



THE UNIVERSITY  
OF QUEENSLAND  
AUSTRALIA

**SMI CSR**  
Centre for Social  
Responsibility in Mining



# **MINING AND LOCAL-LEVEL DEVELOPMENT**

**Examining the gender dimensions of  
agreements between companies and  
communities**

Case report for Rio Tinto Alcan Weipa  
**Australia**  
April 2013



Australian Government  
Department of Foreign Affairs and Trade





# Commissioned by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT)

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## **Suggested citation**

Keenan, J. C. and R. B. Ramsay. (2013). Case report 3: Australian case study. In Keenan & Kemp, *Mining and local-level development: Examining the gender dimensions of agreements between companies and communities*. Brisbane, Australia: Centre for Social Responsibility in Mining, The University of Queensland.

## **Acknowledgements**

The research team would like to thank each of the interviewees who participated in this research for giving their time to share their perspectives and opinions on this important topic. In particular, we would like to thank Traditional Owners from the local regional who contributed in our meetings in Napranum and Mapoon. We also thank Ben Laidlaw, Stefan Le Roux, Cherie Woodham, Amanda Woodley, Justin Shiner, Jo-anne Scarini and Jane Gronow from Rio Tinto.

# CONTENTS

<b>1</b>	<b>Research description</b> .....	<b>1</b>
1.1	Fieldwork .....	1
1.2	Method and limitations .....	2
<b>2</b>	<b>Indigenous Australia</b> .....	<b>3</b>
2.1	Background .....	3
2.2	Land rights, native title and agreements .....	4
<b>3</b>	<b>Rio Tinto Alcan Weipa</b> .....	<b>5</b>
3.1	History of the operation .....	5
3.2	History of the Western Cape communities .....	7
3.2.1	Socio-economic background.....	7
3.3	RTA Weipa communities approach .....	10
<b>4</b>	<b>Agreements</b> .....	<b>11</b>
4.1	The Ely Bauxite Mining Project Agreement (EBMPA or Ely Agreement).....	11
4.2	The Western Cape Communities Coexistence Agreement (WCCCA) .....	12
<b>5</b>	<b>Findings</b> .....	<b>15</b>
5.1	Women’s strategic involvement with agreements. ....	15
5.2	Women’s contribution to WCCCA and EBMPA. ....	17
5.3	Gender issues not articulated in current agreement guidelines .....	19
5.4	Family/clan the most significant organising construct.....	20
5.5	Rio Tinto Alcan Weipa’s gender policies and principles .....	21
5.6	Agreement governance structures provide entry points for new leaders to emerge .....	24
5.7	Community leaders have multiple roles.....	25
<b>6</b>	<b>Conclusions and implications</b> .....	<b>28</b>
6.1	Agreement success factors .....	28
6.2	Gender dimensions.....	29
6.3	Supporting women’s leadership .....	29
6.4	Future generations and emerging challenges .....	30
6.5	Gaps in knowledge identified .....	31
	<b>References</b> .....	<b>32</b>

## ACRONYMS

BMEA	Bauxite Mining Exchange Agreement
CSRМ	Centre for Social Responsibility in Mining
CYLC	Cape York Land Council
DFAT	Department of Foreign Affairs and Trade
EBMPA	Ely Bauxite Mining Project Agreement
ECC	Ely Coordination Committee
ILUA	Indigenous land use agreement
MCA	Minerals Council of Australia
RTA	Rio Tinto Alcan
RTAW	Rio Tinto Alcan Weipa Pty Ltd
WCCCA	Western Cape Communities Coexistence Agreement
WCCT	Western Cape Communities Trust
WTA	Weipa Town Agreement

# Executive summary

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This report provides the outcomes of a study on the gender dimensions of agreement processes at Rio Tinto Alcan's Weipa (RTA Weipa) operation in Queensland, Australia. This report forms part of a broader research project funded by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT) investigating the role of gender in agreement processes.

This case study was undertaken by two researchers from the Centre for Social Responsibility in Mining (CSRSM) at The University of Queensland. The analysis draws on desktop research, a brief site visit during August 2012 and a series of interviews with Traditional Owner elders from the Northern and Central Western Cape regions, agreement implementation body employees, local female Traditional Owners, service workers (teachers, employment service providers, etc) and company personnel. Interviews were conducted in Weipa, Napranum and Mapoon.

## Research scope

This study focuses on the gender dimensions of agreement processes associated with the two existing company community agreements: the Ely Bauxite Mining Project Agreement (EBMPA or 'Ely' Agreement) and Western Cape Communities Coexistence Agreement (WCCCA). These agreements involve six and 11 Traditional Owner groups and were signed in 1997 and 2001, respectively.

The focus of the research was twofold; firstly to explore the opportunities and challenges associated with women's participation in the agreement including factors that enable or limit women's full participation, including availability of time, family responsibilities, capacity, employment and other community responsibilities; secondly, to investigate the changing gender dynamics of the agreements, focusing on issues of generational change including transitional representation and leadership, drivers and barriers to participation, and how these have changed since the inception of the agreements.

## Background context

The current RTA Weipa operation occurs under three Indigenous agreements: the Western Cape Communities Coexistence Agreement (WCCCA), the Weipa Town Agreement (WTA) and the Ely Bauxite Mining Project Agreement (EBMPA), corresponding to the leases that form the operation. The leases cover the region including the communities of Aurukun, Mapoon, Northern Peninsula Area, Napranum, Weipa and all lands between Mapoon in the north and Aurukun in the south. Within this region there are 12 recognised Traditional Owner groups representing the Indigenous people. These are the Alngith, Anathanangayth, Ankamuthi, Atambaya, Peppan, Taepadhighi, Thanikwithi, Tjungundji, Warrangu, Wathayn, Wik and Wik-Waya, and Yupungathi.<sup>1</sup>

These agreements formalise the relationship between the mine and Traditional Owners in terms of consultation, engagement and collaboration. Both agreements include provisions for benefit sharing

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<sup>1</sup> The Northern Peninsula Area (NPA) and Hopevale communities also have traditional ties to the land contained within the mining lease area.

(including payments to trusts and funding for education and training), cultural heritage, cultural awareness, environmental protection and rehabilitation processes, plans for relinquishment of land, and governance structures. The agreements specify the commitments for all parties – RTA, Traditional Owner Groups, Shire Councils, the Cape York Land Council and, for the WCCCA, the Queensland Government.

## Summary of key findings

### **Women have had significant involvement with the WCCCA and EBMPA Agreements, although there has not been a strategic focus on gender equality or women’s empowerment.**

All participants agreed that women’s formal and informal participation in the agreements was significant in the negotiation of the agreements, as well as their ongoing implementation. Women were seen as strong representatives of community and country, and advocated for economic, cultural and environmental impact management and benefit sharing provisions to be included in the WCCCA and EBMPA. Opportunities for women’s participation include agreement governance committees, representative elections, community and company-community consultations about benefit sharing and governance, applicants for funding and as beneficiaries of implemented programs.

Interviewees had a range of perspectives about why women’s involvement has been significant and generally believe that it is the result of a number of factors, including:

- agreement processes (consultation, negotiation, ratification, continuing governance)
- historical context
- cultural context
- demographic context.

Although it was obviously a difficult and sensitive topic to discuss, some interviewees perceived that there was some level of disempowerment of men within the communities of the Western Cape, which had resulted in a lower level of men’s participation in the formal administration of the agreements, as well as in other aspects of community life. Men’s participation and influence, however, was not absent from the agreements. Interviewees were careful to note that there were several strong male leaders involved in the agreements, and their input was respected.

### **Women’s leadership has made a significant contribution to the shape of the WCCCA and EBMPA, and continues to play an important role today.**

Interviewees recalled that a number of very high profile and strong women were key influencers of the agreements. Several Aboriginal and non-Aboriginal interviewees recalled the ‘legacy’ of these women, and the ways that they shaped the agreement. For example, some of the women (particularly the elders) involved in the agreements had very high profiles within the Western Cape, and some internationally. Often these women were influential leaders in many aspects of community life, including arts and culture, education, health and social services.

Interviewees who were familiar with the negotiation process of the WCCCA explained that the women involved played a key role in setting the agenda for negotiations at a broader level than

compensation for impacts. They pushed for a comprehensive consultation process for the purposes of understanding community aspirations and concerns and advocated for a focus on securing the economic, environmental, social and cultural future of Western Cape communities, rather than for cash benefits to individuals or clans.

**Current agreement guidelines and processes are blind<sup>2</sup> to the significant gender differences in roles and needs (both practical and strategic) in the community.**

Projects funded by agreement trusts are targeted at a general level of poverty alleviation and local development without overt awareness or analysis of gender needs, roles and responsibilities. Some interviewees felt that the non-gender focused approach to project prioritisation was appropriate given that, in present day Western Cape communities, there were similar problems facing men and women.

Currently, the WCCCA has some processes for recording and reporting gender disaggregated data, but there is no systematic evaluation of gender in terms of benefit flows or strategic priorities. Some interviewees felt that, due to the criteria used for allocating funds, women's (broad) needs were prioritised.

**The most significant organising construct in terms of individual's perception of agreement benefits and/or satisfactory representation is the family or clan (rather than men or women).**

Throughout the interviews, community members explained that they did not usually think about the agreements in terms of women and men, or individuals, but in terms of their family or clan, or more generally 'the community'.

Several interviewees explained that, for Traditional Owners, the value of the agreement was at least partially based on their experience of the negotiation process (i.e. whether they thought the process was respectful, had their voices heard, and accommodated their preferences in engagement methods), and how they perceived the relationship with the company. Traditional Owners had different opinions on the value of the WCCCA and EBMPA. Some preferred the agreement that had the lower dollar value (and less formal systems) over the agreement with the higher dollar value.

**Rio Tinto Alcan Weipa's policy and principles of relationship building, inclusion, respect and empowerment have impacted the content of the agreements and the participation of women and men.**

The Communities Department personnel and management of RTA Weipa have a high level of awareness of the historical significance of women's participation, and have developed practices that have facilitated and enabled women's participation. So while gender has not been a defining factor in the operation's focus, company policies – based on building relationships, having meaningful dialogue, trust and respect – have resonated strongly with women, and women's focus on sustainable outcomes for their children.

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<sup>2</sup> A gender-blind approach assumes gender is not an influencing factor in projects, programs or policy.

Women's priorities have aligned with Rio Tinto's in terms of pursuing enhanced outcomes in terms of empowerment and reducing dependency on company and government, and interviewees felt that this enhanced cooperation between the company and community, particularly women. The inclusive/empowerment approach of the Agreements has also enabled women and men to participate and benefit.

### **The agreement governance structures have provided entry points for new female and male leaders to emerge.**

One of the issues explored in the research was people's perception of the readiness of the next generation to take over implementing the agreement and representing their families. Many of the community members (elders and younger generations) agreed that this was a priority concern. Some interviewees remarked that they felt that the younger generations, both girls and boys, lacked interest in the agreements. The need for a new generation of leaders, however, was not only restricted to the agreements.

Interviewees agreed that they were starting to see some new people become part of the formal agreement processes. Some of these new leaders were men and some were women. As yet, there had not been a significant change in gender composition, but there was potential for this to change in the future.

### **Some leaders in the community (particularly some women) have multiple roles including community, family and work responsibilities.**

Several interviewees commented that some community leaders, particularly women leaders, were extremely busy and were often involved in a range of different committees, as well as having significant family, cultural and employment obligations. Many Aboriginal women commented that taking on the responsibility for family business was traditionally a woman's role, and many women felt strongly motivated to take on positions in the agreement governance structures as part of this family role.

Interviewees discussed the various forms of support they received to manage their high load of responsibilities. Women leaders generally commented that they felt supported by the committee and, for the WCCCA, the Western Cape Communities Trust (WCCT) administration office. This support included discussions, training, meetings, availability to ask questions and receive assistance with understanding their roles and responsibilities as committee members or directors.

## **Conclusion and implications**

The WCCCA is widely regarded as an example of leading practice in company-community agreements, and it is clear that the WCCCA and EBMPA are the main drivers of the company's formal engagement with Traditional Owners in the Western Cape. This research was able to confirm that women's formal and informal participation in both agreements has been significant in the negotiation and implementation phases. In particular, strong leadership by female Traditional Owners in negotiation processes and positions on the implementation committees have influenced the values and content of the agreements. The agreements have benefitted from having women



involved. The women have contributed to the long-term sustainability and empowerment focus of the agreements.

### **Agreement success factors**

This research found that women's participation was not a critical determining factor for implementing successful agreements, although in Weipa women's participation had had a positive effect on the strategic focus and governance of the agreements. Just as there were many factors that enabled women's participation in the agreements, there were many factors that contributed to the strength of the agreements and associated processes.<sup>3</sup>

While there are inherent challenges and complexities, overall the level of company and community commitment to the agreements – and ongoing implementation processes – has been central to the continued progress and success of the WCCCA and EBMPA.

### **Gender dimensions**

The research examined a range of factors that contributed to the equal or higher level of women's participation in many processes associated with the WCCCA and EBMPA. Within the community, women's participation in the governance of the agreements, and other formal processes, appears to stem from a number of cultural and historical gender dimensions. In combination with agreement processes, the role of external actors and company practices has led to an environment where women's participation is routine and women's voices are prominent.

Looking to the future, there is a range of issues in the Western Cape which have a gender dimension, and may therefore have an impact on the ongoing success and effectiveness of agreement projects and processes going forward. Using gender as an analytical tool may help improve the efficiency and relevance of programmatic responses to these issues.

### **Supporting women's leadership**

The positive influence of strong female leaders in the Western Cape cannot be denied, and both company and community are appreciative and respectful of these women's commitment to developing agreements for the long-term benefit of the community. For the WCCCA, current elders, committee members and company staff are keen to maintain the vision and values that came from the elders during the original negotiation process, particularly regarding the focus on 'whole of community' benefit, Traditional Owner decision-making, accountability and future generations.

Some female interviewees expressed the difficulty they experienced in managing their multiple roles and responsibilities across the family, cultural, community and employment spheres. Many women had significant home life pressures including some who were the sole income providers of large households. In response, those participating in agreement governance received leave allowances to attend meetings (if they were RTA employees) and the support of the Executive Office in training and administrative coordination.

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<sup>3</sup> Several of these factors have been identified in other studies as contributing to the success of the WCCCA. See O'Faircheallaigh (2012) and to agreements more generally see Limerick *et al.* (2012).

## **Future generations and emerging challenges**

Given that mining has the potential to continue for another 40 years, the agreements will continue to develop and change as do the needs and aspirations of the Western Cape Traditional Owners. So far, the agreements have benefitted from the presence of many leaders, including female leaders, who were heavily involved in the original negotiations. Their presence has helped overcome many difficulties in implementation of the agreements through bringing to the fore the vision and values that informed the original negotiations. As new members of the community join the implementation committees it will be important to both maintain those values, while adapting to the values of the new generations. The formation of the 'honorary board' of elders who attend WCCCC meetings is an innovative development which will help the continuity of the agreement by connecting the generations.

The demographic and cultural characteristics of the Western Cape are substantially different from the time that the current generation of elders were raised. This will likely influence the gender composition of future committees and may result in other changes that impact agreement implementation. The current training for committee members is effective in reinforcing the responsibilities of representatives and explaining the history of the agreements, yet may fall short of understanding the concerns and aspirations of the upcoming generation and providing a link to previous generations. RTA and the agreement implementation bodies may benefit from monitoring the composition of the agreement governance committees and their ability to represent the broad interests of the communities.

## **Gaps in knowledge identified**

The researchers perceived that the Communities Department practitioners at RTA Weipa had a good understanding of the dynamics within the communities and had appropriate systems to support their practice. Still, this research identified some gaps in knowledge that may impact the continued success of the agreement. For example, there is a gap in understanding the gendered impacts of the agreements – whether men and women are benefitting differently, whether men's and women's rights and interests are being addressed and whether the agreement is increasing or reducing gaps in gender equality. There is also a gap in understanding whether there are differences in benefit or influence among different clans or families. Some interviewees perceived differences in status between these groups. If this is the case, the breadth of development impacts could be improved.

# Case Report for Rio Tinto Alcan's Weipa Operation, Australia

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## 1 Research description

### 1.1 Fieldwork

As part of the broader research project outlined above, two researchers from the Centre for Social Responsibility in Mining (CSRMin) from The University of Queensland visited the Rio Tinto Alcan Weipa's operation located in Cape York Peninsula for one week in August 2012. Field-based research focused on the gender dimensions of agreement processes associated with the two existing company community agreements: the Ely Bauxite Mining Project Agreement (EBMPA) and Western Cape Communities Coexistence Agreement (WCCCA).<sup>4</sup> These agreements involve six and eleven Traditional Owner groups and were signed in 1997 and 2001, respectively. Further explanation of the agreements is provided in the Background Context section.

The focus of the research was twofold, firstly to explore the opportunities and challenges associated with women's participation in the agreement including factors that enable or limit women's full participation, including availability of time, family responsibilities, capacity, employment and other community responsibilities. Secondly to investigate the changing gender dynamics of the agreements, focusing on issues of generational change including transitional representation and leadership, drivers and barriers to participation, and how these have changed since the inception of the agreements.

The researchers undertook a total of 18 interviews with 28 individuals during the field visit to Weipa. Of these, 14 interviews were conducted with individuals, the remaining 4 in small groups, each with around 3-6 participants. The majority of interviews were undertaken with community members, and included 19 Indigenous participants and 3 non-Indigenous participants.<sup>5</sup> The gender ratio was predominantly female (77%). Community representatives included, but were not limited to, Traditional Owner elders from the Northern and Central Western Cape regions, agreement implementation body employees, local female Traditional Owners, service workers (teachers, employment service providers, etc) and others. Company interviews were undertaken with 7 individuals with various levels of seniority and predominantly from within the Communities and Social Performance team. These interviews were with 1 Indigenous participant and 6 non-Indigenous participants. The male to female ratio was relatively even with slightly more females interviewed overall.<sup>6</sup>

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<sup>4</sup> Originally two mining companies had been operating in the Western Cape region side by side, in 1999 one of these established an agreement with Traditional Owner groups entitled to the land on the mining lease (the EBMPA). Shortly afterward, the two mining companies merged, and the new, larger company then established a company-community agreement in 2001 which covered all Traditional Owner groups across both mining leases (the WCCCA). The creation of the WCCCA did not replace the EBMPA for Traditional Owner groups from the first mining lease; instead they participate and benefit from both.

<sup>5</sup> Indigenous participation is broken down into Australian Indigenous (16%) and local indigenous (84%).

<sup>6</sup> The company Indigenous participant is also a community member and was thus counted in both categories.

## 1.2 Method and limitations

During their time in the field, CSRМ researchers applied a semi-structured interview protocol. This method was deemed to be the most appropriate data gathering technique providing researchers with the flexibility to develop rapport and gain rich data that provided insight into participants' experience. In addition, the semi-structured deep interviews allowed the researchers to explore emerging issues and themes as they arose during the data gathering phase.<sup>7</sup> Research participants were not representative across Traditional Owner groups, age or gender lines. Interviewees were initially recruited via company practitioner and community leader networks. A snowballing recruitment strategy was then adopted in order to generate additional participant input in the field. This recruitment strategy aimed to respect pre-existing company-community relationships and local networks.

Interviews were undertaken by a female research team of Julia Keenan and Rebekah Ramsay from CSRМ. Both researchers have several years of experience conducting field work in Indigenous and cross-cultural contexts. Notes were recorded during interviews and, with the consent of participants, the majority were recorded for the purpose of verifying transcripts during data analysis. As with any rapid field research, there are several limitations worth noting. Due to budget and time restraints, researchers were unable to visit communities in the far northern region (Northern Peninsula area) or in the south (Aurukun) effectively limiting the research sample to participants based in Weipa, Napranum and Mapoon. Traditional Owners living outside the Western Cape were not interviewed. During the field visit some interviewees were unavailable due to 'sorry business'<sup>8</sup> involving several families, or travelling away from Weipa for the duration of field work.

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<sup>7</sup> For an example of another study adopting this methodology within the Western Cape region see Buultjens *et al.* (2010).

<sup>8</sup> 'Sorry business' refers to ceremonial and cultural practices related to funerals and mourning in Aboriginal culture.

# Part 1 – Background context

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## 2 Indigenous Australia

### 2.1 Background

Indigenous Australians are the original inhabitants of the Australian continent and believed to have migrated to the region at least 60,000 years ago.<sup>9</sup> In the 1700s, the Indigenous population was estimated at between 318,000 and 1 million people. Today the Australian population sits at around 22.7 million with Indigenous Australians representing 2.5 per cent or 517,000 of the population.<sup>10</sup> Indigenous Australians are comprised of two distinct groups, Aboriginal people and Torres Strait Islanders. The Indigenous population is predominantly located in regional areas of Australia with 42 per cent living in regional centres and a further 27 per cent in rural and remote areas.<sup>11</sup> While Indigenous Australians represent a minority within Australian cities, in more remote areas of the country they form almost half of the population.

Prior to the arrival of Europeans in Australia, Indigenous groups hunted, fished and harvested off the land, moving around within their tribal boundaries.<sup>12</sup> At that time, the continent was inhabited by around 300 distinct Aboriginal nation-states, speaking around 750 different languages and dialects.<sup>13</sup> Their nomadic lifestyle enabled the groups to take advantage of seasonal changes and ensured that land, rivers and rock pools could regenerate. With the arrival of the First Fleet in January 1788, the British took formal possession of Australia. The basis in international law for the progressive take-over of the continent was the doctrine of *'terra nullius'* – land belonging to no-one. The declaration of *terra nullius* enabled the British to take possession of Australia without a treaty.<sup>14</sup>

The century following colonisation was marked by massacre, displacement and disease. Government policies forced Aboriginal people off their lands and onto missions or reserves where many were forbidden to speak their languages or practice cultural traditions. When the colonies federated as the Commonwealth of Australia in 1901, Aboriginal people were denied citizenship, and the population had fallen to less than 100,000.<sup>15</sup> From 1909 to 1969<sup>16</sup>, under the White Australia and Assimilation policies, approximately one in three and one in ten Aboriginal and Torres Strait Islander children were forcibly removed from their families. In 1962 all Indigenous people were granted the unqualified right to vote in Federal elections and the 1967 Referendum overwhelmingly supported the motion to alter the Constitution in order to implement policies to benefit Aboriginal people. This period was marked by increased Indigenous activism, including significant steps in the Land Rights movement.

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<sup>9</sup> Australian Government (n.d.).

<sup>10</sup> Australian Government (n.d.).

<sup>11</sup> NSW Reconciliation Council (n.d.).

<sup>12</sup> Australian Institute of Aboriginal Torres Strait Islander Studies (AIATSIS) (n.d.).

<sup>13</sup> In more recent times fewer than 200 languages remain in use (AIATSIS, n.d.).

<sup>14</sup> NSW Reconciliation Council (n.d.).

<sup>15</sup> Australian Bureau of Statistics (2006).

<sup>16</sup> This practice was also reported to take place both before and after this period.

## 2.2 Land rights, native title and agreements

A substantial body of literature exists on land rights, native title<sup>17</sup> and agreement-making within the Indigenous Australian context.<sup>18</sup> Litigation for the recognition of native title began in the 1970s, leading to the recognition of Indigenous Australians' legal interests in land. Significant acts of legislation include:

- *Aboriginal Land Rights (Northern Territory) Act 1976*
- *Aboriginal Lands Trust Act 1966* (in South Australia)
- *Native Title Act 1993* (Cth).

The passing of the *Native Title Act 1993*, along with subsequent amendments and case law, created a legislative framework for recognising and protecting native title, and for determining the terms for use and management of land and waters between native title groups and developers.<sup>19</sup> Under the Native Title Act, the Australian Government recognises that Indigenous men and women are equally entitled to claim legal recognition of rights in land, and many women have done so on behalf of their groups.<sup>20</sup> This creates legal entitlements and requirements for women claimants to be involved in agreements and reinforces Indigenous values that facilitate recognition of women's rights and responsibilities.<sup>21</sup>

The Native Title Act introduced two different processes for applications for mining and exploration: Indigenous land use agreements (ILUAs) and the 'right to negotiate' process. Both processes provide a framework for the negotiation of an agreement between mining companies, native title groups and other parties as appropriate. All parties are bound to the provisions of the agreement.<sup>22</sup>

ILUAs might cover:

- native title holders agreeing to a future act or group of future acts
- compensation for loss or impairment of native title
- how native title rights and interests coexist
- access to an area
- extinguishment of native title by surrender to governments
- framework agreements (i.e., agreements that define terms and conditions for future act negotiations, decision-making or other activities)
- the exercise of native title rights and interests.
- ILUAs can also cover cultural heritage issues, the provision of public works and infrastructure and employment
- and economic opportunities for native title groups.

<sup>17</sup> Native title is the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs (National Native Title Tribunal, n.d.).

<sup>18</sup> See for example O'Faircheallaigh (1995; 2004) and Langton & Mazel (2008).

<sup>19</sup> ILUAs can also be negotiated outside of the native title process e.g. with unregistered claimants or where there has been a determination that native title has been extinguished (Buultjens *et al.* 2010).

<sup>20</sup> O'Faircheallaigh (2012).

<sup>21</sup> Bartlett (2004, pp. 524-32).

<sup>22</sup> National Native Title Tribunal (2011 p. 27).

## 3 Rio Tinto Alcan Weipa

### 3.1 History of the operation

The Rio Tinto Alcan (RTA) Weipa bauxite mine is located on the western coast of the Cape York Peninsula and is one of the largest mines in the world, with ore reserves covering an area of 3,860 square kilometres. Bauxite has been mined in Weipa since 1961 and has the potential to continue for at least another 40 years.<sup>23</sup> RTA Weipa operates on two mining leases, the ML7024 and ML7031 which were originally held by mining companies Comalco and Alcan South Pacific respectively (see Figure 1). Comalco was granted Mining Lease 7024 for the large scale development of the bauxite in 1957; the lease was for 84 years with an option to extend for a further 21 years. In 2000, Rio Tinto bought out Comalco, and the operation subsequently came under the management of Rio Tinto Aluminium in 2006. Alcan South Pacific was granted Mining Lease 7031 in 1965. The company has become a Rio Tinto Alcan operation after Alcan South Pacific and Rio Tinto Aluminium merged in late 2007.<sup>24</sup>

Bauxite mining at RTA Weipa involves the mining, crushing and processing of bauxite, and ore handling through port facilities for transport to alumina refineries.<sup>25</sup> Available figures indicate that annual production of bauxite has significantly increased over time. During the first commercial year of production in 1964, approximately 450,000 tonnes of bauxite was shipped. Annual production has increased to more than 20 million tonnes of bauxite in 2011.<sup>26</sup> East Weipa and Andoom deposits are currently being exploited, and RTA has conducted a feasibility study to extend its mine operations into an area south of the Embley River and, at the time this research, was waiting for government approval. If successful, the South of Embley project will extend mine life by approximately 40 years depending on production rates. The project will progressively replace depleted bauxite reserves at the East Weipa and Andoom mining areas and maintain continuity of supply to two Gladstone alumina refineries (one fully owned by Rio Tinto Alcan, one 80% owned by Rio Tinto Alcan). The South of Embley project involves a staged increase in production up to 50 million dry product tonnes per annum.<sup>27</sup>

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<sup>23</sup> Rio Tinto Alcan (2013).

<sup>24</sup> Klimenko and Evans (2009).

<sup>25</sup> Rio Tinto Alcan (2013).

<sup>26</sup> Klimenko & Evans (2009).

<sup>27</sup> Rio Tinto Alcan (2013).

Figure 1: Rio Tinto Alcan Weipa Mining Leases: ML7024 and ML7031



Source: Rio Tinto Alcan (2012b, p4).



## 3.2 History of the Western Cape communities

Radiocarbon dating of archaeological sites suggests that Cape York has been inhabited for over 35,000 years. Sites around Weipa, including substantial shell mounds or middens, date back 2500 years.<sup>28</sup> Prior to European settlement, the Western Cape was home to an Indigenous population thought to speak over 30 traditional languages.<sup>29</sup> The Indigenous population of the Western Cape reportedly stayed largely within its clan territory with occasional interaction from neighbouring groups. The earliest known European contact with Australia occurred in the Weipa region in 1606, when the Dutch ship, the *Duyfken*, explored the Western Cape coast.

The township of Weipa was established as a Presbyterian Aboriginal mission in 1898. The establishment of Presbyterian Church missions in the region from the 1890s drastically changed the way of life of the local Aboriginal people who were introduced to a sedentary village lifestyle. During the frontier period, one significant impact was the separation of families as many Aboriginal men were forcibly removed from their communities or recruited for labour. For example, some men were abducted to assist in the collection of *Beche-de-mer* and pearling at Albany Island from 1870 onwards, while others were recruited into the cattle industry, leaving women and children in the communities. Historians recount that the impact of mission life on Aboriginal people varied as a result of Mission superintendents who were given authority to shape individual experiences. For example a superintendent might change an individual's name or forbid them from speaking their traditional language or engage in traditional practices such as dance or song.<sup>30</sup> Church organisations gradually withdrew from the region in the 1960s, and communities came under the management of the State Government until 1988.<sup>31</sup>

### 3.2.1 Present-day Weipa

The present day Western Cape region includes the township of Weipa and the Aboriginal shires of Napranum, Mapoon and Aurukun. The community has strong links to communities located in the Northern Peninsula area including New Mapoon, Injinoo and Bamaga, on the tip of Cape York, where Mapoon residents moved to in 1963. There are several outstations located in the project area, and are maintained under one of the company-community agreements.<sup>32</sup> The outstations are mostly used in the dry season, and are highly valued by Traditional Owners as a means of connecting with their country and practicing their culture.

RTA operates the Weipa Town Authority<sup>33</sup> and is the primary economic contributor to the township and wider region, both directly and indirectly in terms of employment, infrastructure, housing and service provision. Weipa is the largest town in the Western Cape region with a population of 3334 residents of which 616 people (18.6%) identified as Indigenous in the 2011 Census. The Indigenous population in Weipa is comprised of relatively equal numbers of men (50.3%) and women (49.7%).<sup>34</sup>

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<sup>28</sup> Rio Tinto Alcan (2012a, pp. 11-1).

<sup>29</sup> Wharton (2000).

<sup>30</sup> Wharton (2000).

<sup>31</sup> Rio Tinto Alcan (2012b).

<sup>32</sup> The WCCCA Agreement will be discussed in detail below.

<sup>33</sup> The services supplied through the Weipa Town Authority are of a similar nature to those supplied by local Councils throughout Australia, i.e. road maintenance, water supply, building control, town planning, public library services, a public swimming pool, parks, gardens, ovals and garbage collection.

<sup>34</sup> Australian Bureau of Statistics (2011a).

The workforce for RTA Weipa predominantly resides in Weipa. Aurukun and Mapoon are too distant for daily work commutes. Weipa has a lower proportion of Indigenous people than the other Western Cape communities however the majority of Indigenous employees tend to base themselves in Weipa rather than Napranum.<sup>35</sup> Private sector employment is relatively high in Weipa for both Indigenous and non-Indigenous people in comparison to that of the other communities, where government employment is dominant. Weipa has a large proportion of young to middle aged residents, of both sexes, predominantly between the ages of 25 and 45, the age range coinciding with the majority of the mining workforce.

Napranum is located 10km south of Weipa, and its proximity to Weipa means that residents have improved access to the region's centralised facilities. The population in Napranum was recorded at 817 people in the 2011 census, with 97 per cent identifying as Indigenous. The gender ratio is again relatively even with slightly more men (50.4%) than women (49.6%).<sup>36</sup> Napranum has a higher proportion of youth and children compared with Weipa. Napranum also has a higher proportion of people aged 60 years and over compared with Weipa explained in part, by the high proportion of working people living in Weipa.<sup>37</sup> Napranum was originally established as a Presbyterian mission in 1932. The church handed over control to the Queensland Government in 1966. During the 1960s people from other Aboriginal communities and the Torres Strait Islands settled at Napranum in search of work. Napranum Aboriginal Shire Council was established in 1989 and is the local authority.<sup>38</sup>

Mapoon, located 80km north of Weipa, had a population of 263 people in 2011, 90.4 per cent of whom identified as Indigenous. There were slightly more females (51.5%) than males (48.3%). The median age was 28 years. The community has a significantly high proportion of children, with 24% of the population aged below 14 years.<sup>39</sup> The community is administered by the Mapoon Aboriginal Council.<sup>40</sup> A Presbyterian mission was initially established in 1891 however in 1963 the residents were forcibly removed to a site which was named New Mapoon, and elsewhere. Recent data indicates that the population of Mapoon is gradually increasing as extended family members are migrating back to the area from New Mapoon, Cairns and other areas of Cape York. After a number of years of protest, some people returned in the mid-1970s and began rebuilding their original community. A small population stayed in New Mapoon and, in 2011, the community had a population of 289, comprised of 49.1% male and 50.9% females. The town is administered by the New Mapoon Aboriginal Council. All residents of New Mapoon identify as Indigenous Australians.

Aurukun, located 187km south of Weipa, was originally established as a Presbyterian mission in 1904, and is now administered by the Aurukun Shire Council.<sup>41</sup> The population was recorded at 1295 people in 2011 of which 92.1 per cent identified as Indigenous.<sup>42</sup> Like Napranum and Mapoon, the majority of the population are youth, aged between five and 24 years. The relatively young

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<sup>35</sup> Rio Tinto Alcan (2012b).

<sup>36</sup> Napranum Aboriginal Shire Council (n.d.).

<sup>37</sup> Rio Tinto Alcan (2012b).

<sup>38</sup> Australian Bureau of Statistics (2011b).

<sup>39</sup> Australian Bureau of Statistics (2011c).

<sup>40</sup> Mapoon Aboriginal Shire Council (2013).

<sup>41</sup> Aurukun Shire Council (2012).

<sup>42</sup> Australian Bureau of Statistics (2011d).

population in these communities has potential implications for the demand for social services and the provision of recreational and leisure facilities for young families due to their remote location.

### 3.2.2 Socio-economic background

Indigenous groups across Australia share a high level of social and economic disadvantage compared with non-Indigenous Australians, regardless of their location, cultural context and historical experience.<sup>43</sup> Many of the issues and challenges impacting the communities across the Western Cape region are similar to those faced by remote communities across Australia. These challenges include, but are not limited to, lack of available housing, need for quality education that leads to employment outcomes, access to health care facilities and complex stakeholder arrangements. The following section outlines specific social-economic data pertaining to the Indigenous population in the Western Cape region. Gender-desegregated data is not available through the Australian Bureau of Statistics with the exception of single-parent families, outlined below. Across the majority of socio-economic indicators for Aboriginal and Torres Strait Islander people of the Western Cape region, indicators for Indigenous residents in Weipa tend to show better outcomes compared with Aurukun, Napranum and Mapoon. For example, Weipa has a higher proportion of Indigenous people with post-secondary education qualifications than the other communities. Weipa also has the region's highest labour force participation rate of 79 per cent followed by Mapoon (66%), Napranum (48%) and Aurukun (47%).<sup>44</sup> The 2011 Census data indicates that the unemployment rate in Weipa (4.3%) and Mapoon (6.1%) was below or close to the state average of 6.1 per cent; however the Aurukun and Napranum communities had significantly high unemployment at 22.6 per cent and 19.8 per cent respectively. Unemployment rates have slightly increased since the 2006 Census.

Other issues affecting communities in the Western Cape region include alcohol<sup>45</sup> and drug-related harm<sup>46</sup>, poor nutrition and hygiene, and a high incidence of separation and relationship breakdowns.<sup>47</sup> Napranum and Mapoon for example have a high proportion of one parent families; more than double the state average. Around 85 per cent of single parents in Aurukun, Napranum and Mapoon are female. While the Australian Bureau of Statistics does not produce gender-desegregated data on crime rates, alcoholism, drug use and employment within the communities, anecdotal evidence suggests that men are more likely to be incarcerated and face barriers to employment. Women are more frequently considered to be the primary carers of the family unit. In addition, the 2011 Census indicates that overcrowding is also a significant problem in at least some communities. The average number of people per household in Aurukun, for example, was 5.1.

The Western Cape region has community infrastructure and services which support Indigenous and non-Indigenous residents within the area. These include child care facilities; community support services which provide counselling to women and children experiencing family or domestic violence in the communities of Weipa, Napranum and Mapoon<sup>48</sup>, aged care facilities; electricity,

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<sup>43</sup> Limerick *et al.* (2012).

<sup>44</sup> Rio Tinto Alcan (2012d).

<sup>45</sup> Alcohol Management Plans (AMPs) are currently implemented across a number of communities in the Cape York including Aurukun, Napranum and Mapoon.

<sup>46</sup> Alcohol and drug related illnesses are common to both Indigenous and non-Indigenous communities in the Cape region. Rio Tinto Alcan (2012d.).

<sup>47</sup> Rio Tinto Alcan (2012d).

<sup>48</sup> According to Weipa Community Care Association, 2006 data showed that one woman was taken out of the community service provision area every month due to incidents of domestic violence. Weipa Community Care provides services to

telecommunications, water and waste infrastructure; transport facilities; health and emergency services; and educational facilities and services from prep to year 12. The Tropical North Institute of TAFE has a regional campus located in Weipa that also services the communities across the Western Cape region. Community infrastructure and services are largely based in Weipa and, despite efforts by the Queensland Government, RTA Weipa and community groups, many of the facilities are insufficient for the needs of residents within the region. For example, childcare facilities are based in Weipa, Napranum and Aurukun, however all centres currently operate at full capacity. The RTA Weipa Community Baseline Assessment conducted in 2008 identified shortage in childcare places as one of the priority concerns facing Weipa and its surrounding communities.<sup>49</sup>

### 3.3 RTA Weipa communities approach

RTA has established relationships, policies, procedures and structures to implement programmes and partnerships in the Western Cape region. RTA's parent company, Rio Tinto, designed an Aboriginal and Torres Strait Islander Policy in 1995, built on the foundation of company "recognition and respect for Aboriginal and Torres Strait Islander people".<sup>50</sup> The policy requires that in addition to seeking consultative mine development and land access agreements with Traditional Owners, the company and operating businesses support various capacity building programs for Aboriginal people. These include targeting education, training, employment, liaison and business development which are intended to improve indigenous opportunities at Rio Tinto businesses.

Rio Tinto requires all sites to develop Communities plans which specify local working arrangements, and are integrated with the site's operational planning and updated annually. These plans are informed by the Rio Tinto Communities policies and apply throughout the life cycle of the mining operation.<sup>51</sup> A key objective of the Rio Tinto Communities policies and standards is to "build enduring relationships with [their] neighbours that are characterised by mutual respect, active partnership and long term commitment".<sup>52</sup> The RTA Weipa operation has a dedicated Communities team of 12 staff who oversee implementation of the Communities plans and agreements, as well as other community and stakeholder engagement activities. Significantly, the team has a dedicated agreements specialist who oversees the agreements. Several team members are Traditional Owners from the Western Cape, with a mix of males and females.

Rio Tinto policy provisions require that gender, diversity and human rights considerations are integrated into the management and planning of all Communities work. In 2010, the company developed specific guidance for integrating gender considerations into Communities work which outlines tools and processes that sites can use to effectively achieve this aim.<sup>53</sup> Publicly available documents indicate that RTA Weipa has a gender strategy in place as part of its cultural heritage management procedures, but not for Communities work more broadly.

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Napranum, including a healing service, and management of a women's shelter in Weipa to support domestic violence victims (Rio Tinto Alcan, 2012d).

<sup>49</sup> Rio Tinto Alcan (2012b).

<sup>50</sup> Harvey (2002).

<sup>51</sup> Rio Tinto (2007).

<sup>52</sup> Harvey & Brereton (2005, p.5).

<sup>53</sup> See *Why Gender Matters: A resource guide for integrating gender considerations into Communities work* at Rio Tinto. Available at: [http://www.riotinto.com/documents/ReportsPublications/Rio\\_Tinto\\_gender\\_guide.pdf](http://www.riotinto.com/documents/ReportsPublications/Rio_Tinto_gender_guide.pdf)

RTA Weipa has demonstrated a commitment to providing local Aboriginal people with employment in line with company policy and as part of its company-community agreement commitments. According to RTA records, Indigenous employees accounted for 23% of RTA employees and local Aboriginal employees accounted for 12% of employees in 2012.<sup>54</sup> Female employment was about 23% for the total workforce and the Indigenous workforce. RTA Weipa has also invested in a number of capacity building initiatives to support the work-readiness levels of people living in Western Cape communities including the Local Aboriginal Traineeship Program and the RTA Destinations Program and the creation of an Indigenous Training and Development and Employee Support team was established in 2009.

## 4 Agreements

The current RTA Weipa operation occurs under three Indigenous agreements: the Western Cape Communities Coexistence Agreement (WCCCA), the Weipa Town Agreement (WTA) and the Ely Bauxite Mining Project Agreement (EBMPA), corresponding to the leases that form the operation.<sup>55</sup> The leases cover the region including the communities of Aurukun, Mapoon, Napranum, Weipa and all lands between Mapoon in the north and Aurukun in the south (see Figure 1). Within this region there are 12 recognised Traditional Owner groups representing the Indigenous people. They are the Alngith, Anathanangayth, Ankamuthi, Atambaya, Peppan, Taepadhighi, Thanikwithi, Tjungundji, Warranggu, Wathayn, Wik and Wik-Waya, and Yupungathi.<sup>56</sup>

These agreements formalise the relationship between the mine and Traditional Owners in terms of consultation, engagement and collaboration. Both agreements include provisions for benefit sharing (including payments to trusts and funding for education and training), cultural heritage, cultural awareness, environmental protection and rehabilitation processes, plans for relinquishment of land, and governance structures. The agreements specify the commitments for all parties – RTA, Traditional Owner groups, Shire Councils, the Cape York Land Council and, for the WCCCA, the Queensland Government.<sup>57</sup>

### 4.1 The Ely Bauxite Mining Project Agreement (EBMPA or Ely Agreement)

The EBMPA was signed in September 1997 and amended in 1999 by Alcan South Pacific (now Rio Tinto Alcan). The signatories comprise six Traditional Owner groups, three Aboriginal shire councils (Napranum, Mapoon and New Mapoon), and the Cape York Land Council. In 1998, Alcan and Comalco partnered under an agreement called the Bauxite Mining Exchange Agreement (BMEA) to mine the Ely area. Following the acquisition of Alcan by Rio Tinto in 2007, the new entity, Rio Tinto Alcan Weipa Pty Ltd (RTAW) is now a party to the agreement and bound to implement all agreed actions, commitments and obligations.

The agreement sets out the terms for development of the Ely Mining Lease, including company commitments to cultural heritage protection, cultural awareness training, community and business

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<sup>54</sup> Data from Rio Tinto Community Relations (pers comm) (2013).

<sup>55</sup> Due to a range of factors, the research gathered more information about the WCCCA than the EBMPA. These included the short timeframe for field work, absence of key informants and confidentiality of the EBMPA.

<sup>56</sup> The Northern Peninsula Area (NPA) and Hopevale communities also have traditional ties to the land contained within the mining lease area.

<sup>57</sup> The Weipa Town Agreement is not discussed in this report as it does not cover the mining lease areas.

capacity building through employment, and education and training opportunities. Two distinct entities have been created in order to implement the agreement: the Ely Coordination Committee (ECC) and an Aboriginal Beneficiaries Trust (Ely Trust) (See Figure 2). Each have separate functions and operate independently. The ECC has a female chair and provides a formal consultation platform between Rio Tinto Alcan Weipa and representatives from the six Traditional Owner groups in the planning and decision-making processes. The trust on the other hand receives and distributes funds received under the EBMPA in line with clan guidelines which are confidential.

**Figure 2: Map of the Implementation Structure under the Ely Bauxite Mining Project Agreement**

Source: Ely Bauxite Mining Project Agreement Brochure, 2012.



#### 4.2 The Western Cape Communities Coexistence Agreement (WCCCA)

The process leading to the WCCCA was initiated by the signing of a memorandum of understanding (MoU) between Comalco and the Cape York Land Council (CYLC) in 1995. Following this, there were several years of negotiation until the agreement was signed in March 2001 by Comalco (now Rio Tinto Alcan); 11 Traditional Owner groups; the Councils of Aurukun, Mapoon, Napranum and New Mapoon; the Cape York Land Council; and the Queensland Government.<sup>58</sup> The agreement was registered as an Indigenous land use agreement under the provisions of the *Native Title Act 1993 (Cth)* in August 2001.<sup>59</sup> The outcome of this agreement was a commitment by all parties to focus on issues relevant to the Indigenous community, and a range of provisions detailed in the box below.<sup>60</sup>

<sup>58</sup> Western Cape Communities Trust & Western Cape Communities Coordinating Committee (WCCCA) (2009a).

<sup>59</sup> Buultjens *et al.* (2010).

<sup>60</sup> Rio Tinto Alcan (2001).

Agreement provisions include:

1. Recognition and support for Traditional Owner groups and their claims for native title
2. Registration of the agreement as an Indigenous land use agreement (ILUA) under the *Native Title Act 1995*
3. Relinquishment now, and progressively of parts of the Comalco lease no longer needed for mining to the State Government for return to Aboriginal ownership
4. \$2,500,000 each year (minimum) to Western Cape Communities Trust for projects benefiting Traditional Owner groups and the Western Cape communities. This amount may increase with increases in Weipa production and with higher aluminium prices
5. \$500,000 annual Comalco expenditure on employment, training and youth educational programs, endorsed by the Western Cape Communities
6. The State Government contribution of about \$1.5 million a year to the Western Cape Communities Trust for allocation to local community development projects and Traditional Owner proposals once the Agreement is registered as an ILUA
7. Cultural heritage surveys and site protection plans, and cultural awareness training for all Comalco staff and principal contractors in Weipa
8. Support for community development, Indigenous business enterprises and establishment of outstations on suitable areas of the mining lease.

Two bodies were created to implement the agreement (see Figure 3): the Agreement Coordinating Committee<sup>61</sup> and the Communities Trust. The Agreement Coordinating Committee is responsible for the implementation, monitoring, and review of the agreement. Importantly, the body must ensure that all parties meet their agreed obligations. As stated on RTA's website:

*"[The] Co-ordinating Committee, comprised of two representatives from each Traditional Owner [g]roup across the lease area, a representative from each of the four community councils, and a representative from Comalco, State Government and the CYLC, will be established to deal with the day to day matters arising from the [a]greement. The committee will also consult with relevant Traditional Owners on issues such as land management, regeneration plans, environmental applications, and any review of the permit land access system."*<sup>62</sup>

The Communities Trust is run by a board of directors and designed to support the management of company and government contributions which amount to approximately \$6M on an annual basis. Each year, around 60 per cent of these funds are placed in long-term secure investments. The remaining 40 per cent is divided and distributed into three sub-regional trusts, the Southern trust (Aurukun), Central (Napranum) and Northern (Mapoon, including New Mapoon), which oversee the management of community projects and funds. These sub-regional trusts have the independence to ensure that funds are used toward regional priorities. Importantly, however, the Communities Trust was negotiated as a 'charitable trust' and therefore funds must legally be used for community benefit, not individual benefit.<sup>63</sup>

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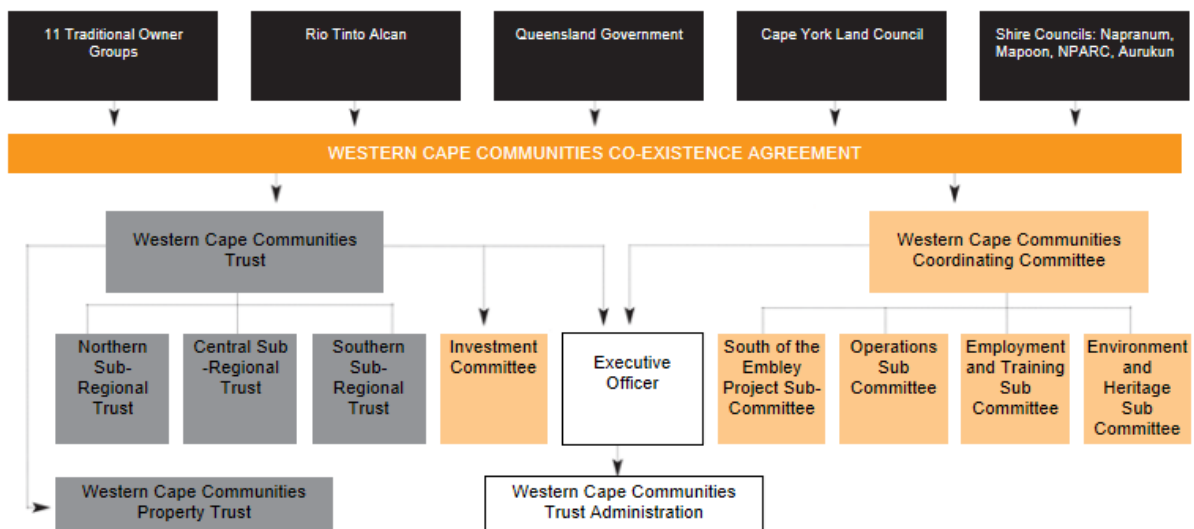
<sup>61</sup> Known as the Western Cape Communities Coordinating Committee (WCCCC).

<sup>62</sup> Rio Tinto Alcan (2001 ).

<sup>63</sup> Native title payments into charitable trusts are tax-exempt. While use of charitable trusts increases the overall payment received by Traditional Owners, the funds can only be distributed for the purposes of community and charitable benefit.

In 2003, Comalco initiated a review of the agreement to evaluate its implementation, progress against stated goals, barriers to successful implementation and actions that could be taken to improve the administration and implementation of the agreement. The review identified a range of challenges, including many issues common to other land use agreements. For example, the reviewers found deficiencies in communication, planning, accountability, collaboration, and lack of administrative and governance skills.<sup>64</sup> The review involved extensive consultation, and was seen to be an important step in terms of the agreement’s maturity. Following the review, many practices were reviewed and improved, and the agreement is generally perceived to have improved in its effectiveness.

**Figure 3: Implementation structure under the WCCCA**



Source: Western Cape Communities Trust & Western Cape Communities Coordinating Committee (2009b).

For example trust monies cannot be distributed to an individual who may wish to establish a business. For a full discussion on the benefits and limitations of charitable trusts versus other funding structures see Limerick *et al.* (2012, pp. 103-105).  
<sup>64</sup> Langton (2006, pp.104-5).



## Part 2 – Findings from the field research

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### 5 Findings

#### 5.1 Women have had significant involvement with the WCCCA and EBMPA, although there has not been a strategic focus on gender equality or women's empowerment.

##### 5.1.1 Women's participation

All participants agreed that women's formal and informal participation in the agreements was significant in the negotiation of the agreements, as well as their ongoing implementation. Women were seen as strong representatives of community and country, and advocated for economic, cultural and environmental impact management and benefit sharing provisions to be included in the WCCCA and EBMPA. Avenues of women's participation included agreement governance committees, representative elections, community and company-community consultations about benefit sharing and governance, applicants for funding and as beneficiaries of implemented programs.

Interviewees had a range of perspectives about why women's involvement had been significant and generally believed that it was the result of a number of factors. Some of these factors were more pronounced for different communities (for example, the mission experience in Aurukun was very different to the experiences in Mapoon and Napranum). Some factors related to the agreements and Rio Tinto's approach, while others related to existing contextual factors in the community.

Factors that interviewees thought encouraged or enabled women's participation include:

- **Agreement processes (consultation, negotiation, ratification, continuing governance)** – Both agreements include processes of consultation and consent which encourage both women's and men's participation, as well as participation of older and younger generations. The motivation for inclusive consultation, particularly during the negotiation phase, came from within the Traditional Owner groups as well as from external actors. Among these were Cape York Land Council employees, historians, consultants and WCCT Administration employees. Interviewees perceived that external actors were initially, and have continued to be, supportive of women's participation and women leadership (even though they are mostly male).
- **Historical context** – The history of the Western Cape was central to all interviewees' discussion of participation in agreements. Women's experiences of mission life, of keeping families and communities together (often in the absence of men) and of participation in community institutions (e.g. local councils, committees and boards) were all discussed as factors that had enabled women's participation in the agreements. The mission experience was also seen to have contributed to women having the intercultural skills to represent their own and their community's interests to non-Indigenous people, as well as higher levels of literacy and numeracy. As one interviewee said:

*“The women were strong leaders in the community and they grew up together in the missions. They were the ones that have really kept the community together. They were taught to stick up for themselves in the mission. A lot of them were educated – the background that they had meant that they were not afraid to negotiate with the white men. All of those factors together placed them in an ideal position to negotiate with the mining company.”*

Interviewees said that women’s participation in the agreement came naturally as they had previous experience of governance roles in community institutions, prior to the start of agreement negotiations, even if these organisations had not been very influential. One female Traditional Owner said:

*“There was step before, when Weipa Aborigines Society formed (covering Weipa South community), and I remember sitting on that. I guess it operated in a way that gave us a little bit of a voice, but in the scheme of things, a voice that didn’t reach very far.”*

Women’s participation in formal aspects of the agreement was considered to be particularly high in the northern and central sub-regions compared to the southern sub-region. Some interviewees thought that this could be because there was a higher level of disruption in traditional culture in Weipa, Napranum and Mapoon, compared with Aurukun.

- **Cultural context** – Men and women were described as having equally important, though distinct, cultural roles and responsibilities, and the leaders and decision-makers were traditionally those of ‘elder’ status. In the Western Cape, there were many female elders at the time of the negotiations and they were highly respected.

*“I think the rights are very much the same between men and women. But the elders have more of a say. The elders that we have for the WCCCA are all women, not many men ... A lot of the elders have passed away, a lot of them were very, very strong when they were alive, for the likes of Thanakupi. She was very strong when it came to reconciliation, the WCCCA and she was very well respected.”*

- **Demographic context** – During the time of the agreement negotiations, the communities of the Western Cape were significantly gender-imbalanced. Men were frequently absent from communities for cultural and work reasons. They had, and continue to have, lower life expectancies than women.

*“My grandfather didn’t want to go to Weipa or Aurukun ... they were walkabout people. They would want to visit their country then come back to the mission.”*

Women’s consistent presence in communities, availability and capacity to negotiate was reflected in participation in the agreement. Many interviewees described women’s leadership in terms of “stepping up” due to the absence of male leaders from the communities.

### 5.1.2 Men's participation

Although it was obviously a difficult and sensitive topic to discuss, some interviewees perceived that there was some level of disempowerment of men within the communities of the Western Cape, which had resulted in a lower level of men's participation in the formal administration of the agreements, as well as in other aspects of community life. The disempowerment of some men was perceived to be related to the loss of traditional male roles due to the impacts of colonialism and the post-contact history of the region, which were still felt in the present day. One interviewee explained:

*"There's always a sense of grief in the community. Men traditionally held very strong roles, but they have been disempowered over time."*

Men's participation and influence, however, was not absent from the agreements. Interviewees were careful to note that there were several strong male leaders involved in the agreements, and their input was respected. Several of these men have since passed away. Current agreement committee members discussed learning about the agreements and being influenced in their decision-making by their fathers, uncles and brothers. While men's participation in formal committees or boards was lower than women's, men's participation tended to be higher than women's in meetings in their own communities, at smaller informal meetings and one-on-one consultations. Men were more likely than women to perform the on-the-ground clearances of cultural heritage sites, and had frequent engagement with Cultural Heritage staff.

Some women expressed the desire to support male participation and representation in the agreement governance committees. For example, one interviewee said:

*"There are a few older men who are involved but many of the new members are the old ladies' kids, who are often boys ... they're interested to see men included too."*

Some interviewees perceived that men faced barriers to full participation in the agreement processes, particularly in formal processes. One committee member said:

*"Some men are speaking up – but the level of education is a barrier because they don't always understand the content of the discussion. This is a barrier for men's participation – often times the men are not on the same page."*

## 5.2 Women's leadership has made a significant contribution to the shape of the WCCCA and EBMPA, and continues to play an important role today.

Interviewees recalled that a number of very high profile and strong women were key influencers of the agreements. Several Aboriginal and non-Aboriginal interviewees recalled the "legacy" of these women, and the ways that they shaped the agreement. These female "leaders" were not a homogenous group, but all were described as highly committed to social and economic welfare of their communities and were regarded as authority figures within their own family group or within the Western Cape more broadly. For example, some of the women (particularly the elders) involved in the agreements had very high profiles within the Western Cape – and some internationally. These women were spoken about as "role models" who were "strong" and "brave" and unafraid of

speaking up to represent their people and their country. Some of these women derived this status from their cultural and spiritual roles, their family heritage, personal qualities, education and experience. Often these women were influential leaders in many aspects of community life, including arts and culture, education, health and social services. Interviewees explained that elders gained their status through age, as well as by demonstrating their wisdom, good judgement and responsibility for their family group and community, often despite great challenges in their lives. Some women were very active in community justice, reconciliation and religious groups, and some women had pursued university education outside of the Western Cape or via correspondence.

The WCCCA has several elders who are “honorary members” of the board. These people (mostly women) have had a long association with the agreement (many were involved in the original negotiations) and sit in on WCCCA Board meetings with the representatives. This arrangement was instituted to give support to new board members to understand their roles, and out of respect for the knowledge of elders who had contributed in the early stages of the agreement. The honorary members do not have a decision-making role, but are available to comment on options and give counsel to the current board members. One elder explained her role:

*“We sit in as elders; we give advice to the board. We also go out and give advice on cultural heritage, we tell them about a certain place that is significant or about a scar tree.”*

One woman in particular, Thanakupi (also known as Dr. Gloria Fletcher-James, AO), was singled out by many of those interviewed as an influential, strong and widely-respected leader. Thanakupi was an internationally renowned ceramic artist, educator and Centenary Medal recipient.<sup>65</sup> She was born in Napranum, studied in Brisbane and Sydney and was involved in agreement negotiations, governance and other community work. Her strong sense of community led her to settle in Weipa where she founded a number of education initiatives including a preschool and holiday programs in order to pass on her knowledge about her country, to encourage cultural rejuvenation, reconciliation and community strengthening.<sup>66</sup> She was the last fluent speaker of Thanikwithi.

Interviewees repeatedly referred to her influence, and on trying to implement her vision for agreements that would focus on future generations. One female Traditional Owner said:

*“I feel proud of Thanakupi, she always said, ‘We’re not here forever, and what we leave behind, that’s the part of us that we want to leave. Do we want to leave a little bit, or more?’ And I think of how many years she ran the Bouchat<sup>67</sup> holiday program – over 30 years – and doing the language program for school or kindy. Every kid in Napranum knows Thanakupi. Every kid in Weipa. And beyond...”*

Interviewees who were familiar with the negotiation process of the WCCCA explained that the women involved played a key role in setting the agenda for negotiations at a broader level than compensation for impacts. They pushed for a comprehensive consultation process for the purposes

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<sup>65</sup> Awarded in 2001 for service to art, commitment to reconciliation and for children.

<sup>66</sup> In Wright (2006), Thanakupi was described as “always balancing her multiple roles as teacher, advocate and mentor, active in both the community and business sectors”.

<sup>67</sup> Thanakupi established the Bouchat holiday program in 1991 to teach Indigenous and non-Indigenous children about her father’s country, culture and art.

of understanding community aspirations and concerns and advocated for a focus on securing the economic, environmental, social and cultural future of Western Cape communities, rather than for cash benefits to individuals or clans. One interviewee recalled:

*“Men were involved in the WCCCA Agreement also, but the women had a calming effect during the negotiations. The men would always stand up and say, my clan must get benefits. However some of the older strong women leaders would stand up and say, ‘No, this is about lifting up everyone in the community’. Some of the women now, the leaders, have taken on board this mentality – about lifting up and taking care of the interests of all of the community.”*

In agreement negotiations, women’s role of “keeping families strong” was thought to translate into a broad focus on clan and community wellbeing, rather than the wellbeing of individuals.

*“When the company came to negotiate the strongest leaders in the community were the women, they knew what their children needed. Unlike the men who often have an ego driving their interest – the women seem to have a real need because they have so many children.”*

### **5.3 Current agreement guidelines and processes are blind<sup>68</sup> to the significant gender differences in roles and needs (both practical and strategic) in the community.**

While there is a basic level of awareness of the variation within the community and company, projects funded by agreement trusts are targeted at a general level of poverty alleviation and local development without overt awareness or analysis of gender needs, roles and responsibilities. Some interviewees felt that the non-gender focused approach to project prioritisation was appropriate given that, in present day Western Cape communities, there are similar problems facing men and women. The need for a focus on poverty alleviation reflects the high level of social and economic disadvantage experienced disproportionately in Aboriginal communities.

While many community issues affect both men and women, interviewees raised a range of issues with a gender dimension including literacy, health, employment, financial independence, crime and childcare. These issues are dynamic and varied within the Western Cape (e.g. for younger/older men and women, etc). The gendered nature of these issues, and the programs and policies used to address them, will have implications for current and future generations.

Agreement governance processes do not currently require equal representation of the genders; however women and men have equal rights to vote for their representative on the various committees. Some interviewees thought that it would be good to have a requirement for equal representation of men and women, but most interviewees felt that it was unnecessary. They felt that families were electing the people that they felt could represent them best, and that the role of committee members was focused on representing the whole community’s interest, and their families’ interests, rather than the interests of men or women, or individuals. Some people felt that introducing a gender quota would add an unnecessary and possibly unhelpful division.

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<sup>68</sup> A gender-blind approach assumes gender is not an influencing factor in projects, programs or policy.

Currently, the WCCCA has some processes for recording and reporting gender disaggregated data, but there is no systematic evaluation of gender in terms of benefit flows or strategic priorities. Some interviewees felt that, due to the criteria used for allocating funds, women's (broad) needs were prioritised.

#### **5.4 The most significant organising construct in terms of individual's perception of agreement benefits and/or satisfactory representation is the family or clan (rather than men or women).**

Throughout the interviews, community members explained that they did not usually think about the agreements in terms of women and men, or individuals, but in terms of their family or clan, or to more generally to 'the community'. Interviewees suggested a number of reasons to explain this:

- importance of family relationships
- respect for elders as the leaders of families, holders of knowledge, decision-makers
- culture of kinship reinforced by native title process/agreement governance structure (e.g. governance committees requiring two representatives per clan).

When questioned, interviewees had a general feeling that women often experienced better outcomes than men because they had more access to agreement benefits. Several interviewees commented that they had observed that women often outnumbered men in traineeship programs. When asked why, interviewees explained that women were motivated by their role as primary care giver, and needed to service their practical needs related to childcare. One interviewee responded:

*"Women are more responsible for the children; they want to put food on the table."*

##### **5.4.1 Judging the "value" of the agreements**

Both company and community interviewees explained that there was more to judging the "value" of the agreements than simply the dollar value. For the company, the value of the agreement was not simply in getting the legal boxes ticked in order to continue mining, but had a larger benefit in terms of framing the relationship with the Traditional Owners and increasing the level of collaboration for the development of the region. A strong and mutually beneficial relationship with Traditional Owners was seen to be key to Rio Tinto's operation in the Western Cape.

Several interviewees explained that, for Traditional Owners, the value of the agreement was at least partially based on their experience of the negotiation process (i.e. whether they thought the process was respectful, they had their voices heard, and their preferences accommodated in engagement methods), and how they perceived the relationship with the company. Traditional Owners had different opinions on the value of the WCCCA and EBMPA. Some preferred the agreement that had the lower dollar value (and less formal systems) over the agreement with the higher dollar value.

One company interviewee explained some of the factors that Traditional Owners considered important:

*"Traditional Owners don't tend to evaluate agreements in the same way that we do. We might make a judgement based on the legal rights or monetary contribution ..."*

*however the Traditional Owners place higher value on different things. They value, for example, the respectful process, the feeling that they got what they wanted, the contribution to traditional lifestyle, the historical perspective, and so on. So we shouldn't assume that we value the same things."*

There are men and women in the community who are not satisfied with either agreement, do not understand what benefits have come from the agreement (rather than government or other programs), or felt that the prioritisation of future generations (particularly in the WCCCA) was not addressing immediate needs (e.g. for cash, household goods or transport). As one Traditional Owner explained:

*"Sometimes, [pauses] sometimes [people seem satisfied with the company]. But then there are other times that you hear other things from the community, that some of them don't like Rio Tinto. Because a lot of the Traditional Owners complain, and they complain about, "We've got an agreement. We've got that much money, but why can't we get that money?" And that's one of the very difficult points. I say to them, it was our elders who made this agreement. They made it for our future generations, so there is nothing we can do about it. We have to work with the agreement."*

In terms of judging benefits, some interviewees expressed concerns that some families or clans were benefitting more than others, however it was not within the scope of this research project to analyse this dimension. We were also not able to ascertain whether there were perceived or real differences in benefit sharing between the northern, central, southern trusts.

Both company and community representatives acknowledged that currently there was an information gap about the WCCCA activities in the community because the Executive Officer position of the WCCT Administration had been vacant for some time so there had been less open community meetings than usual. With the number of different programs specified by the agreements, as well as the Regional Partnership Agreement and various government programs, there was some confusion about which money is paying for what, and if not actively managed (via community meetings and other information sharing processes) could lead to lack of confidence in community representatives and leaders.

### **5.5 Rio Tinto Alcan Weipa's policy and principles of relationship building, inclusion, respect and empowerment have impacted the content of the agreements and the participation of women and men.**

The Communities personnel and management of RTA Weipa have a high level of awareness of the historical significance of women's participation, and have developed practices that have facilitated and enabled women's participation. So while gender has not been a defining factor in the operation's focus, company policies – based on building relationships, having meaningful dialogue, trust and respect – have resonated strongly with women, and women's focus on sustainable outcomes for their children.

Women's priorities have aligned with Rio Tinto's in terms of empowerment and reducing dependency on company and government, and interviewees felt that this enhanced cooperation

between the company and community, particularly women. The inclusive/empowerment approach of the agreements also enabled women and men to participate and benefit.

### 5.5.1 Relationship/benefit balance

There is a high level of consensus within the company about the overall approach to the agreements. All company interviewees described the agreements as the framework for the relationship between the company and the Traditional Owners, and that it was essential to maintain a balance between focusing on the strength of the relationship and ensuring benefits flowed to the community. Company interviewees noted that this had not always been the case:

*“You need to focus on the relationship, but not at the expense of the benefit. This is what was happening at the end of 2006-7 so the company had to re-balance the focus between relationship and benefit.”*

*“Rio puts a lot of emphasis on the strength of the relationship – but have to ensure that benefits are received and perceived to be fair as well, otherwise it’s just talk.”*

Community members also commented on the relationship with RTA. For most interviewees, although there were points of dissatisfaction or disagreement, the recent relationship with the company was reasonably strong. Interviewees reported feeling respected, supported and having a good understanding of the agreements. Many commented that they had good communication with the Communities staff and that they were satisfied that the governance processes were allowing the Traditional Owners to have appropriate control over the direction of the agreements. Despite this, there were some Traditional Owners who expressed distrust of the company, and dissatisfaction with past actions. In particular, some Traditional Owners were frustrated that past promises had not been kept (particularly for the provision of goods) and with past poor practices. These past practices had prompted a review of the WCCCA and its structures in 2008. The subsequent revision of WCCCA processes has resulted in a far more functional agreement; however these past practices are still remembered by current Traditional Owners.

There was agreement by both company and Traditional Owners that there needed to be some accountability for, and control over, benefit flows to ensure that there were long-lasting benefits.

*“There may also be the risk of money being squandered – so the company must negotiate. We can’t control 100%, but we can’t leave it. If money is just distributed it will be wasted, there will be nothing left for the next generation.”*

Traditional Owners wanted to secure some certainty over where the money from the agreement would be spent to ensure benefits reached beyond the mine’s life.

*“We decided that every clan would get the benefit. I had heard about the Northern Territory agreements, where people just received handouts (cash) – they just wasted that money, but we wanted to make sure there would be something there for our children.”*



### 5.5.2 Ownership of the agreement

There was strong agreement within the company about not taking credit for the work of Traditional Owners in implementing the agreement. The agreement implementation bodies (the WCCT and WCCCC) are designed to operate as independent and Indigenous-run organisations (with multi-stakeholder boards) and respecting this was seen to be critical to empowering Traditional Owners and maintaining a strong relationship. Sometimes this was in contrast to the company's desire to use the agreement for public relations. The Communities staff felt that doing this would undermine the empowerment of the Traditional Owners and had taken steps to make sure that the ownership of the agreements was kept by the Traditional Owners. One company interviewee said:

*"You will see all of the work that [the Traditional Owners] have done. They have got all of the credit ... The company should not take that success as their own. The company should be supporting their success. This is a tension sometimes as upper management want – or rather, the company wants to promote the success of the agreement, but it is not the company's success, and it's important to respect that."*

### 5.5.3 Engagement with the agreements

While many interviewees acknowledged that a lot of work had been done to communicate with the community clearly, and provide training and support for committee members, some interviewees still felt that there was a gap in understanding for some parts of the community and committee members. One interviewee said:

*"The company needs to come down and make things less complicated in terms of language – it is intimidating and disempowering for some people."*

On the other hand, some people felt that the training process for committee members and directors was helpful and had been effective in increasing engagement with the agreement, at least for some people. A female committee member said:

*"It's a really good process – for me, it's a really good process. I guess it's good that more and more people know the process, and know how to apply for funds, and that part of it is helpful, and when we have things to talk about in the meetings, to know what questions to ask [is good]. Still it comes easier to some people than to others."*

Some interviewees expressed the belief that some people on the committees were not able to fully understand their roles.

*"I just think it would be difficult for them to understand ... some of them are really limited in literacy and numeracy ... they lack decision-making skills ... I think their families nominated them on there..."*

## 5.6 The agreement governance structures have provided entry points for new female and male leaders to emerge.

One of the issues explored in the research was people's perception of the readiness of the next generation to take over implementing the agreement and representing their families. Many of community members (elders and younger generations) agreed that this was a priority concern.

*"The elders that we have left on the WCCCA always bring up, that the younger generations need to start learning because they are not going to be around forever."*

Some interviewees remarked that they felt that the younger generations, both girls and boys, lacked interest in the agreements. One elder said:

*"We talk with them at home, we ask them to come with us to meetings but they don't always come. A lot of kids aren't interested."*

The need for a new generation of leaders was not only restricted to the agreements. One elder noted that there had been a lot of progress in the community governance, and this could be drawn on by the next leaders in the agreement and other community roles:

*"We need to think about how to move things forward. We just had a leadership program [for high school children] that recognised the new leaders in the community, and I was thinking that I hope they don't do it on their own and reinvent the wheel without some reflection on what has gone before. There has to be a link between the future, the present and what has gone before. A link to the elders and the future. And step forward in a sustainable way ..."*

Interviewees agreed that they were starting to see some new people become part of the formal agreement processes. Some of these new leaders were men and some were women. As yet, there had not been a significant change in gender composition, but there was potential for this to change in the future. There is some support for increasing men's involvement:

*"The ladies are wanting the men to stand up and be strong and 'take up their rightful place'. They select their sons over their daughters [to be nominated for the committees]."*

Some interviewees gave examples of younger generations being put forward as representatives by their families because of their education and perceived ability to advocate on behalf of their family in a formal setting:

*"Sometimes younger clan members are put forward on the committees to be representatives. The younger ones are perceived by the elders to be able to talk to both worlds. They understand the expectations and cultural 'rules' within their own clan so they know the priorities. They also know the white man world and are able to work between these two worlds and represent their people."*

Passing down knowledge to future leaders and representatives was generally via nomination by elders, rather than self-selection. One woman who had formerly been on one of the WCCCA committees explained how she got involved:

*“One year, one of the trust administration staff came down and explained that I had been nominated to represent my TO group by my elders. It was a total surprise to me, but they said that I was the right person for the job. It gave me a real boost of confidence that they chose me.”*

Some elders had observed that there was some disagreement between the generations about the agreements, and indications that the priorities of the next generations may be shifting. One elder said:

*“Some of the young people, they go to uni and then they think that the elders are out of touch or don’t understand. They are probably right. They are not always respecting the elders.”*

Many interviewees, though still felt that there was a high level of respect for the elders, and that their “legacy” needed to be recognised and continued. They were supportive of the honorary board of elders as one mechanism to pass on knowledge of the agreements, but felt that there was a larger story to be told outside of the committees which would benefit the Western Cape in general.

*“We need to have steps forward in an achievable way and draw on past mistakes and successes. And I think about the past and when I was told about the story about when the mine came to Weipa and the government wanted the mine to move over the river, and my uncle said no we want to be part of this. We want to be involved. I draw straight from that story to think about how brave they were and how they got up and spoke their mind, and I think that the system that they were in they were never allowed to stand up and say anything.”*

### **5.7 Some leaders in the community (particularly some women) have multiple roles including community, family and work responsibilities.**

Several interviewees commented that some community leaders, particularly women leaders, were extremely busy and were often involved in a range of different committees, as well as having significant family, cultural and employment obligations. On the topic of having multiple roles, women said:

*“It is challenging, because that’s me to a tee – and every woman that sits on the committee – we’re trying to have that involvement, but you’re not only involved in one thing, you’re involved in one thousand.”*

*“There’s the coordinating committees, the trusts, the executive committees, volunteer work, the justice groups ... plus orders of service for funerals next week ... just helping out as much as possible, because I have phone, internet, everything...”*

*“It’s extreme because you’ve got your home life, community life and work life too – it encompasses everything... And then you think, if it’s not you who does these things, then who will? If you don’t do it then people might struggle to get support or not get it done...”*

Many Aboriginal women commented that taking on the responsibility for family business was traditionally a woman’s role, and many women felt strongly motivated to take on positions in the agreement governance structures as part of this family role. Some women were representatives in both agreements.

*“I think the women are the ones that are more willing to take on that responsibility, because the WCCCA is about looking after the family...that’s our traditional role.”*

Women commented that their ability to “get things done” and organise family matters gave them suitable skills for participating in agreement governance as representatives. They provided a point of contact between the company and community, and would ensure that the right people were consulted and that tasks were followed up on.

*“I’m the fixer [in my family], and I think a lot of Aboriginal women are the same. They are the fixers in the family. They make sure that everything gets done.”*

Some women felt that when a woman was identified as a good representative of the family, who was able to bridge the company-community divide, they could become the ‘default’ representative of the family. Some women were extremely busy as a result of these family expectations and obligations.

*“When community feels they have someone who is a strong representative of their interests, they push them to be involved in everything.”*

For some women, the pressure and expectations from family could be a barrier to participation.

*“Yeah I know, it’s just so hard with all of the family politics... Don’t want to put myself in that situation, if you make the wrong decision or even the right one, damned if you do, damned if you don’t, I don’t want to put myself in the situation.”*

### **5.7.1 Support for women**

Interviewees discussed the various forms of support they received to manage their heavy load of responsibilities. Women leaders generally commented that they felt supported by the committee and, for the WCCCA, the WCCT Administration office through discussions, training, meetings, availability to ask questions and receive assistance with understanding their roles and responsibilities as committee members or directors.

*“When I’m at that meeting my support is there, on that committee. On the outside, I know that support is there, through the exec officer, I know the support is there. But outside of this, support is family. If I need something, then I will rely on family.”*

Several of the women on the agreement committees also work for Rio Tinto (as do men). In order to assist its employees performing their responsibilities as representatives, they are able to take a limited number of days off per year to attend meetings.

## Part 3 - Conclusion

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### 6 Conclusions and Implications

The WCCCA is widely regarded as an example of leading practice in company-community agreements, and it is clear that the WCCCA and the EBMPA are the main drivers of the company's formal engagement with Traditional Owners in the Western Cape. This research was able to confirm that women's formal and informal participation in both agreements has been significant in the negotiation and implementation phases. In particular, strong leadership by female Traditional Owners in negotiation process and positions on the implementation committees has influenced the values and content of the agreements. The agreements have benefitted from having women involved as they have contributed to the long-term sustainability and empowerment focus of the agreements.

#### 6.1 Agreement success factors

This research found that women's participation was not a critical determining factor for implementing successful agreements, although in Weipa women's participation had a positive effect on the strategic focus and governance of the agreements. Just as there were many factors that contributed to enabling women's participation in the agreements, there were many factors that contributed to the strength of the agreements and associated processes.<sup>69</sup>

For both agreements, some of the key supporting factors include:

- the legislative framework for recognising Indigenous rights and interests
- corporate policies favouring agreements, local benefit sharing, inclusive engagement and empowerment of Traditional Owners
- self-determination and leadership from the Traditional Owners throughout negotiation and implementation
- site-level standards and systems for community relations
- skilled company staff working exclusively on agreement negotiation and implementation.

For the WCCCA, there were some additional supporting factors, including:

- mature governance structures with appropriate capacity building, support for implementation, accountability processes and strategic vision
- input of external guidance and expertise (e.g. from the CYLC, State Government, agreement implementation body staff, anthropologists and historians).

While there are inherent challenges and complexities, overall the level of company and community commitment to the agreements – and to making them succeed – has been central to the continued progress of the WCCCA and EBMPA.

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<sup>69</sup> Several of these factors have been identified in other studies as contributing to the success of the WCCCA. See O'Faircheallaigh (2012) and to agreements more generally see Limerick *et al.* (2012).

## 6.2 Gender dimensions

The research examined a range of factors that had contributed to the equal or higher level of women's participation in many processes associated with the WCCCA and EBMPA. Within the community, women's participation in the governance of the agreements, and other formal processes, appears to stem from a combination of cultural and historical gender dimensions. In combination with agreement processes, the role of external actors and company practices, this led to an environment where women's participation was routine and women's voices were prominent.

There is some evidence, however, that the different gendered experiences may have led to lower levels of men's participation. While men were not excluded from the process, their presence on representative committees tended to be lower, particularly in the Northern and Central sub-regions. This fact alone may not mean that men's views are not represented. There is a strong focus on representation of the community's interests in decision-making, however it was unclear from the research to what extent this occurred in agreement processes.

There are a range of issues in the Western Cape which have a gender dimension, and may therefore have an impact on the potential success and effectiveness of agreement projects and processes going forward. Some of these issues are barriers to development and are therefore relevant to the agreements. Examples of these issues include domestic violence and family breakdown, and issues with childcare, employment, education, health and wellbeing, empowerment and leadership. Some interviewees perceived that the problems facing men and women were often similar – which may be true – however all of these issues have intersecting causes and consequences, including for gender. Using gender as an analytical tool may help improve the efficiency and relevance of programmatic responses to these issues.

## 6.3 Supporting women's leadership

The positive influence of strong female leaders cannot be denied, and both company representatives and community members are appreciative and respectful of these women's commitment to developing agreements for the long-term benefit of the community. For the WCCCA, current elders, committee members and company staff are keen to maintain the vision and values that came from the elders during the original negotiation process, particularly regarding the focus on 'whole of community' benefit, Traditional Owner decision-making, accountability and focus on future generations.<sup>70</sup>

Female committee members saw their roles in implementing the agreements as valuable and generally felt supported by the training and assistance provided. Some female interviewees, however, expressed the difficulty they experienced in managing their multiple roles and responsibilities across the family, cultural, community and employment spheres. Many women had significant home life pressures; including some who were the sole income providers of large households. Additionally, women known to be leaders were frequently nominated as representatives by their clan or community, and it was not uncommon for the same individual to be

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<sup>70</sup> For the EBMPA, there are some suggestions that there is support for bringing the agreement more in line with the WCCCA (in terms of transparency, accountability, governance, focus, etc) when the agreement is re-negotiated in 2017. The short time frame for the research prevented the researchers from investigating whether this view was widely held.

on several community committees. Being involved in agreement governance requires a substantial time commitment, and both company and community interviewees felt that sometimes the quality of participation in governance processes could be impacted because committee members did not have enough available time. Extra leave allowances for RTA employees and the support of the Executive Office in training and administrative coordination provided some relief to those participating in agreement governance.

#### **6.4 Future generations and emerging challenges**

Given that mining has the potential to continue for another 40 years, the agreements will continue to develop and change as the needs and aspirations of the Western Cape Traditional Owners change. So far, the agreements have had the benefit of the presence of many leaders, including many female leaders, who were heavily involved in the negotiations. Their presence has helped overcome many difficulties in implementation by strongly holding onto the vision and values that informed the negotiations. As new members of the community join the implementation committees it will be important to maintain those values, while adapting to the values of the new generations. The formation of the 'honorary board' of elders who attend WCCCC meetings is an innovative development which will help the continuity of the agreement by connecting the generations.

The demographic and cultural characteristics of the Western Cape are substantially different from the time when the current generation of elders were raised. This will likely influence the gender composition of future committees and may result in other changes that impact agreement implementation. For example, women have been able to move between advocating for their family or clan to advocating for the community as a whole. Interviewees perceived that this was related to the women having grown up together in the missions and sharing similar concerns and aspirations. The extent to which the practice of broad representation will continue in the next generation of leaders warrants further thought. For example, some elders suggested that the youth of today might focus more on individual or family benefit.

The current training for committee members is effective in reinforcing the responsibilities of representatives and explaining the history of the agreements, yet may fall short of understanding the concerns and aspirations of the upcoming generation and providing a link to previous generations. RTA and the agreement implementation bodies may benefit from monitoring the composition of the agreement governance committees and their ability to represent the broad interests of the communities. Reconfiguration of the criteria for committees (such as a gender equal quota) and training may support maintenance of the values and vision of the agreements in the future.



## 6.5 Gaps in knowledge identified

The researchers perceived that the Communities practitioners at RTA Weipa had a good understanding of the dynamics within the communities, and had appropriate systems to support their practice. Still, this research identified some gaps in knowledge that may impact the continued success of the agreement. For example, there is a gap in understanding the gendered impacts of the agreements – whether men and women are benefitting differently, whether men’s and women’s rights and interests are being addressed and whether the agreement is increasing or reducing gaps in gender equality. There is also a gap in understanding whether there are differences in benefit or influence among different clans or families. Some interviewees perceived differences in status between these groups. If this is the case, the breadth of development impacts could be improved.

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