





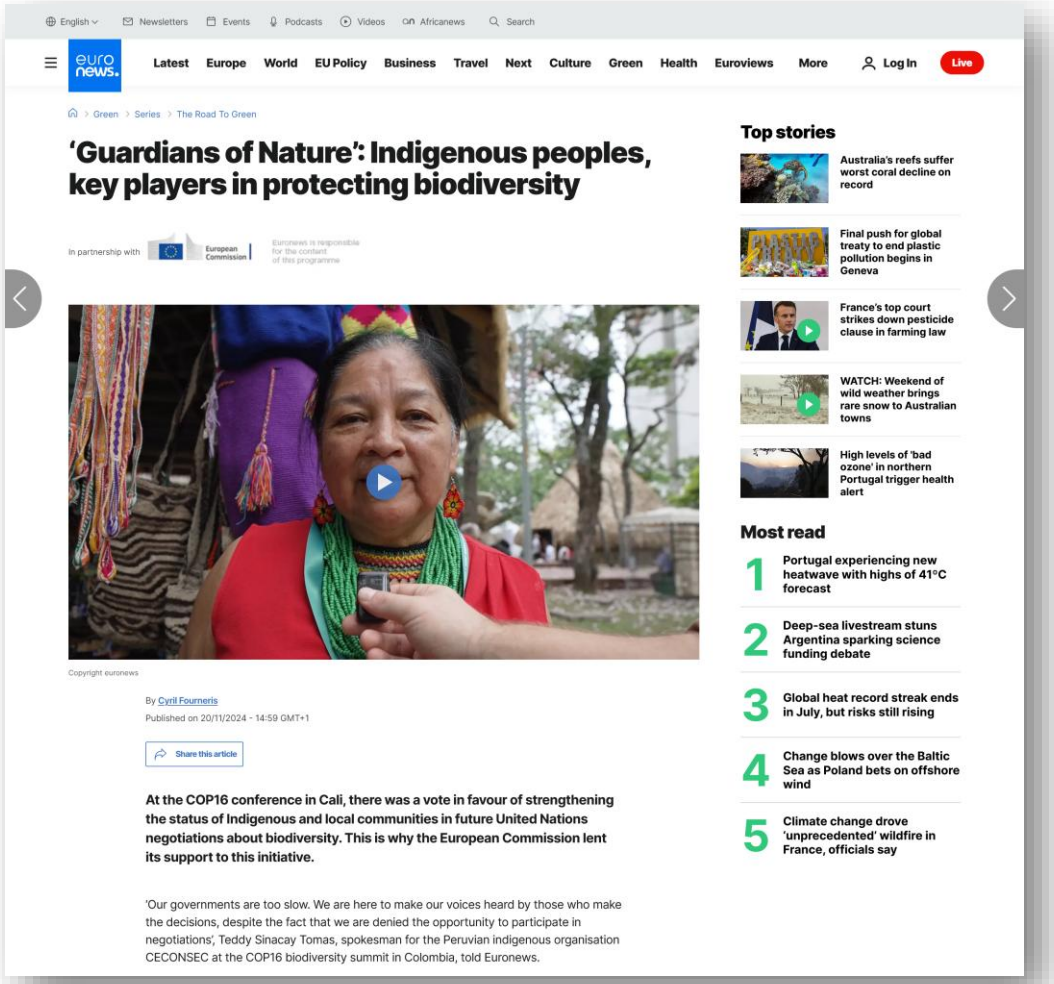
Social Investment Indonesia

Apakah Sesungguhnya Sektor Pertambangan Tahu Adat?

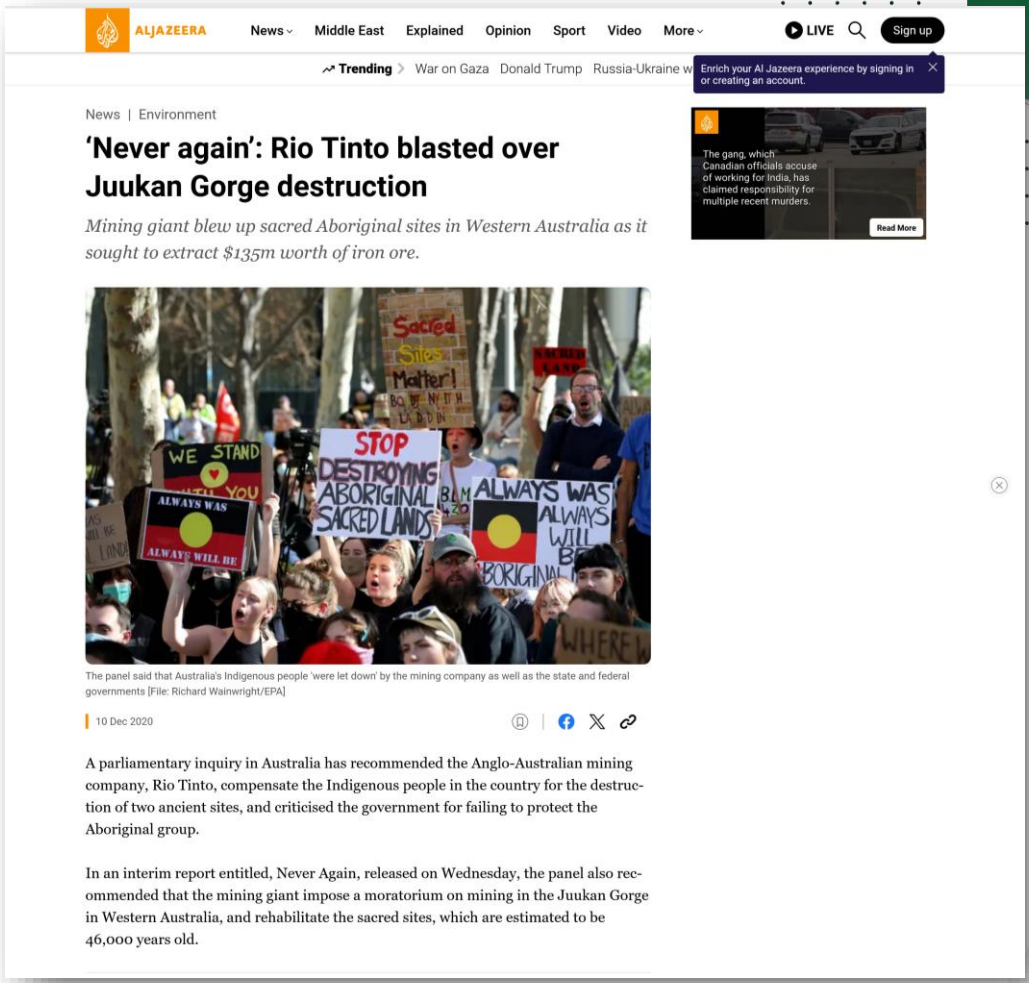
Resensi Buku *Mining and Indigenous Livelihoods* [Rodon, dkk., eds., 2025]

Jalal

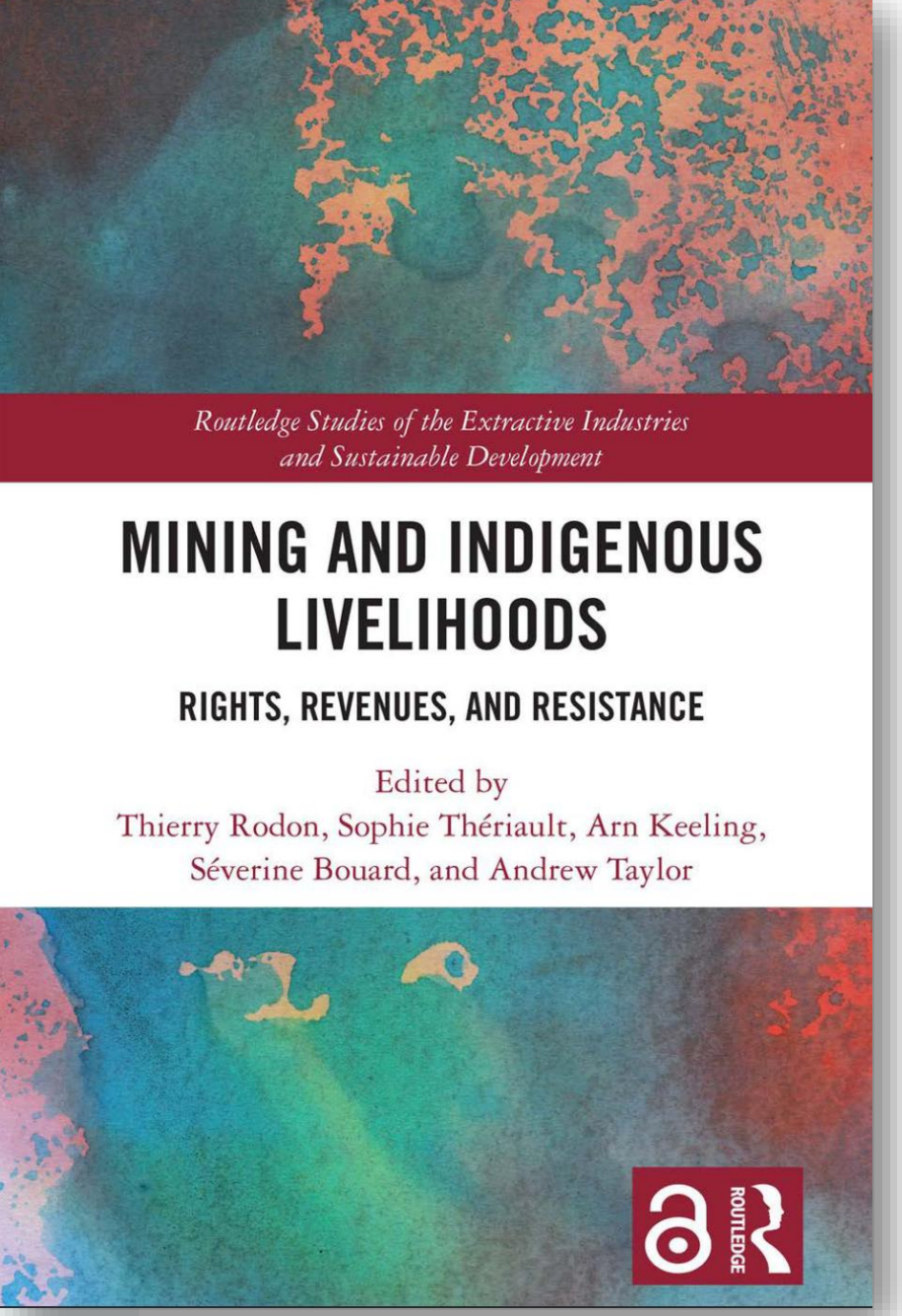
Disampaikan sebagai pemantik diskusi dalam SIRD #83
"Tambang, Tanah dan Tradisi: Menegakkan HRDD, Menghormati Hak Masyarakat Adat"
Jakarta, 8 Agustus 2025



Sumber: https://www.euronews.com/green/2024/11/20/guardians-of-nature-indigenous-peoples-key-players-in-protecting-biodiversity



Sumber: https://www.aljazeera.com/news/2020/12/10/rio-tinto-government-faulted-for-blast-at-aboriginal-caves



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Keterangan Buku

- Judul: **Mining and Indigenous Livelihoods: Rights, Revenues, and Resistance**
- Penyunting: Thierry Rodon, et al.
- Jumlah halaman: 332 + xii
- Penerbit dan tahun terbit: Routledge, 2025
- "*Combining comparative and multidisciplinary analysis, the contributors to this volume shine a light on how the mining industry might adapt its practices to the political and legal contexts where they operate. Understanding these processes and how communities respond to these encounters is critical to documenting where and how encounters with mining may benefit or negatively impact Indigenous Peoples. The experiences and reflections shared by Indigenous and non-Indigenous contributors will enhance our understanding of evolving practices and of the different strategies and discourses developed by Indigenous Peoples to deal with mining projects.*"
- Dapat dibeli melalui tautan https://opentrolley.co.id/Search?str=mining+indigenous+livelihoods dengan harga Rp5.320.000 (*hardcover*) atau diunduh secara gratis (dalam format pdf atau epub) melalui https://www.taylorfrancis.com/books/oa-edit/10.4324/9781003406433/mining-indigenous-livelihoods-thierry-rodon-sophie-th%C3%A9riault-andrew-taylor-s%C3%A9verine-bouard-arn-keeling

Tentang Para Penyunting







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Komentar Pakar



"This groundbreaking book is an indispensable resource for anyone concerned about the impacts of mineral extraction on Indigenous Peoples and local communities worldwide. With meticulous research and a commitment to amplifying marginalized voices, the authors offer a comprehensive analysis of the complex dynamics surrounding mining encounters. By emphasizing comparative perspectives and the holistic understanding of social, environmental, economic, and cultural factors, this work sheds light on both the opportunities and challenges presented by extractive industries."

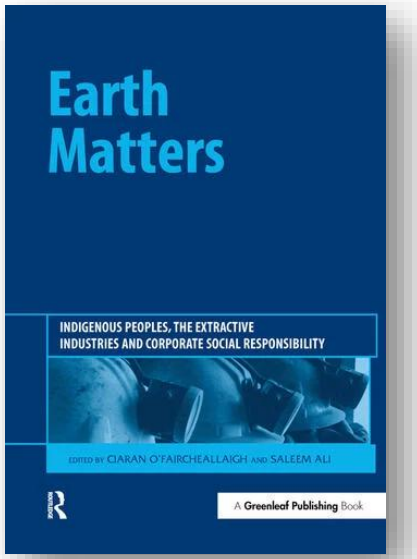
—**Rosa Galvez**, Canadian Senator representing Québec (Bedford); formerly a professor and head of the Civil and Water Engineering Department at Université Laval in Québec City, Canada

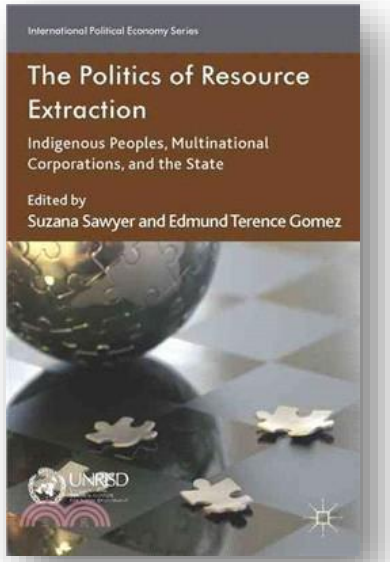


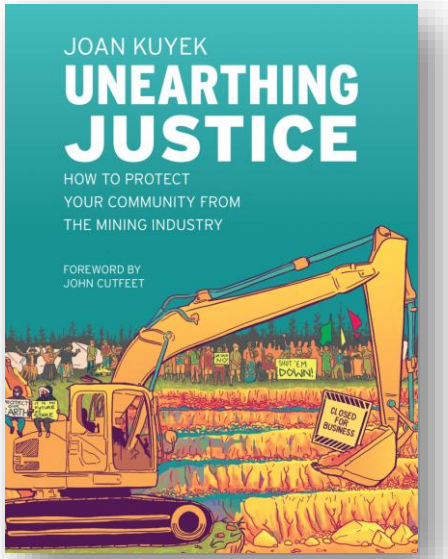
"This collection is an excellent and necessary resource for those interested in the relations between mining and Indigenous Peoples. At a time when Indigenous Peoples are increasingly facing pressures from extractive industry, this book convincingly shows the need for a comparative approach and a holistic understanding of the impacts of these activities."

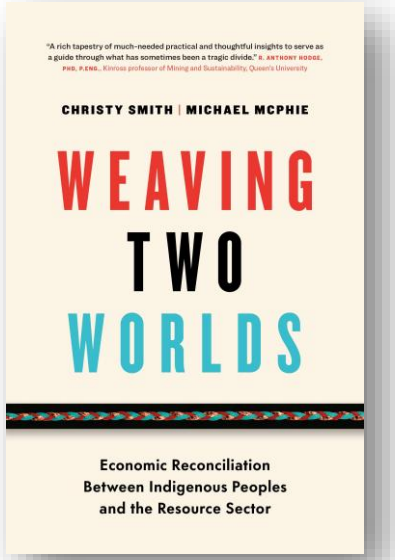
—**Chris Southcott**, professor in the Department of Sociology, Lakehead University, Canada

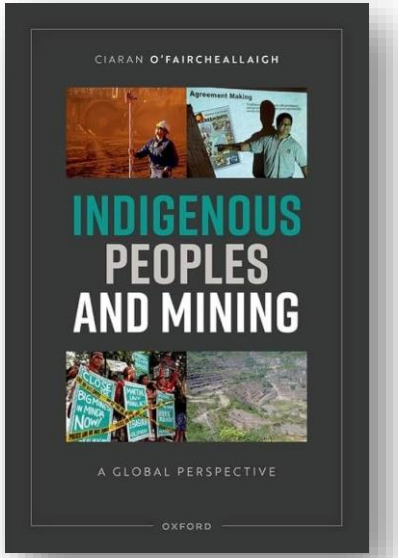
Beberapa Buku Terkemuka tentang Masyarakat Adat dan Pertambangan











Pendahuluan: Perjumpaan dengan Pertambangan

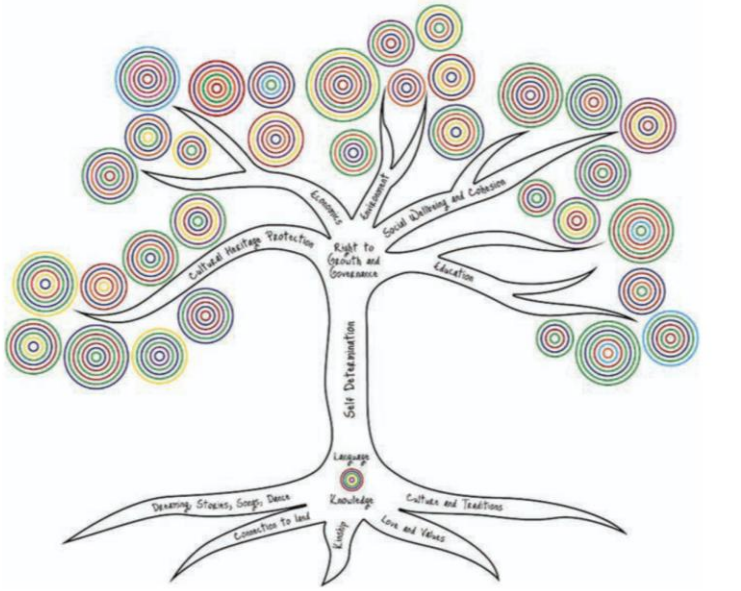


Figure 0.1 Sustainable Indigenous livelihood framework

Source: Jesse Marnock, James Cook University

- Hubungan antara masyarakat adat dan industri pertambangan global dikaji melalui lensa *mining encounters*, yang menekankan agensi masyarakat adat di tengah ketidaksetaraan kekuatan yang ada.
- Pendekatan komparatif, multidisiplin, dan anti-kolonial digunakan untuk menganalisa lima studi kasus dari Australia, Kanada, Swedia, Kaledonia Baru, dan Brasil.
- Para penulisnya menggunakan kerangka *indigenous sustainable livelihoods* yang holistik untuk memahami isu-isu sosial, budaya, ekonomi, dan ekologis yang saling terkait.
- Projek pertambangan jelas menawarkan peluang ekonomi seperti pekerjaan bagi masyarakat adat—tetapi juga membawa dampak negatif signifikan, termasuk degradasi lingkungan, erosi budaya, dan disrupsi sosial.
- Menekankan pentingnya memahami konteks lokal, sambil menghubungkannya dengan struktur legal, politik, ekonomi, dan pengetahuan di tingkat nasional dan global.
- Siklus pertambangan (eksplorasi, konstruksi, operasi, dan penutupan) dimanfaatkan untuk menganalisa bagaimana setiap fase memengaruhi masyarakat adat.

Bab 1: Ruang bagi Suara Masyarakat Adat dalam Kerangka Hukum Pertambangan

- Kerangka hukum pertambangan di Kanada dan Fennoscandia secara fundamental belum mengubah rasionalitas yang mengutamakan pertumbuhan ekonomi dari pertambangan.
- Hak-hak masyarakat adat seringkali hanya diakomodasi melalui hak partisipasi, yang diletakkan di samping sistem kepemilikan pertambangan yang sudah ada, bukan sebagai hak penentuan nasib sendiri yang setara.
- Partisipasi masyarakat adat seringkali terbatas pada tahap-tahap akhir dari siklus pertambangan, dan pemerintah tidak selalu mengharuskan Perusahaan tambang untuk mendapatkan persetujuan mereka.
- Meskipun memiliki agensi yang terbatas dalam memengaruhi keputusan strategis, masyarakat adat secara aktif menciptakan ruang negosiasi melalui strategi politik dan hukum mereka sendiri.
- Sebagai respons, beberapa komunitas telah mengembangkan norma dan proses mereka sendiri, seperti kebijakan pertambangan dan protokol konsultasi, untuk menegaskan hak penentuan nasib sendiri.



1 **The space left for Indigenous peoples' voices in Canadian and Fennoscandian mining legal frameworks**

A comparative analysis

Zoé Boirin-Fargues and Sophie Thériault

Introduction

In recent decades, the mining sector has experienced rapid growth in many parts of the world, driven by rising metal and mineral prices, global demand for critical minerals, and public policies that encourage mining investment and development (Government of Canada 2022; Haikola and Anshelm 2016). While mining development generates economic benefits, the industry has widespread and long-lasting socio-environmental impacts that can disproportionately affect Indigenous peoples' traditional land uses, livelihoods, health, and well-being (Horowitz *et al.* 2018; Ivsett Johnsen 2016; Nachet *et al.* 2022). The intensification of mining activities has led to an increase in conflicts between Indigenous communities and mining proponents, which are occurring alongside a growing recognition of Indigenous peoples' rights at the national and international levels (Horowitz *et al.* 2018; Nachet *et al.* 2022).

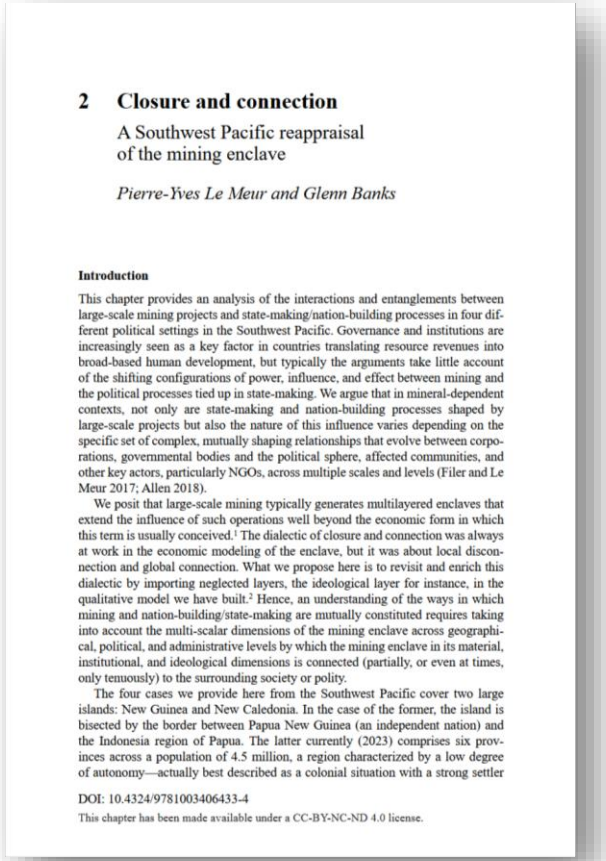
In this chapter, we analyze how and to what extent Indigenous peoples' rights are recognized and protected when they are confronted with mining legal frameworks, with a particular focus on Canada and the Fennoscandian countries (Norway, Sweden, and Finland). Governments in these jurisdictions have historically encouraged mining investment and development, notably through their mining laws and policies (Haikola and Anshelm 2016; Nygaard 2016; Petersen St-Laurent and Le Billon 2015). More recently, these countries have also taken steps, albeit of varying scope and intensity, to recognize and protect the rights of Indigenous peoples, including in the context of mining. These regions are therefore fertile grounds for observing the dynamics at play when emerging Indigenous peoples' rights come up against well-established mining legal frameworks.

Using a comparative legal approach based on the analysis of primary and secondary legal materials,[1] we first provide a general overview of the foundations, sources, and modes of the legal recognition and protection of Indigenous peoples' territorial rights in Canada and the Fennoscandian countries. This overview is necessary to understand how the patchwork of Indigenous peoples' rights found in these jurisdictions shapes the avenues available to Indigenous peoples to influence mining decision-making processes. Building on this foundation, we then describe the legal frameworks for mining in the jurisdictions examined, as well as the specific forms that Indigenous peoples' rights take when they intersect with these

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Bab 2: Ketergantungan pada Pertambangan yang Membahayakan Masyarakat Adat di Pasifik Barat Daya



2 **Closure and connection**

A Southwest Pacific reappraisal of the mining enclave

Pierre-Yves Le Meur and Glenn Banks

Introduction

This chapter provides an analysis of the interactions and entanglements between large-scale mining projects and state-making/nation-building processes in four different political settings in the Southwest Pacific. Governance and institutions are increasingly seen as a key factor in countries translating resource revenues into broad-based human development, but typically the arguments take little account of the shifting configurations of power, influence, and effect between mining and the political processes tied up in state-making. We argue that in mineral-dependent contexts, not only are state-making and nation-building processes shaped by large-scale projects but also the nature of this influence varies depending on the specific set of complex, mutually shaping relationships that evolve between corporations, governmental bodies and the political sphere, affected communities, and other key actors, particularly NGOs, across multiple scales and levels (Filer and Le Meur 2017; Allen 2018).

We posit that large-scale mining typically generates multilayered enclaves that extend the influence of such operations well beyond the economic form in which this term is usually conceived.[1] The dialectic of closure and connection was always at work in the economic modeling of the enclave, but it was about local disconnection and global connection. What we propose here is to revisit and enrich this dialectic by importing neglected layers, the ideological layer for instance, in the qualitative model we have built.[2] Hence, an understanding of the ways in which mining and nation-building/state-making are mutually constituted requires taking into account the multi-scalar dimensions of the mining enclave across geographical, political, and administrative levels by which the mining enclave in its material, institutional, and ideological dimensions is connected (partially, or even at times, only tenuously) to the surrounding society or polity.

The four cases we provide here from the Southwest Pacific cover two large islands: New Guinea and New Caledonia. In the case of the former, the island is bisected by the border between Papua New Guinea (an independent nation) and the Indonesia region of Papua. The latter currently (2023) comprises six provinces across a population of 4.5 million, a region characterized by a low degree of autonomy—actually best described as a colonial situation with a strong settler

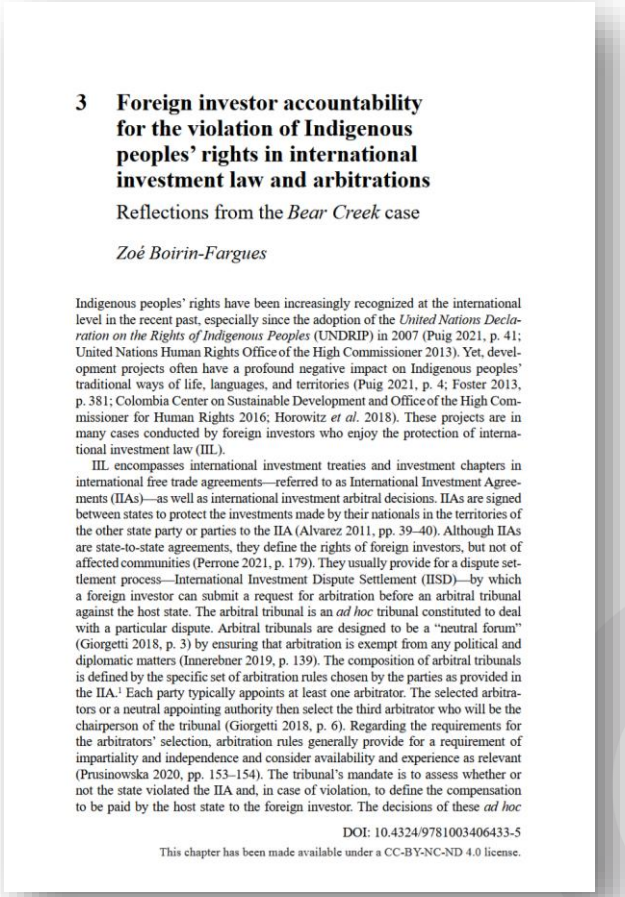
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- Bab ini meninjau dinamika antara projek pertambangan berskala besar dan pembangunan negara-bangsa di Pasifik Barat Daya, dengan fokus pada enklave pertambangan.
- Di wilayah yang sedang menuju penentuan nasib sendiri, seperti Kaledonia Baru dan Greenland, sektor pertambangan tadinya dipandang sebagai strategi kunci untuk mencapai kemandirian ekonomi dan politik.
- Studi kasus Koniambo Nickel di Kaledonia Baru menunjukkan betapa rapuhnya strategi ini, di mana keputusan penarikan Glencore mengancam stabilitas ekonomi dan politik di wilayah tersebut—dan membuyarkan mimpi kemandirian ekonomi yang tadinya sangat diyakini bisa mewujud.
- Ditunjukkan juga bahwa sesungguhnya projek pertambangan tidak hanya memiliki dampak ekonomi, tetapi juga secara signifikan membentuk identitas lokal dan nasional serta lanskap sosiopolitik wilayah tersebut.

Bab 3: Akuntabilitas Investor Asing atas Pelanggaran Hak Masyarakat Adat

- Akuntabilitas investor asing terhadap pelanggaran hak masyarakat adat dalam hukum investasi dan arbitrase internasional banyak diuraikan secara teoretis-normatif, namun belum banyak kajian beradasarkan yang dilakukan.
- Melalui studi kasus Bear Creek, ditemukan adanya keterbatasan signifikan dalam hukum investasi internasional untuk memastikan akuntabilitas atas pelanggaran hak-hak tersebut.
- Alih-alih menyeimbangkan, keterbatasan [yang disengaja?] dalam hukum invetasi internasional ini memerkuat ketimpangan kekuasaan yang sudah ada antara investor dan masyarakat adat, membuat masyarakat adat sulit untuk mendapatkan keadilan.
- Di satu sisi situasi ini juga menciptakan risiko hukum—selain risiko operasi dan reputasi—bagi investor yang beroperasi di wilayah masyarakat adat; tetapi pada saat yang sama, masyarakat adat tidak memiliki perlindungan hukum yang setara bila misalnya terjadi perselisihan dengan perusahaan tambang.



3 **Foreign investor accountability for the violation of Indigenous peoples' rights in international investment law and arbitrations**

Reflections from the *Bear Creek* case

Zoé Boirin-Fargues

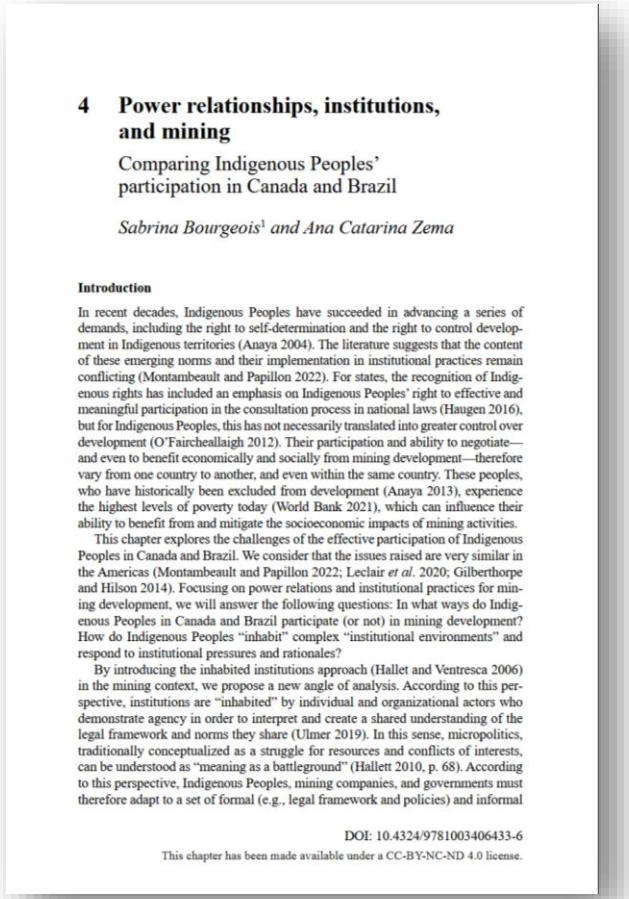
Indigenous peoples' rights have been increasingly recognized at the international level in the recent past, especially since the adoption of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in 2007 (Puig 2021, p. 41; United Nations Human Rights Office of the High Commissioner 2013). Yet, development projects often have a profound negative impact on Indigenous peoples' traditional ways of life, languages, and territories (Puig 2021, p. 4; Foster 2013, p. 381; Colombia Center on Sustainable Development and Office of the High Commissioner for Human Rights 2016; Horowitz *et al.* 2018). These projects are in many cases conducted by foreign investors who enjoy the protection of international investment law (IIL).

IIL encompasses international investment treaties and investment chapters in international free trade agreements—referred to as International Investment Agreements (IIAs)—as well as international investment arbitral decisions. IIAs are signed between states to protect the investments made by their nationals in the territories of the other state party or parties to the IIA (Alvarez 2011, pp. 39–40). Although IIAs are state-to-state agreements, they define the rights of foreign investors, but not of affected communities (Perrone 2021, p. 179). They usually provide for a dispute settlement process—International Investment Dispute Settlement (IISD)—by which a foreign investor can submit a request for arbitration before an arbitral tribunal against the host state. The arbitral tribunal is an *ad hoc* tribunal constituted to deal with a particular dispute. Arbitral tribunals are designed to be a "neutral forum" (Giorgetti 2018, p. 3) by ensuring that arbitration is exempt from any political and diplomatic matters (Innerebner 2019, p. 139). The composition of arbitral tribunals is defined by the specific set of arbitration rules chosen by the parties as provided in the IIA.[1] Each party typically appoints at least one arbitrator. The selected arbitrators or a neutral appointing authority then select the third arbitrator who will be the chairperson of the tribunal (Giorgetti 2018, p. 6). Regarding the requirements for the arbitrators' selection, arbitration rules generally provide for a requirement of impartiality and independence and consider availability and experience as relevant (Prusinowska 2020, pp. 153–154). The tribunal's mandate is to assess whether or not the state violated the IIA and, in case of violation, to define the compensation to be paid by the host state to the foreign investor. The decisions of these *ad hoc*

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Bab 4: Relasi Kuasa dalam Pertambangan serta Ruang Partisipasi Masyarakat Adat di Kanada dan Brasil



4 **Power relationships, institutions, and mining**

Comparing Indigenous Peoples' participation in Canada and Brazil

Sabrina Bourgeois[1] *and Ana Catarina Zema*

Introduction

In recent decades, Indigenous Peoples have succeeded in advancing a series of demands, including the right to self-determination and the right to control development in Indigenous territories (Anaya 2004). The literature suggests that the content of these emerging norms and their implementation in institutional practices remain conflicting (Montambeault and Papillon 2022). For states, the recognition of Indigenous rights has included an emphasis on Indigenous Peoples' right to effective and meaningful participation in the consultation process in national laws (Haugen 2016), but for Indigenous Peoples, this has not necessarily translated into greater control over development (O'Faircheallaigh 2012). Their participation and ability to negotiate—and even to benefit economically and socially from mining development—therefore vary from one country to another, and even within the same country. These peoples, who have historically been excluded from development (Anaya 2013), experience the highest levels of poverty today (World Bank 2021), which can influence their ability to benefit from and mitigate the socioeconomic impacts of mining activities.

This chapter explores the challenges of the effective participation of Indigenous Peoples in Canada and Brazil. We consider that the issues raised are very similar in the Americas (Montambeault and Papillon 2022; Leclair *et al.* 2020; Gilberthorpe and Hilson 2014). Focusing on power relations and institutional practices for mining development, we will answer the following questions: In what ways do Indigenous Peoples in Canada and Brazil participate (or not) in mining development? How do Indigenous Peoples "inhabit" complex "institutional environments" and respond to institutional pressures and rationales?

By introducing the inhabited institutions approach (Hallet and Ventresca 2006) in the mining context, we propose a new angle of analysis. According to this perspective, institutions are "inhabited" by individual and organizational actors who demonstrate agency in order to interpret and create a shared understanding of the legal framework and norms they share (Ulmer 2019). In this sense, micropolitics, traditionally conceptualized as a struggle for resources and conflicts of interests, can be understood as "meaning as a battleground" (Hallett 2010, p. 68). According to this perspective, Indigenous Peoples, mining companies, and governments must therefore adapt to a set of formal (e.g., legal framework and policies) and informal

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- Membandingkan partisipasi masyarakat adat dalam pengembangan pertambangan di Kanada dan Brasil, serta menyoroti dinamika hubungan kekuasaan antara-negara, perusahaan, dan masyarakat adat memberikan wawasan tentang persamaan maupun perbedaan.
- Analisis menunjukkan adanya ketidakseimbangan kekuasaan, di mana negara seringkali memrioritaskan projek pertambangan, membatasi informasi, atau menolak untuk memberikan atau menegakkan hak *Free, Prior, and Informed Consent* (FPIC).
- Masyarakat adat di kedua negara menggunakan berbagai strategi untuk menegaskan hak penentuan nasib sendiri mereka, termasuk negosiasi, blokade, dan pengembangan protokol.
- Di Kanada, proses penilaian dampak lingkungan dan sosial sering menciptakan ruang untuk negosiasi dan pembagian manfaat yang hasilnya meningkatkan posisi masyarakat adat.
- Sebaliknya, di Brasil, penolakan dan perlawanan menjadi respons yang lebih umum karena masyarakat adat seringkali dikeluarkan dari ruang-ruang formal dalam proses pengambilan keputusan.

Bab 5: Masyarakat Adat dan Pertambangan Skala Besar dalam Konteks Pasca/Kolonial

- Hubungan antara masyarakat adat dan pertambangan berskala besar dapat dilihat dalam berbagai konteks, termasuk pasca/kolonial yang memiliki sejumlah kekhasan.
- Projek pertambangan seringkali memicu ketegangan sosial, terutama melalui masuknya pekerja non-lokal, erosi bahasa, dan peningkatan stratifikasi sosial, serta pemburukan ketidaksetaraan.
- Dampak pertambangan terhadap tatacara penghidupan tradisional seperti—berburu, meramu, dan memancing—tenyata bervariasi. Beberapa studi menunjukkan penurunan hasil yang signifikan, sementara yang lain menunjukkan bahwa pendapatan dari pertambangan bahkan dapat mendukung kegiatan-kegiatan tersebut.
- Meskipun pengakuan judisial atas hak-hak tanah masyarakat adat telah memfasilitasi negosiasi, kerangka hukum di Australia dan Kanada yang pasca/kolonial masih cenderung memerkuat ketidaksetaraan dan tidak memberikan hak veto yang memadai bagi masyarakat adat.



5 **Indigenous Peoples' relationships to large-scale mining in post/colonial contexts**

Toward multidisciplinary comparative perspectives

Leah S. Horowitz, Arn Keeling, Francis Lévesque, Thierry Rodon, Stephan Schott, and Sophie Thériault

Introduction

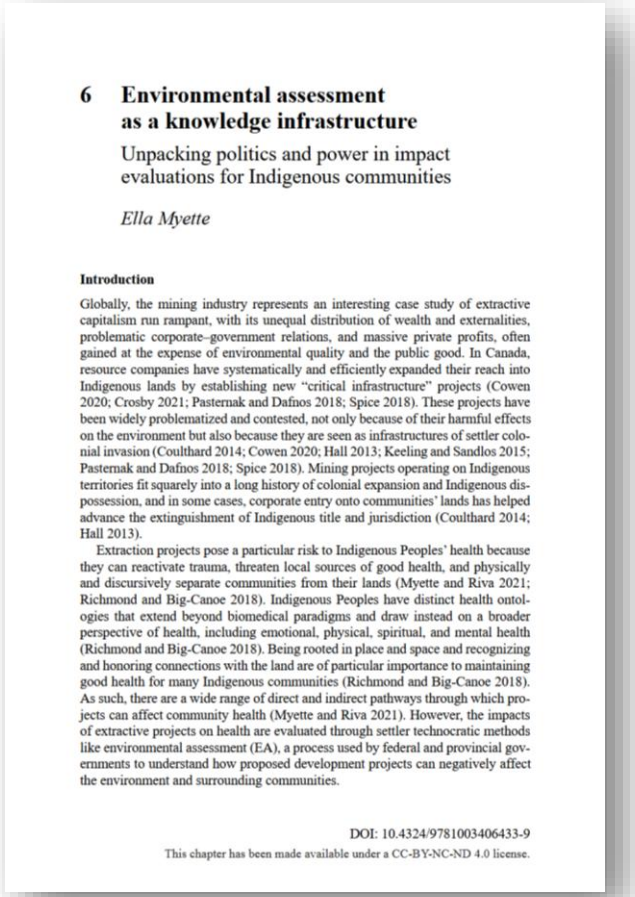
Large-scale mining projects inevitably have widespread impacts on local societies and ecologies. Because of their close relationships to the land, water, and resources therein, and their marginalized social and economic positions, Indigenous Peoples living in current or former settler colonies are particularly vulnerable to mining's impacts, yet have the potential to benefit from its opportunities as well. These impacts and opportunities are shaped by the nature of the mineral and the surrounding environment, the approach of the extractive company, relevant regulatory regimes, socioeconomic conditions, and Indigenous communities' responses, among other factors.

This work updates and further develops ideas presented in an earlier publication (Horowitz *et al.* 2018) that reviews the literature, both published and unpublished, on Indigenous Peoples' relationships to large-scale mining in post/colonial contexts. As all authors are members of MinErAL, a Knowledge Network on Mining Encounters and Indigenous Sustainable Livelihoods (www.mineral.ulaval.ca/en), we focus on the countries covered within that project: Australia, Canada, Finland, Greenland, New Caledonia, Norway, and Sweden. These nations all encompass important—often remotely located—Indigenous populations, as well as economically and politically dominant non-Indigenous groups, and possess mineral resources—often located near Indigenous communities—that attract local and multinational mining companies. Several multinational companies have, or have had, projects in many of these countries, simultaneously or serially. Yet, despite the focus on countries' commonalities, important distinctions exist in terms of legal, political, social, economic, and ecological contexts. While a comprehensive review of all the relevant literature for each country is beyond the scope of this study, we offer an outline of some major arguments and debates in order to conduct comparative analysis and identify future research directions. In providing an interdisciplinary, critical analysis of the relationships between mining companies and Indigenous communities that covers a wide range of developed countries, we aim to generate

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Bab 6: Penilaian Dampak Lingkungan sebagai Infrastruktur Pengetahuan Kolonial



6 **Environmental assessment as a knowledge infrastructure**

Unpacking politics and power in impact evaluations for Indigenous communities

Ella Myette

Introduction

Globally, the mining industry represents an interesting case study of extractive capitalism run rampant, with its unequal distribution of wealth and externalities, problematic corporate–government relations, and massive private profits, often gained at the expense of environmental quality and the public good. In Canada, resource companies have systematically and efficiently expanded their reach into Indigenous lands by establishing new "critical infrastructure" projects (Cowen 2020; Crosby 2021; Pasternak and Dafnos 2018; Spice 2018). These projects have been widely problematized and contested, not only because of their harmful effects on the environment but also because they are seen as infrastructures of settler colonial invasion (Coulthard 2014; Cowen 2020; Hall 2013; Keeling and Sandlos 2015; Pasternak and Dafnos 2018; Spice 2018). Mining projects operating on Indigenous territories fit squarely into a long history of colonial expansion and Indigenous dispossession, and in some cases, corporate entry onto communities' lands has helped advance the extinguishment of Indigenous title and jurisdiction (Coulthard 2014; Hall 2013).

Extraction projects pose a particular risk to Indigenous Peoples' health because they can reactivate trauma, threaten local sources of good health, and physically and discursively separate communities from their lands (Myette and Riva 2021; Richmond and Big-Canoe 2018). Indigenous Peoples have distinct health ontologies that extend beyond biomedical paradigms and draw instead on a broader perspective of health, including emotional, physical, spiritual, and mental health (Richmond and Big-Canoe 2018). Being rooted in place and space and recognizing and honoring connections with the land are of particular importance to maintaining good health for many Indigenous communities (Richmond and Big-Canoe 2018). As such, there are a wide range of direct and indirect pathways through which projects can affect community health (Myette and Riva 2021). However, the impacts of extractive projects on health are evaluated through settler technocratic methods like environmental assessment (EA), a process used by federal and provincial governments to understand how proposed development projects can negatively affect the environment and surrounding communities.

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- Bab ini menganalisa penilaian (dampak) lingkungan (EA) sebagai "infrastruktur pengetahuan" kolonial yang menyoroti politik dan kekuasaan antara negara dan masyarakat adat yang ada di dalam wilayah kekuasaannya.
- Proses EA yang dipimpin negara dikritik oleh banyak peneliti karena sifatnya yang teknokratis dan sempit, yang berbenturan dengan ontologi kesehatan holistik yang dipegang erat oleh masyarakat adat di seluruh dunia.
- Sifat EA yang formal, adversarial, dan didominasi pengetahuan ilmiah seringkali tidak sesuai dengan kepentingan masyarakat adat sekalipun dalam penegakan FPIC.
- Sebagai respons, beberapa komunitas adat mengembangkan proses penilaian dampak lingkungan versi mereka sendiri, yang didasarkan pada sistem pengetahuan dan hukum mereka, untuk menegaskan agensi mereka atas wilayah tempat mereka tinggal.

Bab 7: Implementasi Janji IBA kepada Masyarakat Adat

- Walaupun merupakan ide yang sangat baik, tantangan implementasi yang efektif dalam perjanjian antara masyarakat adat dan industri ekstraktif, khususnya Perjanjian Dampak dan Manfaat (*Impact and Benefit Agreement*, IBA) tetaplah ada.
- IBA adalah pendekatan regulatori yang didukung oleh para pemangku kepentingan di Australia dan Kanada untuk mendapatkan persetujuan projek dan menjamin manfaat bagi komunitas adat sebagai imbalan pemanfaatan wilayah mereka.
- Berbagai penelitian menunjukkan bahwa potensi manfaat yang dinegosiasikan dan disetujui seringkali tidak sepenuhnya terwujud setelah tambang beroperasi. Ini menunjukkan adanya kesenjangan antara janji-janji di atas kertas dan realitas di lapangan.
- Kesenjangan tersebut disebabkan oleh beberapa faktor dari kedua sisi. Perusahaan banyak yang tidak mau memenuhi kewajiban mereka dengan beragam dalih, sementara ada masalah seperti kurangnya kapasitas komunitas untuk mengelola dana atau program di masyarakat adat.



7 **Realizing Indigenous rights**

Effective implementation of agreements between Indigenous Peoples and the extractive industry

Ciaran O'Faircheallaigh and Thierry Rodon

Introduction

In Australia and Canada, and increasingly in the Global South, negotiated agreements constitute a critical mechanism through which Indigenous legal rights are given concrete expression. In Canada, court cases on Aboriginal rights have made it clear that First Peoples need to be consulted about developments that may impinge on their rights and that, in some cases, their consent may be necessary (Papillon and Rodon 2017). This has created uncertainty for extractive industries and led many mining companies to negotiate agreements, referred to as impact and benefit agreements (IBAs), which provide the consent of Indigenous communities for development on their lands, and so reduce legal uncertainty. In addition, the negotiation of IBAs is mandatory under the most recent comprehensive land claim settlements ("modern treaties") (Bradshaw and McElroy 2014; Prno *et al.* 2010; Papillon and Rodon 2017). The drivers in Australia are somewhat different. Australia, unlike Canada, introduced national legislation—the *Native Title Act 1993*—providing for the recognition of inherent Indigenous rights in land ("native title"). Native title has now been found to exist in nearly half of Australia's land mass, including most major mineral-producing regions. Aboriginal holders of native title are granted a "right to negotiate," which requires mining companies to seek their consent through the negotiation of agreements (O'Faircheallaigh 2016). In both countries, the adoption of "corporate social responsibility" by major mining companies has added to the momentum for the signing of agreements. The end result is that there are now hundreds of IBAs in Australia and Canada.

In the past, extractive industries located on Indigenous lands imposed huge costs and generated few benefits for affected Indigenous Peoples. Costs included environmental degradation, destruction of Indigenous heritage, loss of livelihoods, negative cultural and social impacts associated with large-scale in-migration of non-Indigenous populations, and loss of self-esteem due to the inability of Indigenous Peoples to influence the exploitation of their ancestral lands. In addition, potential benefits associated with project-generated employment, training, business development, and revenue streams were monopolized by non-Indigenous governments, businesses, workers, and shareholders. Negotiated agreements have the potential to change this situation by 1) providing measures to protect the

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Bab 8: Pengalaman Kanada dan Australia dalam Penutupan Tambang dan Transisi Sosial



8 Comparative perspectives on the social aspects of mine closure and mine site transition in Canada and Australia

Sarah Holcombe, Sandy Worden, and Arn Keeling

Introduction

Since Bainton and Holcombe (2018) published their critical review of the social aspects of mine closure, there has been an upsurge in scholarly and gray literature examining this dimension of closure planning (O'Faircheallaigh and Lawrence 2019; Everingham *et al*. 2022). International standards and guiding materials have been published as governments, the mining industry, and host communities grapple with the challenges of closure. The *Integrated Mine Closure Good Practice Guide* (2019) drafted by the International Council on Mining and Metals (ICMM), for example, promotes the integration of closure planning across the mining lifecycle. The guide emphasizes the importance of applying socially and culturally appropriate remediation techniques, and the integral role that communities should play in the development of closure goals, visions, success criteria, and post-mining land uses (PMLUs). Elsewhere, the importance of early and long-term community engagement in remediation planning is increasingly recognized as a means of maximizing benefits and minimizing adverse impacts of closure (Cowan *et al*. 2011; Everingham *et al*. 2020). Community-engaged closure planning creates opportunities to center the needs and expertise of the people who will inherit the land that is left behind, and opens up space for co-learning between mining companies and host communities. Furthermore, actively including Indigenous interests, priorities, and expertise in closure planning offers an opportunity to remedy past exclusion and adverse impacts (Beckett *et al*. 2020).

Despite this more nuanced understanding of the social aspects of mine closure in the literature (Bainton and Holcombe 2018), mine closure regulations in many jurisdictions continue to overlook the need for socioeconomic plans and clear objectives for social outcomes (Kabir *et al*. 2015; Monosky and Keeling 2021a). This deficiency inhibits mitigation of the often devastating socioeconomic effects of closure and the integration of community objectives for mine site transitions into planning processes. In this chapter, we compare mine closure regulatory frameworks in three jurisdictions—Nunavik (Northern Québec) in Canada, and Queensland and the Northern Territory (NT) in Australia—through a lens that also considers Indigenous rights and interest holders. The jurisdictions have broadly similar mining histories, structures of mineral governance, and legacies of colonial

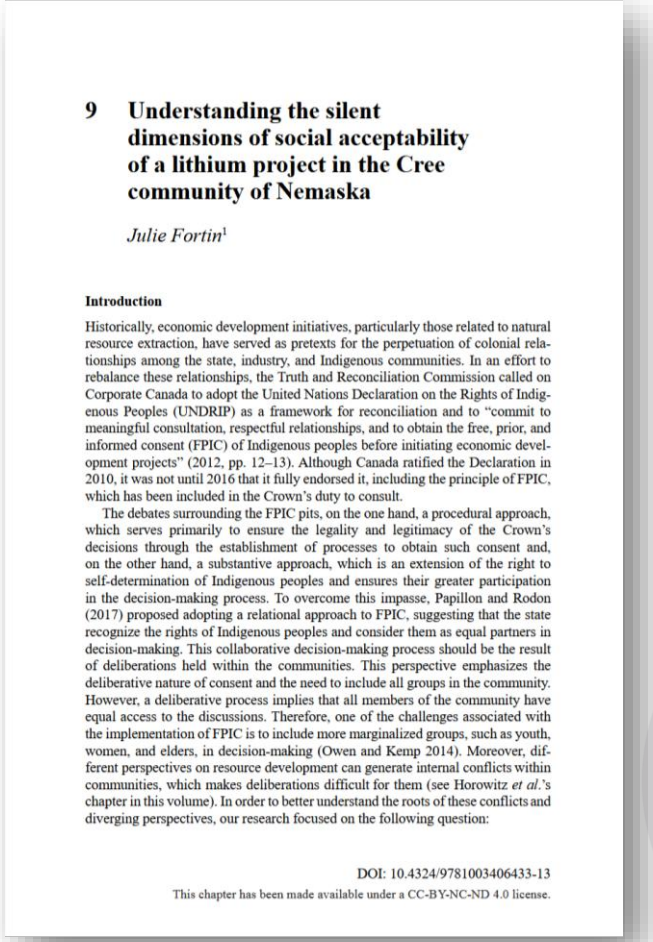
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- Aspek sosial dari penutupan tambang sangat tertinggal dalam ide, regulasi dan praktik dibandingkan aspek lingkungannya. Bab ini membandingkan aspek-aspek sosial dari penutupan tambang di Kanada dan Australia—yang dianggap paling maju di antara banyak negara.
- Penelitian-penelitian menunjukkan bahwa penutupan tambang yang tidak terencana dapat menyebabkan kesulitan ekonomi, penghancuran infrastruktur dalam waktu cepat, dan dampak lingkungan serta social negatif jangka panjang.
- Penutupan yang direncanakan baik secara sosial dapat memfasilitasi transisi yang lebih mulus, yang sayangnya praktik ini masih terbatas pada beberapa jurisdiksi.
- Bagi masyarakat adat, penutupan tambang sangat terkait dengan isu-isu hak tanah dan penentuan nasib sendiri, sehingga di banyak negara—termasuk Kanada dan Australia—mereka semakin menuntut untuk dilibatkan dalam perencanaan penutupan.

Bab 9: Memahami Dimensi Diam dari Penerimaan Sosial Projek Lithium di Komunitas Cree Nemaska

- Kajian atas "dimensi diam" dari penerimaan atau penolakan sosial terhadap projek pertambangan sangatlah langka, dan kasus pertambangan lithium di komunitas Cree Nemaska, Kanada, memberikan Pelajaran yang sangat berharga.
- Dimensi diam ini mencakup perasaan, ketakutan, dan trauma yang tidak terucapkan yang muncul sebagai respons terhadap projek pertambangan—jadi sama sekali salah bila ‘diam’ bisa dianggap sebagai bentuk penerimaan dari masyarakat adat.
- Dampak pertambangan sering kali bersifat traumatis bagi masyarakat adat karena dapat membangkitkan kembali trauma yang terkait dengan proses kolonisasi, dan kondisi tersebut membuat ketidakmampuan untuk mengekspresikan apa yang menjadi kekhawatiran, apalagi untuk menolak dengan tegas.
- Secara lebih luas, dimensi ini sesungguhnya menyoroti bagaimana perasaan dan ingatan ini memengaruhi cara sebuah komunitas (tidak hanya masyarakat adat) berinteraksi dan pada akhirnya menerima (atau menolak dalam diam) projek pertambangan.



9 **Understanding the silent dimensions of social acceptability of a lithium project in the Cree community of Nemaska**

Julie Fortin[1]

Introduction

Historically, economic development initiatives, particularly those related to natural resource extraction, have served as pretexts for the perpetuation of colonial relationships among the state, industry, and Indigenous communities. In an effort to rebalance these relationships, the Truth and Reconciliation Commission called on Corporate Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a framework for reconciliation and to “commit to meaningful consultation, respectful relationships, and to obtain the free, prior, and informed consent (FPIC) of Indigenous peoples before initiating economic development projects” (2012, pp. 12–13). Although Canada ratified the Declaration in 2010, it was not until 2016 that it fully endorsed it, including the principle of FPIC, which has been included in the Crown’s duty to consult.

The debates surrounding the FPIC pits, on the one hand, a procedural approach, which serves primarily to ensure the legality and legitimacy of the Crown’s decisions through the establishment of processes to obtain such consent and, on the other hand, a substantive approach, which is an extension of the right to self-determination of Indigenous peoples and ensures their greater participation in the decision-making process. To overcome this impasse, Papillon and Rodon (2017) proposed adopting a relational approach to FPIC, suggesting that the state recognize the rights of Indigenous peoples and consider them as equal partners in decision-making. This collaborative decision-making process should be the result of deliberations held within the communities. This perspective emphasizes the deliberative nature of consent and the need to include all groups in the community. However, a deliberative process implies that all members of the community have equal access to the discussions. Therefore, one of the challenges associated with the implementation of FPIC is to include more marginalized groups, such as youth, women, and elders, in decision-making (Owen and Kemp 2014). Moreover, different perspectives on resource development can generate internal conflicts within communities, which makes deliberations difficult for them (see Horowitz *et al.*’s chapter in this volume). In order to better understand the roots of these conflicts and diverging perspectives, our research focused on the following question:

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Bab 10: Kekerasan Lateral sebagai Hasil Tekanan Eksternal terhadap Komunitas Adat



10 Lateral violence

Effects of external pressures on Indigenous communities

Kristina Sehlin MacNeil

Introduction

This chapter discusses theoretical causes of lateral violence (intragroup conflict) in Indigenous and local communities and draws on previous research on asymmetric conflict and power relations experienced by Indigenous communities in their interactions with extractive industries. The primary focus is on Sámi reindeer-herding communities, Sámi associations, and local communities on the Swedish side of Sápmi, and comparisons with Indigenous communities in Australia.

Sápmi, the homeland of the Indigenous Sámi People, stretches across the northern parts of four nation states: Norway, Sweden, Finland, and the Kola Peninsula in Russia. The Sámi People have lived in this area since long before the creation of the nation states, and their traditional livelihoods include reindeer husbandry, hunting, fishing, and gathering, as well as *duodji* (Sámi craft) and art. It is estimated there are between 80,000 and 100,000 Sámi in the world. Today, some 20,000–40,000 Sámi are estimated to live in the part of Sápmi located in Sweden, most of them in the southern parts of the country; however, these figures are hypothetical (Stoor and San Sebastián 2022). The rather vague figures for Sweden are a result of the *Swedish Data Act*, which prohibits any registration of data that reveal ethnicity or race (Axelsson and Mienna 2021).

The Sámi have been recognized as an Indigenous People in Sweden, as well as a People under the Swedish constitution, since 2011 (Hansen and Olsen 2006; Reimerson 2015, p. 21). In addition, there is a Sámi Parliament, established in 1993, and, since 2000, the Swedish ratification of the Council of Europe Framework Convention for the Protection of National Minorities (in which the Sámi are included) and the European Charter for Regional or Minority Languages (Lantto and Mörkenstam 2015, p. 148; Pietikäinen *et al*. 2010. pp. 16–17). Sweden has ratified the United Nations Declaration on the Rights of Indigenous Peoples but not the Indigenous and Tribal Peoples Convention (ILO 169). Given this, while the situation for Sámi in Sweden might give the semblance of a degree of self-determination, in matters that truly concern the Sámi, they have little say. Evidenced in part by how Sweden has repeatedly been criticized by the UN for neglecting to properly consult Sámi on matters pertaining to land-use and extractive activities, many Sámi communities are finding it increasingly difficult to maintain traditional livelihoods

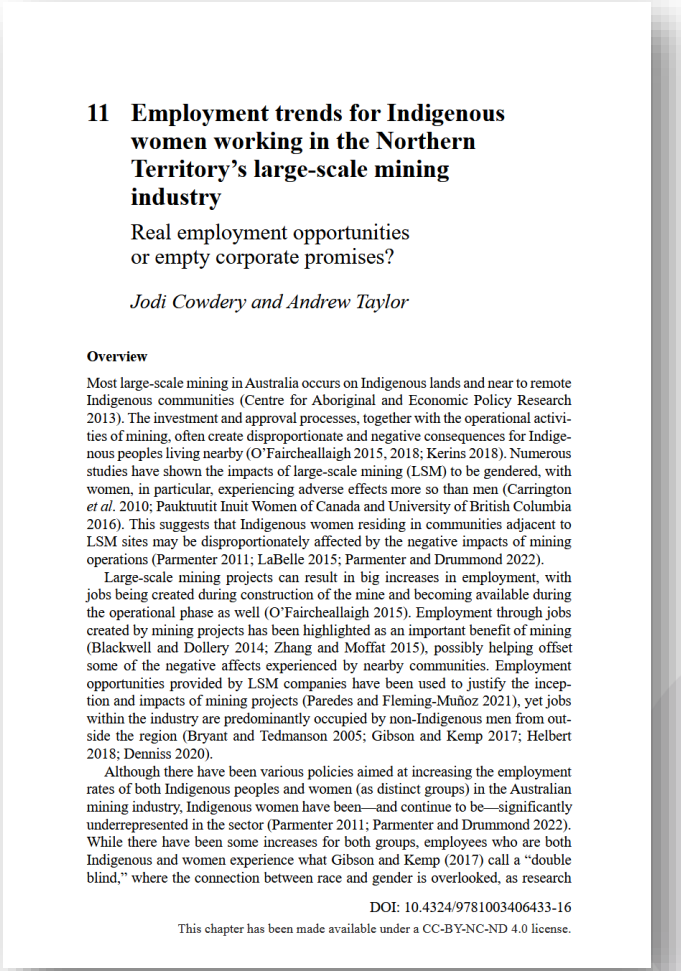
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- Kebanyakan penelitian yang terkait dengan pertentangan hingga konflik dengan kekerasan pada sektor pertambangan bersifat antar-kelompok. Bab ini memerkenalkan dan mengeksplorasi konsep kekerasan lateral (*lateral violence*) dalam komunitas adat.
- Kekerasan lateral adalah fenomena di mana kelompok yang terpinggirkan malah saling melukai satu sama lain sebagai akibat dari tekanan dan ketidakadilan yang bersumber dari eksternal, seperti ekses dari industri pertambangan.
- Tekanan eksternal dari projek pertambangan dapat memerburuk dinamika internal komunitas dan memicu atau memerparah konflik yang sudah ada di antara mereka sebelumnya.
- Bab ini menunjukkan bahwa konflik internal dalam komunitas adat dapat menjadi indikasi terdapatnya tekanan eksternal yang lebih besar dari apa yang bisa diterima dan dikelola oleh kelompok-kelompok masyarakat adat.

Bab 11: Tren Pekerjaan bagi Perempuan Adat di Industri Pertambangan

- Kelompok perempuan dalam masyarakat adat kerap diabaikan dalam isu-isu ketenagakerjaan lokal. Bab ini menyelidiki tren pekerjaan bagi perempuan adat di industri pertambangan skala besar di Wilayah Utara Australia.
- Para peneliti memertanyakan retorika perusahaan yang kerap menyatakan klaim bahwa pertambangan telah menyediakan peluang kerja yang signifikan secara kuantitas maupun kualitas bagi perempuan adat.
- Temuan menunjukkan tingkat pekerjaan yang rendah bagi masyarakat adat, apalagi bagi perempuan, di komunitas yang berdekatan dengan tambang besar.
- Penelitian ini menekankan pentingnya mendefinisikan pekerjaan secara lebih jelas dan luas untuk memahami partisipasi perempuan adat, termasuk berbagai bentuk pekerjaan tidak terstruktur yang sering diabaikan.



11 **Employment trends for Indigenous women working in the Northern Territory's large-scale mining industry**

Real employment opportunities or empty corporate promises?

Jodi Cowdery and Andrew Taylor

Overview

Most large-scale mining in Australia occurs on Indigenous lands and near to remote Indigenous communities (Centre for Aboriginal and Economic Policy Research 2013). The investment and approval processes, together with the operational activities of mining, often create disproportionate and negative consequences for Indigenous peoples living nearby (O'Faircheallaigh 2015, 2018; Kerins 2018). Numerous studies have shown the impacts of large-scale mining (LSM) to be gendered, with women, in particular, experiencing adverse effects more so than men (Carrington *et al*. 2010; Pauktuutit Inuit Women of Canada and University of British Columbia 2016). This suggests that Indigenous women residing in communities adjacent to LSM sites may be disproportionately affected by the negative impacts of mining operations (Parmenter 2011; LaBelle 2015; Parmenter and Drummond 2022).

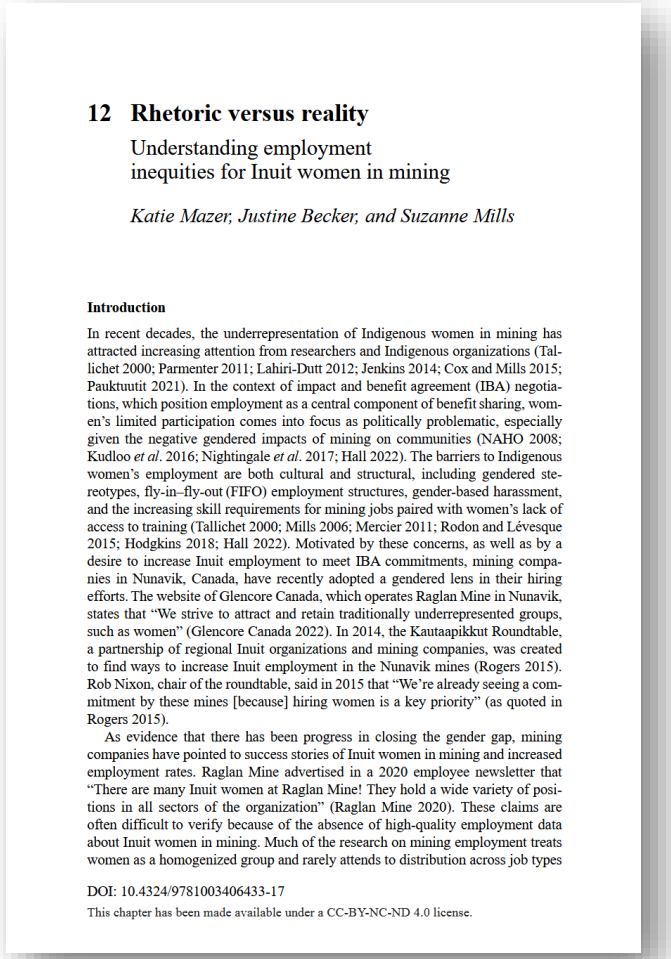
Large-scale mining projects can result in big increases in employment, with jobs being created during construction of the mine and becoming available during the operational phase as well (O'Faircheallaigh 2015). Employment through jobs created by mining projects has been highlighted as an important benefit of mining (Blackwell and Dollery 2014; Zhang and Moffat 2015), possibly helping offset some of the negative affects experienced by nearby communities. Employment opportunities provided by LSM companies have been used to justify the inception and impacts of mining projects (Paredes and Fleming-Muñoz 2021), yet jobs within the industry are predominantly occupied by non-Indigenous men from outside the region (Bryant and Tedmanson 2005; Gibson and Kemp 2017; Helbert 2018; Denniss 2020).

Although there have been various policies aimed at increasing the employment rates of both Indigenous peoples and women (as distinct groups) in the Australian mining industry, Indigenous women have been—and continue to be—significantly underrepresented in the sector (Parmenter 2011; Parmenter and Drummond 2022). While there have been some increases for both groups, employees who are both Indigenous and women experience what Gibson and Kemp (2017) call a "double blind," where the connection between race and gender is overlooked, as research

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Bab 12: Retorika versus Realitas Ketidaksetaraan Pekerjaan untuk Perempuan Inuit



12 **Rhetoric versus reality**

Understanding employment inequities for Inuit women in mining

Katie Mazer, Justine Becker, and Suzanne Mills

Introduction

In recent decades, the underrepresentation of Indigenous women in mining has attracted increasing attention from researchers and Indigenous organizations (Tallichet 2000; Parmenter 2011; Lahiri-Dutt 2012; Jenkins 2014; Cox and Mills 2015; Pauktuutit 2021). In the context of impact and benefit agreement (IBA) negotiations, which position employment as a central component of benefit sharing, women's limited participation comes into focus as politically problematic, especially given the negative gendered impacts of mining on communities (NAHO 2008; Kudloo *et al*. 2016; Nightingale *et al*. 2017; Hall 2022). The barriers to Indigenous women's employment are both cultural and structural, including gendered stereotypes, fly-in–fly-out (FIFO) employment structures, gender-based harassment, and the increasing skill requirements for mining jobs paired with women's lack of access to training (Tallichet 2000; Mills 2006; Mercier 2011; Rodon and Lévesque 2015; Hodgkins 2018; Hall 2022). Motivated by these concerns, as well as by a desire to increase Inuit employment to meet IBA commitments, mining companies in Nunavik, Canada, have recently adopted a gendered lens in their hiring efforts. The website of Glencore Canada, which operates Raglan Mine in Nunavik, states that "We strive to attract and retain traditionally underrepresented groups, such as women" (Glencore Canada 2022). In 2014, the Kautaapikkut Roundtable, a partnership of regional Inuit organizations and mining companies, was created to find ways to increase Inuit employment in the Nunavik mines (Rogers 2015). Rob Nixon, chair of the roundtable, said in 2015 that "We're already seeing a commitment by these mines [because] hiring women is a key priority" (as quoted in Rogers 2015).

As evidence that there has been progress in closing the gender gap, mining companies have pointed to success stories of Inuit women in mining and increased employment rates. Raglan Mine advertised in a 2020 employee newsletter that "There are many Inuit women at Raglan Mine! They hold a wide variety of positions in all sectors of the organization" (Raglan Mine 2020). These claims are often difficult to verify because of the absence of high-quality employment data about Inuit women in mining. Much of the research on mining employment treats women as a homogenized group and rarely attends to distribution across job types

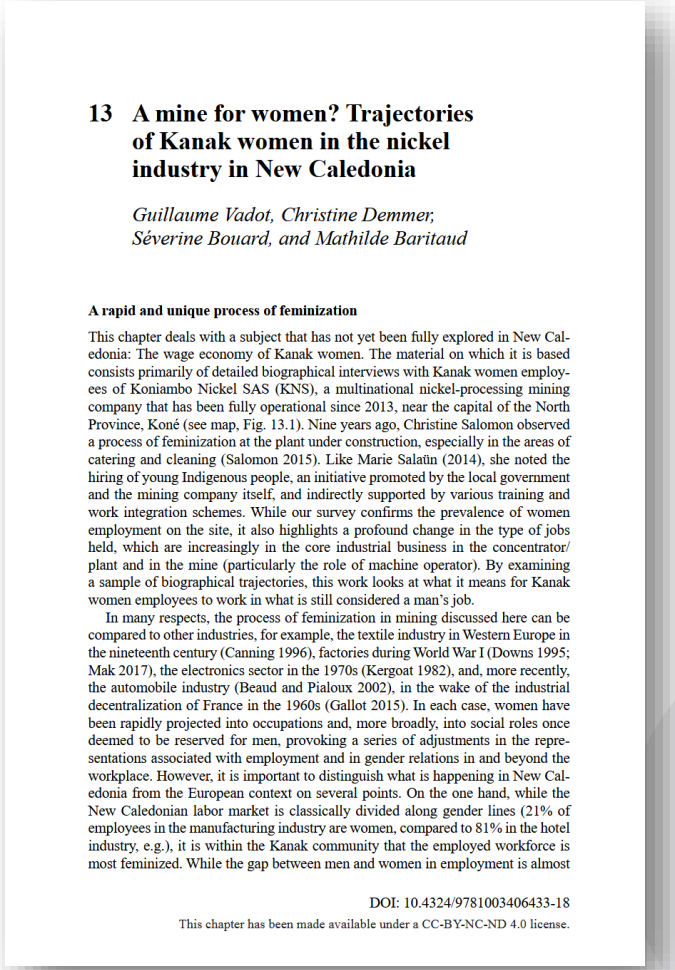
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- Sangat terkait dengan penelitian pada bab sebelumnya, para peniliti mengevaluasi kesenjangan antara retorika perusahaan dan realitas ketidaksetaraan pekerjaan yang dialami oleh perempuan Inuit di industri pertambangan di Kanada.
- Penelitian ini menginvestigasi mengapa perempuan Inuit seringkali tidak mendapatkan manfaat pekerjaan yang sudah dijanjikan, meskipun ada upaya perusahaan untuk memromosikan inklusivitas.
- Faktor-faktor yang berkontribusi termasuk kurangnya dukungan untuk para perempuan adat dalam menyeimbangkan tanggung jawab terhadap keluarga, beragam tindakan diskriminatif, hingga kurangnya pelatihan yang relevan untuk bisa menjalankan pekerjaan yang diberikan.
- Para peneliti lalu menekankan perlunya analisis gender yang lebih mendalam untuk memahami secara lebih baik bagaimana pekerjaan di industri pertambangan memengaruhi perempuan adat.

Bab 13: Perjalanan Perempuan Kanak di Industri Nikel di Kaledonia Baru

- Eksplorasi atas peran dan pengalaman perempuan Kanak dalam industri nikel di Kaledonia Baru—sebagai salah satu contoh kemampuan perempuan adat beradaptasi atas peluang ekonomi baru.
- Para penelitinya memertanyakan apakah industri pertambangan, yang secara historis didominasi laki-laki, dapat menjadi sumber peluang yang signifikan bagi perempuan adat.
- Beragam tantangan unik yang dihadapi perempuan Kanak, seperti ketidaksesuaian antara tuntutan pekerjaan pertambangan dan nilai-nilai budaya, serta tanggung jawab keluarga yang tetap harus dilakukan digambarkan dengan sangat detail.
- Selain beragam tantangan, penelitian ini juga menunjukkan bagaimana perempuan Kanak menavigasi industri ini dan menegaskan peran mereka, meskipun masih kerap menghadapi beragam hambatan struktural.



13 A mine for women? Trajectories of Kanak women in the nickel industry in New Caledonia

Guillaume Vadot, Christine Demmer, Séverine Bouard, and Mathilde Baritaud

A rapid and unique process of feminization

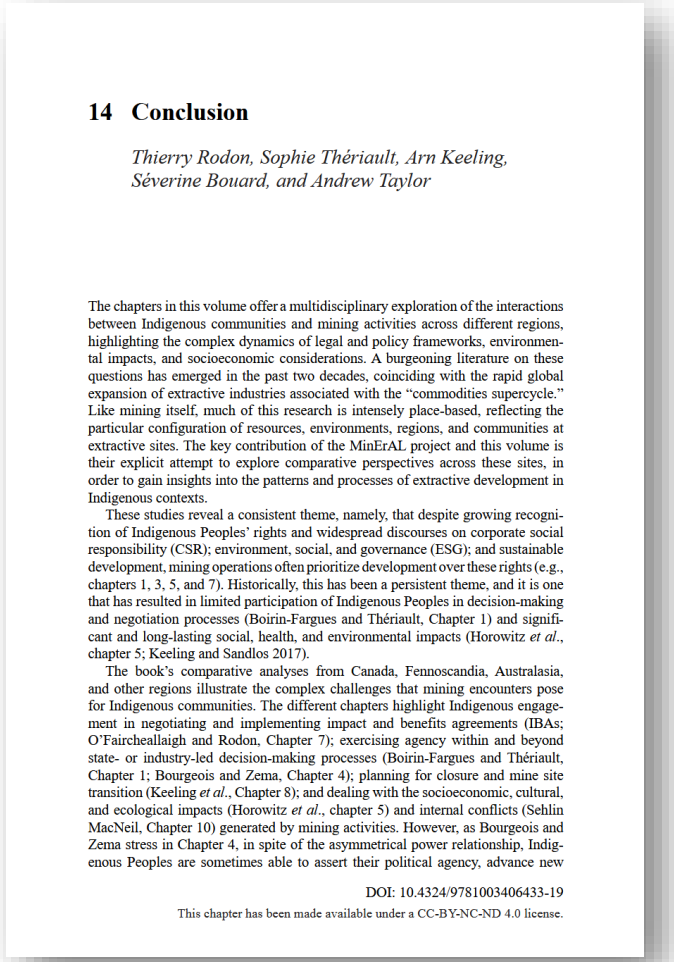
This chapter deals with a subject that has not yet been fully explored in New Caledonia: The wage economy of Kanak women. The material on which it is based consists primarily of detailed biographical interviews with Kanak women employees of Koniambo Nickel SAS (KNS), a multinational nickel-processing mining company that has been fully operational since 2013, near the capital of the North Province, Koné (see map, Fig. 13.1). Nine years ago, Christine Salomon observed a process of feminization at the plant under construction, especially in the areas of catering and cleaning (Salomon 2015). Like Marie Salaün (2014), she noted the hiring of young Indigenous people, an initiative promoted by the local government and the mining company itself, and indirectly supported by various training and work integration schemes. While our survey confirms the prevalence of women employment on the site, it also highlights a profound change in the type of jobs held, which are increasingly in the core industrial business in the concentrator/plant and in the mine (particularly the role of machine operator). By examining a sample of biographical trajectories, this work looks at what it means for Kanak women employees to work in what is still considered a man's job.

In many respects, the process of feminization in mining discussed here can be compared to other industries, for example, the textile industry in Western Europe in the nineteenth century (Canning 1996), factories during World War I (Downs 1995; Mak 2017), the electronics sector in the 1970s (Kergoat 1982), and, more recently, the automobile industry (Beaud and Pialoux 2002), in the wake of the industrial decentralization of France in the 1960s (Gallot 2015). In each case, women have been rapidly projected into occupations and, more broadly, into social roles once deemed to be reserved for men, provoking a series of adjustments in the representations associated with employment and in gender relations in and beyond the workplace. However, it is important to distinguish what is happening in New Caledonia from the European context on several points. On the one hand, while the New Caledonian labor market is classically divided along gender lines (21% of employees in the manufacturing industry are women, compared to 81% in the hotel industry, e.g.), it is within the Kanak community that the employed workforce is most feminized. While the gap between men and women in employment is almost

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Bab 14: Kesimpulan



14 Conclusion

Thierry Rodon, Sophie Thériault, Arn Keeling, Séverine Bouard, and Andrew Taylor

The chapters in this volume offer a multidisciplinary exploration of the interactions between Indigenous communities and mining activities across different regions, highlighting the complex dynamics of legal and policy frameworks, environmental impacts, and socioeconomic considerations. A burgeoning literature on these questions has emerged in the past two decades, coinciding with the rapid global expansion of extractive industries associated with the "commodities supercycle." Like mining itself, much of this research is intensely place-based, reflecting the particular configuration of resources, environments, regions, and communities at extractive sites. The key contribution of the MinErAL project and this volume is their explicit attempt to explore comparative perspectives across these sites, in order to gain insights into the patterns and processes of extractive development in Indigenous contexts.

These studies reveal a consistent theme, namely, that despite growing recognition of Indigenous Peoples' rights and widespread discourses on corporate social responsibility (CSR); environment, social, and governance (ESG); and sustainable development, mining operations often prioritize development over these rights (e.g., chapters 1, 3, 5, and 7). Historically, this has been a persistent theme, and it is one that has resulted in limited participation of Indigenous Peoples in decision-making and negotiation processes (Boirin-Fargues and Thériault, Chapter 1) and significant and long-lasting social, health, and environmental impacts (Horowitz *et al.*, chapter 5; Keeling and Sandlos 2017).

The book's comparative analyses from Canada, Fennoscandia, Australasia, and other regions illustrate the complex challenges that mining encounters pose for Indigenous communities. The different chapters highlight Indigenous engagement in negotiating and implementing impact and benefits agreements (IBAs; O'Faircheallaigh and Rodon, Chapter 7); exercising agency within and beyond state- or industry-led decision-making processes (Boirin-Fargues and Thériault, Chapter 1; Bourgeois and Zema, Chapter 4); planning for closure and mine site transition (Keeling *et al.*, Chapter 8); and dealing with the socioeconomic, cultural, and ecological impacts (Horowitz *et al.*, chapter 5) and internal conflicts (Sehlin MacNeil, Chapter 10) generated by mining activities. However, as Bourgeois and Zema stress in Chapter 4, in spite of the asymmetrical power relationship, Indigenous Peoples are sometimes able to assert their political agency, advance new

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- Buku ini diakhiri dengan merangkum sejumlah isu yang diangkat, khususnya dalam konteks transisi energi dan implikasinya terhadap meningkatnya operasi pertambangan di seluruh dunia.
- Satu demi satu relevansi dari temuan di setiap bab diangkat kembali, lalu didiskusikan kaitannya dengan lonjakan projek pertambangan yang terkait dengan mineral-mineral penting untuk transisi menuju ekonomi rendah karbon.
- Para penyunting menekankan Kembali bahwa kegiatan pertambangan bukanlah sekadar urusan ekonomi; ia berinteraksi dengan dinamika sosial, budaya, dan politik yang kompleks—yang pengaruhnya sangat kuat bagi kehidupan masyarakat adat.
- Buku ini secara keseluruhan menunjukkan perlunya menegakkan hak-hak, menghormati otonomi, dan menegaskan norma penentuan nasib sendiri masyarakat adat di garis depan diskusi pertambangan.



Kekuatan Buku

1. **Fokus pada *Mining Encounters***: Pendekatan buku yang berfokus titik interaksi dinamis antara industri dan masyarakat adat adalah kekuatan utama. Ini menyoroti bukan hanya dampak, tetapi juga agensi, resistensi, dan adaptasi masyarakat adat, yang seringkali terabaikan dalam narasi pertambangan.
2. **Pendekatan Interdisipliner dan Komparatif**: Dengan mengintegrasikan perspektif dari hukum, sosiologi, antropologi, dan ekonomi—yang sangat tercermin dari pustaka yang dikutip pada setiap babnya—serta membandingkan studi kasus dari berbagai benua (Australia, Kanada, Swedia, Kaledonia Baru, dan Brasil), buku ini menawarkan pemahaman yang kaya dan holistik. Ini memungkinkan identifikasi pola-pola universal sekaligus menyoroti kekhasan konteks lokal.
3. **Kerangka *Sustainable Livelihoods* yang Holistik**: Penggunaan kerangka penghidupan berkelanjutan masyarakat adat memungkinkan analisis yang melampaui metrik ekonomi semata. Ini memerhitungkan dimensi sosial, budaya, dan ekologis, yang sangat relevan dengan cara hidup masyarakat adat.
4. **Singkapan atas Isu-isu yang Tersembunyi**: Buku ini berhasil membawa ke permukaan isu-isu penting yang seringkali diabaikan, seperti kekerasan lateral di dalam komunitas, dimensi diam dari penerimaan sosial, dan tantangan spesifik yang dihadapi perempuan adat, memberikan wawasan yang lebih dalam tentang realitas di lapangan.
5. **Analisis Kritis terhadap Kerangka Hukum dan Kelembagaan**: Buku ini secara kritis mengaji keterbatasan kerangka hukum dan kebijakan yang ada (seperti IBA dan EA), menunjukkan bagaimana kerangka tersebut seringkali gagal melindungi hak-hak masyarakat adat dan bahkan dapat memperkuat ketidaksetaraan.

Ruang Perbaikan

1. **Isu Perempuan Adat**: Meskipun buku ini menyentuh isu perempuan adat di beberapa bab, analisisnya masih bisa lebih terintegrasi dan mendalam di seluruh buku. Pembahasan bisa diperluas untuk menunjukkan bagaimana dinamika gender berinteraksi dengan isu hak tanah, negosiasi, dan dampak lingkungan secara lebih konsisten.
2. **Perspektif dari Komunitas Lain**: Sebagian besar studi kasus berasal dari negara-negara dengan kerangka hukum yang relatif maju mengenai hak-hak adat (Kanada, Australia, Swedia). Mengintegrasikan lebih banyak studi kasus dari negara-negara berkembang (Indonesia!) atau wilayah yang kurang terdokumentasi bisa memberikan pemahaman yang lebih luas tentang tantangan yang ada.
3. **Kasus-kasus yang Berhasil**: Membaca buku ini memberikan jauh lebih banyak pengetahuan tentang tantangan, namun kurang dalam menggambarkan peluang dan keberhasilan. Bila ada kasus-kasus hubungan yang berhasil, buku ini akan terasa lebih paripurna.
4. **Saran Kebijakan dan Praktik yang Lebih Jelas**: Meskipun buku ini secara kritis menganalisa masalah, ia bisa memberikan rekomendasi atau saran kebijakan yang lebih eksplisit dan terperinci untuk para pembuat kebijakan, perusahaan, dan masyarakat adat. Ini akan membantu menjembatani kesenjangan antara analisis akademis dengan solusi praktis yang dapat diterapkan.

SALAM LESTARI.
TERIMA KASIH!



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