

Session "Native Title Claim and Mining"

# Negotiating the Mining Rules in New Caledonia

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**MinErAL**  
Knowledge Network on Mining Encounters  
and Indigenous Sustainable Livelihoods

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Cairns, Australia



# Mine and social sciences in NC



## CNRT « Nickel and its environment » Programs

1. The politics of nickel between local and corporate governance. Compared mining and industrial trajectories in New Caledonia (2010-2015)

=> [MINING SITE]

1. Negotiate, evaluate, recognize the value of places (NERVAL) (2013-2016)

=> [LAND-MINE NEXUS]

1. Small and medium-scale mining firms histories, identities, issues (2016-2018)

=> [SOCIOTECHNICAL NETWORKS]







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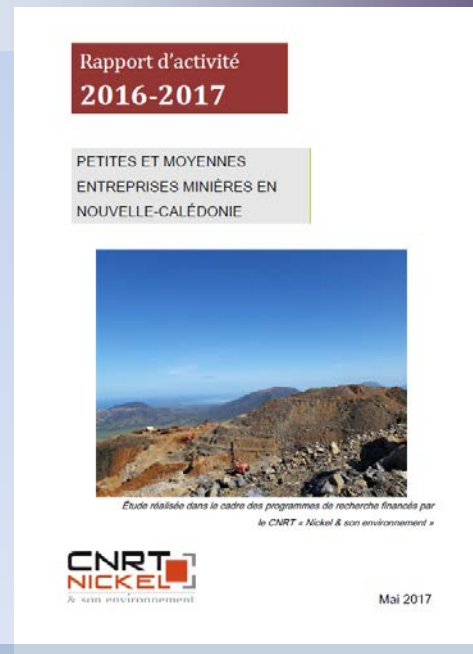
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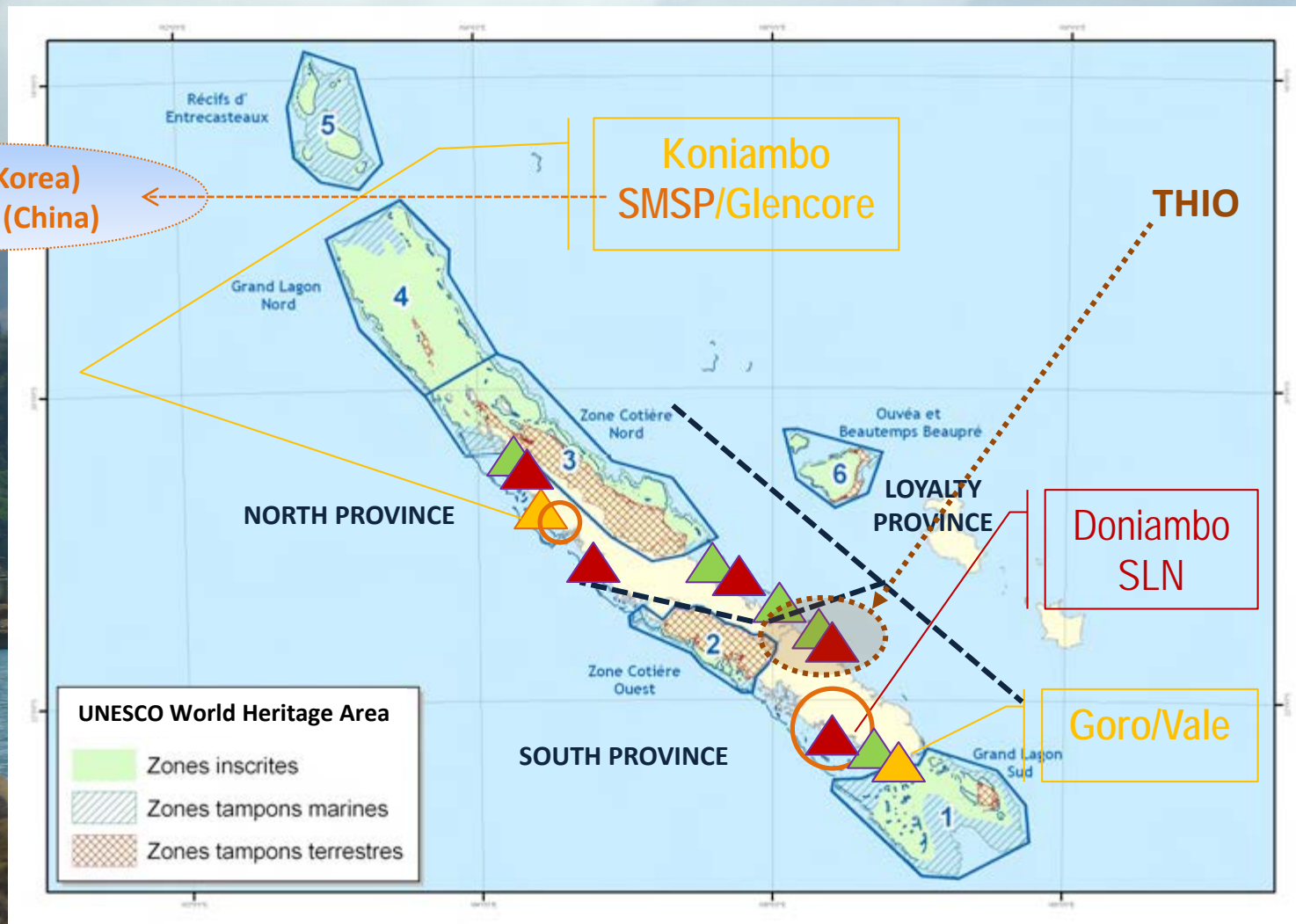
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## ✓ Mining

- Extractive activity, destructive by definition...
- ... functioning as an enclave, but connected to the outside (connection/overflow)
- « Pumping machine » sucking and rejecting humans and resources (Golub 2018)

## ✓ Transformations

- Technological and organisational (fly-in-fly-out, end of company-towns) and in terms of environmental damages (overflows): the **material enclave**
- Shift: **social relations of production => of compensation** (internalization of environmental externalities, mine-affected communities)
- New rules, new actors, new arenas: interfaces and articulations or the **institutional enclave** (various arrangements allowing the institutional functioning of a mining project)
- The mine in the national imagination (and nationalist project), the “sustainable mining” oxymoron, and/or the corporation-community “face-to-face” or the **ideological enclave**



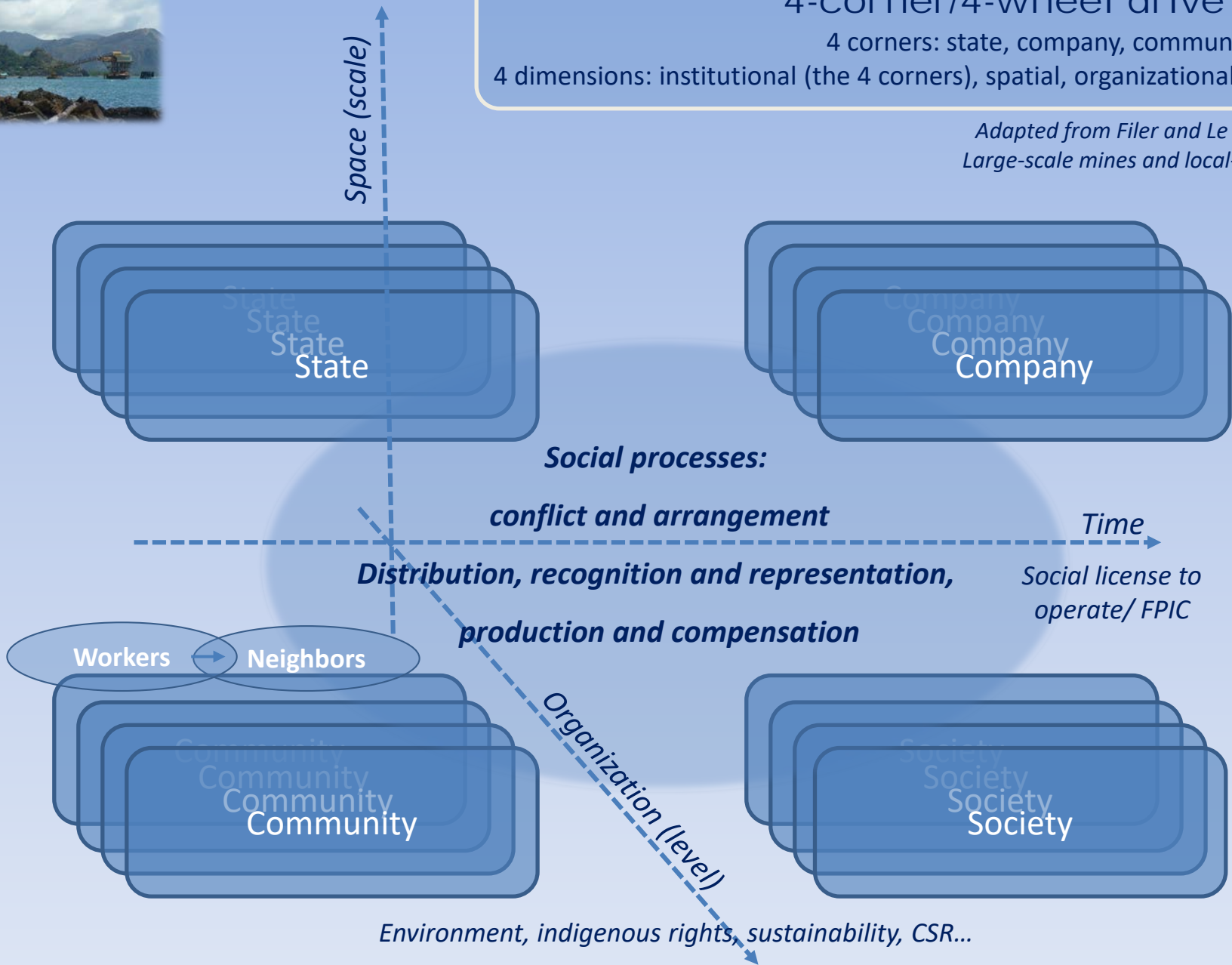


# 4-corner/4-wheel drive model

4 corners: state, company, community, society

4 dimensions: institutional (the 4 corners), spatial, organizational, temporal

*Adapted from Filer and Le Meur, 2017,  
Large-scale mines and local-level politics*





# Land and the mining enclave



- ✓ The land issue in the construction of the triple enclave and perimeter
  - **Material enclave:** mining (impact) perimeter and land-right holders identification
  - **Institutional enclave:** land as a basis for negotiating IBAs
  - **Ideological enclave:** land as key component of the representation of the community-corporation relation (+ selective absence/presence of the state, Szablowski, 2007)
  
- ✓ **Instruments of the mine-land articulation**
  - Land titles
  - *Groupement de droit particulier local* (GDPL/NC 1982), Incorporated land groups (ILG/PNG 1974) (Weiner 2013), simplified shareholding companies...
  - Areas of clans' influence, chieftaincies' restructuring...
  - Free prior and informed consent (FPIC)
  
- ✓ **Interface apparatuses**
  - Impact and Benefit Agreements (IBA) (O'Faircheallaigh 2013)
  - Development Forum (PNG) (Filer 2012)
  - Patronage and violence (IWP) (Ballard & Banks 2009)
  - Conflict and arrangement/settlement (political, legal)
  - ...

# Land and the mining enclave

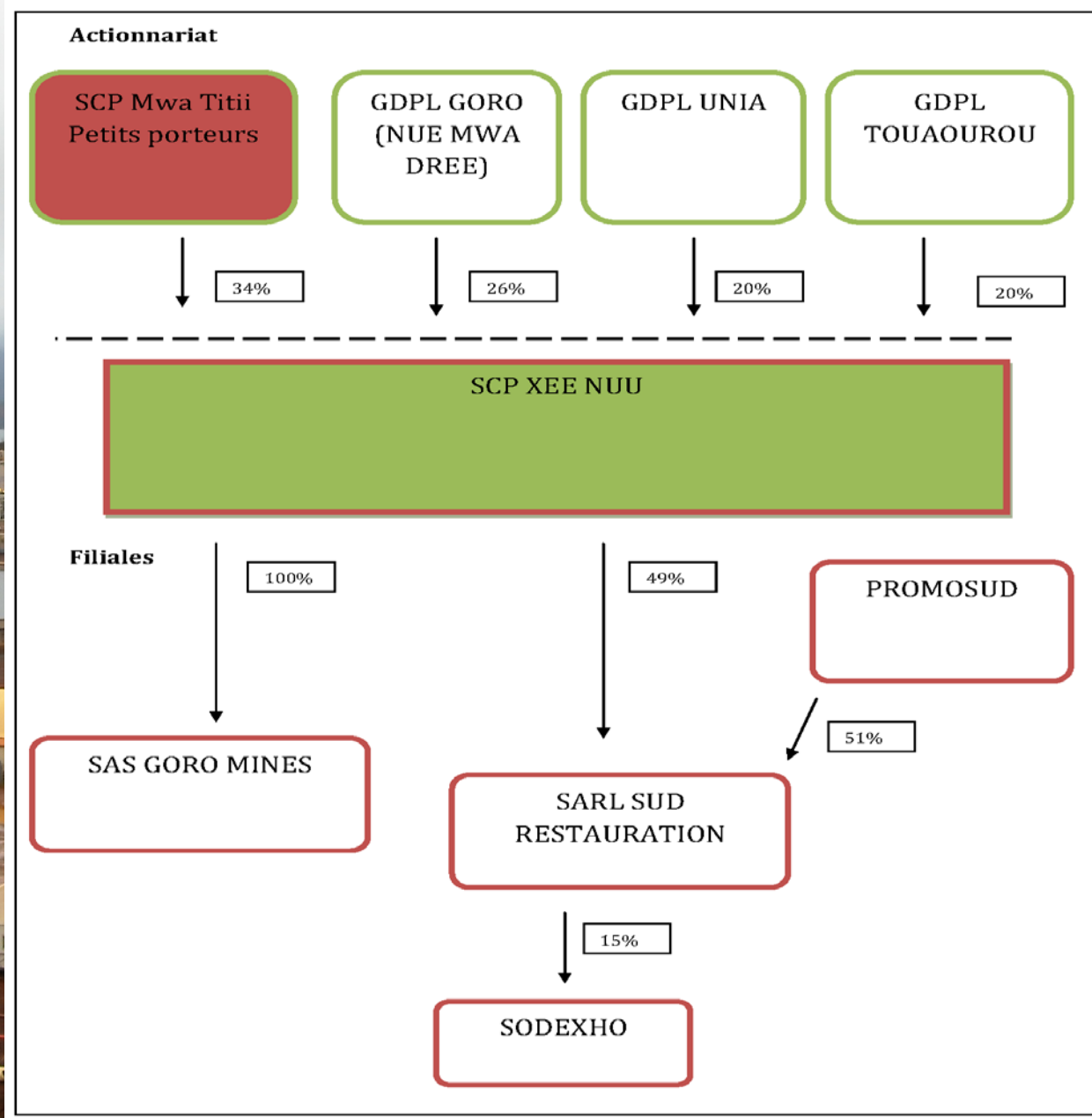
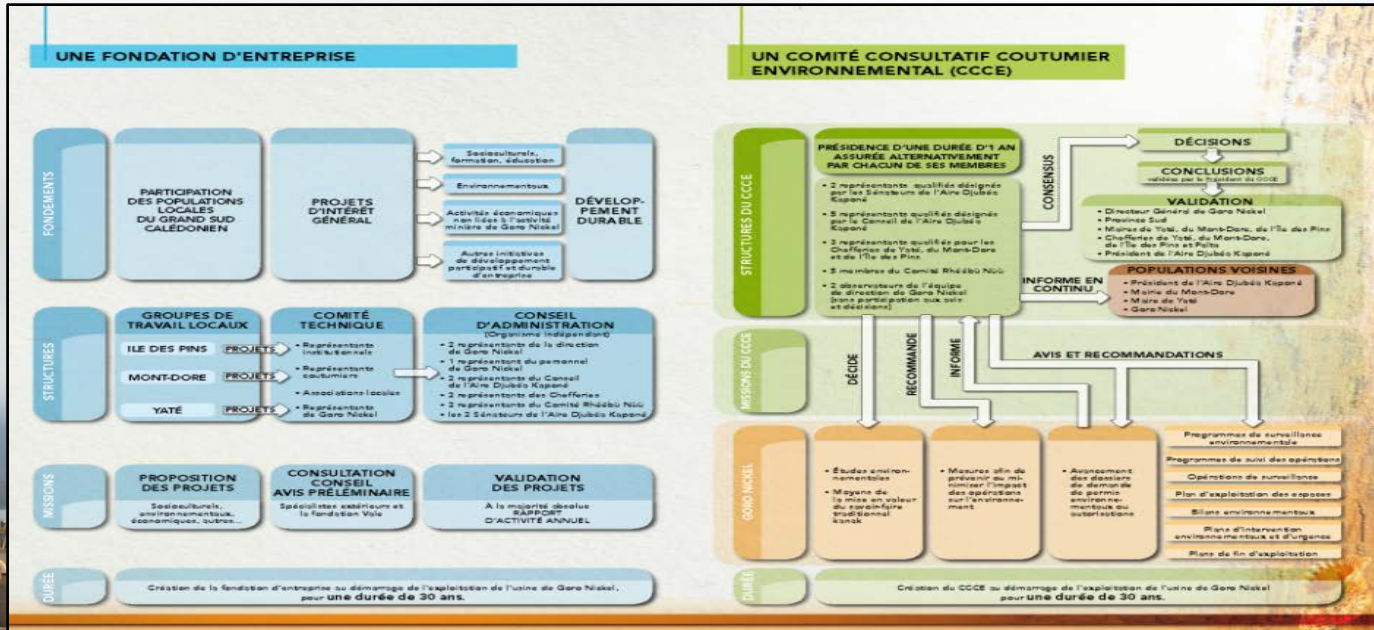


Photo: Mathias Kowasch



# Land and the mining enclave



## LES ENGAGEMENTS DE GORO NICKEL POUR LA PROTECTION DE L'ENVIRONNEMENT



Photo: Matthias Kowasch





# Land and the mining enclave



- ✓ Indigenous strategies in front of external actors (mining companies, development projects, environmental NGOs...): **2 options**
  - **Adjustment of local actors to external/global norms:** landownership ideology (Filer 2006), chieftaincy restructuring, ILG (PNG)/ GDPL (NC)

*“Large-scale resources development in PNG has created a new category of citizenry – ‘landowners’ – who, as the recipients of development proceeds and practices, often benefit at the expense of the ‘nonlandowners’ who are their kin and neighbors” (Jacka 2015)*
  - **Adjustment of external actors to local norms:** inclusion as “good local citizens”, assertion of local/indigenous representations (Brutti 2007)
  
- ✓ **Two ideal-types of land relations** (Abramson, 2000) and **value of land/place**
  - **Mythical land:** embedded links between land, people and their combined pasts (ritually reproduced), no/non linear boundaries, heterogeneous values of places
  - **Jural land:** split owner/owned, transferability of property in land, linear boundaries, homogenous value of land
  - **Non dualistic combinations:** law/myth, rights/rites, property/identity



1. Violent rains/environmental damages/ mines blockades/ collective action : forcing SLN to act
2. Mining prospection/ collective action/ moratorium: forcing mining companies to stop

**1-Mining blockades (2013)**

**THIO CUSTOMARY DISTRICT**

**BORENDY CUSTOMARY DISTRICT**



**Provincial MPAs**

**2-Mining prospection (2013-14)**

**Ngoye/ Côte oubliée**

**UNIA (YATE)**

**Dothio**

**Plateau**

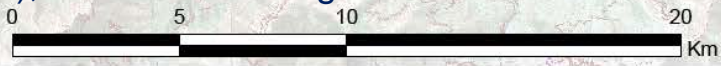
**Geco**

**Forêt de Saille**

**Bornet**

**Camp des sapins**

- ✓ **Localized mining conflicts:** Thio (1996, 2013), Yate (2005-06)...
- ✓ **... and arrangements :** Thio Agreement (1996), Pact for the Development of the South (Yate, 2008), Moratorium "Forgotten Coast" (Thio, Yate, 2014-16, 2018-28)



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# Case 1 - Rain, mine, citizenship



- ✓ 2 successive exceptional rain events (January and June 2013)
- ✓ **Mines blockade, grievance book writing, and the creation of a trans-ethnic collective**
- ✓ **Memorandum of understanding:** collective, Thio municipality, South Province, NC Government, SLN
- ✓ Creation of *Chavaa xûâ* association ('taking care of the home/ community') and of a subcontracting SAS (simplified stock company)
- ✓ At stake: **technical/ political monitoring** of restoration and **social/ political integration** of SLN: type of responsibility? 2 narrative options

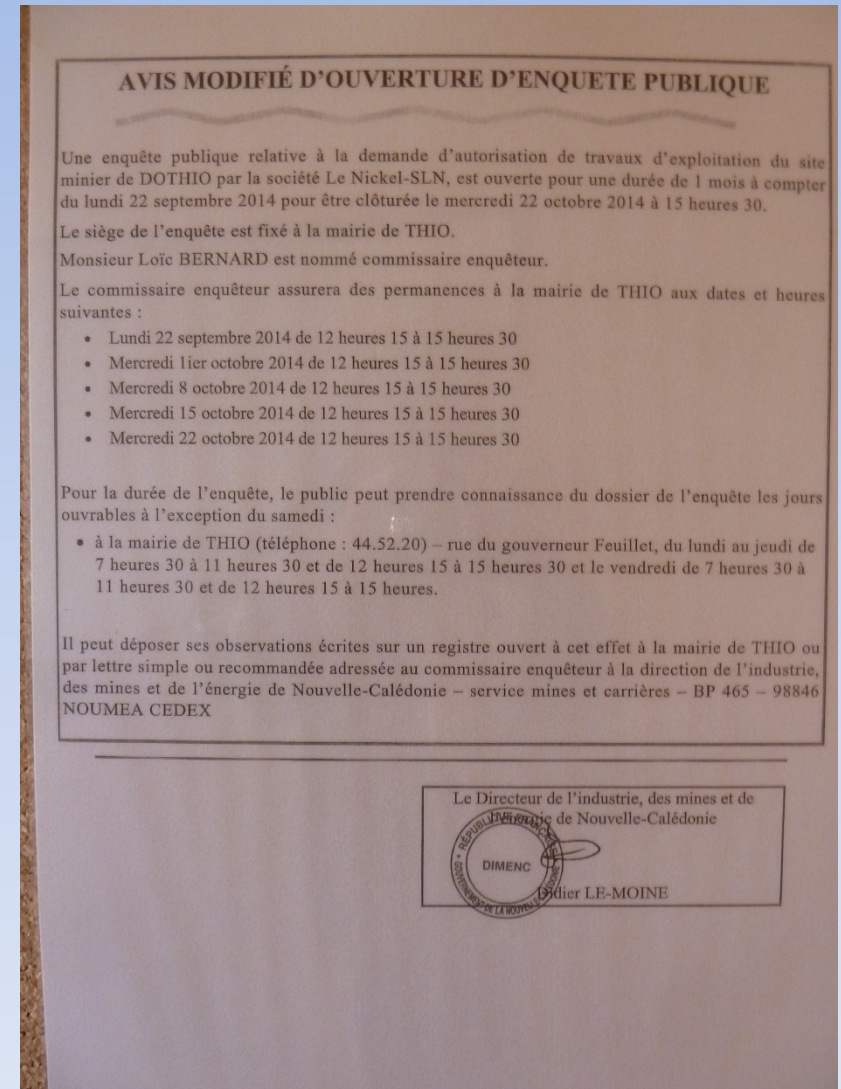
## Le Collectif

- tribu de Koua
- tribu de Kouaré
- tribus de de St-Pierre / St-Michel / Ouindo
- tribu de St-Paul
- Dallas
- Pétroglyphes
- tribu de St-Pilippo 1
- Thio Village
- tribu de Ouroué
- Bourgade
- tribu de St-Philipo 2
- Pawani
- Bota Méré
- Disctrict Borendy

# Case 1 - Rain, mine, citizenship



- ✓ **Fault lines and identity politics**
  - Thio (trans-ethnic collective including SLN workers) vs. SLN (contrary to 1996 conflict)
  - Municipality vs. local/clan level (sub-contracting vs. anteriority)
  - Generational dimension
- ✓ **Strategic use of regulatory obligation (2009 Mining Code)**
  - Taking account of the post-extraction medium-term and restoration issues
  - Technical-legal procedures and...
  - ... limited capacity of response of the local authorities (role of consultancy)
  - Segment of the mining arena: municipal mining commission





## Case 2 - Exploration, consent and moratorium



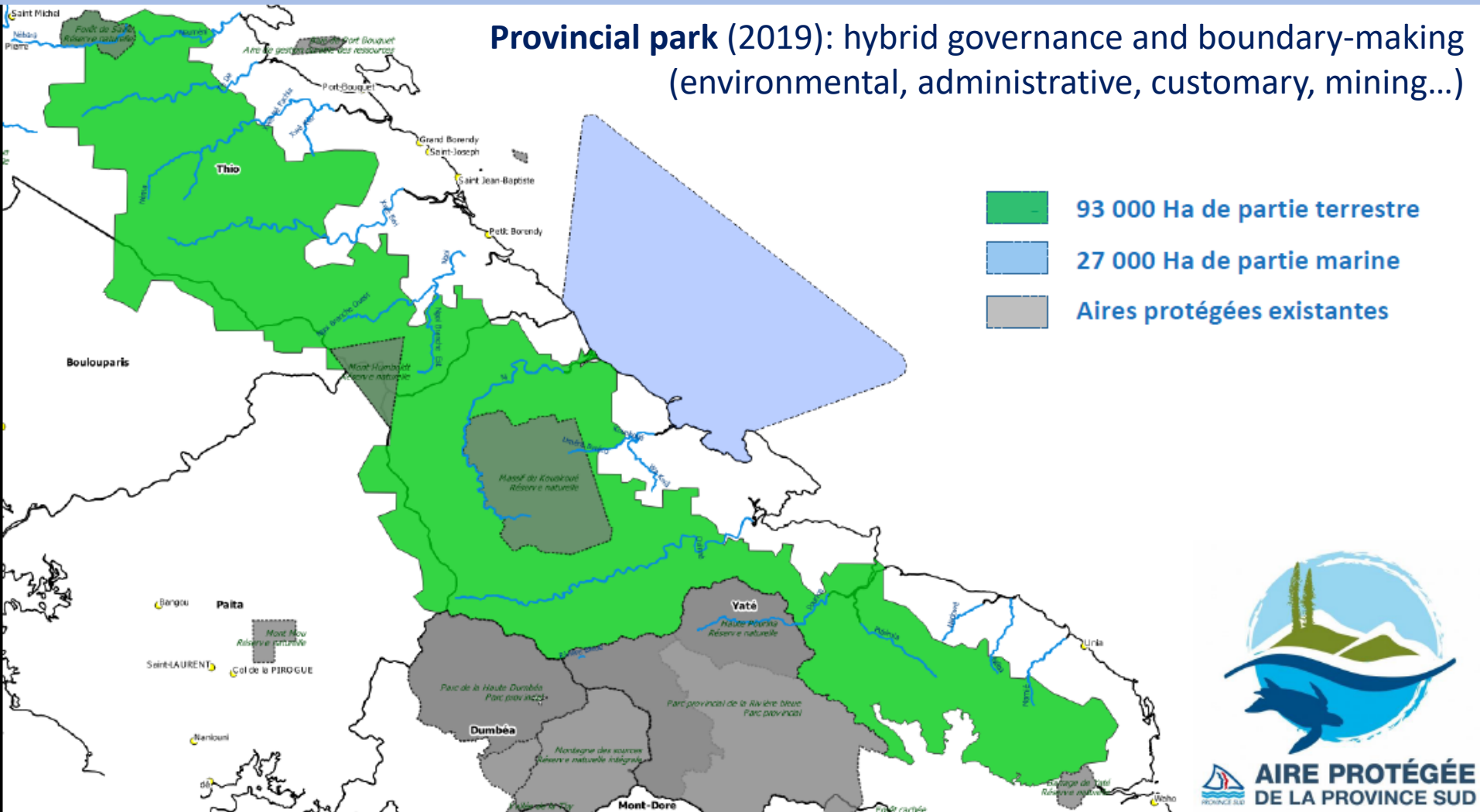
- ✓ Conflicts with small-scale miners (1970-80s) and 30 years without mining...
- ✓ ... since 2013, series of meetings in different tribes (Borendi, Yate, Port Bouquet...) between several mining companies and local peoples
- ✓ On the mining companies side
  - Objectives : maintaining mining concessions, looking for ore, getting a first concession...
  - Regulatory procedures and social license to operate (strategic use)
  - Middlemen or brokers (consultants, local leaders)
- ✓ On the local peoples side
  - Local interpretations and expectations: various positionings and discourses, mobilizing the past, the present, and the future
  - Monitoring committees, customaries ties (supra-commune), indigenous associations (Rheebu Nuu, CAUGERN), and the difficulties of collective action
- **Mining moratorium (2014-16):** free prior informed consent, politics of time and local sovereignty
- **Extension of the moratorium (2018-28):** provincial government intervention, customary authorities, municipalities, external expertise... a **complex arena**



# Case 2 - Exploration, consent and moratorium



**Provincial park (2019): hybrid governance and boundary-making**  
(environmental, administrative, customary, mining...)





# Managing overflows



*The Wellington Creek :  
maintenance/dredging or re-  
exploiting?  
Or : what is a mine?*





# Negotiating/producing the mining rules



## ⇒ Actors and identities

- **New actors:** collective, association, SAS and subcontractors, monitoring committee, consultancy/engineering offices...
- **Reconfiguration of alliances:** trans-ethnic, SLN workers, inter-clans/trans-communal
- **Collective action:** Thio trans-ethnic collective vs. customary authorities (SLN conflict 1996) and monitoring committees (2014)
- **SLN as marker of identity:** integration of SLN villages into the mental and social landscape, memories of conflicts – and the questioning of SLN boundaries

## ⇒ Norms, values, and knowledge

- **Local knowledge/memories/norms (+ FPIC) vs. administrative, legal and technical knowledge** (non dualistic: local use of external expertise)
- **CSR ‘from below’:** SLN as a ‘Caledonian firm’ (official slogan) or/and as a ‘good local citizen’?
- **Transformation of the nexus place/value through events:** the value of belonging to/building a community => including the mining corporations (cf. provincial park)?





## Conclusion: mining assemblages



- ✓ **Adjustment to local or global norms?** Hybrid, context-dependent responses (knowledge, norms, memories, alliances)
- ✓ **Politics of space** (Kirsch 2014) : compression (municipality, segmentary logics) and extension (alliances, humans/non-humans, global discursive resources) + question of the **audience**
- ✓ **Politics of time:** extension (*longue durée*, local memories, controlling the future) vs compression (political-administrative short term, expertise, project cycles)
- ✓ **Strategic uses of global repertoires** (toolkit): FPIC/SD (Thio/Côte oubliée 2013-14), shift indigeneity/environment/SD (Yaté 2008) and...
- ✓ **... Ontological uncertainty**
- **Openings: mining enclave vs commons (*timescapes/minescapes*), or governable spaces (*set of resources, territories, identities, authorities*),**

Thanks for your attention!

