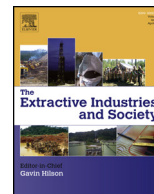




Contents lists available at ScienceDirect

The Extractive Industries and Society

journal homepage: www.elsevier.com/locate/exis



Original article

The Friction of Fracking: Discursive Constraints on Aboriginal Participation in Coal Seam Gas in Northern NSW

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ARTICLE INFO

Article history:

Received 11 November 2016
Received in revised form 15 January 2017
Accepted 15 January 2017
Available online xxx

Keywords:

Indigenous
Coal seam gas
Discursive framings
Dialectic
Material conditions

ABSTRACT

Australia's economic development has historically been closely tied to the extractive industries sector. Currently, opportunities abound for Aboriginal peoples to engage with, and potentially benefit from engagement with a variety of extractive industries. Using a case study of Coal Seam Gas (CSG) development in the State of New South Wales, this paper focusses upon the discursive constraints that can marginalise Indigenous agency in the complex milieu presented by CSG development. It argues that discursive framings can, and do, contribute to an ideological setting that may constrain attempts by Aboriginal people who seek to participate in the opportunities presented by extractive industries, particularly those extractive industries that are deemed environmentally risky or damaging. Employing the Strategic Relational Approach (SRA), it contends that discursive framings are not merely ideological tools that socially construct reality, but via the dialectic relationship between discursivity and materiality, they can have substantial material consequences for Aboriginal people.

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1. Introduction

"we are spoken by and spoken for, in the ideological discourses which await us even at our birth, into which we are born and find our place" (Hall, 1985, p. 10).

The increasing demand for energy and resources in the last few decades has fuelled the growth of extractive industries in all corners of the globe (Gilberthorpe and Hilson, 2014). This latest boom in energy and mineral development in Australia, known as a resources 'super cycle', is tied to the industrialisation of both China and India (Cleary, 2012). While the decline in China's economic outlook has most recently seen a decline in overall prices of Australian minerals, de Rijke (2013, p. 13) contends that global energy demand is projected to increase by over one third from 2012 to 2035. There is thus growing pressure to expand extractive industries across the globe, and a concomitant pressure for access to Indigenous lands (O'Faircheallaigh, 2013, p. 20).

There is a distinct focus at present, both by key senior Aboriginal intellectuals (Langton, 2012a; Mundine, 2014; Pearson, 2010), and politicians and policy makers at both the Federal and NSW Governments levels (Australian Government, 2013, p. 90; New South Wales Office of Communities, Aboriginal Affairs, 2013,

p. 17) on talking up the opportunities presented to Aboriginal peoples in Australia by this rapid expansion in energy and mineral development. Indeed, there is a global trend of encouraging Indigenous participation in the extractive energy sector (ICMM, 2013). While there is a considerable literature on the impacts and implications of this exponential increase in demand for energy and minerals on Indigenous peoples (see for example Altman 2009, 2012; Sawyer and Gomez, 2012), there is less analysis on the potential opportunities for Indigenous peoples as partners in an ever expanding global extractive sector, and even less analysis on the constraints to their realisation of these opportunities. Godden, et al. (2008) argue there are discrete legal, social and cultural arrangements and relationships that affect Indigenous participation in the resources sector. We concur and in this paper, seek to offer an interrogation of the discursive constraints that can affect Indigenous agency in the complex milieu that is coal seam gas (CSG) development in Australia.

This paper explores the idea that when Indigenous peoples seek to participate in the increasing opportunities offered by the rapid global expansion in energy and mineral development, particularly those extractive industry opportunities that are environmentally contested such as CSG development (Sneegas, 2016, p. 95), they become subject to certain discursive framings that may inhibit their participation in these opportunities. In particular, this paper focuses on the following hegemonic discursive framings of Aboriginal people – the noble savage/anti industrial discourse

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and the authenticity discourse. Put simply, the paper posits that certain discursive framings can have material consequences for Aboriginal peoples within the extractive industry arena, and are worthy of intellectual analysis.

This paper does not seek to dismiss the structural inequities that characterise the political economy of mineral and energy development in Australia (see Howlett, 2010a, 2010b; Ritter, 2014; Vincent and Neale, 2016), nor the implications of these structural inequities for Indigenous engagement with mineral and energy developments. In short, it is not ignorant of the uneven playing field that extractive industry developments present for Aboriginal people. On the contrary, this paper argues that certain discursive framings of Aboriginal people actually reinforce the unevenness of this playing field. Similarly this paper does not seek to adjudicate on the relationship between Aboriginal peoples and environmentalists – the ‘green vs black debate’. It is not a critique of the environmentalist movement. Rather this paper, via analysis of empirical data about attempts by Aboriginal organisations to engage with CSG development, seeks to highlight how certain discursive framings about Aboriginality can inhibit Aboriginal agency. The articulation¹ of these discursive framings, this paper argues, can seriously undermine Aboriginal aims for self-determination and autonomy.

2. Methods

The research that informs this paper was carried out over a period of approximately 18 months, beginning in early 2013. Data consisted of interviews with senior officials from the New South Wales Aboriginal Land Council (NSWALC), both at the state organisational level and at regional levels. Interviews were also conducted with representatives of two native title groups in the case study region: the then instated directors of the Githabul National Aboriginal Corporation (GNAC), other members of the Githabul nation, and a member of the Arakwal native title group that have several notable Indigenous Land Use Agreements in the Byron Bay region. Desktop research included a comprehensive review of media coverage of the contested development of CSG in the region (see Wheeler-Jones et al., 2015), and review of the various legislative and regulatory regimes governing Indigenous land access and CSG development in NSW (see Shaw, 2014).

The paper proceeds in the following manner. First it provides an overview of CSG development in Australia in general, and in the case study region in particular, detailing the historical, political and social context of the case study, being the NSWALC’s involvement in CSG development in Northern NSW between 2012 and 2014. Second, it presents evidence of the dominance of a discourse of Aboriginal people as inherently anti-development and natural environmentalists, using evidence from interviews and media to substantiate the hegemony of this discourse. It argues that this discourse often articulates with the discourse about Aboriginal authenticity, and utilising insights from the Strategic Relational Approach (SRA) developed by Jessop (2001, 2004) and Hay (2002), argues that the articulation of these discourses can and does have material outcomes for Aboriginal people who may seek to participate in extractive opportunities such as CSG. Finally it concludes with a summary of the implications of these hegemonic discursive framings for those Aboriginal peoples seeking to engage

¹ According to Hall (1985, p.113) articulation is ‘a connection or link which is not necessarily given in all cases, as a law or a fact of life, but which requires particular conditions of existence to appear at all, which has to be positively sustained by specific processes, which is not “eternal” but has constantly to be renewed, which can under some circumstances disappear or be overthrown, leading to the old linkages being dissolved and new connections-re-articulations-being forged’.

with the extractive sector, and calls for further dialogue and research.

3. CSG as a burgeoning field of extractive development

Coal seam gas (CSG) is emerging as a wide-scale form of energy development in Australia portrayed to yield significant energy security and benefits for the economies of the source regions and the nation. On the other hand, the industry is also portrayed as being unsafe due to significant risks and uncertainties it presents to public health and the environment, and subsequently CSG is a highly controversial industry (Cartwright, 2013, p. 203; Taylor et al., 2013). Being an ‘unconventional’ gas, the source of CSG has more complex geological characteristics and formations than ‘conventional’ gases (such as natural gas). As a result, CSG wells can, but not always, require more complex and expensive extraction processes such as vertical, horizontal or directional drilling, or the more controversial hydraulic fracturing (‘fracking’ or ‘fracking’) (CSIRO, 2015). Adding to concerns about health and environmental risks associated with CSG and its extraction, public trust of data, scientists, industry and governments involvement with the industry is reported to be low (Cartwright, 2013, p. 203; Taylor et al., 2013, pp. 16–17).

Specifically in NSW, the CSG industry in NSW has undergone significant growth since 2001. Wary of the pressure to handle industry, health, social and environmental concerns, the then O’Farrell-led NSW Government undertook a comprehensive scientific investigation into the CSG industry including a major review of the existing CSG regulations in NSW following their 2011 election win. At the completion of this review in November 2014 the NSW Government introduced a new strategic framework offering the “world’s best practice standards and regulation” for CSG (Grant and Roberts, 2014). In the Northern NSW region, recognised as the fastest growing and most biologically diverse area of NSW (NSW Department of Premier & Cabinet, 2012, p. 4), opposition to CSG is particularly prevalent among communities and governments (Macdonald-Smith, 2013a, p. 8; Saffin, 2013, p. 4391; Sword, 2012). This kind of community opposition to large-scale developments such as CSG is characteristic of the region, which has shifting from being perceived as largely agricultural-dominated and somewhat conservative in the 1970s, to more being distinctly characterised for its “lifestyle”, “creative” and “alternative” qualities (Gibson and Connell, 2012, pp. 179–181).

Despite this demonstrated widespread opposition, the NSWALC sought to engage in the CSG industry in Northern NSW. Typically, Aboriginal peoples participate in the Australian resources sector, including CSG, via agreements formulated under the Federal level *Native Title Act 1993* (‘NTA’ hereafter) (see Trigger et al., 2014). The NSWALC, however, established and governed by the *Aboriginal Land Rights Act 1983* (NSW) (‘ALRA’ hereafter), instead intended to own CSG exploration licenses and tenements as a means to secure future economic sustainability for the land rights Network and Aboriginal peoples in NSW (NSWALC, 2013a, p. 14; Scott, 2012). The NSWALC submitted several CSG exploration applications to the NSW Government in February 2012 which, when finalised in November 2012, covered 40 percent of the State (Howden, 2012). One of these applications was a non-invasive ‘petroleum special prospecting authority’ (PSPA) exploration application covering an area overlapping the Tweed Shire, Byron Shire and Lismore City councils (‘PSPAPP 55’). A PSPA is a form of exploration licence under the *Petroleum (Onshore) Act 1991* (NSW) and when approved, grants the holder the exclusive right to undertake non-invasive exploration activities (ie. Desktop geological based investigations) for a term of up to 12 months. The NSWALC’s PSPA 55 application progressed several stages in the regulatory process, but was withdrawn by NSWALC in August 2014 (Turner, 2014).

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