

Indigenous movements and the risks of counter globalization:

Tracking the campaign against Papua New Guinea's Ok Tedi mine

ABSTRACT

Many contemporary indigenous movements deploy strategies of counter globalization that make innovative use of the architecture of globalization. This article examines an indigenous political movement that took legal action to gain compensation and limit the environmental impact of the Ok Tedi copper and gold mine in Papua New Guinea. Even though the campaign sought to balance the desire for economic benefits with the protection of local subsistence practices, its objectives were frequently misinterpreted. Indigenous movements that deviate from an antidevelopment position run the risk of being seen as greedy rather than green. Instead of reproducing allegories about the successful exercise of veto power over development projects, anthropologists need ethnographic accounts that analyze the complex ambitions of indigenous movements and the risks of particular strategies of counter globalization. [corporations, environmentalism, globalization, law, mining, NGOs, Papua New Guinea]

Many contemporary indigenous movements deploy strategies of counter globalization that make innovative use of the architecture of globalization in challenging the "logic embedded in the new global order" (Castells 1997:96). Also known as "globalization from below" (Brecher et al. 2000; Falk 1993) or "grassroots globalization" (Appadurai 2000), these social movements bridge the gap between the local and the global as international campaigns piggyback on specific struggles and local protests hitchhike on global initiatives. The resulting forms of political mobilization have been described as enacting a "politics of scale" (Escobar 2001:166). Although recent scholarship has emphasized the political efficacy of counter globalization (Appadurai 2000, 2002; Brecher et al. 2000; Escobar 2001; Keck and Sikkink 1998), this article examines the risks posed to indigenous politics and political movements by strategies of counter globalization.¹

Counter globalization operates through transnational action networks that make international resources available to new categories of actors (Keck and Sikkink 1998), allowing them to leapfrog politics that have stalemated at the local or national level. The emergence of the "indigenous" as a legal category (Anaya 1996; Barsh 1994; Kymlicka 1995) and social movement is a prime example of this process, opening up new politics and debates about alternative forms of sovereignty (Brysk 2000; Niezen 2003; Sawyer 2004; Warren 1998), and stimulating new rights-based claims to culture (Brown 2003; Hirsch and Strathern 2004).² Paradoxically, however, the pursuit of autonomy and indigenous rights requires increasing movement and translation across cultural, political, and geographic boundaries.³

Anthropologists have been attentive to the ways in which these political engagements have resulted in the "generification of culture" (Errington and Gewertz 2001) evident in essentialized representations of indigenous peoples. Solidarity among the indigenous participants in these movements is often based on rhetorical claims to underlying similarities as well as the "inversion of tradition" (Thomas 1992) through which they define themselves in opposition to the industrialized West.⁴ For example, indigenous property regimes are usually described as collective or communal in contrast to the

centrality of private property in Western political and legal traditions, even though anthropologists since Malinowski (1935:280) have pointed out the reductive nature of this opposition. The specific objectives of indigenous movements may also be recast in universal terms when they are incorporated into counter globalization movements that seek to promote “the common values of democracy, environmental protection, community, economic justice, quality, and human solidarity” (Brecher et al. 2000:15).

Anthropologists have also been critical of the ways in which contemporary social movements share ideas with, borrow from, or otherwise come to resemble the organizations they purport to critique. J. Peter Brosius (1997) shows how forest campaigns in Borneo made use of metropolitan discourses of identity and the environment. Paul Rabinow (2002:14) argues that despite the claims of NGOs and multinational corporations to occupy opposing positions on the political spectrum, they operate in terms of the same fundamental understandings of the person, life, and ownership. I have argued that debates about the spread of Euro-American property regimes reproduce Euro-American conceptions of the body, nature, and culture (Kirsch 2004c). Annelise Riles (2000) shows how the knowledge practices of NGOs depend on the same legal and bureaucratic forms of documentation as the organizations they critique.

Like these scholars, I am interested in how the practices of translation, accommodation, and opposition may impose constraints on indigenous movements. In this article, however, I argue that anthropologists also need to pay greater attention to how the other parties to these engagements—including states and their legal systems, corporations, the media, and members of the academy—actively shape these discursive practices. As Brosius has noted, “National elites and transnational corporate interests . . . are engaged in attempts to displace the moral/political imperatives that galvanize movements with a conspicuously institutional apparatus that is by turns legal, financial, bureaucratic, and technoscientific” (1999:278). He suggests that anthropologists have the responsibility to “bring a critical perspective to bear on the discursive foundations of such efforts and show how, in the process, various structures of domination are constituted and perpetuated” (Brosius 1999:278).

The strategy of counter globalization has both advantages and disadvantages. Effective political mobilization of indigenous movements often requires collaboration with a range of NGOs. In campaigns against transnational corporations, these alliances can replicate the geographic distribution of capital by putting pressure on the corporation wherever it operates. Although the participants in these campaigns may be relatively few and far between, their cumulative influence may nonetheless be significant. Whereas operating in remote locations once afforded corporations freedom from scrutiny, activists harnessing new communications technologies ranging from the Internet and cell

phones to satellite imaging are now able to track and monitor corporate activity in approximately real time wherever it occurs.

However, strategic alliances with NGOs, which possess their own political agendas and constituencies, may result in significant compromises for indigenous movements. In particular, the need to communicate in the discourses of their partners can be a liability (Conklin 1997; Conklin and Graham 1995). For example, indigenous activists risk having their testimony dismissed as inauthentic when they use scientific terminology to express environmental concerns (Innes 2001; Strathern 2003:269–270), much like Laura Graham (2002) observes for indigenous leaders in Latin America when they express their political views in the language of the dominant group.⁵ Pursuit of social justice claims through the legal system is also fraught with problems of translation, as I describe below (see also Povinelli 2002).

Another challenge faced by indigenous activists is the speed with which capital now appropriates the terms of its critique (Latour 2004) and the strategies of its critics.⁶ Corporations have co-opted the discourse of sustainability to promote their contributions to economic development (Crook 2004), the language of accountability and transparency is used by conservative organizations like the American Enterprise Institute to police NGOs (Kirsch 2004a), and social responsibility is cited as a premise of corporate audit culture (Welker 2006). A recent satirical film about environmental activism received corporate sponsorship (*Sydney Morning Herald* 2006), turning the tables on liberal exposés of corporate behavior, and corporations regularly establish faux grassroots organizations to respond to their critics and facilitate negotiations with landowners (Sawyer 2004), a process known as “astroturfing” (*New York Times* 2007: A22).⁷

The vulnerability of indigenous movements to external criticism often takes the form of limited choices, including pressure to position themselves as antidevelopment. This problem is also reproduced in the anthropological literature on indigenous movements, including Anna Tsing’s (2005:205–228) recent description of a forest movement in Indonesia. She finds that the different groups involved in a forest campaign in South Kalimantan, whom she identifies as village leaders, nature lovers, and national activists, attributed their success in stopping a logging project to completely unrelated events. Tsing argues that the movement was effective not because the parties shared a common agenda but, instead, because of the value added by their differences to the movement’s division of labor. However, Tsing did not directly observe the forest campaign and chose not to conduct further research to determine how the logging project was stopped. Rather, she elected to treat these events allegorically.⁸ Her choice of examples reflects the tendency among NGOs and anthropologists alike to focus on movements that seek to block development.⁹ The problem with concentrating on the successful veto of development

projects is that this neglects analysis of more complicated scenarios in which alternative outcomes are sought. Treating the Indonesian forest campaign allegorically also conceals the strategies by which these movements actually achieve their goals.

In contrast, in this article I pay careful attention to these issues in relation to alliances between indigenous peoples and NGOs that seek to mitigate the negative social and environmental impacts of the mining industry. These engagements have occurred with greater frequency over the last few decades as mining companies move into less accessible regions of the world, exploiting new ore deposits to supply the expanding global economy. These are often marginal spaces in which indigenous peoples retain control over lands that were not previously seen to have value and where development was historically limited or absent. Neoliberal reforms have facilitated the investment of foreign capital in these new mining projects while simultaneously dismantling regulatory regimes designed to protect labor, the environment, and the rights of persons displaced or otherwise affected by mining. During the last decade, the mining industry has also become increasingly proactive in response to opposition from alliances between indigenous peoples and NGOs focused on the environment and human rights.

The Ok Tedi campaign

My interest in these questions stems from nearly two decades of ethnographic research and participation in a social movement that sought to receive compensation for and to impose limits on the environmental impact of the Ok Tedi copper and gold mine in Papua New Guinea (Kirsch 2002a, 2006). Since the mid-1980s, the mine has discharged more than one billion metric tons of tailings, the finely ground material that remains after the valuable metal has been extracted, and waste rock into the Ok Tedi and Fly rivers, causing massive environmental degradation downstream.

Ok Tedi was the first mining project approved by the postcolonial government of Papua New Guinea, which acquired its independence from Australia in 1975. The flagship project of the colonial era was the Panguna copper mine in Bougainville, which continued to provide more than 10 percent of the postcolonial state's revenues (Griffin 1990:70). After independence, Papua New Guinea continued the colonial policy of pursuing economic development through large-scale resource extraction projects (Filer and Macintyre 2006). The majority shareholder and managing partner of the Ok Tedi mine was the Australian corporation Broken Hill Proprietary, Ltd. (BHP). BHP's involvement with the Ok Tedi mine, which cost \$1.4 billion to construct, initiated a period of rapid internationalization for the corporation, culminating in its 2001 merger with the South African mining company Billiton.¹⁰ BHP Billiton currently operates

in 25 countries and describes itself as the "world's largest diversified resources company" (BHP Billiton 2006).

The high price of gold during the early 1980s resulted in an optimistic economic forecast for the Ok Tedi mine. The first gold was poured in 1984 and copper production began in 1986.¹¹ Although the original environmental impact assessment called for the construction of a tailings dam in the mountains, a landslide at the construction site led the government to temporarily permit the discharge of tailings and other mine wastes directly into the Ok Tedi River (Hyndman 1988; Townsend 1988). When opposition to the social and environmental impacts of the Panguna mine in Bougainville led to its violent closure in 1989, the resulting economic pressure led the state to approve BHP's request to continue operating the Ok Tedi mine using riverine tailings disposal.

Protests against the Ok Tedi mine began in the late 1980s as the trees along the Ok Tedi River became affected by pollution and gardens along the river floodplain were destroyed by mine tailings. I typed several petitions demanding compensation for the environmental impact of the mine that were written by the Yonggom people living in the village on the Ok Tedi River where I conducted ethnographic research from 1987 to 1989 (see Banks and Ballard 1997: app. 2). After completing my dissertation research, I helped to call attention to the emerging environmental crisis in newspapers and on the radio, and through reports published in Papua New Guinea and Australia. As long as the protests against the Ok Tedi mine remained local, however, they failed to achieve their objective: The petitions disappeared into government file cabinets, the mine offered water tanks and small-scale development projects in lieu of tailings containment, and although university students protested against government policies, they were unable to alter the status quo.

During interviews that I conducted in 1992 for a social impact study sponsored by the Ok Tedi mine (see Filer 2001), the broad consensus among the people living in the villages along the lower Ok Tedi River was that the mining company should stop discharging mine tailings into their river system (Kirsch 1995). In one village, the people I spoke with told me that they wanted the mine to stop polluting their river and to compensate them for the damage to their environment. Otherwise, they wanted the mine to close because of its negative impact on the quality of their lives. They intended to seek a political solution to these problems by enlisting the members of local "pressure groups" or NGOs rather than resorting to violence like the people of Bougainville. In another village, the people I interviewed told me that "they [the mining company] do not know what we are feeling down here. We are hungry, we are angry, and we are not happy about the pollution. We do not want to shut down the mine, we just want them to build a tailings dam." I was also told that the mine should not have begun production before devising a way to safely dispose of the tailings, a perspective equivalent to the precautionary principle. Because they felt that

pollution from the mine had already “spoiled” their land, however, they wanted the mining company to continue operating so that it could compensate them for the damages they had already incurred.

Counter globalization and Ok Tedi

When the campaign against the Ok Tedi mine went global in the early 1990s, it sought to make visible the ordinarily concealed movement of capital and minerals. Representatives from the communities affected by the mine traveled throughout Europe and the Americas. The London-based NGO Minewatch and the Wau Ecology Institute of Papua New Guinea brought several political activists from the area to testify against BHP at the 1992 International Water Tribunal in Amsterdam, which recommended that the mine should either implement tailings containment or close (International Water Tribunal 1994). The provincial government sponsored a delegation to the 1992 “Earth Summit” in Rio de Janeiro, where a Yonggom speaker addressed the media during a press conference held on board the Greenpeace ship *Rainbow Warrior II* in the Rio harbor.¹² With the assistance of a metals trader on Wall Street who had become alarmed by reports about the environmental impacts of the Ok Tedi mine, two members of the provincial delegation also met with environmental organizations in New York and Washington, D.C., to discuss Amoco’s 30 percent share in the project.¹³ However, the NGOs decided not to campaign against Amoco, citing the difficulty of attracting public support for political action focused on the minority shareholder of a copper and gold mine located in a distant country that is largely unfamiliar to most Americans.¹⁴ The Lutheran Church of Germany also invited several of the key political actors from the affected area to meet with members of the Bundestag, which subsequently adopted a motion recommending that the federal government use its influence on the German shareholders of the mining company to promote compliance with Western environmental standards and payment of appropriate economic compensation (Schoell 1994).¹⁵ By forging connections between widely dispersed locations, the campaign against the Ok Tedi mine exemplified the strategy of globalization from below.

The campaign against the Ok Tedi mine was virtually unprecedented at the time, for, unlike the petroleum industry, which engages with consumers at the pump, there is no direct interface between mining companies and the public. Until recently, this allowed the mining industry to remain among the least visible of corporate powers. The major innovation of the campaign against the Ok Tedi mine was to leverage protests with legal action that simultaneously affected multiple corporate pressure points: shareholder concerns, BHP’s public reputation, and the mining company’s ability to sell copper in the global marketplace. Following their successful appearance before the International Wa-

ter Tribunal, which lacked the power to enforce its judgment, the Yonggom and their neighbors decided to take the Ok Tedi mine to court. In September 1994, the Australian lawyers Slater and Gordon filed suit against Ok Tedi Mining, Ltd. (OTML) and BHP in the Victorian Supreme Court in Melbourne, where BHP is incorporated.¹⁶ The litigation represented 30,000 people affected by the environmental impact of the Ok Tedi mine.

Only by confronting BHP in the international arena were the Yonggom and their neighbors able to force the mining company to respond to their concerns. At the invitation of the Dene Nation in Canada’s Northwest Territories, a Yonggom leader and a lawyer from Slater and Gordon traveled to Yellowknife to attend public hearings being held to review BHP’s bid to operate a billion-dollar diamond mining concession.¹⁷ Disseminating information about the environmental problems caused by the Ok Tedi mine helped to deter BHP’s copper prospect in the Caribbean island of Dominica (Nader 1996). A meeting was scheduled with the operators of a copper smelter in Japan to request that they find an alternative source of raw material. The counter globalization movement successfully challenged one of Australia’s largest and most powerful corporations by turning the conduits through which capital ordinarily flows into pathways for protest.

Capital strikes back

In Papua New Guinea, the question whether the Ok Tedi mine represented progress and a desirable form of development or an environmental tragedy in the making was the subject of heated national debate. At a conference on environmental issues held in the capital of Port Moresby in 1993 (see Gladman et al. 1996), the senior Papua New Guinean executive at the Ok Tedi mine argued that polluting the river was an acceptable trade-off if the citizens of the country were to achieve their goal of wearing shirts and neckties and having office jobs like Australians.¹⁸ The audience disrupted his speech with catcalls, and a representative from Greenpeace yelled out that the only reason a real Melanesian would need a necktie would be to hang himself. However, no one at the conference objected when the positive contributions of the mine were subsequently described as bringing progress to an area in which local inhabitants were lacking skills and knowledge. The audience members, including two Yonggom men from villages on the Ok Tedi River, did not challenge the way that the discourse of development devalues the ecological knowledge and skills required for subsistence production (see West 2006:179–180).¹⁹

In addition to its attempt to influence national opinion, BHP colluded with the Papua New Guinea government in efforts to undermine the lawsuit against the Ok Tedi mine. In actions that resulted in a September 1995 judgment of contempt by the Supreme Court of Victoria, which was later

overtaken on a technicality, lawyers acting on behalf of BHP helped the Papua New Guinea Parliament draft legislation that would subject the individual plaintiffs to fines of up to \$75,000 (Gordon 1997:157). The fines would also apply to anyone who sought to challenge the constitutionality of the legislation in the Papua New Guinea courts. The proposed bill met with considerable international disapprobation, including the wrath of Ralph Nader (1996), who was traveling in Australia on behalf of the Green Party at the time. Nonetheless, the Papua New Guinea Parliament subsequently passed the Compensation (Prohibition of Foreign Legal Proceedings) Act of 1995, which prohibited “the taking or pursuing in foreign courts of legal proceedings in relation to compensation claims arising from mining projects and petroleum projects in Papua New Guinea” (Independent State of Papua New Guinea 1995a:1). The Compensation Act invoked national sovereignty to achieve the goals of the earlier proposal. However, the lead plaintiffs in the Ok Tedi case refused to be deterred by the criminalization of their legal action.

BHP also attempted to divide the plaintiffs in the legal proceedings against the mining company. The Mining (Ok Tedi Restated Eighth Supplemental Agreement) Act of 1995 established a general compensation fund of K110 million (worth approximately \$82 million at the time) for the people negatively impacted by the Ok Tedi mine (Independent State of Papua New Guinea 1995b).²⁰ However, the agreement required the 30,000 plaintiffs in the case to choose between monetary compensation and continued participation in the litigation in Australia. The choice was deceptive, however, because the agreement stipulated that the compensation payments could be reduced or eliminated altogether to pay for any additional expenditure on tailings containment required by the government of Papua New Guinea. In other words, the people affected by the mine could be forced to pay for these environmental controls out of the compensation that they had been promised. Nonetheless, the majority of the plaintiffs eventually opted out of the lawsuit, which had no guarantee of success in court, in favor of immediate monetary compensation. BHP deployed the same tactic several years later to undermine a second round of legal action against the operators of the Ok Tedi mine, as I describe below.

Settling Ok Tedi

At first, we didn't say anything to the company or to the government.

We were worried about our gardens and the river, but we had no idea how to fight against the mine, because we are not educated people.

Initially, I questioned [Rex Dagi and Alex Maun, the lead plaintiffs in the lawsuit]:

“What are you going to do about our land and our river?”

I asked them that.

They answered me: “We'll take them to court [and solve the problem].”

So we really supported the lawsuit . . .

I was opposed to the government's attempt to make us accept the [compensation package] because of the damage to the environment . . .

We backed the lawsuit instead . . .

I'm very proud of the lawsuit and

I praise Rex and Alex for taking the matter to court and winning the case. [Dome village, August 1996]

The unfavorable publicity generated by the legal proceedings and the internationalization of protests against the mining company led to an out-of-court settlement in May 1996. The lawyers for the plaintiffs had also been pushed toward the settlement by corporate maneuver: The establishment of the general compensation fund substantially reduced the number of litigants in the case and financial pressures were mounting on the plaintiffs' legal representation, whereas BHP had far deeper pockets. With an estimated value of \$500 million in compensation and commitments to tailings containment, this was one of the largest settlements of an environmental tort claim ever negotiated and was hailed as a significant victory for the plaintiffs.²¹

However, cautionary flags were raised almost immediately after the terms of the settlement were made public. Nader (1996) warned that the agreement failed to guarantee that the necessary infrastructure for tailings containment would be constructed. One of the lead plaintiffs in the case expressed concern that the mining company might continue to discharge tailings into the river despite the terms of the settlement and stressed the need for long-term economic opportunities in contrast to the short-term economic benefits of cash compensation (Maun 1997:11). I warned that the company might delay the implementation of tailings containment by continuing to call for additional scientific research and engineering studies, or by hiding behind the government's reluctance to pay its share of the costs (Kirsch 1997b:139).

The monetary component of the settlement extended eligibility for a share of the K110-million compensation fund established by the Restated Eighth Supplemental Agreement to all of the members of the affected class, instead of only those persons who had previously opted out of the legal proceedings.²² It also guaranteed that these funds will be paid out in their entirety and can no longer be diverted to pay for tailings containment. A second compensation fund of K40 million was established on behalf of the people living along the lower Ok Tedi River, where the impact of the mine had been the most pronounced. Finally, the settlement required the mining company to transfer a 10 percent equity share in the mine to the Papua New Guinea government to be held in trust on behalf of the people of Western Province.

The central feature of the settlement, however, was the corporate commitment to tailings containment. At the time of the settlement, the most likely option was thought to be a tailings pipeline from the mine site in the mountains to a lowland storage area that would eventually cover between 30 and 50 square kilometers, although this land could be progressively rehabilitated. The estimated cost of the pipeline was between \$180 and \$250 million plus several million dollars per year in operating costs. Finally, the mining company agreed to establish an environmental rehabilitation program for deforested land along the Ok Tedi River.

The settlement of the case ratified the principle of foreign direct liability, which contends that corporations should be held accountable to the laws of the countries in which they are incorporated for their actions abroad. The Ok Tedi case was an important forerunner of this legal strategy and a number of similar cases are currently before the courts in the United States and the United Kingdom (Chesterman 2004).²³

Too late to save the Ok Tedi River?

In 1999, OTML released the results of the waste management studies that it was required to conduct under the terms of the 1996 agreement. However, the mining company claimed that none of the proposed strategies for tailings containment would substantially mitigate the environmental processes already in motion. The reports indicated that even if mining were to stop immediately, the environmental problems downstream will continue to increase given the sheer volume of tailings already in the river system and ongoing erosion from waste rock dumps in the mountains (Parametrix, Inc., and URS Greiner Woodward Clyde 1999). Pollution from the mine will have a cascading effect as it gradually migrates downstream toward the Gulf of Papua, leaving deforestation in its wake. The most recent reports from the mining company acknowledge that the heavy accumulation of sediment in the lower Ok Tedi River will continue for another 60 years, while the impact on the middle Fly River may last for several hundred years (OTML 2005:12).

When the lawsuit was filed in 1994, the total area of rain forest that was already dead or under severe stress was less than 50 square kilometers (Burton 1997:39). The damage has increased substantially in the intervening years, and more than 1,554 square kilometers of rain forest is currently affected by pollution from the mine. The impacted area is expected to increase to 3,000 square kilometers and may eventually cover the entire floodplain of the river, or 4,200 square kilometers (OTML 2005:4). Local species composition is not expected to return to conditions before the mine, with grassland and wetlands replacing much of the affected rain forest (Chapman et al. 2000:17).

In lieu of halting riverine tailings disposal, OTML instituted a dredging program in the Ok Tedi River at an annual

cost of \$30 million. This lowers the riverbed in the lower Ok Tedi River and reduces flooding into the adjacent forests. However, it only removes about half of the tailings or fines produced by the mine, and only about 20 percent of the total volume of waste material discharged into the river system.

By the time that the mining company studies were made public in 1999, three years after the out-of-court settlement, many of the Yonggom people whom I interviewed had become discouraged about the prospect of saving the Ok Tedi River. They were skeptical about the viability of the tailings pipeline and questioned other possible interventions. One person from a village along the river remarked to me in an interview, "What is growing along the riverbanks now? Just pitpit [bush asparagus], elephant grass, and softwood trees. Why protect them? They can grow anywhere. If we were talking about hardwood forests and animals, that would be different. But now? It's not worth protecting what is here." During a village meeting held in Dome, where I was based during my original fieldwork, I was told that "by the time that the company implements their plans [for tailings containment], it will almost be time for the mine to close . . . It would be better to [just] give us the money . . . because the river is already dead and the land and the creeks are already ruined." Another person told me, "If it is safe [for the people living here], then they should continue to dump tailings into the river. . . . They can never fix this river—it is already dead. They should give us that money [for tailings containment] instead. By the time that there are results [from any tailings containment scheme], the mine will almost be closed."

However, the mining company's claim that none of the proposed strategies would substantially mitigate the environmental impact of the mine was subsequently challenged by the peer review group assembled by OTML. The peer review group argued that the mining company had systematically underestimated the potential benefits of the various tailings containment options (Chapman et al. 2000:14–15), which was consistent with corporate reluctance to pay for these costly projects. The peer review also concluded that the mine reports underestimated the difference that early mine closure would make to the extent and duration of the impacts downstream (Chapman et al. 2000:14). The World Bank, which provided loan guarantees to the project during its initial capitalization in the early 1980s, also carried out a review of the mine reports at the request of the prime minister of Papua New Guinea. The World Bank (2000:21) noted that the corporate reports only evaluated a limited number of responses to the problems downstream from the mine, some of which were not even feasible, such as closing the mine immediately, which would have destabilizing economic consequences at both the local and national level. In addition, the mine reports ignored other legitimate options, such as substantially reducing production rates. The pessimistic attitudes of the Yonggom people with whom I spoke toward potential tailings containment options also failed to

take into account the importance of preventing the problems along the Ok Tedi River from spreading further downstream along the Fly River.

Exit BHP

The public release of the mining company studies led the managing director of OTML to admit that the environmental impacts of the Ok Tedi mine were far greater than previously predicted (OTML 1999).²⁴ In its evaluation of the mining company reports, the World Bank (2000:21) recommended that the Ok Tedi mine close after implementing programs to facilitate the social transition to life after the mine. The failure of the mining company to take action on tailings containment prompted the plaintiffs in the original lawsuit to return to the Victorian Supreme Court in Melbourne in April 2000, charging BHP with breach of contract.

BHP responded to the 1999 reports by announcing that the Ok Tedi mine was “not compatible with our environmental values” (Barker and Oldfield 1999). Pressure from the new legal action and the negative publicity associated with its management of the Ok Tedi mine, as well as ongoing merger talks with Billiton, led to BHP’s decision to withdraw from the mine. However, the government of Papua New Guinea, which depends on the Ok Tedi mine for 18 percent of its foreign exchange earnings, insisted that the mine continue operating until the ore body is exhausted in 2013. The Mining (Ok Tedi Ninth Supplemental Agreement) Act of 2001 established the conditions for BHP Billiton’s departure from the Ok Tedi mine, which continues to operate independently. In February 2002, BHP Billiton transferred its 52 percent share in the mine to a trust fund company based in Singapore called the PNG Sustainable Development Program, Ltd., which will support development projects in Papua New Guinea.²⁵ The Mineral Policy Institute in Sydney described the new trust company as a “poisoned chalice” because it relies on the continued operation of the mine and additional destruction of the environment to pay for development (Evans 2002). The primary purpose of the trust company, however, is to provide BHP Billiton and the Papua New Guinea government with indemnity from future claims relating to loss from pollution or damage to the environment as a result of the mine’s continued operation. In addition, the Mining Act provides the new operators of the Ok Tedi mine with unprecedented authority to establish the environmental standards for its operation as well as the procedures for monitoring and compliance, which has been described as an extraordinary transfer of rights from the public to the private sector (Divecha 2001).

The Ninth Supplemental Agreement also legalized new arrangements between the mine and the affected communities, known as the Community Mine Continuation Agreements (CMCAs). A key provision of the CMCAs was the requirement that the plaintiffs “opt out” of continuing legal

action against the mine to become eligible for additional compensation. Like the general compensation fund that alienated plaintiffs in the first lawsuit, the CMCAs used the promise of additional compensation to weaken the new legal action against BHP. In an independent report commissioned by the Oxfam Community Aid Abroad (Australia), the CMCAs were described as “a legal means to contain and control through negotiations, any blow out in the magnitude of compensation claims pursued through the courts” (Kalinoe 2003:24).

BHP Billiton also engaged an Australian public relations firm to mitigate negative publicity associated with its departure from Papua New Guinea and the Ok Tedi mine. Offor Sharp described its intervention in the following terms:

Our client had on its hands 25 volumes of scientific reports that told a story of widespread environmental damage to one of Papua New Guinea’s largest river systems. The damage would be worse than previously told to the public by the company’s majority shareholder. The challenge was to release the results of the risk assessment into a highly sensitised and critical public arena in a way that minimised damage to the corporate reputations of each of the company’s shareholders. At the same time, it needed to respect the people whose environment and lives would be changed by the increased damage. . . . We delivered a tightly controlled and highly strategic public release to diverse and often aggressive stakeholders in PNG, Australia and the US. Media coverage was limited because direct engagement over the complexity of the issues meant few critics were prepared to provide media comment. As a result of the release strategy, there was no civil unrest in PNG and the company’s two listed shareholders contained potentially damaging media coverage. [2006]

BHP Billiton was not only able to avoid future economic liability for the environmental impact of the Ok Tedi mine but it also evaded public scrutiny of its continuing moral responsibility for the lives of the people affected by the mine.²⁶

The second lawsuit against BHP Billiton and OTML was settled out of court in 2004 without changing the environmental status quo (Kirsch 2004b; Munro 2004). At the time of the settlement, the majority of the people living downstream from the Ok Tedi mine had already opted out of the legal action to receive additional compensation through the CMCAs. However, some of the remaining plaintiffs opposed the settlement of their case. They expressed their objections in notices sent to the Victorian Supreme Court: “Can your Honour tell us who will be responsible for the environmental damage that has been caused?” (Katut et al. 2004:2). They challenged the basis of the settlement, asking: “Where is the evidence that the Companies have complied with all [of the] environmental standards of the state of Papua New Guinea and [with] international standard[s]? Where is the evidence

that the water is safe to drink? Where is the evidence that there is no factual or scientific proof of environmental degradation?" (Dakop et al. 2004:2). They challenged claims that the case was simply about gaining additional compensation from the mine, "BHP/OTML has deceitfully diverted the minds of the people and the Papua New Guinea Government from the real issue—the effects of the mine pollution and the cleaning of the river system—to false monetary entertainment" (Moken 2004:1). They pleaded with the courts for sympathy, "Your Honour, we pray that this Honourable Supreme Court may save our lives in the type of decision or verdict that is favourable to us" (Katut et al. 2002:2), but they remained defiant: "We will not be intimidated by the Company nor succumb to their bully tactics" (Dakop et al. 2004:2). However, by approving the settlement agreement, the courts rejected the plaintiffs' final attempt to receive justice from the Australian legal system.

The lack of significant expenditure on environmental controls at the Ok Tedi mine allows the mining company to operate "with profit margins running at an astonishing 60%" (Garnaut 2004). Annual profits before taxes are expected to average more than \$250 million during the remaining years of the mine, which is currently scheduled to close in 2013. Although the second court case also failed to stop the mine from polluting the river, the total dividends paid to the PNG Sustainable Development Program, Ltd., may amount to \$1 billion.

Representations of the campaign

The political and legal opposition to the environmental impact of the Ok Tedi mine was never an antimining campaign. The participants sought fair compensation for the damages they had incurred as a result of the operation of the mine. They also wanted to receive the development opportunities promised by the mine, although not at any cost, and certainly not at the cost of their economic autonomy through the destruction of the environment on which their subsistence practices depend. During the initial legal proceedings from 1994 to 1996, the Yonggom and their neighbors never called for the Ok Tedi mine to close. Their objective was to modify the relationship between the mine and the environment through tailings containment, and to transform their relations with the mining company through the payment of appropriate levels of compensation. However, the mining company rejected their demands, claiming that production at the mine only remained economically viable with continued use of riverine tailings disposal. The state continued to embrace the colonial model of development in which the sacrifice of the river system was accepted as a fair trade for the economic benefits that it received from the mine. The state also discouraged the mining company from making additional expenditures on environmental controls on the grounds that it would be forced to pay double for them, once

in terms of reduced dividends from its shares in the mine and a second time in terms of decreased tax revenue (Warren Dutton, personal communication, 1996).²⁷

The campaign against the Ok Tedi mine received considerable attention in Australia, where BHP was incorporated and the court case was heard. Writing about mining in Australia, Francesca Merlan (2004) observes that the views of indigenous communities and developers are generally presented as though they are diametrically opposed. Representations of Aboriginal attitudes toward the environment emphasize the symbolic, the meaningful, and the sacred, leading to the assumption that Australian Aborigines are opposed to development (Merlan 2004:246).²⁸ In contrast, mainstream Australian views of the environment are represented as pragmatic, economic, and managerial. The expressive is contrasted with the instrumental, even though the indigenous peoples involved in this comparison do not necessarily make this distinction themselves (Merlan 2004:246). The opposition also ignores the practical and economic concerns of Aboriginal Australians who seek to balance their desire to escape poverty with the responsibility to protect their "country" (Strang 2004:218).

Public opinion in Australia was generally sympathetic to the Yonggom and their neighbors and critical of BHP for the environmental damage downstream from the mine. However, the perspectives of many expatriates employed by the mining industry in Papua New Guinea had a very different inflection.²⁹ They were more apt to represent landowners in Papua New Guinea as economic opportunists, motivated primarily by their desire to maximize the resource rents paid by the mining company (Filer 1997; Toft 1997). This point of view was reflected in a joke told to the participants at a 1995 conference on investment in the Papua New Guinea minerals and petroleum industries: If Jesus were living in Papua New Guinea today, the story went, and Judas were to betray him for 30 pieces of silver, it would be nearly impossible to find a landowner who would blame him for taking the money. The crowd roared with laughter, embracing the stereotype of the greedy and immoral landowner (Kirsch 1997a:144).

Australian academics initially questioned the sincerity of the campaign against the mine and the severity of the environmental problems downstream from the Ok Tedi mine (see Kirsch 1997b:128–130). Popular perceptions of indigenous movements are often influenced by the stereotype of the "ecologically noble savage," which leads to essentialist representations that assert a primordial closeness between indigenous peoples and nature, including the assumption that indigenous peoples are committed to sustainable resource use (Redford 1991). Although both activists and environmental organizations have exploited this image for their own purposes, indigenous peoples have been unfairly criticized for their failure to live up to the environmental standards that others have imagined for them (Conklin and Graham 1995). The (1991) critique of the

stereotype of the “ecologically noble savage” has also contributed to scholarly backlash in which anthropological accounts that attribute anything other than political or economic value to the environment risk being discredited as romanticism or invented traditions (see Keesing 1989).³⁰ As Brosius notes, the focus on essentialisms has led anthropologists to ignore the “discursive moves of those who would deny any sense of enchantment with nature whatsoever, putting in its place ‘commonsense’ solutions promoting passionless, technoscientifically based management initiatives that elide every trace of politics or that reduce every form of engagement with nature to an extension of capital” (1999:281). Academic criticism of indigenous environmental concerns is the structural counterpart to the strategic essentialisms deployed by indigenous peoples and environmental NGOs.

Although the destructive environmental consequences of the Ok Tedi mine are now beyond dispute, some scholars continue to challenge the legitimacy of Melanesian concerns about the environmental impacts of mining. Martha Macintyre and Simon Foale argue that the people living near the Lihir gold mine in Papua New Guinea “embrace the discourses of environmentalism and impending ecological catastrophe primarily to use them as leverage in negotiations with the mining company over higher payments to a broader constituency” (2004:249). They support their claims by presenting a straw man argument that Melanesianists are not conservationists. They criticize Lihirians for continuing to catch sea turtles even though the species is endangered (Macintyre and Foale 2004:234), although they do not discuss the mine’s impact on a local turtle nesting area (Andy Markham, personal communication, 2000; *Sydney Morning Herald* 2002). They note that local nostalgia for a marsupial that was hunted to extinction is limited to the fact that it was good to eat (Macintyre and Foale 2004:235). They also criticize Lihirians for asking the mining company to help them address an infestation of Giant African Snails rather than tackling the problem themselves, although many Lihirians reasoned that the mine was indirectly responsible for the situation because it had increased the trade and traffic between the islands (Macintyre and Foale 2004:240). Finally, they note that when Lihirians negotiate with the mining company, they demand increased compensation rather than stricter environmental controls (Macintyre and Foale 2004:234).

However, many indigenous peoples who practice subsistence hunting and fishing have relationships with animals that are predicated on their continued interaction, rather than the segregation of people and animals, as Western conservationists often insist (Nadasdy 2003; Rose 1996). Anthropologists have also noted the general Melanesian tendency to invoke long chains of liability for problems like the giant snail infestation (Akin 1999; Kirsch 2001b). The capacity to act collectively in New Guinea is often limited by political fragmentation, and the initiative to respond to the threat

posed by the invasive snails may also have been reduced by what psychologists call the diffusion of responsibility. Even Americans who express strong environmental values often fail to act on them (Kempton et al. 1996). Finally, although my own experiences on Lihir are limited (Kirsch 2001b), people in other parts of Papua New Guinea do regularly call on mining companies to reduce their environmental impacts.

Macintyre and Foale (2004:249) argue that Lihirian complaints about the environmental impacts of mining represent efforts to increase resource rents rather than legitimate expressions of concern.³¹ They assume that one necessarily precludes the other, rather than the possibility that claims for compensation may be related to concerns about environmental damage, real or imagined. However, as the following letter to the editor of the *National of Papua New Guinea* about the Lihir mine makes clear, the desire for development and environmental concerns may be expressed simultaneously and without contradiction:

Though I welcome all the good things that Lihir Gold has brought to the island . . . I am saddened by the fact that very little is being said about the extent of the environmental damage being caused by the dumping of mine tailings in the ocean. . . . I understand from media reports that [several new mining projects have been proposed for the region]. Though I welcome these two new mining developments, I am also concerned over the future potential damage to the marine resources which have sustained our livelihood from time immemorial. I urge the elected leaders at all levels of government . . . [to] start asking some tough questions about the environmental impact of . . . mining on our marine resources by the dumping of the mine tailings in the ocean. [Kulmat 2005]

As Catherine Coumans (2004) observes, Macintyre and Foale fail to consider how indigenous views on mining and the environment are shaped by the “complex longings, dreams, and choices” of peoples living in the margins of the global economy. Instead, Macintyre and Foale (2004:237) extend their straw man argument to its logical conclusion, claiming that pollution has become a valuable and desired commodity for Melanesians.³²

There are a number of reasons why representations of Aboriginal Australians are predicated on a dichotomizing view of radical difference, whereas representations of Papua New Guineans in these mining disputes seem to follow what Marshall Sahlins (1995:13) calls the substitution of bourgeois economic realism for cultural analysis. Some factions of the Australian academy may be seeking to reprise their colonial role in Papua New Guinea through their attention to governmentality and resource management, in contrast to the Australian commitment to reconciliation with its own Aboriginal populations (Macintosh 2002). Anthropologists may project the figure of the calculating

and aggressively entrepreneurial Melanesian “Big Man” onto the leaders of these campaigns, despite the critique of its overgeneralization (Godelier and Strathern 1991). These attitudes may also have been influenced by the way that Papua New Guinean activists downplayed the visible signs of cultural difference in their campaign against the Ok Tedi mine. In contrast to Amazonian activists, whose colorful and dramatic protests have become the paradigm for indigenous activism (Conklin 1997; Turner 1991), the key figures in the campaign against BHP did not dress up in ritual attire or mobilize public attention through ritual theater.³³ When they demonstrated at the annual shareholder meetings of BHP in downtown Sydney, they wore campaign T-shirts, shouted slogans, and posed for photographs beside a display of dead fish.

Property versus subsistence

Rabinow’s (2002:14) observation that the politics of transnational corporations and NGOs may be based on shared concepts is well taken. In the Ok Tedi case, however, the concept of “subsistence rights” was proposed as an alternative to the Euro-American concept of “property.” Because the Supreme Court of Victoria was unable to hear claims regarding damage to property located outside of its territorial jurisdiction, lawyers for the plaintiffs focused on the mine’s impact on subsistence resources. This was a novel claim given that the common law ordinarily operates in terms of economic damage to property. Yet the judge concluded that people could not be deprived of their rights simply because the damages do not take monetary form, establishing an important legal precedent regarding subsistence use of resources (Gordon 1997:154–155).

Negotiations between the mining company and the communities living downstream also reached an impasse over the question of property versus subsistence rights during the implementation of the 1996 settlement agreement. The mining company initially refused to pay compensation to people who were not landowners but nonetheless had local resource rights downstream from the mine where damage had occurred. Lawyers for BHP argued that there is no provision in common law for the payment of compensation for damages to persons who are not the rightful property owners. This proposal would have excluded a substantial number of persons who previously made use of the land and resources in question. When the lawyers for the plaintiffs asked me to assist with the implementation of the settlement, I was able to convince the mining company to change its position, and consequently the rights of both “land owners” and “land users” were included in subsequent agreements between the mine and the affected communities. With the passage of the Ninth Supplemental Agreement in 2001, these categories were given legal status, formally recognizing subsistence rights (Kirsch 2002b).

Criticism of the CMCAs also addressed questions about customary property rights in Papua New Guinea. The CMCAs authorized any “person representing or purporting to represent a Community or clan” to bind its members to the agreement “notwithstanding . . . that there is no express authority for that person to sign or execute the Community Mine Continuation Agreement on behalf of the members of the Community or clan concerned” (Independent State of Papua New Guinea 2001:8). This legally committed the members of the signatory’s village to the agreement regardless of whether their consent was appropriately secured. The members of future generations were similarly bound by the agreement (Independent State of Papua New Guinea 2001:8).

However, the political authority of elected or appointed officials in contemporary villages may not be compatible with customary land tenure systems recognized by Papua New Guinea law. Decisions concerning land held under customary tenure must incorporate the views of all persons who have rights to the land in question. In contrast to landowners, village representatives acquire their political authority from the government or other electoral processes. They lack authority over the disposition of land, which may be held by individuals in association with particular lineages or clans rather than by a village or community as a whole. Given that the CMCAs are fundamentally concerned with damage to local land and rivers, they necessarily invoke customary land rights. Village representatives, even if democratically elected, lack the authority to bind other persons to decisions affecting the disposition of their land. According to customary land tenure law in Papua New Guinea, the signatories to the CMCAs lacked the authority to commit the other members of their village or community to the agreement. The constitutionality of the CMCAs is currently being challenged in the Supreme Court of Papua New Guinea by lawyers representing the governor of Western Province.

Discussions about subsistence resources continue to dominate postsettlement debates, reflecting concerns about daily consumption needs and the importance of compensation payments in subsidizing local livelihoods in a degraded ecosystem. The general theme of this discussion has been the insufficiency of the compensation payments given the magnitude of the losses that the people living along the Ok Tedi and Fly rivers have experienced.³⁴ As one of my informants explained the dilemma, “This is the only land we have; there are no other places. We should be compensated for the value that the land has for us.” He contrasted the value of land for people who live in an economy based on commodity production in which food is procured from stores or the company cafeteria and for people who live and work in a subsistence economy: “The company doesn’t face this problem. They eat in the mess, while we live on hunting and gardening. We cannot afford to buy fresh meat from the stores.”³⁵

He concluded that “they [the mining company] should reconsider how much our land is worth.”

Whereas the court case turned on the question of subsistence rights, the remedy was framed in monetary terms. Monetization operates through a “logic that reduces all qualitative distinctions to mere quantitative differences, a logic that, as it were, attempts to ‘bottom line’ the world” (Rappaport 1993:299). As Rabinow suggests, the way that political struggles are framed by language and practices common to both sides may set limits on indigenous movements. The Yonggom continue to struggle with this predicament, recognizing that monetary “compensation cannot be a substitute for a means for survival” (Maun 1997:117). This is also recognized in an expression that has recently become popular among the Yonggom, that “sago is life,” referring to their primary staple, which is derived from the pith of sago palm trees, and how it cannot be replaced by rice or other food that one can buy in a store. It does not help matters that the province has not demonstrated the capacity to invest or spend its share of the economic benefits from the mine wisely (Burton 1998), or that cash compensation payments are associated with increased alcohol consumption (National HIV/AIDS Support Project, Papua New Guinea 2005:21).³⁶

The consequences of counter globalization

The indigenous campaign against the environmental impact of the Ok Tedi mine followed the formula for counter globalization. Its leaders participated in the rituals of the courts and learned how to manage a press conference. Like ethnographers tracking global commodity chains, they followed the movement of copper ore from Mount Fubilan to smelters in Germany and Japan.³⁷ Yonggom activists became temporary heroes of Melbourne’s green community and celebrities on the global NGO circuit (Filer 1997). They had mobility, attention of the media, and deft legal counsel able to outmaneuver its sluggish corporate counterparts.

Their timing was also fortuitous: The 1990s was the UN “Decade of Indigenous Peoples” and the Yonggom and their neighbors readily found common cause with environmentalists fighting to save the world’s rain forests (Conklin and Graham 1995). They challenged an industry that is strongly associated with Australian national identity (Rose 1999) and is thus especially vulnerable to public criticism. Shares in BHP were widely held by organizations sensitive to ethical concerns, including churches and teachers unions. The campaign against the Ok Tedi mine was also photogenic: Images of the polluted Ok Tedi River broadcast on Australian television were devastating. BHP was a vulnerable target for counter globalization.

Once operating with impunity, mining companies have begun to look over their shoulders, revising their policies to take into account the new and unexpected threat of

the indigenous striking back. Recognizing that their critics have become “more powerful and vocal,” the world’s largest mining companies established the Global Mining Initiative, which sponsors research and conferences on mining, communities, and the environment so that the industry can more effectively engage its critics (Anonymous A 2001). The Canadian mining company Placer Dome began to issue sustainability reports on its projects in the Pacific, arguing that mining contributes to sustainability by sponsoring development projects that continue to operate after mine closure (Placer Dome Asia Pacific 2000).³⁸ The discourse of sustainability has become an industry standard (International Council on Mining and Metals 2005:8–9; International Institute for Environment and Development 2002).³⁹ Mining companies now recognize that they may be held legally accountable for future environmental catastrophes, and this realization has begun to affect their policies, such as BHP Billiton’s announcement that it will no longer use riverine tailings disposal in any new projects (Paul 2000).

The Ok Tedi campaign and related political movements have enabled communities affected by mining projects to participate in negotiations that were previously limited to resource developers and states (Ballard and Banks 2003; Kirsch 2002a). Whether in Canada, New Caledonia, or Peru, mining companies now acknowledge that they require a “social license” to operate from the affected communities (Salas Carreño n.d.). These mining campaigns have also provided support for new rights-based claims, including legal protection for the subsistence practices of indigenous peoples, and the protection of sacred sites as cultural property or national heritage.

Transnational action networks also establish new paths and routes for the sharing of tactics, strategies, and experiences among indigenous peoples and other communities affected by mining, as exemplified by the meeting of the Yonggom representative with members of the Dene Nation in Canada. One of the messages that he brought back to Papua New Guinea was that land should be inalienable, a concern expressed in relation to a mining company plan to purchase land for waste disposal. In the past, large-scale alienation of land was not possible and many people had not fully considered the implications of selling off their land or losing access to it because of the disposal of hazardous wastes. The direct exchange of information and experiences among peoples who are marginal to the global economy (Appadurai 2002:42) is especially valuable for the leaders of indigenous movements given the steep learning curves involved in many of their campaigns. Surprising alliances have also resulted from these interactions. In northern Wisconsin, Native groups and sports fishermen who previously had antagonistic relations successfully collaborated in blocking the development of a proposed zinc and copper mine (Gedicks and Grossman 2005; Grossman 2005); similar alliances between Native groups and ranchers have limited the

expansion of coal mining in the northern Plains (Grossman 2003).

Conclusion

In November 2005, more than 300 people representing many of the communities downstream from the Ok Tedi mine gathered in the town of Kiunga to discuss their future. The lawsuit had acted like a funnel for political participation, reducing the number of key players to a handful, and this meeting was intended to share information and promote discussion among a much broader political constituency.⁴⁰

Looming on the horizon is a new environmental threat: acid mine drainage, in which sulfuric acid leaches heavy metals into the river system, rendering the affected areas inhospitable to organic life for decades. Reports from the mining company indicate that acid formation is already occurring at low levels in the Ok Tedi River and the middle Fly River and will increase in the future (OTML 2005:1–2).⁴¹ At the same time, the now-independent Ok Tedi mine is renegotiating the CMCA and will provide additional monetary compensation to the people in its catchment area. Once again, the people living downstream from the mine are being forced to choose between environmental degradation and monetary compensation.

The climax of the meeting occurred when one of the speakers, using the call-and-response preaching style of public speaking that has become popular, called out to the participants, asking them, “Do you want the environment or money?” Only a few people responded by saying “environment.” There was a loud murmuring as the participants discussed the question among themselves. Finally, someone called out in Melanesian Pidgin, “*Tupela wantaim!*” or “Both of them at once,” and the crowd loudly indicated its approval. In other words, they want to simultaneously protect the environment and have access to development opportunities and money. It is almost impossible for them to contemplate early mine closure when so much of the regional economy is dependent on its operation, and when so many of the villages have already been significantly affected by pollution and need the extra income provided by compensation payments to feed their families.⁴² They cannot imagine letting the mine close down without gaining some lasting form of economic benefit in return for all the damage that it has done to their environment.

The campaign against the Ok Tedi mine points to a fundamental paradox facing contemporary indigenous movements: the need for collaboration with transnational action networks. For political action against the Ok Tedi mine to succeed, it had to internationalize to keep pressure on BHP, which was expanding globally throughout the 1990s. Although indigenous movements have the capacity to challenge the status quo, their incorporation into counterglobalization movements may limit their ability to alter the out-

come of the case at hand. When local political struggles hitchhike on global initiatives, or when international campaigns piggyback on specific struggles, their objectives may be lost in translation and their efforts may end up subsidizing other political agendas.

A significant consequence of this paradox is that reliance on counterglobalization may reduce the outcome of indigenous movements to a binary simplification of either/or choices between the environment and development. This problem is also reflected in the tendency within the anthropological literature to focus on indigenous movements that seek to veto development projects at the expense of indigenous movements that have more complicated agendas, such as the promotion of development at a lower scale or intensity or the imposition of stronger controls on development. The campaign against the Ok Tedi mine, like many other indigenous movements, had a more complex objective than simply closing down the mine. The movement sought compensation for the damages to the environment and to limit further pollution of the river. The participants in the movement also hoped that the mine would continue to operate, providing them with economic benefits and opportunities, albeit not at the cost of the river and the surrounding rain forest.

Even though the campaign and lawsuit against the Ok Tedi mine tried to balance these two objectives, they were often misinterpreted. Indigenous movements that deviate from an antidevelopment framework run the risk of being seen as greedy rather than green. Instead of allegories about environmental activism, anthropologists need ethnographic accounts that better represent the complex and potentially contradictory ambitions of indigenous movements. Anthropologists also need to pay greater ethnographic attention to the ways in which states and their legal systems, corporations, the media, and academics themselves represent these campaigns and influence their outcomes, including capital's appropriation of the terms of its critique and the strategies of its critics.

The campaign against the Ok Tedi mine failed to overcome representations that reduced indigenous views to a single dimension. Whereas in the Australian context, romantic representations of indigenous perspectives privilege the expressive and the symbolic, representations of the campaign against the Ok Tedi mine emphasized the economic and the instrumental. This resulted in legal recognition of subsistence rights while simultaneously reducing concerns about environmental degradation to a monetary logic focused on compensation. This kind of metric can be continually scaled-up in relation to the scope of the environmental impact, potentially interfering with decision making on environmental grounds.

It might have been expected that capital would have greater staying power than coalitions between NGOs and indigenous peoples, which by comparison would be fragile

or ephemeral. However, this was not the case in the campaign against the Ok Tedi mine: The problems downstream from the mine eventually proved too controversial for the majority shareholder and managing partner, BHP Billiton, which ultimately abandoned the project. However, the logic of capital and economic pressure on the state prevented a reworking of the calculus on which the continued operation of the mine and the fate of the people living downstream depend. Capitalist translations of environmental degradation into monetary compensation obscured other ways in which these debates might have been resolved. Even though the participants in the campaign against the mine consistently expressed their desires and ambitions throughout their long campaign, and the original legal settlement clearly reflected their dual objectives, the campaign ultimately lacked sufficient power to determine the conditions downstream from the mine. The Ok Tedi case did change the status quo, both in terms of increasing the pressure on the mining industry to internalize the costs of social and environmental impacts that were previously externalized (Gibson-Graham and O'Neill 2001), and in terms of the transfer of assets that may eventually be worth more than \$1 billion. But the campaign failed to overcome the opposition between development and the environment, and its interventions were unable to save the river.

Notes

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1. Arjun Appadurai asserts that a significant impediment to counter globalization movements is that “key actors in this process may lack the means to produce a systematic grasp of the complexities of globalization” (2000:18). In contrast, Marc Edelman argues that Appadurai’s claim is “belied by a range of investigations from various world regions that demonstrate levels of sophistication on the part of grassroots activists that may exceed those of their elite antagonists” (2001:306).

2. Tanya Li (2000) argues that access to resources and political status strategically motivates claims to indigeneity, whereas Suzana Sawyer (2004) shows how neoliberal policies transform corporations into new sites of governance, contributing to the emergence of indigenous peoples as transgressive subjects. World Bank directives

that address indigenous rights also contribute to the proliferation of claims to indigeneity.

3. Michael Dove observes that anthropological debates over the category of the indigenous reveal the disciplinary struggle between the “simple disavowal of politics and insistence on distance” and “an explicit, subjective, moral positioning” (2006:202).

4. Negative experiences of discrimination (Niezen 2003) and loss (Kirsch 2001a) have also been identified as factors that shape indigenous politics and identities.

5. Among the Innu of Newfoundland, “the knowledge that elders and hunters have” is combined with scientific concepts that enable “Innu leaders to deal with the dominant society on its own terms and to challenge the ways in which science is pressed into service by powerful interests” (Innes 2001:14). “Terms like ‘ecological integrity,’ ‘biological diversity,’ and ‘cumulative effects’ are now frequently used by Innu spokespeople . . . [who] have adapted and incorporated those aspects of science that make sense to them, while contesting those aspects that do not” (Innes 2001:15).

6. In 1997, the influential management consultants Control Risks Group reported to their corporate subscribers that they were left with no choice but to respond to the pressure from NGOs, which left transnational corporations “no hiding place” (Bray 1997:1–2).

7. The public relations film *Mine Your Own Business* (McAleer and McElhinney 2006) borrows filmmaking tactics from Michael Moore’s *Fahrenheit 9/11* in its satirical treatment of environmentalists who challenge the mining industry (*Sydney Morning Herald* 2006). Billed as the first antienvironmentalist film, it was funded primarily by Gabriel Resources, the Canadian mining company whose plan to build an open cast gold mine in Rosia Montana, Romania, has been delayed for environmental reasons (*Sydney Morning Herald* 2006).

8. See Kirsch (2004a:38–39, n. 23) for a critique of the use of allegory as a substitute for history.

9. In this case, Tsing argues that “to imagine that [the logging company] would take more social or environmental responsibility in its logging of the remaining healthy forest—without even being pressed—is wishful thinking” (2005:210–211).

10. The initial investors in the mine were Amoco (30 percent), BHP (30 percent), a consortium of German companies (20 percent), and the state of Papua New Guinea (20 percent).

11. In 2004, OTML exported approximately 600,000 dry metric tons of copper concentrate, containing 165,000 tons of copper, 15,000 kilograms of gold, and 35,000 kilograms of silver. Export sales in 2004 amounted to nearly \$700 million, representing one-quarter of Papua New Guinea’s total exports (OTML 2006).

12. Rex Dagi later explained that he was unsure what to say, so he read portions of a paper that I had written, which was itself based on village interviews.

13. Although Amoco’s 1993 sale of its 30 percent stake in OTML was part of a shift in corporate strategy from economic diversification back to its core business in petroleum (Cibin and Grant 1996), the terms of the sale, which were not publicly disclosed but reportedly included a waiver of future environmental liability, also suggest other possible motives.

14. NGOs are not immune from strategic and financial pressure, including competition for funding, which may lead them to behave in ways belied by their commitment to liberal values (Cooley and Ron 2002).

15. In 1991, 20 percent of OTML was controlled by the German companies Metallgesellschaft AG, Degussa AG, and DEG (West German Development Co.). Inmet, established in 1987 as a Canadian subsidiary of Metallgesellschaft, but independent since 1994, still controls 18 percent of OTML. Norddeutsche Affinerie, formerly a partially owned subsidiary of Metallgesellschaft AG, continues to process copper ore from the Ok Tedi mine.

16. A second writ was filed simultaneously in the Papua New Guinea courts.

17. The Ekati diamond mine in Yellowknife, Canada, opened in 1998 (BHP Billiton 2006). Despite their initially positive response to the project, members of the Lutsel K'e Dene First Nation subsequently criticized the consultation process, the distribution of economic benefits, and the social and environmental impacts of the project (Weitzner 2006).

18. Mining companies often refer to areas affected by pollution as "sacrifice zones."

19. This comment was made despite the opening remarks of the Governor General of Papua New Guinea, who urged the participants to consider the experiences of people living in rural areas by memorably suggesting that "we must learn to walk in the shoes of people who have no shoes."

20. As Gordon notes, "The Ok Tedi mine in Papua New Guinea operates through statutorily enforced agreements between the PNG government and the various joint venture partners in OTML (including BHP), the first agreement having been entered into in 1976. Seven supplemental agreements since then have taken account of changes in conditions and financing" (1997:156). The Eighth Supplemental Agreement established the general compensation fund of K110 million prior to the settlement of the lawsuit in 1996 (Independent State of Papua New Guinea 1995b); the Ninth Supplemental Agreement legally executed a series of agreements between OTML and the affected communities known as the Community Mine Continuation Agreements (CMCAs). It also approved BHP Billiton's exit from OTML and the transfer of its shares to the PNG Sustainable Development Program, Ltd. in Singapore (Independent State of Papua New Guinea 2001).

21. The settlement called for the mining company to "commit as soon as is practicable to the implementation of any tailings options recommended by the independent enquiry or review to be conducted by the State (the tailings option) providing BHP bona fide considers that option to be economically and technically feasible" (Banks and Ballard 1997: app. 1, p. 216).

22. A weakness of the settlement was that compensation was calculated in Papua New Guinea kina, even though the mine sells copper and gold for U.S. dollars on the international market. The devaluation of the kina from \$0.75 in 1996 to \$0.28 in 2001 substantially reduced the value of the settlement.

23. A number of the legal claims in the United States have been filed under the Alien Tort Claims Act (ATCA), including litigation against the British mining company Rio Tinto for its alleged role in the Bougainville civil war.

24. Australian mining companies use strategic comparisons between their own impacts and natural background rates to discount the environmental consequences of their operations (McEachern 1995:59). For example, OTML regularly compared the volume of tailings and other waste materials that it discharged into the Fly River to the high sediment load transported by the nearby Strickland River (McEachern 1995:58).

25. Two-thirds of the royalties earned by the PNG Sustainable Development Program, Ltd., are invested in the "future generations fund," which cannot be spent until after mine closure. The remaining royalties are spent on development projects in Papua New Guinea, one-third in Western Province where the mine is located, and the other two-thirds elsewhere in the country. Access to these funds provided the state with an economic incentive to approve the terms of BHP Billiton's departure from Papua New Guinea.

26. As reported by the *Australian Weekend*, Tim Ofor of Ofor Sharp is less concerned about the pollution downstream from the mine than the growing dependency of the affected communities on the mining company:

Australian consultant Tim Ofor is frustrated that the company is so readily blamed by locals for their woes. During a recent visit to the village of Mipan, people complained that [OTML] should replace a roof blown off a school classroom built by the company. "In a village with hundreds of fit men without a heck of a lot to do, no one seemed to think that putting up a palm roof might be a sensible solution," he says. "They were too focused on what other people should do for them." [Roberts 2006:27]

Building a palm roof would be considerably easier for the people of Mipan if pollution from the mine had not already killed so many sago palms in the middle Fly River region.

27. Warren Dutton, formerly Papua New Guinea Minister for Justice, was an advisor to the PNG government regarding the Ok Tedi litigation from 1995 to 1996.

28. This applies more to the Aboriginal communities in northern Australia than to the peoples of the more densely populated south, whose territories have long been commodified and who consequently make use of the land in ways that outsiders tend to interpret in purely economic terms (see Bell 1998).

29. However, there are parallels with Aboriginal politics in the more developed parts of southern Australia (Bell 1998).

30. Similarly, a BHP executive once complained to a colleague employed by an environmental NGO in Australia that my work was biased by "that 'noble savage' business."

31. In a related vein, Banks advances the view that Melanesian concerns about the environmental impacts of mining are better understood as a struggle for the "control over resources" (2002:41).

32. In contrast, Nicholas Low and Brendan Gleeson argue that the Ok Tedi case demonstrates that "there is a continual global auction of the right to pollute and to destroy local environments. The poorer the nation, the more dependent it is on capital inflow and the more it is forced to bid away its environment" (1998:215).

33. These actions have a very different symbolic valence in Brazil, where Indians comprise only 0.2 percent of the national population (Ramos 1998:4), as compared to Papua New Guinea, which was never a settler state.

34. In one of the affected communities, the 2004 compensation payments averaged K120 per person annually, plus additional payments of K50 and K80 for damage to their gardens and the river. The combined payments average about \$6.00 per month (Matit 2005:43), which does not stretch very far given the very high cost of basic commodities in Papua New Guinea. For example, at current prices in the capital city of Port Moresby, 1 kilogram of rice costs approximately 3 kina (\$1.00) and one can of tinned mackerel (known in Melanesian Pidgin as *tinpis*) is about 2.5 kina (\$0.85). Prices are significantly higher in rural areas.

35. Despite Yonggom participation in the cash economy, the majority of the calories consumed in rural areas continued to be derived from subsistence production until these resources were affected by pollution from the mine.

36. Although it is important to note that problems with alcohol consumption are also associated with wage labor and the mining industry (National HIV/AIDS Support Project, Papua New Guinea 2005:38), and are largely independent of money in the case of "home brew" (National HIV/AIDS Support Project, Papua New Guinea 2005:38).

37. In response to criticism, a spokesperson for the German company Norddeutsche Affinerie (NA), which buys copper from the Ok Tedi mine, argued that "were NA to cease processing Ok Tedi concentrates, the same quantities [of copper] would be processed under

substantially worse conditions . . . result[ing] in an additional strain on the environment" (Mineral Policy Institute 2000).

38. The sustainability report produced by Placer Dome Asia Pacific for the Porgera mine in Papua New Guinea indicated that the primary objective of sustainability was "to maintain profitability for the mine life for shareholder and stakeholder financial benefits," although it also sought "to develop closer integration as a partner and contributor in community development," "to leave an environment that offers no loss of opportunities to future generations after mine closure," and "to contribute in the socio-economic development of the impact area" (2000:3).

39. See Anonymous B (2005) for an insider critique of the mining industry's appropriation of the discourse of sustainability.

40. I convened the Western Province summit meeting after the settlement of the second lawsuit in 2004 left the political opposition to the mine's environmental practices in disarray. The Mineral Policy Institute in Sydney arranged for funding from DKA Austria and IUCN Netherlands, and the members of ENECO, a Kiunga-based NGO, organized and facilitated the meeting. Kerry Ard, a graduate student at the University of Michigan, and Teddy Kisch, a senior at the University of California, Berkeley, produced handouts on environmental issues for the participants.

41. The mining company is currently evaluating a plan to build a flotation plant that would reduce the pyrite content of the tailings released into the river, which causes acid mine drainage. The resulting concentrate would be piped to the lower Ok Tedi River and stored there. The cost of constructing and operating these facilities, the success of which is not guaranteed, is expected to be approximately \$250 million (Riseborough 2006).

42. The question of early mine closure is also complicated by the very different interests of the communities that live in the mountains surrounding the mine site, which receive economic benefits from the mine but are not exposed to its negative environmental impacts like the communities living downstream (see Jorgensen 2006).

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