play out across multiple political scales and sites. The modes of participation framework is used to understand how and why participatory mechanisms emerge in response to challenges. The ideological receptivity of people affected by mining, coproduced through social relations of production and reproduction explains their desire and capacity to participate or not. Social conflict theory goes beyond the limitations identified above by arguing that institutions remain entangled in the same conflicts and power asymmetries that produce them. Gramscian analysis understands how ideologies and conceptions for the world operate within, indeed are codetermined with, political economic structures and material reality.

# Chapter Three: A Social Conflict Approach to Mining and Participation

This chapter establishes the theoretical framework for understanding and interpreting the empirical findings in later empirical chapters. It also advances concepts for understanding conflict and participation in extractive sectors more generally. Following the critique presented in the previous chapter, the theoretical framework combines macro and micro critical political economy analyses with a social conflict theory approach, wherein visible forms of conflict are treated as manifestations of contestation rooted within capitalist development. The centre piece of this approach is the 'modes of participation' framework which builds on social conflict theory to explain why forms of participation emerge at given moments and places. More specifically, participatory mechanisms are viewed as responses to conflicts generated by extractive developments. That is, participation is regarded as a political technique to contain and transform undesirable manifestations of conflict and create new sites for contestation that (re)define boundaries for legitimate social and political conflict.

As set out in the introduction, this thesis answers five related questions:

1. How do multinational mining companies attempt to control risks posed by conflict with people affected by mining?
2. What factors explain when, why, how, and the degree to which multinational mining corporations use participatory mechanisms to manage conflict with people affected by mining?
3. How do participatory mechanisms shape, contain or change the forms that social conflict takes?
4. How and why are participatory mechanisms contested, co-opted, embraced or ignored by grass-roots and non-government organisations?
5. What factors, including access to resources, land use, alliance structures and strategies, or ideologies affect responses to participatory mechanisms by people affected by mining?

To present the theoretical tools to answer these, this chapter first provides an account of institutions, development and contestation from a social conflict perspective. Social conflict theory's advantage over other approaches is that it looks to the social roots of conflict, not merely its manifestations. As contestation is understood to originate in competing interests

in different pathways of development, the second section covers contestations and manifest forms of conflict that are distinctive, but not unique, to extractive capitalism. Land grabbing, primitive accumulation, changing modes of production, and the disruption to social reproduction are features of extractive capitalism that explain the roots and manifestations of company-community conflict. The third section introduces the politics of scale because extractive conflicts are not limited to scales and processes of production but take on multi-scalar dimensions as groups seek to resolve conflicts across various fora. Together, these three sections explain contestations over extractive developments, manifest as various forms of conflict at different sites and scales.

Moving on from an analysis of the contours and dynamics of contestation, the fourth section turns to consider participation through the 'modes of participation' framework (Rodan 2018) which I adapt for use in the private sector across multiple scales. This framework allows us to understand, across a range of geographic and institutional contexts, why, how, and when multinational miners implement particular participatory strategies. It emphasises how ideologies of representation establish the legitimacy of modes of participation and the institutional structures that are deployed in attempts to contain, transform or depoliticise undesirable forms of conflict. In the fifth section, to understand the reactions of people affected by mining to attempts to elicit their participation, I turn to Gramscian concepts of ideology and common sense. The ways in which people affected by mining understand the world, and therefore their ideological receptivity to modes of participation, shapes the ways in which they are likely to participate or not. That is, where there are congruencies between their common-sense understandings and ideologies of representation, people affected by mining are more likely to participate. In turn, common sense understandings are both influenced by and influence the ways in which people affected by mining control land, organise production and politics, and find and select allies. The final section outlines the analytical framework used to apply these theoretical tools to the proceeding case study chapters.

## Social conflict theory

The theoretical approach deployed in this thesis is based in social conflict theory. This broad approach understands society as made up of groups of actors who pursue their interests in

struggles over how power and wealth are produced and distributed.[1] Following Hutchison et al. (2014, 79), "development is never merely a public good, but is rather a perpetual process of resource redistribution that is fought over by class-based groups." Social and political change is then understood as driven by conflict between competing social groups. Contestation often occurs between class-based groups or class fractions, while gender, indigeneity, ethnicity and religion are also important social categories that can demark conflicting interests. Visible forms of conflict are treated as manifestations of contestation and contradictions generated through processes of capitalist development. The advantage of this approach is the focus on social forces and the root causes of conflict, not merely its visible and institutional manifestations.

This has ontological implications for how the state, institutions and even corporations are conceptualised. States and institutions are not taken as pre-existing facts, unified subjects, or tangible objects standing apart from each other (Jessop 2007, 123). Rather they are mutually constituted with society and permeated by conflicts between groups of actors with different interests. More precisely, institutions are understood as both the outcomes of and terrain for political and social conflict (Rodan, Hewison, and Robison 2006; Hameiri and Jones 2014, 5). This insight allows us to disregard the idea that institutions and the regulations they produce can be objectively 'neutral' or 'good'. Rather, institutions embody particular sets of power relations that shape access to and control over resources (Rodan 2018, 21). Specifically, because of their ability to shape and limit manifestations of conflict, dominant institutions are a key mechanism for political rule. In this view, institutions shape political contestation and the form that conflict takes but do not elevate politics above society (Hutchison et al. 2014, 80). Institutional configurations are not static but change as new social forces or conflicts emerge (Nguyen 2014).

Institutional mechanisms and practices that attempt to contain conflict may be designed by powerful actors, yet often, as in the case of 'sustainable development' and corporate social responsibility, they are adapted and co-opted from critics. In this way, various mechanisms of rule are tested and the ones that work survive in an ongoing "evolutionary process of

---

[1] As mentioned earlier, this approach has also been referred to as 'structural political economy' (Hutchison et al. 2014) or 'the Murdoch school of critical political economy' (Hameiri and Jones 2014).

variation, selection [and] retention" (Jessop 2006b). This often means that critics and critical discourses are included within new practices in order to either pacify or co-opt opposition. However, none of this is to claim that institutional containment of conflict is always 'successful', as oppositional groups can use institutional inclusion to open up conflict over broader issues of inequality or resource distribution (Rodan 2018, 218).

The social conflict approach is useful in analysing the political power of multinational mining corporations because it rejects the reification of governance institutions, markets and even corporations. Instead markets, institutions and corporations are sites where different actors come together in cooperation and conflict. Social conflict theory recognises participatory mechanisms as an institutionalisation of relations between mining corporations, states and people affected by mining that shape contestation and embody particular sets of power relations. Therefore, analysis remains focused on how groups of actors in corporations, NGOs, people affected by mining and their allies contest the social impacts of mining and how such contestation is shaped by participatory institutions.

In no way is social conflict theory limited to the study of institutions or institutionalised conflict. Indeed, the approach opens analytical space to examine conflict that occurs around and outside formal institutions and the agency of subaltern actors.[2] Conflict may occur at sites of production, social reproduction, governance or regulation. This is important for mining conflicts as many critics of large-scale mining refuse to "work within parameters of reform set by industry participants and state actors" (J. Nem Singh and Camba 2016, 50). Furthermore, acts of resistance may go unnoticed or be illegible to corporate or state actors, may be organised or spontaneous, can be collective or individual and occur across multiple political scales. The actions, ideologies and understandings of people affected by mining are critical to how conflicts evolve either within or outside institutional bounds.

This thesis applies insights from social conflict theory to corporate spaces, processes, and institutions. There is a growing interest in studying corporations as political actors or

---

[2] Approaches including: 'everyday political economy' (Elias and Rethel 2016); 'everyday forms of resistance' (Scott 1985; 2012); poor peoples' politics (Hutchison and Wilson 2020) and; social reproduction theory (Bhattacharya 2017) are entirely consistent with how social conflict theory is used in this thesis, while focusing greater analytical attention on subaltern actors.

governance institutions[3] (Wilks 2013; Mikler 2018; Sinclair 2020). Corporate interests and strategies – like other institutions – change through contestation with state and other actors.[4] Marina Welker, an anthropologist of corporations, examines how corporations are re-constructed through contestation with people affected by mining:

> Without denying profit as a motivation, … people enact corporations in multiple ways, and that these enactments involve struggles over the boundaries, interests and responsibilities of the corporation (2014, 1).

On the other hand, there is the recognition that 'corporate actors' may have interests outside those of the corporation – employees may also belong to affected communities or activist groups (Filer and Le Meur 2017, 23–25). The crucial point for a critical analysis of participatory mechanisms, which function at intersections between the state, corporations and society, is how they institutionalise and contain undesirable forms of conflict or open spaces for new contestations to emerge. Because social conflict theory understands such institutions and the social forces that contest them as historically and socially constituted, I first outline some dynamics specific, if not unique, to conflict and contestation in extractive capitalism.

## The political economy of mining conflicts: Land as a social relation

Extractive developments embody particular kinds of capitalist relations. Large-scale mining requires massive long-term investments "prone to windfall booms and busts" (J. Nem Singh and Bourgouin 2013a). State actors wanting to attract international investment will ensure favourable conditions for capital investment governance arrangements including tax-exemptions, secure land tenure and favourable environmental regulations (J. Nem Singh and

---

[3] Corporations can be considered political actors in as far as they act politically and socially to secure their economic interests. They can be considered as governance institutions when they actively create governance standards, networks or regulation either collectively or in partnership with state actors (Wilks 2013; Sinclair 2020).

[4] Scholars from various traditions have problematised the idea of corporate personhood – the legal fiction that corporations are people – pointing out the conflicting interests within corporations between owners, executive management, shareholders, financial mangers (who control stock on behalf of investment funds), workers and other stakeholders (Wilks 2013, 13–15). The balance of these interests change with national legal frameworks, corporate structures and shifting patterns of ownership and managerialism. Nevertheless, it is often a convenient simplification to treat corporations as unitary actors - and an heuristic simplification that I will use throughout this thesis without forgetting that it remains an abstraction.

Camba 2016). At the local scale (scale of production) the distinctive feature of extractive capitalism is competition and conflict over land use, and especially 'land-grabbing' (Perreault 2018). Mining corporations must expropriate land, through legal, economic or violent means and repurpose it from its previous use – most often agrarian, traditional indigenous uses, small-scale extraction or protected ecosystems (Leifsen et al. 2017). Large mines come to dominate local economies and subsume livelihoods "redirecting and circumscribing them according to extractivist logics and practices" (Perreault 2018, 346). This can generate positive impacts, yet even positive opportunities disrupt social, political and economic relations as "new sources of income can give rise to major problems because they are often distributed unevenly" which in turn can "generate social tension through its impact on existing structures of authority" (O'Faircheallaigh 2015, 44). It is this disruption to local economies, politics and culture that produces most of the conflict between corporate miners and the people affected by mining. Contestation takes the form of struggles over the ideological basis for development and participation as well as control over means of production (land).

Land grabbing is a type of 'primitive accumulation' [5] whereby resources previously unincorporated – or only partially incorporated – into capitalist economic systems are appropriated by corporations, states or development agencies (D. Hall 2013; Bachriadi and Suryana 2016). The term describes not merely the dispossession of one group of actors to the benefit of others, but a repurposing – a commodification and marketization – of land itself and the development of capitalist relations (Marx 1990, 873–76; Federici 2004, 12; Veltmeyer and Petras 2014b). Roche et. al. (2019) have coined the term 'extractive dispossession' in recognition of the way that accumulation by dispossession plays out in relation to extractive projects. According to them, land grabbing by extractive corporations is typically accompanied by: rising gendered inequality; fraudulent consent; displacement; destruction of sacred sites; epistemicide; displacement of traditional economic activities; environmental and social impacts; and militarisation. For previous land users – peasants, indigenous people or small-scale miners – land might have served multiple uses and values. It might have

---

[5] Or 'accumulation by dispossession', a term coined by David Harvey (2003), following Rosa Luxembourg's (1951, 348–67) theorising that primitive accumulation was not only the original appropriation of the commons by capital but is an ongoing process driven by crises of over-accumulation and under-consumption.

provided a place of residence, source of income, provided for subsistence needs, served as spiritual or religious sites and/or served ecological functions.[6] Repurposing land means changing social relations which surround that land. That is, changes in the function of land entails not only a change in relations of production but also relations of social reproduction of people affected by the mine.

To analyse and explain these changes and resultant conflict, I turn to social reproduction theory (SRT), which considers how relations of production are coproduced with relations of social reproduction (Bhattacharya 2017).[7] As changes in one set of relations will produce contradictions and conflict with the other and precipitate change, this approach provides further insight into the terrains of conflict that emerge around extractive development. In SRT, 'production' involves the production of commodities while social reproduction:

> Embodies several overlapping but contradictory meanings, including human biological reproduction, the socialization of children, the reproduction of labour power, and the reproduction of the mode of production or of the society as a whole. (Bezanson and Luxton 2006, 27)

Reproduction therefore includes health care, education, food, care work, shelter, pensions, leisure facilities and so forth (Abercrombie, Hill, and Turner 1994, 357; Bhattacharya 2017, 7). It also involves the development and transmission of knowledge, social values, and cultural practices and the construction of individual and collective identities[8] (Bezanson and Luxton 2006, 3). While these functions may be carried out by individuals, collectives, families, state institutions or private corporations, they are often performed by women as unpaid or low-paid domestic labour (Bezanson and Luxton 2006, 3).

Silvia Federici's (2004, 63) contribution to the debate on primitive accumulation is that it involves not merely "the divorcing of the workers from the means of production", expropriation of land from the peasantry "and the formation of the 'free', independent [male] worker." It separates commodity production from social reproduction, which also becomes a

---

[6] In Indonesia, a common slogan for peasant unions is 'Land is a social relation, it cannot be bought and sold!' (*Tanah adalah hubungan sosial, tidak bisa dijual-beli!*)

[7] As an extension of Marxist theories of production (eg. Engels 1986), SRT shares a common heritage with Social Conflict Theory, both resist deterministic and reductionist interpretations of Marxism. As conceptualised in this thesis, they are complimentary theories for considering how social conflicts exceed sites of production.

[8] This implicitly links to my treatment of ideology and common-sense below.

terrain for control and resistance.[9] For Federici, primitive accumulation creates new gendered divisions of labour where women are "increasingly confined to reproductive labor at the very time when this work was being completely devalued" (2004, 74). Social reproduction theory then provides a focused lens to analyse how changes in social, economic and political relations can be gendered and racialized.

Indeed, Atkinson (1998, 35) notes how following the development of large scale mines, inequality grows between those employed at the mine and those in informal or subsistence occupations, as well as between men and women as "the [increasing] cost of basic necessities led to more traditional subsistence and cooperative economic activities being regarded as inferior to having a job at the mine." Inequality and disruption to social relations of production and reproduction can create new conflicts, including between employees and those in subsistence or informal sectors, between locals (sometimes indigenous people) and newcomers, between men and women and between the dispossessed and the corporation.

People dispossessed of their land – their means of subsistence, production and reproduction – must find new ways of securing their income and subsistence needs. This situation may result in some people variously finding employment at the mine, opening land elsewhere, 'illegal' mining, engaging in other forms of precarious employment or demonstrating against and making demands of the corporation. Tania Li (2011, 286) asks, in relation to plantations in Indonesia: what happens when local people's land is needed but their labour is not? This question is even more pertinent in relation to land grabs for mining where labour requirements are smaller and more specialised than in plantation agriculture. The answer is *often:* poverty, inequality and conflict between the dispossessed, migrant labourers and corporate actors and, Li argues, government intervention is needed to manage these negative effects. That is to say, it is not always the immediate and direct effects of mining developments or land grabbing that produce conflict, the social changes and any inequalities produced may create secondary conflicts between different groups of people affected by mining.

---

[9] Although this argument is given in its most developed form by Silvia Federici, this observation can be traced back to Rosa Luxembourg and through the work of Marxist-feminists including Lise Vogel (Čakardić 2017).

State – or corporate – institutions then take on the role of "chief supervisor of the reproduction and disciplining of the workforce" (Federici 2004, 84). State and corporate actors intervene through public assistance and social control programs to avoid forms of social reproduction that could produce recalcitrant populations (Sears 2016). Mining corporations need to produce, in their local areas, social relations conducive to extractive activities. To avoid threats to their operations – blockades, demonstrations, 'illegal mining', theft, sabotage and so on – they must manage some of the inequalities and disruption involved in changing relations of production and reproduction. They do this through a wide range of strategies including: discipline and violence, establishing patronage networks, inviting the participation of potential opponents, sustainable community development work, promoting cash cropping and market economies, education, and ideological intervention. Thus, participatory mechanisms are not only about containing risky forms of conflict but establishing new relations of production and reproduction amongst people affected by mining so that such disruptive manifestations of conflict are not generated in the first place.

The capacity and desire of people affected by mining to participate or not is largely influenced by their histories of organisation – by their relations of production and social reproduction – which are not always separate but always related. It is true that "the ways in which people produce, allocate, and consume the products of human labour are central to shaping their social relations and social organization" (Bezanson and Luxton 2006, 24).[10] Contradictions and conflict are produced when the ways that people produce, allocate and consume change (following primitive accumulation), yet social relations and their common-sense understandings were produced historically in earlier contexts. This follows Rebecca Hall (2016, 102) in "theorising the shifting, mutable relationship between social reproduction, non-capitalist subsistence production and capitalist production" which can all become sites for exploitation *and* resistance. For example, where the organisation of production and reproduction are more communal, less integrated into state or corporate hierarchies, and less determined by market relations, people affected by mining will likely be less willing or able to integrate into corporate forms of production or participation. Where social organisation is

---

[10] Which, again, includes knowledge, social values, cultural practices and the construction of individual and collective identities. Ruth Hall et al (2015, 469) add to this the importance of affective ties and social allegiances.

more hierarchical or fractured by class, gender, ethnicity or age, participation or resistance will reflect this.

Control of resources, and especially the means of production (land), is perhaps the most direct factor in determining the *ability* of people affected by mining to resist land-grabs. Control of land is practical and can be divided into physical control or the ability of groups to exclude other actors; claims which may be based in agrarian law or tradition (*adat*); and legal title or certification. The point is that histories of social organisation of production and reproduction are codetermined with the way that relations with land are organised. There is of course an ideological dimension to production and reproduction, which is explored further below. First, it is necessary to zoom out from local scales to consider how conflicts around extractives are multi-scalar.

## The politics of scale

Conflicts around extractive industries rarely remain confined to sites of production and social reproduction. Indeed, they often take on national and international dimensions as one or more actors attempt to resolve conflict in their favour through international campaigning or institutional fixes. It is at national and international scales where questions of governance, regulation, rights and alliances become significant. An explicit analysis of the political scales across which conflict occurs allows an understanding of how seemingly separate conflicts are enmeshed in historical contestations over governance, rights and development. It also avoids the reification of institutions that operate at particular scales.

In political geography, the concept of scale refers to the spatial level (from local, metropolitan and provincial to national, regional and global) of particular social, political and economic activities (N. Smith 2008). The production of scale, along with the issues governed at any particular scale, is never given *a priori* but is the result of capitalist development, environmental factors, and political contestation (Swyngedouw and Heynen 2010; N. Smith 2003, 181–90). For Smith (2008, 181–90), scale is reproduced through dynamics of capitalist development: local scales have traditionally been sites of production and socialisation; provincial scales are reproduced through the mechanics of distribution and; national scales

are reproduced through the support, defence and coordination of capital.[11] Political scales then, are related, part of a single social whole, not separate ontological categories. Following this, here I use 'local' to refer to the areas surrounding a mine site that are directly impacted by or impact extraction. The local scale then is an outcome of capitalist development but almost always also involves political contestation over who should be considered local for the purposes of community development or preferential employment.

Just as scale is not given *a priori* it is not simply determined by structural and environmental factors but is also the outcome of political and social contestation and strategic decisions (N. Smith 2003; 2008, 229; Hameiri and Jones 2015, 56; Allen 2018, 16). The politics of scale involves conflicts over the appropriate scale, or construction of new scales, at which contestation and governance occur (Jessop 2006a; Hameiri, Hughes, and Scarpello 2017, 69). Because different opportunities, allies and resources are available at any given scale, actors may attempt to contest issues at scales, or across multiple scales, that are most beneficial to their interests (Hameiri and Jones 2015, 56). For example, social movements often attempt to 'jump scales' to the national or international where they can access allies, resources, media, and invite public scrutiny (Escobar 2001; Kirsch 2014). Targeting investors, particularly governments, churches and public funds, can be effective where they might be more receptive to arguments or sensitive to public opinion than the operating company might be (Kirsch 2014, 82). Alliances which operate across political scales are a critical factor in how effectively people affected by mining can campaign if they decide to reject participation – or how much knowledge and support they can receive to participate.[12]

Likewise, multinational miners use scalar strategies to relocate sites of governance from domestic to global scales – where corporations and their associations can control the agenda more effectively than governments (Hatcher 2014; Elbra 2017).[13] They simultaneously attempt to re-localise conflicts with people affected by mining. Participatory mechanisms can

---

[11] Ecological factors can also influence the production of scales of conflict and governance.

[12] Indeed, in all three cases in this thesis, people opposed to mining sought to create alliances with groups who could help attract national and international resources and legitimacy.

[13] The following chapter details how organisations such as the International Council of Mining and Metals, standards such as the Equator Principles and institutions such as the UN Global Compact do less to constrain corporate power and more to establish the legitimacy and ideology of corporate self-regulation.

contain threats to multinational miners' international reputations by separating people affected by mining from their national and international allies. While participatory mechanisms operate on local political scales, global self-governance establishes their institutional guidelines and ideological legitimacy. The institutional frameworks and ideological support for participation constitute 'modes of participation' which shape who can participate on what issues when (Jayasuriya and Rodan 2007a; Rodan 2018).

## The modes of participation framework

Participatory mechanisms are a major tool used by mining corporations to attempt to contain and depoliticise undesirable forms of conflict. To understand contestations over who can participate on which issues, when, this section details the theoretical approach that is adopted towards participation – the modes of participation framework. Developed by Jayasuriya and Rodan (2007a) and extended by Rodan (2018), this framework analyses how state actors use participation as a technique for securing legitimacy and containing challenges from various groups. It provides a conceptual understanding of why particular forms of participation emerge at given moments and sites. The modes of participation framework is concerned with "the institutional structures and ideologies that shape the inclusion and exclusion of individuals and groups in the political process" (Jayasuriya and Rodan 2007a, 774). Modes of participation range from individual to collective and state-sponsored to autonomous (Rodan 2018, 34). Yet, across various regimes, there has been a growing emergence of state-sponsored extra-parliamentary modes of participation which bypass traditional or autonomous modes of contesting politics such as political parties and workers' unions. The growth of new modes of participation and ideologies of representation is explained by the need to contain conflicts that emerge from processes of capitalist development and crises (Rodan 2012; Bal 2015a). Examples include: public grievance processes, consultative councils, petitions and social movements – as opposed to authorised and accountable democratic representation.

The *legitimacy* of modes of participation are established when potential participants accept their ideological foundations. The legitimation of ideologies of representation has "profound implications for whether or not persistent unequal social, political, and economic relationships are subject to scrutiny and potential political mobilization" (Rodan 2018, 23). In

other words, legitimated ideologies come "to define what is realistic and to drive certain goals and aspirations into the realm of the impossible, the realm of idle dreams, of wishful thinking" (Scott 1985, 326). Ideologies are not merely imposed by dominant groups but gain the consent of participants through making concessions as "previously germinated ideologies come into contact and confrontation with one another, until only one of them – or, at least, a single combination of them – tends to prevail, to dominate" (Gramsci 1996, 2:Q4§38; 180).[14] The modes of participation established by multinational mining corporations' appropriate ideological fragments from critics, including ideas of sustainable development and human rights. Yet these are subsumed under an overarching *ideology of representation* and corporate-led development.

In the latest iteration of the framework, Rodan (2018, 29) identifies four ideologies of representation – democratic, populist, consultative, and particularist.[15] These are not mutually exclusive, and particular participatory mechanisms may draw on multiple ideological sources. Ideologies of representation are also linked to broader historically situated ideological struggles. The participatory mechanisms in the extractive industries are based in and reinforce consultative ideologies, although they may also draw on particularist ideologies and other ideological support. Particularist ideologies "emphasize the rights to representation of discrete communities and identities based on ethnicity, race, gender and culture" (Rodan 2018, 32). It is now widely accepted that people affected by mining have rights to be consulted and that corporations have an obligation to consult with stakeholders (Chapter Four). Yet these normative rights exist in tension with and often come at the expense of more democratic forms of participation:

> Consultative ideologies of representation emphasise the problem-solving utility of incorporating stakeholders, interests, and/or experts into public policy processes to ensure the most effective functioning of economic, social, or political governance. These ideologies privilege such problem solving over political competition, thereby limiting the political space for contending normative

---

[14] In this note, 'Relations between structure and superstructure', Gramsci is theorising moments in the historical formation of hegemony. However, I avoid using the term 'hegemony' because I am not considering the hegemony of a dominant class over society in general. I am simply considering a single moment – the domination of multinational corporations over the management of social impacts of mining.

[15] These are "conceptual categories", not the "complete range of ideological perspectives" (Rodan 2018, 28). In democratic ideologies of representation, representatives should be elected or appointed; populist ideologies "emphasize direct links between 'the people' and the leadership of political movements" (Rodan 2018, 29–31).

positions over the fundamental objectives of public policy through spaces of technocratic governance (Rodan 2018, 30).

In addition, pro-corporate ideologies such as neoinstitutionalism support the creation of *corporate* sites of participation. Participatory mechanisms then incorporate social groups – usually through representatives – in corporate problem-solving processes without conceding democratic rights.

For this thesis, I adapt the modes of participation framework to examine corporate-sponsored modes of participation and how they are constructed against state-sponsored and autonomous modes of participation. This simply reflects the increasing trend and need for mining corporations to contain contradictions and conflicts resulting from extractive developments. The second adaptation I make, given that participatory mechanisms operate largely at local scales while standards for their implementation and ideological legitimacy are enshrined at international scales, is to combine the modes of participation framework with a politics of scale.

Table 3 shows the matrix of sites of participation adapted from Rodan (2018, 34). The middle column 'corporate-sponsored' sites of participation is my addition. The level of inclusion may be individual or collective, with collective levels of inclusion incorporating various styles and forms of representation and group participation. This is a typology, not an exhaustive categorisation of sites or examples. The categories are not mutually exclusive and are not intended to represent a sharp delineation between sites, indeed, they are often constituted against each other (Bal 2015a, 224). For example, political participation that begins in autonomous sites, as protests or individual expression, may shift to corporate or state sponsored sites of participation as corporate or state actors recognise a need to contain challenges. Sites of participation may be co-sponsored by a combination of corporations, states, NGOs or international organisations. Actors may simultaneously participate in corporate fora while maintaining autonomous sites of expression, as is the case when a group enters negotiations with a corporation while maintaining independent protest activity. Likewise, affected people may choose between available corporate and state sites of participation – for example in negotiating directly with corporate actors versus suing them in court. Thus, the potential for particular sites of participation to manage conflict and distribute benefits is partially determined by the opportunities available at other sites. Each site of

participation may involve any type of participant. Corporations can participate in state-sponsored sites, state actors may organise protests, and corporations may participate in sites sponsored by other corporations.

*Table 3 - Sites of Participation*

| Level of inclusion | Sites of Participation | | |
| --- | --- | --- | --- |
| | State and trans-state sponsored | Corporate-sponsored | Autonomous from state and corporations |
| **Individual** | **Administrative incorporation**<br>*Examples:*<br>Public grievance processes. | **Corporate-administrative incorporation**<br>Corporate grievance mechanisms;<br>Expert cultural advice. | **Individualised political expression**<br>Petitions;<br>Blogs;<br>Sabotage. |
| **Collective** | **Societal Incorporation**<br>Consultative councils;<br>Participatory budgeting. | **Corporate-social incorporation**<br>Participatory community development;<br>Consultative committees;<br>Environmental monitoring programs;<br>Negotiations for compensation. | **Civil Society Expression**<br>Protests;<br>NGO advocacy;<br>Blockades. |

The advantage of this approach is that it explains the forms, sites and ideologies of participation in the mining sector as the result of conflicts outlined above. Indeed, participatory mechanisms are always situated within broader social relations and processes of national, regional and international capitalist development (Nguyen 2014). Participation is neither the result of a universal 'corporate responsibility' nor simply a public relations exercise – it is the product of multi-scalar contestation with people affected by mining and other critics. Furthermore, it is concerned with the development of ideological support and institutional structures that legitimise some forms of representation and participation over others.

The participatory mechanisms of multinational miners are usually collective, although individual grievance mechanisms are also common. Participatory environmental monitoring, sustainable community development programs, consultative committees and negotiations over compensation are all ways in which groups of people affected by mining participate either directly or via representatives. Through societal incorporation, defined groups of people (which may include particular ethnicities, villages or people affected by mining in

particular ways) and NGOs participate in the delivery of predefined objectives (delivering community development, environmental monitoring) "rather than to engage in an open-ended debate" (Rodan 2018, 38-39). Participatory mechanisms may also intervene in the political and economic relations of the target groups by privileging particular actors as representatives, redistributing resources, providing education, and ideological interventions.

Through particularistic and consultative ideologies of societal incorporation, conflicts with people affected by mining are (partially) contained within the expanded bounds of corporations. Yet, the concessions made through consultation are influenced by alternative sites of political participation available – autonomous or state – and their ideological legitimacy must be defended against or make concessions to competing ideologies. When groups are dissatisfied with the consultative boundaries of participation, they may find either more autonomous forms of political participation – such as protests – or turn to state institutions – such as the court system. Participants or represented groups may also attempt to challenge the terms of participation to expand the issues or actors included (Rodan 2018, 34; Bal 2015a).[16]

Ideologies of representation also involve struggles over who has the power to represent whom. Societal incorporation relies on corporations' ability to render communities legible, to determine both the groups that should be represented and who has authority to represent them and then police these boundaries. Often esoteric and complex social relationships are flattened and simplified through bureaucratisation (Borras and Franco 2013). This simplification can trigger new inter-communal conflicts. While discussing representation of communities in the oil rich Niger Delta, Guichaoua laments "who is entitled to represent the now-reified 'communities'. In practice, such asymmetrical procedures favour the emergence of brokers co-opted by oil companies or state agents, following a logic recalling the selection of indigenous auxiliaries of colonialists" (2012, 148). Likewise, drawing on case study research in Bougainville and the Solomon Islands, Matthew Allen (2018, 119) shows how struggles over who has the right to represent groups of landowners developed following:

> 'trustees' and 'landowners' failing to share proceeds of rental payments and surface access fees, intensified land disputes and struggles over the control of landowner associations, stark asymmetries of knowledge and information, and the marginalisation of women from decision

---

[16] This is the case in the Kelian case study in Chapter Five

making and benefit-sharing.

So, while corporations will attempt to select representatives of groups most favourable to their interests, this too is subject to contestation by members of represented and excluded groups.

Problems of representation are particularly salient given generational and gender divides within represented groups – especially when, as is often the case, representatives are older men. Allen's (2018, 65) research shows how interests of a supposedly homogenous groups were divided along gender and generational lines:

> Generally speaking, I found that women throughout Bougainville were more likely to speak about these sorts of issues [negative impacts on land, subsistence agriculture and village livelihoods - how they would feed their children] in relation to the Panguna question, while men tended to focus on compensation and benefit-sharing.

Therefore, compensation, negotiation and participation can reinforce pre-existing political, social and economic hierarchies by selecting already powerful figures – older men, village officials, etc – as representatives. Yet it can also open new lines of contestation, for example as women demand to be included as representatives or participants.

Modes of participation also define the scale, or create new scales, at which participation can occur, again limiting who can participate and the availability of resources. For example, through localised grievance mechanisms and consultative committees, mining corporations create scales of political participation that might be more accessible to people affected by mining and bypass NGOs and state institutions such as courts. Of course, corporate grievance mechanisms can limit the exposure of corporations to litigation or negative publicity. [17] Participatory practices developed at the 'local' scale have been enshrined in global governance networks that entrench consultative and corporate ideologies and institutional forms as modes of participation.

In the following chapter I detail how organisations such as the International Council of Mining and Metals do less to regulate corporate power and more to establish the legitimacy and ideology of corporate self-regulation. Curiously, this creates a split between sites of participation, which are largely local, and the governance and ideological defence of corporate participation, which takes place at international scales. Through this dual scalar

---

[17] See Chapter Six for an example involving UNDP-LEAD

strategy, participation and consultation has become the new orthodoxy, if not hegemony, to the exclusion of democratic and rights-based forms of political participation. Immediately, participatory mechanisms aim to manage local conflicts to smooth extractive accumulation while modes of participation attempt to facilitate a wider national and international legitimacy for the mining sector.

The modes of participation framework, as presented here, provides explanations for why forms of participation emerge at given moments and sites; it explains why, how and when mining corporations implement participatory mechanisms. It also explains how ideologies of representation and participatory mechanisms are constructed against and evolve through broader ideological contests. Yet it does not explain where the ideology of people affected by mining comes from. While this could be left as a given, to understand the diversity in participatory strategies, we must understand the diversity in ideology of people affected by mining. To add this level of analysis, I turn explicitly to Gramscian conceptualisations of ideology and common sense.

## Ideological receptivity and common sense

So far in this chapter, I have mentioned the ideological dimensions of social conflict, extractive capitalism, scale, and modes of participation. This section explicitly elaborates how ideology and common sense are understood in this thesis. Here I draw on Gramscian conceptualisations of ideology as historically produced conceptions of the world which "'organise' human masses, and create the terrain on which men move, acquire consciousness of their position, struggle, etc." (Gramsci 1971, 377; Q7§21). In this schema, 'common sense' is ideology in its least developed, most incoherent and contradictory form, yet comprises "the 'raw material' of a new conception of the world, since it also contains the seeds of the new 'systems of ideas'" (Filippini 2017, 20). Organisations and actors struggle to emphasise elements within common sense and develop ideologies that best serve their interests as they understand them. In this way, there exists an ideological terrain on which conflicting ideas compete for legitimacy and dominance.

The modes of participation framework provides a typology of *ideologies of representation* that legitimise forms and sites of participation (Rodan 2018, 29). Ideologies of representation may intersect and draw support from yet should not be confused with a wide range of broader

ideologies, such as neoliberalism, corporatism or nationalism. I identified that in the mining industry consultative ideologies of consultative corporate-social incorporation are the most prevalent – although administrative incorporation and particularist ideologies are also relevant. While this situation supports and is produced by corporate power, these ideologies are influenced by the broader political environment and must respond or adapt to ideological challenges.[18]

To analyse how people affected by mining accept or resist participatory mechanisms I consider how their ideologies are receptive to, or contradict, ideologies of representation in general, and consultative ideologies of corporate-social incorporation in particular. Where these ideologies are incompatible with extractive capitalism or participation, it is far more likely that the group will be opposed to participation. Where there is common ground, even if tactical or opportunistic, groups may accept participation, even if they attempt to change the terms of participation. While I identify four factors – control of land, histories and forms of organisation, alliance structures, and ideology – that determine if and how people affected by mining participate, the role of ideology is key. It is through ideology that people affected by mining understand their tactics and agency, relationships to land, how they construct organisations, and select allies.

While 'ideology' connotes a singular coherent world view, Gramscian scholar Mark Rupert provides a definition of common sense as:

> an amalgam of historically effective ideologies, scientific doctrines and social mythologies … a syncretic historical residue, fragmentary, and contradictory, open to multiple interpretations and potentially supportive of very different kinds of social visions and political projects (2006, 93–94).

Because common sense contains contradictory and competing ideas of the world, it becomes further terrain for social conflict as competing actors emphasise ideas and practices that favour their interests. E P Thompson (1978, 156) referred to "an amalgam of the cultural debris of many different ways of thinking" from which people select "those parts most calculated to defend their present interests" (Thompson 1978, 154). It is also through common sense (and critique of common sense) that people understand their interests.

---

[18] For example, particularist ideologies are most often adopted where an indigenous group has been able to establish its legitimacy and right to participate. See Ibu Afrida's story in Chapter Six.

The dynamics of conflict over ideologies within common sense is a matter for detailed empirical investigation. The theoretical point is to view people affected by mining as "historically situated social agents whose actions are enabled and constrained by their social self-understandings" (Rupert 2006, 93). Common sense understandings enable or privilege some courses of action over others, influencing social organisation, relationships with land, and dispositions towards alliance partners, state and corporate actors. Yet this is a two-way process, the development of common sense is profoundly influenced by histories of social organisation of production and reproduction.[19]

Common sense understandings provide an array of material potentially supportive of a range of ideologies and actions. Which element becomes dominant and which others are discarded is the result of competition and cooperation between different external and internal actors. For Gramsci (1971, Q11§12; 323-343), intellectuals, organisers, political parties, and leaders play the role of critiquing 'common sense' to develop critical and coherent ideologies. Ultimately, it is the elements which become dominant within common sense understandings that preclude or predispose people to iterations of participatory mechanisms. The forms that participatory mechanisms take will also be determined by the contradictions between the common-sense understandings of people affected by mining and corporate ideologies.

## Analytical considerations

This final section outlines an analytical method based on the theoretical framework which will be applied across the following chapters. While detail on methods and the data analysis process are given in the Appendix, this section establishes specific questions – both inductive and deductive – used to interpret empirical data. As established in the introductory chapter, the methodology employed in this thesis utilises case studies to examine the contours of conflict occurring at the local scale as embedded within national and global relations between people affected by mining, corporations and various other actors. This method was employed specifically to avoid the reification of sites and scales of conflict while examining the interrelation of agency and structure. Specifically, attention is given to the ways that agency

---

[19] Chapter Seven provides the best demonstration of this process.

– particularly how it manifests as opposition and conflict – produces changes in the governance and regulatory structures of the social dimensions of mining.

The first task then is to establish the global and national (Indonesian) context – the governance regimes, regulations, economic trends, powerful actors, and ongoing contestations that each preceding case in embedded within, a task undertaken in the next chapter. The analysis shows that these political and economic structures are not static outcomes of corporate or state power but rather of ongoing conflicts that bubble up from local scales through alliances. To be sure, the current configuration of legislation, regulation, governance and economic structures present opportunities and barriers to actors in contestation today. Yet these structures are as likely to change in response to ongoing contestation as they are to provide hard limits to permissible contestation.

Following this, analysis of the case studies (Chapters Five, Six, and Seven) proceeds along the lines suggested by the theoretical and methodological frameworks. Each follows a narrative of evolving conflict that emerged from data collection – particularly the stories shared by interviewees – confirmed through documentary evidence and participant observation. Whilst each case study demonstrated and illuminated different aspects of contestation, for all the analysis proceeds broadly along several sets of questions.

First, how did the development of the mine disrupt or change historically produced pre-existing social relations? Answering this question reveals the immediate source of conflict – while historical analysis reveals that some of the conflicts or tension may have pre-existed the development of the mine and been triggered or exacerbated by extraction – this is particularly the case where conflict has an intercommunal dimension of class, gender or ethnic divisions.

Second, how did the mining company respond and attempt to manage the conflicts and disruptions following the initial act of accumulation by dispossession? What balance of coercion and participation were employed? Using the modes of participation framework means identifying the ideologies and institutional structures that legitimise and structure participation. To what extent were these based in global standards, national regulatory requirements or influenced by international organisations? How did they fit with participation in state or autonomous sites of participation? Who was able to participate on what issues when? Related to this, was participation simply a method of reacting to and attempting to

contain risky manifestations of conflict, or did the corporation attempt a more proactive approach to establishing favourable social relations?

Third, what factors influenced the desire and capacity of people affected by mining to participate or not? The theoretical framework here advances the argument that the capacity and desire of people affected by mining to participate or not is conditioned by historical and evolving social relations of production and reproduction, including their common-sense understandings of the world. Fieldwork across the cases identified that the specific factors include: control of land, forms of organisation, alliance structures and common-sense understandings of the world. As this analysis began to emerge from the data, I returned to the field with more detailed questions. From this, analysis focuses on the ways that actors perceive their interests and devise strategies to maintain or improve their social relations of production, reproduction and subsistence. By striking a balance between allowing data to emerge through an open engagement with research participants and this analytical framework, each case study presents a rich investigation of the unique contours of evolving conflicts while maintaining the ability to draw tentative empirical generalisations and robust theoretical replication.

Control of land may include legal title, direct possession, claims to traditional custodianship, or the ability to exclude other actors. Assessing the level of control of land and the ability to enforce it is a matter of empirical investigation and cannot be assessed through only checking legal titles. Control of land may be physical or consist of various discursive claims. Closely related to control of land in agrarian communities is forms of organisation. Here the important questions are how integrated any organisational forms in hierarchical state and capitalist structures are. Do any independent associations exist? To what extent is the organisation and relations of production dictated by state or corporate actors? How do gender, ethnicity, age and class affect individuals' ability to organise? These factors are most immediately relevant to a groups' ability to respond to a mining proposal. Where control of land and forms of organisation are independent of state and capital control, they will be more able to form associations that support, demand or resist participation.

Alliances – either with other groups of people affected by mining or activists and NGOs – play a special role in increasing the capacity of people affected by mining to participate or resist. Alliances can alter the balance of power by providing groups with increased knowledge,

expertise and resources. National and international alliances are the most common mechanism through which conflicts 'jump-scales' by accessing media, resources and fora previously unavailable. Which allies groups affected by mining select and the ways that they employ scalar strategies is partially a matter of opportunity and circumstance but is also shaped by ideology. Like with corporate participatory mechanisms, where allies and affected people share common-sense understandings (ideological receptivity) they will more easily work together. Allies can also facilitate ideological development and critique.

Ideology provides an important link between the corporate participatory mechanisms, alliances, and the desire of people affected by mining to participate or not. Ideology is also the most difficult factor to assess. While control of land can be observed, alliance structures investigated through interviews and documents, and histories of organisation are assessable through written and oral histories – it is rare that research participants are able or willing to articulate their 'ideology'. This is largely because conceptions of the world, especially of subaltern people in post-authoritarian states like Indonesia, often exist in a 'hidden transcript' which is not expressed publicly for fear of reprisals from more powerful actors (Scott 1985; Hutchison and Wilson 2020). Neither are they singular or necessarily a coherent system, rather 'conceptions of the world' may be "disjointed and episodic" and "imposed by the external environment" (1971, Q11§12; 626-627) as common sense. For Gramsci (1971, Q10§17; 344), people's conceptions of the world are not only expressed as ideas but are implicitly contained in their practical activity. Analysis then takes a dual perspective of investigating the common-sense expressed by people affected by mining and observing the ways they act. It also involves an historical investigation into previous modes of production and social reproduction, forms of organisation, alliances and beliefs.

While the relative importance of each of the above factors varies between cases, the key analytical insight is that they are all created through historically evolving social relations of production and reproduction. Disruptions to local social, political and economic relations need to be managed by the corporation lest it result in forms of conflict risky to profitability. The importance of identifying specific factors for NGOs, activists and allies of people affected by mining is that these are the elements that could be strengthened to improve the ability of groups to either participate in or resist mining.

# Conclusion

Participatory mechanisms are based in modes of participation and global governance standards but respond to specific local conflicts. Mining companies have developed participatory mechanisms for three interrelated reasons: in response to crises of legitimacy, both global and local; to attempt to control risky forms of conflict that emerge from extractive developments and; to create social relations of production and reproduction conducive to extractive developments. That is to say, participatory mechanisms are developed by multinational mining corporations in response to threats to profitability as methods of accommodating dissent in order to continue accumulating wealth. They therefore have the potential to prolong underlying contestation and inequality.

The theoretical framework established here conceptualises visible forms of conflict as manifestations of the conflicting interests within extractive developments and between extractive and competing modes of production. This includes land grabbing, ideological contradictions, conflict over environmental pollution, inequality between mine employees and others, inequality between men and women, and changing relations of social reproduction. The implementation of participatory mechanisms and the forms that they take are explained by the modes of participation framework as techniques for managing these conflicts, contradictions and inequalities. Yet modes of participation are subject to contestation over both their material effects and ideological legitimacy. The ways that the common-sense understandings of people affected by mining intersect or contradict ideologies of representation will determine their reactions to them and perhaps the form of participation. This therefore goes halfway to explaining the vast range of outcomes of participation and extractive conflicts.

The second half of understanding why, when and how mining corporations implement participatory mechanisms and how people affected by mining react to them is analysis of the politics of scale. An explicit analysis of political scale allows us to move beyond the single scalar focus present in much of the literature. A modes of participation framework sensitive to scalar politics understands that multinational miners implement participatory mechanisms in response to localised conflict, ideological foundations, *and* standards set at the global scale,

which, in turn, are also the result of international contestation between the mining industry and its critics.

To explain why people affected by mining accept or resist invitations to participate, or force corporations to accept their participation, I analyse them as historically situated subjects with relationships to land and resources, forms of organisation based in histories of production and social reproduction, allies, and corresponding common-sense understandings of the world. The ways that their common-sense understandings contradict or are compatible with corporate ideologies of participation will largely determine their desire to participate and how they participate.

The original contribution of this combination of approaches is to understand how histories and ideologies of people affected by mining explain diverse outcomes of participatory strategies in the mining sector. The next chapter demonstrates, clarifies and expands this framework by considering in detail the specific forms that participatory mechanisms take in the mining sector and how these are governed at a global scale. The following chapters change focus to analyse the conflicts involved in three case studies in Indonesia, each considers and demonstrates the ways that common sense understandings develop and condition contestations around participation and mining developments.

# Chapter Four: National and Global Political Economies of Mining, Conflict and Participation

Multinational mining corporations developed *modes of participation* in response to conflicts with people affected by mining and critics across a range of cases, jurisdictions and political scales. While the workings and outcomes of *participatory mechanisms* are affected by local social relations, risks and conflicts, their design and implementation are structured by the standards and regulations of international and national governance regimes. This chapter analyses the contestations and processes that have enshrined modes of participation in international and national institutional structures and ideologies. It demonstrates and expands on the modes of participation framework developed in the previous chapter to explain what accounts for their development since the 1990s. It thus conceptualises governance and regulation as changing political economic structures produced through ongoing contestation between opposing interests by analysing the macro ideologies, context, and relations within which participatory mechanisms are deployed.

The first section of this chapter explains how historical conflicts which culminated in crises of legitimacy for the extractive industries in the 1990s prompted the development of global private-governance for the social dimensions of mining. International business associations, industry standards, and governance mechanisms combined ideological fragments from their critics with neo-institutionalist ideologies of development to reconstitute the legitimacy of mining corporations as responsible self-regulating actors. The International Council on Metals and Mining (ICMM) exemplifies this. The second section considers how international organisations and development agencies – and the World Bank Group in particular – also underwent a crisis of legitimacy in terms of their financial support for controversial extractive industries. This mirrored broader crises in development practice which prompted the 'social-turn' in development and the rise of participatory development, which was copied into extractive industries.

The third section argues that global and national trends towards corporate self-governance – private modes of participation – are expressed in increased responsibilities of corporations

for community development, participation and sustainability. CSR and especially participatory mechanisms are an expression and expansion of corporate power used to manage conflict and create social conditions favourable to extractive capitalism. The fourth section shifts to examine national level structures and regulation for the social dimensions of mining. While multinational mining corporations and dominant state actors are often in conflict over the spoils of mining, in regard to the social impacts of mining their interests largely coincide. This is certainly true in Indonesia where national and provincial governments provide minimal legislation and regulation in this area. The fifth section then analyses the political economy of mining in Indonesia, to both explain why state institutions provide minimal regulation and establish the domestic context within which conflict and participation over mining occur. I argue that powerful state institutions, including the Presidency and Ministry of Energy and Mineral Resources, domestic oligarchs and foreign capital have remained dominant since the New Order Regime. However, responsibility to manage the social and environmental impacts of mining has shifted from state institutions onto mining corporations – especially since the withdrawal of the Indonesian Military from politics. At the same time, political opportunities for people affected by mining have opened to pursue their interests through democratic institutions, international alliances, media freedom, court cases and, of course, corporate participatory mechanisms.

Together, these first five sections demonstrate and develop my argument that modes of participation and participatory mechanisms in mining involve a reassertion of corporate power in response to overlapping crises. Of course this is not a straight forward process of transformation and is contested at almost every step. Not least by the decisions and actions of mining-affected communities. Thus, the exercise of corporate power and reactions to it from affected communities, state actors, and civil society often produce unexpected outcomes.

The sixth and final section considers how mining critics and affected communities have responded to participatory mechanisms. There are well documented examples of people affected by mining benefiting from deciding to embrace, co-opt, subvert or resist participation. Regardless of how they participate or not, groups will extract more benefits from participation or more effectively resist if they are able to demonstrate power outside

corporate and state sponsored sites of participation – including through demonstrations, NGO campaigns, political strategies and media strategies.

## Crisis and the Emergence of Global Governance

In the second half of the 20th century, as exploration and resource extraction in remote areas increasingly became economically and technologically viable, the social and environmental dynamics of mining changed dramatically (Colley 2001; Dashwood 2013, 459; Dougherty 2016). The extraction of minerals and coal from remote areas, especially in developing countries, meant that small agrarian communities and indigenous people became the principal groups affected by mining (Leifsen et al. 2017; Conde and Le Billon 2017; Filer and Le Meur 2017, 13). These changes led to new forms of conflict – forced relocations, land grabbing, collusion with corrupt regimes and militaries, environmental pollution and even civil war – which had become chronic by the 1990s (Evans, Goodman, and Lansbury 2001). In turn, significant controversies developed from local campaigns, jumping-scales to attract global media attention. NGOs rallied against the lack of regulation, transparency, and accountability of mining companies in their overseas operations, especially when operating in authoritarian contexts (Szablowski 2007, 75–77; Bünte 2018). Infamous cases with global media attention include: the 1996 execution of nine environmental activists in Nigeria, where Royal Dutch Shell was implicated (Hanlon 2008); the international campaign on blood diamonds (Fanthorpe and Gabelle 2013); civil-war in Bougainville (Allen 2018) and the international NGO and labour movement campaigns against Rio Tinto (McSorley and Fowler 2001). Discourses on sustainability, human rights, corruption, and environmental devastation framed global awareness of conflict, severely damaging the reputation of multinational miners and financiers, notably including the World Bank (Fox and Brown 2000; World Bank 2003; Hatcher 2014).

Beyond reputational damage, several cases saw multinational miners sued by affected communities in their home jurisdiction[1] (Atkinson and Hudson 1998; Macdonald 2004; Bünte 2018). This was famously demonstrated by OK Tedi traditional owners from Papua New Guinea taking BHP to court in the Victorian Supreme Court in Australia (Filer and Macintyre

---

[1] As opposed to the operating jurisdiction.

2006), Bouganvillian landowners suing Rio Tinto in the Los Angeles District Court (ACFOA 1995; Leith 2003; Allen 2018), and Indigenous claimants from West Papua suing Freeport-McMoRan in the New Orleans District Court (Regan 1998; Filer, Burton, and Banks 2008; See Kirsch 2014, 84–126 for an extended discussion of these international court cases). Building on their political advocacy with affected communities, international NGOs and coalitions launched campaigns to hold multinational miners operating abroad to the standards that apply in their home states (Bünte 2018; Chapter Five). Court cases and NGO campaigns together threatened to increase the regulatory burden on multinational miners. This internationalisation of resistance was especially game-changing for multinational miners in authoritarian contexts because they could no longer rely only on a close relationship with host governments, state-controlled media and militaries to control dissent. In 2002, the global mining sector was achieving a return on investment of only 4.67 per cent (Kellow 2007, 115), and desperately needed to control any further threats to profitability.

Sustained negative publicity, NGO campaigns and political advocacy led to protracted crises of legitimacy for the global extractive industry (Danielson 2002, 7; Kirsch 2014, 159; Evans, Goodman, and Lansbury 2001). Multinational miners were apparently worried that recommendations of the United Nations Conference on Environment and Development Earth Summit in Rio de Janeiro 1992, if adopted, could pose a "significant threat to [metals] markets" (Kellow 2007, 123). These crises of legitimacy threatened mining corporations' authority to operate relatively free of regulation and threatened the viability of significant ventures (Szablowski 2007, 77–82). As introduced in Chapter One, I use the term 'crisis of legitimacy' in the Gramscian sense, analogous to 'crisis of authority' and 'crisis of hegemony' to signify that a ruling class had lost the consensus for their ideological leadership and risks being subjected to the regulation of other actors (Filippini 2017, 99). This can occur independently of, yet is related to, the dominant class's structural power, which may be asserted through more coercive means to keep control. This is applicable to multinational mining corporations as a fraction of the global ruling class. Crises threatened their ability to self-regulate. They thus needed to reabsorb control, perhaps through making sacrifices, making demagogic promises or modifying their ideological position or face a wider crisis resulting in their displacement (Gramsci 1971, Q13§23; 210-211).

Multinational miners responded with dual strategies: the first was to establish a new international network of self-governance standards, partnerships and organizations (Hatcher 2014). The second was to re-localize and contain conflict through community development work, CSR and the participation of select local actors. Multinational miners pre-empted state intervention by establishing the institutional guidelines and ideological legitimacy to manage the social and environmental impacts of mining. Together these constituted a new mode of participation, institutionalised guidelines and ideologies of representation for corporations to manage the multi scalar threats to their profitability.

An illustrative example is the *International Cyanide Management Code for the Manufacture, Transport, and Use of Cyanide in the Production of Gold*. The code was developed as a partnership between the then International Council of Metals and Environment (ICME) and the United Nations Environment Program (UNEP) in May 2000. Three months earlier, at the Romanian Baia Mare mine owned by the Australian company Esmeralda, a tailings dam breached causing massive cyanide pollution to rivers across Romania, Hungary and Yugoslavia, killing fish and poisoning drinking water. The BBC called it "the worst environmental disaster since the Chernobyl Nuclear Leak" (Batha 2000). Gold miners and cyanide manufacturers feared new stringent legislation would prove costly and so pre-empted this with the creation of a private voluntary code in partnership with the UNEP, to which Rio Tino seconded staff (Burton 2001, 119–22). Although it is voluntary, as an industry-wide code, it has benefits for medium and small gold mining companies which might not have the resources or experience to develop their own cyanide management procedures. The code relies on consultation with experts to establish its legitimacy rather than affected people.

For almost any aspect of the environmental and social dimensions of mining, there is a relevant international standard. All are voluntary, although each confers opportunities, and each takes different forms in terms of the actors involved, the problem they respond to, the political power of actors involved, and the benefits conferred. Although there are too many to consider in detail, Table 4 lists the most prominent. All confer legitimacy on members and some facilitate access to resources, such as finance, markets, or technical guidance (On EITI see: Bünte 2018). By providing guidelines which each actor can implement according to their own interpretation and interests, rather than providing hard regulations, this network of standards functions to mitigate environmental and social risk to corporations and sometimes

state actors, investors and NGOs. This risk mitigation is about smoothing the process of extraction rather than preventing social and environmental harms (for example, on the Equator Principles see: Wright 2012).

*Table 4 - Selected International Standards and Organisations*

| Standard | Organisation | Problem | Actors |
|---|---|---|---|
| ISO26000 | ISO | Social Responsibility. | Corporations and associations via national organisations. |
| *Compliance Advisor Ombudsman* | World Bank Group | Social and environmental conflict. | Projects financed by IFC or insured by MIGA; IFC & MIGA, complainants. |
| *International Cyanide Management Code* | Established by United Nations Environment Program and International Council on Metals and the Environment. | Environmental impacts of cyanide. | Gold and silver mining, companies, cyanide producers and transporters. |
| *The Extractive Industries Transparency Initiative* | Established by DFID, supported by IMF and World Bank. | Corruption, transparency in state revenue. | States Multinational corporations. |
| *The Voluntary Principles on Security and Human Rights* | The Voluntary Principles Initiative | Human rights, violence. | States, extractive corporations, NGOs. |
| *The Equator Principles* | Independent, with IFC support | Environmental and social impacts of mining. | Financial institutions. |
| The Kimberley Process | United Nations | Conflict, war, diamonds. | States, Corporations, NGOs. |
| The UN Global Compact | United Nations | Human-rights, labour, environment and corruption. | Corporations, NGOs, academia, business associations. |
| *Sustainable Development Framework ten principles* | International Council on Metals and Mining | Environmental and social impacts of mining. | Multinational mining corporations. |
| The Rio Declaration | United Nations Conference on Environment and Development | Sustainable development. | States. |
| Global Reporting Initiative Guidelines | The Global Reporting Initiative | Sustainable reporting. | Corporations, states, NGOs. |
| OECD Guidelines on Multinational Enterprises | Organisation for Economic Co-operations and Development | Business ethics. | States. |
| Performance Standards on Environmental and Social Sustainability | International Finance Corporation (IFC) | Social and environmental sustainability. | World Bank Group, IFC, mining corporations. |

The Equator Principles demonstrate how voluntary adherence to standards can facilitate both social legitimacy and access to resources. The Principles are a set of guidelines adopted by financial institutions that provide project finance with a total capital cost of US$10m or over (Watchman, Delfino, and Addison 2007). Some estimates claim the project finance nominally governed by the Principles accounts for up to 85% of global cross-border extractive project finance (Watchman, Delfino, and Addison 2007, 95). Financial institutions which adopt the principles place conditions on project developers that are often over and above the legislated requirements in host countries. These conditions include risk management plans for social and environmental risks, prior informed consultation in a culturally appropriate manner with affected communities, grievance processes, and public reporting of social and environmental impact assessments, in some cases there are also requirements to report greenhouse gas emissions ("The Equator Principles III" 2013). Thus, participation based on consultative ideologies of representation is being built into international capital markets.

The ICMM and its 10 *Principles for Sustainable Development* framework (ICMM 2015, 3) is an important example because most of the largest multinational miners and national mining associations are members, it is influential in creating other standards, covers most areas of environmental and social impacts of mining, and provides a primary reference for how its members design community relations programs.[2] This section provides an account of how the development of international standards, and the ICMM specifically, was driven by crises of legitimacy.

The GMI was formed in 1998 by CEOs of eight of the largest multinational miners who recognized the industry's "trust deficit" (Kellow 2007, 124) that could result in being "legislated out of existence" (Dashwood 2013, 446). In 1999, Sir Robert Wilson, chairperson of Rio Tinto, framed the GMI as a response to crisis:

> Unless the major players in the global mining and minerals industry can present a convincing case that their activities are conducted in line with [sustainable development] principles ... their long term future is in jeopardy (quoted in Evans, Goodman, and Lansbury 2001, xvi–xvii).

---

[2] As of 2018, ICMM had 27 members, 15 ranked in the top 40 mining companies by market capitalisation (ICMM 2018a; PWC 2018a). ICMM members have headquarters across most major origins of mining capital – North America, South America, Europe, South Africa, Australia and Japan, conspicuous in their absence are Chinese, Russian and Indian mining companies, which account for 14 of the 40 largest mining companies (PWC 2018a).

The GMI's two-year *Mining, Minerals and Sustainable Development* (MMSD) project investigated "disputes concerning land tenure, environmental management, and relationships to communities" (Kirsch 2014, 168). Discourses and practices of sustainability and community development were appropriated through NGO cooperation. By attempting to overcome collective action problems of any one MNC going it alone:

> The MNCs formed a collective citizenship aiming to operate across multiple nation-states, strategically building political influence and the corporate reputation of mining companies [and] engineered reforms from above, via multi-stakeholder networks around CSR (Phillips 2012, 172).

The *collective* organization of the companies is important, as this allows them to claim that the *industry* is now self-regulated and hence that state regulation is unnecessary. The MMSD resulted in a four-step program for "Supporting Sustainable Development in the Minerals Sector" (Danielson 2002, XXV). The four steps are: understanding sustainable development; creating organizational policies and management systems; achieving cooperation among those with similar interests; and building capacity for effective actions at all levels (Danielson 2002, xxv–xxxiv). Although the final report is devoid of any concrete recommendations for reform, it did establish a common language for sustainability and provided a base for proceeding initiatives. It created an ideological foundation of sustainable development to legitimise that private-led development is an inherent good. The MMSD also began to embody consultative ideologies of representation. However, because the focus was on restoring the industry's international reputation it was international NGOs rather than affected communities that participated.

The MMSD marked a shift in relationships, from confrontational towards more collaborative engagements between some NGOs and mining corporations. For NGOs which actively sought collaboration with MNCs, such as the World-Wide Fund for Nature (WWF), the MMSD presented an opportunity to influence corporate practices. For other NGOs, including the Australian Conservation Foundation (ACF) and Minerals Policy Institute (MPI), voluntary, market-based CSR was viewed as a threat to legal reform and strict regulation  (Phillips 2012, 184–87). The MMSD attracted much criticism from critical activists, NGOs and academics for failing to provide significant improvements in outcomes, for advocating voluntary standards and for co-opting discourses of sustainability, human rights and poverty reduction (Kirsch 2014).  Nevertheless, the MMSD began the process of reframing and legitimising the mining sector's existing practices in terms of sustainability and inclusive economic growth.

Realizing the need to secure ongoing legitimacy and profitability, the GMI prompted the existing International Council on Metals and the Environment to broaden its scope and reform as the ICMM in 2001 (ICMM n.d.). Adopted in 2003 and most recently refined in 2015, the ICMM requires that members commit to the *Ten Principles* which include requirements to "contribute to the social, economic and institutional development of host countries and communities" and "proactively engage key stakeholders on sustainable development challenges and opportunities in an open and transparent manner" (ICMM 2015, 6). The ICMM also harmonizes the principles with other standards applicable to MNCs:

> To ensure their robustness, the principles have been benchmarked against leading international standards. These include: the Rio Declaration, the Global Reporting Initiative, the Global Compact, OECD Guidelines on Multinational Enterprises, World Bank Operational Guidelines, OECD Convention on Combating Bribery, ILO Conventions 98, 169, 176, and the Voluntary Principles on Security and Human Rights (2015, 3).

The principles both borrow legitimacy from these other organisations and link them together as a network of self-governance arrangements. They commit members to develop and report on companywide and project specific policies and procedures for environmental management, community development and stakeholder participation. The ICMM thus builds on the MMSD and extends consultation and participation as a problem-solving technique to people affected by mining.

However, the ICMM has attracted criticism for the same reasons as the MMSD. The ICMM principles are voluntary, unenforceable, vague, focused on process, neglect measurable outcomes, and have little independent reporting or monitoring requirements, allowing great flexibility for individual corporations in their implementation. The same criticism can be applied to almost all self-governance standards (Vogel 2007, 164; Singh 2011). The voluntarism and vagueness of the ICMM principles and other standards listed in Table 4 give individual mining corporations flexibility to create their own internal policy and guidelines. Each mining project will implement participatory mechanisms based on the participatory principles according to company policy and in response to local conditions. This may result in the creation of consultative committees, community development funding, complaints mechanisms, cultural programs, and/or participatory environmental monitoring.

Together, this network of interconnected standards, company policy and practices constitute a new mode of participation with consultative ideologies of representation and societal

incorporation in corporate sites. As a collective, multinational mining corporations emerged more powerful having overcome threats to their legitimacy. However, mining corporation have not developed this mode of participation on their own, in fact they are directly influenced by the ideologies of representation and participatory development practices of international development organisations.

## Development Agencies and Participatory Development

As outlined in Chapter Two, participatory development emerged following the rise in influence of neoinstitutionalism and the World Bank's 'social-development model' (Hatcher 2015, 323). In relation to extractive industries, the World Bank Group copied techniques of participatory development for use in extractive projects and influenced mining corporations to adopt them as a means of restoring legitimacy. In 2001, following the Group's involvement in several controversial projects, the Bank declared a two-year moratorium on investment in extractive industries pending the completion of the independent *Extractive Industries Review* (World Bank 2003). When released, the review concluded that the World Bank Group still has a significant role to play in extractive industry development, albeit with a renewed focus on contributing to "poverty alleviation through sustainable development" by meeting the following conditions:

- pro-poor public and corporate governance, including proactive planning and management to maximize poverty alleviation through sustainable development;
- much more effective social and environmental policies; and
- respect for human rights

(World Bank 2003, vii).

This provides a new foundation for people affected by mining to participate in the planning, monitoring and implementation of environmental and social dimensions of mining. The *Extractive Industries Review* argued that only under these conditions could the World Bank Group continue its controversial role in extractive industries. Hence, the review resulted in the World Bank Group adopting new standards for consultation and participation, the revision of policy and guidelines on the social and environmental impacts of extractive industries, renewed support for the Extractive Industries Transparency Initiative, the Voluntary Principles on Human Rights and Security and internal grievance mechanisms, and building capacity for regulation and governance (World Bank Group 2004). The report also

recommended that indigenous people affected by mining be afforded the right of free, prior and informed consent (FPIC), however, the Bank in fact adopted the lesser standard of free, prior and informed *consultation* (World Bank Group 2004)*.* Support for extractive developments from the Group, including finance from the International Finance Corporation (IFC) and Insurance from the Multilateral Investment Guarantee Agency (MIGA), were made conditional on extractive developments including certain kinds of participation by affected communities and NGOs (Szablowski 2007, 122–27; Hatcher 2014).

Grievance mechanisms are a prominent participatory mechanism through which agencies directly engage with local populations and work around state structures. They are a last defence at resolving grievances within international organisations before conflict escalates through more threatening avenues – such as court cases or international NGO campaigning (see Park 2014 on grievance mechanisms in the ADB). That is, they can contain the risk of reputational and ultimately financial damage to corporations and their financiers. Grievance mechanisms also shape the issues and actors who are deemed legitimate.

Fabiana Li discusses how the Compliance Advisor Ombudsman (CAO), which handles grievances about projects financed by the IFC or insured by the MIGA both directly engage affected populations and 'scientize' issues (F. Li 2015, 92–98). She argues that while the process produced interesting scientific data, the technocratic framework meant that social, political and ethical dimensions of conflict were ignored. However, the data produced through investigations into grievances can be used by actors in other sites of political participation.

This is not to say that the CAO cannot be harnessed by relatively powerless groups to extract concessions from mining corporations. This was the case when nomadic herders in Mongolia affected by Rio Tinto's Oyu Tolgoi mine used CAO mediation to secure "commitments to improved environmental monitoring and management, compensation as well as number of initiatives to boost the economic sustainability of the herders' traditional livelihood" (Brueckner and Sinclair 2020, 115). The CAO itself was established in 2009 in response to international NGO campaigns against the IFC's involvement in controversial projects (Brueckner and Sinclair 2020, 115). The CAO then internalises contestation to contain threats to the legitimacy of the IFC  and its extractive industry partners (see also: MacDonald 2017a).

The World Bank and other agencies'[3] work is not limited to the projects they fund but also involves 'capacity-building' and reforming developing countries' legislation and regulation regarding extractive industries. This activity is consistent with and simultaneous to liberalisation and good governance reforms in other policy areas (Hatcher 2012; 2015, 328–30). Here too, the 'social development model' forms a basis for legislative reform, which may require corporations to consult with affected communities on issues from environmental controls and monitoring, to compensation and endowment funds, to agreements about the provision of local jobs and so forth (Hatcher 2014). By placing the responsibility to consult on corporations: "the environmental, social and human rights dimensions embedded in this new generation of mining regimes appear to have been, in practice, removed from the state's scrutiny" (Hatcher 2015, 437).

The World Bank Group's reform agenda facilitates corporate power while shielding mining corporations from social risk. The limited participation provided for in national mining codes leads Hatcher (2015, 323–24) to argue that:

> The involvement of local communities translates into a renewed emphasis on sociopolitical risk management for capital and multilateral institutions rather than an opening of political space, […] for people impacted by mining activities and extant patterns of governance.

Thus, the Group's extractive-related reforms reflect "a pressing need to rally certain segments of civil society and manage local resistance" (2015, 340).

In summary, the World Bank Group reformed its internal practices and used its influence to pressure corporations and states to adopt frameworks for stakeholder participation in private sector led development. This amounts to the World Bank Group and multinational corporations forging a new mode of participation based on technocratic problem-solving, consultative ideologies, societal incorporation, and corporate sites of participation. Ideological fragments from sustainability and participatory development practice were incorporated into neo-institutional ideologies of private sector led development to neutralise

---

[3] In recent years, programs with similar focus on pro-poor development and participation in extractive developments have been developed by bilateral aid agencies. Of note are: the European Development Fund's Program to Strengthen and Diversify the Mining Sector (Larsen and Mamosso 2014); Norway's Oil for Development program (Kolstad, Wiig, and Williams 2009; Solli 2011); DFAT's Extractive Sector Development Assistance, AusAID's Mining for Development Initiative (AMDI) (AusAID 2011; Parfitt, Bryant, and Barrett 2012; DFAT 2014) DFAT's Leading Practice Sustainable Development Program for the Mining Industry (DFAT 2016), and projects funded by USAID, CIDA, and DFID.

or co-opt critics. With this foundation, the World Bank Group was able to partially restore legitimacy for its involvement in the industry and contain risks to its investments without needing to fundamentally challenge the rationale for mining or the power structures surrounding corporate-community engagement. To be sure, significant critiques have and continue to be made, as struggles over legitimacy are ongoing. The next section considers how similar contestations and processes have produced domestic regulatory frameworks that similarly provide for corporate self-governance and direct participation with stakeholders.

## Corporate Social Responsibility as Corporate Power

Extractive companies developing mines and using participatory approaches to CSR do so for two reasons: they want to gain legitimacy from national and international audiences, investors and state actors and they want their project to succeed, unthreatened by potentially costly forms of conflict. Participation is a means to achieve established project goals. This section argues that CSR is not merely the expression of an ethical imperative, corporate 'greenwashing' or a simple expression of corporate self-interest (O'Faircheallaigh 2008; Mzembe and Downs 2014) but is the result of changing social relationships and evolving contestation between corporate, state, and societal actors.

In this view, CSR builds corporate power and influence over social and environmental issues (Elbra 2014; Welker 2014; Horowitz 2015). While CSR programs might aim to build trust and legitimacy with the public, civil society, affected communities and state actors, the asymmetric power relations between them are reinforced. Hanlon makes the point that:

> CSR represents a further embedding of capitalist social relations and a deeper opening up of social life to the dictates of the marketplace ... it is the result of a shift from a fordist to a post-fordist regime of accumulation at the heart of which is both an expansion and deepening of wage relations (2008, 57).

This process amounts to a reorganization of relationships and roles played by corporations, states, and civil society driven by conflict over the extractive process. Through deploying fractions of their resources, mining corporations can influence key local actors and government decision makers.

For example, Freeport and Newcrest both provide 1% of their operating profit from their Grasburg and Gosowong mines for community development funds to villages surrounding

their operations, providing health clinics, education and employment opportunities (Leith 2003; Newcrest 2011; Chapter Six). Funds are distributed through local government councils, NGOs or community groups (Leith 2003). Such community development funds are often accompanied by agreements to guarantee local employment, provide education and training, relocation programs, or to protect biodiversity (Wanvik 2014). This helps to establish the legitimacy of large-scale mines and create local political, social and economic relations favourable to mining. The corresponding increase of community reliance on corporate generosity reinforces the role of the private sector in social life (Welker 2014; Elbra 2014).

Yet an increase in corporate responsibility and power is not necessarily at the expense of state power, as corporations and state institutions often work in partnership as governance actors. For example, *The Voluntary Principle of Security and Human Rights* is a voluntary, consensus-based initiative that sets out principles for transparent, accountable, and consultative corporate security policy in the oil, gas and minerals sectors. The *Voluntary Principles* reimagine corporate actors as active participants in the creation of human-rights norms, conflict resolution and democratisation, rather than as simply owing obligations to adhere to local legislation (Guáqueta 2013). The Voluntary Principles set out guidelines for corporations operating in regions with 'weak-governance'. Signatories are expected to design security programs, using public and/or private security forces in consultation with local communities, governments and NGOs in ways that promote human-rights in line with international standards ("Voluntary Principles on Security and Human Rights" n.d.; Guáqueta 2013). Through the creation of the Voluntary Principles, corporate actors have become partners with states and NGOs in the process of designing security governance arrangements across local and global scales.

With corporations becoming more involved in community development programs, environmental monitoring, human-rights governance, and stakeholder consultation, incentives are created for people affected by mining to engage with corporate actors. Leifsen et al. (2017, 1044) argue that "new types of conflict arise which are often related to what constitute legitimate forms of information, knowledge, impacts and levels of compensation." For example, compensation may be introduced to diffuse conflict but can itself become a source of conflict. Indeed, the main effect of CSR programs is to change conflict, rather than eliminate it (F. Li 2015). The subject of conflict is shifted from the impacts of mining to

processes of consultation and development and the form of conflict from confrontational to collaborative. This amounts to a realignment of interests of people affected by mining to be less oppositional to corporate mining.

However, this process is not unidirectional. People affected by mining do not merely adopt corporate interests in response to patronage. Corporations must also make concessions and invest in community development in ways that are not directly reducible to the profit motive. Marina Welker (2014, 1), on the community relations practices of Newmont at their ex-Batu Hijau mine in Sumbawa, makes precisely this point:

> Without denying profit as a motivation, in this book I show that people enact corporations in multiple ways, and that these enactments involve struggles over the boundaries, interests and responsibilities of the corporation.

Welker continues to argue that the community relations strategy of Newmont evolved through a series of contestations with people affected by mining and other opportunists who learned how to pressure Newmont to provide 'development goods.' Thus, CSR programs, like their governance, evolve as corporate political strategies in relation to contestation and threat.

The major caveat I need to offer before continuing is that participatory mechanisms have not substantially replaced the kinds of violent, repressive strategies that have become infamous for their association with extractive industries. The security arsenal available to corporations and states today is only limited by their budgets and vulnerability to public scrutiny. Police, military, private security, thugs, gangsters (*preman* in Indonesia), criminal courts, and prisons all constitute violent means of containing conflict. Mechanisms of participation exist in the shadow of legitimate, illegitimate, legal and illegal deployable violence (Leith 2003; Arellano-Yanguas 2011; Welker 2014). Indeed, they are both constituted against violence as the alternative and can provide cover for violent actions. To be sure, mining affected communities may decide to participate in corporate programs if they feel there is an implicit or explicit threat of violence awaiting non-participation or resistance to mining.

## Patterns of National Regulations for CSR

The final major source of regulation of the social impacts of mining is domestic legislation and regulation. An increasing number of jurisdictions around the world require mining

corporations to practice CSR. Yet, legislation and regulations are most often too vague or fail to provide enforcement mechanisms, effectively leaving corporations to (continue to) self-regulate (Rosser and Edwin 2010; Devi and Prayogo 2013; F. Li 2015). Indeed, state actors often promote the use of voluntary codes (J. Nem Singh and Grugel 2013, 68). For example, in Peru the 2006 legislation for CSR (called Mining Program in Solidarity with People or MPSP) mandated corporate spending on social development with a "loose set of rules" which effectively transferred the state's responsibility "to improve local people's lives" to the private sector (Arellano-Yanguas 2011, 95). Similar patterns have been documented across resource rich countries in Southeast Asia and the Global South (Hatcher 2020, 12). The result is that "mining enterprises are delegated significant degrees of … responsibility for the social mediation of mining development" (Szablowski 2007, 58). The predominant reason for this is that dominant interests within national and provincial legislatures and ministries usually align well with the interests of domestic and multinational mining corporations – they each want to extract as much resources and therefore revenue as possible. These interests often diverge and produce conflict over how revenue is distributed, for example over taxation rates and domestic ownership requirements, yet in terms of the social dimensions of mining, the priority is to smooth conflicts so that maximum extraction can proceed relatively unhindered.

Breslin and Nesadurai (2018) argue that despite the common depiction of Southeast Asian states jealously guarding their sovereignty, forms of private governance operate across various issues, particularly where states have left 'governance gaps' in areas such as sustainable forestry, labour standards and maritime safety. Private and public-private forms of governance emerge at political scales where it suits intersections of interests of powerful state and non-state actors (Bünte 2018). The transfer of responsibility for governance of social and environmental dimensions of mining to corporations does not represent an increase in corporate power *vis-à-vis* states but is the result of an intersection of interests between dominant actors within powerful state institutions, multinational mining corporations and domestic capital.

Indonesia is no exception to this dynamic. It is one thing to understand organised interests that advocate or block policies and regulations as an outcome of contestation and cooperation between groups. However, this is just one part of the political economy within which conflict over the social dimensions of mining occurs. To understand the social and

economic relations that shape conflict, we must move past their institutional expressions to a broader understanding of extractivism in Indonesia.

## The Political Economy of Mining in Indonesia

From 2013 until July 2019, mining contributed 15.66% to exports and 4.77% to GDP (Bank Indonesia 2019b; 2019a). [4] According to Extractive Industry Transparency Initiative reporting, mining contributed 3.35% of state revenue in 2016, down from 4.14% in 2015 (EITI Indonesia 2018). Mining therefore retains a significant position in the 'commanding heights' of the economy, behind oil and gas in terms of its contribution to foreign exchange reserves and government revenues. Meanwhile, the Consortium for Agrarian Reform (KPA) reported 1,769 cases of land-conflict from 2014 to 2018, resulting in 41 fatalities, 51 non-fatal shootings, 940 arrests, and 541 other instances of violence (KPA 2019).[5] That is, despite the rise of CSR and participation, violent conflict remains chronic. To understand the current relationships that shape conflict and participation in Indonesia, a brief account of the historical constitution of the political economy of extractivism in Indonesia follows.

Extractivism has played a key role in the development of Indonesia's economy, foreign relations, and shaped conflict between large capital, labour, peasants and indigenous people since at least the colonial era. First the VOC (Dutch East India Company) and then the colonial state established and placed European capital at the helm "structural relations of extraction" that are still reflected today (Tilley 2020, 7). Two of the world's major global extractive multinationals were established as royal trading companies during this period. Billiton (later to merge with Australian Broken Hill Proprietary Company to form BPH) and Royal Dutch Petroleum Company (later merging with the Shell Transport and Trading Company to form

---

[4] Mining products for export consist of copper ore, nickel ore, bauxite, nonmonetary gold and other mining products as classified by Bank Indonesia (2019a). If oil and gas is included, this figure rises to 25.84%. For GDP mining related activities included here are "coal and lignite mining"; "iron ore mining" and "other mining and quarrying". If "crude petroleum, natural gas and geothermal" are added, the contribution of mining to GDP increases to 8.32% (2019b). Refined and manufactured products are not included in these statistics.

[5] These figures are a decrease on previous years – in 2013 alone, the KPA reported 369 land conflicts, 29 fatalities, 30 shootings, 130 other instances of violence and 239 arrests (Nugraha 2013). These reports include conflict around plantations, infrastructure, mining, forestry and other agrarian conflict. These figures surely underestimate the prevalence of violence as they rely on communities or NGOs reporting to the KPA.

Royal Dutch Shell) channelled profits from the extraction of tin and oil in Sumatra to the Dutch Royal Family and other European investors (Zanden and Marks 2012, 84–88). During the independence era, the fledgling Indonesian state nationalised many Dutch assets, replacing with "Indonesian military men" (Zanden and Marks 2012, 149). This created the foundation for a military-linked domestic oligarchy. The emergent military oligarchy formed alliances with international capital against domestic communists. For example, declassified memos show Shell managers were aware of and cooperated in the arrest of over 600 union organisers and workers linked to oil refineries in Palembang during just the first month of the 1965-66 mass killings (Green 1965).

During the New Order years (1965-1998), an easy symbiotic relationship existed between multinational mining companies and Soeharto's domestic oligarchical system.[6] Indonesia's oligarchical system evolved during the New Order regime as Soeharto maintained political power through vast patronage networks financed by oil, other centralised extractive industries, and export/import licencing. Domestic capital required foreign capital and corporate resources to drive development in the mining sector (Robison 2009, 115). Mining, along with oil and forestry provided "major sources of foreign exchange earnings and state revenues" (Robison 2009, 217). Mining also supplied domestic demand for aluminium and steel processing which were important resources, along with coal and oil, for the New Order's industrial strategy (Robison 2009, 181). Minerals exports and domestic processing became a key source of wealth and power for the domestic oligarchy incubated by the New Order regime while the bureaucracy tightly controlled business through export and import licencing. The Indonesian Foreign Investment Law no. 1/1967 and Basic Provisions of Mining Law no. 11/1967, with its Contract of Work (CoW) system created a stable legislative framework for foreign investment in mining. Foreign miners were required to accept local partners and in return foreign capital was shielded from, indeed was often protected by, the New Order's centralised oligarchical economic system. Land acquisition and community relations were handled by domestic business partners, the central government or the military (Leith 2003).

---

[6] According to Hadiz and Robison (2013, 38), oligarchy is a political economic system "defined by an increasing fusion of wealth and politico-bureaucratic power, articulated in the relationships and interminglings between the leading families of business and those of politics and the bureaucracy as they became enmeshed directly in the ownership and control of capital."

This relationship is best demonstrated by Freeport-McMoRan, majority owner of Grasberg, the world's largest gold and copper mine in West Papua, notorious for financial and political links with the military, human rights violations, dispossession of indigenous people from land, clashes with organised labour and toxic waste (Bachriadi 1998; Leith 2003). Freeport was the first foreign company to sign a contract with Soeharto's regime, within months of the dictator taking power, while the Indonesian genocide was still occurring, and quickly became the largest single source of tax revenue and significant foreign legitimacy for the Indonesian government (Leith 2003, 3). At the other end of the archipelago, in Aceh, another separatist conflict involved a huge resources project. The Free Aceh Movement (GAM) formed in the 1970s, at the same time as the world's most productive gas fields were being developed by Mobil and Bechtel in Aceh (Aspinall 2007). While conflict was not *caused* by the gas-field development, it became a symbol of grievance and an opportunity to disrupt resource flows (G. Robinson 1998; Harker 2003). Some of the earliest actions by GAM were threats to and violent raids on gas work sites.

The extractive industries in Indonesia suffered declining legitimacy in parallel with global crises in the sector. The secrecy surrounding the relationship between Freeport and the military was shattered by the Australian Council for Overseas Aid's (ACFOA) report *Trouble at Freeport* (1995) which accused military officers and Freeport security of murder, torture and intimidation*.* This was followed by several other reports and international media coverage. Some of the traditional owners of the Freeport concession, with the support of WALHI, launched legal action against Freeport in the USA in 1996. While the court case failed, it did succeed in furthering publicity of the mine and creating negotiating power for the traditional owners with Freeport. As in West Papua, villagers in Aceh, supported by the International Labor Rights Fund (ILRF), took their case against ExxonMobil to US courts in 2001. Exxon was accused of complicity in, indeed direct financial support of, human rights violations perpetrated by a military unit that was contracted to protect their operations (Harker 2003). Again, the case was dismissed, but succeeded in raising the profile of accusations against Exxon and the military. This internationalisation, or *jumping scales*, of resistance through legal action was game changing because multi-national miners could no longer rely only on a close and secretive relationship with Soeharto and the military to control dissent.

These and other incidents threatened the balance in the relationship between Soeharto, domestic oligarchs and foreign mining capital as it became increasingly costly to violently supress opposition to resource extraction. Following international pressure in the late 1980s and 90s, the Indonesian Government began to construct a regulatory framework for the social and environmental effects of mining: from 1986 companies were required to submit environmental impact assessments and in 1990 the Environmental Impact Management Agency (BEPEAL) formed to regulate and enforce environmental laws, even though it was under-resourced and ineffective. Presidential Decree No. 55/1993 required MNCs to negotiate directly with landowners, instead of only with the central government (Leith 2003, 43). Soeharto enacted this decree because negotiations with landowners had become too risky and "messy" and government wanted to transfer this risk to corporations (Leith 2003, 43). Even before the fall of the New Order government, responsibility for the social and environmenal impacts of mining was being transferred from the central government and military to corporations.

By the late 1990s, the New Order regime was facing multiple crises[7] that would eventually bring it down and usher in *reformasi*. As more information surfaced about the role of foreign capital, development agencies and foreign governments in sustaining Soeharto's regime while turning a blind eye to human rights abuses, their legitimacy as responsible actors was also brought into question (Leith 2003, 33–34; Guggenheim 2006, 121). This shows how crises spread and combine to produce far reaching consequences.

After the fall of Soeharto in 1998, oligarchs and business conglomerates have retained their preeminent position within the Indonesian political economy, maintaining close ties between politicians, bureaucrats and business, even as centres of politics and administration have devolved to provincial and regency levels (Robison and Hadiz 2004; Hadiz 2010).[8] Perhaps the

---

[7] Student opposition, rebellious peasants and workers, the Asian Financial Crisis, and key oligarchical allies abandoning Soeharto family culminated in an organic crisis that saw Suharto resign in May 1998.

[8] Hadiz and Robison (2013, 38) demonstrate how, following political decentralisation and democratisation, Indonesia's oligarchs adopted new strategies for maintaining their dominant political and economic power: "For example, oligarchic power in Indonesia now more distinctly accommodates members of the growing apparatus of administration and politics at the local level. Many of these local members have successfully reinvented themselves as parliamentarians and political party leaders and forged new kinds of alliances with local business interests, leaders of mass organizations old and new, and, sometimes, even with military or police commands."

most terrifying indicator of the continued dominance of oligarchy in extractives is the Lapindo disaster (Symon 2007; Tapsell 2012; Drake 2012). In May 2006 volcanic mud started flowing from a gas exploration drill site near Sidorajo, East Java. It is estimated that 90 million cubic meters of mud have erupted, displacing approximately 40,000 people (Tingay 2015). The operating company was jointly owned by the Bakrie family and Santos ltd. Aburizal Bakrie and his business empire is one of the most powerful beneficiaries of the New Order's oligarchy. Bakrie was a government minister from 2004-2009 and chairperson of the Golkar Party 2009-2014 (Tapsell 2012). Santos, an Australian Oil and Gas company, owned an 18% share until selling out in 2008 and denied responsibility. Although compensation has been promised, various government actors and corporations involved are deadlocked over the issue of who is responsible for the disaster and who should pay compensation (Symon 2007). Despite the absence of the military in this case, oligarchs, their political and bureaucratic allies, and multinational corporations retained the power to avoid legal sanction.

While oligarchs and mutinational corporations remain dominant in the mining industry, decentralisation and reform of the mining regime opened up space for opponents and spread risk amongst a wider range of government institutions and corporations. Law 4/2009 on Mineral and Coal Mining designates responsibilities to issue licences and raise taxes to the regency, provincial and national governments, depending on the scale of the mine (Devi and Prayogo 2013). Law 32/2009 on Environment and Government Regulation 27/2012 requires mining companies to produce Environmental Impact Assessments and Environmental Management Plans before they receive environmental licenses from the appropriate level of government (PWC 2015). While regional autonomy allows conflict to be managed at local levels, it also opens up new opportunities for a wider range of actors to benefit from extraction (Erb 2016). With new opportunities for profit, comes new spaces for conflict, especially involving conflicts between and within district, regency, provincial government departments and with various stakeholders (Resosudarmo et al. 2009).

Perhaps most significant for people affected by mining is that democratisation and decentralisation also resulted in demilitarisation[9] and a proliferation of forums and methods

---

[9] Although the military retreated from its explicit political role, in most places the domestic security role has been assumed by the Police. Without the independent financial base of the military, the Police may be even more susceptible to rent-seeking and hiring out their services to corporations

for communities and NGOs to express grievances (Erb 2016). Demilitarisation was a key turning point in the Kelian case (Chapter Five). In Buyat Bay, WALHI supported a local campaign against tailings dumping in the sea which resulted in a civil case against Newmont Mining and the arrest of the mine's President Director (Symon 2007). This case indicates that space for NGO campaigning has increased. The criminal case was dismissed while the civil case was settled for US$30 million ("Newmont, Indonesia Settle Pollution Lawsuit" 2006). Media is also less restricted (Tapsell 2012). Indeed, Hadiz (2010, 144) argues that "the main benefit of democratisation for marginalised and formally repressed social groups is that they can now organise more freely." On this point, there is substantial agreement with Aspinall (2013), who points to fragmented labour activism and new opportunities of electoral populism emerging in the post-authoritarian period. Despite the continued dominance of oligarchy in national politics, subaltern groups have been able to fight and often win battles - farm by farm, village by village or regency by regency - through flexible alliances, selective militancy and informal linkages with formal politics.

Reflecting global trends as well as domestic processes of decentralisation and democratisation, the last two decades have seen notably more requirements in legislation for mining corporations relating to CSR and community development. Also reflecting global trends, these legislated requirements are vague and effectively voluntary. For example, Article 74 of Law 40/2007 on Limited Liability Corporations and Articles 95 and 108-9 of the Mineral and Coal Mining Law 4/2009 requires corporations operating in the field of natural resources to implement CSR programs from a dedicated budget, in consultation with local government and community. However, the budget, purpose and sanctions for non-compliance are not specified (Waagstein 2011). More recently, in December 2016, the Ministry of Energy and Mineral Resources issued regulation (*permen*) 41/2016 on Community Development and Empowerment for Mineral and Coal Mining Business Activities with a compliance date of December 2018. This regulation provided implementation requirements for CSR programs. It specified which communities count as 'local', what kinds of development could be classified as sustainable community development, and that community development programs must be designed in consultation with representatives of affected

---

(Baker 2013). It is still common practice for mining corporations to employ *Brimob* (mobile brigade – paramilitary/anti-riot police) units to protect their assets.

communities and provincial governments. However, *permen* 41/2016 was rescinded by Ministry of Energy and Mineral Resources regulation (*permen*) 25/2018 on Mineral and Coal Mining Business, which simply specifies that community development activities must proceed in accordance with work plans approved by the provincial government. Together, these laws support the status quo of mining corporations self-regulating in relation to social dimensions of mining.

In contrast, various state agencies exert considerable authority over licencing, taxation, down-stream development and export controls (Warburton 2016). For example, industry groups were apparently surprised when, in January 2014, the Indonesian government confirmed plans to implement several 'resource nationalist' measures contained in the 2009 Mining Law relating to divestment and export tariffs (Engineering & Mining Journal 2014).

Indeed, since 2014, the central government has implemented an increasingly resource nationalist regulatory agenda. The change from a contract-based system to a licencing based system gives governments more control and investors less certainty over mining areas. The measures are aimed at stimulating downstream processing of minerals (smelter construction) and capturing a greater share of extractive related revenue in Indonesia through increased government revenue, domestic linkages and local procurement (PWC 2018b). Although some point to this as a resurgence of the developmentalist state, it is at least an 'altered developmentalism', combining marketisation with nationalism (Gellert 2019). Some of the resource nationalist measures are developmentalist, aimed at industrialisation through downstream processing, while others simply strengthen domestic conglomerates over multinationals. The point is, 'developmentalism' notwithstanding, resource nationalism is a rebalancing of power between domestic and international forces, the provisions contain nothing to support or enforce the rights of people affected by mining or their allies.

Rosser and Edwin (2010) argue that, although interest groups had managed to organise and pass CSR provisions in Law 40/2007, implementing regulations have been blocked by coalitions of MNCs and domestic capitalists with connections to the Indonesian presidency and cabinet. This is consistent with later research showing that domestic capitalists were instrumental in ensuring the non-implementation and watering-down of CSR laws (Warburton 2014; Aspinall 2015). The comparison of CSR with resource nationalism shows that the lack of CSR regulation and enforcement is not simply a matter of state capacity or

power as state actors clearly have the power to enforce regulation when it is in their interests. In relation to the social and environmental impacts of mining, the interests of multinational corporations, oligarchs, and state actors at most levels of government align to smooth conflict and capital accumulation through extraction, affecting what Szablowski refers to as a "selective absence of the state" (Szablowski 2007, 27).

Although together they remain dominant, the balance of power between domestic conglomerates, governments and MNCs continues to shift. Under Government Regulation 1/2017 and Ministerial Regulation 9/2017, foreign mining companies are expected to divest 51% of their ownership of resources projects to domestic partners (PWC 2018b). These divestment requirements have led the largest foreign owned mines to be sold to domestic conglomerates. The exception is Grasberg where Freeport-McMoRan retains just under 49% ownership (Jefriando 2020). Newmont sold its remaining US$1.3 billion stake in the Batu Hijau copper mine to PT Amman Mineral Internasional in 2016 (Schonhardt and Hufford 2016), while in March 2020 Newcrest sold its Gosowong mine (Chapter Six) for US$90 million rather than divesting 51% (Newcrest 2020b). These sales, from 2014 until this year, represent a fundamental restructuring of the ownership of massive mines in Indonesia. Domestic conglomerates have graduated from local partners or facilitators of foreign capital to controlling managers of the largest operating mines, while MNCs have sold out.

In 2020, as this thesis was under examination, the National Government passed law 3/2020 amending law 4/2009 on Mining Minerals and Coal. The amendments recentralises issuing mining permits under the national Energy Ministry, simplifies environmental approval processes and removes restrictions on the size of mining leases while offering no further implementing regulations on required community development programs (Harsono 2020). This again highlights the power of corporate miners and state actors over NGOs and affected communities in the regulatory and legislative process.

The table below roughly summarises the information in this section by historical era, showing the broad shifts in dominant actors (roughly in order) within the political economy of extractivism, the resultant regulatory-ideological agenda, the most common sites of participation for affected communities and which eras the case studies in this thesis fit into. The point is not to erase the gradual shifts in alliances, regulation and dominant ideology, but to provide a reference for understanding the shifting opportunities for affected communities

to participate. For example, in Kelian (Chapter Five), activists' fortunes changed dramatically following the fall of the New Order regime, the withdrawal of the military and democratisation. While this places each case into its historical political economy context, each case study chapter details the specific relevant laws, regulations and modes of participation.

*Table 5 - Mining Regulation History*

| Era | Dominant Actors | Regulatory agenda | Sites of Participation | Case Studies |
|---|---|---|---|---|
| **Colonial 1600s-1940** | Dutch Corporations Colonial administration Other MNCs | Colonial extraction | | |
| **Independence 1945-1965** | National government Military | Nationalisation | Populist and democratic state-sponsored | |
| **New Order 1966-1998** | National government Military Oligarchs MNCs | Developmental | State and ruling party sponsored | Kelian (Chapter Five) |
| **Reformasi 1999-2014** | MNCs Domestic Conglomerates National, Provincial and Regency Governments | Decentralisation | Democratic and consultative state sponsored Consultative corporate sponsored | Kelian (Chapter Five) Gosowong (Chapter Six) Kulon Progo (Chapter Seven) |
| **Post-reformasi 2014-Today** | Domestic conglomerates National and Provincial Governments MNCs | Resource Nationalism | Democratic and consultative state-sponsored Consultative corporate-sponsored sites of participation | Gosowong (Chapter Six) Kulon Progo (Chapter Seven) |

In the political economy of extractivism in Indonesia, evidence suggests that the fundamental oligarchic structure has remained remarkably consistent since the New Order regime. The three-way alliance between domestic oligarchs, governments, and multinational corporations remains dominant in structuring formal and informal institutions, even as the balance of power and responsibilities between these groups has shifted. Responsibility for the social and environmental impacts of mining has gradually and increasingly shifted from governments to corporations. The central and provincial governments have increased their authority over licencing and revenue raising. Meanwhile, there are increased opportunities for people affected by mining to contest the social and environmental impacts of mining through the court system, representative democracy, international alliances, direct confrontations and, of

course, participation in corporate mechanisms. The key point here is that trends in Indonesia mirror global trends towards corporations directly managing the social and environmental dimensions of mining through participation based in consultative ideologies of representation.

## Contested Strategies and Reorganised Conflict: Embracing, Co-opting, Resisting, Subverting and Building Alternatives

Until now, this chapter has argued that modes of participation are the outcome of multinational corporations, international organisations and state institutions responding to threats to the profitability of mining. Yet participatory mechanisms rarely operate in the way they were designed. People affected by mining embrace, co-opt, resist, subvert, ignore or build alternatives to the participatory mechanisms designed by corporations, states and development agencies. The competing interests and power asymmetries between actors produce diverse and often unpredicted outcomes, even in ostensibly similar situations. The major contribution of this thesis is to move beyond assessing the efficacy of conflict management strategies to understand the ways in which the deployment of participatory mechanisms has reshaped social conflict.

While there is a wealth of literature exploring the various reactions of people affected by mining to participatory mechanisms, there is very little that explains why and how people affected by mining choose to participate or not. One notable exception is Conde and Le Billon (2017, 681) who, through systematic literature review, find that "dependency towards mining companies, political marginalisation, and trust in institutions tend to reduce resistance likelihood. In contrast, large environmental impacts, lack of participation, extra-local alliances, and distrust towards state and extractive companies tend to increase resistance." The findings here confirm their conclusions while focusing in more detail on factors shaping the capacity and desire of people affected by mining to participate or resist.

By embracing participation, groups of people affected by mining can extract benefits from mining corporations. However, the extent of those benefits relies on the group's relative power, which often must be established through autonomous sites of participation. In Fabiana Li's (2015, 92–98) discussion of the World Bank's Compliance Advisor Ombudsman (CAO), she describes how information discovered through technocratic participatory

processes can be used by critics of projects in their public campaigning. O'Faircheallaigh (2008), as noted in Chapter Two, argues that groups of Traditional Owners negotiating mining agreements secure more favourable outcomes where they have built alliances with NGOs and other groups. Herders affected by Rio Tinto's Oyu Tolgoi mine used CAO mediation to secure compensation, but after public campaigning with international NGOs established their bargaining power (Brueckner and Sinclair 2020, 115). Horowitz (2008) argues that indigenous groups in New Caledonia have reframed traditional cultural demands using the language of conservation to access development funding.

Participatory mechanisms may also be co-opted to serve purposes or groups which are unintended by the corporation. Welker's (2009, 144) research into Newmont Mining Corporation's CSR program at the Batu Hijau copper mine in Sumbawa argues that particular community leaders were able to manipulate community development programs by alternately showing opposition and support for the mine to extract "patronage goods." Arellano-Yanguas (2011) demonstrates how previously disinterested actors can subvert and capture rents from royalty redistribution intended as compensation when transparency initiatives alerted opportunists to the benefits of staging protests. Participatory mechanisms can thus create new demands by raising compensation as a prospect.

Participatory mechanisms can be subverted and brought into service of interests opposed to mining. Shapiro (2010) documents how activists opposed to mountaintop removal in Appalachia subverted participatory consultative meetings. At one consultative meeting, local activists declined to address the corporate and state officials within their technical framework, literally turning their backs on the chair, instead addressing the public crowd with an impassioned speech (2010, 88–90). Secondly, activists insisted on more consultative forums not because they believed they would produce concrete outcomes, but because they knew consultative procedures are costly for corporations operating on low-profit margins (Shapiro 2010, 135). Finally, participating in consultation allowed activists to meet with local supporters of mining and thus heal divisions amongst a community (Shapiro 2010, 137).

Of course, it remains an option for groups, especially groups critical of mining developments to resist participation and continue to engage in more confrontational or autonomous forms of protest. This is the case in Kulon Progo (Chapter Seven) where the Association of Shoreline Farmers (PPLP - *Paguyuban Petani Lahan Pantai*) in Kulon Progo, Yogyakarta, protested and

disrupted company and government attempts to consult and engage people affected by mining in community development programs (JATAM 2009). This kind of confrontational response is calculated to head off the potential for co-optation and cost the corporation financially and reputationally. Participatory mechanisms also open new opportunities for resistance: groups critical of mining can use CSR programs themselves as a point of criticism, for their inefficacy or as 'green washing' exercises. These strategies are not mutually exclusive, groups of people affected by mining may switch between legal channels and militant confrontation (or any other strategy) (J. Nem Singh and Camba 2016).

Despite all the documented responses, the question of why and how groups of people affected by mining decide to participate or not is under examined. In the previous chapter I argued that disruptions to social relations of production and reproduction generate and shape conflicts while also becoming sites of resistance and the basis of power for groups of people affected by mining. The following chapters argue that control of land, forms of organisation, alliance structures and ideologies are crucial factors in how people affected by mining understand, use and create power to participate or resist.

# Conclusion

In this chapter I have identified the major contestations, forces and governance mechanisms that constitute modes of participation and shape participation between multinational mining corporations and people affected by mining. The contestations over impacts of mining, CSR, global governance, and national regulation are mutually constitutive. Overlapping global, national, and company specific crises of legitimacy drive the creation of global self-governance networks and the ideologies that constitute modes of participation for the social dimensions of mining. Language and practices of sustainability, participation, and empowerment have been adopted by multinational mining corporations and combined with consultative ideologies of representation of corporate societal incorporation. This underlines the continually dynamic nature of conflict management through new modes of participation.

Participatory CSR also drew from and influenced development practice and the neoinstitutional ideological evolution of development agencies. The response of development agencies and multinational corporations also influenced reform of national regulation and policy on the social dimensions of mining. Intersecting processes, institutional

arrangements and ideologies together lead to expanding corporate responsibilities and power in relation to the environmental and social dimensions of mining. In turn, as participatory mechanisms and strategies develop, this is changing the ways that people affected by mining engage and react to large scale mining developments. As local conflicts change form and actors adopt new political and economic strategies *vis-a-vis* each other, this will drive further refinements or changes in modes of participation and the global and national governance regimes that constitute them.

The analysis of the political economy of Indonesian mining also suggests when and how the empirical results, the patterns of contestation in the following three chapters are generalisable outside the Indonesian context. Like most developing countries, the extractive sector in Indonesia is dominated by multinational corporations, domestic capital and bureaucratic institutions, each wanting to maximise their share of extractive revenue. This coincidence of interests results in little regulation and minimal enforcement on the social and environmental dimensions of mining. Indeed, trends of reducing the regulatory burden on mining capital also prevails in developed countries with significant domestic mining oligarchies such as Australia, the USA and Canada. Even when left-wing populist governments have been elected (e.g Ecuador, Venezuela) – the reliance of state revenue on extractives means only slight concessions are won. Only sustained widespread resistance can challenge the alliance between foreign capital, domestic oligarchs and entrenched bureaucracies at the national and international scale. I would expect significant differences in countries where the state is a major owner of mining capital, or a more closed political atmosphere prevails – such as before *reformasi* when the Indonesian military was more actively involved in mining. However, even given the dominant alliance of oligarchs, politicians and multinational corporations in Indonesian extractives, the outcomes of participation as a conflict management strategy vary widely. The next three chapters show this and turn towards the interplay of social relations of production and reproduction including common-sense understandings of the world to understand this variation.

# Chapter Five: Violence to Participation at Rio Tinto's Kelian Mine[1]

The Kelian open-pit gold mine in West Kutai, East Kalimantan produced windfall profits[2] for Rio Tinto and brought the multinational into conflict with 4,000 small-scale alluvial gold miners who were violently evicted from 1985. Conflict that began in the area immediately surrounding the mine site 'jumped scales' in 1998 when local organisers forged national and international alliances with NGOs and directly threatened Rio Tinto's already besieged international reputation as a responsible miner. To regain its legitimacy and forestall potential government intervention, Rio Tinto turned to participatory mechanisms as an alternative to violent repression to contain and depoliticise conflict at both local and international scales. The lifespan of the mine (1985-2005) gives valuable insights into why one of the world's two largest mining companies, Rio Tinto, helped craft new global standards – incorporating new modes of participation – at the turn of the millennium and how these were implemented as participatory mechanisms on the ground. Indeed, Rio Tinto holds up Kelian as a best-practice example of participatory mine closure and community engagement (Rio Tinto 2015). For these reasons, this chapter presents a 'critical case' in the development of participation as a conflict management strategy in the extractive industries (see Chapter One).

Unlike the cases of Gosowong and Kulon Progo (Chapters Six and Seven), conflict between Rio Tinto's Indonesian subsidiary, PT Kelian Equatorial Mining (KEM), [3] and affected communities began during the New Order regime in Indonesia and before the widespread uptake of participatory mechanisms in the extractive sector. It thus provides an example of participatory mechanisms being implemented directly in response to an activist campaign,

---

[1] I would like to thank Pak Pius Nyompe and Jeff Atkinson for their helpful comments on draft versions of this chapter. Representatives from PT KEM were also provided with a draft however declined to comment further.

[2] Up to 400,000 ounces of gold a year were produced from 1991 to 2005 (Darling 1995; Kemp et al. 2013; Everingham et al. 2016; Atkinson and Hudson 1998).

[3] The mine was operated by PT KEM, 90% owned by Conzinc Riotinto of Australia (CRA) and 10% by Indonesian company PT Harita Jayaraya. In 1995, CRA merged with its parent company, UK based Rio Tinto – Zinc Corporation (RTZ) in 1995 to form dual listed Rio Tinto Group, known as Rio Tinto Limited in Australia and Rio Tinto Plc in the UK. For simplicity, I refer to all these related companies as Rio Tinto unless a distinction is necessary.

once Rio Tinto could no longer rely exclusively on violence to repress local opposition. KEM's participatory mechanisms included a village support program, negotiations over compensation, negotiations about human rights abuses, participatory mine closure planning, and a community advice committee. Particular actors were included on specific issues according to KEM's need to contain conflict, enhance their legitimacy and mobilise community resources. However, some aspects of this have produced ongoing conflicts over the nature of participation. Why conflict took specific manifestations and how they were contained and sustained is understood as a result of clashing modes of production and the ideologies that support them.

This chapter proceeds in six parts. The first briefly describes the history, geography and economy of the Kelian River small-scale mining settlements from the 1940s. The social relations of production and reproduction that developed around small-scale gold mining and subsistence agriculture left a legacy of social solidarity and independent ideologies that would later support organised resistance to industrial mining. The second section describes the genesis of conflict from 1985 between Rio Tinto and small-scale miners: primitive accumulation (land-grabbing) took the form of violent evictions of small-scale mining communities, initial compensation payments, and human-rights abuses committed by military, police and KEM employees. Violence and human rights abuses were not only committed during evictions but also to repress ongoing opposition to the mine. Violence also took a distinct gendered dimension. This highlights the *ongoing* conflict produced by an initial act of primitive accumulation and disruption to local livelihoods. The third section bridges the themes of violence and participation. I argue that through geographically differentiated patterns of violence and CSR, KEM created a geography of participation that both secured broad legitimacy in the West Kutai Regency and contained conflict to a few remote villages. This strategy proved successful in creating social relations favourable to extraction until the end of the New Order regime in 1998.

The next three sections analyse three waves of conflict and participation between people affected by mining, national and international NGOs, KEM and Rio Tinto. The first lasted from 1997-1998, beginning when nascent local activism, through national and international networks, mobilised an international reputational threat to Rio Tinto and ending with Rio Tinto International ordering KEM to negotiate with representatives of people affected by

mining. The second wave, from 1998-2003, concerns the re-localisation of conflict and negotiations between newly formed activist organisation *Lembaga Kesejateraan Masyarakat Tambang dan Lingkungan* (LKMTL; Council for Environment and Mining Communities Prosperity) and KEM. In addition to the international campaign, LKMTL capitalised on new political opportunities available following *reformasi*[4] including increased space for human-rights discourse and the decreased power of the Indonesian military. The second wave finished with the negotiation of a 60 billion IDR compensation payment for victims of human rights abuses in 2001. The final wave involved a more proactive approach by Rio Tinto, which collaborated with the World Bank to create a participatory mine closure plan in 2000. The participatory management of the ex-mine site continues until today through the community advisory forum.

These three waves of conflict and participation show how Rio Tinto increasingly turned to participatory mechanisms to contain risky forms of conflict generated by the disruption to local social, economic and political relations following primitive accumulation. The motivation was to align the interests of people affected by mining with their own in maintaining the mine and change forms of engagement from confrontational to collaborative. In this, the participatory mechanisms were somewhat successful. Enough ideological common ground was found between KEM's corporatized consultative ideologies of representation and the human-rights based left-nationalist ideologies of activists that negotiations could proceed, although not always smoothly. Potential opposition by indirectly affected villages was neutralised through community development programs and employment. Nevertheless, conflicts over the forms of participation – who could participate, when, on what issues – continues, both within the participatory mechanisms and outside.

---

[4] The democratisation and decentralisation reforms that followed the resignation of authoritarian President Soeharto in May 1998.

*Figure 2 - East Kalimantan and the Kelian area, showing selected towns and villages*
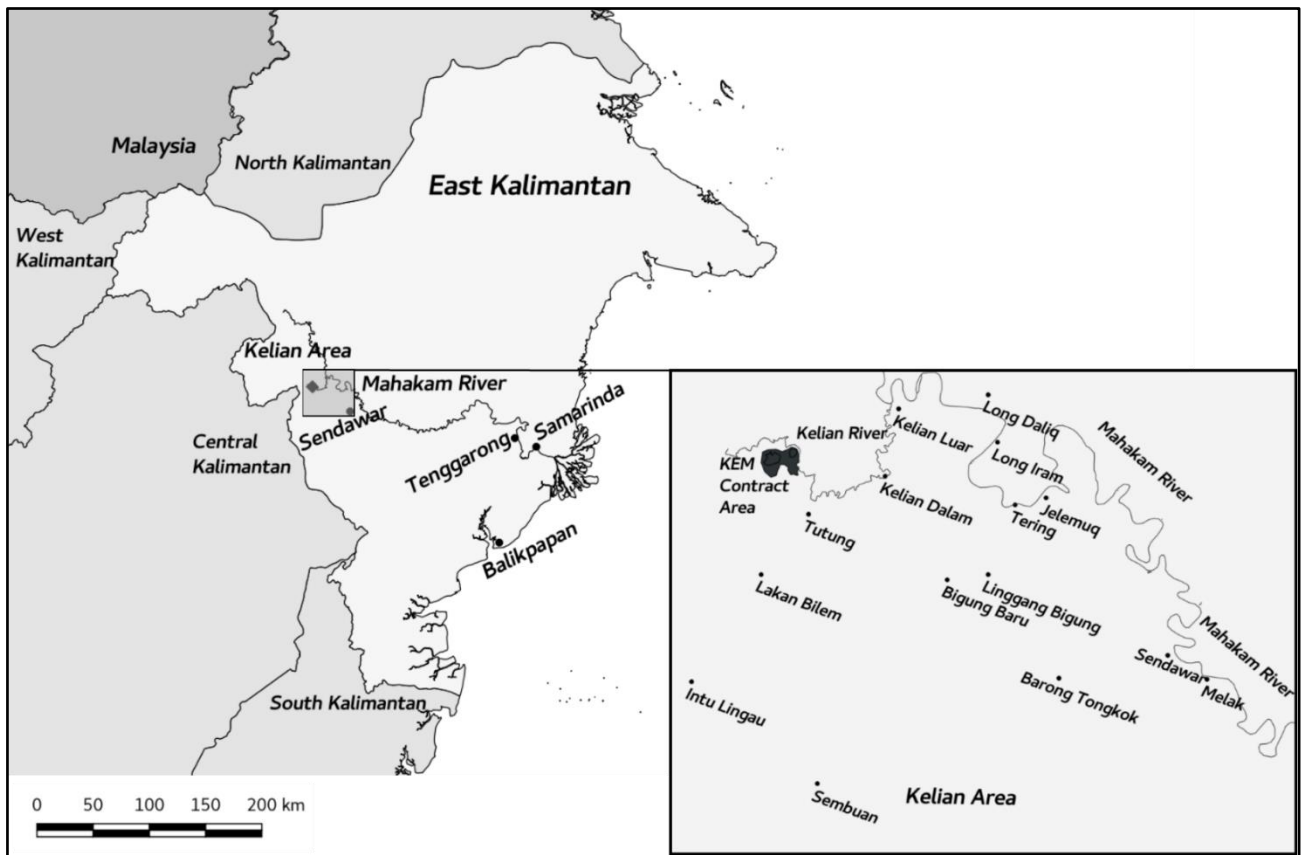


Map created by the author in QGIS using open source data

## Gold and Peoples' Mining: Roots of Resistance

Alluvial gold was first discovered by local people in the late 1930s in an upstream area of the Kelian River (Hopes 2004c, 23). This area was previously unsettled, the closest settlement being a Bahau Dayak village, Kelian Luar.[5] In 1948, a few Kayan Dayak people discovered larger deposits and sold it to traders in Long Iram.[6] News spread of the discovery and people from across Indonesia were attracted to Kelian by tales of gold (Bachriadi 1998, 166). In 1949, the growing, multi-ethnic community agreed to make a settlement together in Loa Tepu (now

---

[5]Located where the Kelian River flows into the Mahakam River, then called Long Kelian, the village was settled in 1818 by forest people who took up swidden agriculture alongside collecting forest products for subsistence and trade, this included small amounts of gold. Village secretary, West Kutai, interview with author, August 11, 2017.

[6]Long Iram is a town located downriver on the Mahakam that was established by Banjarese traders in the late nineteenth century as a trading post for forest products destined for the Kutai Kingdom. In 1902 the Dutch stationed a military company there, wresting control of the trade along the Mahakam from the Kutai Sultanate (Magenda 1991).

within the mine contract area) as a separate *adat*[7] community. To officiate this, they held a festival for seven days and seven nights and invited *adat* and government figures from Kelian, Long Daliq, Long Iram, Bigung and other villages to formalise the settlement (Bachriadi 1998, 167).

Small-scale mining work was carried out by individuals, family groups or in small teams (Mangkoedilaga, Widjojo, and Nainggolan 2000). In good times, the miners could make as much as 100,000 IDR (AU$68) per-person per-week from 2-3 ounces of gold (Bachriadi 2012, 174). One ex-miner said they made: "Enough, plenty, our children could even become police officers, *cemat* [district head], civil servant, they were schooled while we mined there. Our children could go to school, we paid the fees from mining [income]."[8] Community members opened land to farm,[9] caught fish and collected rattan and resin from the forest (Bachriadi 1998, 168). They built their own independent school, mosque, and meeting hall (Atkinson and Hudson 1998, 27).[10] By the 1970s, it is estimated that 2,000 of the 4,000 people living in and around Loa Tepu were artisanal and small scale miners (ASM) or *penambang rakyat* (peoples' miners). Ex-miners remember that Loa Tepu had a hopeful future, providing not only cash income but also most of their subsistence needs. Because of its remoteness[11] the community was self-organising and self-managing.[12]

Strong histories of organisation, especially if independent from government and big capital, along with control of land, ideology and alliance structures, are the factors that I argue enable a community to either engage effectively in or resist corporate participation. Although their control of land was later severed through violent evictions, in Loa Tepu, small-scale miners developed independent organisation and ideology based on the relations of production of gold and the reproduction of social life through subsistence agriculture legitimised through

---

[7] Traditional or indigenous systems of law, culture, norms and institutions.

[8] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.

[9] Like their claims to gold deposits, forest gardens had no formal tenure. Tenure may have been recognised under traditional *adat* law, however formal certification by central government agencies was impossible, especially as the evolution of forestry laws in Indonesia progressively outlawed swidden cultivation (Peluso, Afiff, and Rachman 2008).

[10] Pius Nyompe, LKMTL, interview with the author, October 10, 2016.

[11] Loa Tepu is 40km upriver from the district capital, Long Iram, which is, in turn, approximately 330km upriver from the then regency capital Tenggarong.

[12] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

Dayak *adat*. Indeed, the organisation of their (heterogeneous) villages and work teams, with social solidarity and profit-sharing arrangements closely resembles what Lahiri-Dutt (2018) refers to as "extractive peasants."[13] That means their relations of production, subsistence and social reproduction more closely resemble smallholder farmers than larger scale mining. Their experiences of organisation, labour intensive work, social solidarity and a shared fate, meant that the evictees simply did not disperse when faced with a threat. Rather, experiences in organising productive activities and daily life translated into ability to organise collectively against a threat.

## Rio Tinto, Corporate Mining and the Genesis of Conflict

This section explains the genesis of conflict between KEM and people affected by mining as an act of primitive accumulation. This is also understood within the political economy of East Kalimantan, which has been dominated by extractive industries since the colonial era. This was especially true of Kutai Regency, where income from extractives pushed government revenue to more than double other regencies in the province by 1998, before it was split into three smaller regencies in 1999 (Casson 2001, 9). Government finance, campaign funding and patronage systems were dependent on revenue from extraction, producing collusive relationships between politicians, bureaucrats and corporations (Anugrah 2019). The extractive political economy of East Kalimantan combined with the authoritarian regime in Indonesia left little room for oppositional politics.

Corporate engineers first arrived in 1975 to conduct surveys for Rio Tinto[14] (Bachriadi 1998, 168). At first, residents were happy, because the engineers needed assistance in transporting equipment up the Kelian River, collecting ore samples, and operating equipment, and they paid cash. There was no significant conflict during the exploration and research phase. Yet, looking back, one ex-small-scale miner told me that was the moment when they lost their freedom: "Before Rio Tinto arrived, the community was still free."[15]

---

[13] In Indonesian, miners used the term '*tambang rakyat*' (peoples' mining) which connotes social solidarity, self-organisation and the absence of big capital.

[14] The then Indonesian subsidiary of Rio Tinto was PT Rio Tinto Bethlehem Indonesia.

[15] Ex small-scale miners, group interview with author, Kelian Dalam, August 10, 2017.

KEM began acquiring permits in 1982 and in 1985 KEM signed a contract of work (CoW)[16] with the Indonesian Government to exploit the primary gold deposit (Mangkoedilaga, Widjojo, and Nainggolan 2000). In addition to the mining area, KEM also needed to construct a new 69km road and port facilities at Jelemuq on the Mahakam where 24 families lost their land (Bachriadi 1998, 176; Atkinson and Hudson 1998, 28). From this point on, relations with the small-scale miners changed dramatically, as KEM needed to secure exclusive access to the mine site.

There are vastly different and conflicting accounts of the land acquisition, the compensation process and human rights violations that occurred from 1982 until 1992. My purpose here is not to determine the truth of these historical matters but to explain the genesis of conflict between small scale miners and KEM. Grievances over evictions morphed into conflict over compensation which manifest as demonstrations throughout the 1990s and international campaigning from 1997.

To assist KEM, the Long Iram District Government formed a land acquisition team (*Tim Pembebasan Lahan*), which would distribute some compensation or 'moving money' (*uang pindah*) and convince residents to move. In January 1982 the *Cemat* (district head) of Long Iram ordered the small-scale miners to close their operations (Mangkoedilaga, Widjojo, and Nainggolan 2000, 23). KEM sent security guards to deliver eviction notices. Ex-miners recounted: "They said if you like it or not, you have to move from here, they also said the government has ordered it."[17] The Government did not recognise their *adat* rights.

Indeed, the land acquisition process was not conducted with the consent of, or even in consultation with, land holders but was negotiated between the district government and KEM and presented to residents as a final offer. Conflicts with land holders over land acquisition were resolved in KEM's favour as a result of then president director of KEM, Alan Hawke's "extensive local contacts and, in particular with the *Bupati* [regent] and *Panglima* [five star general] in Balikpapan" (B. W. J. N. Davis 2004, 39). From the beginning KEM developed close relations and mutual interests with local government officials. Such lack of consultation, let

---

[16] CoW No. B-06/Pres/1/1985 to exploit 286,233 hectares (Bachriadi 1998, 161).
[17] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017; also, Ex small-scale miner, Tutung, interview with the author, August 9, 2017.

alone negotiation or consent, resulted in disagreements about compensation, residents refusing to move and then violent evictions.

Community Aid Abroad (Australia) (CAA, now Oxfam Australia) investigations from 1998 to 2003 report that compensation for land of AU$130 to AU$650 (200,000-1 million IDR) per household was promised to evictees but was never received (Atkinson and Hudson 1998, 26–28; Kennedy 2001; Nyompe 2003). By contrast, researcher Bachriadi (1998, 177) reports that the Long Iram District Head set compensation at 200,000 IDR (AU$136) per hectare but that many land owners expected between five and ten million IDR (AU$3,410-6,821). [18] Furthermore, while a number of residents reportedly received compensation between 400,000 and 2.5 million IDR (AU$273-$1705) per family, many others did not accept this offer and held out for fairer compensation (Bachriadi 1998, 180). One group of ex-small-scale miners told me that each family received 100,000 IDR (AU$68.21) per person in 1990. [19] According to Bachriadi (1998, 177), many of the residents did not perceive such amounts of money as compensation but as moving money (*uang pindah*) – money to cover costs associated with moving, and therefore far short of being able to replace lost land, buildings, and crops, let alone livelihoods.

KEM community relations staff could not tell me how much compensation was paid but stated that everything was clear and settled according to the laws and regulations of Indonesia and that they had recognised 444 families as landholders:

> They received compensation depending on the size of their land and building. We offered them two hectares of land [in Tutung], but they rejected that, they preferred to take cash. We built them houses, some just took money if they wanted to go back to their original village. It was already clear. [Only] after 1998, they started to demand more.[20]

KEM management considered the issue of compensation to have been fairly settled, while affected people felt cheated.

Bachriadi (1998, 171) reported that residents of Loa Tepu were promised replacement facilities in Tutung, a new settlement being built by the company outside the mining area. According to Tutung residents, KEM promised to build houses, two hectares of land each,

---

[18] Approximate, at 1990 average exchange rate.
[19] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.
[20] Ex-Community relations manager PT KEM, interview with the author, August 8, 2017.

clean water facilities, sanitation facilities and electricity. However, all that was provided was a cleared plot of land 15 by 25 meters and a clean water supply.[21] Another ex-resident recalled that when it came time to move, construction of houses in Tutung was not finished and that in some cases KEM only provided tents.[22]

By 1990, the mining area was under corporate control. [23] Residents who refused compensation or refused to move until compensation was paid or replacement houses built were subjected to intimidation and violence from the land acquisition team, KEM security, military and police[24] (Bachriadi 1998, 181). These events are catalogued in many sources, most reliably in the report of the independent Fact Finding Team (Mangkoedilaga, Widjojo, and Nainggolan 2000) convened by Komnas HAM (the National Commission on Human-Rights).[25]

Residents resisting eviction were arrested, their houses and gardens were burnt and their possessions destroyed, or they were shot[26] (Kennedy 2001). Between 1982 and 1990, over five hundred houses and cottages were burnt (Mangkoedilaga, Widjojo, and Nainggolan 2000, 24–25).[27]

Two ex-small-scale miners described how hopeless they felt the situation was as they were being forced to move to Tutung:

> Although the community is right, they are always made wrong. If we insisted [on our rights], the iron hand will come. That is the problem and that is why all kinds of violence short of bombings

---

[21] Village Head, West Kutai, interview with the author, December 8, 2018.

[22] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.

[23] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

[24] PT KEM also directly employed both active and retired police and military officers, blurring the distinction between KEM and state security forces (Mangkoedilaga, Widjojo, and Nainggolan 2000, 26).

[25] The Komnas HAM report is the result of a one-year investigation by a fact-finding team, consisting of representatives from Komnas HAM, LIPI and TRUK assisted by LKMTL and PT KEM. The investigation was the result of an agreement between LKMTL, KEM and other NGOs on 11-12 January 1999 to invite an independent team to investigate claims of human rights violations (2000, 7). The investigation was designed as a first step in getting closer to the truth ("*lebih mendekati kebenaran")* (2000, 6) and provide a basis for further investigation within the formal justice system. Given that further investigation never occurred, this report is the most reliable and rigorously verified source available.

[26] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

[27] Some of these were abandoned, some were temporary shelters (*pondok*), and some were the homes of small-scale miners that KEM wanted to leave the area.

> were used […] we were just like a herd of cows that was pushed into a barn together.[28]

And:

> I was arrested and twice was sent to Tenggarong. Before PT KEM enclosed [the land] I strongly defended it, I did not want to move, I did not want to receive compensation. They were offering 20 million rupiah. For us that is small, in three days we would make that much from mining. So, to receive compensation, we were forced, it must be received through the violence of *Brimob*, police. If I wanted to or not, we couldn't stand it any longer. Because that was a previous age, rather violent.[29]

One of the last remaining families in the mining area was Pak Daniel Paras'. On 20 December 1991, KEM security and *Brimob*[30] officers ordered them out. He refused because he had not yet received compensation or a replacement home in Tutung, as had been agreed to (Mangkoedilaga, Widjojo, and Nainggolan 2000, 29–30). He and his four children were eating breakfast when *Brimob* officers opened fire on their house. Officers then entered, ransacked their house and forced them out. According to Bachriadi's research (1998, 184), when seven houses on Gunung Runcing (an agricultural area within the mining contract area) were destroyed, their occupants only received taxi money of 40,000 IDR each for river taxis to transport their possessions.

Of course, these events were traumatic, one ex-resident of Loa Tepu told me that he witnessed beatings and "too much violence."[31] He believes the violence meted out by police was ordered by KEM:

> Well, it is like this, for example there's an order to use violence from the people at the top … that is the reason they [the police] feel legitimized in using forceful violence … PT KEM was protected by the state which abandoned its people unprotected.[32]

The small-scale miners were cleared out of the mining area and production began in 1992.[33] The violent evictions, reframed as violations of human rights, would haunt KEM through the 1990s and find international audiences in 1997. Miners moved to either Kelian Dalam,[34] Tutung, or returned to their family's origin.[35]

---

[28] Ex small-scale miner, interview with the author, Tutung, August 9, 2017.
[29] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.
[30] Mobile Brigade, paramilitary and anti-riot police.
[31] Ex small-scale miner, interview with the author, Tutung, August 9, 2017.
[32] Ex small-scale miner, interview with the author, Tutung, August 9, 2017.
[33] Ex-Community relations manager, PT KEM, interview with the author, August 8, 2017.
[34] Kelian Dalam is a village downstream from KEM's contract area on the Kelian River.
[35] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

Each location developed different patterns of participation and manifestations of conflict. The initial act of primitive accumulation, the land grab and evictions, totally disrupted the livelihoods of evictees who needed to find and construct new sources of subsistence, production and social reproduction. The different strategies adopted by evictees resulted in differentiated dynamics between KEM and local communities in each location. I will describe these patterns now, before showing how KEM attempted to contain manifestations of conflict and create more stable social relations.

## *Manifestations of conflict post-eviction*

In Tutung, where most evictees were moved, most opened land for gardening or rubber plantations. The few lucky or well-connected Tutung residents secured contracts or employment with KEM to provide transport, construction or security services. The company contracted builders for the school, mosque, police station, and government offices in Tutung but not housing or farming land.[36] Others engaged in informal and precarious work.

Many of the 444 evicted families stayed in Tutung and bode time farming while they struggled to obtain the compensation they believed they were entitled to. In the words of one ex-resident of Tutung:

> There has not been justice. For the community, we wanted just livelihoods. Try to open land, two hectares to farm. That was the promise – to make two hectares of land, we could live like that. Houses were also promised but that didn't happen. Whoever was working … just built their own houses in Tutung, there wasn't any built by the company. We had to pay for it all ourselves.[37]

Up to 200 protests, demonstrations and blockades over evictions and compensation had been carried out by the end of 1992, most were met with strong repression by police, military and company security (Nyompe 2003). The demonstrations built in intensity until 24 December 1992 when over 400 people marched from Tutung to the gates of KEM and blocked the road for seven days. Local police and military forces, acting in close cooperation with and supported by KEM security, responded by arresting 15 people. None of the arrests followed legal process (Mangkoedilaga, Widjojo, and Nainggolan 2000, 14–19). One of the arrested

---

[36] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.
[37] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.

leaders, Edward Tarung, died in custody[38] (Mangkoedilaga, Widjojo, and Nainggolan 2000, 19–21).

KEM banned the ex-miners from panning for gold within the contract area. Nevertheless, many evictees who had moved to Kelian Dalam continued to pan for gold further downstream in the Kelian River, however: "[We made] Only enough to eat every day, just enough to eat, we could die too, it was difficult. There is only a tiny amount of gold."[39] Down river, they could only make 87,000 IDR (AU$59) per person per week in good times, which became increasingly less frequent.

Some small-scale miners saw it could be more profitable to reprocess the waste rock and tailings of KEM (*ngerebok*). They had to enter the mining location at night. KEM considered this theft and if people were caught, they were sent to the police station in Tenggarong or shot at by KEM security and *Brimob* officers hired by KEM (Bachriadi 1998, 186).[40] In 1995, one person died after being caught and falling into the Namuk dam, full of cyanide (Mangkoedilaga, Widjojo, and Nainggolan 2000, 34). At least two other people were shot when they were caught (Bachriadi 1998, 187)*.*

Before KEM began operating, residents used the river water to wash, catch fish, bathe and for drinking.[41] After KEM began operating, the residents reported the river water would cause itching and rashes on their bodies (Bachriadi 1998, 189). In 1991, five residents died days after bathing in the river. After this, the community used the river water with limitations; they stopped drinking the water and washing at certain times of the day.

KEM was aware of these risks. Their 1990 environmental assessment (AMDAL) stated that:

> High concentrations of sulphide and sulphur dioxide originating from waste rock will produce changes in the soil and through erosion and washing will increase the content of sulphur compounds in Bayak River and Nakan River [subsidiaries of the Kelian River] … Liquid waste, especially which overflows from the dam if still containing cyanide can react with the heavy metals and has synergistic characteristics, that is to result in compounds becoming more poisonous. These compounds do not just affect the water quality, but also water vegetation and if absorbed by aquatic animals can enter the food chain, this can create sub-lethal and dangerous conditions (cited in: Bachriadi 1998, 191).

---

[38] LKMTL activist, interview with the author, December 7, 2018.
[39] Ex small-scale miner, interview with the author, Long Iram, May 8, 2017.
[40] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.
[41] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

Yet this was before the mining industry adopted standards of consultation with people affected by mining,[42] so Kelian Dalam residents were not even consulted, let alone given any opportunity to participate in decision making or environmental monitoring.

Until 1998, the relationship between evictees and KEM remained confrontational. Between 1986 and 1998, KEM had progressively paid compensation to 4,509 people for lost land and possessions, totalling 7,750,409,929 IDR (approx. AU$4.5 million at average exchange rates) (KEM 2007). Beyond this, there was little incentive for Rio Tinto to address the concerns of people affected by their practices until the formation LKMTL and the struggle jumped to national and international scales (Nyompe 2003).

Forms of production, subsistence and reproduction adopted by evictees continued to bring them into conflict with KEM, either through protest activity or trespassing. KEM's strategy of repression through violence with limited compensation further exacerbated these tensions until they found expression after 1998. Another major factor determining both the impacts of violence and later participation was gender.[43]

## *Violence against women and girls*

In much of the literature and popular discourse about the impacts of mining, women are depicted as being disproportionately victimised.[44] A more recent angle of feminist enquiry seeks to "step beyond … current discourses of victimhood" (Lahiri-Dutt 2012, 203) by emphasising the agency and roles of women in mining and mining communities. In Gosowong and Kulon Progo (Chapters Six & Seven), there are examples of how gendered divisions of labour and relations of social reproduction both determine and are changed by forms of participation and activism. This can be empowering for women, creating previously unavailable opportunities. However, in the case of Kelian, women evictees were disproportionately disempowered by the economic and social changes brought about by

---

[42] See Chapter Four.

[43] While all violence has a gendered dimension and is not limited to sexual assault or harassment, in this case, sexual violence became a major problem for KEM and a major component of human-rights based campaigning after 1998.

[44] For example, an AMAN (*Aliansi Masyarakat Adat Nusantara*; Archipelagic Indigenous Peoples' Alliance) leader gave the example of how environmental pollution can have gendered dimensions if women are collecting water, washing and cooking with it but also with that kind of awareness, women can fight harder for their land. Interview with the author, Jakarta, August 25, 2016. See also Atkinson (1998, 67).

industrial mining. There was little opportunity to reverse this through participation or resistance.

Company security, police and the military all used gendered violence and sexual harassment as part of the evictions of the mining communities up to 1992. This culture persisted during the operations of the mine, as many women complained of sexual harassment and violence by KEM employees. The Komnas HAM report finds that out of 21 reported cases, there were 17 cases of "sexual harassment, rape, and sexual relations under psychological pressure [that] deserve further investigation" (Mangkoedilaga, Widjojo, and Nainggolan 2000, 35). In 16 of these cases the perpetrator was an employee of KEM, the general manager of KEM was responsible for six of these, and at least four of the victims were girls under 16 years old.[45] Only one of the perpetrators ever faced sanctions from his employer and there was a culture of ignoring, denying and supporting perpetrators at KEM (Mangkoedilaga, Widjojo, and Nainggolan 2000, 35).

Although during my research I met a few women survivors, one of whom shared her story at length, none wanted to me to share them directly and most did not want to talk about the human-rights violations they had suffered. Therefore, the voices of the women themselves in this section is lacking and stands in stark contrast to male activists and evictees, who readily retold stories of violence against women as examples of the most grievous human-rights violations, to show how their communities had been wronged. This reluctance of women to share their stories is due to past trauma, yet this has not prevented women or men in other locations from wanting to tell their stories. Silence should not be equated with powerlessness – silence is often an effective survival strategy, especially when participation is calculated to produce little benefit (Parpart 2010). What this demonstrates is that women survivors – compared with their male counterparts – expected little benefit from having their stories told by researchers or organisations. Nevertheless, the gendered patterns of violence established during the original act of primitive accumulation continued during the mine's operation, serving to further silence women. Modes of resistance and participation, including the ideologies of KEM and LKMTL did little to overcome this.

---

[45] The report also finds that most of the cases did not involve physical violence but misuse of authority, economic power (especially in promising employment or threatening continued employment) or manipulation.

Although KEM set up a Harassment Team to accommodate complaints in 1995 (Rachmayana 2004, 182), ex-KEM managers remain dismissive of claims of sexual harassment or sexual assault. One explained that:

> KEM employees were mostly Indonesian [not local] and ex-pats. There was successful relationships and marriages. There were [cases of pregnancy] but [the woman] already had a family. Forced, not possible, different religions, not possible. Mixed. There were successes and failures. Sexual harassment? Most of the cases are failed relationships, not sexual harassment. It was solved in the *adat* way. Maybe before construction, I don't know about that. There were many contractors for construction.[46]

Even more so than victims of other kinds of human rights abuses, victims of sexual violence were silenced not only through the repressive measures of KEM and security forces, but also through shame in their own communities (Rachmayana 2004, 182) – where patriarchal common-sense prevailed. It would not be until after *reformasi* that these issues began to be taken seriously and, even then, the women survivors would not negotiate directly with KEM, but would have their voice represented through layers of NGOs. The cases of sexual violence were also sensationalised by activists as the most obviously unjust cases of human rights violations by KEM and used as a weapon in the international campaign against Rio Tinto.

CAA investigations linked changes in gender relations – and other social transformations – to the economic impacts of the mine. Inequality grew between households and between men and women as "the cost of basic necessities led to more traditional subsistence and cooperative economic activities being regarded as inferior to having a job at the mine" (Atkinson and Hudson 1998, 35). While the influx of male workers from across Indonesia and abroad led to large-scale prostitution near Jelemuq (Atkinson and Hudson 1998, 36). As employment, both in mining and downstream services (with some exceptions such as sex-work, truck driving, and cleaning services) is skewed towards men,[47] women and their economic contributions are devalued because of the decreasing status of communal production, their lower status within new systems of production, and the gendered division between production and social reproduction.

Economic development and employment patterns dramatically exacerbated gendered inequality. As corporate mining and wage-labour replaced more communal village-based

---

[46] Ex-Community relations manager, KEM, interview with the author, August 8, 2017.
[47] Notwithstanding KEM's affirmative action employment policy especially regarding haul truck drivers (Hopes 2004a, 48).

profit-sharing production and subsistence, forms of social reproduction required to sustain production also rapidly changed. These changes stemming from the act of primitive accumulation led to a separation of productive from reproductive activities and a commodification of labour power (Federici 2004, 74; Chapter Three). In this case, the commodification of labour included the commodification of sexual labour and women's bodies and associated violence against women and girls. This disempowerment is also reflected later in the lack of women participating in negotiations and consultations, despite being disproportionately affected.

## The geography of conflict and participation

KEM's engagement with people affected by mining was not limited to evictees. They also established several CSR programs for the 27 villages in the area to the south of the mine. These programs included a village support program, the Rio Tinto Foundation and agricultural college, employment opportunities and a ranger program. This section argues that there were four distinct geo-economic areas with different patterns of conflict and participation which affected who could participate on which issues. Each of KEM's CSR programs were also interventions into local political and economic relations – which became more dependent on the company and more integrated into market capitalism. This differentiation enabled KEM to secure broad legitimacy in West Kutai while containing serious challenges to remote areas.

The first geo-economic area is the two villages closest to the mine site – Tutung and Kelian Dalam. As discussed above, they make up the bulk of evictees and victims of human rights abuses. Residents of these villages were consequently the most enthusiastic supporters of LKMTL with obvious interests in compensation.

The second geographical area is the five Dayak agricultural villages slightly further away. Being swidden farmers only occasionally engaging in alluvial gold mining, they were less directly affected by industrial mining. Because of their proximity to the mine site and claims to traditional custodianship of the forests, these villages, in addition to Tutung and Kelian Dalam, had direct interests in how the forest is managed. These five villages – Kelian Luar, Lakan Bilem,[48] Batu Apui, Sembuan and Intu Lingau plus Kelian Dalam (Mine Closure Steering

---

[48] Lakan Bilem became a village in 2005, before it was a hamlet within Sembuang Village.

Committee 2002, 2) – would be wiped out if either of the dams at the mine site failed. Therefore, their interests are mostly in the good management of the mining infrastructure and forests while obtaining some benefits from Rio Tinto, including compensation for pollution.

These five villages did receive some benefits from KEM's village support program, Rio Tinto Foundation, employment and ranger program (detailed below). These villagers seem to have rarely engaged with any kind of activism or politics outside of their villages and were more or less passive recipients of CSR. Village heads and *adat* figures from these villages also participated in KEM's community advisory committee (*Komite Penasehat Masyarakat*, KPM), detailed below.

The third area consists of villagers further downstream on the Mahakam river, Long Iram and Tering in particular, which was the multicultural trading post for gold and other forest products. This group was politically astute and managed to secure some compensation from Rio Tinto through protest action loosely connected with LKMTL. Their participation was conducted through negotiations with government officials during protests.

The final geographical area is the largest and least directly affected by the mine, consisting of the 27 villages which KEM defined as 'local', including all the villages mentioned above. Residents of these villages were prioritised for employment, were eligible to attend the agricultural school and could apply for assistance from KEM's village support program.

Taking this geographical view helps to show how KEM maintained a good or neutral reputation in West Kutai by giving small benefits to those who suffered negligible impacts. The isolation of more severely affected victims within West Kutai led LKMTL to seek support outside the regency. KEM used different modes of participation for LKMTL and others who were able to mobilise political power. KEM's community relations employees also speak differently about their village support and other CSR programs which they are proud of, and the compensation process which they view as a nuisance or manipulated by NGOs.

KEM's village support program, established in 1992, invited representatives, usually village officials,[49] from 27 villages to bring proposals for funding to KEM's community relations department. Villages received money and equipment to cement village roads, renovate schools, build village government offices, mosques, churches and *musholla* (prayer rooms), water sanitation, health clinics, hold celebrations on public holidays and provide rice during drought.[50] The program both mitigated negative effects of mining – for example by providing water sanitation where rivers were no longer clean – and provided additional benefits. From 2000, the village support program changed focus to sustainable development. KEM established a self-help consultative group which focused on sustainable economic development such as support for agriculture, fisheries and livestock.[51] For example, in Lakan Bilem, in 2005, KEM helped establish a cacao plantation by purchasing enough seed to plant 70 hectares.[52] As it was village officials – supposedly in consultation with other villagers – who presented proposals and negotiated projects, the village support program utilised and cemented existing village hierarchies and patronage networks. That is, KEM's emerging consultative ideology of participation fitted well with and piggybacked on the existing mode of village governance.

The Rio Tinto Foundation was established in 1995 to build public infrastructure in Tutung and an agricultural college in Liggang Bigung. With funding from AusAID, the foundation provided rice to drought stricken farmers in 1997-1998 and established public health programs (Bua 2004, 127). Local people were hired to construct the buildings, also providing a needed source of employment for evictees. School officials explained that children from the 27 villages can attend the agricultural college for free, and graduates with good grades receive scholarships to continue their education at university in Samarinda while the majority of graduates find employment in the palm oil plantation industry.[53] The agricultural school aims to change

---

[49] Under the New Order Regime, Village Heads were elected, but candidates were vetted by the state Golkar Party. After 1998, the restriction to Golkar approved candidates was removed. Other village officials, including Village Secretary were appointed by the Village Head in consultation with the District Head (Aspinall and Rohman 2017).

[50] Village head, West Kutai, interview with the author, August 11, 2017; Village head, West Kutai, interview with the author, August 12, 2017; Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.

[51] Ex-Community relations manager, KEM, interview with the author, August 8, 2017.

[52] Village head, West Kutai, interview with the author, August 12, 2017.

[53] Rio Tinto Foundation officer, interview with the author, December 4, 2018.

patterns of agriculture by teaching the younger generations about fertiliser, sedentary farming, plantation work and cash cropping – as opposed to traditional methods of swidden agriculture.

KEM also prioritised residents of the 27 villages for employment opportunities, mostly as cooks, cleaners, waiters, or other unskilled labour. However, a few were lucky to obtain 'good jobs' such as secretarial positions or truck drivers that came with the opportunity to increase their skills and careers, learn English, travel internationally and rise through the corporate hierarchy.[54]

KEM's village support program and the Rio Tinto foundation involved limited participation compared with the negotiations and mine closure planning that were developed later in response to activist campaigning. However, education, infrastructure development and employment facilitated modest changes in the local political economy. Through community development programs and the agricultural college, villages were encouraged to shift from subsistence to production for market and relations of production to become more integrated with capital, state actors and the company. Sedentary, marketized production is less threatening to mining than shifting subsistence agriculture as it is predictable and creates more compliant subjects. Through these early CSR programs, KEM was able to distribute a relatively small amount of resources to a large amount of people and thereby secure their broad legitimacy in West Kutai. The patron-client relationship also ensured little opposition from village elites who reinforced their political and social positions through participation and community development programs. Meanwhile, confrontational conflict over justice, human rights, and compensation was contained to a small group of people mostly in Kelian Dalam and Tutung – until the conflict took on national and international dimensions.

## Jumping-scales – the Internationalisation of Conflict

This section is concerned with the formation of local organisation LKMTL, their ideological foundation and how they formed networks with national and international NGOs. The power to force KEM to negotiate came from LKMTL's success in rescaling conflicts over compensation. The human-rights influenced left-nationalist ideology of LKMTL activists made

---

[54] Manager of community relations, KEM, interview with the author, May 17, 2017.

a strong foundation for collaboration with international NGOs. Indeed, these two factors – ideology and alliance structures – are two of the factors that determine the ability of people affected by mining to participate in corporate mechanisms or to reject them.

As described above, before 1998, demonstrations and efforts to obtain compensation and justice by the ex-small-scale miners met severe repression. The activists needed a new strategy to pursue their claims. Pak Pius Nyompe, whose mother's land at Jelemuq was acquired without compensation by KEM, had previous experience advocating for land rights in cases along the Mahakam River.[55] Pak Pius became involved in the Kelian case in 1997, advocating with residents of Tutung and Tering (Hopes 2004b, 178). LKMTL was established by Pak Pius and 13 other representatives of the evictees in July 1998, before that it was informally known as 'the group of 14'.[56]

While LKMTL had no official political program other than obtaining compensation for evictees and victims of human-rights abuses, they had an ideological foundation based squarely in human-rights, citizenship and human dignity. One of the fourteen representatives explained that he was a member of PNI (*Partai Nasional Indonesia*; Indonesian Nationalist Party) before 1965, while another was a member of PRD (*Partai Rakyat Demokrasi*; Democratic Peoples' Party) before 1998.[57] This indicates that LKMTL leaders were influenced by ideas of left-nationalism, if not socialism, that emphasise the rights of Indonesian citizens to share in the benefits of national development. This political tradition is grounded in the dignity of the common people (*rakyat*) struggling for land and justice. While the adherents to left-nationalist ideology were limited to a few activists with previous experience of political struggle, it resonated with many of the small-scale miners struggling for land, livelihoods and dignity, helping to translate their experience into ideas and action. The elements of this

---

[55] Pius Nyompe, LKMTL, interview with the author, October 10, 2016.

[56] In 1997, Pak Pius had gathered 14 representatives, all men, each from a different ethnic group, by going house to house to find local organisers. Pius Nyompe, LKMTL, interview with author, October 10, 2016.

[57] PNI, led by President Soekarno, was the dominant political party before 1965, PDI-P is the post-*reformasi* reformation of PNI led by Soekarno's daughter Megawati Soekarnoputri. PRD was an anti-authoritarian socialist party active in the campaign to overthrow Soeharto in the 1990s. LKMTL activist, interview with the author, 7 December, 2018.

ideology that focus on human rights, justice and human dignity also provided common ground for later networking with NGOs.

In 1995, PLASMA from Samarinda, was the first NGO to become involved in the case. Their first action was to write a media release about reports of drums of cyanide floating down the Kelian River.[58] This attracted national and international attention.[59] Issues of human-rights abuses and environmental destruction were then taken up by several regional and national NGOs including Pelangi, Putih Jaji, JATAM (*Jaringan Advokasi Tambang*; Mining Advocacy Network) and WALHI (*Wahana Lingkungan Hidup Indonesia*; Friends of the Earth Indonesia).[60] Through working relationships between JATAM and CAA activists, field trips were arranged for Australian activists to visit the Kelian area in September 1997, make a short documentary film and begin reporting on the issues, reaching international English speaking audiences (Macdonald and Ross 2002, 37).

These visits to Kelian coincided with the beginning of CAA's campaign to create a Mining Ombudsman which would hold Australian-based mining companies operating abroad to the same standards that apply in Australia.[61] In January 1998, CAA funded a month-long Australian tour for five activists representing JATAM, Putih Jadi and communities affected by the Kelian Mine and the Aurora Gold mine, located in Central Kalimantan. Amongst these five activists was Pak Pius Nyompe. Pak Pius spoke at events organised by CAA, unions and other activist organisations and organised a protest at the Melbourne home of "one of the prominent board members of Rio Tinto."[62]

Meanwhile, Rio Tinto had become the target of a multinational campaign when the Construction, Forestry, Mining and Energy Union (CFMEU) in Australia, created a loose coalition with other labour, environmental and human rights organisations under the banner of the International Federation of Chemical, Energy, Mine and General Workers' Unions impacted by or struggling against Rio Tinto (McSorley and Fowler 2001; International

[58] Apparently "600 empty drums which had previously contained chemicals […] were swept into the Kelian River during a heavy storm" (Atkinson and Hudson 1998, 32).
[59] Pius Nyompe, LKMTL, interview with the author, October 10, 2016.
[60] Pius Nyompe, LKMTL, interview with the author, October 10, 2016.
[61] This followed the successful action in the Victorian Supreme Court against BHP over its OK Tedi mine in 1996 (Slater and Gordon 2018) – see Chapter Four.
[62] Jeff Atkinson, personal communication with the author, January 14, 2019.

Longshore and Warehouse Union 2010; Manheim 2001, 127). The network produced the *Tainted Titan* report (ICEM 1997), along with a short film documenting Rio Tinto's past controversies and then current industrial relations battle with the CFMEU (CFMEU Mining and Energy Division 1998). Rio Tinto refused to address the report or the network as a whole and instead singled out particular groups to engage in negotiations (McSorley and Fowler 2001).

The tour culminated in Rio Tinto executives in Melbourne meeting with Pak Pius and receiving a list of grievances.[63] At that meeting, Rio Tinto executive Garry Cueson reportedly stated that "We are working totally within Indonesian Laws and Procedures".[64] In the eyes of Pak Pius and CCA, such a statement only underscored that the law in Indonesia was inadequate in protecting human rights, rhetorically strengthening CAA's campaign to hold companies to Australian standards when operating overseas. Nevertheless, Rio Tinto executives ordered KEM to negotiate.

Soon after Pak Pius returned to Indonesia, he was approached by the head of Rio Tinto Indonesia and PT KEM:

> They asked about all the problems that we were campaigning about in Australia, so that we can sit down together and solve them … I asked for three months … because I have to go village to village in order to collect [information from] people and victims. So at the beginning of May, with *Reformasi* approaching, we arranged the demands of the people to present it in Jakarta. 18 people went to Jakarta.[65]

Yet, they felt that KEM was not serious about negotiations:

> We felt that the meeting in Jakarta was fruitless and then our friends delegated me, myself, to go to London at that time. It was five days before the peak of Reformasi.[66]

Then, through CAA and UK based NGO Down to Earth, in May 1998, Pius attended Rio Tinto's AGM in London where they expanded their international activist network (Atkinson, Brown, and Ensor 2001, 15). Following the AGM, Pak Pius was invited to meet with Rio Tinto executives.[67] The sustained international pressure led Rio Tinto London executives to order KEM to negotiate again. Through informal alliances with NGOs, the local group was able to 'jump-scales', turning a local conflict into an international one, where more resources and

---

[63] Putih Jaji Activist, interview with the author, October 10, 2016.
[64] Putih Jaji Activist, interview with the author, October 10, 2016.
[65] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.
[66] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.
[67] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.

allies were available and Rio Tinto's legitimacy was vulnerable. The temporary alliance was easy ideologically as the liberal human-rights focus of the NGOs fitted well with the grievance and justice focus of LKMTL.

As described in the previous chapter, Rio Tinto was adopting new strategies towards international criticism, courting critics instead of ignoring or attempting to silence them, and dealing with criticism on an issue-by-issue and location-by-location basis. To prevent damaging multi-issue networks, Rio Tinto worked to re-localise conflict. Ordering KEM to negotiate and solve grievances with LKMTL mitigated further damage that could be done by the network with JATAM, CAA, the CFMEU or Down to Earth. This was part of the then emerging mode of participation being formalised through global standards, legitimised through consultative ideologies as a problem-solving strategy.

## Contesting power within and around negotiations for compensation

Following Pak Pius's return from London, a series of meetings between KEM, community representatives and JATAM were arranged. In June 1998, KEM agreed to pay ten million rupiah ($AU1,632) [68] compensation to each of the 444 evicted families and continue negotiations about other grievances (Phillips 2001, 189; Atkinson, Brown, and Ensor 2001, 15). According to KEM community relations staff at that time, this amount was considered trivial, but encouraged further opportunism: "if we gave them each two hectares, it would cost ten million, so 4.44 billion rupiah. For KEM it was a small amount, so we just paid."[69] Each of the families donated one tenth of their compensation to formalise a new local organisation, LKMTL, and continue campaigning (Atkinson, Brown, and Ensor 2001, 15).

While the issue of compensation for evictees was relatively simple, negotiations over addressing human rights violations, ongoing environmental pollution and other effects of mining were more complicated. Who would be paid how much compensation when was the outcome of each side (KEM and LKMTL) employing various strategies to contest each other's power, within and outside negotiations.

---

[68] Approx. at 30 June 1999 exchange rates.
[69] Ex-Community relations manager, KEM, interview the with author, August 8, 2017.

To be sure, the 444 evicted families were not the only people affected by loss of land, livelihoods, resources, and human-rights abuses. Before KEM began operations, many of the original miners, especially Dayak people, would move back and forth between the mining area and other villages or were living in Kelian Dalam (outside the contract area) and were not captured within the 444 families, even though gold contributed to their livelihoods.[70] LKMTL recruited these people along with anyone claiming to have suffered negative impacts. Around ten thousand people, many disingenuously, registered with LKMTL as claimants for compensation.[71] Initial screening reduced this group to 5,026 legitimate claimants.

Negotiations over compensation through 1998 and 1999 continued to be fraught, both LKTML and WALHI at times boycotted meetings (Lynch and Harwell 2002; Nyompe 2003, 4). CAA activists recall this as a time of chaos and frustration.

> In mid-1999 the company's approach changed. In violation of the previous agreement with the community, a government official was introduced into the negotiating process. The company also began a separate negotiation process with another group (called Team Murni), which supposedly represented the community, but which did not have the formal mandate of LKMTL. This caused considerable anger and frustration, leading to a breakdown in the negotiations, to communities blocking the mine road and to subsequent arrests by the police (Atkinson, Brown, and Ensor 2001, 15; see also: Lynch and Harwell 2002; Nyompe 2003, 4).

The negotiation process had been a way of working out who had the power to force compromises. Pak Pius appreciated this: "[When negotiations were breaking down] I begun to mobilise the masses to create pressure. Always demonstrating until they agreed to sit and negotiate."[72] This dynamic contestation would continue until one side was exhausted and accepted the compromises on offer. From the beginning, negotiations were both the outcome of social conflict and a forum to further contest each other's power.

An agreement between KEM and LKMTL was reached on 11-12 January 1999 to invite an independent investigation into human rights violations lead by Komnas HAM (Mangkoedilaga, Widjojo, and Nainggolan 2000, 7; Atkinson, Brown, and Ensor 2001, 14–15). Bringing in independent experts was a way to break the deadlock and facilitate compromise.

Although international pressure had forced KEM to begin negotiations, LKMTL had to bring more pressure to bear on KEM to resolve outstanding grievances. LKMTL mobilised power

---

[70] Ex small-scale miners, group interview with the author, Kelian Dalam, August 10, 2017.
[71] Ex-Community relations manager, KEM, interview with the author, August 8, 2017.
[72] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.

outside official negotiations – through demonstrations, reports on human rights violations, and continued international campaigning. The fall of the New Order regime was vital to the success of LKMTL. From May 1998, there was a feeling of "euphoria because of *reformasi*, so that the community dared to demonstrate."[73] Meanwhile, the military became hesitant to crack down. This new political situation meant there was more space both for LKMTL to demonstrate locally and national NGOs and activists to speak out, as with the Komnas HAM report.

KEM managers viewed LKMTL and their NGO allies as opportunists:

> In 1998 an NGO appeared, with Pak Pius. At that time, it was changing from New Order to *reformasi*. So, NGOs brought up old cases, asking for payments, it was an opportunity for them. KEM fulfilled responsibilities consistent with the laws. If not, we would face court. They already received their compensation. They worked with JATAM, with WALHI.[74]

From 1998-2000 LKMTL and community demonstrations blocked the access road to the mine more than ten times.[75] In April and May 2000, LTMTL supporters set up road blocks between the Jelemuq port and the mine site frustrated with the slow process of negotiations. The blockade lasted for over 40 days in total. The prolonged blockade and lack of supplies forced KEM to halt production, evacuate workers, and declare *force majeure* on contracts for the delivery of gold.[76] KEM estimated that the blockade cost at least US$12.5 million in lost revenue (Casson 2001, 13). Police and military reinforcements were dispatched to repress the demonstration. Desperately wanting to avoid violence and international publicity, KEM agreed to LKMTL's framework for continued negotiations, ending the blockade and the need for armed intervention.[77]

The results of the investigation into human-rights violations, released in early 2000, lent legitimacy to LKMTL's position. The report found evidence supporting claims that the human-rights of people had been violated. The report recommended further investigation to verify each accusation followed by negotiation of compensation and prosecution by Indonesian courts (Mangkoedilaga, Widjojo, and Nainggolan 2000). Results of the investigation spread

---

[73] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.

[74] Ex-Community relations manager, KEM and HLKHL site manager, interview with the author, August 8, 2017.

[75] Community relations manager, KEM, interview with the author, August 8, 2017.

[76] Community Aid Abroad. 2002, 'Rio Tinto's Kelian Gold Mine, Indonesia' unpublished timeline.

[77] Anthropologist and consultant to KEM, interview with the author, August 7, 2017.

quickly amongst national and international NGOs and media, threatening again Rio Tinto's international reputation (Muhammad et al. 2005, 153).

Rio has since acknowledged human-rights violations occurred including:

> The ill-treatment of persons during the relocation of settlers in the mine area by Kelian Equatorial Mining security personnel and police officers, including the eviction of artisanal miners and the destruction of their living places and working equipment, causing loss of livelihoods. Some claims involved allegations of serious physical abuse by security forces carrying out the relocation.
>
> The ill-treatment of protesters by company security personnel and police, including cruel and degrading treatment during arrest and detention following demonstrations against Kelian Equatorial Mining.
>
> Sexual harassment and sexual abuse of women by Kelian Equatorial Mining employees (Kemp et al. 2013, 82).

Despite a "public expression of regret" (Kemp et al. 2013, 81), no party involved ever faced court. JATAM was critical of this as a bad precedent in Indonesia:

> Although Komnas HAM found evidence of a number of human rights violations in 1999-2000, in fact this case has never been investigated, just evaporated. If the government was serious about this problem, they must drag the groups violating human rights to court. In fact, cases of evictions, burning cottages and sexual violence against women in that area was only solved through adat ceremonies. A step backwards for human rights enforcement in Indonesia (Muhammad et al. 2005, ix).

Instead, negotiations provided compensation without admitting guilt, legitimised by notions of justice drawn from *adat.*

Negotiations throughout 2000 were beset by conflicts over who had the rights to participate, the appropriate 'solutions' to human rights violations and power struggles within the negotiation process. CAA criticised the process:

> The company attempted to resolve the human rights issue by organising a traditional reconciliation ceremony instead of more formal legal action. In October 2000, WALHI – the organisation which had been facilitating the negotiations – withdrew in frustration at the company's attitude. In an attempt to restart negotiations, Rio Tinto employed the services of Justice Marcus Einfeld of the Australian Federal Court as an intermediary. In March 2001, negotiations recommenced between the company and LKMTL, with the involvement of WALHI (Atkinson, Brown, and Ensor 2001, 15).

With both local demonstrations threatening production and the human rights report attracting international attention, Rio Tinto needed damage control. In March 2001, following

further negotiations, KEM announced a 60 billion Rupiah compensation package (AU$11.1 million) for victims without admitting guilt or liability (Nurcahyana et al. 2008; Macdonald and Ross 2003, 51).

To assess the validity of the 5,026 outstanding claims for compensation, a team was established comprising of LKMTL, KEM and government representatives.

> [KEM] started to evaluate the new data based on the age of the claimant, witnesses about land ownership, [interviews with] community figures, village heads, village *adat* leaders. KEM made a selection team to investigate who was entitled to their demands. From those 5,026, 1,000 were truthful, that we accepted after the interviews.[78]

LKMTL received 25 million rupiah per month to assist with the validation of claims and distribution of payments to claimants over three years. This involved recontacting each of the 5,026 claimants, inviting them to be interviewed by a validation team. Then, if their claim was validated, contacting them again with an offer for their calculated compensation.[79]

The decision to avoid formal legal proceedings was in the interests of both KEM and LKMTL. The activists had no faith in the justice system and pointed to close links between government and PT KEM – for example then *Bupati* (Regent) Thomas Ismael (2006-2016) was transportation manager for KEM 1990-2000. Given KEM was the largest single tax payer in West Kutai this structural and personal relationship was interpreted as evidence they would not get a fair hearing, or a hearing at all.[80] Although Komnas HAM and JATAM favoured legal processes to achieve justice, other parties favoured direct negotiation with the company. KEM employees stated that this is because it was more in keeping with Dayak *adat* practices, but of course this also limited their exposure to negative publicity. For Komnas Perempuan (National Commission on Violence Against Women), this limited further potentially traumatic and unsuccessful legal proceedings for women.

### *Gendered participation*

While NGOs highlighted gendered violence as the most shocking of human rights violations to escalate their campaign, LKMTL leaders were all men. LKMTL approached some women,

---

[78] Ex-Community relations manager, KEM, interview with the author, August 8, 2017.
[79] Ex-Community relations manager, KEM, interview with the author, August 8, 2017.
[80] After Kutai Regency was split into three regencies in 1999, PT KEM was the single largest tax payer in West Kutai (Casson 2001, 11), granting it significant structural power.

including victims of violence, to help identify and collect the stories of other victims of sexual harassment and violence, but none took leadership roles.[81]

After the investigation into human rights abuses, Komnas Perempuan (The National Commission on Violence Against Women) acted as an intermediary between LKMTL, KEM and (alleged) victims of sexual violence to negotiate compensation. Activists from Asosiasi Perempuan Untuk Keadilan (Association of Women for Justice; APIK) accompanied women during the validation process.[82] Negotiation for compensation supposedly followed *adat* custom: "meetings were held, attended by the complainants, KOMNAS HAM as mediator, complainants' lawyers, LKMTL and several Heads of Traditional Law" (Rachmayana 2004, 182). This was strictly about paying compensation for allegations, not establishing the validity of claims.

This shows how not only the impacts of mining, but also participation is structured along gendered lines. Although gendered violence was a critical part of the narrative of human rights abuses, women consistently had less access to resources and opportunities than their male counterparts. Their participation in corporate processes was mediated through an extra layer of NGO representation.

This section demonstrates that after a mechanism for negotiations was established, following the initial international pressure the alliances brought on Rio Tinto, they became a site for continued contestation over the interests of multiple parties. This case supports my theoretical argument that like political institutions in general, participatory mechanisms do not *resolve* conflicts, rather they become terrain for new kinds of contestation. In this case, to break deadlocks within the negotiations, LKMTL mobilised several forms of power outside corporate sites of participation – demonstrations, international networking, the independent report on human rights and the assistance of women's NGOs. These non-institutional modes of participation allowed LKMTL to develop and demonstrate its power, which allowed them to increase their bargaining power within the negotiations. While there was tension between the corporate consultative ideology of Rio Tinto and the human-rights, left-nationalist ideologies of LKMTL, there was eventually enough receptivity to make agreements.

---

[81] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.
[82] Pius Nyompe, LKMTL, interview with the author, April 14, 2017.

## Mine Closure and Forest Protection

In 1998, KEM began planning for mine closure, set for 2003. At that time, Indonesia did not have significant regulations for mine closure. However, wanting to avoid further conflict resulting in negative press internationally, Rio Tinto collaborated with the World Bank which provided technical assistance. The World Bank, also in the process of developing social policy for its investments in the extractive sector, advised that a "trilateral process of consultation and problem solving, involving mining companies, governments, and communities, is required for a mine to be closed successfully" (World Bank and International Finance Corporation 2002, v). This shift in modes of participation completes the case of KEM moving from charitable forms of CSR, to conceding the participation of actors in reaction to pressure, to proactively inviting participation on a consultative basis.

The World Bank advised KEM on how to establish a participatory committee, which stakeholders to invite and how decisions should be made.[83] The committee operated from 2001-2003 with a mandate to address five matters:

1. Rehabilitation of the tailings dam, waste rock dam and mine pit;

2. The creation of a protected forest;

3. Transformation of the buildings, plant and infrastructure into a wetlands 'biofilter';

4. Transferring some assets to local government and communities.

5. Finalising the 60 billion IDR compensation payout.

Stakeholders included local activists, regency and provincial government, *adat* representatives, academics from the Institute of Technology Bandung, and representatives from KEM and Rio Tinto.[84]

In public documents, Rio Tinto (2016, 136–37) described the mine closure planning process as representative of "Kelian Equatorial Mining, Rio Tinto, the surrounding community, and the district, provincial and central governments" and that "key decisions on all aspects of mine closure were to be made by consensus … or if a decision could not be reached by consensus, the working groups were tasked with reconsidering the options and presenting them at the

---

[83] Manager of community relations, KEM, interview with author the author, May 17, 2017.
[84] Manager of community relations, KEM, interview with the author, May 17, 2017; also Kelian Mine Closure Steering Committee Communiques (2003).

next meeting". Rio's corporate documents present a picture of harmonious participation and do not mention conflict. Indeed, in 2015 Rio Tinto (2015, 10) boasts that it "received the Indonesian Government's '*Caring Company Forest Reclamation Award*' for rehabilitation at the Kelian mine site".

In contrast, Nyompe (2003), describes how LKMTL and WALHI withdrew from participation in the Mine Closure Steering Committee and working groups because of serious disagreements about both mine closure plans and outstanding compensation for past abuses:

> Our opinion was always cut, they would never listen to our problems [...] [The] MCSC is formulistic, there were no opportunities to ask questions or submit input. WALHI attended the first meeting, their question was cut off and they had no opportunity to ask questions, so they withdrew and did not participate again.[85]

It is clear that there were serious unresolved conflicts between the parties involved. Even according to KEM staff who participated in the committee, negotiations were not straightforward:

> I have to say that the process was not easy ... political, we cannot avoid that. ... the local NGO has other interests – they had a hidden agenda, sometimes they are a bit political. They walked out and then come back again. So complicated at that time.[86]

Interviews with ex-KEM employees contradict the notion that 'consensus' was the basis of decision making – stating that controversial issues were tightly controlled by the chair, oppositional views were not admitted for discussion and votes were taken when there was disagreement.[87]

Indeed, the MCSC was a site where multiple interests clashed and usually were resolved in the company's favour. For example, LKMTL and WALHI wanted to use the forum to ensure issues of compensation were resolved before the company closed, some other members were interested in opportunities to mine again, which KEM tried to neutralise by giving one final opportunity to small-scale miners and prove there was insignificant amounts of gold left:

> We also had a problem with many illegal miners coming to the dam. So, we also gave an opportunity to the community, in turns, to work in Namuk [tailings dam]. They don't use machines, just panning, they had a trial ... We provided transport, brought them in, they worked,

---

[85] Pius Nyompe, LKMTL, interview October 10, 2016.
[86] Manager of community relations, KEM and HLKL, interview, May 17, 2017.
[87] Ex-Community relations manager, KEM and HLKHL site manager, interview, August 8, 2017.

and we took them back. We provided facilities to prove there is not enough gold there. This is to stop the perception.[88]

Thus, participation was used by KEM as a mechanism to avoid future conflict. After KEM concluded mining related activities, the contract area was turned into a 6,670-hectare protected forest. A new corporation, PT Hutan Lindung Kelian Lestari (Sustainable Kelian Protected Forest Limited; HLKL) was set up to rehabilitate and manage the forest in 2006.[89] Its status as a protected forest precludes mining, fishing or families returning to the area.

As part of the effort to protect the forest, HLKL set up a ranger program and participatory community advisory committee (*Komite Penasehat Masyarakat*; KPM). The KPM was comprised of village officials or Adat Heads from each village. The ostensible aim of this group was to:

> Provide advice on cultural issues and advise on how to operate. So how the forest can be watched for long, not against the cultural values. … It is such a good thing, we can get input on community and cultural issues and also get information if there is any intruder from the village to our area. They can help us with that.[90]

The above and below quotes demonstrate how the KPM was designed from the beginning to serve two functions: officially to provide cultural advice about forest management and secondly to police villagers who might illegally enter the protected forest area. According to various village officials:

> KEM also gives advice, socialisation, that [our villagers] cannot enter the protected area. That is all. Dam Namuk will flood Sembuang (Lakan Bilem) Dam Nakan will flood Kelian Dalam and Luar. It would wipe out this village. At the beginning they asked about how to manage the forest following … how to respect the land and traditions. Our advice was to restore the forest to its original condition and preserve the streams and small rivers.[91]

> KPM is mostly just about hearing about the impacts of people disturbing the KEM area. They just want to talk about the problems of people entering the KEM area, not about the school. They just tell us after there is a violation, just to give us advice not to let our community enter the restricted area.[92]

Clearly, the KPM, enabled by consultative ideologies of representation, was a way for KEM to utilise the participation of village heads to solve the 'problem' of trespassing. Participants

---

[88] Manager of community relations, KEM, interview with the author, May 17, 2017.
[89] Pius Nyompe, LKMTL, interview with the author, October 10, 2016.
[90] Manager of community relations, KEM, interview with the author, May 17, 2017.
[91] Village Head, West Kutai, interview with the author, August 11, 2017.
[92] Village head, Lakan Bilem, interview with author, August 12, 2017.

agreed to participation because they thought they would be consulted on a wider range of issues yet when the limitations of this became clear, the consultative mechanism fell apart.

Meanwhile, KEM hired rangers from local villages to assist with rehabilitation, forest management and guard work. Rangers were both employees of HLKL and representatives of their villages.

> [Rangers] have to get a recommendation from the village head to work as rangers. […] we wanted them to represent the village, so if there is any issue they can talk to their community. There are many illegal miners still coming to Kelian. The rangers help us a lot communicating with their people, because the rumours in the villages get spicy.[93]

Of course, the forest is not only guarded by rangers, who may have conflicting interests, but also by police and military personnel hired by HLKL.

> Until now, PT HLKL (protected forest area) is guarded by the police and also the Indonesian army. To prevent people from local mining activities and also maybe they are afraid of people to cut the forest for the rice field or whatever.[94]

And excessive force continues to be used:

> I was in the forest with a friend, we were cooking rice. And all of a sudden someone came and screamed "Don't run!" He was shooting. He was shooting upward and then he shot me, it hit me but the third and the fourth bullet didn't hit me. They wear uniform, *Brimob*. I don't know exactly but I know his commandant's name was [redacted]. I was cleaning my gold mining tools. We were far deep in the forest, so we took some time to cook. It was after the closure of PT KEM operation.[95]

However, the KPM was disbanded after a few years because the HLKL managers thought that members of the advisory committee were "pushing their own agendas."[96] It appears that some members of the committee were using knowledge gleaned from the process to continue organising illegal mining:

> It worked for a few years until there was a small disturbance. Some of the members of the community advisory group were involved in illegal mining. From Sungai Babi [Kelian Dalam]. So, we want to restructure the KPM, they were too... naughty.[97]

The KPM produced opportunities for each actor to pursue their own interests even as interests diverged – this participatory mechanism was co-opted to various ends and

---

[93] Manager of community relations, KEM, interview with author, May 17, 2017.
[94] Putih Jaji Activist, interview with author, October 10, 2016.
[95] Ex-small scale gold miner, interview with author, August 9, 2017.
[96] Manager of community relations, KEM, interview with author, May 17, 2017.
[97] Ex-Community relations manager, KEM and HLKHL site manager, interview, August 8, 2017.

consequentially disbanded when it failed to serve the function intended by HLKL, when participants refused to accept the boundaries imposed by HLKL. This final attempt at participation in the Kelian area neatly demonstrates how the original land grab is still – 35 years later – disrupting the lives of people affected by the mine and still requires constant rebalancing of violence and participation to manage the conflicting interests generated through changing modes of production and social relations of reproduction – when these are threatening to extractivism – even well after extraction of gold has ceased.

# Conclusion

The life of the Kelian mine (1985-2004) corresponds to the critical time when the global mining industry was responding to crises of legitimacy, developing new standards of global governance and experimenting with participatory mechanisms. Indeed, the MCSC at Kelian was a testing ground for the new social approach of the World Bank and Rio Tinto. This case offers critical windows into three different phases of participation around mining – or how Rio Tinto has attempted to control risks of conflict with people affected by mining. First, the absence of participatory mechanisms that prevailed until 1998, when Rio Tinto relied on violence and repression to counter opposition and charity to secure legitimacy. Second, participation as a direct response to pressure from critics was beset by conflict both within and outside corporate controlled processes. Finally, in the MCSC and KPM, more proactive and systematic participatory mechanisms that we expect from contemporary multi-national mining corporations.

It is clear here how risks to international reputation (the CAA campaign), disruption of local operations (LKMTL blockades), and domestic liability (KomnasHAM), combine with international governance (World Bank guidance and international standards) to determine when, why, how, and the degree to which Rio Tinto implemented participatory mechanisms. Although influenced by nascent global standards, participation, particularly negotiations over compensation, was a direct response to challenges and threats resulting from the original act of primitive accumulation. In this case, participatory mechanisms were both an attempt on the company's part to change patterns of local conflict from confrontational to collaborative and respond to international campaigns by presenting an image of a good global citizen,

within the mode of participation which was taking form at the global scale in organisation like the GMI and ICMM (Chapter Four).

Rio Tinto employed two distinct scalar strategies: first to globalise the issues through the formation of new global governance standards and secondly to re-localise the issue by engaging LKMTL directly and cutting out their international allies. A methodological focus on only global governance mechanisms, only localised conflicts or only conflicts within state institutions would fail to appreciate how conflicts at one scale are affected by, and can become entangled with, conflicts across other scales.

In this way, through consultative participation, Rio Tinto has managed to limit compensation payments, avoid legal proceedings and maintain territorial control over their site. This shows how multi-scalar conflicts entangle to produce changes in corporate strategies and a limited exchange of interests between people affected by mining and Rio Tinto.

There is also a clear distinction between the negotiations initiated as a direct response to LKMTL's campaigning and the later, more proactive, forms of participation. In this case, participation was desired by LKMTL and Rio Tinto was forced to establish negotiations. Participation was desired by LKMTL because it was their only option for advancing their interests – institutions such as the police and courts offered no hope, the community no longer controlled their land and local demonstrations had produced no results. There was enough congruence between Rio's emerging consultative ideologies of representation and the human-rights agenda of LKMTL that participation could proceed.

LKMTL's main source of power before 1998 was its international and national allies. Activists in LKMTL were highly reliant on alliances with NGOs, but these alliances were built on foundations of organisation and ideology. Experiences of organisation and solidarity remembered from the time of small scale-mining carried over into resistance through the 1990s and provided a base from which LKMTL could build alliances following *reformasi.* Secondly, this was a campaign focused on obtaining compensation (in lieu of justice) for past abuses and therefore was easily incorporated into a human-rights framework. Negotiations for compensation for human rights violations, although a compromise on their preference for justice, fit well with both LKMTL's 'common-sense' understanding of themselves as victims entitled to redress and the liberal human rights ideologies of NGO allies and therefore smoothed collaboration across cultural and language barriers. Multinational mining

corporations have also been forced to incorporate some elements of human-rights discourse into their ideological framework. The greatest weakness of LKMTL and the communities in Tutung and Kelian Dalam is their lack of resources and land, which of course had been destroyed by the evictions. Those community members who did gain control of land or other resources were embedded within corporate or state hierarchies and evictees developed divergent interests.

Given the lack of resources and divergent interests, the organisational ability and ideological coherence of LKMTL members was remarkably resilient. The legacy of small-scale mining was a sense of solidarity through shared-fate, organisational experience and the belief they had been wronged and were entitled to justice. This legacy was not overcome by the new modes of large-scale corporate gold production, despite the attempts of KEM to provide development goods, education and employment. While KEM espoused trickle-down economics and believed in their civilising mission, LKMTL believed in human rights and justice. Conflict between KEM and the people affected by mining then, while primarily a conflict over land and resulting from changing modes of production, was also a conflict between competing ideologies sustained by relationships of social reproduction.

# Chapter Six: Gold and Governance in Gosowong

The Gosowong gold mine in North Halmahera was the most significant mine managed and owned by an Australian corporation in Indonesia. [1] Until March 2020, Newcrest Mining Limited owned 75% of the operating company PT Nusa Halmahera Minerals (NHM), while 25% was owned by the Indonesian state's consolidated mining company PT Aneka Tambang (Newcrest Mining Ltd. 2016). [2] Gold production began in 1999, around the time that international governance mechanisms for the social and environmental dimensions of mining were first being developed. The participatory mechanisms implemented by NHM have evolved in response to international standards and to conflict with people affected by mining.

Newcrest is a member of or signatory to many of the international organisations and standards governing the environmental and social dimensions of mining. These include the Minerals Council of Australia's (MCA) *Enduring Value Framework,* the International Council on Mining and Metals' (ICMM) *10 Principles of Sustainable Development*; [3] the *Voluntary Principles on Security and Human Rights; The Extractive Industries Transparency Initiative (EITI); the International Cyanide Management Code*; (Newcrest 2015, 12); and in November 2017 Newcrest was admitted as the 25th member of the ICMM (Eames 2017). These standards commit Newcrest to implementing participatory consultative mechanisms with affected people, forming the foundation for Newcrest's more detailed internal sustainability and community relations policies (Newcrest 2017). Of the three cases in my research, it most strongly embodies international standards, presenting a typical case of contemporary participatory community relations implemented by a multinational miner.

---

[1] Gosowong produced 331,555 ounces of gold in the year to June 2015 and currently comprises of two underground mines, Toguraci and Kencana, established in 2003 and 2006, a processing plant and a now rehabilitated open-pit mine (Newcrest Mining Ltd. 2015).

[2] In March 2020, as this thesis was under examination, Newcrest announced the sale of its share of NHM to Indotan Halmahera Bangkit (Newcrest 2020a). Newcrest stated they sold 100% of their share rather than divest 51% as required under Indonesian law (Newcrest 2020b).

[3] See Chapter Three for a detailed discussion on the ICMM, *Voluntary Principles* and *Cyanide Management Code*.

In previous chapters, I have argued that participatory mechanisms are enacted by mining companies for two primary purposes: first, to contain multi-scalar conflict; second, to facilitate changes in the social relations of production and reproduction in the area surrounding the mine. Indeed, from 1999 until today, NHM has implemented different programs to achieve both objectives. The puzzling aspect in this case is the prevalence of violent conflict and public demonstrations which surrounded the mine from 1999 until around 2005, after which reports of violence, grievances, and conflict all but ceased. Contestation persists; however conflict takes less visible manifestations. Conflict now occurs through negotiation rather than confrontation, and less national NGOs are reporting on or advocating about the case. Although the standards and forms of participation are rather typical, the case could be seen as a rare successful *implementation* of participation to reduce violent and threatening manifestations of conflict, and therefore deserves detailed investigation.

this chapter examines the roots of contestation, understood as generated by extractive accumulation disrupting historically constituted social, political and economic relations. Analysis of how these contestations have been reshaped through participation over 20 years of mining is divided into six sections. The first gives some historical background on the political economy of North Halmahera up until the establishment of the mine, arguing that through centuries of colonialism and capitalist development, local political economic relations have developed in a far more hierarchical pattern compared to the other two case studies. Second, mere months after gold was first produced, violent conflict broke out between Kao people (indigenous, majority Christian) and Makian (transmigrants, Muslim). Indeed, the new mine was an indirect trigger for this conflict which engulfed North Maluku province in 1999 and 2000. Likewise, the community development programs of NHM helped to restore peace in the post-conflict period. The third section details how in the post-conflict period, contestation around the mine turned from one supposedly centred on religion and ethnicity to environmental and cultural concerns. A broad multi-ethnic alliance formed to confront NHM about various grievances. Activism turned national in 2003 when local NGO WALHI (*Wahana Lungkungan Hidup Indonesia*; Friends of the Earth Indonesia) North Maluku, together with national allies, took action in the constitutional court attempting to block NHM from opening a new underground mine – Toguraci – within a protected forest (d'Hondt 2010). Local demonstrations against the expansion turned violent and one protester was killed by police.

The fourth section turns to look at NHM's response to these conflicts. The company increased the size of community development contributions almost tenfold from 2004 to 2007, when NHM began contributing 1% of revenues to its community development and empowerment program, climbing to US$4 million in 2010 (d'Hondt and Syahril 2010, 10; Newcrest 2010). In addition to the village support program, the 1% fund also financed larger economic development projects in partnership with business, and district and regency governments which worked to facilitate changes in relations of production in North Halmahera. In 2007, the United Nations Development Programme established the *Legal Empowerment and Assistance for the Disadvantaged* (UNDP-LEAD) program in North Maluku (UNDP 2008). Together, these participatory mechanisms helped depoliticise conflict. Villagers affected by mining still organised protests, however these now focused on process and forms of participation, rather than direct opposition and the effects of mining. The fifth section examines the rise of *adat* (indigenous custom, law or tradition) as an ideological and organising framework. A new *bupati* (Regent) ran a successful campaign to extract a greater share of revenue from NHM between 2005 and 2010, drawing on indigenous identity and alliances through national NGO AMAN (*Aliansi Masyarakat Adat Nusantara*, Alliance of Indigenous Communities of the Archipelago). AMAN activist Ibu Afrida's story demonstrates how *adat*, or indigeneity, continues to be a robust ideological framework and has recently incorporated gender equity as a key organising tool. The sixth section finishes the chapter by juxtaposing a participatory mechanism that NHM did not implement – participatory environmental monitoring – to highlight the power of NHM to define the agenda of who can participate on what issues when.

Through the evolution of conflict, various people affected by mining, along with opportunists not affected by mining, have formed various alliances to place demands on and extract resources from NHM. These alliances are more cross-class than in my other two cases. They are also more fluid, as they are based on multiple interests which may only coincide for short periods. The outcome of this is that people living closest to the mine, the most affected by pollution and the loss of customary forests, have relied on shifting alliances with more powerful actors. Together, these events reveal a model example of how a mining company has been able to both manage conflict and facilitate changes in economic relations through participation. Through economic development programs, NHM has positioned itself within

existing and new relations of production aligned with the interests of provincial and regency elites. Through the 1% fund, the range of grievances expressed has changed from environmental pollution and rights violations to transparency.

*Figure 3 - North Halmahera showing the five affected districts within North Halmahera Regency*
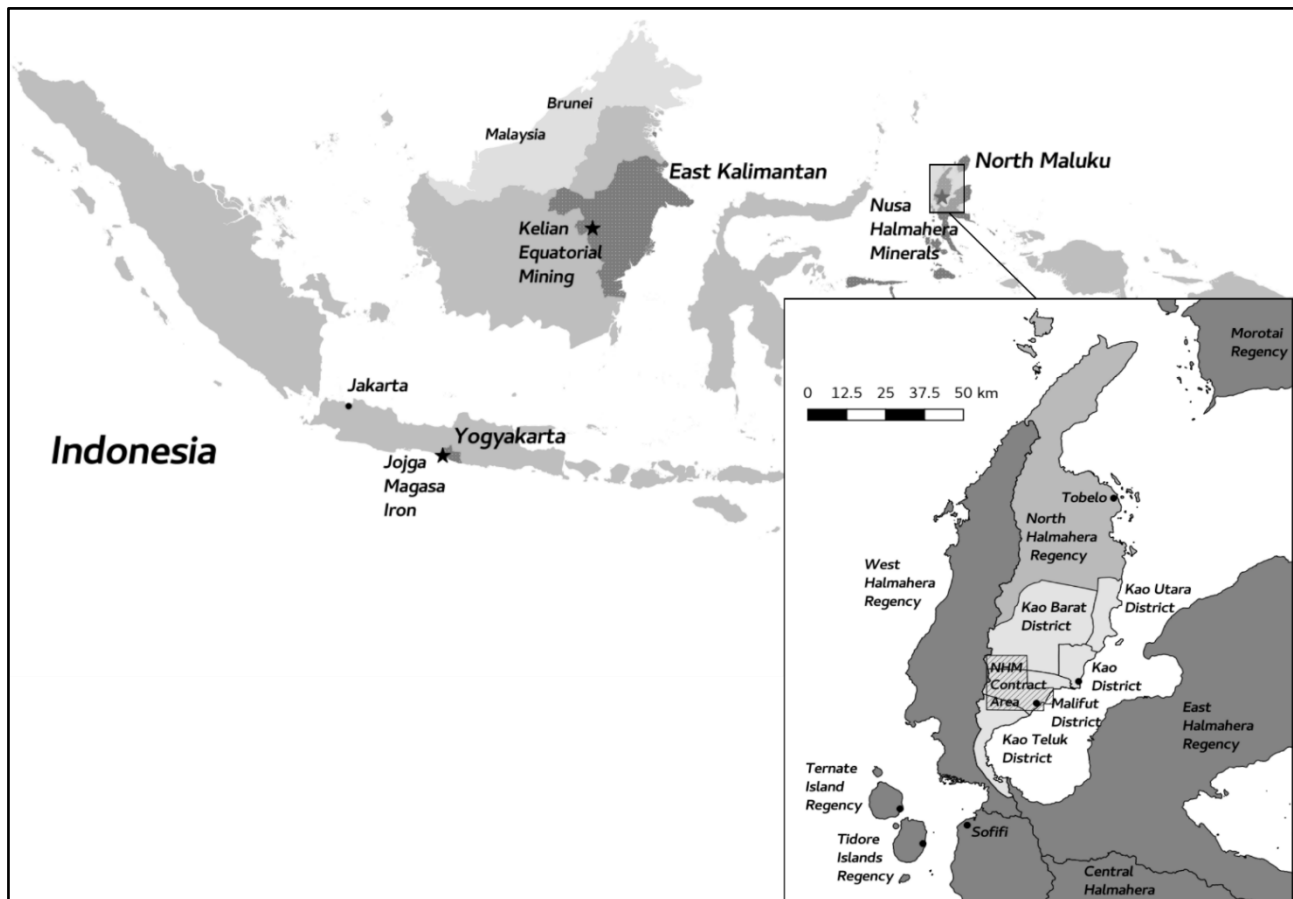


Map created by the author in QGIS using open source data

## Political Economies, Cloves to Gold

The history of North Halmahera, from at least the 15th century, has been characterised by waves of outsiders imposing political power and economic interests on the indigenous people. Sultans, colonialists and corporations were attracted by North Halmahera's natural resources: cloves, nutmeg, exotic birds, copra, fish, timber and gold. To extract these resources, the exploiters established forms of political rule: sultanates, colonial administrations, and the republic. These forms of rule developed corresponding relations of production and reproduction. Patron-client relations, trading networks, settlements, missionaries, plantations, wage labour, transmigration and mining enclaves have all enabled the extraction

of natural resources from North Halmahera and dramatically changed the lives of its indigenous peoples (Duncan 2003; Topatimasang 2016).

Roem Topatismasang (2016, 48–61) and his team of anthropologists argue that there have been three significant waves of penetration affecting the economy and political structures of indigenous people[4] in North Halmahera. First was "co-optation" by the Ternate Sultanate[5] and Dutch East India Company (VOC) driven by attempts to monopolise the spice trade, which peaked in the 18th century (C. Brown 2003, 33). The second was the entrance of Protestant missionaries, who helped 'settle' semi-nomadic indigenous people both through conversion and establishing coconut plantations and cattle farms. The third wave was the resettlement programs of the Republic of Indonesia in the 1960s, which aimed to "civilise and advance" people still living semi-nomadically in forested areas. This resettlement coincided with the opening of forests and natural resources for exploitation. Little or no compensation was given to resettled forest people for the enclosure of their communal forests (Duncan 2013, 41). A new monopoly in clove trading was established in 1989 by the Clove Market Control Board (BPPC, *Badan Pengendalian Pemasaran Cengkeh*) run by Tommy Soeharto (Topatimasang 2016, 24–25). Transmigration programs resettled mostly Javanese peasants in the interior of North Halmahera, while other land was 'freed' for timber concessions and plantation agriculture, creating resentment from those disadvantaged (Duncan 2013, 41). Not far behind logging and plantations was a wave of systematic exploration for minerals beginning in the mid-1980s. These waves of penetration always met resistance, in some places more than others, resulting in an unevenly developed geography.

The result of this has been the development a two-speed economy. On one side there are tightly controlled hierarchical patron-client systems of production, finance and distribution for national and international markets. Local people bear the brunt of disadvantage in the

---

[4] The ethnic classification of people is a fraught endeavour. The Topatimasang (2016) team use the Tobelo language as an ethnic marker that consists of almost all people in North Halmahera excluding Galea and Makian people and extending into East Halmahera and Moroutai. By this classification it includes all people living in the five districts surrounding the Gosowong mine except for transmigrants, who are Makian people living on the coast and Javanese living in interior villages. The indigenous people living adjacent to the mining area, who speak a language related to Tobelo and identify as Kao, Pagu or Isam (*Adat* leaders, interviews with author, September 7 & 8, 2017).

[5] Although the Sultan's claims to be the patron of Pagu people date back to the 16th century (Ibu Afrida, *adat* elder, interview with author, September 7, 2017).

form of environmental deterioration and loss of traditional land (Duncan 2013, 42). Some cash from these activities (unevenly) trickles down to local managerial, working, and peasant classes which finance the import of rice, consumer goods and construction material. On the other side, just as persistent, is the subsistence economy that provides the basic needs of local people and which is still embedded in complex relationships of reciprocity and *adat*.[6] Therefore, village elites and those who aspire to 'middle-class' lifestyles are dependent on and deeply integrated into relations of production controlled and managed by corporations and governments in Tobelo, Ternate, Amsterdam, Jakarta, Melbourne, and elsewhere. Ideologically, this pattern of development has left a patchwork – a "syncretic historical residue" (Rupert 2006, 93) of *adat,* feudalism, protestant and Islamic religious beliefs, nationalism, and modernisation. The differentiated common-sense of groups structures the way that people affected by Newcrest's gold mine have made claims to community development, employment and damages.

The most recent wave of changing capital formations and systems of rule began when Newcrest and NHM commenced operations in 1997, and with 350 employees, was the largest employer in North Halmahera (C. Wilson 2008, 36, 56). The land acquired by NHM was a forested area and although some indigenous people had still been foraging in the forest until it was enclosed by NHM,[7] it contained no agricultural[8] or residential areas. Therefore, unlike the other two case studies in this thesis, this act of primitive accumulation had negligible impact on pre-existing local modes of production. The impacts on relations of production and reproduction would come later, when pollution disrupted river-based livelihoods. The major impact of primitive accumulation was environmental and cultural. This is reflected in the manifest forms of conflict, which were mostly about confronting NHM over pollution, disrespect of traditional and sacred sites, and receiving a fair share of the benefits of resource extraction. Only months after production began, mass violence erupted in the area immediately surrounding the mine and spread across North Maluku to Tobelo, Ternate and Tidore.

---

[6] Ibu Afrida, adat elder, interview with the author, September 7, 2017.
[7] NMH manager of social performance, interview with the author, April 24, 2018; Ibu Afrida, *adat* elder, interview with the author, September 12, 2017.
[8] With the potential exception some forest gardens.

# Elite Directed Mass Violence

In 1999 and 2000, North Maluku was engulfed in mass violence. This is popularly thought of as an ethnoreligious conflict that began between transmigrant Makian Muslims and Indigenous, majority-Christian Kao that turned into generalised violence between Muslims and Christians in Kao, Tobelo, Ternate and across North Maluku. However, most rigorous scholarship points to intra-elite conflict over state revenue, political office and natural resources during the decentralisation of Indonesian politics as the immediate cause of conflict (C. Wilson 2008; C. Q. Smith 2009; d'Hondt and Syahril 2010; Barron, Azca, and Susdinarjanti 2012; cf Duncan 2013). Likewise, everyone I interviewed in North Halmahera emphasised that while religion was a major fault line, the conflict was about land, decentralisation, and elite contestation.[9]

Back in 1975, the Maluku provincial government had forcibly relocated the entire population of Makian Island to the southern part of what was then *Kecematan* (district) Kao because of the risk to Makian Island of volcanic eruptions. The Makian and Kao ethnic communities (and other transmigrant communities) lived as neighbours without any serious incidents but with very low levels of integration, little clarity about the status of land ownership and growing tension along religious and ethnic lines (C. Wilson 2008; C. Q. Smith 2009). That lack of clarity about land ownership proved to be a problem during the decentralisation process.

North Maluku Province split from Maluku in October 1999. However, it was the creation of new *Kecematan* Malifut in the southern half of the old *Kecematan* Kao[10] that sparked raids and reprisals between villages. Depending on how the borders were drawn, one of these districts would include the Gosowong mine within its administrative boundaries (see map). Local political figures assumed the local government would have more opportunities to extract rent, including by insisting on local employment. Political elites motivated by perceived windfall benefits of decentralisation including, but not limited to potential

---

[9] The decentralisation and democratisation of the *reformasi* period triggered diverse kinds of conflict across Indonesia. In the words of Vedi Hadiz:

> The new rent-seeking opportunities provided by decentralisation clearly make up the fuel for the often intense levels of conflict that surround contests for control of key institutions of governance at the local level. (2010, 95–96).

[10] Malifut would have a majority of Makian citizens while Kao would remain a Kao majoritarian district.

revenues from mining, used the imminent tensions between Kao and Makian people to their advantage. Fear was used to mobilise ordinary people in service of elite positioning. Throughout 1999 several people died, and 10,000 people fled their homes.

The violence quickly spread west to Ternate and north through Tobelo, as politicians there fanned the flames of Christian and Muslim rivalry as part of campaigns to be elected as North Maluku's first governor. It is estimated that during 1999 and 2000, around 3,500 people lost their lives (d'Hondt and Syahril 2010). The violent conflict ended when local military units were reinforced by troops sent from Jakarta in July 2000 (C. Wilson 2008).

Barron et al. (2012) argue that the peace established in North Maluku was more durable than that in Central Maluku (Ambon) because elites did not find violence profitable and other revenue streams became available that removed incentives for continued 'ethnic conflict'. While they do not mention the mine in their book, one crucial revenue stream was community development funding and employment by NHM. Indeed, until today, NHM provides development funding to 83 villages across five districts – a much broader area than is directly affected by mining – in order to avoid further conflict based on ethnic favouritism.[11] Thus NHM indirectly and unintentionally played a role in both triggering conflict and restoring peace.

## Alliances and Grievances

Following the end of mass violence in North Maluku, new grievances from people affected by the mine surfaced. Complaints such as pollution levels, disrespect of *adat*, exploitation of resources, and lack of compensation combined with opportunities for development funding which saw local farmers, fishers, villagers, ex-employees, small-scale miners, officials from all levels of government, and NGO activists join forces in protest. Importantly, this alliance was multi-ethnic and cross-religious (d'Hondt and Syahril 2010, 19–25). Not surprisingly, over time, different sections of this fluid alliance have broken off as they have benefited from their demands being met.

Talking about their involvement with the NHM case from 2003, an AMAN activist told me that:

---

[11] NMH manager of social performance, interview with the author, April 24, 2018.

> Aside from having problems with the community, land problems, land that is used by NHM has
> not been paid for; there is also problems with pollution, polluted land, chemicals spill into the
> river, polluting the river that is used by local people for their daily needs. In the wet season,
> the rivers overflow into gardens; you can see the plants dying, tomatoes and chillies dying
> from those chemicals, cyanide and mercury[12] ... In 2011 a waste disposal pipe burst … Before
> NHM came, they could eat, drink and earn income from fishing.[13]

Motivated by these grievances, protestors occupied the mine site, blocked roads and held demonstrations. Of course, these grievances are directly related to the mine – either to resentment over the initial land grab or the environmental impacts of mining and processing gold with cyanide. People affected by mining sought redress for the initial and ongoing impacts of primitive accumulation. Conflict and confrontation developed in several different directions, influenced by organisational and ideological alliances, especially the environmentalism of WALHI and pan-*adat* of AMAN.

### *Mining in protected forests*

Protest and opposition to Newcrest's mining peaked when they announced plans to establish a new underground mine – Toguraci – a few kilometres away from the existing open-pit and within the boundaries of a protected forest. Locals objected because Toguraci is a customary sacred place and a protected forest. Semi-nomadic 'Forest Tobelo' and villagers living close to the forest had still been foraging and hunting there until it was enclosed by NHM.[14] Demonstrations escalated until "operations were suspended from October to December 2003 while the mine was occupied by illegal miners" (Newcrest 2012, 25). When Newcrest says illegal miners, they are actually referring to heterogenous groups of people, consisting of small-scale miners, other locals, village officials and NGO supporters. The characterisation was used to delegitimise opposition and justify payments to Indonesian police, including *Brimob,*[15] to provide security (d'Hondt 2010; Newcrest 2012; 2015).

In January 2004, one group of protestors, trying to access a traditional forest area near Toguraci was caught and beaten by *Brimob* officers with rifle butts and sticks, with one

---

[12] Mercury is used by small scale miners to extract gold, while NHM's Industrial process uses cyanide.
[13] AMAN activist, interview with the author, March 14, 2017.
[14] NMH manager of social performance, interview with the author, April 24, 2018; Ibu Frida, *adat* elder, interview with the author, September 12, 2017.
[15] *Brimob* (Mobile Brigade) is Indonesia's paramilitary and riot police force.

protestor executed on the spot. Others allege they were interrogated in Newcrest offices and transported by a Newcrest helicopter to jail (Hamby 2016). Newcrest (2012, 144) denies that, but does not deny that it paid *Brimob* to provide security.

Forestry Law no. 41/1999 had made mining illegal in protected forests. This law was an obstacle to NHM's development of Toguraci. An explosive investigation by Chris Hamby provides evidence that executives from Newcrest mining threatened to take the Indonesian Government to arbitration under Investor State Dispute Settlement provisions in trade agreements:

> [A former NHM executive] had delivered the company's "message to the government" during a meeting with mining ministry officials, he recalled. "If we cannot mine in this area," he remembered telling them, "we will wash our hands [of] Indonesia and go to international arbitration." The message was clear: Indonesia would be sued, perhaps for hundreds of millions of dollars (Syahrir AB, quoted in Hamby 2016).

Together with similar threats from other multi-national mining companies, Hamby argues, this resulted in exemptions to the ban on mining in protected forests. In March 2004, President Megawati issued a decree allowing 13 exemptions to the Forestry Law (including Toguraci) and the national parliament passed Law No 19/2004 amending the 1999 Forestry Law to allow companies to continue mining in protected forests where contracts of work were signed before 1999, thus limiting potential liability under investor-state dispute settlement clauses (Down to Earth 2004; 2005; d'Hondt 2010).

Local activists lead by WALHI North Maluku joined forces with groups from other locations facing similar proposals to form the National Coalition Against Mining in Protected Areas. The coalition launched action in the Constitutional Court to challenge the presidential declaration and law no. 19/2004. The court eventually found that six of the mines should not have been given exemptions and upheld the other seven, including Toguraci. D'Hondt (2010) further reports that NGOs decided against appealing the decision as further legal action would have been too costly and uncertain.

With further legal avenues ruled out and protesters being beaten and killed by *Brimob*, options for directly confronting Newcrest were running out. There was a dramatic decrease in protest activity and especially in media and NGO reporting. The demoralisation of opposition is an obvious explanation for this, with one activist stating: "Since [the protestor

was killed] there hasn't been any struggle, only NGOs that struggle in the name of the people, but it is limited."[16] What is less obvious is how conflict has changed as new alliances formed around different sets of interests, particularly community development and *adat.* People affected by mining were ready to turn to participation and engagement just as NHM was prepared to expand its participatory programs.

## NHM's Participatory Mechanisms

Newcrest and NHM had to respond to mounting tensions surrounding the mine. Although media attention was confined to the provincial and limited national coverage the risk of international media attention on human rights abuses and environmental pollution posed a risk to its reputation, even if it avoided legal sanction. The demonstrations themselves posed a clear risk for the profitability of its operations. To be sure, Newcrest had a choice in how to respond. Continuing to rely on *Brimob's* violence and existing community development programs was not a good option. Instead, NHM developed new participatory mechanisms in response to conflict to determine the bounds of conflict and set the agenda, defining legitimate actors and issues.

The option that Newcrest and NHM chose was to dramatically increase community development funding, with a tenfold increase from 2004 to 2007 through a new 1% fund. This fund takes one percent of profit before tax, depreciation and amelioration and distributes it through village teams for community development programs. By 2011, Newcrest was contributing AU$22.5 million through its community development and empowerment (CDE) programs (Newcrest Mining Ltd 2011). The 1% fund is divided further into a village support program and a sustainable economic development program. The village support program is further divided into educational support, including scholarships; support for health programs; and infrastructure and social activities. Aside from the 1% fund, NHM also agreed to a new regional development contribution to provincial and regency governments and reached agreements with other community groups.

---

[16] WALHI North Maluku activist, interview with the author, September 15, 2017.

### *Participatory Village Support Program*

From 1997 until 2006 CSR was administered directly by NHM, villagers could make proposals and NHM's CSR staff would allocate funding on a case by case basis. The 1% fund began in 2006; its first full year was 2007. Not only did the amount of funding increase but the 1% fund provided more certainty and an ability to plan longer-term community development projects. To administer and allocate the funding, a three-person team was established in each village.[17] According to NHM's village team guidelines, the village teams should be appointed by village consultative assemblies (*musyawarah desa)* and NHM recommends that the village team should be made up of people outside of the village government structure, however NHM does not attempt to enforce these guidelines.[18] In all of the six villages across four districts where I met members of the village team, the village head (*kepala desa*) was the chairperson of the village team and other members were appointed by either the village head, the village consultative body (BPD *Badan Permusyawaratan Desa)* or the *musyawarah desa*.[19] The village teams were responsible for creating proposals in consultation with residents, village officials, *adat* and religious figures, and district officials[20] before presenting them to NHM's CDE manager for approval. Village teams have mostly used the funding to supplement existing village government expenditure. The money has been used to build roads, fences, churches, mosques, teacher accommodation; purchase seed, equipment for farming, and livestock; pay building and land tax; and subsidise rice.[21]

Under Indonesia's Village Law No.6/2014, village heads are elected by residents every six years while other village officials are appointed by the *kepala desa* in consultation with the *cemat* (Salim et al. 2017, 10). The law remains vague on how members of the BPD are appointed, and variation exists across villages, in some they are elected, in others they are appointed by the *kepala desa* and in others appointed by the *musyawarah desa*. The

---

[17] There are 81 villages in the five districts with approximately 50,000 residents.
[18] NMH manager of social performance, interview with the author, April 24, 2018
[19] Cemat Halmahera Utara, interview with the author, September 9, 2017; Kepala Desa, Kao Barat, interview with the author, September 13, 2017
[20] The district (*kecamatan*) governments were responsible for supporting the village teams and distributing the funding. Until 2015 the five kecematan governments received 1/6 of the 1% fund for development and administration, after 2015, all funding was channelled directly to villages. *Kecematan* officials, including the *cemat* are appointed by the *bupati.*
[21] Village head, Kao Barat, interview with the author, September 13, 2017; Chair of Village Government Business, Kao Barat, interview with the author, September 13, 2017.

*musyawarah desa* is an annual citizens assembly where villagers are consulted on village administration and development priorities. In practice, this means that political power in the village is centred around the *kepala desa* who retains final decision-making authority over the village government's budget. Indeed, Aspinal and Rohman (2017) show that elections for *kepala desa* are characterised by money politics and victors gain access to patronage networks and state resources, including the *dana desa* (village fund).[22] Village governance then, mixes democratic and consultative ideologies of representation to legitimise the allocation of development funding.

This mode of participation in village governance fits neatly with NHM's consultative ideologies of representation and provides a readymade institutional and ideological structure through which NHM's Village Support Program is distributed. By default, the program is managed by existing power holders within the village government and reinforces the status quo of political relationships and patronage within villages. In villages with good democratic practices and relatively equal distribution of funding, the 1% fund is also likely to be distributed fairly. Where villages suffer from higher levels of corruption, gendered, religious or ethnic inequality, and projects favour elite interests, this money will also reinforce these patterns. For example, during a visit to one village, two coconut farmers, who were not government officials, said that they made suggestions at the *musyawarah desa* to assist with farming but decisions about what to propose to NHM were made by the village team. The farmers were hesitant to offer opinions beyond simply describing the process – they seemed to accept the situation as default, or part of the received common-sense understanding of village politics.[23]

The implementation of the 1% fund changed how conflict was expressed, which actors were involved, and the issues they raised. The privileging of village officials within the fund makes them less likely to be supportive of NGOs who seek to organise and advocate for their villagers if that could potentially jeopardise funding and therefore patronage resources. Thus, a vital link between people affected by mining and potential allies was removed. NHM had effectively taken control of the agenda. Indeed, D'Honts' (2010) research reports that this new structure of community development has directed grievances away from NHM and

---

[22] *Dana Desa* is the main allocation of funding from the national government to village governments. The laws governing Villages, funding and village structures have recently been reformed with law no 6/2014 (See: Antlöv, Wetterberg, and Dharmawan 2016; B. White 2017).

[23] Coconut farmers, Kao Barat, interview with the author, September 13, 2017

towards villagers who influence the distribution of funding. That is, the structure of conflict changed from disparate groups of people collectively voicing protests against NHM into inter-community disputes between the administrators and beneficiaries of CDE funding and those who miss out.

All the participants I interviewed who were involved in administering the 1% fund reported two major grievances, the transparency and efficiency of the funding process. By a lack of transparency, village officials mean that the village teams merely receive a sum of money but have no way to check if it is actually 1% of revenue from mining. By efficiency, respondents meant that the approval process can be too slow to respond to evolving development needs or proposals are not assessed holistically.[24] One example given to me was that, when a village team proposed to establish an aquafarm, NHM agreed. However the equipment sourced by NHM was incomplete and not accompanied by training, so the project did not go ahead and the whole amount was wasted.[25] That is, grievances are technical and process orientated. There are other grievances, such as low numbers of locals employed in the mine, continued concern about pollution and resentment that the 1% fund is framed as community development rather than compensation for lost resources and violations of *adat*. However, these have moved into the background and are used more as justifications for demanding greater community contributions rather than issues to advocate about.

Demonstrations continued after 2007, although were less frequent, and organised at the local level by villagers, and district or village governments, as opposed to NGOs. These demonstrations also changed their objectives, focusing on the efficiency and transparency of the 1% fund.[26] Tensions over the administration of the 1% fund culminated in April 2015 when demonstrators blocked the road and all deliveries from the port every day between 6 am and 6 pm for a month.[27] These demonstrations pressured NHM into making a series of changes to the way the 1% fund is delivered.

---

[24] *Cemat* (sub-district head), Halmahera Utara, interview with the author, September 12, 2017; Village Head, Kao Barat, interview with the author, September 13, 2017.

[25] Village head, Halmahera Utara, interview with the author, March 21, 2017.

[26] Kecematan official, Halmahera Utara, interview with the author, March 23, 2017; Village head, interview with the author, March 21, 2017.

[27] Village head, interview with the author, March 21, 2017.

By 2015, NHM management had also recognised problems with the transparency and accountability of the program. From their point of view, because NHM's funding was filtered through sub-district government and village teams, they were not receiving acknowledgement for their contribution and their reputation was suffering. Reporting on projects funded through the 1% fund was minimal and management could not evaluate the effectiveness of the various projects. The lack of accountability also presented a risk under Newcrest's new anti-bribery and corruption policy.[28] Thus both sides recognised transparency, accountability and efficiency as problems, yet had different ideas about what these terms meant and how to solve them.

In 2015 NHM replaced their CSR team and hired consultants to redesign how the 1% was to be delivered and evaluated.[29] The 1% is now given as a dedicated budget to the village teams, case by case proposals no longer need to be presented to NHM's CSR team for assessment and the district governments no longer distribute funds to villages or receive a cut. Instead, village teams propose yearly budgets for approval by NHM and produce annual accountability reports.[30]

Following those changes, there is now more scope for village teams to plan long-term projects. It has also increased the significance of annual village consultative assemblies (*musyawarah desa*) in determining the strategies for CDE funding. This is the same village assembly that discusses the village fund (*Dana Desa)* from the central government. The teams and village governments attempt to align the 1% fund and *Dana Desa* as much as possible. Their view is that this supports existing projects and consolidates community development efforts.[31] The new system addressed NHM's concerns about transparency and accountability and addressed some village concerns about efficiency but did not address village concerns about transparency. NHM, in implementing its participatory community development funding piggybacked on the existing mode of participation in village governance. Producing a *de facto* hybrid state-corporate site of participation. This simplified NHM's task by fitting into existing political relationships but also cemented pre-existing hierarchies within villages.

---

[28] Manager of social performance, NHM, interview with the author, April 24, 2018.
[29] North Maluku Mining Inspector, interview with the author, September 14, 2017.
[30] Manager of social performance, NHM, interview with the author, April 24, 2018.
[31] Village head, interview with the author, March 21, 2007

In December 2016, the Ministry of Energy and Mineral Resources issued regulation (*Permen*) 41/2016 on Community Development and Empowerment for Mineral and Coal Mining Business Activities. This regulation provides for the implementation of provisions in law no. 40/2007 on Limited Liability Corporations and law no. 4/2009 on Mineral and Coal Mining requiring all corporations involved in the resources sector to develop and implement community development programs with a dedicated budget (see Chapter Four). The new regulation specified which communities count as 'local' and what kinds of development could be classified as sustainable community development. It also specified that community development programs must be designed in consultation with affected community representatives and the provincial government. For NHM, this meant that they began to divert a portion of the 1% fund from village teams into new sustainable development programs which were designed in consultation with the provincial government officials not villages.[32] It also meant that village teams had to only use their community development funding for sustainable development programs. This excluded the use of the 1% fund from paying tax, subsidising rice and many cultural and religious activities. These changes triggered demonstrations against NHM in December 2017.[33] However, regulation 41/2016 was withdrawn by Ministry of Energy and Mineral Resources regulation 25/2018 on Mineral and Coal Mining Business, which simply specifies that community development activities must proceed in accordance with work plans approved by the provincial government.

While it is evident that the dramatic decrease in reports of conflict coincided with a tenfold increase in community development funding from NHM, the question becomes how this community development funding reshaped and managed conflict. My fieldwork revealed that conflicts persist, however they have changed from conflicts over the effects of mining to conflicts over the distribution of benefits. Conflicts over funding are further contained within the established politics of village governance. I have also shown how the participatory village support program – part of NHM's 1% fund – has controlled the definition of legitimate grievances, who can advocate for them and on what terms they will be settled. The 1% was the dominant mechanism bringing about a depoliticisation of conflict. However, there were

---

[32] The implementation date for regulation 41/2016 is December 2018, by which time, NHM will have had to design or redesign the sustainability program with local community representatives.
[33] Manager of social performance, NHM, interview with the author, April 24, 2018

also other significant mechanisms from the UNDP, Regency Government and NHM's sustainable economic development program.

## *Sustainable Economic Development and Social Relations*

NHM also coordinates sustainable economic development projects with the 1% fund, but separate from the village support program, through three streams: education, health and economic development. The education and health streams work with the provincial government departments to build and refurbish schools, community health centres and a hospital in Kao. The economic development stream includes two cassava factories, a tapioca flour factory and corn, cassava and sago plantations managed in partnership with the agricultural department of North Halmahera, kecematan governments, local business partners and NGOs (PT Nusa Halmahera Minerals 2015). It is focused on creating long-term ventures that can survive after the mine eventually closes and is further divided into training programs and increased support for factories and plantations.[34] While the village support program was successful in containing conflict within village structures, the economic development stream was directed at changing local modes of production under the frame of 'sustainable development.'

In addition to the plantations established under the program, NHM has a local purchasing scheme to buy produce for processing in the factories and for use at the mine.[35] In two villages I visited in West Kao, both had experience with selling NHM agricultural produce. The first is a Kao village where a majority are coconut farmers. In attempts to establish wider cassava gardens, NHM provided fertiliser and bought the cassava. However they only paid 200 IDR per kilo. The farmers interviewed found this a laughable proposition, as they could get higher prices for cassava selling it to traders; while coconut production is more profitable again. They did not continue in the program.[36] The second village was a transmigrant village of Javanese people who have opened rice fields, NHM also has a program for buying rice and although the village official thought the price they offered was fair, the conditions were prohibitive. NHM wanted to sign a contract to take delivery of two tons of rice each and every fortnight.

---

[34] Manager of social performance, NHM, interview with the author, April 24, 2018
[35] Manager of social performance, NHM, interview with the author, April 24, 2018
[36] Coconut farmers, interview with the author, September 13, 2017.

The farmers were scared to commit because production is not stable year-round and NHM was not flexible. They were also reluctant to continue selling rice to NHM because payments for deliveries took between one and two months to process.[37] NHM's purchasing program did not fit with relations of production centring on small-holder agriculture, they required more hierarchically organised and centrally managed relations of production.

Through these sustainable economic development programs, NHM is creating (or reviving) systems of production based on medium to large-scale production, wage-labour, and capitalist managerialism. They are investing in plantations and factories while treating small-holders with contempt. The managers of the plantations and factories are regency government departments, local businesses and NGOs who NHM wants to keep close. The workers are then also kept dependent on local elites and NHM's patronage. These hierarchical, capitalist relations of production are much more favourable to mining than, for example, smallholder or collective farming as they provide more predictable local produce and a more compliant population.

What is immediately striking about this sustainable economic development is the similarity with the Dutch East India Company and the New Order's economic policy for Halmahera. Both encouraged cash cropping plantations owned and managed by local elites while labourers were at the bottom of a strict hierarchy from Jakarta (or Amsterdam) at the top, through sultanates and provincial governments, plantation managers and village governments. Thus, NHM's program utilises and built upon established economic hierarchies and capitalist ideologies of modernisation, reinforcing existing systems of economic power and patronage. These changes helped break up anti-mining cross-class alliances and left people affected by mining more likely to engage with the corporation.

### *UNDP-LEAD*

The United Nations Development Program's *Legal Empowerment and Assistance for the Disadvantaged Project* (UNDP-LEAD) is a human-rights based approach to legal empowerment and access to formal and informal justice. It operated from 2007 to 2009 in three provinces, with North Halmahera as the pilot. A primary focus of the program is supporting informal legal processes such as mediation and arbitration. The project operated

---

[37] Village official, West Kao, interview with the author, September 13, 2017.

through making grants to NGOs and university-based institutions which would, in turn, provide education, advocacy and otherwise assist disadvantaged people to improve their access to justice. One of the priority areas was 'justice, land and natural resources' (Government of Indonesia and The United Nations Development Program 2007).

The liberal institutionalist framework that informs such interventions privileges civil society and NGO actors as supporters of a broader 'good-governance' reform agenda. It conceptualises the conflict between citizens or 'claim-holders' and other parties as a failure of proper institutional function. The solution to which is disadvantaged people becoming aware of their rights and therefore empowered to demand justice via institutions that can act as neutral interventions into conflict. Indeed, the project document explicitly states the assumption that: "Governance and democracy are hollow institutional shells unless the populace has the knowledge of relevant rights and the capacity to realise them" (Government of Indonesia and The United Nations Development Program 2007, 20).

This ideological understanding and interventions based on it are dangerous and often disempowering for the people identified as intended beneficiaries. It contains the assumption that disadvantaged people are partly to blame for their situation because of their ignorance. A second dangerous assumption is that existing legal institutions are neutral arbiters that will provide a fair hearing to poor people once they demand recognition of their formal rights. Just as institutionalist theory dismisses conflicts outside formal institutions, institutionalist interventions delegitimise it (see the critique of institutionalism in Chapter Two). Through the system of grants to NGOs, the UNDP-LEAD program provided incentives to NGOs – and the communities that they support – to engage in legalistic approaches to justice instead of more confrontational methods.

To illustrate my critique, we can consider the example of WALHI. After 2007, UNDP-LEAD became the sole funder of WALHI North Maluku, which was then the leading NGO working on issues surrounding Gosowong. d'Hondt and Syahril (2010, 28–29) argue that UNDP-LEAD was central in convincing WALHI to change tactics from holding demonstrations, blocking and occupying mine sites to seeking legal redress through formal and informal legal avenues. A

local activist confirmed this "[WALHI and AMAN] changed their strategy, working with the legal system, KomnasHAM, go to Jakarta, not direct action."[38]

WALHI activists were not blind to the risks of depoliticisation and they did not accept the ideological foundation of the LEAD program. We must remember that WALHI and the community surrounding the mine were, by 2007, demoralised by the loss of the Constitutional Court challenge to mining in protected forests and the killing of one protestor. One activist told me some NGOs participated in the UNDP-LEAD program because they thought it could be an opportunity to uncover new information (such as water quality and effects of pollution) and to help their grievances reach an international audience. However, instead of being a vehicle for activists to jump-scales, like CAA (Community Aid Abroad, now Oxfam Australia) was in the Kelian case, conduct research, or otherwise empower people affected by mining, the UNDP helped depoliticise opposition to mining through individualised participation in grievance processes.[39]

## Cross-class Alliances and Adat

North Halmahera became a new regency (*kabupaten*) in May 2003. Still recovering from the destructive conflict a few years earlier, the regency held its first elections in 2006. Ir. Hein Namotemo[40] was elected *bupati* (regent) of Halmahera Utara on a platform including a more significant role for *adat* and indigenous friendly development. One of his promises was to open negotiations with NHM about their contribution to regional development.

Part of the problem was the way provincial government elites took advantage of power over newly established and then barely functional *kabupaten* governments to appropriate their resources. Law 33/2004 on Revenue Sharing from Natural Resources provides for the distribution of land rent and royalties between national, provincial and regency governments. 20% of royalties and land rent should be distributed to the national government, 16% to the province (North Maluku), 64% of land rent to the producing regency (North Halmahera), 32% of royalties to the producing regency, and the remaining 32% of royalties to be divided

---

[38] WALHI North Maluku activist, interview with the author, September 15, 2017.
[39] WALHI North Maluku activist, interview with the author, September 15, 2017.
[40] Ir. Hein Namotemo was a career bureaucrat and junior politician before the conflict. He has been credited with playing an important role in the post conflict peace process by reviving the role of *adat* as a way to bridge ethnic and religious divides (Duncan 2013, 114).

between all other regencies in the province (Duncan 2007, 729; Agustina et al. 2012, 19). However, Smith's (2009, 174) research shows that, from its establishment in 2004 until at least 2008, there were intergovernmental conflicts:

> The new North Halmahera district government (where the mine was located) regularly issued complaints to the NHM mining company over the reduced revenue share they actually received when compared with what they were promised in the legislation - it was routinely cut by the provincial government. The district government demanded the goldmine send their revenue share directly, but the company was unable to do this as it contravened legal agreements with the central government.

Namotemo and his administration further argued that NHM, as a hugely profitable foreign-owned gold miner, should make additional contributions to regional development. After one term as *bupati*, little progress had been made; Namotemo had not managed to convince NHM to make additional payments to the North Halmahera Government.

The recognition of indigenous peoples and protections for *adat* in Indonesian law is ambiguous, fragmented and fraught by overlapping conflicts and interests (T. Li 2014; Wardana 2018; van der Muur et al. 2019) .It is beyond the scope of this thesis to offer a full discussion of these issues. For now, it is enough to say that instead of appealing to national or international legal protections, *adat* supporters organised a political campaign.

This then became an election issue and the *Bupati*'s team began recruiting more of the people living around the mine to their campaign. Simultaneous to his term as *bupati,* Namotemo was the chairperson of AMAN's national representative body and in 2009, facilitated ten communities to form an AMAN branch in North Maluku.[41] Six years after first becoming *bupati* – supported by local groups motivated by interest and identity as indigenous people, provincial-level politicians, and national allies through AMAN – he managed to secure 1.5% of operating profit for the regency government and 1.1% for the provincial government. This became a new Contribution to Regional Development used by these two levels of government to supplement their development budgets.

Securing this funding was a tremendous success for the *Bupati's* campaigning in North Halmahera based on broad cross-class support for *adat* and development. However, after

---

[41] Hein Namotemo, interview with the author, September 11, 2017.

securing this funding, although continuing to promote the role of *adat* as a unifying identity – even ideology – in North Halmahera, regency level support for the more specific concerns of people directly affected by the mine about pollution and respect for sacred sites evaporated.

### *Nonga Wola and Ibu Afrida*

Namotemo's campaign saw a revival of *adat* and indigeneity as an ideology and legitimising force in conflicts over the use of natural resources in North Halmahera. This can be opposed to the common-sense acceptance or resignation to village governance as a mode of participation. The next generation has continued this revival, both as a way of surviving modernity and to claim some of the benefits of it. Gosowong was a traditional forest for hunting and gathering forest products such as wild cloves, fragrant woods, and food until 1997. In the 1940s, apparently small amounts of gold were recovered.[42] Since NHM had been operating, there had always been feelings of resentment from some Pagu Isam people that they had not been acknowledged or compensated as the traditional landowners. Even with the expanded CDE program, and development funding, some resented that they were treated the same as all other people across five kecematan when it was their traditional forest that was occupied by NHM. Thus, around 2010, a new movement emerged, led by a charismatic activist.

Ibu Afrida is school teacher from Sosol village in Malifut who has become an *adat* activist. Her story is both remarkable and illustrative of several dynamics within *adat* as a political framework. Firstly, she describes the importance of *adat* as a system regulating social relations:

> We have *adat* law [about] marriage, laws about etiquette, character. We must be polite. We have laws about land, property, like that, we have many traditional regulations. How to look after nature, take care of one another. We also have knowledge, inherited knowledge for example about medicine, about this life, many kinds of cases.[43]

As a conception of the world which "'organise' human masses, and create the terrain on which men [*sic*] move, acquire consciousness of their position, struggle, etc." (Gramsci 1971,

---

[42] Ibu Afrida, *adat* elder, interview with the author, September 12, 2017.
[43] Ibu Afrida, *adat* elder, interview with the author, September 7, 2017.

377; Q7§21), *adat* can be considered an ideology. It also becomes a basis of education and alliance building:

> I had already made education in every place, meeting with whoever, about recognising our identity as indigenous people. Starting from our mother language, I gave understanding about the land. It isn't sultan land, it isn't state land. Out of the state and us, we were here earlier. They [community members] understand, after they understand we can begin making maps. After I started education we started territorial mapping. I asked the elders to tell stories. Then we mapped coordinates using GPS.[44]

This land mapping and documenting of stories helped to establish claims of Pagu people as traditional landowners dispossessed by NHM, and other non-indigenous landowners. Ibu Frida and her allies could then make a claim on NHM:

> So, after that, we went to NHM. We weren't welcomed there so we blockaded. I brought a mass of people who were aware, and we blockaded for 48 hours at the gate … Seven trucks of people adults and children. 2012. Then it is also important that there was a network like AMAN, Komnas [HAM], journalists … it was all covered by media. Then I was arrested by police … I was taken to Polres … It was only one day in Polres because the *Bupati* is an adat person and the head of AMAN's national board.[45]

Ibu Frida's ideology, organising, networking and confrontational activism combined to convince NHM that they needed to negotiate. When a manager of community relations came to meet them after her release from the police station, Ibu Frida said:

> "Mr Terry, I want to ask you: This land we call... your base camp we call Toguraci, Toguraci and Gosowong. I want to ask you Mr Terry, the Toguraci and Gosowong [names]; [did] you bring [them] from Australia or from Jakarta? I think [they were] named by our... ancestors. So, it means this [is] our land." If Mr Terry were to say, there is no acknowledgement by the state [about indigenous land rights] then don't use this name because that means it is owned by us. And here is the map of our traditional area. Indeed, this map is not yet recognised by the Government in Jakarta. But all these sites, sites that are being explored, they are using our names. I asked them not to … He couldn't answer, he replied "What do you want?" […] I said "I want to reconstruct our original culture, I want to document all of it. So that when I am gone,

---

[44] Ibu Afrida, *adat* elder, interview with the author, September 7, 2017.
[45] Ibu Afrida, *adat* elder, interview with the author, September 7, 2017.

let's say one hundred years from now, I don't remember anymore, it isn't in my brain, but it is written." Then Mr Terry said "Good idea."[46]

With the help of a linguist from LIPI (*Lembaga Ilmu Pengetahuan Indonesia*, the Indonesian Institute of Sciences) in Jakarta, Ibu Frida negotiated with NHM to design a cultural documentation program. They signed an MOU to provide two billion rupiah (AU$194,700) in funding from 2013 to 2018 to support the construction, provisioning and activities of a Pagu documentation centre called '*Nanga Wolla*' (our house) in Sosol village, Malifut. Ibu Frida made her claim, based in a shared ideology (*adat*) and organised through national networks and local demonstrations. Through this struggle, she has been recognised as the first female leader amongst Pagu people.

The resources that she negotiated with NHM was a source of conflict with some other *adat* figures who are not happy about her growing influence and power and have begun attempting to negotiate alternative agreements with NHM. The Pagu indigenous group are historically patriarchal, patrilineal, and ruled (or guided) by a hereditary aristocracy. Ibu Frida comes from one of these aristocratic families but through her grandmother. She is both aware of the tensions and proud of transcending them:

> I have been leading for seven years. It should not be me because women are not allowed. Patrilineal, patriarchal. However, it is me who has never stopped struggling for the existence of Pagu people, for human rights, for indigenous rights. I don't stop. So, I also struggle for the reconstruction of culture, like with the documentation centre. Because of that the old people respect me. Although until now it is a dynastic system.[47]

So even while claiming to represent an authentic tradition passed down from generation to generation, aspects of this tradition can be challenged and change. The role of AMAN in this is quite significant, as they advocate explicitly for the role of women within *adat* communities across Indonesia. *Adat* is clearly a powerful ideology which can mobilise people through appeals to tradition yet is not as static as most of the literature assumes (for example Kristiansen and Sulistiawati 2016).

What is most important for the questions posed in this thesis is that a relatively small group of people, led by a charismatic woman, was able to force a multinational mining company to

---

[46] Ibu Afrida, *adat* elder, interview with the author, September 7, 2017.
[47] Ibu Afrida, *adat* elder, interview with the author, September 7, 2017.

negotiate with it. The success of this campaign contains the same elements of other successful campaigns considered in this thesis: a legitimising ideology, local activism supported by national alliances, legitimising claims to landowning and confrontational tactics which pose a threat to the profitability of mining. And like all other cases, it is also a precarious situation; their power, alliances and networks must be maintained if they are to avoid being forgotten or replaced by another group.

## *Jalan Tikus*

AMAN activists did not focus on *adat* to the exclusion of other issues. Indeed, in some ways, they intensified activism around environmental pollution. Ibu Joyce was a member of the North Halmahera parliament at the same time her husband, Hein Namotemo, was *bupati*. She was also the women's organisational coordinator for AMAN North Maluku. In 2011, a group of activists, including Ibu Joyce, followed a windy backroad (*jalan tikus*) into NHM's grounds in an attempt to find a rumoured leaking waste pipe. They snuck in at night, collected evidence and were arrested. They suspected and confirmed that NHM was dishonest about pollution. She said they knew about pollution because of dead banana and coconut trees in the area and they wanted to know what levels of contamination existed, even though NHM said there was no contamination at all. NHM did not provide further information or negotiate about pollution levels.[48] Motivated by these stories, along with consistent complaints by fisherfolk about the disappearance of anchovies from rivers, and complaints of locals falling sick with lumps and itches, AMAN organised some demonstrations in Ternate and received media coverage in 2013 and 2014 (Karim 2013; AMAN Maluku Utara 2014). Yet, to this day, there has not been any significant reaction from NHM.

Juxtaposing AMAN's struggle based in *adat* and advocacy about pollution demonstrates how NHM can control the agenda by permitting some issues to be subject to negotiation – *adat* – while keeping others off the table – pollution. The existence of the mine, its operating area, systems of production and waste disposal are non-negotiable. How NHM contributes to local development is, but only once the threat of disrupting activities through demonstrations and blockades has been proven. This had the effect of breaking apart the previous coalition that existed around environmental issues, *adat*, lack of development, and small-scale mining, as

---

[48] Ibu Joyce, ex-member of regional parliament, Interview with the author, September 9, 2017; Activist, interview with the author, September 15, 2017.

leaders have incentives to change their demands towards those with more chance of success and generating material benefit.

## Participatory Environmental Monitoring

Before concluding, I want to consider a participatory mechanism that NHM has *not* implemented. Throughout this chapter, I have highlighted how NHM's participatory mechanisms have shaped the agenda of permissible grievances. Grievances about pollution and effects on fisheries close to the mine area have also been persistent since 1999.

There are only a few publicly available studies on the environmental impacts of NHM's mining activities and grievance holders do not have the resources to conduct their own research.[49] A study led by Bogor Agricultural University in 2010 found dangerous levels of cyanide and mercury[50] in fish caught in Kao Bay, where any pollution from the Gosowong mine enters the sea (Simbolon, Simange, and Wulandari 2010).

Newcrest is a signatory to the *International Cyanide Management Code for the Manufacture, Transport, and Use of Cyanide in the Production of Gold* (the code),[51] a voluntary set of standards against which signatories are audited. Compliance involves self-monitoring and auditing by independent consultants. From 2011 to 2015, monitoring results from the Kobok river, where NHM discharges its wastewater, found cyanide levels:

> consistently recorded as being <0.05 mg/L which is greater than the compliance level of <0.022 mg/L … any releases of solution resulting in a free cyanide concentration of more than 0.022mg/L measured below the mixing zone will be regarded as an environmental emergency event that requires NHM to follow a set process, including raising the alarm, notifying the ERT captain, taking samples and mitigating the release event. […] NHM could not produce evidence that it complied with these requirements, including incident investigation and reporting for each event. As the operation could not show that free cyanide levels at S12KR are less than the compliance level of <0.022mg/L, NHM is now considered to be Non-compliant with this standard of practice. (Golder Associates 2015, 17).

---

[49] See d'Hondt and others (2010) for a summary of studies conducted before 2010.
[50] Cyanide pollution is a result of NHM's industrial gold mining activities while mercury is used by small-scale miners.
[51] See Chapter Four.

These levels could be enough to harm and kill fish in the river:

> Concentrations of free cyanide in the aquatic environment ranging from 5.0[52] to 7.2 micrograms per litre reduce swimming performance and inhibit reproduction in many species of fish. […] Concentrations of 20 to 76 micrograms per litre free cyanide cause the death of many species, and concentrations in excess of 200 micrograms per litre are rapidly toxic to most species of fish (International Cyanide Management Institute n.d.).

NHM disputes that they have polluted the river, despite these findings, and refuses to release more detailed information. NHM's position is that they release monitoring results to the government and it is the government who chooses not to publicise the reports.[53] Meanwhile the regency government is under-resourced and under prepared to independently investigate and act upon the data they are presented.

Although there has been periodic agitation by people affected by pollution, WALHI, and AMAN, there has not (yet) been enough pressure or publicity about pollution to force NHM to negotiate, investigate, consult or implement a participatory monitoring program. Key allies who agitated for and now receive CDE funding do not have the same interest in confronting accusations of pollution. Because both Indonesian legislation and international standards that apply to NHM are either voluntary, not public, or unenforceable, NHM can choose what issues they engage stakeholders about. Yet this choice is not just a moral or commercial judgement about public good or ethical responsibility. This choice becomes more about how they can best respond to different interests affected by the impacts of mining and the political, social and economic conditions they face. They have effectively shut down debate through avoidance.

## Conclusion

The Gosowong gold mine presents an exemplary case in the study of contemporary trends in multinational mining corporations enacting participatory mechanisms. Newcrest's own experience—being mired in violent conflict, experimenting with repression, and eventually turning towards participatory CSR guided by international agreements—mirrors the account I have provided about the extractive sector globally. Newcrest and NHM have employed

---

[52] 5.0mcg = 0.005mg.
[53] Manager of social performance, NHM, interview with the author, April 24, 2018.

tactics to control conflict, from hiring paramilitary police as security, to attempting sustainable economic development initiatives, and to increasing contributions to regional development. My research shows that NHM is sensitive to demonstrations and is quick to make concessions but very rarely gives in to the specific demands of protestors. Its participatory mechanisms serve two purposes: containing conflict generated by the ongoing disruption rooted in acts of primitive accumulation; and facilitating changes in local relations of production and reproduction more favourable to extractive industries.

Participatory mechanisms implemented by NHM have changed the form of demonstrations, from large, confrontational and well-publicised blockades, expressing a collection of grievances, to smaller, single issue, and less widely reported demonstrations. The aims of most demonstrations have also changed – from opposing the expansion or practices of mining to seeking more transparent and efficient forms of participation. Each participatory mechanism implemented by NHM embodied a slightly different consultative ideology of representation as they mixed with local conditions. The village support program fit with the pre-existing mode of participation – the ideologies of representation and institutionalised patronage networks – embodied in village governance and so was rather successful at redirecting and containing conflict. The sustainable economic development programs, legitimised by sustainability, and fitting into regency level political economic hierarchies more actively intervened in relations of production. While in the case of Ibu Frida, it was Newcrest that was receptive to her particularistic ideology rather than the other way around. This diversity of ideologies and institutional structures within this single case underlines the forms that participation takes is shaped by the receptivity of affected people.

The demoralisation of the failed Constitutional Court case, the killing of a protestor, the UNDP-LEAD program, the regional contribution to development, and NHM's sustainable economic development program have all helped to change how particular actors have engaged in conflict. However, it is the village support program that has aligned the interests of village governments with those of NHM and facilitated a depoliticisation of conflict.

In stark contrast to the assumptions of institutionalists, best exemplified by the UNDP's LEAD program, people affected by mining, their NGO allies, and politicians representing them have been able to extract many concessions from NHM through direct negotiation and confrontation, especially through organising demonstrations and blockades. Institutional

solutions and 'good-governance' played no role in securing the rights of people affected by mining.

It will be instructive to see if, after its sale from multinational Newcrest mining to the domestic Indotan Halmahera Bangkit in March 2020 (Newcrest 2020b), NHM maintains similar participatory strategies and alignment with international standards. Any change in strategy as NHM continues to plan for mine closure may provide further evidence of the influence of international self-governance standards and the ideologies embedded within them.

Kulon Progo (next chapter) provides an instructive contrast in how and why participatory mechanisms are contested, co-opted, embraced or ignored by people affected by mining. In Kulon Progo most people affected by mining militantly rejected participation, whereas around Gosowong they accepted participation as a way to receive some benefit from the mine. The main reason for this is that the land that NHM is mining was forest, not farmland, and so few people have had their livelihoods directly threatened and they were more receptive to NHM's consultative ideologies. The contestation around Gosowong is not about the existence of the mine but about what is considered a fair contribution to the surrounding communities and who should benefit. Where there was enough ideological common ground between the ideologies of representation adopted by NHM and people affected by mining, on issues such as sustainable community development and support for indigenous culture, participation produced results for both sides, even as these results represented a process of contestation and compromise. Where there was little ideological receptivity, on environmental pollution, participatory mechanisms were not established, and no compromises were achieved.

In addition to the difference in land conflict, alliances are more vertically organised (cross-class) in Halmahera than in Kulon Progo. This is because of differences in their organisation of agricultural production, histories of organisation and ideologies. It is a product of historically produced social relations of production and reproduction, which left people in North Halmahera less experienced in organising autonomously from rulers.

The ideological basis for contestation is similarly different. In Halmahera indigeneity and *adat* lends itself to conceptualising struggle as between 'local' people, no matter their class position, and 'outsiders'. The main organisation supporting local people in Halmahera was AMAN, a natural fit as it promotes indigenous rights across Indonesia, the engagement with AMAN was facilitated by and reinforced *adat* and indigeneity as an identity and ideology,

160

which did not explicitly challenge class-relations. Whereas in Java, peasant struggles have a much longer history of 'the people' (*rakyat)* struggling against landlords and capital. Together, these comparisons support my argument that the most crucial factors in structuring both opposition to and participation is land, relations of production, histories of organisation and ideology.

# Chapter Seven: Iron Resistance in Coastal Kulon Progo

This final case study is an example of an exceedingly rare occurrence: a group of people whose land and livelihoods were threatened by a proposal to establish a mine successfully resisted the attempt. They did not merely extract concessions or greater compensation. My other two case studies have demonstrated that participatory mechanisms are enacted by mining companies for two main purposes: first to contain conflict; secondly to facilitate changes in the means and relationships of production in the area surrounding the mine. In this case study, the mining company, PT Jogja Magasa Iron (JMI), attempted but failed at both. People affected by the mining project organised militant resistance to the mine and consequentially it never developed beyond a pilot stage. This demonstrates the significance of decisions taken by people affected by mining about if and how to engage in participatory mechanisms. More interestingly, this case provides an example of how local people can find sources of power apart from corporate invitations to participate, assistance from NGOs or other institutions. This chapter then focuses more on the question of why, how and when people affected by mining decide to reject participation and take other courses of action.

The most significant factors explaining the choices of people to resist, and their capacity to do so are: *control* of land, but not necessarily legal ownership; cooperative, non-hierarchical relationships of production and social reproduction; histories and experiences of organisation; ideologies; and alliance structures.

This chapter proceeds in six parts. The first is a history of the area, the mining proposal and the development of mining, including the partially successful land acquisition. The second is a description of the participatory mechanisms that JMI has implemented – *sosialisasi,*[1] village teams, micro-credit *korporasi,*[2] and negotiations for compensation. In presenting empirical data, it will become clear that the mechanisms were all ineffectively implemented because

---

[1] *Sosialisasi* could be translated as socialisation or consultation. I use the Indonesian word because 'consultation' connotes a two-way dialogue whereas *sosialisasi* is more of an attempt convince the audience without necessarily asking for their feedback.

[2] The Indonesian word '*korporasi*' could be translated as cooperative or corporation. I use the Indonesian word because these *korporasi* function similar to both cooperatives and corporations.

they relied too heavily on alliances with government and elite actors and failed to include local peasants.[3] In the public relations of JMI, the peasants and conflict are entirely ignored, reflecting arrogant attitudes towards rural people. Local peasants were at first not invited and later refused invitations to attend any company organised events.

The next section turns to focus on the local activist organisation, the PPLP-KP (*Paguyuban Petani Lahan Pantai Kulon Progo,* the association of shoreline farmers Kulon Progo), who have organised local militant resistance and formed alliances with other groups in Indonesia and internationally. Their power results from their independent organisation, militant tactics, and productive management of their land. To explain this it is necessary to examine the development of their farming methods, organisation and relationships since 1985. This has led to independent organisation of their social relations of production and reproduction and an anarchistic ideology developing amongst the peasants which translated quickly into a well-organised resistance. The fourth section describes the various alliances the PPLP engaged in and particularly how the most successful alliances were those that fit best with the peasants' evolving common-sense understanding of the world and those that addressed gaps of knowledge and skills in the villages. In the fifth section, an analysis of gender relations and the gendered division of labour lends further weight to the argument that relationships of production and social reproduction help determine the organisation of political groups. Yet this relationship can also be reversed, an analysis of gender roles shows that participation in resistance opened opportunities to create more equitable gendered divisions of labour.

The sixth and final section turns to one of the six villages affected by the mine, Karang Wuni, where the outcome of participatory mechanisms has been the reverse of the other five villages – Banaran, Karang Sewu, Bugel, Pleret and Garongan (see map below). Slight variations in land ownership patterns, ideology and alliances led to first a few, then most peasants participating in negotiations with JMI and finally relinquishing their land. However, the *korporasi* in Karang Wuni is organised democratically and transparently, animated by very similar forms of organisation and ideology as the other villages.

---

[3]Thorough this chapter I translate the Indonesian word *petani* as peasant and refer to the small-scale farmers who work their own land and/or land supposedly owned by the Paku Alam royal family as peasants. For further discussion on the politics of peasants and farmers in feudal and capitalist societies, see: Wood (1998) and specifically on the Indonesian context; Lucas and Warren (2013).

*Figure 4 - Coastal Kulon Progo showing the mining area and affected villages*
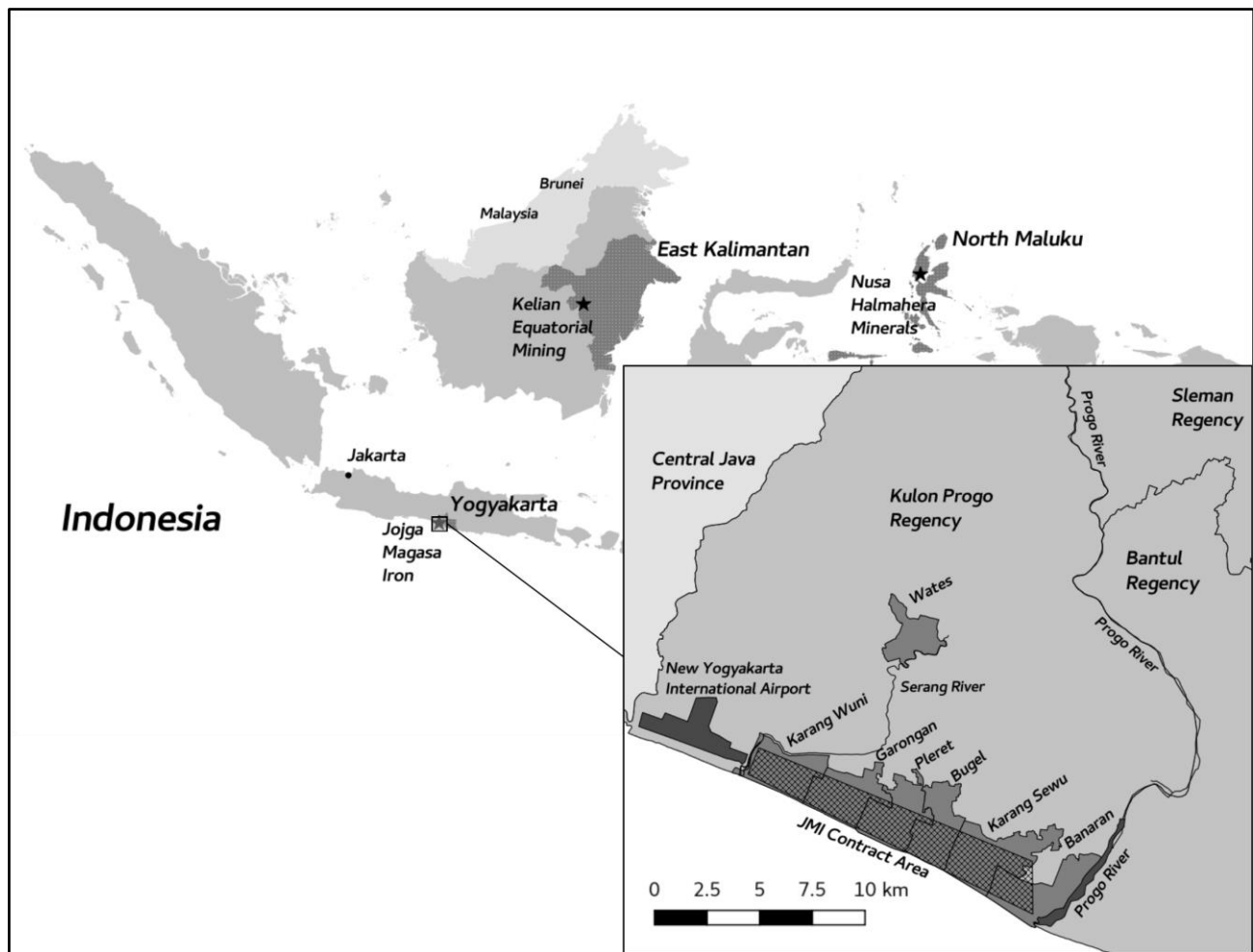


Map created by the author in QGIS using open source data

# The Iron in the sand

Iron was discovered in the dunes on the south coast of Kulon Progo Regency in 1964. Attempts were made to identify exploitable iron sand resources in 1973 and 1975; however, interest evaporated until the mid-2000s (Naidoo, Pertel, and Ghavalas 2017, 10). In 2005 PT Jogja Magasa Mining (JMM) began to develop a proposal to exploit the iron in the sand. JMM is described as "a consortium of individuals, including the Sultan of Yogyakarta" (Indo Mines ltd 2015, 7). The following year, Indo Mines Limited, a small exploration company listed on the Australian Stock Exchange, made investments in the project, acquiring a 70% stake and began test drilling (Indo Mines ltd 2006). In 2008, a Pilot Plant was constructed on site (Indo Mines ltd 2008). 2008 also saw PT Jogja Megasa Iron (JMI), the operating company jointly owned by

Indo Mines and JMM, sign a Contract of Work (CoW)[4] with the Indonesian government (Indo Mines ltd 2009, 6). In 2009, Indo Mines secured project finance from the London mining finance company Anglo Pacific plc (Indo Mines ltd 2016, 39). The mining plan is to extract iron from the 6m deep coastal sand dunes and produce 2.0Mt/year of pig iron concentrate for 18.5 years from a beneficiation plant which could then be exported or refined further at a smelter in Indonesia (Naidoo, Pertel, and Ghavalas 2017, 27).

Indo Mines' two main partners in this project are the Sultan's family, who own 30% of JMI through JMM and the Pakualaman[5] royal family who claim ownership of a majority of land in the contract area. Through these initial partners, JMI found allies in the regency and village governments. Between 2012 and 2014, Rajiwali Group, a major domestic conglomerate owned by Peter Sondakh, bought 57.12% of Indo Mines shares (Indo Mines ltd 2012; 2014). This alliance between international capital, one of the largest domestic corporate conglomerates, provincial royal families, regency and village governments represents a formidable elite alliance wielding considerable power within Indonesian political and economic structures. This alliance is especially formidable given the extensive patrimonial relationships and deep cultural reverence for the royal families of Yogyakarta (Jati 2013).

The same geological process that made the coastal strip rich in iron also gave it a kind of fertility which local peasants have learnt to harness, growing chillies, vegetables and fruit to provide for their livelihoods. Therefore, the area subject to the proposed mine almost precisely overlaps with farmland supporting a community of approximately 2,000 peasants in 400 families spanning the southern edges of six villages (Widodo 2013, 125). The proposal to mine involved borrowing sections of the land for years at a time, progressively mining the 22km long, 1.8km wide contract area (Jati 2013). While each section was being mined the farmers would not have access but would potentially be compensated during that time with

[4] For 3,000 ha for 25 years (Yanuardy 2012, 11). The initial CoW spanned eight villages along the south coast of Kulon Progo Regency in the Special Province of Yogyakarta. The two westernmost villages were later excluded because of plans for a state-built airport in that area. Therefore, I only consider events in the six villages that lie west of the Progo River and East of the Bogowonto/Serang river.
[5] Yogyakarta has been ruled by the heads of two royal families, the Sultan and Paku Alam. Since Indonesian independence, Yogyakarta has maintained a special (*istemiwa*) status. It is the only province in Indonesia where the governorship is hereditary, the Sultan is the governor and Paku Alam the vice-governor (Aditjondro 2013; C. Brown 2003, 63).

other areas of land currently abandoned. However, as detailed below, the actions of peasants prevented further development of the mine from 2008 until Indo Mines' economic position had deteriorated beyond feasibility.

By 2015, the global iron price had fallen,[6] leading Indo Mines to close the pilot plant and focus on "operating cost optimisation" (Indo Mines ltd 2015, 7) while still pursuing outstanding approvals. Indo Mines (2015, 11) has stated their intention to make the project compliant with the *Equator Principles* (Chapter Four). This would entail a higher standard of consultation and participation with mining affected people while opening up the range of capital investors available to Indo Mines. At the same time, the Indonesian government was overhauling Indonesia's mining laws, (see Chapter 4) which changed the CoW system to a licencing system, imposed domestic ownership requirements and restricted the export of unprocessed concentrates.[7] This led one independent expert valuation to discount the value of the project by 80% (Naidoo, Pertel, and Ghavalas 2017). By 2017, Indo Mines was facing risks that it might not remain a going concern until Rajawali placed a takeover bid, increasing their ownership to 76.49% and then delisting Indo Mines from the ASX on 21 August 2018 (Chambers 2018).

Before the fall in global iron prices and reform of mining laws, the most significant obstacle to the mining project were the peasants themselves and complicated landownership claims. Despite JMI's powerful political allies, they failed to execute the primitive accumulation (land-grab) required to establish the mine.

### *Land acquisition*

Negotiations for land acquisition were complicated by contested ownership of land. Within the project area (about 3,000 hectares), there are three categories of land: certified land owned by individuals or families outright, including homes and some cultivated land; public (state) land; abandonded land; and uncertified cultivated land and heaths (*tegalan*) managed by individuals or families. About 30% of land falls into this third category and is subject to contested claims of ownership (Widodo 2013, 125). On the one hand, the majority of peasants who had been farming there for generations believed themselves to own the land,

---

[6] From December 2014 to October 2015 the price of pig iron in China fell by 30%.
[7] See Chapter Four for detail about changes in Indonesian mining regulations.

even though it is not certified, through Indonesia's Basic Agrarian Law of 1960 (BAL).[8] On the other hand, the Paku Alam royal family believed themselves to be the rightful landowners through feudal land ownership traditions reaching back to the Treaty of Giyanti of 1755,[9] and enshrined in the Special Yogyakarta Law of 2012 (UUK).[10]

The BAL is the main legal reference for land title in Indonesia, written as a postcolonial compromise on land reform between the dominant factions in Indonesian politics at the time: the communists, Soekarno's nationalists and the military. Land reform provisions include adverse possession of land and redistribution of land owned by absentee landlords, based on the principle that land is a social relation between the people of Indonesia rather than a commodity. Conflict over land redistribution, including direct action and occupations by peasants has been a consistent feature of Indonesian politics (Lund and Rachman 2016). The BAL has, however, been interpreted and applied differently by every government since 1960 (Lucas and Warren 2013; McCarthy and Robinson 2016).

On September 24, 1948, Sultan Hamengku Buwono XI, father of the current Sultan declared that the BAL applies in the province of Yogyakarta, implying that peasants working untitled land (*tanah garapan*) are entitled to certification (Aditjondro 2013). However, the Special Yogyakarta Law states that all untitled land in the province of Yogyakarta is owned by the Sultanate (Sultan Ground) or the Pakualaman (Paku Alam Ground).[11]

Under the contracts written by JMI and offered to peasants, the land would be formally classified by BPN (*Badan Partanahan Nasional* – the national land office) in Kulon Progo. In the areas of contested land ownership, the land would be recognised as being owned by the Pakualaman but with land use rights (*hak garap*) belonging to the local peasants. Therefore, for these areas, the peasants need to sell their use rights to JMI *and* agree that the

---

[8] *Undang-Undang Republik Indonesia No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.*
[9] The Treaty of Giyanti ended the sovereignty of Javanese kingdoms and established the Yogyakarta Sultanate as subordinate to the Dutch East India Company. The Paku Alam was established as a dutchy directly responsible to the colonial government in 1813 and given control over territory to the west of the Progo river (Carey 2007, 394; de Jong and Twikromo 2017, 76). This began the pattern of the royal families facilitating land grabs by foreign investors (C. Brown 2003, 63, 76–77).
[10] *Undang-Undang Republik Indonesia No. 13 Tahun 2012 tentang Keistimewaan Daerah Istimewa Yogyakarta.*
[11] Dutch colonial laws Rijksblad Kasultanan No 16/1918 and Rijksblad Kasultanan No 18/1918 contained similar provisions and facilitated land grabbing for European owned factories and plantations before Indonesian independence (Aditjondro 2013, 91).

Pakualaman is the ultimate owner. In return, they will receive land certificates from BPN and compensation (PT Jogja Magasa Iron 2013). JMI's Contract of Work with the national government entitles them to mine the land for 30 years, during which time rent will be paid to the Pakualaman (Indo Mines ltd 2015). In areas where land ownership is not contested, peasants have been free to decide to sell their land or not. In areas where the peasants are withholding their consent and refusing to certify their land, a stalemate has ensued. JMI is dependent on the Pakualaman and the government enforcing their claims to land ownership. However, at least until the time of writing, they seem unwilling to move against the organised PPLP. Only in Karang Wuni have negotiations proceeded; events that are discussed in the final section of this chapter.

As it became clear that these peasants would not merely move aside, JMI attempted to establish participatory mechanisms to both control patterns of conflict and to change social relationships within the coastal villages. Yet these failed to effectively engage the peasants whose land was required, indeed they created further divisions and polarisation within and between villages.

# Participation Failed

Local staff implemented several participatory strategies as part of their community relations efforts. *Sosialisasi* (consultation) meetings were held from 2005*,* designed to present information about the project, convince the audience of its benefits and identify potential allies. Village teams were established to facilitate activities and give JMI a local presence. *Korporasi* or micro-credit cooperatives were established in each of the six affected villages. Negotiations for land acquisition were complicated by contested land ownership and resistance.

### *Sosialisasi*
JMI began *sosialisasi* activities in 2005. Peasants whose land would be affected by the mining project were not invited to the initial round of meetings, leaving them to find out about the plan via word of mouth from some who did attend. In contrast, JMI officially invited representatives of village governments, civil servants and local business people, who lived

and worked outside the contract area.[12] Support from these groups was almost guaranteed, as all would potentially benefit from employment opportunities and community development programs without facing adverse consequences directly.

After it became clear that there was potential for resistance to the mine, JMI made attempts to invite peasants to the meetings. One PPLP member was invited to a *sosialisasi* meeting facilitated by the head of her hamlet and the son of the Paku Alam. When she asked a question about how the mining will affect the height of the dunes and seawater incursions, her question was dismissed, and she was never invited again. She told me: "Maybe they are afraid my knowledge and questions will provoke other people to think more. They only invite people who agree and nod."[13] By this stage, PPLP members decided they would not engage with the company. The PPLP demonstrated and blockaded subsequent *sosialisasi* events. On May 24, 2007, the *sosialisasi* team was stuck inside the building which was surrounded by PPLP members until *Brimob*[14] officers cleared the way.

### *Village teams*

JMI established coordinator teams in each affected village. Made up of residents, their role was to socialise the mining project within the community, convince their neighbours of its benefits, and organise support for JMI. One farmer I interviewed worked his small piece of land before 2006, however it was not enough to produce an income to support his family. Once he heard rumours about the mining plan in 2005, he attended a *sosialisasi* meeting organised by the Pakualaman:

> There were many questions and many rejections at the start. First, I refused the mine, but then I was unemployed, like lots of other people were unemployed. I asked them what is the benefit, what is the impact on the people here? They told stories. They said that the project would absorb labour.[15]

After six months of consideration, he decided the promise of employment in the mine could be the best way to support his family. He became one of six community coordinators from two villages. Life became hard for him and his family as his village was overwhelmingly anti-

---

[12] Village head, Kulon Progo, interview with the author, Feburary 24, 2017.
[13] PPLP organiser, interview with the author, September 27, 2016.
[14] *Brimob* (Mobile Brigade) is Indonesia's paramilitary and riot police force.
[15] Shoreline resident, Kulon Progo, interview with the author, March 3, 2017.

mining. He was ostracised from public life and his activities were disrupted, prompting him to move with his family outside the area, until 2015 when the situation was calmer.

PPLP members also talk about 'horizontal conflict' between residents who were pro- and anti-mining. PPLP members refused to attend events organised by anyone they considered pro-mining, ostracised pro-mining neighbours from anti-mining mosques, and stopped their children from playing with their friends if their parents were pro-mining and vice-versa.[16] This ostracization was in part a result of a deeply polarizing issue dividing a community and in part organised and encouraged by both the PPLP on one side and JMI's community coordinators on the other. In the five villages where there was an overwhelming rejection of mining, this had the effect of completely undermining the work of JMI's community teams. In contrast, in Karang Wuni the community team fulfilled its functions, ultimately facilitating the acquisition of land by JMI.

## *Korporasi*

In 2011, JMI established *korporasi* in each village. The *korporasi* provide microfinance to members and an official mechanism through which JMI can procure local goods and services (mostly labour or food). Membership is open to all residents of each village, not only those affected by mining. Both functions bring JMI into the field of economic and community development and attempt to create new community interests which are aligned with JMI's.

Each *korporasi* was established with fifteen million rupiah. If they were successfully established after one year, JMI granted another 35 million, and if after the end of another year the *korporasi* was still functioning, it was granted a final payment of 50 million, bringing the total funding to one hundred million rupiahs (total AU$10,164). Eight village *korporasi* received the initial 15 million, three received the second grant of 35 million and only in Karang Wuni was the final 50 million IDR grant made.[17] In all the other villages, it appears that the money was mismanaged or unaccounted for. One village head told me that the initial 15 million payment was divided up amongst friends of the coordinator appointed by JMI.[18] Like with the other participatory mechanisms, PPLP members refused to participate in the

---

[16] University student and resident of coastal Kulon Progo, interview with the author, September 27, 2016.

[17] Member of Karang Wuni *Korporasi,* interview with the author, March 3, 2017.

[18] Village head, Kulon Progo, interview with the author, February 25, 2017.

*korporasi.* In Karang Wuni, as we will see below, this was not the case. This refusal to participate seems to have both effectively undermined the *korporasi* and left them open to corruption.

Of the participatory mechanisms, the village teams, *sosialisasi,* and support for community events succeeded in finding and securing the support of some allies: village elites, entrepreneurs, some underemployed and some peasants with very small parcels of land. Likewise, the *korporasi* had the potential to align the interests of peasants with JMI's. However, in the areas dominated by the PPLP, all mechanisms were undermined by opposition to mining. Indo Mines misread the situation, believing that the Pakualam was the unambiguous land owner and that the support of the Pakualaman and Sultanate would be enough to secure land for the project. They relied too heavily on an institutional reading of the political situation and the advice of their local partners who had their own interests and downplayed conflicts with local farmers. Its articulation of consultative problem-solving representation was too narrow to secure legitimacy from affected people.

Unlike in Gosowong, the coastal peasants were not well integrated into existing state or corporate relations of production, reproduction or ideologies. While the participatory strategies of Indo Mines may have fitted well with the ideology and institutions of feudal Yogyakarta, they stood in direct opposition to the peasants' interests and understanding. With the failure of all participatory mechanisms in five out of six villages affected by the mine, the key question becomes why did the coastal peasants from the PPLP choose to militantly reject JMI's participatory mechanisms? Furthermore, what was the base of their power and how were they successful?

## Farming is fighting

Peasants living in the area first heard about the project either through rumour or when company people came to collect samples. Resistance began almost immediately when some farmers brought questions to their village governments asking why people were coming to their land without permission or notification.[19] After the debacle of JMI's *sosialisasi* program,, several of the hamlet (*dukuh*) based peasants' groups (*kelompok tani*) from six villages met

---

[19] PPLP organiser, interview with the author, November 21, 2017.

on April 1, 2007 to decide for themselves how to respond to the mining proposal. The inaugural meeting unanimously decided to oppose the development of iron sand mining on their land, to "*bertani atau mati*" (farm or die) and formed the PPLP as the primary organisation of resistance (Widodo 2013, 11). The PPLP adopted a combination of militant confrontation, sabotage, blockades, rejection of mainstream NGOs, and solidarity actions organised through networks of peasants and urban-based activists.

## *Tactics*

Between May 2007 and 2012 the PPLP and their allies engaged in a series of militant direct actions, protests and blockades. During this time, the coastal areas of Kulon Progo became notorious as dangerous places for outsiders to pass through. Roadside posts (*posko*) were constructed all through the PPLP's area, adorned with anti-mining slogans, from which PPLP members monitored the coming and going of everyone. Parades were organised as both celebrations and demonstrations of support, attracting thousands of farmers who marched, packed into trucks or rode motorbikes without mufflers. Roadblocks were frequently established, anyone suspected of involvement with mining activities was turned away, and *sosialisasi* meetings were blockaded.

On a couple of occasions, at demonstrations at government offices in the regency capital of Wates, ten kilometres to the north, protestors fought with riot police who were attempting to break them up, using improvised weapons like rocks and bamboo against the police batons, tear gas, shields and water cannon. On 23 October, 2008, PPLP members protested at the regency parliament Kulon Progo over the issuance of mining licences. They occupied the parliament buildings for three days and three nights. In January 2009, when PPLP organiser Pak Tukijo was on trial,[20] thousands of farmers surrounded the court building, threatening to storm it if he was found guilty. He was found not guilty. The largest demonstration outside Kulon Progo was held at Gadjah Mada University on June 21, 2008 when more than five thousand people demonstrated about UGM staff providing expert assistance to JMI's environmental assessment and rehabilitation study processes.[21]

---

[20] Charged with '*pencamaran nama baik*' (slander or defamation).
[21] Solidarity activist, interview with author, September 8, 2016; see also Aditjondro (2013, 93).

Two days after the occupation of the regional parliament, around 300 hired thugs (*preman*) entered the PPLP's area and burnt down several *posko.*[22] Fortunately, they left after PPLP members rallied to confront them and interpersonal violence was avoided.[23] Pak Tukijo was arrested again, following a confrontation between PPLP members in Karang Sewu and JMI employees. This time he was jailed for 28 months from May 1, 2011 (Widodo 2013, 30).

Through these militant tactics, the PPLP managed to hold off development of the mine until the drop in global iron prices forced Indo Mines to suspend operations, Indonesian mining laws changed, and Indo Mines ran out of capital. As activity around the mine site decreased, so too did the frequency of demonstrations. The PPLP still holds parades on their anniversary, attracting thousands of peasants and supporters, as a celebration and as a demonstration that they can still mobilise large crowds.

Even more than these militant actions which stir controversy and made the PPLP infamous, all members interviewed expressed that, for them, their most important and effective strategy is to simply keep farming and managing their land well. One peasant who I interviewed on her land told me:

> Planting and farming are the *most* important, don't let this land be empty. If it is empty, people will think it is not productive, it won't be useful for the people... I think it is more important to manage our land. There are so many discussions, so much theory, the practical is more important.[24]

Likewise, Pak Tukijo, told me:

> Maybe JMI is just waiting for my generation to die - but the younger generation will step up as long as the land is productive. If the harvests are good and the land is managed well, people will be willing to defend it. ... I'm just scared if the harvests fail, then people won't feel so strong and defend their land. That is why as long as we keep busy managing the land and don't get distracted, we won't be defeated.[25]

And so, the coastal peasants do not allow the attempted land grab or even the struggle to defeat the mining project distract them from what they are struggling for – their land. Hence

---

[22] Exactly who the attackers were or were hired by is disputed, Hamlet head, interview with the author March 3, 2017.

[23] Solidarity activist, interview with author, September 20, 2016; PPLP organiser, interview with the author, September 21, 2016.

[24] PPLP member, interview with the author, September 27, 2016.

[25] PPLP organiser, interview with the author, November 21, 2017.

the most famous slogan of the PPLP: "*Menanam adalah Melawan*" (Farming *is* Fighting). What they are struggling for is the same as the struggle itself.

Why was the PPLP so successful? Why did they choose militant resistance to mining? Why did they refuse participation and negotiation with the company and the government? To answer these questions, I turn to explain the development of the means and relations of production, social reproduction, ideology and alliances amongst the peasants.

### *Sand and chillies*

To understand the decisions of people affected by the mining proposal, it is important to first understand a little about farming systems on the coastal strip of Kulon Progo.[26] It is the political economy of chilli and vegetable production along with relationships of production that have given these communities their staunchly independent and communal character (Jati 2013). Peasants here do not grow rice in irrigated plains like peasants in most areas of Java, they do not grow tobacco like peasants in mountainous areas and there have never been any large plantations or forced agriculture on this land. The soil – or rather sand – on the coastal strip is very different from the soil found on the plains and mountains of Java and is not suitable to these major agricultural commodities (Kusumaningrum and Mustafa 2015). The farmers grow chillies, melons, aubergines and other fruit and vegetables. This means that they are less integrated into the agricultural political economy of Yogyakarta or Java and are relatively unaffected by the government and private conglomerates that control trade in rice, sugar cane, tobacco, tea, cloves and other major agricultural products. They are also less integrated into regency and provincial systems of political patronage.

More significant for our purposes is the history of the development of farming techniques along the coastal strip, which has occurred since 1985 – extremely recently compared with other agricultural systems in Yogyakarta and Java. Before 1985, farming in the "*gersang dan tandus*" (arid and barren) (Suliadi 2015, 82) coastal strip was extremely marginal. Farming occurred during the wet season, only very low value yams, cassavas, peanuts and some corn were cultivated without irrigation while pandan leaves and bamboo were collected from the

---

[26] These practices are not entirely confined to the regency of Kulon Progo but extend westward along the coast into central and even west Java – the borders are determined by natural geography and history rather than state lines.

wild. In the dry season people searched for work, either as farm labourers in rice fields further north or as migrant labourers in large cities or even abroad. Residents were extremely poor and say they were marginalised from Yogyakarta society as *wong cubung*. [27] This marginalisation is the result of the colonial plantation system, of sugar cane production, and continued feudal systems of land ownership in Yogyakarta, creating landless peasants who moved to the unpopulated coastal strip to eke out a living and avoid state control (Yanuardy 2012; Jati 2013).

The story of how current farming practices developed has become something of a local mythology. In 1985, one farmer saw a chilli plant growing in the wild and thought to himself, "if I nurture this and give it water, it could be very beneficial to the people."[28] He did nurture the chilli plant, he planted more and found that if you gave them water, they would also grow in the dry season. Once his friends saw his initial success, they joined in the experiment, they dug wells with bamboo, experimented with different crops, talked over coffee after work, formed peasant groups, levelled and cleared the sand dunes and cultivated fields. Slowly, through ongoing cooperation and collective experimentation, they developed new farming techniques. Concrete wells replaced bamboo, plastic pipes and electric pumps replaced watering cans and the peasants developed a comfortable standard of living.[29] Hard data and statistics on economic development in coastal Kulon Progo are rare and unreliable even in Indonesian and Javanese language sources. The lack of official data from this period confirms the oral histories of older peasants that this was a marginal area, outside the interests of state and corporate actors.

From the early groups that formed to collectively experiment with farming techniques, more formal *kelompok tani* (farming groups) emerged. Organised at hamlet level, each group coordinated planting and harvesting schedules so that labour could be shared across each other's land. They coordinated construction of roads into the farming area to allow better transportation and in the early 2000's they started to introduce more mechanised farming techniques. Some peasants' groups bought tractors and other tools that are collectively shared, while in other places individuals would buy tractors and rent them to their neighbours.

---

[27] Jv. Deprived, sick, uneducated, impoverished people, social outcasts (Widodo 2013).
[28] PPLP member, interview with the author, April 23, 2017.
[29] PPLP member, interview with the author, April 23, 2017.

Experimentation and land mapping created a "social collective knowledge" upon which peasants built their success (Yanuardy 2012, 4).

The most significant function of the peasants' groups developed in 2003 when the amount of chillies produced grew to be too large to be sold at local markets. *Asosiasi Pasar Tani* (farmers' market associations), would pool all the chillies harvested at one time and auction them off to the highest bidder (Rusdiyana and Suminah 2018). This collective auction system meant that chillies could be sold much further afield and that peasants were not competing with one another, instead they increased their bargaining power through collectivised sale and distribution of their produce.[30]

It was this collective process of experimentation, coordination, and distribution that the farmers credit with turning wind-swept sand dunes into fertile land and lifting themselves out of poverty. Whereas older peasants would have been lucky to finish primary education, they now send their children and grandchildren to the city for senior high school and university education, yet their children still aspire to become farmers.[31] It is a remarkable instance of development and poverty eradication over the last thirty-five years.

Older farmers who led the collective experimentation process starting in 1985 say that the cooperative organisation of farming came about *because* of new methods of cultivation, *during* the process of experimentation.[32] Before 1985, when farming was underdeveloped there was no coordination, there was no collective organisation or peasants' groups (Kusumaningrum and Mustafa 2015). It was also important that all the shoreline farmers were social outcasts, viewed by inland peasants as isolated and unproductive. While common experiences of being outsiders, working as itinerant and migrant labourers, and living through poverty produced a sense of solidarity, forms of collective organisation only evolved in response to the new agricultural practices.

The *kelompok tani* are a central pillar of the coastal communities, they institutionalise the collective, anti-hierarchical spirit of the farming communities.[33] Organisers rotate through

---

[30] PPLP member, interview with author, April 23, 2017.
[31] Youth group, interview with the author, April 23, 2017.
[32] PPLP member, interview with the author, April 23, 2017.
[33] Although decision making in these groups is dominated by men, see below for description of the gendered division of labour and implications for resistance.

positions and all profits are distributed back to members. However, what is most remarkable, and perhaps unique in Indonesia, is that since their beginnings in the late 1980s, they have been organised independently of government.[34] Soeharto's government made independent farming organisations illegal, all farming groups had to be organised through village government structures and include representatives from the military. Yet this never was enforced in the coastal area of Kulon Progo. The fact that these independent *kelompok tani* were ignored by the state is further evidence that the coastal area remained outside the interests and political networks of state and capital. It is these groups and the organisational forms that facilitated a rapid formation of the PPLP when the mining company arrived.

This brief historical sketch highlights that the coastal peasants of Kulon Progo have a relatively autonomous history of development, an intense pride in the quality of their crops and land, a system of agriculture that is collectively and independently managed and peasants' groups that are used to being left alone to determine their own business (Kusumaningrum and Mustafa 2015). That is to say, they have developed collective social relations of production and reproduction independent of state and capital. They also have experiences of working abroad, in cities, as rural day labourers, and more recently as students in the cities. They know what urban and rural poverty is like, understand precarity, and they have witnessed development failures in other areas. Having already succeeded at pulling themselves out of poverty without outside assistance, they were extremely sceptical when a mining company arrived with promises of modernisation.

## *Ideology*

Along with the development of cooperative relations of production and reproduction, the coastal peasants developed ideologically too. Their disposition towards cooperative autonomy and self-development found expression through old and new ideological frames. Mas Widodo, a prominent PPLP organiser told how one of the first tasks of the PPLP was to refine and increase awareness of '*filosofi tanah*' (philosophy of land):

> We continuously spoke about these things. So that everyone knows that peasants' living space is our land (*ruang hidup petani adalah tanah*) … People must take care of the environment and then the environment will take care of them, protect their life. It is like a mutual connection. So, they understand if somebody wants to take the land or build something or change the function,

---

[34] PPLP member, interview with the author, May 5, 2018.

it will destroy everything.[35]

This philosophy of land developed from experiences with cooperative systems of agricultural production, emphasising custodianship of nature, land and soil as a living resource, anti-hierarchical collective organisation and self-reliance. It is of course also strongly influenced by and integrated back into existing ideological, philosophical and spiritual beliefs. The PPLP became an ideological vehicle in disseminating and sharpening knowledge to help each other understand and react to the mining proposal with coherence.

One peasant interviewed rejected the idea of mining mainly, although not only, because it will destroy traditional sacred places, particular hills and natural springs where people still meditate and conduct rituals specific to those places.[36] A landscape imbued with place based spiritual practice reinforces and is reinforced by the belief that land is not a commodity to be bought and sold, it serves a higher social function. As one activist put it:

> land is understood not only as the means of production but also as their identity as farmers and living space. If land can be sold, that means it is a commodity. If land is living space (*ruang hidup*), it cannot be sold. Because if you sell your living space, you cannot live.[37]

Land also occupies a significant place in the post-colonial left-nationalist imagination of Indonesia. Land has been forcibly taken by colonialists, multi-national corporations and the military and it has been won back by peasant and union struggle (Lund and Rachman 2016). For peasants with this awareness, land is precious and should not be commodified (see: Lucas and Warren 2013, 16–37).

The newest element to be introduced into the ideological mix is anarchism. Although arguably the coastal peasants have long held collective anti-hierarchical tendencies, the word anarchism was brought in when urban activists began supporting the struggle of the PPLP. As a relatively isolated, marginalised, collective and autonomous groups of hamlets, it isn't surprising that the PPLP found friends in anarchists or that anarchists were inspired by the history and philosophy of the PPLP. Anarchism has been significant for lending legitimacy to the PPLP's rejection of both the state and big capital. It has also helped develop their critique of state institutions and NGOs. Anarchists also brought feminist understanding of struggle

---

[35] Interview with the author, September 21, 2016.
[36] Peasant and resident, Kulon Progo, interview with the author, March 3, 2017
[37] Solidarity activist, interview with the author, Yogyakarta, July 15, 2017

with them, initiating many conversations about the gendered division of labour in activism and supporting women organisers.[38] Long-term ideological engagement helped to reshape the gendered division of resistance (see below).

None of this is meant to suggest that there is a single grand official ideology of the PPLP. Each individual will adopt a different combination of elements based on their lived experiences. Some are more pious, some more anarchic. To be sure, there are also strongly held beliefs that have hindered the development of an ideology which enables resistance to mining. First amongst these is the traditional deference usually given to the Sultanate and Pakualaman in Yogyakarta society (Colbron 2016). This belief took a long time to overcome within the PPLP dominated villages, in Karang Wuni it was one factor in the success of JMI and has been a source of difficulty when searching for allies in Yogyakarta. Rejection of the Sultanate and Pakualaman has been grounded in the claim that it was the Sultan and Paku Alam who first betrayed Javanese tradition to capitalism.

This ideological constellation places peasants as experts at the centre of their own knowledge systems and empowered them to reject the economics and science of the *sosialisasi* meetings, legal systems and even NGOs:

> The peasants of Kulon Progo's coastal beach land are also inventors, developers and protectors of sustainable farming processes. We do not need the babble of whatever professor or engineer with legitimation from the state, school or agency who can only theorise with their theories (Widodo 2013, 44).

The ideological constructions of the PPLP are important because they justify and give members confidence to pursue particular tactics and alliances over others. Crucially, this ideological construction is antithetical to the consultative ideologies of representation espoused by JMI and state actors. Peasants rejected ideologies of corporate led development, they rejected consultative ideologies of representation and they rejected the feudal ideologies of the Pakualaman. Nevertheless, localised resistance, however well organised and militant, is always vulnerable to investors and their elite allies. The PPLP needed to build alliances of their own.

---

[38] Solidarity activist, Yogyakarta, interview with the author, September 20, 2016

# Alliances

Deep cultural reverence for the royal families in Yogyakarta made it difficult for the PPLP to find sympathy or allies within Yogyakarta (at least initially) and drove them to search for environmentalist, anarchist and international allies (Jati 2013). The PPLP is notoriously sceptical about the involvement of outsiders and NGOs, who they see as bringing their own hidden interests which might not be aligned with the PPLP's. They are critical of NGO attempts to represent them and negotiate or make compromises with corporations. NGOs tend to accept consultative ideologies of representation as an opportunity to have influence, while the PPLP rejected consultation because it precluded their autonomy or democratic rights. PPLP organisers were also reluctant to allow their movement to be used as a vehicle for aspiring politicians or NGO fundraising. The PPLP thus adopted a model for engaging with allies that stipulated allies could act in their respective domains of expertise but could not represent the PPLP outside of strictly agreed guidelines. Alliances formed organically too, based on continuing friendships and long-term connections that were built through mutual struggle. Meanwhile, alliances were forged with other peasants' groups, anarchists, activists and artists across Yogyakarta and Indonesia.

The PPLP was a founding member of the FKMA (*Forum Komunikasi Masyarakat Agraria* – the Agrarian Communities' Communication Forum). They also formed long term relationships with anarchists, artists and activists in Yogyakarta, Indonesia and globally. JDA (*Jogja Darurat Agraria* – Agrarian Emergency Jogjakarta) was founded by a group of people acting in solidarity with the PPLP. The one NGO which has had the biggest impact on the struggle is LBH (*Lembaga Bantuan Hukum* – Legal Aid Indonesia). These allies helped expand the struggle from an isolated land conflict into a challenge to land grabs and the 'exceptional' feudal characteristics of Yogyakarta politics.

### Anarchists and solidarity

The PPLP, their militant tactics, opposition to the state and big capital, and autonomous organisation of land became a *cause célèbre* for anarchists internationally. When I asked about his preference for making alliances with anarchists and other peasants, one PPLP organiser emphasised the friendly informal nature of such connections: "I am friends with

anarchists and peasants, it is nicer, more enjoyable, happier, just like that. Like with other peasants, our minds just meet."[39]

Anarchist activists worked on the international aspect of the campaign, translating information into English, publishing on blogs and international websites, and through informal international networks. Small demonstrations were organised at Indonesian embassies in London, Athens, and Melbourne and at the offices and meetings of Indo Mines in Perth, Australia (Matheos 2011). Declarations of solidarity were sent from France, the Philippines and other places. These international 'solidarity actions' played a limited but important role: once both the Australian and Indonesian companies knew there was international attention, there were no more attacks by *preman* and police violence decreased. PPLP members assume this is because the companies wanted to avoid controversy.

### *LBH and legal strategy*

The most significant NGO ally is LBH (Legal Aid Institute) Yogyakarta, as it plays a specialised role that farmers and other activists cannot easily do for themselves, providing legal education, support and advocacy. With LBH's assistance the PPLP formed a paralegal working group, members of which received basic legal training in 2008. They did this so that the PPLP could build their own understanding of the legal system. These paralegal activists have taken a lead role in educating other PPLP members as well as broader public debates in explaining that their claims to land rights are based in the Basic Agrarian Law (BAL) and rejecting the Special Yogyakarta Law (UUK).[40]

LBH and PPLP have considered mounting a Supreme Court challenge to the UUK however they view formal legal prospects with pessimism. Neither have they sued the state or company for rights violations. There are several reasons for this. As with LKMTL in Kelian and WALHI in Gosowong, the paralegal team considers the court system in Indonesia to be complicated and corrupt, they do not have confidence in their ability to succeed in court systems when they will surely be outmatched in terms of funding and lawyers by the Sultanate.[41] They view

---

[39] Mas Widodo, interview with the author September 21, 2016.

[40] Interviews with three members of PPLP's legal working group, April 11, 2017; LBH Yogyakarta advocate, interview with the author, July 13, 2017.

[41] For a detailed discussion of the "complex, inconsistent, fragmented, unfair and out of touch" system of land law in Indonesia see Bedner (2016, 64).

courts as enemy terrain. Instead, legal strategies are focused on defending activists and/or farmers who are criminalised because of their campaign work.[42]

In five villages, peasants have not perused land certification. PPLP members there understand that certifying their land will make it legible, countable and tradeable under the laws of the state, that certification is a step towards enclosure. They also have no faith in any legal institutions to intervene on their behalf in a dispute. They see engagement with the state and corporations as full of risk without corresponding benefits. Instead, they prefer to secure their individual rights through collective action and communal organisation.

Their preferred strategy is to use their legal understanding to strengthen the confidence, legitimacy and assertiveness of the coastal peasants on their home ground. The understanding of BAL and rejection of UUK is integrated into and supports existing ideologies, legitimising PPLP's ideological position and claims to own the land they are farming (see also Peluso, Afiff, and Rachman 2008 on the ideological importance of the BAL).

The legal training that the paralegal team received helped the PPLP in other areas. Directly related to the land conflict, the paralegal team helps with legal defences when members are arrested and/or charged by police. This legal support gives members greater confidence to confront police and government. Secondly, not directly related to the struggle, the paralegal team has also assisted and advocated for members on issues ranging from domestic violence to obtaining driving licences. This helps strengthen the role of the PPLP in the community, especially during periods of relative quiet.

### *From FKMA to an exceptional Yogyakarta*

The PPLP, together with two other location-based groups, formed the FKMA in 2010. One year later there were 15 member groups across Java, Sumatra and Sulawesi. Each of the member groups benefited from the swelling of numbers at their events (Widodo 2013, 77). However, FKMA had its own problems, as farmers from different groups felt different pressures, produced and traded within different political economic conditions and favoured different strategies. This led them to search for other allies, who were more directly involved in the struggle against feudal land systems in Yogyakarta.

---

[42] Interviews with three members of PPLP's legal working group, April 11, 2017; LBH Yogyakarta advocate, interview with the author, July 13, 2017.

The sand iron project was the first time that the land ownership provisions contained in the UUK were used as the legal basis of land grabbing in Yogyakarta. Since then it has also been used in Parangkusomo, Watukodok Beach, and Temon. While the PPLP was initially isolated as the only group to attack the legitimacy of Sultan Ground and Paku Alam Ground, other allies emerged as they faced their own land conflicts. The multiplication of land conflict in Yogyakarta led to activists, artists and academics in Yogyakarta city becoming more vocal about the Sultan and Pakualam's abuses of privilege (Colbron 2016). PPLP organisers are now frequent guests at public events, discussions and seminars in Yogyakarta that seek to create a broader resistance to feudal land ownership in Yogyakarta.[43]

## Gendered division of labour and activism

The gendered division of labour in farm and domestic work is reflected in community and activist organising.[44] On the farm, women are responsible for planting and harvesting most crops, while men are responsible for the 'heavier' work of preparing the land, construction and applying pesticides.[45] In the household, women are responsible for most, if not all domestic labour, especially preparing food and looking after children. Likewise, at large organised demonstrations women most often play support roles, such as organising food and looking after children. The gendered division of labour and privileging of masculinity also means that men have a more flexible schedule and more available free time, and thus can participate more easily in activist groups and events. The lack of free time and flexibility available to women is a direct barrier to women's participation in decision making and strategy formation.[46] This is mitigated somewhat by the ideology of the PPLP, which respects the spontaneity of each member and each hamlet sub-group. There are important exceptions to this, with some women who can overcome barriers to participation. One PPLP organiser told me her participation is made possible through cooperative arrangements with her neighbours; they will look after her land or children while she is busy with PPLP activities and she does the same for them.

---

[43] Solidarity activist, interview with the author, July 15, 2017.

[44] Talking about gender and the role of women specifically was the topic of interviews that generated the most divergent responses from participants, therefore these comments are generalisations.

[45] Farm labourer, interview with the author, April 15 2017.

[46] PPLP organiser, interview with the author, May 12, 2018.

As mentioned above, anarchist allies brought feminist approaches to their organising. One anarcho-feminist activist remarked:

> Even though we have seen a lot of women in the villages that are so brave and smart and have all these great ideas and everything, but they have never been given more spaces to be, to have important roles in the movement … we haven't found out what is the best way how to break this, you know, traditional views and values about gender in this movement without being offensive.[47]

Solidarity activists did not attempt to impose their feminist values on the PPLP, but consistently held respectful conversations about the gendered division of resistance, while identifying and supporting women organisers.

The struggle itself has had some impact on gender relations amongst the peasants. Almost every interviewee said that at demonstrations, especially local spontaneous ones, women are often at the front and more militant than men. Demonstrations gave women a chance to prove their strength and bravery. In 2013, in the village of Bugel, one PPLP organiser and several other women formed the first women's farming group (*kelompok tani wanita*) in coastal Kulon Progo. Their hope is this group will build the capacity of women and facilitate information sharing, to increase their ability to act independently and work land independently or more equally with their husbands.[48]

Ideological engagements with anarchists, together with the demonstrations of bravery helped reshape gendered divisions of labour. This is further evidence of the dialectical relationship between social relations of production and activist organisational structure, tactics, ideology and alliances. Just as control of land, organisational history, alliances, and ideology shape the capacity and desire to resist, so too does resistance reshape those four factors.

## Karang Wuni

The exception to the failure of participatory mechanisms to take hold is the village of Karang Wuni, one of the six villages within the mining area. In this village both negotiations to acquire land and *korporasi* were successful for JMI. There are several factors that explain this: the PPLP was always weaker there; the 'betrayal' of a PPLP organiser; the involvement of NGOs

---

[47] Solidarity activist, Yogyakarta, interview with the author, September 8, 2016
[48] PPLP organiser, interview with the author, May 12, 2018.

that facilitated participation in corporate processes; the success of the village team; and a reduced ability to withstand intimidation. Initial successes in negotiations for land acquisition and with the *korporasi* supported each other. I will discuss these in sequence below. It is also interesting to note, that in this village, the same collective spirit that led the PPLP to reject mining with such militancy has led to a democratically structured and transparent *korporasi*.

### *PPLP and Land Acquisition in Karang Wuni*

JMI conducted negotiations with peasants to acquire land between 2012 and 2013 and signed contracts with all but four families. The PPLP and opposition to the mine was weaker in Karang Wuni from the beginning. PPLP leaders told me that their biggest oversight was not building the organisation there to the level of the other villages. Only a few people from Karang Wuni would attend PPLP events and demonstrations while local branch meetings suffered from low attendance. On the other hand, a couple of NGOs gained influence and 'deradicalised' or 'tamed' some of the peasants.[49]

There were a couple of key figures who played leadership roles in the Karang Wuni village branch of the PPLP who, at some point, 'changed sides'. These leaders engaged with JMI in negotiations and were involved with NGOs, which encouraged both negotiation with the mining company and land certification to secure farmer's land rights within the complex national and provincial legal systems. Without as strong an organisational base, other PPLP members were less coordinated and militant in their rejection of mining and participation in corporate initiatives. The distinct perspective on NGOs, militancy and negotiation created a split between PPLP organisers in Karang Wuni with those in other villages. According to PPLP organisers, because the organisation was not as strong , people were more easily intimidated or tricked into relinquishing their land.[50]

News of the (former) PPLP organiser selling his use rights to JMI shocked PPLP organisers in the other villages. Described as an influential figure, he became a middleman or broker, encouraging others to relinquish their land too. Before a response could be organised by the PPLP, other peasants followed suit. Amongst the first was one peasant who owned a larger

---

[49] PPLP member, interview with the author, September 24, 2016.
[50] PPLP organiser, interview with the author, April 19, 2017; PPLP organiser, interview with the author, May 5, 2018.

plot of land and a store. Through quirks of inheritance, he came to own about three times as much land as the average peasant on the coastal strip.[51] His relationship to production and with other peasants changed accordingly as he rented out some land and employed people to work his land.[52] He had more to gain financially from selling land, certification and negotiation with the corporation. After the first wave to accept in early 2013, other peasants followed suit while others tried to hold out. In Karang Wuni, peasants who held out against the mining plans were marginalised within village life. Suliadi (2015, 88–89) quotes one resident stating that "those who don't agree [with mining] are ostracised. I am not strong enough to face these social sanctions." Those reluctant to agree felt like they had no other option.

I interviewed one couple who said they were reluctant to relinquish their land even though they could not access it because the surrounding land and access roads were already controlled by JMI. They felt intimidated as excavators would cross into their land and lived in fear of being charged with trespass for walking to their own land. Eventually, they agreed to attend negotiations to see what the offer from JMI would be. They claim they were tricked into signing the agreement to relinquish their land use rights. They received a one-off payment of 75,000 rupiah per square meter for 904 square meters of land[53] as well as the loan of an alternative allocation to farm until their original land is returned to them. JMI also has undertaken to return the land to them once mining activities are complete, however no maximum time is stipulated. At the time of writing, the mine is not operating yet they are not allowed to use their old land, so it just lies abandoned.[54] Today there are only four families that have not consented to relinquish their land, however they remain in a stalemate, they cannot access their land because it is surrounded by land controlled by JMI yet have not received compensation either.

Because the contracts with JMI were for the use rights (*hak garap*) (see above) and contained the admission that the Paku Alam royal family is the land owner (*hak milik*), the peasants who

---

[51] The average land holding in Karang Wuni is approximately 0.18 ha with most peasant families owning between 0.08 and 0.26ha.
[52] PPLP organiser, interview with the author, April 19, 2017.
[53] The total of 67.8 million rupiah or approx. AU$6,738.
[54] Karang Wuni residents, interview with the author, April 25, 2017.

did sign contracts are left more vulnerable to further land grabbing. In the village immediately to the west of Karang Wuni, the New Yogyakarta International Airport is currently under construction. Karang Wuni residents worry that their land could be taken again by the Pakualaman for use as hotels, malls and other airport related infrastructure.[55] Thus the sand iron mining project has triggered land conflicts that have the potential to escalate further beyond the current scope.

### *The Karang Wuni Korporasi*

The Karang Wuni *korporasi,* formed in 2011, has around 300 members and is further divided into branches, one for each hamlet. Loans, repayments and fees are paid *only* at monthly meetings, which have representation from each of the hamlets (*dukuh*). The *korporasi* management board is directly elected by members once a year at their annual general meeting. New members pay a 100,000 rupiah (AU$9.89) joining fee and each member contributes 5,000 rupiah (AU$0.49) per month. Members in good standing can borrow up to one million rupiah (AU$98.88),[56] to be paid back over ten months with one percent interest per annum. The maximum limit of the loan can be increased for members who have a good credit rating.[57]

These conditions, especially the requirement that money is only exchanged at monthly meetings, is remarkable. It ensures that this *korporasi* functions transparently to all members. The two members I interviewed were both immensely proud that they had established a transparent and democratic microfinance institution and were continually searching for ways to continue to ensure their *korporasi* operates free of corruption. This, combined with the requirement to pay fees, ensures the active participation of members. These unique processes were designed by members themselves, JMI did not provide strict guidelines about how the *korporasi* should operate.[58]

---

[55] PPLP organiser, Karang Wuni, interview with the author, May 8, 2018; Peasant and resident, Karang Wuni, interview with the author, May 12, 2018.

[56] At average 2013 exchange rates.

[57] Korporasi member, interview with the author, March 9, 2017; Karang Wuni Korporasi member, interview with the author, April 11, 2017.

[58] Korporasi member, interview with the author, March 9, 2017; Karang Wuni Korporasi member, interview with the author, April 11, 2017.

Inevitably, from 2011, economic interests of Karang Wuni residents began to align with JMI's, smoothing the way for land acquisition negotiations, which started in late 2012. The lack of organised rejection of participation in corporate processes means that there were more people willing to engage in both the *korporasi* and negotiations for land acquisition. The reverse is also true, having relinquished land, peasants needed to access capital to cultivate new land or fund alternative livelihoods, and the *korporasi* provided this opportunity. That is, it helped to smooth the changes in relations of production by funding the creation of alternative avenues for production and reproduction of livelihoods. These practices help make citizens less interested in militantly opposing mining and more likely to demand a fairer process. They institutionalise alternative means to demand accountability and secure resources while constraining the issues that are available for discussion.

Peasants in Karang Wuni had established the same patterns of relations of production and reproduction as those in other villages. However, through some idiosyncratic circumstances, they were left more receptive to ideologies of corporate consultative ideologies of representation. This difference can be explained further if we return to the theoretical understanding of common-sense:

> an amalgam of historically effective ideologies, scientific doctrines and social mythologies … a syncretic historical residue, fragmentary, and contradictory, open to multiple interpretations and potentially supportive of very different kinds of social visions and political projects (2006, 93–94).

In all six villages, common sense understandings were based in histories of Javanese culture; left-nationalist understandings of land; and cooperative and autonomous management of land, production and reproduction. However, in Karang Wuni, the feudal elements of Javanese culture that stress deference to elders, upper classes and, above all, the Sultan, became dominant, under the influence of a few landowners who stood to benefit from the mine's development. This fitted well with modern, individualistic and corporate ideologies of development and modernity. However, in the other five villages, deference to the Sultan was rejected in favour of traditional Javanese values of land and place and left-nationalist belief in the right of the people (*rakyat*) to self-determination. These elements were given additional legitimacy and material support by anarchist allies who helped expand the struggle to provincial and international scales. In the first village, peasants lost their land to the mining

company, with little compensation, while in the other five, peasants maintain control and continue to cultivate their land.

# Conclusion

Resistance in coastal Kulon Progo shows how participatory mechanisms can fail to contain conflict resulting from primitive accumulation – despite a powerful elite alliance in support of mining. The mode of participation in this case also significantly differs from those in the other two cases. This is because of the mining company's close relations with the Sultanate and Pakualaman. While still influenced by international governance standards, ideologies of representation here were more influenced by local feudalism. This feudalism treated peasants with arrogance, denying them rights to participate in decisions about mining. Once the mining company realised the mistake of this strategy after peasants began mobilising autonomously from the state and corporation, it was too late and the peasants too powerful.

The basis of the PPLP's power is their organisational capacity directly resulting from the social relationships of production and reproduction developed through collective agricultural experimentation. The capacity and desire of peasants to resist mining are directly related to their control of land, histories of organisation, ideological development and alliances. The independent organisation of the PPLP is rooted in histories of farmers' organisation of finance, production and distribution. This has a strong ideological dimension which has legitimated militant tactics and unconventional alliances with little receptivity to corporate, feudal or consultative ideologies of representation. The PPLP had both the organisational capacity and the belief that they could and should reject any participation in corporate processes. They had the power and alliances to successfully undermine participatory mechanisms and hold the attempted land grab off until the project was suspended.

Even though the mining company's land-grab was unsuccessful, it has still disrupted local and even provincial social, economic and political relations. The proposal to mine has triggered latent conflicts over land ownership that until then had no visible expression. With the defeat of the proposal to mine, the main conflict is now about the legitimacy of Sultan Ground/Pakualaman Ground versus peasant rights and the Basic Agrarian Law of 1960. This case also then has implications for literatures on land grabbing and agrarian change in

Indonesia and Southeast Asia. However, this is beyond the scope of this thesis and will be explored elsewhere.

This case demands an emphasis on the importance of the social relations of production and reproduction as factors that create possibilities for action. Rather than a simple source of resources, the relationships that people engage in to make their land productive deeply affect the organisational form of resistance, their ideological development and alliance preferences. Yet the analysis of resistance has also eschewed any deterministic relationship between historical social relations and resistance. Indeed, the examples of LBH's legal training leading to social empowerment and women's participation in resistance leading to changes in gendered divisions of labour show that resistance work also influences the continued evolution of social relations of production and reproduction.

The case of Karang Wuni shows how syncretic common-sense understandings of the world can be developed in very different ideological directions. Minor changes in the distribution of land, of leadership quality and ideology can reverse outcomes. In Karang Wuni corporate participatory mechanisms – the *korporasi* and the village team – has been able to shape how conflict is expressed. Interests between the farmers and the mining company are brought closer together through the loans and work contracts from the *korporasi.* However, it was through negotiations for land acquisition that the company representatives were able to separate out the interests of a couple of influential figures from those who opposed the mine. While this leads some participants to conclude that the conflict has been overcome, it remains latent, the bitterness of the dispossessed may find a new expression in the future. Nevertheless, through participation, the company has negated the risk that conflict poses to its operations in one out of six affected villages. It is also significant that even in the location where resistance is weakest, peasants still have a strong collective, horizontal and independent *korporasi* which they have been able to recreate within corporate participatory mechanisms to smooth disruptions to their social, economic and political conditions. Their independence and organisational experience manifested within rather than in opposition to corporate participatory mechanisms.

# Chapter Eight: Conclusion

This thesis has presented two main and interrelated arguments. First that mining corporations develop participatory mechanisms to manage risky manifestations of conflict and these, through multi-scalar contestations and crises, have been institutionalised as modes of participation at global scales. Second people affected by mining are able to gain the most from participation or resistance based on their control of land, forms of organisation, ideologies and alliance structures. The strategies of mining corporations enacting participatory mechanisms and people affected by mining are structured by acts of primitive accumulation and the disruption that associated land grabbing causes to local economic, social and political relations. Therefore, to understand the diversity of participatory mechanisms, people's reactions to them and their outcomes, the analysis starts from historically produced social relations of production and reproduction and the strategies that various actors employ to adapt, resist or facilitate political, economic and social change. Ongoing contestation and participation over land, livelihoods, ideology and profitability do not remain confined to local scales but have ongoing influence on the evolution of regulation at national and international scales, including the global governance standards that constitute modes of participation in the mining sector.

The theoretical approach developed here, based in social conflict theory, social reproduction theory and the Gramscian concept of common-sense was chosen and developed to explain the complexity and diversity in conflict and participation over the social dimensions of mining. Other major approaches in the literature – institutionalism and business studies – are unable to capture this complexity (see Chapter Two). Both these approaches assume development is a 'good', and that 'win-win solutions' can be found through reform to business practices or institutional intervention. While the quest for win-win solutions is a noble endeavour and may be possible in some cases, it cannot be assumed. Furthermore, both institutionalism and business studies are limited by their epistemological and ontological assumptions. For institutionalists, conflict is produced by vested interests and rent-seekers who corrupt development processes which can be overcome through good institutional design. This overlooks the ways that institutions themselves are products of ongoing contestations over

competing versions of development (Hameiri and Jones 2020). Meanwhile, business studies is limited in its study of conflict to manifestations that threaten corporate profitability.

The modes of participation framework, concerned with the "institutional structures and ideologies that shape the inclusion and exclusion of individuals and groups in the political process" (Jayasuriya and Rodan 2007a, 774), places the study of political institutions and conflict within broader contestations resulting from capitalist development. In this analysis, institutions, including participatory mechanisms, are not elevated above society but always remain embedded in and criss-crossed by conflict occurring within and outside corporate and state sites of participation and across multiple political scales.

The application of the modes of participation framework to the study of multinational mining corporations yields an analysis of their scalar strategies. First is the institutionalisation of modes of participation through standards and mechanisms of corporate self-governance at the global scale (Chapter Four). Second are the specific participatory mechanisms that are implemented at local scales. These are based in globalised modes of participation, influenced by national regulatory regimes and ideologies, but designed in response to local manifestation of conflicts (Chapters Five, Six & Seven). Together, modes of participation and participatory mechanisms attempt to restore or maintain the legitimacy of large-scale corporate mining, contain risky manifestations of conflict and facilitate changes to political, economic and social relations supportive of extractive capitalism. Participatory mechanisms attempt to change local power relations within affected communities, but they also create new subjectivities, new ideologies and forms of knowledge.

## Primitive accumulation, conflict and scale

In this approach, conflict is understood to originate in acts of primitive accumulation or land-grabbing. Yet acts of primitive accumulation have different effects depending on the previous land use of a mining area, the forms of organisation of people affected by mining, and how they relate to pre-existing or latent conflicts (Chapter Three). The establishment of the Kelian mine (Chapter Five) is the most straight forward example of a land-grab by a multinational miner entirely disrupting the land, productive, reproductive and subsistence activities of a community. The violent displacement of 4,000 small-scale miners from their land led to them adopting entirely new means of production, reproduction, and subsistence, including by

making demands of Rio Tinto. The confrontation found multiple expressions as political circumstances, alliances, and corporate ideologies shifted.

In Kulon Progo (Chapter Seven), the act of primitive accumulation also directly pitted the corporation against peasants within the proposed mining area, yet was not successful in five out of six affected villages. While peasants militantly rejected the attempted land-grab, the proposal triggered latent land conflict between the royal families of Yogyakarta and peasants that then expanded across the province. In Gosowong (Chapter Six), the mining area was forest and there was not a substantial direct threat to the residence or livelihoods of local people. Therefore, the ensuing conflict was concerned with environmental pollution, respect for traditional cultures and appropriate benefit sharing, and there was less disruption to political, social and economic relations. In each, the original act of primitive accumulation structured the contours of conflict.

In all cases, conflict did not remain confined to local scales, but through alliances with other actors jumped to provincial, national or international scales. In Gosowong (Chapter Six) people affected by mining made a series of shifting alliances with regency politicians and the national NGOs, WALHI and AMAN, in order to extract more benefits from the mine. In Kulon Progo, provincial, national and international alliances played a defensive role by making it harder for the corporation and state actors to use excessive violence during confrontations. However, it is the in Kelian (Chapter Five) where the politics of scale are most significant. Alliances were instrumental in bringing the issue to international audiences and forcing KEM to negotiate with people affected by mining. Temporary alliances combined with concurrent challenges from other organisations to Rio Tinto's legitimacy as a responsible corporation and helped prompt the development of a global response to crises. This case was instrumental in the internationalisation of mining activism which drove the reactionary, consultative, participatory agenda of Rio Tinto and coalitions of multinational miners (Chapter Four).

The CSR techniques developed by Rio Tinto at Kelian with the assistance of the World Bank have since been adopted as global standards, which in turn inform how other mining corporations engage with people in other locations, legitimised through consultative ideologies of representation. Although the primary driver of Newcrest's Community Development and Empowerment program at Gosowong was conflict with local communities, the design of the program was informed by company policy and global standards. The

collectively established mode of participation at the global scale thus provides a blueprint for how mining corporations can reconstitute their power in relation to local communities and domestic states. However, rather than being elevated above 'politics', the Gosowong case demonstrates how CSR programs remain susceptible and evolve in reaction to ongoing and new patterns of conflict.

## Participatory Strategies

The key strategy of each corporation in response to threatening multi-scalar conflicts was to implement participatory mechanisms. Of course, each case also featured violent repression of opposition, yet even in the case of Kelian where violence was the most severe, participation proved to be a more effective response. A variety of different participatory mechanisms were used: consultation, negotiations for compensation, local employment and procurement agreements, support for *adat*, and education. Conspicuous in its absence from these three cases is any kind of participatory environmental monitoring. Significantly, each corporation implemented participatory community development programs: JMI with micro-finance, NHM with its 1% village fund and KEM with village grants. Although each were structured differently, they all had the effect of generating support and legitimacy for the corporation. They were most effective in gaining legitimacy from people affected by mining where people were already sympathetic or less directly affected – in 27 villages around the Kelian mine, five sub-districts around Gosowong and Karung Wuni, Kulon Progo – yet had little affect where opposition to the mine was already consolidated.

The common feature of these participatory mechanisms is their base in global governance standards that provide the institutional guidelines and ideological legitimacy for consultative, non-democratic forms of participation at localised corporate sites of participation. Consultative ideologies of representation, and particularistic ideologies where *adat* is concerned, seek the advice of participants or representatives about how to best manage the impacts and opportunities of mining. Corporate consultative ideologies of representation were most successful where they fit with pre-existing participatory institutions – such as village governance in North Halmahera (Chapter Six). Of course, consultative representation is preferred by mining corporations over democratic representation because they can exclude

questions that threaten the continued operation of mining. They operate to smooth conflict and limit what issues are open for discussion and who can discuss them.

Yet, as emphasised in Chapter Three, corporate sponsored sites of participation are constructed in the shadow of existing and emerging state and autonomous sites of participation. People affected by mining and NGOs strategically choose to either participate in corporate, state or autonomous sites of participation depending on calculated benefits and their capacity. This shifting between corporate negotiations and legal remedies is a feature of Kelian and Gosowong cases, while in Kulon Progo peasants opted for purely autonomous participation. Therefore, corporate participatory mechanisms should be designed to offer more benefits, or be easier to access than available alternatives.

## Land, Organisation, Alliances & Ideology

Participatory mechanisms found varying levels of success in managing conflicts. Here, the reactions of people affected by mining to attempts to elicit their participation are critical. Although there is growing literature detailing what the responses of people affected by mining are to participatory mechanisms, the question of why, how and when groups decide to participate or not, and on what terms, is under examined (Chapter Four; cf Conde and Le Billon 2017). This section expands on the four factors that I found determine the capacity and desire of people affected by mining to participate or not in corporate processes – all structured by social relations of production. Table 5 summarises these findings.

*Table 6 - Comparison of Four Factors*

| Case | Control of land | Histories and forms of organisation | Alliances | Dominant Ideologies | Outcome |
|------|-----------------|-------------------------------------|-----------|---------------------|---------|
| **Kulon Progo 5/6 villages** | Yes, legal but uncertified | Cooperative, autonomous from state and corporate capital. | Anarchist networks Legal NGOs Other peasants and groups resisting Sultan ground. | Left-nationalist Javanese '*filosofi tanah*' Anarchism. | Participation rejected and mining successfully resisted |
| **Kulon Progo, Karang Wuni** | Yes, legal but uncertified | Cooperative, autonomous from state and corporate capital. | Legal and environmental NGOs. | Javanese feudalism Developmentalist | Participation not resisted and successful land grab |

| | | | | | |
|---|---|---|---|---|---|
| **Kelian** | Yes, informal. Evicted by 1992. | Cooperative, autonomous from state and corporate capital. | Provincial and national environmental NGOs. International NGOs. | Left-nationalism Human Rights. | Eventually successful in negotiating compensation. |
| **Gosowong** | No, protected forest. | Hierarchical production with state and corporate capital Cooperative reproduction. | Indigenous peoples' alliance WALHI UNDP Regional politicians. | Indigenous rights *adat* Environmentalist. | Secured development goods, but environmental impacts not addressed. |

Control of land is the most critical factor in determining the capacity of people affected by mining to resist. Control of land is practical and can be divided into physical control or the ability of groups to exclude other actors; claims which may be based in agrarian law or tradition (*adat*); and legal title or certification. In Kelian, where people affected by mining stood no chance of resisting violent eviction by a combination of military, police and corporate security, it took decades for groups to find alternative sources of power to challenge KEM and demand compensation. In Kulon Progo, peasants' control of their land was not legally recognised – they held no land certificates – however, the density of farming plots together with their physical presence on the land provided them with the capacity to resist not only participation but also the mine's development. In Gosowong, where the mine site was excised from protected forest, people affected by land had neither formal title nor physical control yet were able to establish claims based on traditional ownership as a basis for negotiating compensation.

Following control of land, forms and histories of organisation are the next most crucial factor in the ability of groups of people affected by mining to participate or resist. In Kulon Progo and Kelian, people affected by mining had strong histories of cooperative production, solidarity in social reproduction, and distribution of produce. Their social relations of production, reproduction and subsistence operated independently of state institutions and large capital. These more communal and independent organisational forms transitioned well into organisations of resistance. In the case of Kulon Progo (Chapter Seven), peasant groups (*kelompok tani*) which organise production at village and hamlet levels, quickly morphed into an effective resistance organisation. In Gosowong, where histories of production and reproduction are bound up in hierarchical forms of rule and appropriation by state actors and

capital, organisations were slower to develop and their ability to organise outside corporate and state influence or supervision was curtailed.

Alliances are a further factor in how effectively people affected by mining can campaign if they decide to reject participation – or how much knowledge and support they receive to participate. As mentioned above, national and international allies help conflicts to 'jump-scales' where more resources and a wider audience is available. This is especially critical where the opportunities and local sources of power are limited. This is most clear in the Kelian case, because people affected by mining lost their land and livelihoods, and because KEM ensured the support of other villages in West Kutai through community development programs, LKMTL did not have access to resources except the support given by national and international NGOs. The national WALHI alliance including Gosowong, by linking together groups in 13 locations, made it possible to mount a constitutional court challenge to mining in protected forests. Aside from jumping scales, allies also provide material support and knowledge to improve the power of groups within or in opposition to participation. A final important role of alliances is in ideological development. This is most evident in Gosowong where alliances with both Regency politicians and AMAN were based in ideas of defending and promoting *adat* as indigenous rights. Yet as these alliances proved effective, it also both strengthened *adat* as an organising ideology and facilitated changes in how gender is organised within Pagu culture.

Ideology is the most difficult of the four factors to assess. The ideologies of people affected by mining are both influenced by and influence the three other factors. It is through ideologies, or common-sense understandings of the world, that people affected by mining understand their tactics and agency, relationships to land, how they construct organisations, and select allies. In Kelian, local organisers looked to redress past grievances and demanded compensation from Rio Tinto. The left-nationalist and even socialist beliefs of LKMTL leadership fit well with the liberal human-rights approach of national and international NGOs, providing common ground to publicise tragedy and claim compensation. Ideologically, both LKMTL and their allies would have preferred a process of justice and accountability, however the negotiated compensation package was a compromise they had to accept.

Of course, how compatible the common-sense understandings of people affected by mining are with consultative ideologies of representation – their ideological receptivity – determines

the desire of people affected by mining to participate in corporate processes. In five villages of the Kulon Progo case, the concept of land as a social relation was so central to their understanding of the world (and their livelihoods) that any compromise on this was impossible and they therefore rejected participation.

Ideological development, supported by different alliances, stands out as the key factor separating the outcomes in the first five villages from Karang Wuni. In Chapter Seven, I explained how common-sense understandings of the world are not deterministic as ideological development can take opposite directions. This depended on how experiences, leadership and outside groups influenced their ideological development, leading one village to accept feudal elements of Javanese culture that stressed deference to the Sultan. This fitted well with corporate ideologies of development and modernity. While in the other five villages, deference to the Sultan was rejected in favour of the PPLP's Javanese '*filosofi tanah*' and left-nationalist beliefs in self-determination. In the first village, peasants lost their land to the mining company, with little compensation, while in the other five, peasants maintain control and continue to cultivate their land. Ideological contestation in the field of common sense is tangled with material interests, influencing but not determining decisions and practices of people affected by mining.

## The diversity of outcomes

Although each of the cases examined in this thesis have many similarities, each produced wildly divergent outcomes. These are explained by the way that acts of primitive accumulation are refracted through evolving contestations over relations of production and social reproduction that spill across multiple political scales. Hence, in coastal Kulon Progo conflict occurred over competing purposes of productive land, it could either be farmed, or mined. Peasants believed they were fighting for their lives, hence their slogan '*bertani atau mati*' (farm or die)! Their capacity and desire based in the four factors discussed above were sufficient to block the mine's development. In Gosowong, conflict and participation are over the distribution of revenues from mining, the land occupied by Newcrest is forest land and the impacts on farming and other productive activities have been either insignificant or indirect. In both Kulon Progo and Halmahera Utara, the people affected by mining still have

access to their land and have adopted more autonomous and representative strategies, respectively. In North Halmahera, this led to obtaining a greater share of benefits of mining.

In Kelian, the small-scale miners and Dayak people were dispossessed of their resources under the New Order dictatorship and they had no power to oppose the military and police violence used to secure the area for Rio Tinto. After *reformasi*, conflict took the form of a campaign to redress previous human rights violations, which entailed participation and mediation. It was the coincidence of international pressure, local mobilisations, the independent investigation and a change in the national regime that opened the political space for LKMTL to act and forced KEM to negotiate compensation. This shows also the importance of political context. Under the New Order Regime, Rio Tinto could more easily get away with eschewing participation, however, with the emergence of new state-sponsored sites of participation, KEM opened negotiations to avoid the risk of legal action, including potential criminal action against individual managers. For LKMTL and allies, participatory mechanisms were a practical compromise. The justice that they sought was not realistically available. Therefore, when their campaigning led to the offer to participate in negotiations with KEM, they took this opportunity to secure what they could.

The ability of people affected by mining to extract benefits from participation or resistance was the outcome of their ability to exercise power based in their relations of production and social reproduction and how this was amplified or supplemented by alliances. Ideology is the lynchpin here, as it determines the receptivity of groups towards participatory mechanisms, their desire to participate, resist, or not. But receptivity and desire needs require the capacity to act, found very practically in control of land and the ability to organise autonomously from state and capital. Alliance then play the special role of boosting the capacity for action beyond the local scale – a decisive element in resisting or securing more benefits from a mining corporation.

## Gendered impacts of mining, participation and resistance

The impacts of conflict, participation and resistance on gendered relations within each affected group was the most varied and unpredictable outcome across the three cases. In Kelian, despite previously enjoying relative equality with male small-scale miners, women were subjected to additional forms of violence and discrimination both during evictions and

the mine's operation. Shifts away from communal relations of production, subsistence and reproduction towards corporate and state mediated development disproportionately disadvantaged women. Unlike in the other two cases, these patterns of disadvantage were not overcome through resistance or participation as there was no social basis for equality.

In Gosowong, NHM's 1% fund reinforced existing social hierarchies, including the dominance of men in village politics. However, the remarkable story of Ibu Afrida shows how the opportunity to participate in the benefits of mining, despite the negative impacts on traditional culture, can produce lasting changes in gendered social and political relations. This also demonstrates how *adat* is not a static traditional construction but may change towards increasing equality, especially when supported by allies. In Kulon Progo, because of the historical gendered division of labour, women were the ones tending the fields and formed the front lines of defence against incursions by the mining corporation. This, combined with long-term engagement with anarcho-feminist allies, led to humble but lasting changes in the gendered division of labour and social reproduction along the five coastal villages. Despite ongoing inequalities, women have now established *kelompok tani wanita* (women's farming groups) and enjoy higher social status compared to before the resistance movement.

While there is much particularity and variance between and amongst these cases, a closer analysis of gendered impacts of mining, participation and resistance has strengthened and contributed to the theoretical explanation developed in this thesis. The differentiated power of women and men to participate or resist mining is found in the gendered social relations of production and how these are disrupted by primitive accumulation. However, the gendered division of participation and resistance can also produce changes in social, political and economic relations. Similar conclusions might be drawn about other social divisions, such as age, ethnicity, religion and sexuality and the intersections of these.

For the literature on gendered impacts of mining (Jenkins 2014), these implications follow the call to move past the view of 'women as victims' (Lahiri-Dutt 2011). To move 'beyond victimisation', analysis of gendered legacies of mining must include the effects of participation and resistance that may provide sources of agency (Sinclair Forthcoming). The implication for organisations, regulators and corporations is that gender equality requires deeper changes in economic, political and social structures than compensating for the immediate unequal

impacts of mining. Any interventions must be based in awareness of evolving productive and reproductive social relations.

## Understanding participation and conflict in mining

The theoretical explanation and empirical data in this thesis has immediate implications for the study of community-company mining conflicts, but also for the study of corporate power, global governance and political participation more broadly. The most obvious implication of the data and analysis for the study of company-community mining conflicts is that understanding the ways that governance standards, corporate policy innovations and participatory mechanisms play out requires actor-oriented methodologies. Institutional interventions, including reform to corporate practices do not always operate as intended. Participatory mechanisms, including community development programs are shaped, not only by corporate and institutional forces, but the power, decisions and strategies of people affected by mining. In this sense, this thesis confirms the value of ethnographic work that takes the agency, ideologies and strategies of people affected by mining seriously, including research by Welker (2014), Li (2015), and Liefsan et. al. (2017).

The major original contribution is in moving past describing the various reactions and strategies that groups of people affected by mining adopt towards participation to explain why, how and when they have the capacity and desire to participate or not. Understanding the diverse outcomes of participation requires an appreciation that the capacity, desires and strategies of people affected by mining matter. This demands an analytical refocusing onto fundamental power asymmetries between actors. Theoretically, the capacity and desire of people affected by mining to participate or not depends on their historically produced social relations of production and reproduction. Empirically, in this study this translated to control of land, forms of organisation, alliance structures and ideological development.

Mining affected communities can expect better outcomes when they build independent power, either instead of or simultaneous to participating in corporate controlled mechanisms. There are copious examples of people affected by mining building independent power through grassroots organisations, protest and direct action, alliance building, and political campaigning. Maintaining sources of power that are not sanctioned by the state or corporate actors gives mining affected communities more power to challenge the terms of participation

or to demand participation on issues otherwise deemed out of bounds. This is not to suggest that institutional and corporate reform do not matter at all. Rather, the implication is that improvements in regulation, legislation or corporate policy must be matched by supporting and broadening the base of power of people affected by mining.

To demonstrate these implications, consider Free Prior Informed Consent – the most prominent aspirational reform that environmental groups and indigenous rights campaigners advocate for. FPIC would guarantee people affected by mining the right to consent or reject natural resource projects on their land. If implemented in good faith, FPIC has the potential to upset dynamics between affected communities and multinational corporations by granting *de facto* veto rights to communities. This is why the World Bank and multinational mining corporations have deceptively endorsed the right to Free Prior Informed *Consultation* (Flemmer and Schilling-Vacaflor 2016).

*Prima facie*, FPIC might appear to balance corporate power, state sovereignty, and community rights. Aside from documented difficulties with implimentation (MacKay 2004; Phillips 2012), we should not expect even radical reforms to transcend the power relations already embedded within contestations over the social dimensions of mining. Where FPIC is granted by a state or international organisation, it is an assertion of power by that institution, ostensibly made in the name of and legitimated by human-rights discourse. On the other hand, if communities affected by mining projects mobilise, obtain and assert the power to ensure their consent is respected, they can do this regardless of any institutionalised right to FPIC.

Understanding institutions as the outcome of social conflict, we cannot expect FPIC to be institutionalised *until* there is a shift in the balance of power between affected communities and mining corporations. Increasing risks to extractive developments that violate the consent of affected people, either on a project level or as a generalised crisis of legitimacy drive further reform. The point is, groups critical of or opposed to extractive industries will do better to build resilience and alliances to increase their power vis-à-vis mining capital regardless of the existing institutional framework.

## Social movements and contentious politics

This thesis shares a focus on the strategies, motivations and capacities of people affected by mining, local organisations and alliances with social movement literature. Social movement theory approaches to extractive conflicts are valuable for placing these within broader cycles of contentious politics – referred to as 'political opportunity structures', 'resource mobilisation theory' and 'message framing' (eg Arce 2014, xvi). This includes the ways that social movements create autonomous sites of participation to build legitimacy and contest the impacts of mining (Dietz 2019). Social movements can then elevate greviances to international scales and create institutional change (Ş. Özen and Özen 2009; Byambajav 2015).

Despite much to agree on, the implications of this thesis are that social movement theory suffers from two blind spots. First, that people affected by mining may resist or participate in ways that are not easily recognisable as 'contentious politics' and may be overlooked by those whose study begins from an analysis of protest movements. This aligns with the political economy literature on 'everyday forms of resistance' and 'everyday political economy' (Scott 1985; J. Nem Singh and Camba 2016). Second, and most important, social movement scholars are rightly concerned with the capacities of movement organisations, leaders, political opportunities and the processes of resistance (H. Özen and Özen 2011; Deonandan 2015). This however, overlooks the roots of the capacity and desires of people affected by mining in their social relations of production and reproduction, including historically produced ideologies.

## Corporate power and global governance

Much literature on the power of multinational corporations in International Political Economy and International Relations frame corporate power as either a zero-sum, in the case of hyperglobalists and sceptics, or positive-sum game, as in state transformationalist approaches.[1] However, the approach and empirical results here suggest an analysis of corporate power must go beyond analyses of globalisation and national scale conflicts between states and corporations. Like Welker (2014) and Macdonald (2017b), this thesis

---

[1] See Mikler (2018, 28–33) for a detailed summary of these debates.

emphasises the ways that corporate power is produced through conflicts with both local and transnational non-state actors. This understanding is built on the analysis of corporations as political, social and governance actors with economic interests (Wilks 2013).

The way that corporations manage their relations with people affected by their operations and their critics and the way these techniques are enshrined in global standards is the outcome of ongoing and historical conflicts which traverse multiple political scales. As a collective, multinational mining corporations created governance mechanisms that reconstruct the legitimacy of the industry as a whole, not merely of individual corporations. The collective exercise of corporate power is important to confront threats of more stringent regulation by state institutions. Yet this is less about the power of corporations versus the power of states and more about the competing interests and powers of corporations versus their critics making opposing demands of state actors. By epistemologically and methodologically centring conflicts between multinational mining corporations, people affected by mining and transnational NGOs, global governance is understood as an expansion of corporate power in response to contestation and crises (Sinclair, forthcoming).

Although profitability is the primary purpose of corporations, and although controlling the risks of conflict is undeniably important for profitablility, corporate interests and strategies are not entirely reducible to measurable or predictable effects on profitability. As mining corporations take on more 'responsibility', their interests expand to include community development and environmental management. This affects an exchange of interest between mining corporations and people affected by mining. As this cycle continues, MNCs are mutually constituted with the societies they interact with as they are crisscrossed by diverse interests and demands (Welker 2014). Participatory mechanisms provide corporations with the opportunity to enlist community representatives in the service of corporate interests. However, they also provide opportunities for those community representatives to pursue their own interests, sometimes with other community groups and sometimes against the interests of others.

## Political participation

The results of this thesis confirm the explanatory power of the modes of participation framework. I have adapted it to the analysis of corporate sites of participation and explained

how modes of participation operate across political scales. This demonstrates that there is fertile ground for applying the framework beyond its proven analysis of political participation as an alternative to democracy in Southeast Asia (Jayasuriya and Rodan 2007a; Nguyen 2014; Bal 2015b; Rodan 2018).

Yet, this study also continues to problematise sharp distinctions between 'the state', 'society' and 'corporations'. This emphasises the analytical power of Jessop's (2007, 123) state theory where states are a "strategic field formed through intersecting power networks." Indeed, such intersecting power networks also constitute social relations and corporations. For example, in Kulon Progo, the Sultan, also the governor of Yogyakarta, owned a significant amount of stock in JMI. In all three cases, boundaries between the state and mining corporations blurred when police and military where paid by the corporations for security services. Even when murders, wrongful arrests and so forth have been proven to have occurred, responsibility is deflected from one party to the other. Therefore, even while demonstrating the utility of corporate sites of participation as an analytical category within the modes of participation framework, these should not be understood as wholly constituted separate sites. Corporate sites of participation blur into state-sponsored sites and autonomous sites and are constituted in relation to the political opportunities available through alternative sites and modes of participation.

## Limitations

The participatory mechanisms, modes of participation and conflicts analysed in this thesis are immediately relevant to the governance and management of the social dimensions of mining. While multinational corporations in any industry can and do create similar modes of participation, the precise form that these take will depend on the historical development and political conflicts surrounding each industry. The degree of success will depend on the dynamic multi-scalar contestations surrounding specific issues or industries.

The historic development of global governance in response to crises (described in Chapter Four), that led to the institutionalisation of modes of participation, is particular to a subset of powerful multinational corporations. These are the members of the ICMM and signatories to other major international standards and are headquartered in North America, South America, Europe, South Africa, Australia and Japan. Smaller and domestically owned corporations are

still influenced by the same global modes of participation, yet are also more imbedded within national and provincial ideologies of representation – as was the case in Kulon Progo. Most importantly, it is yet to be seen how multinational corporations from China, India, and Russia will implement CSR in their overseas operations, if they will join existing international associations or if they will create rival standards for participation. The continued growth and influence of China may also "disturb the international and domestic power relations" (Hatcher 2020, 334) that constitute governance regimes in the extractive industries .[2]

All three cases considered in this thesis are located in Indonesia. I have argued that national legislation and regulation in Indonesia has had little impact on the outcomes of conflict and participation. That is, except in the case of Kelian, where *reformasi* and democratisation were key events in opening opportunities for resistance. This geographic limitation is also mitigated by selecting cases from across Indonesia – one in Kalimantan, one in Java and one in Maluku. Each area has very different cultures, economic and political histories control for bias. For example, if all had been located in Java, it would be almost impossible to separate the effects of corporate participatory mechanisms from the politics of Javanese peasant movements.  Yet, while I have argued that we could expect to find similar patterns of conflict in many other countries, the ways that global and regional patterns manifest in different domestic and local contexts remains a matter for empirical investigation.

The point to make about the empirical limitations of this study is that the specific patterns of conflict and participation identified between multinational corporations and people affected by mining in Indonesia should not be extrapolated beyond their limits. However, the framework developed here can continue to be tested and provide explanations for conflict and participation elsewhere and provide theoretical replication given the intrinsically conflictual nature of capitalist development regardless of specific manifestations of conflict.

## Future directions

Given the implications and limitations outlined above, there are several directions where future research would prove fruitful. The most immediately obvious avenue is to apply this framework to Chinese owned multinational mining corporations. As Chinese capital is rapidly

---

[2] See Dougherty (2016) increasing Chinese investment in Latin American extractives.

expanding internationally, it is critical to understand how different their drivers and mechanisms of participation will be. Especially for state owned Chinese corporations, will they face a similar crisis of legitimacy to established multinational corporations, or will they produce alternative and competing global standards to manage the environmental and social dimensions of mining? Especially where Chinese corporations are state owned, what forces will drive integration into or the creation of rival modes of participation at global scales? Early evidence shows that while Chinese mining corporations are not joining international associations or signing up to standards, they are largely conforming to market and social norms of host countries (Gonzalez-Vicente 2012; Carmody 2017). However, if local participatory mechanisms are based in modes of participation institutionalised at the global level, the long-terms effects of Chinese refusal to engage global governance associations remains to be seen.

Comparative work across different regime types could also uncover further dynamics of conflict and participation. Is land, organisation, ideology and alliances as important for people affected by mining in authoritarian or developed countries? Do they find different sources of power? Uncommon comparisons across regions or across the developed/developing divide could also uncover unexpected similarities and differences between the ways that mining corporations implement participatory mechanisms.

Likewise, global governance regimes in other industries, such as forestry, textiles or palm oil, or specific mineral supply chains, such as lithium and batteries, will provide useful comparisons of empirical results and theoretical explanations. The modes of participation framework should prove fruitful for examining conflict and participation in any industry in any location. The power of this approach is to examine the contestations that shape and determine corporate strategies, regardless of institutional context. The way that corporations decide to manage relations with people affected by their operations and the way these techniques are enshrined in global standards is the outcome of ongoing historical conflicts that traverse multiple political scales.

# Appendix: Methods, Ethics & Positionality

The section on Methodology and Methods in Chapter One provides an outline and justification of the epistemology, methodology, methods and case studies employed during this research. This appendix provides further details on the methods, process, ethics and positionality that affected primary data collection. All fieldwork data were collected over the course of several fieldtrips between 2016 and 2018. The fieldwork procedures described here were fully approved by Murdoch University's Human Research Ethics Committee permit number 2015/215 and Indonesian Ministry of Research and Technology Foreign Research Permit Number 25/EXT/SIP/FRP/E5/Dit.KI/VI/2017.

Two fieldtrips in 2016 constituted preliminary research where I assessed the scope and feasibility of each case study, met key informants and established networks. This time involved consulting with NGO workers and activists, academics in Jakarta, Yogyakarta and Samarinda. During this time, I also established working relationships with two research assistants/interpreters who assisted me on field trips, with translations and reflective practice. I made several trips to coastal Kulon Progo and one to Samarinda, the capital of East Kalimantan to meet key informants. Their input at this stage gave my research design a participatory dimension, making sure that I focused on questions that are of relevance to participants as well as ensuring that I was not too limited by my own preconceived notions of extractive conflicts. For example, consultations with NGO workers in Jakarta and then key informants in Samarinda convinced me to drop an initial planned case study and focus on the historical Kelian case by revealing that there were still significant untold stories about that mine, whereas my initial proposed case study was never developed as a mine. Exploratory interviews and observations allowed themes and connections to emerge that I would not have been able to predict and proved quite useful for clarifying the central factors of the study and developing preliminary hypotheses (Schensul, Schensul, and LeCompte 1999, 149–50). Consultations in 2016 were conducted either in English or Indonesian with the aid of an interpreter.

For most of 2017, supported by an *Endeavour Postgraduate Scholarship for Long-term Fieldwork* I was based south of the city of Yogyakarta and conducted multiple trips to each research location, Jakarta and relevant provincial and district capitals. It was during this time that the bulk of formal interviews were conducted and the answers to my research questions took shape. Representative sampling was used to ensure that participants included each of my defined target groups: Mining corporation employees, especially from community relations departments; national and international NGOs; local organisers; public servents and politicians; and community members.

In each village, we (an interpreter and myself) initially approached the Village Head or Village Secretary (*Kepala Desa or Sekritaris Desa)* as required by my Indonesian Foreign Researcher Permit. Meeting village officials was an efficient way to explain the objectives of my research, gain permission to move about the village and, more often than not, the village official would want to participate in an interview and introduce us to other villagers, who might introduce us to yet more contacts, creating a snowball sample. Snowball sampling also began from NGO networks as activists would want to introduce us to their local contacts. Activists would usually, but not always, recommend people opposed to mining while village officials would usually, but not always, recommend people supportive of mining. Snowball sampling continued until we reached data saturation amongst each group, paying attention to the representation of people of different ages, genders and ehtnicities (Schensul, Schensul, and LeCompte 1999, 262–64). Most participants were people affected by mining, with a range of pro, contra or neutral voices included from each area. I also conducted targed sampling for prominent figures, such as district and provincial politicians, public servents and employees of mining corporations.

Semi-structured interviews followed a procedure. We gave participants an information letter, in Indonesian, outlining who I am, the objectives of the study and that their participation is voluntary. My interpreter or myself answered any questions and read out the consent script as approved by Murdoch University's Human Research Ethics Committee, explaining their rights to privacy, anonymity and to withdraw at any time. Participants gave explicit verbal consent, which was recorded at the beginning of interviews. Only once was consent withdrawn after the interview was conducted. I destroyed the audio file of that interview.

Many interviews involved discussing sensitive content. Participants often discussed events that involved illegal or otherwise compromising activities involving themselves or others. This included both pro-mining figures, for example in disclosing corruption, and anti-mining figures discussing trespass and related protest activities. In these instances, myself and my research assistants, in consultation with the participant would decide how much information to record, erring on the side of avoiding self-incrimination. Sensitive content also included discussions of traumatic events, including human-rights violations and sexual violence. This was particularly the case in the Kelian case (Chapter Five) where many participants had suffered at the hands of Rio Tinto employees, contractors, and police. We never pushed survivors to tell their stories but were open to hearing and holding space if any community members wanted to share their stories. I recognise that while for some survivors telling their story may provide healing and hope, for others silence is an equally valid strategy that researchers must respect. Silence should not be equated with powerlessness but seen as an active choice in survival (Parpart 2010).

Interviews lasted for 60-90 minutes, were recorded, and both myself and my interpreter took notes during and after. While I had a set of research questions, I allowed interviews to remain open-ended, tangents and themes developed based on the participants' experience. Again, leading to unexpected avenues of inquiry. The best example of this is the conversations with peasants in coastal Kulon Progo about their farming techniques, daily life, and social organisation. In coming to understand how much their historical forms of organisation and ideologies informed their modes of resistance, I became more aware of how the political economy of everyday life affects participation. It was after these conversations that I cast around for new theoretical explanations, eventually finding feminist social reproduction theory to understand the ways that people engage in modes of participation. Social reproduction theory was not in my pre-fieldwork theoretical framework.

Upon returning from field trips, interview data and fieldnotes were analysed using NVivo qualitative research software. Most Interviews were not transcribed, but all were annotated, and selected sections and potential quotes were transcribed and translated. Coding of interviews used both deductive codes – drawn from established research questions and the conceptual framework – and inductive, as patterns emerged from the data (LeCompte and Schensul 1999, 46). Initial patterns in coding helped guide the developing research agenda.

Semi-structured interviews were supported by informal conversations and unstructured interviews, participant observation and fieldnotes. The length of fieldwork and number of trips allowed a constant comparison of old data, identified themes, refined research questions and new data (LeCompte and Schensul 1999, 75–77). During this time, I kept detailed journals and drafted monthly reports summarising the evolution of my thinking which I also shared with my supervisors. These reflective pieces identified patterns, additional avenues for enquiry, research questions, and formed the basis for draft chapters. Interpretation involved constant 'zigzagging' between literature, fieldwork data, coding, analysis, theoretical development and drafting.

In 2018 I conducted two follow up field trips, which focused on filling identified gaps in data and corroborating or disproving tentative conclusions. Drafts of case study chapters (Chapters Five, Six & Seven) were translated into Indonesian and copies provided to key informants, providing a further opportunity for informants to approve quotes, correct information or provide further detail. Final case study chapters were then both interpreted through, and informed refinements of, Chapter Three's theoretical and analytical framework.

Writing up data collected in post-authoritarian contexts comes with a unique set of ethical considerations. This is especially true when participants have faced or are at risk of human-rights violations, conflict, or lack protections for political rights (Krystalli 2018; Morgenbesser and Weiss 2018). In writing up the three cases, I have made every effort to keep participants anonymous. This includes ensuring that they are anonymous to people who may be familiar with the cases, including other participants. For this reason, I have not given participants' names or assigned pseudonyms. Neither did I collect demographic data or compile a table of informants as even a de-identified list may present some risk of reidentification (Krystalli 2018). Where giving the location of an interview of a participant could potentially lead to their identification, I gave the name of the district instead of the name of the village, or the name of the province instead of the name of the district. This practice follows procedures recommended by Morgenbesser and Weiss (2018, 11). I applied this data security policy universally, regardless if the risk to a specific participant was high or low. The researcher may not "always know what information might be potentially compromising for her interlocutors" (Krystalli 2018, 4), while anonymising some participants and not others singles out those at higher risk while increasing their risk of identification. The only exceptions to this are for a

few participants who are public figures whose opinions and experiences are already on the public record and gave enthusiastic consent to being named. Identification of these people could not add any extra risk to their situation.

These ethical decisions created a trade off in the transparency and replicability of my research (Morgenbesser and Weiss 2018). However, these traditional standards of rigorous research should not outweigh ethical considerations for participants involved in ongoing land conflict. Triangulation of primary data with academic and grey literatures is one strategy to increase credibility. It is also worth noting that postpositivist critical ethnography is less concerned with uncovering an objective truth as it is with doing justice to the narratives of participants, even where multiple narratives contradict each other (Dutta 2014, 98). Therefore, "positionality and reflexivity are the core tenets [of ethnographic research], rather than replicability" (Krystalli 2018, 4).

Indeed, Bainten and Owen (2019, 767) argue that researching mining conflicts necessarily requires ethnographic researchers to engage in 'zones of entanglement' where:

> The complexity of the social terrain that individuals and institutions encounter when they become involved in research, advocacy or consultancy around large-scale mining operations demands a set of reflexive dialogical strategies that favour the voices of a diverse cast of actors, and avoids portraying local encounters in simple, binary terms.

This entanglement involves making ethical decisions about which actors to treat as more relevant than others. These authors' solution to this is not in resisting entanglement to produce 'objective' accounts of conflict but adopting a plurality of positionalities over time and space.

The decision about which actors to centre during fieldwork is not only an ethical question, but a methodological one. If governments and corporations have already published reports and statements, while people affected by mining have not been able to, it is the (lack of) their voices that is a gap in literature. It is also practical: who wants to talk to researchers and who wants their stories to be told? For these and other reasons, critical ethnographic approaches are "committed to the construction of knowledge that privileges the perspectives of those who have been subjugated" (Dutta 2014, 92). I consciously prioritised obtaining the perspectives of people affected by mining, without refusing to engage with other actors,

producing a more original empirical contribution than would have been the case if I focused equally on corporate and government representatives.

Furthermore, in ethnographic research more generally, it is true "not only that maintaining positivistic neutrality is impossible to achieve, but that it constitutes poor research practice" (LeCompte 1999, 9). Researchers must be aware that "access to the research setting, the key informants, and other participants who constitute the focus of the study depends on the appearance, presentation of self, social skills, and specific behaviours of the ethnographer in the research setting" (LeCompte 1999, 1).

The three most relevant examples of this affecting my research was my independent funding source, institutional affiliation with Universitas Gadjah Mada and the social, class and gender presentation of myself and my research assistants. On several occasions, upon realising that this research was not funded, directed or associated with a corporation, participants visibly relaxed and became much more candid in their criticism of mining. Research funded by mining corporations is more likely to produce data and analysis less critical of mining (Kirsch 2014, 12). Secondly, my institutional affiliation with UGM gave me instant rapport and legitimacy with public servants and politicians, many of whom are graduates of or send their children to UGM (see also Morgenbesser and Weiss 2018, 8 on choices around institutional affiliation). This facilitated access to local elite actors and smoothed suspicions that we might be 'troublemakers'.

Finally, the classed, gendered and aged social appearance of myself and research assistants often both confused and relaxed participants. Both of my research assistants are Indonesian, but neither are native to the areas in which we conducted research while I am *bule* (foreigner, white) While we consciously adopted a relaxed semi-professional presentation, we did not cover tattoos or gender non-conforming style. Of course, this immediately marked us as cultural outsiders, yet also separated us from the usual kinds of outsiders who conduct research in villages – we did not appear to be typical professors, corporate representatives or consultants. Sometimes this confused potential participants and led to awkward conversations, it also solicited a measure of curiosity. Our frequent reflective conversations and comparison of notes with other academics leads me to believe that participants were less likely to stick to the script that they would usually give to outsiders. Positionality and research skill also evolve over the course of long-term fieldwork. For example, at the start of 2016 my

Indonesian ability was basic, and I relied heavily on interpreters and translations to conduct fieldwork. By the end of 2017, my Indonesian ability reached a professional fluency, nevertheless I still preferred to use interpreters both to aid in understanding nuance of language and to provide a second opinion on interview analysis and participant observation.

Data collection and analysis procedures, ethical decisions, decisions about which actors to focus on, and positionality all affected data collection and analysis. Theoretical interpretation across the three case studies and triangulation of primary data with secondary sources provides additional credibility to potentially idiosyncratic data. The empirical perspectives in this thesis provide unique and original insights, adding to "a plurality of perspectives and a multiplicity of interfaces and arenas, actors and interests" (Bainton and Owen 2019, 769). When placed within comparative and theoretical literature on extractive industries and Southeast Asia the original empirical contribution, shaped by positionality, methodological and ethical decisions develop a replicable theoretical framework.

# References

Abercrombie, Nicholas, Stephen Hill, and Bryan S. Turner. 1994. *The Penguin Dictionary of Sociology*. Penguin Books.

ACFOA. 1995. "Trouble at Freeport: Eyewitness Accounts of West Papuan Resistance to the Freeport-McMoRan Mine in Irian Jaya, Indonesia and Indonesian Military Repression: June 1994 - February 1995." Canberra: Australian Council for Overseas Aid (ACFOA) [Human Rights Office].

Aditjondro, George Junus. 2013. "Epilog: SG dan PAG, Penumpang Gelap RUUK Yogyakarta." In *Menanam adalah Melawan!*, by Widodo, 91–94. Yogyakarta, Indonesia: Paguyuban Petani Lahan Pesisir Kulon Progo and Tanah Air Beta.

Agustina, Cut Dian, Ehtisham Ahmad, Dhanie Nugroho, and Herbert Siagian. 2012. "Political Economy of Natural Resource Revenue Sharing in Indonesia." Asia Research Centre Working Paper 55. London, UK: London School of Economics & Political Science.

Ali, Saleem H. 2003. *Mining, the Environment and Indigenous Development Comflicts*. Tuscon: University of Arizona Press.

Ali, Saleem H., Damien Giurco, Nicholas Arndt, Edmund Nickless, Graham Brown, Alecos Demetriades, Ray Durrheim, et al. 2017. "Mineral Supply for Sustainable Development Requires Resource Governance." *Nature* 543 (7645).

Allen, Matthew G. 2018. *Resource Extraction and Contentious States: Mining and the Politics of Scale in the Pacific Islands*. Singapore: Palgrave Macmillan.

Angelbeck, Bill. 2008. "Archaeological Heritage and Traditional Forests within the Logging Economy of British Columbia." In *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*, edited by Ciaran O'Faircheallaigh and Saleem Ali, 123–41. Sheffield: Greenleaf Publishing Ltd.

Antlöv, Hans, Anna Wetterberg, and Leni Dharmawan. 2016. "Village Governance, Community Life, and the 2014 Village Law in Indonesia." *Bulletin of Indonesian Economic Studies* 52 (2): 161–83. https://doi.org/10.1080/00074918.2015.1129047.

Anugrah, Iqra. 2019. "Standing for Parliament, and against Mining in Kalimantan." *New Mandala* (blog). April 16, 2019. https://www.newmandala.org/standing-for-parliament-and-against-mining-in-kalimantan/.

Arce, Moisés. 2014. *Resource Extraction and Protest in Peru*. Pittsburgh, PA: University of Pittsburgh Press.

Arellano-Yanguas, Javier. 2011. "Mining and Conflict in Peru; Sowing the Minerals, Reaping a Hail of Stones." In *Social Conflict, Economic Development and the Extractive Industry: Evidence from South America*, edited by Anthony Bebbington, 89–111. New York: Routledge.

Aspinall, Edward. 2007. "The Construction of Grievance: Natural Resources and Identity in a Separatist Conflict." *The Journal of Conflict Resolution* 51 (6): 950–72.

———. 2015. "Inequality and Democracy in Indonesia." *Kyoto Review of Southeast Asia*, no. 17. http://kyotoreview.org/issue-17/inequality-and-democracy-in-indonesia/.

Aspinall, Edward, and Noor Rohman. 2017. "Village Head Elections in Java: Money Politics and Brokerage in the Remaking of Indonesia's Rural Elite." *Journal of Southeast Asian Studies* 48 (1): 31–52. https://doi.org/10.1017/S0022463416000461.

Atkinson, Jeffrey, Annabel Brown, and James Ensor. 2001. "Mining Ombudsman Annual Report 2000-2001." Melbourne, Australia: Oxfam Community Aid Abroad Australia.

Atkinson, Jeffrey, and David Hudson. 1998. *Undermined: The Impact of Australian Mining Companies in Developing Countries*. Melbourne, Australia: Community Aid Abroad.

AusAID. 2011. "Australia's Mining for Development Initiative." AusAID. www.ausaid.gov.au/publications.

Auty, Richard M. 1993. *Sustaining Development in Mineral Economies: The Resource Curse Thesis*. New York: Routledge.

Bachriadi, Dianto. 1998. *Merana Di Tengah Kelimpahan, Pelanggaran-pelanggaran HAM Pada Industri Pertambangan di Indonesia [Languishing amongst abundance, human rights violations in the Indonesian mining industry]*. Jakarta: ELSAM.

———, ed. 2012. *Dari Lokal Ke Nasional Kembali, Kembali Ke Lokal: Perjuangan hak atas tanah di Indonesia*. Bandung: ARC Books.

Bachriadi, Dianto, and Erwin Suryana. 2016. "Land Grabbing and Speculation for Energy Business: A Case Study of ExxonMobil in East Java, Indonesia." *Canadian Journal of Development Studies / Revue Canadienne d'études Du Développement* 37 (4): 578–94. https://doi.org/10.1080/02255189.2016.1197825.

Bainton, Nicholas, and John R. Owen. 2019. "Zones of Entanglement: Researching Mining Arenas in Melanesia and Beyond." *The Extractive Industries and Society* 6 (3): 767–74. https://doi.org/10.1016/j.exis.2018.08.012.

Baker, Jacqui. 2013. "The Parman Economy: Post-Authoritarian Shifts in the Off-Budget Economy of Indonesia's Security Institutions." *Indonesia* 96 (Special Issue: Wealth, Power, and Contemporary Indonesian  Politics): 123–50.

Bal, Charanpal S. 2015a. "Production Politics and Migrant Labour Advocacy in Singapore." *Journal of Contemporary Asia* 45 (2): 219–42. https://doi.org/10.1080/00472336.2014.960880.

———. 2015b. "Production Politics and Migrant Labour Advocacy in Singapore." *Journal of Contemporary Asia* 45 (2): 219–42. https://doi.org/10.1080/00472336.2014.960880.

Ballard, Chris, and Glenn Banks. 2003. "Resource Wars: The Anthropology of Mining." *Annual Review of Anthropology* 32 (January): 287–313.

Bank Indonesia. 2019a. "Nilai Ekspor Menurut Komoditas Value of Export by Commodity." In *Statistik Ekonomi dan Keuangan Indonesia Indonesian Economic and Financial Statistics*, 140–41. Jakarta: Bank Indonesia. https://www.bi.go.id/seki/tabel/TABEL5_10.pdf.

———. 2019b. "Produk Domestik Bruto Menurut Lapangan Atas Dasar Harga Berlaku Gross Domestic Product by Industrial Origin at Current Prices." In *Statistik Ekonomi Dan Keuangan Indonesia Indonesian Economic and Financial Statistics*, 276–79. Jakarta: Bank Indonesia. https://www.bi.go.id/seki/tabel/TABEL7_1.pdf.

Banks, Glenn. 2014. "Drilling and Digging: Extractives, Institutions and Development: Review Essay: Extractives, Institutions and Development." *Development and Change* 45 (1): 191–204. https://doi.org/10.1111/dech.12071.

Barron, Patrick, Muhammad Najib Azca, and Tri Susdinarjanti. 2012. *After the Communal War: Understanding and Addressing Post-Conflict Violence in Eastern Indonesia*. Yogyakarta, Indonesia: CSPS Books.

Barrow, C. J. 2010. "How Is Environmental Conflict Addressed by SIA?" *Environmental Impact Assessment Review* 30 (5): 293–301. https://doi.org/10.1016/j.eiar.2010.04.001.

Batha, Emma. 2000. "Death of a River." *BBC*, February 15, 2000, Online edition. http://news.bbc.co.uk/2/hi/europe/642880.stm.

Bebbington, Anthony, ed. 2011. *Social Conflict, Economic Development and the Extractive Industry: Evidence from South America*. New York: Routledge.

Bebbington, Anthony, Teresa Bornschlegl, and Adrienne Johnson. 2013. "Political Economies of Extractive Industry: From Documenting Complexity to Informing Current Debates." *Development and Change*, no. Virtual Issue 2: 1–16. https://doi.org/10.1111/dech.12057.

Bebbington, Denise Humphreys. 2011. "State-Indigenous Tensions over Hydrocarbon Development in the Bolivian Chaco." In *Social Conflict, Economic Development and the Extractive Industry: Evidence from South America*, edited by Anthony Bebbington, 134–52. New York: Routledge.

Bedner, Adrian. 2016. "Indonesian Land Law: Intergration at Last? And for Whom?" In *Land and Development in Indonesia: Searching for the People's Sovereignty*, edited by John F. McCarthy and Kathryn Robinson, 63–88. ISEAS-Yusof Ishak Institute.

Bell, Stephen. 2011. "Do We Really Need a New 'Constructivist Institutionalism' to Explain Institutional Change?" *British Journal of Political Science* 41 (4): 883–906. https://doi.org/10.1017/S0007123411000147.

Bezanson, Kate, and Meg Luxton. 2006. *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism*. McGill-Queen's University Press.

Bhattacharya, Tithi. 2017. "Introduction: Mapping Social Reproduction Theory." In *Social Reproduction Theory: Remapping Class, Recentering Oppression*, edited by Tithi Bhattacharya, 1–20. London: Pluto Press. https://doi.org/10.2307/j.ctt1vz494j.

Bice, Sara. 2016. *Responsible Mining: Key Principles for Industry Integrity*. New York: Routledge.

Bice, Sara, Martin Brueckner, and Christof Pforr. 2017. "Putting Social License to Operate on the Map: A Social, Actuarial and Political Risk and Licensing Model (SAP Model)." *Resources Policy* 53: 46–55. https://doi.org/10.1016/j.resourpol.2017.05.011.

Bieler, Andreas, and Adam David Morton. 2018. *Global Capitalism, Global War, Global Crisis*. Cambridge, UK: Cambridge University Press.

Birks, Melanie. 2014. "Practical Philosophy." In *Qualitative Methodology: A Practical Guide*, edited by Jane Mills and Melanie Birks, 17–29. London: SAGE.

Borras, Saturnino M, and Jennifer C Franco. 2013. "Global Land Grabbing and Political Reactions 'From Below.'" *Third World Quarterly* 34 (9): 1723–47. https://doi.org/10.1080/01436597.2013.843845.

Breslin, Shaun, and Helen E. S. Nesadurai. 2018. "Who Governs and How? Non-State Actors and Transnational Governance in Southeast Asia." *Journal of Contemporary Asia* 48 (2): 187–203. https://doi.org/10.1080/00472336.2017.1416423.

Brown, Colin. 2003. *A Short History of Indonesia: The Unlikely Nation?* Crows Nest, NSW: Allen & Unwin.

Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. Near Futures. Brooklyn, NY: Zone Books.

Brueckner, Martin, Angela Durey, Robyn Mayes, and Christof Pforr. 2014. *Resource Curse or Cure?: On the Sustainability of Development in Western Australia*. Berlin: Springer.

Brueckner, Martin, and Marian Eabrasu. 2018. "Pinning down the Social License to Operate (SLO): The Problem of Normative Complexity." *Resources Policy* 59: 217–26. https://doi.org/10.1016/j.resourpol.2018.07.004.

Brueckner, Martin, and Lian Sinclair. 2020. "International Experiences with Social Licence Contestations." In *Ecoactivism and Social Work: New Directions in Leadership and Group Work*, edited by Dyann Ross, Martin Brueckner, Marilyn Palmer, and Wallea Eaglehawk, 111–22. Indigenous and Environmental Social Work. London & New York: Routledge.

Bua, Yuliana Datu. 2004. "With KEM and the Rio Tinto Foundation." In *The KEM Experience*, edited by Terry Holland, 126–27. The KEM Book Team.

Bünte, Marco. 2018. "Building Governance from Scratch: Myanmar and the Extractive Industry Transparency Initiative." *Journal of Contemporary Asia* 48 (2): 230–51. https://doi.org/10.1080/00472336.2017.1416153.

Burton, Bob. 2001. "When Corporations Want to Cuddle." In *Moving Mountains: Communities Confront Mining and Globalization*, edited by Geoff Evans, James Goodman, and Nina Lansbury, 109–24. Otford, NSW: Mineral Policy Institute and Otford Press.

Byambajav, Dalaibuyan. 2015. "The River Movements' Struggle in Mongolia." *Social Movement Studies* 14 (1): 92–97. https://doi.org/10.1080/14742837.2013.877387.

Čakardić, Ankica. 2017. "From Theory of Accumulation to Social-Reproduction Theory: A Case for Luxemburgian Feminism." *Historical Materialism* 25 (4): 37–64. https://doi.org/10.1163/1569206X-12341542.

Carey, P. B. R. 2007. *The Power of Prophecy: Prince Dipanagara and the End of an Old Order in Java, 1785-1855*. 2nd ed. Leiden, Netherlands: KITLV Press.

Carmody, Pádraig. 2017. "The Geopolitics and Economics of BRICS' Resource and Market Access in Southern Africa: Aiding Development or Creating Dependency?" *Journal of Southern African Studies* 43 (5): 863–77. https://doi.org/10.1080/03057070.2017.1337359.

Carroll, Toby, and Darryl S. L. Jarvis. 2015. "The New Politics of Development: Citizens, Civil Society, and the Evolution of Neoliberal Development Policy." *Globalizations* 12 (3): 281–304. https://doi.org/10.1080/14747731.2015.1016301.

Casson, Anne. 2001. *Decentralisation of Policies Affecting Forests and Estate Crops in Kutai Barat District, East Kalimantan*. Jakarta: Center for International Forestry Research (CIFOR). https://doi.org/10.17528/cifor/001056.

CFMEU Mining and Energy Division. 1998. *Naked into the Jungle: A Documentary Film on Rio Tinto, Workers and Communities*. Sydney, NSW: Summerhill Films.

Chambers, Peter. 2018. "Removal of Indo Mines from ASX." Announcement to shareholders. Sydney, NSW: Indo Mines Limited.

Cochrane, Glynn. 2017. *Anthropology in the Mining Industry: Community Relations after Bougainville's Civil War*. Cham, Switzerland: Palgrave Macmillan.

Colbron, Cally. 2016. "The Sultan of Development?" *Inside Indonesia* (blog). August 2, 2016. http://www.insideindonesia.org/the-sultan-of-development.

Colley, Peter. 2001. "Political Economy of Mining." In *Moving Mountains: Communities Confront Mining and Globalization*, edited by Geoff Evans, James Goodman, and Nina Lansbury, 19–36. Otford, NSW: Mineral Policy Institute and Otford Press.

Collier, Paul, and Anke Hoeffler. 2004. "Greed and Grievance in Civil War." *Oxford Economic Papers* 56 (4): 563–95.

Conde, Marta, and Philippe Le Billon. 2017. "Why Do Some Communities Resist Mining Projects While Others Do Not?" *The Extractive Industries and Society* 4 (2017): 681–97.

Cooke, Bill, and Uma Kothari. 2001. *Participation: The New Tyranny?* London: Zed Books.

Coumans, Catherine. 2008. "Realising Solidarity: Indigenous Peoples and NGOs in the Contested Terrains of Mining and Corporate Accountability." In *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*, edited by Ciaran O'Faircheallaigh and Saleem Ali, 42–66. Sheffield: Greenleaf Publishing Ltd.

Cox, Robert. 2009. "The 'British School' in the Global Context." *New Political Economy* 14 (3): 315–28. https://doi.org/10.1080/13563460903087441.

Danielson, Luke. 2002. "Breaking New Ground: Mining, Minerals, and Sustainable Development: The Report of the MMSD Project." International Institute for Environment and Development. London: Earthscan. http://www.iied.org/mining-minerals-sustainable-development-mmsd.

Darling, Peter. 1995. "Kelian - Indonesia's Largest Gold Operation." *Engineering & Mining Journal* 196 (10): 28–30.

Dashwood, Heather S. 2013. "Global Private Governance: Explaining Initiatives in the Global Mining Sector." In *The Handbook of Global Companies*, edited by John Mikler, 456–72. John Wiley & Sons.

Davis, Bill W.J.N. 2004. "KEM's First Leader." In *The KEM Experience*, edited by Terry Holland, 39. The KEM Book Team.

Davis, Rachel, and Daniel M. Franks. 2011. "The Costs of Conflict with Local Communities in the Extractive Industry." In *Proceedings of the First International Seminar on Social Responsibility in Mining, Santiago, Chile*. Vol. 30. https://www.csrm.uq.edu.au/Portals/0/11srm_cap06_p88.pdf.

Deonandan, Kalowatie. 2015. "Evaluating the Effectiveness of the Anti-Mining Movement in Guatemala: The Role of Political Opportunities and Message Framing." *Canadian Journal of Latin American and Caribbean Studies / Revue Canadienne Des Études Latino-Américaines et Caraïbes* 40 (1): 27–47. https://doi.org/10.1080/08263663.2015.1031472.

Devi, Bernadetta, and Dody Prayogo. 2013. "Mining and Development in Indonesia: An Overview of the Regulatory Framework and Policies." IM4DC Action Research Reoprt. International Mining

for Development Centre. http://im4dc.org/wp-content/uploads/2013/09/Mining-and-Development-in-Indonesia.pdf.

DFAT. 2014. "Mid Term Review of International Mining for Development Centre Final Report." DFAT. https://dfat.gov.au/about-us/publications/Documents/im4dc-mid-term-review-april14.pdf.

———. 2016. "Extractives Sector Development Assistance." Department of Foreign Affairs and Trade. 2016. http://dfat.gov.au/aid/topics/investment-priorities/infrastructure-trade-facilitation-international-competitiveness/extractives-sector-development-assistance/Pages/extractives-sector-development-assistance.aspx.

Dietz, Kristina. 2019. "Direct Democracy in Mining Conflicts in Latin America: Mobilising against the La Colosa Project in Colombia." *Canadian Journal of Development Studies / Revue Canadienne d'études Du Développement* 40 (2): 145–62. https://doi.org/10.1080/02255189.2018.1467830.

Doornbos, Martin. 2001. "'Good Governance': The Rise and Decline of a Policy Metaphor?" *The Journal of Development Studies* 37 (6): 93–108.

Dougherty, Michael L. 2016. "From Global Peripheries to the Earth's Core: The New Extraction in Latin America." In *Mining in Latin America: Critical Approaches to the New Extraction*, edited by Kalowatie Deonandan and Michael L. Dougherty, 3–24. London, UK: Routledge.

Down to Earth. 2004. "Mining in Protected Forests - Government Gives Way to Mining Industry Pressure." *Down to Earth* (blog). May 2004. http://www.downtoearth-indonesia.org/story/mining-protected-forests-government-gives-way-mining-industry-pressure.

———. 2005. "Legal Challenge to Mining in Protected Forests." *Down to Earth* (blog). May 2005. http://www.downtoearth-indonesia.org/story/legal-challenge-mining-protected-forests.

Drake, Phillip. 2012. "Composing Disaster/Disastrous Compositions: Nature, Politics and Indonesia's Mud Volcano." Ph.D., Manoa: University of Hawai'i at Manoa.

Duncan, Christopher R. 2003. "Untangling Conversion: Religious Change and Identity among the Forest Tobelo of Indonesia." *Ethnology* 42 (4): 307. https://doi.org/10.2307/3773831.

———. 2007. "Mixed Outcomes: The Impact of Regional Autonomy and Decentralization on Indigenous Ethnic Minorities in Indonesia." *Development and Change* 38 (4): 711–733.

———. 2013. *Violence and Vengeance: Religious Conflict and Its Aftermath in Eastern Indonesia*. Ithaca, UNITED STATES: Cornell University Press. http://ebookcentral.proquest.com/lib/murdoch/detail.action?docID=3138535.

Dutta, Urmitapa. 2014. "Critical Ethnography." In *Qualitative Methodology: A Practical Guide*, edited by Jane Mills and Melanie Birks, 89–105. London: SAGE.

EITI Indonesia. 2018. "EITI Indonesia Report 2016: Executive Summary." Jakarta: Extractive Industries Transparency Initiative Indonesia. https://eiti.org/sites/default/files/documents/vol.1-executive-summary-web.pdf.

Elbra, Ainsley. 2014. "Interests Need Not Be Pursued If They Can Be Created: Private Governance in African Gold Mining." *Business and Politics* 16 (2): 247–66. https://doi.org/10.1515/bap-2013-0021.

———. 2017. *Governing African Gold Mining: Private Governance and the Resource Curse*. London: Springer.

Elias, Juanita, John M. Hobson, Lena Rethel, and Leonard Seabrooke. 2016. "Conclusion." In *The Everyday Political Economy of Southeast Asia*, edited by Juanita Elias and Lena Rethel, 239–60. Cambridge, UK: Cambridge University Press.

Elias, Juanita, and Lena Rethel. 2016. *The Everyday Political Economy of Southeast Asia*. Cambridge, UK: Cambridge University Press.

Engels, Friedrich. 1986. *The Origin of the Family, Private Property and the State*. London: Penguin Books.

Engineering & Mining Journal. 2014. "Weighing the Costs of Indonesia's Export Ban." *Engineering & Mining Journal* 215 (9): 103–7.

Erb, Maribeth. 2016. "Mining and the Conflict over Values in Nusa Tenggara Timur Province, Eastern Indonesia." *The Extractive Industries and Society* 3 (2): 370–82. https://doi.org/10.1016/j.exis.2016.03.003.

Escobar, Arturo. 2001. "Culture Sits in Places: Reflections on Globalism and Subaltern Strategies of Localization." *Political Geography* 20 (2): 139–74. https://doi.org/10.1016/S0962-6298(00)00064-0.

Evans, Geoff, James Goodman, and Nina Lansbury. 2001. "Introduction." In *Moving Mountains: Communities Confront Mining and Globalization*, edited by Geoff Evans, James Goodman, and Nina Lansbury. Otford, NSW: Mineral Policy Institute and Otford Press.

Everingham, Jo-Anne, Deanna Kemp, Saleem Ali, Gillian Cornish, Marcia Langton, and Bruce Harvey. 2016. "Why Agreements Matter: A Resource Guide for Integrating Agreements into Communities and Social Performance Work at Rio Tinto." Melbourne: Rio Tinto in partnership with the Centre for Social Responsibility in Mining, University of Queensland. http://www.riotinto.com/documents/Rio_Tinto_Why_Agreements_Matter.pdf.

Fanthorpe, Richard, and Christopher Gabelle. 2013. "Political Economy of Extractives Governance in Sierra Leone." World Bank. https://openknowledge.worldbank.org/handle/10986/16726.

Federici, Silvia Beatriz. 2004. *Caliban and the Witch*. 1st ed. New York: Autonomedia.

Ferguson, Sarah. 2016. "Catastrophic Failure." *Four Corners*. Sydney, NSW: ABC Television. http://www.abc.net.au/4corners/stories/2016/02/29/4413666.htm.

Fife, Wayne. 2005. *Doing Fieldwork: Ethnographic Methods for Research in Developing Countries and Beyond*. 1st ed. Basingstoke: Palgrave Macmillan.

Filer, Colin, John Burton, and Glenn Banks. 2008. "The Fragmentation of Responsibilities in the Melanesian Mining Sector." In *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*, edited by Ciaran O'Faircheallaigh and Saleem Ali, 163–79. Sheffield: Greenleaf Publishing Ltd.

Filer, Colin, and Pierre-Yves Le Meur, eds. 2017. *Large-Scale Mines and Local-Level Politics: Between New Caledonia and Papua New Guinea*. Asia-Pacific Environment Monographs, no. 12. Canberra: ANU Press.

Filer, Colin, and Martha Macintyre. 2006. "Grass Roots and Deep Holes: Community Responses to Mining in Melanesia." *Contemporary Pacific* 18 (2): 215–32.

Filippini, Michele. 2017. *Using Gramsci: A New Approach*. Translated by Patrick J. Barr. Reading Gramsci. London: Pluto Press.

Flemmer, Riccarda, and Almut Schilling-Vacaflor. 2016. "Unfulfilled Promises of the Consultation Approach: The Limits to Effective Indigenous Participation in Bolivia's and Peru's Extractive Industries." *Third World Quarterly* 37 (1): 172–88. https://doi.org/10.1080/01436597.2015.1092867.

Fletcher, Brett. 2012. "Welcome to Gosowong Gold Mine." Presented at the OZMINE 2012 Sustainable and Responsible Mining: ASEAN and Australia in Synergy, Jakarta, April 17. https://www.austrade.gov.au/ArticleDocuments/1418/ozmine2012-Terry-Pilch-Presentation.pdf.aspx.

Foucault, Michel. 2002. "Governmentality." In *Power: Essential Works of Foucault 1954-1984*, by James D. Faubion, translated by Robert Hurley, 3:201–22. Essential Works of Foucault. London: Penguin Books.

Fox, Jonathan A., and L. Dave Brown. 2000. *The Struggle for Accountability: The World Bank, NGOs, and Grassroots Movements*. 2nd ed. Cambridge, MA: MIT Press.

Franks, Daniel M., Rachel Davis, Anthony J. Bebbington, Saleem H. Ali, Deanna Kemp, and Martin Scurrah. 2014. "Conflict Translates Environmental and Social Risk into Business Costs." *Proceedings of the National Academy of Sciences of the United States of America* 111 (21): 7576–81.

Frederiksen, Tomas, and Matthew Himley. 2020. "Tactics of Dispossession: Access, Power, and Subjectivity at the Extractive Frontier." *Transactions of the Institute of British Geographers* 45 (1): 50–64. https://doi.org/10.1111/tran.12329.

Gellert, Paul K. 2019. "Neoliberalism and Altered State Developmentalism in the Twenty-First Century Extractive Regime of Indonesia." *Globalizations* 16 (6): 894–918. https://doi.org/10.1080/14747731.2018.1560189.

Golder Associates. 2015. "Gosowong Gold Mine Rectification Audit Summary Audit Report." https://www.cyanidecode.org/sites/default/files/pdf/NewcrestGosowongSAR2015.pdf.

Gonzalez-Vicente, Ruben. 2012. "Mapping Chinese Mining Investment in Latin America: Politics or Market?" *The China Quarterly* 209 (March): 35–58. https://doi.org/10.1017/S0305741011001470.

Government of Indonesia, and The United Nations Development Program. 2007. "Legal Empowerment and Asistance for the Disadvantaged (LEAD) Project Document." Jakarta. https://info.undp.org/docs/pdc/Documents/IDN/00043641_LEAD.pdf.

Gramsci, Antonio. 1971. *Selections from the Prison Notebooks*. Edited and translated by Hoare Quentin and Geoffery Nowell-Smith. New York: International Publishers.

———. 1996. *Prison Notebooks*. Edited and translated by Joseph A Buttigieg. Vol. 2. 3 vols. European Perspectives. New York: Columbia University Press.

Green, Marshall. 1965. "Telegram 1290 from American Embassy Jakarta." Jakarta: American Embassay. https://assets.documentcloud.org/documents/4107019/Document-9-Telegram-1290-from-American-Embassy.pdf.

Grzybowski, Alex. 2012. "Extractive Industries and Conflict: Toolkit and Guidance for Preventing and Managing Land and Natural Resource Conflict." The United Nations Interagency Team for Preventative Acion. https://www.un.org/en/land-natural-resources-conflict/pdfs/GN_Extractive.pdf.

Guáqueta, Alexandra. 2013. "Harnessing Corporations: Lessons from the Voluntary Principles on Security and Human Rights in Colombia and Indonesia." *Journal of Asian Public Policy* 6 (2): 129–46. https://doi.org/10.1080/17516234.2013.814306.

Guggenheim, Scott. 2006. "Crises and Contradictions: Understanding the Origins of a Community Development Project in Indonesia." In *The Search for Empowerment : Social Capital as Idea and Practice at the World Bank*, edited by Anthony Bebbington, Michael Woolcock, and Scott Guggenheim, 111–44. Bloomfield: Stylus Publishing.

Guichaoua, Yvan. 2012. "Elites' Survival and Natural Resource Exploitation in Nigeria and Niger." In *The Developmental Challanges of Mining and Oil: Lessons from Africa and Latin America*, by Rosemary Thorp, Stefania Battistelli, Yvan Guichaoua, Jose Carlos Orihuela, and Martiza Pardes, 131–67. Conflict, Inequality and Ethnicity. New York: Palgrave Macmillan.

Hadiz, Vedi R. 2010. *Localising Power in Post-Authoritarian Indonesia: A Southeast Asia Perspective*. Stanford, CA: Stanford University Press.

Hadiz, Vedi R., and Richard Robison. 2013. "The Political Economy of Oligarchy and the Reorganization of Power in Indonesia." *Indonesia*, no. 96: 35–57. https://doi.org/10.5728/indonesia.96.0033.

Hall, Derek. 2013. "Primitive Accumulation, Accumulation by Dispossession and the Global Land Grab." *Third World Quarterly* 34 (9): 1582–1604. https://doi.org/10.1080/01436597.2013.843854.

Hall, Rebecca Jane. 2016. "Reproduction and Resistance: An Anti-Colonial Contribution to Social-Reproduction Feminism." *Historical Materialism* 24 (2): 87–110. https://doi.org/10.1163/1569206X-12341473.

Hall, Ruth, Marc Edelman, Saturnino M. Borras, Ian Scoones, Ben White, and Wendy Wolford. 2015. "Resistance, Acquiescence or Incorporation? An Introduction to Land Grabbing and Political Reactions 'from Below.'" *The Journal of Peasant Studies* 42 (3–4): 467–88. https://doi.org/10.1080/03066150.2015.1036746.

Hamby, Chris. 2016. "The Billion-Dollar Ultimatum." 2. Secrets of a Global Super Court. Online: BuzzFeed News. https://www.buzzfeed.com/chrishamby/the-billion-dollar-ultimatum.

Hameiri, Shahar. 2019. "Institutionalism beyond Methodological Nationalism? The New Interdependence Approach and the Limits of Historical Institutionalism." *Review of International Political Economy*. https://doi.org/10.1080/09692290.2019.1675742.

Hameiri, Shahar, Caroline Hughes, and Fabio Scarpello. 2017. *International Intervention and Local Politics: Fragmented States and the Politics of Scale*. Cambridge, UK: Cambridge University Press.

Hameiri, Shahar, and Lee Jones. 2014. "Murdoch International: The 'Murdoch School' in International Relations." *Asia Research Centre* Working paper No. 178.

———. 2015. *Governing Borderless Threats: Non-Traditional Security and the Politics of State Transformation*. Cambridge, UK: Cambridge University Press.

———. 2020. "Theorising Political Economy in Southeast Asia." In *The Political Economy of Southeast Asia: Politics and Uneven Development under Hyperglobalisation*, edited by Toby Carroll, Shahar Hameiri, and Lee Jones, 4th ed., in press. Studies in the Political Economy of Public Policy. Palgrave Macmillan. https://doi.org/10.1007/978-3-030-28255-4.

Hanlon, Gerard. 2008. "Rethinking Corporate Social Responsibility and the Role of the Firm - On the Denial of Politics." In *The Oxford Handbook of Corporate Social Responsibility*, edited by Andrew Crane, Abagail McWilliams, Dirk Matten, Jeremy Moon, and Donald S. Siegel, 156–72. Oxford: Oxford University Press.

Harker, John. 2003. "Intervention Is Served: The US Federal Alien Torts Claims Act and the Irony of Ironies." *Cambridge Review of International Affairs* 16 (1): 155–64. https://doi.org/10.1080/0955757032000075762.

Harsono, Norman. 2020. "Explainer: New Rules in Revised Mining Law." *The Jakarta Post*, May 14, 2020, Online edition. https://www.thejakartapost.com/news/2020/05/14/explainer-new-rules-in-revised-mining-law.html.

Harvey, David. 2003. *New Imperialism*. London, UK: Oxford University Press.

Hatcher, Pascale. 2012. "Taming Risks in Asia: The World Bank Group and New Mining Regimes." *Journal of Contemporary Asia* 42 (3): 427–46. https://doi.org/10.1080/00472336.2012.687630.

———. 2014. *Regimes of Risk: The World Bank and the Transformation of Mining in Asia*. New York: Palgrave Macmillan.

———. 2015. "Neoliberal Modes of Participation in Frontier Settings: Mining, Multilateral Meddling, and Politics in Laos." *Globalizations* 12 (3): 322–46. https://doi.org/10.1080/14747731.2015.1016305.

———. 2020. "The Political Economy of Southeast Asia's Extractive Industries: Governance, Power Strugles and Development Outcomes." In *The Political Economy of Southeast Asia: Politics and Uneven Development under Hyperglobalisation*, edited by Toby Carroll, Shahar Hameiri, and Lee Jones, 4th ed., in press. Studies in the Political Economy of Public Policy. Palgrave Macmillan. https://doi.org/10.1007/978-3-030-28255-4.

Haufler, Virginia. 2017. "Governing Conflict through Transnational Corporations: The Case of Conflict Minerals." In *Transnational Actors in War and Peace: Militants, Activists, and Corporations in World Politics*, edited by David Malet and Miriam J. Anderson, 61–83. Georgetown University Press.

Hickey, Samuel, and Giles Mohan. 2005. "Relocating Participation within a Radical Politics of Development." *Development and Change* 36 (2): 237–262.

Hobson, John M., and Leonard Seabrooke. 2001. "Everyday IPE: Revealing Everyday Forms of Change in the World Economy." In *Everyday Politics of the World Economy*, edited by John M. Hobson and Leonard Seabrooke, 1–24. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511491375.001.

Hondt, Laure Y d'. 2010. "Seeking Environmental Justice in North Maluku How Transformed Injustices and Big Interests Get in the Way." *Law, Social Justice and Global Development Journal* 15 (2010): 1–19.

Hondt, Laure Y d', and Sangaji M. Syahril. 2010. "Environmental Justice in Halmahera Utara: Lost in Poverty, Interests and Identity." *Van Vollenhoven Institute Working Papers*. https://openaccess.leidenuniv.nl/handle/1887/18052.

Hopes, Michael. 2004a. "KEM's Pioneer Women." In *The KEM Experience*, edited by Terry Holland, 48. The KEM Book Team.

———. 2004b. "Pius, the Man." In *The KEM Experience*, edited by Terry Holland, 178–79. The KEM Book Team.

———. 2004c. "The Early Days from the 1940s to the Mid-1980s." In *The KEM Experience*, edited by Terry Holland, 23–24. The KEM Book Team.

Horowitz, Leah S. 2008. "'It's up to the Clan to Protect': Cultural Heritage and the Micropolitical Ecology of Conservation in New Caledonia." *The Social Science Journal* 45 (2): 258–78. https://doi.org/10.1016/j.soscij.2008.03.005.

———. 2011. "Interpreting Industry's Impacts: Micropolitical Ecologies of Divergent Community Responses." *Development and Change* 42 (6): 1379–91. https://doi.org/10.1111/j.1467-7660.2011.01740.x.

Horowitz, Leah S. 2015. "Culturally Articulated Neoliberalisation: Corporate Social Responsibility and the Capture of Indigenous Legitimacy in New Caledonia." *Transactions of the Institute of British Geographers* 40 (1): 88–101. https://doi.org/10.1111/tran.12057.

Hutchison, Jane, Wil Hout, Caroline Hughes, and Richard Robison. 2014. *Political Economy and the Aid Industry in Asia*. Critical Studies of the Asia-Pacific. Hampshire, UK: Palgrave Macmillan.

Hutchison, Jane, and Ian Wilson. 2020. "Poor People's Politics in Urban Southeast Asia." In *The Political Economy of Southeast Asia: Politics and Uneven Development under Hyperglobalisation*, edited by Toby Carroll, Shahar Hameiri, and Lee Jones, 4th ed., in press. Studies in the Political Economy of Public Policy. Palgrave Macmillan. https://doi.org/10.1007/978-3-030-28255-4.

ICEM. 1997. "Rio Tinto Tainted Titan: The Stakeholders' Report." Brussels, Belgium: International Federation of Chemical, Energy, Mine and General Workers' Unions.

ICMM. 2015. "Sustainable Development Framework: ICMM Principles." Revised 2015. London: International Council on Mining and Metals. https://www.icmm.com/website/publications/pdfs/commitments/revised-2015_icmm-principles.pdf.

———. 2018a. "Member Companies." International Council on Mining and Metals. 2018. http://www.icmm.com/en-gb/members/member-companies.

———. 2018b. "Role of Mining in National Economies: Mining Contribution Index 4th Edition." International Council on Mining and Metals. https://www.icmm.com/website/publications/pdfs/social-and-economic-development/181002_mci_4th-edition.pdf.

———. n.d. "Our History." *International Council on Metals and Mining* (blog). Accessed May 30, 2020. https://www.icmm.com/en-gb/about-us/our-organisation/annual-reviews/our-history.

Indo Mines ltd. 2006. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/Annual-Report-2006.pdf.

———. 2008. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/2008-Annual-Report.pdf.

———. 2009. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/091030-Annual-Report.pdf.

———. 2012. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/091030-Annual-Report.pdf.

———. 2014. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/091030-Annual-Report.pdf.

———. 2015. "Annual Report." Sydney. http://www.indomines.com.au/investor-relations/annual-reports/.

———. 2016. "Annual Report." Perth. http://www.indomines.com.au/assets/Uploads/091030-Annual-Report.pdf.

International Cyanide Management Institute. n.d. "Environmental & Health Effects." International Cyanide Management Code (ICMI) For The Manufacture, Transport and Use of Cyanide In The Production of Gold(ICMI). Accessed February 27, 2018. https://www.cyanidecode.org/cyanide-facts/environmental-health-effects.

International Longshore and Warehouse Union. 2010. "Rio Tinto: A Shameful History of Human and Labour Rights Abuses and Environmental Degradation Around the Globe." *London Mining Network* (blog). April 20, 2010. http://londonminingnetwork.org/2010/04/rio-tinto-a-shameful-history-of-human-and-labour-rights-abuses-and-environmental-degradation-around-the-globe/.

Jacobson, Philip. 2015. "Indigenous Indonesians File Land Claim against IndoMet Coal Project." *Mongabay Enviromental News*, June 24, 2015. http://news.mongabay.com/2015/06/indigenous-indonesians-file-land-claim-against-indomet-coal-project/.

JATAM. 2009. "JATAM Condemns the Violence at a Proposed Australian-Owned Iron Mine," 2009. Translation: http://www.minesandcommunities.org/article.php?a=9631.

Jati, Wasisto Raharjo. 2013. "Predatory Regime Dalam Ranah Lokal : Konflik Pasir Besi Di Kabupaten Kulon Progo." *Jurnal Demokrasi Dan HAM* 10 (1): 85–111.

Jayasuriya, Kanishka, and Garry Rodan. 2007a. "Beyond Hybrid Regimes: More Participation, Less Contestation in Southeast Asia." *Democratization* 14 (5): 773–94. https://doi.org/10.1080/13510340701635647.

———. 2007b. "New Trajectories for Political Regimes in Southeast Asia." *Democratization* 14 (5): 767–72. https://doi.org/10.1080/13510340701635613.

Jefriando, Maikel. 2020. "Indonesia Says It Will Ask Freeport Build Copper Smelter in Halmahera." *Reuters*, June 5, 2020, Online edition. https://www.reuters.com/article/us-indonesia-freeport-mcmoran-idUSKBN23C1GK.

Jenkins, Katy. 2014. "Women, Mining and Development: An Emerging Research Agenda." *The Extractive Industries and Society* 1 (2): 329–39. https://doi.org/10.1016/j.exis.2014.08.004.

Jessop, Bob. 2006a. "Gramsci as a Spatial Theorist." In *Images of Gramsci: Connections and Contentions in Political Theory and International Relations*, edited by Andreas Bieler and Adam David Morton, 27–43. Ripe Series in Global Political Economy 21. New York: Routledge.

———. 2006b. The Strategic-Relational Approach: An Interview with Bob Jessop Interview by Joo Hyoung Ji. http://bobjessop.org/2014/12/02/the-strategic-relational-approach-an-interview-with-bob-jessop/.

———. 2007. *State Power*. Cambridge, UK: Polity Press.

Jong, Edwin de, and Argo Twikromo. 2017. "Friction within Harmony: Everyday Dynamics and the Negotiation of Diversity in Yogyakarta, Indonesia." *Journal of Southeast Asian Studies; Singapore* 48 (1): 71–90. http://dx.doi.org.libproxy.murdoch.edu.au/10.1017/S0022463416000485.

Kellow, Aynsley. 2007. "Privilege and Underprivilege: Counterveiling Groups, Policy and Mining Industry at the Global Level." In *Global Public Policy: Business and the Countervailing Powers of Civil Society*, edited by Karsten Ronit, 110–31. Oxon: Routledge.

KEM. 2007. "Pembayaran Ganti Rugi PT KEM Kepada Masyarakat Kelian Sejak Tahun 1986 Sampai 1998 [PT KEM Compensation Payments to the Kelian Community since 1986 until 1998]." Compensation Report. Proses Penyelesaian Tuntutan Ganti Rugi Masyarakat. Samarinda, Indonesia: PT Kelian Equatorial Mining.

Kemp, Deanna, Jane Gronow, Vanessa Zimmerman, Julie Kim, Allan Lerberg Jørgensen, and Nora Götzmann. 2013. "Why Human Rights Matter." London: Rio Tinto. http://www.riotinto.com/documents/ReportsPublications/Rio_Tinto_human_rights_guide_-_English_version.pdf.

Kendari, Ulil Amri. 2011. "Government's Unilateral Policy in Bima." *Jakarta Post*, 2011, 28 December edition. http://www.minesandcommunities.org/article.php?a=11406.

Kennedy, Danny. 2001. "Rio Tinto: Global Compact Violator." *CorpWatch* (blog). July 13, 2001. http://www.corpwatch.org/article.php?id=622.

Kerkvliet, Benedict J. Triva. 1990. *Everyday Politics in the Philippines: Class and Status Relations in a Central Luzon Village*. Berkeley, USA: University of California Press.

Kirsch, Stuart. 2014. *Mining Capitalism: The Relationship between Corporations and Their Critics*. Oakland, CA: University of California Press.

Kolstad, Ivar, Arne Wiig, and Aled Williams. 2009. "Mission Improbable: Does Petroleum-Related Aid Address the Resource Curse?" *Energy Policy* 37 (3): 954–65. https://doi.org/10.1016/j.enpol.2008.09.092.

Kotsadam, Andreas, and Anja Tolonen. 2016. "African Mining, Gender, and Local Employment." *World Development* 83: 325–39. https://doi.org/10.1016/j.worlddev.2016.01.007.

KPA. 2019. "Masa Depan Reforma Agraria Melampaui Tahun Politik: Catatan Akhir Tahun 2018 [The furture of agrarian reform beyond the year in politics: 2018 annual report]." Jakarta: Konsortium Pembaruan Agraria.

Kristiansen, Stein, and Linda Sulistiawati. 2016. "Traditions, Land Rights, and Local Welfare Creation: Studies from Eastern Indonesia." *Bulletin of Indonesian Economic Studies* 52 (2): 209–27. https://doi.org/10.1080/00074918.2015.1129049.

Krystalli, Roxani. 2018. "Negotiating Data Management with the National Science Foundation: Transparency and Ethics in Research Relationships." *Interpretive Methodologies and Methods* (blog). 2018. https://connect.apsanet.org/interpretation/wp-content/uploads/sites/60/2015/10/Krystalli-NSF-Data-Sharing-Memo_ForPosting_March2019.pdf.

Kusumaningrum, Juliman Foor Z., and Dalvi Mustafa. 2015. "Social Quality Masyarakat Lahan Pasir Pantai Pada Aspek Social Empowerment Di Kecematan Panjatan Kabupaten Kulonprogo (Social Quality of Sand Land Community on Social Aspect of Empowerment in Panjatan Sub-District, Kulonprogo Regency)." *Agriekonomika* 4 (1): 1–9. https://doi.org/10.21107/agriekonomika.v4i1.669.

Lahiri-Dutt, Kuntala, ed. 2011. *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities*. Vol. 6. ANU Press. http://www.jstor.org/stable/j.ctt24h9g4.

———. 2012. "Digging Women: Towards a New Agenda for Feminist Critiques of Mining." *Gender, Place & Culture* 19 (2): 193–212. https://doi.org/10.1080/0966369X.2011.572433.

———. 2018. "Extractive Peasants: Reframing Informal Artisanal and Small-Scale Mining Debates." *Third World Quarterly* 0 (0): 1–22. https://doi.org/10.1080/01436597.2018.1458300.

Laplante, Lisa J., and Suzanne A. Spears. 2008. "Out of the Conflict Zone: The Case for Community Consent Processes in the Extractive Sector." SSRN Scholarly Paper ID 1288105. Rochester, NY: Social Science Research Network. http://papers.ssrn.com/abstract=1288105.

Larsen, Rasmus Kløcker, and Christiane Alzouma Mamosso. 2014. "Aid with Blinkers: Environmental Governance of Uranium Mining in Niger." *World Development* 56 (April): 62–76. https://doi.org/10.1016/j.worlddev.2013.10.024.

Leal, Pablo Alejandro. 2007. "Participation: The Ascendancy of a Buzzword in the Neo-Liberal Era." *Development in Practice* 17 (4–5): 539–48. https://doi.org/10.1080/09614520701469518.

LeCompte, Margaret D. 1999. "Researcher Roles." In *Researcher Roles & Research Partnerships*, edited by Margaret D. LeCompte, Jean J. Schensul, Margaret R. Weeks, and Merrill Singer, 1–71. Ethnographer's Toolkit 6. Walnut Creek, CA: AltaMira Press.

LeCompte, Margaret D., and Jean J. Schensul. 1999. *Analyzing & Interpreting Ethnographic Data*. Ethnographer's Toolkit 5. Walnut Creek, CA: AltaMira Press.

Leifsen, Esben, Maria-Therese Gustafsson, Maria A. Guzmán-Gallegos, and Almut Schilling-Vacaflor. 2017. "New Mechanisms of Participation in Extractive Governance: Between Technologies of

Governance and Resistance Work.” *Third World Quarterly* 38 (5): 1043–57. https://doi.org/10.1080/01436597.2017.1302329.

Leith, Denise. 2003. *The Politics of Power: Freeport in Suharto's Indonesia*. Honolulu: University of Hawai'i Press.

Li, Fabiana. 2015. *Unearthing Conflict: Corporate Mining, Activism, and Expertise in Peru*. Durham, NC: Duke University Press.

Li, Tania. 2014. *Land's End: Capitalist Relations on an Indigenous Frontier*. Durham ; London: Duke University Press.

Li, Tania M. 1996. “Images of Community: Discourse and Strategy in Property Relations.” *Development and Change* 27 (3): 501–27. https://doi.org/10.1111/j.1467-7660.1996.tb00601.x.

———. 2006. “Neo-Liberal Strategies of Government through Community: The Social Development Program of the World Bank in Indonesia.” IILJ Working Paper 2006/2. Global Administrative Law Series. New York: Institute for International Law and Justice New York University School of Law.

———. 2007. *The Will to Improve: Governmentality, Development and the Practice of Politics*. London: Duke University Press.

Li, Tania Murray. 2011. “Centering Labor in the Land Grab Debate.” *The Journal of Peasant Studies* 38 (2): 281–98. https://doi.org/10.1080/03066150.2011.559009.

Lucas, Anton, and Carol Warren. 2013. *Land for the People: The State and Agrarian Conflict in Indonesia*. Athens, GA: Ohio University Press.

Lund, Christian, and Noer Fauzi Rachman. 2016. “Occupied! Property, Citizenship and Peasant Movements in Rural Java: Property, Citizenship and Peasant Movements in Java.” *Development and Change* 47 (6): 1316–37. https://doi.org/10.1111/dech.12263.

Luxembourg, Rosa. 1951. *The Accumulation of Capital*. Translated by Agnes Schwarzschild and Agnes Schwarzschild. Rare Masterpieces of Philosophy and Science. London: Routledge and Keegan Paul Ltd.

Lynch, Owen James, and Emily Harwell. 2002. *Whose Resources? Whose Common Good?: Towards a New Paradigm of Environmental Justice and the National Interest in Indonesia*. Washington, D.C.: Center for International Environment Law (CIEL) in collaboration with Association for Community and Ecologically-Based Law Reform.

Macdonald, Ingrid. 2004. “Mining Ombudsman Annual Report 2004.” Melbourne, Australia: Oxfam Community Aid Abroad Australia. https://resources.oxfam.org.au/pages/view.php?ref=451.

Macdonald, Ingrid, and Brendan Ross. 2002. “Mining Ombudsman Annual Report 2001-2002.” Melbourne, Australia: Oxfam Community Aid Abroad Australia.

———. 2003. “Mining Ombudsman Annual Report 2003.” Melbourne, Australia: Oxfam Community Aid Abroad Australia.

MacDonald, Kate. 2017a. “Containing Conflict: Authoritative Transnational Actors and the Management of Company-Community Conflict.” In *Transnational Actors in War and Peace: Militants, Activists, and Corporations in World Politics*, edited by David Malet and Miriam J. Anderson, 197–214. Georgetown University Press.

———. 2017b. “Containing Conflict: Authoritative Transnational Actors and the Management of Company-Community Conflict.” In *Transnational Actors in War and Peace: Militants, Activists, and Corporations in World Politics*, edited by David Malet and Miriam J. Anderson. Georgetown University Press.

MacKay, Fergus. 2004. “Indigenous Peoples' Right to Free, Prior and Informed Consent and The World Bank's Extractive Industries Review.” *Sustainable Development Law and Policy* IV (2): 43–65.

Magenda, Burhan. 1991. *East Kalimantan the Decline of a Commercial Aristocracy*. Monograph Series. Ithaca, US: Cornell Modern Indonesia Project.

Mahy, Petra. 2011. “Sex Work and Livelihoods: Beyond the 'Negative Impacts on Women' in Indonesian Mining.” In *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities*, edited by Kuntala Lahiri-Dutt, 6:49–66. Canberra: ANU Press.

Mangkoedilaga, Benjamin, Muridan S. Widjojo, and Azas T. Nainggolan. 2000. "Laporan Hasil Investigasi Masalah Hak Asasi Manusia di Sekitar Wilayah Pertambangan PT Kelian Equatorial Mining, Kabupaten Kutai Barat, Kalimantan Timur, Indonesia [Report of results from the investigation into problems with fundamental human rights in the mining area of PT Kelian Equatorial Mining, West Kutai Regency, East Kalimantan, Indonesia]." Jakarta: Komnas HAM.

Manheim, Jarol B. 2001. *The Death of a Thousand Cuts: Corporate Campaigns and the Attack on the Corporation*. Mahwah, NJ: Lawrence Erlbaum Associates.

Marx, Karl. 1990. *Capital: A Critique of Political Economy, Volume 1*. Translated by Ben Fowkes. London: Penguin Books in association with New Left Review.

Matheos, Reyhard. 2011. "A Tale of Sand: A Hidden Ecological Struggle in Yogyakarta." *Latitudes* (blog). June 15, 2011. https://latitudes.nu/a-tale-of-sand-a-hidden-story-of-ecological-struggle-in-yogyakarta/.

Matti, Stephanie. 2010. "Resources and Rent Seeking in the Democratic Republic of the Congo." *Third World Quarterly* 31 (3): 401–13. https://doi.org/10.1080/01436597.2010.488471.

McCarthy, John F., and Kathryn Robinson. 2016. *Land and Development in Indonesia: Searching for the People's Sovereignty*. ISEAS-Yusof Ishak Institute, Singapore.

McKenna, Kylie. 2015. *Corporate Social Responsibility and Natural Resource Conflict*. Florence: Taylor and Francis.

McSorley, Jean, and Rick Fowler. 2001. "Mineworkers on the Offensive." In *Moving Mountains: Communities Confront Mining and Globalization*, edited by Geoff Evans, James Goodman, and Nina Lansbury, 165–80. Otford, NSW: Mineral Policy Institute and Otford Press.

Meger, Sara. 2012. "Australia Needs to Act on Conflict Minerals." *Australian Mining*, September 2012.

Mikler, John. 2018. *The Political Power of Global Corporations*. Cambridge, UK: Polity Press.

Mills, Jane. 2014. "Methodology and Methods." In *Qualitative Methodology: A Practical Guide*, edited by Melanie Birks and Jane Mills, 31–47. London: SAGE.

Mine Closure Steering Committee. 2002. "MCSC Communique No. 8." Kelian Equatorial Mining.

———. 2003. "Kumpulan Komunike Komite Pengarah Pengakhiran Tambang (KPPT) [Collection of Communiques of the Mine Closure Steering Committee]." Kelian Equatorial Mining.

Moody, Roger. 1992. *The Gulliver File: Mines, People and Land: A Global Battlefield*. London: International Books.

———. 2007. *Rocks and Hard Places*. A Brave New Series: Global Issues in a Changing World. London: Zed Books.

Morgenbesser, Lee, and Meredith L. Weiss. 2018. "Survive and Thrive: Field Research in Authoritarian Southeast Asia." *Asian Studies Review* 42 (3): 385–403. https://doi.org/10.1080/10357823.2018.1472210.

Morrison, Kevin M. 2012. "What Can We Learn about the 'Resource Curse' from Foreign Aid?" *The World Bank Research Observer* 27 (1): 52–73. https://doi.org/10.1093/wbro/lkq013.

Muhammad, Chalid, Siti Maimunah, Aminuddin Kirom, Helvi Lystiani, Hasanuddin, Andre S Wijaya, Tracy Glynn, and Endi Biaro Haeruddin. 2005. *Tambang & Kemiskinan: kasus-kasus pertambangan di Indonesia 2001-2003 [mining and poverty mining cases in Indonesia]*. South Jakarta, Indonesia: Jaringan Advokasi Tambang (JATAM).

Murdoch, Jonathan, and Terry Marsden. 1995. "The Spatialization of Politics: Local and National Actor-Spaces in Environmental Conflict." *Transactions of the Institute of British Geographers*, New Series, 20 (3): 368–80. https://doi.org/10.2307/622657.

Muur, Willem van der, Jacqueline Vel, Micah R. Fisher, and Kathryn Robinson. 2019. "Changing Indigeneity Politics in Indonesia: From Revival to Projects." *The Asia Pacific Journal of Anthropology* 20 (5): 379–96. https://doi.org/10.1080/14442213.2019.1669520.

Mzembe, Andrew Ngawenja, and Yvonne Downs. 2014. "Managerial and Stakeholder Perceptions of an Africa-Based Multinational Mining Company's Corporate Social Responsibility (CSR)." *The Extractive Industries and Society* 1 (2): 225–36. https://doi.org/10.1016/j.exis.2014.06.002.

Naidoo, Trivindren, Dmitry Pertel, and Wayne Ghavalas. 2017. "Independent Technical Specialist's Report Valuation of the Jogjakarta Pig Iron Project Held by Indo Mines Limited." Valuation CSA Global Report no.R430.2017. Perth, Australia: CSA Global Pty Ltd.

Nem Singh, Jewellord, and France Bourgouin. 2013a. "Introduction: Resource Governance at a Time of Plenty." In *Resource Governance and Developmental States in the Global South*, edited by Jewellord Nem Singh and France Bourgouin, 1–18. International Political Economy Series. London: Palgrave Macmillan.

———. 2013b. *Resource Governance and Developmental States in the Global South*. International Political Economy Series. London: Palgrave Macmillan.

———. 2013c. "States and Markets in the Context of a Resource Boom: Engaging with Critical IPE." In *Resource Governance and Developmental States in the Global South*, by Jewellord Nem Singh and France Bourgouin, 21–39. International Political Economy Series (Palgrave Macmillan (Firm)). London: Palgrave Macmillan.

Nem Singh, Jewellord, and Alvin A. Camba. 2016. "Neoliberalism, Resource Governance and the Everyday Politics of Protests in the Philippines." In *The Everyday Political Economy of Southeast Asia*, edited by Juanita Elias and Lena Rethel, 49–71. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9781316402092.003.

Nem Singh, Jewellord, and Jean Grugel. 2013. "Citizenship, Democratisation and Resource Politics." In *Resource Governance and Developmental States in the Global South*, by Jewellord Nem Singh and France Bourgouin, 61–83. International Political Economy Series (Palgrave Macmillan (Firm)). Palgrave Macmillan.

Nem Singh, Jewellord T. 2010. "Reconstituting the Neostructuralist State: The Political Economy of Continuity and Change in Chilean Mining Policy." *Third World Quarterly* 31 (8): 1413–33. https://doi.org/10.1080/01436597.2010.538240.

Newcrest. 2010. "Newcrest Sustainability Report 2010." Melbourne: Newcrest Mining Limited. http://www.newcrest.com.au/media/sustainability_reports/Sustainability_Report_2010.pdf.

———. 2011. "Newcrest Sustainability Report 2011." Melbourne: Newcrest Mining Limited. http://www.newcrest.com.au/media/sustainability_reports/Sustainability_Report_2010.pdf.

———. 2012. "Technical Report on the Gosowong Property in North Maluku Province Indonesia." Company Announcement, Toronto Stock Exchange. Melbourne: Newcrest Mining Limited. http://www.asx.com.au/asxpdf/20120302/pdf/424s1t6jryxg9y.pdf.

———. 2015. "2015 Sustainability Report." Melbourne: Newcrest Mining Limited. http://www.newcrest.com.au/media/sustainability_reports/Newcrest_Sustainability_Report_2015.pdf.

———. 2017. "2017 Newcrest Sustainability Report." Melbourne: Newcrest Mining Limited. http://www.newcrest.com.au/media/sustainability_reports/2018/Newcrest_Sustainability_Report_2017.pdf.

———. 2020a. "Quarterly Report For the Three Months Ended 31 March 2020." Melbourne, Australia: Newcrest Mining Limited. https://www.newcrest.com/sites/default/files/2020-04/200430_Newcrest%20Mar%2020%20Quarterly%20Report%20-%20Market%20Release%20.pdf.

———. 2020b. "Finalisation of Gosowong Sale." Market Release. Melbourne, Australia: Newcrest Mining Limited.

"Newmont, Indonesia Settle Pollution Lawsuit." 2006. *Mining Engineering* 58 (3): 16.

Nguyen, Tu Phuong. 2014. "Business Associations and the Politics of Contained Participation in Vietnam." *Australian Journal of Political Science* 49 (2): 334–49. https://doi.org/10.1080/10361146.2014.896317.

North, Douglass C. 1990. *Institutions, Institutional Change, and Economic Performance*. Cambridge, UK: Cambridge University Press.

———. 2005. *Understanding the Process of Economic Change*. Princeton Economic History of the Western World 8. Princeton, New Jersey: Princeton University Press.

Nugraha, Indra. 2013. "Konflik Agraria 2013 Meningkat, 21 Warga Tewas, 30 Tertembak." *Mongabay*, December 22, 2013, Online edition. https://www.mongabay.co.id/2013/12/22/konflik-agraria-2013-meningkat-21-warga-tewas-30-tertembak/.

Nurcahyana, Yudhi, Pius Erick Nyompe, Valentinus Tingang, Yustinus Dullah, Gabriel Oktavianus, S. SH Rusulan, and Sigit Wibobo. 2008. "Status Penyelesaian Tuntutan Ganti Rugi Masyarakat oleh PT KEM, status of demands for compensation of the community to PT KEM." Samarinda, Indonesia: PT Kelian Equatorial Mining.

Nyompe, Pius Erick. 2003. "The Closure of the Kelian Gold Mine and the Role of the Business Partnership for Development/World Bank." Presented at the EIR's Eminent Person meeting on Indigenous Peoples, Extractive Industries and the World Bank, Oxford, April 15. http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/eirinternatwshopindonesiacaseengapr03.pdf.

O'Faircheallaigh, Ciaran. 2008. "Negotiating Cultural Heritage? Aboriginal - Mining Company Agreements in Australia." *Development and Change* 39 (1): 25–51. https://doi.org/10.1111/j.1467-7660.2008.00467.x.

———. 2015. *Negotiations in the Indigenous World: Aboriginal Peoples and the Extractive Industry in Australia and Canada*. London, UK: Routledge.

O'Faircheallaigh, Ciaran, and Saleem Ali. 2008. *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*. Sheffield: Greenleaf Publishing Ltd.

Ong, Thuy. 2016. "BHP Billiton 'encouraged' by Samarco Dam Remediation but Wants to Appeal $8b Civil Claim." *ABC News*, July 14, 2016. http://www.abc.net.au/news/2016-07-14/bhp-billiton-encouraged-by-samarco-dam-remediation/7630118.

Osburg, Thomas, and René Schmidpeter. 2013. *Social Innovation : Solutions for a Sustainable Future*. 1st ed. Dordrecht: Springer.

Özen, Hayriye, and Şükrü Özen. 2011. "Interactions in and between Strategic Action Fields: A Comparative Analysis of Two Environmental Conflicts in Gold-Mining Fields in Turkey." *Organization & Environment* 24 (4): 343–63. https://doi.org/10.1177/1086026611426343.

Özen, Şükrü, and Hayriye Özen. 2009. "Peasants Against MNCs and the State: The Role of the Bergama Struggle in the Institutional Construction of the Gold-Mining Field in Turkey." *Organization* 16 (4): 547–73. https://doi.org/10.1177/1350508409104508.

Parfitt, Claire, Gareth Bryant, and Liz Barrett. 2012. "Australia's Mining for Development Initiative: Blurring the Boundaries Between Private Profit and Public Development." In *Reality of AID Report*, edited by Brian Tomlinson, 2012:61–69. Quezon City, Philippines: IBON International.

Park, Susan. 2014. "Institutional Isomorphism and the Asian Development Bank's Accountability Mechanism: Something Old, Something New; Something Borrowed, Something Blue?" *The Pacific Review* 27 (2): 217–39. https://doi.org/10.1080/09512748.2014.882394.

Parpart, Jane L. 2010. "Choosing Silence: Rethinking Voice, Agency and Women's Empowerment." In *Secrecy and Silence in the Research Process*, edited by Rosin Ryan-Flood and Rosalind Gill, 15–29. New York: Routledge.

Peluso, Nancy Lee. 1992. *Rich Forests, Poor People: Resource Control and Resistance in Java*. Berkerly: University of California Press.

———. 2016. "The Plantation and the Mine: Agrarian Transformation and the Remaking of Land and Smallholders in Indonesia." In *Land and Development in Indonesia: Searching for the People's Sovereignty*, edited by John F. McCarthy and Kathryn Robinson, 35–59. Singapore: ISEAS-Yusof Ishak Institute.

Peluso, Nancy Lee, Suraya Afiff, and Noer Fauzi Rachman. 2008. "Claiming the Grounds for Reform: Agrarian and Environmental Movements in Indonesia." *Journal of Agrarian Change* 8 (2–3): 377–407. https://doi.org/10.1111/j.1471-0366.2008.00174.x.

Perreault, Tom. 2018. "The Plantation and the Mine: Comment on 'After the Land Grab: Infrastructural Violence and the "Mafia System" in Indonesia's Oil Palm Plantation Zone' by Tania Li." *Geoforum* 96: 345–47. https://doi.org/10.1016/j.geoforum.2018.02.025.

Phillips, Ruth. 2001. "Engagement or Confrontation?" In *Moving Mountains: Communities Confront Mining and Globalization*, edited by Geoff Evans, James Goodman, and Nina Lansbury, 181–94. Otford, NSW: Mineral Policy Institute and Otford Press.

———. 2012. "Non-Government Organisations in a Sustainable Relationship for Sustainable Mining? The Australian NGO Perspective on What Happened after the MMSD Initiative." *Third Sector Review* 18 (1): 171–93.

Prno, Jason, and Scott D. Slocombe. 2012. "Exploring the Origins of 'Social License to Operate' in the Mining Sector: Perspectives from Governance and Sustainability Theories." *Resources Policy* 37 (3): 346–57. https://doi.org/10.1016/j.resourpol.2012.04.002.

PT Jogja Magasa Iron. 2013. "Perjanjian pelepasan, pengalihan, dan penyerahan hak garap, lahan garapan, serta tanaman garapanya di atas tanah Paku Alam Ground ('PAG') di desa Karangwuni, Kecematan Wates, Kabupaten Kulon Progo, Daerah Istimewa Yogyakarta 029/PAG/04/KW/XI/2013/B5."

PT Nusa Halmahera Minerals. 2015. "Pelaksanaan Program Pengembangan Masyarakat Dalam Persiapan Penutupan Tambang, PT Nusa Halmahera Minerals (PTNHM)'s Corporate Social Responsibility (CSR) Program." Presented at the Presentation to ESDM (Ministry of Energy and Natural Resources), ESDM, December 5.

PWC. 2015. "Mining in Indonesia Investment and Taxation Guide May 2015 - 7th Edition." Jakarta: PriceWaterhouseCoopers. http://www.pwc.com/id/en/publications/assets/mining-in-indonesia-2015.pdf.

———. 2018a. "Mine 2018: Tempting Times." PriceWaterhouseCoopers. www.pwc.com/mining.

———. 2018b. "Mining in Indonesia: Investment and Taxation Guide May 2018 10th Edition." Jakarta: PriceWaterhouseCoopers. https://www.pwc.com/id/en/publications/assets/eumpublications/mining/mining-guide-2018.pdf.

Rachmayana. 2004. "Women's Rights and the Mine." In *The KEM Experience*, edited by Terry Holland, 182–83. The KEM Book Team.

Regan, Anthony J. 1998. "Causes and Course of the Bougainville Conflict." *The Journal of Pacific History* 33 (3): 269–85. https://doi.org/10.1080/00223349808572878.

*Republika Online*. 2016. "BHP Biliton Selidiki Jebolnya Kolam Penampung Limbah Tambang," June 6, 2016. http://www.republika.co.id/berita/ekonomi/makro/16/06/06/o8b8eb299-bhp-biliton-selidiki-jebolnya-kolam-penampung-limbah-tambang.

Resosudarmo, Budy P., Ida Aju Pradnja Resosudarmo, Wijayono Sarosa, and Nina L. Subiman. 2009. "Socioeconomic Conflicts in Indonesia's Mining Industry." In *Exploiting Natural Resources: Growth, Instability, and Conflict in the Middle East and Asia*, edited by Richard P Cronin and Amit Pandya, 33–48. Washington, D.C.: The Henry L. Stimson Center.

Rio Tinto. 2015. "Working for Mutual Benefit: Sustainable Development 2015." London. http://www.riotinto.com/documents/RT_SD2015_Strategy.pdf.

Robinson, Geoffrey. 1998. "Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh." *Indonesia*, no. 66 (October): 127–57. https://doi.org/10.2307/3351450.

Robinson, Kathryn. 2016. "Mining, Land and Community Rights in Indonesia." In *Land and Development in Indonesia: Searching for the People's Sovereignty*, edited by John F. McCarthy and Kathryn Robinson, 63–88. Singapore: ISEAS-Yusof Ishak Institute.

Robison, Richard. 2009. *Indonesia: The Rise of Capital*. First equinox edition. Jakarta: Equinox Publishing.

Robison, Richard, and Vedi R. Hadiz. 2004. *Reorganising Power in Indonesia: The Politics of Oligarchy in an Age of Markets*. London: RoutledgeCurzon.

Roche, Charles, Howard Sindana, and Nawasio Walim. 2019. "Extractive Dispossession: 'I Am Not Happy Our Land Will Go, We Will Have No Better Life.'" *The Extractive Industries and Society* 6 (3): 977–92.

Rodan, Garry. 2012. "Competing Ideologies of Political Representation in Southeast Asia." *Third World Quarterly* 33 (2): 311–32. https://doi.org/10.1080/01436597.2012.666014.

———. 2018. *Participation Without Democracy: Containing Conflict in Southeast Asia*. Ithaca, US: Cornell University Press.

Rodan, Garry, Kevin Hewison, and Richard Robison. 2006. *The Political Economy of South-East Asia: Markets, Power and Contestation*. 3rd ed. Melbourne: Oxford University Press.

Rompas, Arie. 2013. "BHP in Indonesian Borneo: The Coal Disaster Waiting to Happen." *ABC News*, November 19, 2013. http://www.abc.net.au/environment/articles/2013/11/19/3893451.htm.

Roseberry, William. 1989. *Anthropologies and Histories: Essays in Culture, History, and Political Economy*. New Brunswick and London: Rutgers University Press.

Ross, Michael L. 1999. "The Political Economy of the Resource Curse." *World Politics* 51 (2): 297–322.

———. 2018. "The Politics of the Resource Curse: A Review." In *The Oxford Handbook of the Politics of Development*, by Carol Lancaster and Nicolas van de Walle, 200–223. Oxford Handbooks. Oxford: Oxford University Press.

Rosser, Andrew. 2007. "Escaping the Resource Curse: The Case of Indonesia." *Journal of Contemporary Asia* 37 (1): 38–58. https://doi.org/10.1080/00472330601104557.

———. 2013. "Towards a Political Economy of Human Rights Violations in Post-New Order Indonesia." *Journal of Contemporary Asia* 43 (2): 243–56. https://doi.org/10.1080/00472336.2012.757436.

Rosser, Andrew, and Donni Edwin. 2010. "The Politics of Corporate Social Responsibility in Indonesia." *The Pacific Review* 23 (1): 1–22. https://doi.org/10.1080/09512740903398314.

Rupert, Mark. 2006. "Reading Gramsci in an Era of Economic Globalising Capitalism." In *Images of Gramsci: Connections and Contentions in Political Theory and International Relations*, edited by Andreas Bieler and Adam David Morton, 89–103. Ripe Series in Global Political Economy 21. New York: Routledge.

Rusdiyana, E, and Suminah. 2018. "An Adaptation Strategy of Sandland Peasants in Yogyakarta toward Climate Change." *IOP Conference Series: Earth and Environmental Science* 129 (March): 012040. https://doi.org/10.1088/1755-1315/129/1/012040.

Sachs, Jeffrey D, and Andrew M Warner. 1999. "The Big Push, Natural Resource Booms and Growth." *Journal of Development Economics* 59 (1): 43–76. https://doi.org/10.1016/S0304-3878(99)00005-X.

Salim, Agus, Wahidah R Bulan, Bejo Untung, Indro Laksono, and Karen Brock. 2017. "Indonesia's Village Law: Enabler or Constraint for More Accountable Governance?" Making All Voices Count Research Report. Brighton: The Institute of Development Studies.

Schensul, Stephen L., Jean J. Schensul, and Margaret D. LeCompte. 1999. *Essential Ethnographic Methods*. Ethnographer's Toolkit 2. Walnut Creek, CA: AltaMira Press.

Schonhardt, Sara, and Austen Hufford. 2016. "Newmont Mining to Sell Indonesian Mine for $1.3 Billion." *Wall Street Journal*, June 30, 2016, sec. Business. http://www.wsj.com/articles/newmont-mining-to-sell-indonesian-mine-for-920-million-1467285254.

Schumacher, Joseph Anthony. 2005. "Introducing Transparency into the Oil Industry. The Quest for EITI." *Global Jurist Advances* 4 (3). https://doi.org/10.2202/1535-1661.1138.

Scott, James C. 1985. *Weaponos of the Weak*. New Haven: Yale University Press.

———. 2012. *Two Cheers for Anarchism: Six Essay Pieces on Autonomy, Dignity, and Meaningful Work and Play*. Princeton, N.J: Princeton University Press.

Sears, Alan. 2016. "Situating Sexuality in Social Reproduction." *Historical Materialism* 24 (2): 138–63. https://doi.org/10.1163/1569206X-12341474.

Sethi, S. Prakash, David B. Lowry, Emre A. Veral, H. Jack Shapiro, and Olga Emelianova. 2011. "Freeport-McMoRan Copper & Gold, Inc.: An Innovative Voluntary Code of Conduct to Protect Human Rights, Create Employment Opportunities, and Economic Development of the Indigenous

People." *Journal of Business Ethics* 103 (1): 1–30. https://doi.org/10.1007/s10551-011-0847-4.

Shapiro, Tricia. 2010. *Mountain Justice: Homegrown Resistance to Mountaintop Removal, for the Future of Us All*. Chico, CA: AK Press.

Simbolon, Domu, Silvanus Maxwel Simange, and Sri Yulina Wulandari. 2010. "Kandungan Merkuri Dan Sianida Pada Ikan Yang Tertangkap Dari Teluk Kao, Halmahera Utara." *Ilmu Kelautan: Indonesian Journal of Marine Sciences* 15 (3): 126–134.

Sinclair, Lian. Forthcoming. "Beyond Victimisation: Gendered Legacies of Mining, Participation, and Resistance." *The Extractive Industries and Society*.

———. 2020. "The Power of Multinational Mining Corporations, Global Governance and Social Conflict." In *MNCs in Global Politics: Pathways of Influence*, edited by John Mikler and Karsten Ronit. Cheltenham: Edward Elgar Publishing.

Singh, Kavaljit. 2011. "Corporate Accountability: Is Self-Regulation the Answer?" In *Relations of Global Power: Neoliberal Order and Disorder*, by Gary Teeple and Stephen McBride, 60–72. Toronto: University of Toronto Press.

Slater and Gordon. 2018. "Ok Tedi - Entering Uncharted Territory." *Slater and Gordon Blog* (blog). July 8, 2018. https://www.slatergordon.com.au/blog/ok-tedi-entering-uncharted-territory.

Smith, Claire Querida. 2009. "The Contested State and Politics of Elite Continuity in North Maluku, Indonesia (1998-2008)." PhD Thesis, London School of Economics and Political Science (United Kingdom).

Smith, Neil. 2003. "Remaking Scale: Competition and Cooperation in Pre-National and Post-National Europe." In *State/Space: A Reader*, edited by Neil Brenner, Bob Jessop, Marrtin Jones, and McLeod Gordon, 225–38. Oxford, UK: Blackwell Publishing.

———. 2008. *Uneven Development: Nature, Capital, and the Production of Space*. 3rd Edition. Athens, GA: University of Georgia Press.

Solli, Audun. 2011. "From Good Governance to Development? A Critical Perspective on the Case of Norway's Oil for Development." *Forum for Development Studies* 38 (1): 65–85. https://doi.org/10.1080/08039410.2010.521573.

Stiglitz, J. 2003. "Globalization and the Economic Role of the State in the New Millennium." *Industrial and Corporate Change* 12 (1): 3–26. https://doi.org/10.1093/icc/12.1.3.

Suliadi. 2015. "Resistensi petani terhadap pertambangan pasir besi di karangwuni Kulon Progo." *Sosiologi Reflektif* 9 (2): 79–102.

Swyngedouw, Erik, and Nikolas C. Heynen. 2010. "Urban Political Ecology, Justice and the Politics of Scale." *Antipode* 35: 898–918.

Symon, Andrew. 2007. "Petroleum and Mining in Southeast Asia: Managing the Environmental and Social Impacts." *Southeast Asian Affairs*, 77–100.

Szablowski, David. 2007. *Transnational Law and Local Struggles: Mining, Communities and the World Bank*. Portland: Hart Publishing.

———. 2010. "Operationalizing Free, Prior, and Informed Consent in the Extractive Industry Sector? Examining the Challenges of a Negotiated Model of Justice." *Canadian Journal of Development Studies / Revue Canadienne d'études Du Développement* 30 (1–2): 111–30. https://doi.org/10.1080/02255189.2010.9669284.

Tapsell, Ross. 2012. "Old Tricks in a New Era: Self-Censorship in Indonesian Journalism." *Asian Studies Review* 36 (2): 227–45.

"The Equator Principles III." 2013. http://www.equator-principles.com/.

Thompson, E. P. 1978. "Eighteenth-century English Society: Class Struggle without Class?" *Social History* 3 (2): 133–65. https://doi.org/10.1080/03071027808567424.

Thorp, Rosemary, Stefania Battistelli, Yvan Guichaoua, Jose Carlos Orihuela, and Martiza Pardes. 2012. *The Developmental Challanges of Mining and Oil: Lessons from Africa and Latin America*. Conflict, Inequality and Ethnicity. New York: Palgrave Macmillan.

Tilley, Lisa. 2020. "Extractive Investibility in Historical Colonial Perspective: The Emerging Market and Its Antecedents in Indonesia." *Review of International Political Economy*, May, 1–20. https://doi.org/10.1080/09692290.2020.1763423.

Tingay, Mark. 2015. "Initial Pore Pressures under the Lusi Mud Volcano, Indonesia." *Interpretation* 3 (1): 33–49. https://doi.org/10.1190/INT-2014-0092.1.

Topatimasang, Roem, ed. 2016. *Orang-Orang Kalah: Kisah Penyingkiran Masyarakat Adat Kepulauan Maluku*. Revised edition. Yogyakarta, Indonesia: INSISTPress.

UN. 2008. "United Nations Declaration on the Rights of Indigenous Peoples." New York: United Nations.

UNDP. 2008. "National Strategy on Access to Justice - LEAD Fact Sheet." Fact Sheet. UNDP. Jakarta. http://www.snap-undp.org/lepknowledgebank/Public%20Document%20Library/National%20Strategy%20on%20Access%20to%20Justice%20-%20LEAD%20Fact%20Sheet.pdf.

Veltmeyer, Henry, and James F. Petras. 2014a. "Introduction." In *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?*, edited by Henry Veltmeyer and James F. Petras. London: Zed Books.

———. 2014b. *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?* London: Zed Books.

Vogel, David. 2007. *The Market for Virtue: The Potential and Limits of Corporate Social Responsibility*. Washington D.C.: Brookings Institution Press.

"Voluntary Principles on Security and Human Rights." n.d. Accessed March 28, 2016. http://www.voluntaryprinciples.org/.

Waagstein, Patricia Rinwigati. 2011. "The Mandatory Corporate Social Responsibility in Indonesia: Problems and Implications." *Journal of Business Ethics* 98 (3): 455–66.

Wanvik, Tarje Iversen. 2014. "Encountering a Multidimensional Assemblage: The Case of Norwegian Corporate Social Responsibility Activities in Indonesia." *Norsk Geografisk Tidsskrift - Norwegian Journal of Geography* 68 (5): 282–90. https://doi.org/10.1080/00291951.2014.964761.

Warburton, Eve. 2014. "In Whose Interest? Debating Resource Nationalism in Indonesia." *Kyoto Review of Southeast Asia*, Young Academics Voice, 15. http://kyotoreview.org/yav/in-whose-interest-debating-resource-nationalism-in-indonesia/.

———. 2016. "Jokowi and the New Developmentalism." *Bulletin of Indonesian Economic Studies* 52 (3): 297–320. https://doi.org/10.1080/00074918.2016.1249262.

Wardana, Agung. 2018. "Legal Engineering in a Contest over Space in Bali." *Australian Journal of Asian Law* 19 (1): 1–12.

Watchman, Paul Q., Angela Delfino, and Juliette Addison. 2007. "EP 2: The Revised Equator Principles: Why Hard-Nosed Bankers Are Embracing Soft Law Principles." *Law and Financial Markets Review* 1 (2): 85–113.

Welker, Marina. 2009. "'Corporate Security Begins in the Community': Mining, the Corporate Social Responsibility Industry, and Environmental Advocacy in Indonesia." *Cultural Anthropology* 24 (1): 142–79.

———. 2014. *Enacting the Corporation: An American Mining Firm in Post-Authoritarian Indonesia*. Berkeley, USA: University of California Press.

Wesley, Anthea, and Diana MacCallum. 2014. "The Political Economy of Corporate Social Responsibility in the Resource Sector in Western Australia. A Case Study of the Proposed James Price Point LNG Precinct." In *Resource Curse or Cure?*, edited by Martin Brueckner, Angela Durey, Robyn Mayes, and Christof Pforr, 59–73. CSR, Sustainability, Ethics & Governance. Springer Berlin Heidelberg.

White, Ben. 2017. "The Myth of the Harmonious Village." *Inside Indonesia*, no. 128 (May). http://www.insideindonesia.org/the-myth-of-the-harmonious-village-2.

White, Sarah C. 1996. "Depoliticising Development: The Uses and Abuses of Participation." *Development in Practice* 6 (1): 6–15. https://doi.org/10.1080/0961452961000157564.

Widodo. 2013. *Menanam Adalah Melawan!* Yogyakarta, Indonesia: Paguyuban Petani Lahan Pesisir Kulon Progo and Tanah Air Beta.

Wilks, Stephen. 2013. *The Political Power of the Business Corporation*. Cheltenham: Edward Elgar Publishing.

Wilson, Chris. 2008. *Ethno-Religious Violence in Indonesia: From Soil to God*. Paperback. Routledge.

Wilson, Jeffrey D. 2015. "Understanding Resource Nationalism: Economic Dynamics and Political Institutions." *Contemporary Politics* 0 (0): 1–18. https://doi.org/10.1080/13569775.2015.1013293.

Wood, Ellen Meiksins. 1998. "The Agrarian Origins of Capitalism." *Monthly Review* 50 (3): 14–31.

World Bank. 2003. "Striking a Better Balance: Volume 1. The World Bank Group and Extractive Industries." Washington D.C.: World Bank. https://openknowledge.worldbank.org/handle/10986/17705.

———. 2014. "The World Bank in Extractive Industries: 2013 Annual Review." Washington: World Bank Group.

World Bank Group. 2004. "Striking a Better Balance -- the World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review - World Bank Group Management Response." World Bank Group.

World Bank, and International Finance Corporation. 2002. "It's Not Over When It's Over: Mine Closure around the World." Mining and Development. Washington D.C. http://siteresources.worldbank.org/INTOGMC/Resources/notoverwhenover.pdf.

Wright, Christopher. 2012. "Global Banks, the Environment, and Human Rights: The Impact of the Equator Principles on Lending Policies and Practices." *Global Environmental Politics* 12 (1): 56–77.

Yanuardy, Dian. 2012. "Commoning, Dispossession Projects and Resistance: A Land Dispossession Project for Sand Iron Mining in Yogyakarta, Indonesia." Presented at the International Conference on Global Land Grabbing II, Department of Development Sociology at Cornell University, Ithaca, NY, October 17.

Yin, Robert K. 2003. *Case Study Research: Design and Methods*. Third Edition. London: SAGE Publications.

Zanden, Jan Luiten van, and Daan Marks. 2012. *An Economic History of Indonesia : 1800-2010*. Routledge Studies in the Growth Economies of Asia 109. London: Routledge. https://doi.org/10.4324/9780203126196.