

Towards Authentic Engagement with Indigenous Peoples: Lessons from Negotiated Agreements in the Pilbara, Western Australia

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Abstract

In Australia, some Indigenous groups achieve sustainable positive outcomes from negotiated agreements, while others experience adverse cultural and social impacts. This discrepancy highlights the need for a more nuanced understanding of the factors that influence the success or failure of negotiated agreements. In this study, we explore how negotiated agreements can avoid marginalizing Indigenous aspirations and play a more consistent role in alleviating injustices and inequities faced by Indigenous communities in post-colonial contexts. Drawing on an in-depth analysis of established agreements between nine Indigenous communities and a large mining company operating in the Pilbara region, Western Australia, we identify culturally situated logics and practices that perpetuate colonial institutions and specify how these influence outcomes from negotiated agreements. By employing an anthropology of development lens, we decenter Western views about

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development and advocate for reflexive approaches to engagement that recognize Indigenous stakeholders as rightful custodians of the lands and resources that are subject to the agreements.

Keywords

intercultural engagement, Indigenous stakeholders, negotiated agreements, mining industry, development logics

The relationship between Indigenous communities and extractive industries has generally been an uneasy one, with Indigenous peoples experiencing the ecological and cultural fragmentation of their lands (Larsen & Johnson, 2016) as well as social and economic disadvantage while being surrounded by highly profitable projects (Langton & Longbottom, 2012). With stricter legal requirements for negotiation or consultation with Indigenous peoples prior to commercial development on Indigenous lands, as well as to secure social license, mining corporations increasingly seek to engage and negotiate with Indigenous peoples. In Australia, negotiated agreements have become common instruments for Indigenous communities to secure recognition of their rights and to influence decisions regarding extractive activity (O’Faircheallaigh, 2021), and for mining companies to obtain a social license to operate on Indigenous lands and secure resources (Boiral et al., 2023; Langton & Longbottom, 2012).

The destruction of the sacred rock shelters of Juukan Gorge on Puutu Kunti Kurrama and Pinikura (PKKP) Country in Western Australia by Rio Tinto was a devastating event that highlighted the persistence of colonial frames and practices in companies’ engagement with Indigenous communities. This incident, which occurred in 2020, left Indigenous communities in the Pilbara and across Australia traumatized and mourning. It also made us realize our own responsibilities of care and the importance of giving voice to what Indigenous communities in the Pilbara had shared with us regarding their desire for more respectful intercultural engagement and an intentional collaborative practice. Only months after the destruction of Juukan Gorge, a significant cultural heritage site of the Banjima people was damaged irreparably during operations of a BHP iron ore mine in the Pilbara. We write in the shadow of these events, because “research is not an innocent or distant academic exercise but an activity that has something at stake and that occurs in a set of political and social conditions” (Tuhiwai Smith, 2012, p. 35).

One aspect that motivates this study is the fact that in Australia, only some 25% of negotiated agreements have been found to represent positive

outcomes for Indigenous communities, including the proper protection of cultural heritage, while the vast majority of agreements still produce undesired outcomes (see Boiral et al., 2023; Coronado & Fallon, 2010; O’Faircheallaigh, 2021; Turkina, 2024). Positive outcomes from impact and benefit agreements (IBAs) have been attributed to enhanced legal recognition and joint political mobilization of Indigenous people (O’Faircheallaigh, 2021). Negative outcomes from IBAs have been attributed to “cultural misunderstandings” (see Boiral et al., 2023) or deep-seated cultural differences (see Ahenakew, 2016; Crawley & Sinclair, 2003; Lertzman & Vredenburg, 2005; tebrakunna Country et al., 2019). While valid, these descriptions are not sufficient to identify the tangible underlying mechanisms and critical areas for change. To address this gap, we draw on the anthropology of development as a theoretical lens for this study to identify how culturally situated factors, such as ways of knowing and ways of working, and the nature of the institutional terrain, influence the outcomes Indigenous peoples achieve from negotiated agreements. In recognizing that development and social impact are culturally situated concepts (De Sardan, 2008; Eversole, 2018), anthropology of development enables the decentering of Western views while offering a systematic understanding of the cultural and contextual factors that influence outcomes in the context of negotiated agreements.

The arguments presented in this study are based on the engagement with and examination of established agreements between nine Indigenous cultural groups and a large mining company operating in the Pilbara region in Northwestern Australia. Weaving together insights from archival documents, in-depth conversations with community spokespeople and business stakeholders, and our attendance of local meetings, we identify the crucial role of the institutional terrain in influencing outcomes from agreements. We argue that the persistence of colonial underpinnings in the institutional terrain is driven by the logics and behaviors of the actors involved, not by the institutional structure alone, and provide implications for appropriate and respectful intercultural engagement with Indigenous communities.

Conceptual Perspectives

Indigenous Peoples and Negotiated Agreements

Mining industry engagements with Indigenous peoples are deeply political, not least due to the vast environmental and social impacts of mining operations (Coronado & Fallon, 2010; Langton & Longbottom, 2012). The term “negotiated agreement” suggests voluntary collaboration between Indigenous landowners and extractive companies. However, these types of engagements

are often involuntary, imposed arrangements that take place against a background of contrasting power positions, in which mining companies seek access to land (Boiral et al., 2023; Coronado & Fallon, 2010), as well as reputational benefits to obtain and maintain a social license to operate (Hilson, 2011; Langton & Longbottom, 2012; Murphy & Arenas, 2010).

Extant literature on negotiated agreements, which includes extensive analyses of some 45 agreements in Australia (O’Faircheallaigh, 2016), has found that the outcomes achieved by Indigenous peoples from negotiated agreements are highly variable (O’Faircheallaigh, 2016, 2021; O’Neill, 2016). In an analysis covering all of Australia’s major mining projects, O’Faircheallaigh (2021) found that about 25% of agreements offered strong protection of Indigenous cultural heritage and legal rights, improved environmental management, and enabled substantial economic benefits. This study linked these successes to advocacy and Indigenous political mobilization at the regional level. However, in the majority of cases, outcomes from these negotiations provide minimal to no benefit for community wellbeing and prosperity, restricted roles in environmental or cultural heritage protection for Indigenous signatories, and included no levers for Indigenous self-determination (Boiral et al., 2023; Coronado & Fallon, 2010; O’Faircheallaigh, 2021). Poor outcomes from negotiated agreements have been linked to a mix of factors, including legal regimes that are predicated on colonial systems (Ngurra et al., 2023) and offer limited recognition of Indigenous land rights (Langton & Longbottom, 2012), as well as hostility or indifference to Indigenous interests and values on the part of mining companies or provincial and state governments (O’Faircheallaigh, 2021). Ultimately, these issues point to a lack of recognition and respect for traditional knowledge and governance systems that include a variety of spiritual, intuitive, somatic, and ceremonial modalities (Ahenakew, 2016; Yunkaporta & McGinty, 2009).

Deep-seated cultural differences influence the process of negotiating agreements and their outcomes: the terms of the agreements themselves, and the protections and benefits they ultimately deliver for communities. They not only shape the institutionalized ways of doing things that each party brings to the engagement, but they inform what matters to an individual or community, and what outcomes are valued by each party as well. Nakata (2007) and Yunkaporta (2009) use the metaphor of a boomerang to explain the differences between Indigenous and Western cultures and the potential to find common ground and innovation at the cultural interface (where the two arms of the boomerang meet). Such metaphors highlight the critical role of effective intercultural engagement between Indigenous communities and Western organizations as a practical strategy to improve outcomes from negotiated agreements.

Indigenous Approaches to Intercultural Engagement

Over the last 2 decades, there has been a steady growth of rich Indigenous research on intercultural dialogue. This literature has made explicit the differences between Western and Indigenous knowledges and worldviews via a number of compelling metaphors (e.g., Martin-Booran Mirraboopa, 2003; Nakata, 2007; Yunkaporta, 2009). Metaphors include the coming-together of fresh water and saltwater (The Living Knowledge Project, 2008), which retain their distinctiveness when they meet, and the Quampie pearl shell that lives in these environments (Martin-Booran Mirraboopa, 2008, p. 91); the metaphor of He Waka Taurua, or two canoes lashed together (Harcourt et al., 2022); and the concept of Etuaptmunk, or “two-eyed seeing” (Iwama et al., 2009). All of these metaphors illustrate that Indigenous and Western knowledges are distinct and not subject to assimilation. At the same time, they demonstrate the potential for beneficial intercultural dialogue, so long as this distinctiveness is acknowledged. Such efforts by Indigenous scholars to provide insights into Indigenous worldviews in formats accessible to Western scholars teach us that engagement efforts with Indigenous communities can only be successful when they are grounded in respect for these essential differences, and do not seek to impose Western ways of “knowing, being and doing.”

Despite this wealth of research, Indigenous knowledges have had very little recognition in the management literature on intercultural engagement. Indigenous peoples, their knowledge, and value systems continue to be systematically discriminated against (Harcourt et al., 2022; Yunkaporta & McGinty, 2009; tebrakunna Country & Lee, 2019), both in management practice (Baker et al., 2023; Hart & Sharma, 2004; Langton & Longbottom, 2012) and management scholarship (Bastien et al., 2023; McCarthy & Muthuri, 2018; Peredo & McLean, 2013). As a result, Indigenous stakeholders tend to be regarded as “fringe” in community engagements (see Murphy & Arenas, 2010, and also Lertzman & Vredenburg, 2005), shriveling the voice and power of Indigenous agency (Salmon et al., 2022) to the point where Indigenous peoples are regarded as merely passive beneficiaries of development (Baker et al., 2023; Boiral et al., 2023).

More effective engagement between Western organizations and Indigenous stakeholders requires attention to the cultural interface: the curve of the boomerang, the mingling of waters, the meeting points between very different, but equally valid and valuable, ways of knowing, being and doing. Appropriate and respectful engagements at the cultural interface actively challenge the imposition of Western cultural frameworks and recognize and give space for Indigenous values, practices, and perspectives (Lee & Evans, 2022;

Tuhiwai Smith, 2012) “as the basis from which we live, learn and survive” (Martin-Booran Mirraboopa, 2003, p. 205). Development-focused engagements with Indigenous peoples therefore require recognizing and respecting the goals and aspirations for development that Indigenous communities have defined for themselves (Eketone, 2006; Evans & Sinclair, 2016; Persaud et al., 2022), which are culturally situated and vary between communities.

Intercultural Engagement from an Anthropology of Development Lens

Conceptual framing from the anthropology of development recognizes culturally situated goals and aspirations and theorizes these as distinctive *development logics* that guide why and how actors take action for social change (De Sardan, 2008; Eversole, 2018). Anthropology of development, a subfield of anthropology, engages with questions of social and economic change (Gardner & Lewis, 2015). It has a longstanding academic engagement in analysis of planned development interventions and the (often overlooked) role of Indigenous knowledges and practices in development efforts (Brokensha et al., 1980; Grillo & Stirrat, 1997; Pottier et al., 2003).

Anthropology of development provides a way to conceptualize how culturally situated “development actors” (Eversole, 2018, p. 59)—such as mining company employees, government representatives, and Indigenous landowners—have distinct logics about the processes and ultimate aims of development. Logics about what successful development looks like can vary not only with regards to *what* needs to be achieved (*notional development logics*) but also with regards to *how* to create desired change, and the specific processes through which actors attempt to steer change in their desired direction (*strategic development logics*) (Gunasekara et al., 2023). This theoretical lens recognizes that individual and organizational actors value different outcomes from development initiatives and may pursue them in quite different ways, depending on their cultural context, and the expectations, incentives, and barriers that are in place for them. For instance, in the case of economic opportunity, “successful development” for Indigenous communities may mean cultivating locally led entrepreneurial activity that is responsive to community needs (Colbourne et al., 2023), while for resource companies, it may mean getting Indigenous people into paid jobs in mining operations (Boiral et al., 2023). By applying an anthropology of development lens to the context of negotiated agreements, we gain a deeper understanding of the micro-processes of engagement and negotiation across cultural groups, and what is required for intercultural engagements to respect Indigenous

self-determination in decisions that affect Indigenous cultural, spiritual, economic, and territorial lives.

Development logics also shape the institutional context, or institutional terrain, in which actors engage with one another, via both formal/regulative mechanisms and informal customs, conventions, and norms about how things are done and what things are prioritized (Eversole, 2015; Veciana & Urbano, 2008). It is a common finding in the literature that agreements with Indigenous peoples tend to be negotiated and established in an institutional setting that is almost exclusively focused on generating social impact through economic benefits (Boiral et al., 2023; Caine & Krogman, 2010; Langton & Longbottom, 2012). This finding suggests that the economic development logics of extractive companies are dominating the institutional terrain of agreement-making. However, O’Faircheallaigh (2021) has emphasized that in-depth analysis of actual agreements reveals a more nuanced picture and that the influence of the institutional context on outcomes from agreements is still poorly understood. By paying attention to actors’ development logics and identifying which logics dominate the institutional terrain of negotiated agreements, an anthropology of development lens offers a way to assess the extent to which the institutional terrain of Indigenous engagement reproduces colonial relationships or, alternatively, creates space for Indigenous logics and authentic intercultural engagement. To achieve this, our analysis is guided by the following research questions: (a) How do the relevant actors, particularly Indigenous community leaders and representatives, understand barriers and success factors for negotiated agreements to deliver benefits for Indigenous communities? (b) How do different notional and strategic logics about “development” inform the aims and practices of stakeholders? (c) What logics shape the institutional space for engagement, and how do they impact outcomes from negotiated agreements?

Methodology

Research Setting: Negotiated Agreements Between Resource Companies and Indigenous Communities in the Pilbara Region, Western Australia

In Australia, Aboriginal occupation and custodianship of Country date back millennia (Langton & Longbottom, 2012; Nakata, 2007; Peters, 2017; tebrakunna Country et al., 2019; Yunkaporta & McGinty, 2009). More than 31 Aboriginal cultural groups associated with the Ngayarta, Marrngu, Wati, Matharta, or Ganyara language families are connected to the Pilbara region of Western Australia, and most of them have negotiated agreements with

more than one resource company, mainly in relation to iron ore mining or liquefied natural gas extraction. The recognition of Indigenous rights in the Australian Native Title Act 1993 and the Western Australian Aboriginal Heritage Act 1972 provides the legal context in which resource agreements in the Pilbara are negotiated. The Australian Native Title Act did not grant Indigenous recognition *per se*; Aboriginal communities are required to undertake a separate, arduous process to gain legal recognition. As part of the process of Native Title recognition in Australia, Aboriginal communities are required to establish a body corporate, known as Local Aboriginal Corporations (LACs). These organizations manage Native Title rights, including negotiations of agreements with mining companies.

Depending on geographical factors, Aboriginal communities in the Pilbara face a variety of impacts from iron ore mining operations, which include large open-pit mines, extensive inland rail networks, and port operations in coastal areas across the region. Accordingly, the impact of mining operations on humans, animals, plants, lands, and waters—encompassed in the Aboriginal concept of *Country*—varies by area, and with that, the scope and scale of the negotiated agreements vary considerably between communities. There are also considerable differences between groups in terms of population size, land area, and economic resources. These affect communities' capacities to look after *Country*, and care for their language, culture, and elders in culturally appropriate ways while navigating relationships at the cultural interface with resource companies, law firms, trustees, and state institutions.

Research Motivation and Standpoint

The research center where this study originated has long-standing expertise with research on participatory community development, social change, and social responsibility in mining, including work with Indigenous communities in Australia and globally, as well as engagement with political and economic organizations such as mining companies. During a broader research project on social impact investing, a mining company approached scholars at the center asking how their negotiated agreements with Aboriginal communities in the Pilbara could work better to produce sustainable social outcomes. After careful consideration, the interdisciplinary and intercultural team at the center, which included Indigenous and non-Indigenous academics, concluded that a critical analysis of the Pilbara agreements provided a unique opportunity to understand how negotiated agreements can work better to alleviate injustices and inequities faced by Indigenous communities. Aware the inquiry was company-initiated, the team at the center followed a reflective process

based on the AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research¹ (AIATSIS, 2012) in planning and undertaking the study. Indigenous scholars from the center and our network advised on study design but declined active researcher roles due to cultural-political concerns, either from kinship ties with certain Aboriginal groups in the Pilbara or lack of time and lack of relations with any Pilbara communities, raising concerns about cultural protocol. As a result of this dilemma, the study was conducted by non-Indigenous researchers, in accordance with the ethical guidance outlined in the AIATSIS Code.

Although as non-Indigenous researchers, we cannot adopt an Indigenous standpoint or the related knowledge of Law and spirituality (Pohlhaus, 2002; Yunkaporta & Shillingsworth, 2020), we can adopt a standpoint that recognizes our own cultural positioning as Western academics and commits to working with Indigenous communities in respectful ways, following the guidance of Indigenous authors in seeking to bring different kinds of knowledge into dialogue as different but equal. According to standpoint theory, relationality is central to Indigenous approaches to knowledge creation (Yunkaporta & Shillingsworth, 2020). Attention to standpoint or one's social positioning recognizes that "where the knower is socially positioned will both make possible and delimit knowledge" and that knowledge "is achieved by struggling to understand one's experience through a critical stance on the social order within which knowledge is produced" (Pohlhaus, 2002, p. 285). Ultimately, a relationally responsive approach to knowledge production fosters dialogue, synergy and innovation through respectful interaction. This process has been variously described as "weaving" (Mitchell, 2023; Ryder et al., 2020) or "grafting" (Ahenakew, 2016) together different knowledges and diverse systems.

Navigating the interface between Indigenous and Western epistemologies is possible, yet it is fraught with pitfalls from the power relations of knowledge production. It requires "critical engagement with the colonizing system, and worse, self-reflexivity exposing the roles that colonial discourses have played in the construction of the operator's own cultural identity" (Yunkaporta & Shillingsworth, 2020, p. 9). There is privilege in the social positioning of a Western academic, and a temptation to fall back into longstanding patterns of defining knowledge in ways that elevate Western knowledge and diminish other forms of knowledge. Methodological approaches to standpoint were developed for Indigenous researchers working at the cultural interface in non-Indigenous research institutions. Standpoint theory's insights on reflexivity, relationality, and respect in the research process can also inform non-Indigenous research (Yunkaporta & Shillingsworth, 2020, p.11; see also Mitchell, 2023). In this project, we sought to adopt a position grounded in

these core tenants. Apart from adopting a self-reflexive approach with critical attention to our own social positioning and the power relations underpinning non-Indigenous interactions with Indigenous groups, cultural awareness, and cultural competency of the individuals on the research team were critical (AIATSIS, 2012) and treated as prerequisites for involvement in this study. Specific ways in which this was implemented are detailed in the next section.

Research Engagement and Data Collection

The study was focused around a set of so-called IBAs² negotiated between nine Aboriginal cultural groups and one large international mining company in relation to their iron ore operations in the Pilbara. First, to get a deep understanding of the social and institutional context of the Pilbara agreements, we conducted extensive desktop research involving deed documents, archival documents from the negotiation phase of the agreements, organizational reports and websites, as well as public communications from LACs, and resource companies operating in the Pilbara. Further secondary data was collected in an iterative process during and after interviews as participants provided reports, website links, and other media to underpin viewpoints they had shared in our conversations. Inadvertently, the destruction of the sacred rock shelters at Jukaan Gorge led to a rich media discourse on the relationships between Aboriginal communities and resource companies in the Pilbara, which we included in our data analysis. Table 1 summarizes the data gathered for this study.

After reviewing secondary data, we conducted altogether 36 interviews to gather the relevant actors' perspectives on how well the agreements were working to generate desired outcomes. This phase of data collection involved two multi-day research visits, totaling 9 days, to different locations in Western Australia over the timespan of several months in 2019. During the first research visit to Perth, we conducted interviews with principals and executive managers that were involved with the execution of the agreements on behalf of the mining company, trust fund managers that were contracted to govern the dissemination of the benefit payments, legal advisors that had been involved with drafting the agreements during the multi-year negotiation phase, as well as with those representatives of LACs that had offices in Perth. We conducted 17 semi-structured interviews in these formal settings, which lasted approximately 60 min and were recorded and transcribed.

During the second research visit to the Pilbara, we were invited to join a 2-day "partnership meeting" held in the Pilbara town of Roebourne where Indigenous community leaders, representatives and board members of LACs,

Table 1. Data Collected.

Sources	Data	Total
Archival documents	<p>Internal partnership deed documents (21)</p> <p>External communications of local Aboriginal corporations (12)</p> <p>Webpages of community trust funds (6)</p> <p>Public reports and background documents (19)</p> <p>Internal communications of mining company (8)</p> <p>Public brochures of mining company (3)</p> <p>Media articles (29)</p>	98 documents
Interviews	<p>Indigenous members of Pilbara communities (ICM) (9)</p> <p>Representatives of local Aboriginal corporations (LAC) (12)</p> <p>Mining company officers (MCO) (9)</p> <p>Trustees of community trust funds (TM) (4)</p> <p>Legal advisors (LAW) (2)</p>	36 interviews
Observations	<p>Partnerships implementation workshop (1 day)</p> <p>Partnerships improvement workshop (1 day)</p> <p>Mining and port operations in the Pilbara (1 day)</p>	3 days

mining managers, and community engagement officers of the mining company that work locally with Aboriginal communities came together to discuss problems and opportunities to improve the social impact of the agreements. All participants of the meeting were informed ahead of time of our attendance and of the purpose of our visit to speak with Indigenous community members, representatives of LACs, and local community engagement officers about their experiences with and perspectives of the agreements.

The 19 interviews that we conducted during this stage were predominantly participant-led, two-way conversations that developed alongside or after the workshop activities and could last for up to 3 hr in the form of “fireside yarns” during shared meals or evenings. In following protocols for the production of knowledge through respectful relationships as well as Indigenous data sovereignty (see AIATSIS, 2012; Carroll et al., 2020), we did not audio-record these conversations. Instead, we took notes and memos as encouraged by our collocutors. In our conversations, Aboriginal community members and representatives of LACs emphasized that they perceived us as independent from the mining company and trusted that we had really come to the Pilbara to understand Indigenous perspectives on the agreements. Hence, they requested us to use our understanding and professional positioning to mirror back to the mining company and other stakeholders how engagement practice could be improved based on Indigenous ideas and concerns, rather than based on what company managers might be seeing.

Initially, a third phase of engagement with key stakeholders of the agreements was planned to exchange feedback during the data interpretation phase, and to explore opportunities and formats for the collaborative communication of the study findings. However, this plan was disrupted due to the devastating destruction of the Juukan Gorge rock shelters on PKKP Country by mining giant Rio Tinto in 2020, and the severe damage of a recognized sacred site of the Banjima peoples at one of BHP’s iron ore mines only months later. Not only did this leave Indigenous communities in the Pilbara and across Australia traumatized and mourning, but it also shattered our own trust and hopes about resource companies’ willingness to learn how to engage appropriately and respectfully with Indigenous peoples. To put it frankly, we felt sorrowful, enraged, hopeless, and unsure of our next steps for some time, as further communication with Aboriginal communities in the Pilbara about their relationships with mining companies would have been inappropriate.

We were also concerned that reporting on the insights that we had gained before the desecration of Juukan Gorge could perpetuate a fabricated narrative about resource companies’ intentions to improve relations with Indigenous communities. While we had encountered an authentic desire for appropriate intercultural engagement by some corporate stakeholders, we were also

conscious of the political context in which we were writing. Upon deeper reflection, we recognized that the context of colonialist power relations and neo-liberal governance that created the Jukaan Gorge atrocity, and stakeholders' desire to co-create positive outcomes from negotiations, are equally real, and that they need to be understood and addressed together. Thus, we concluded the need to offer a nuanced analysis of culturally situated factors that shape the complex engagement between corporations and Indigenous groups. We returned to our data with the aim to offer meaningful insights and implications for achieving more positive outcomes from negotiated agreements.

Data Analysis

To privilege Indigenous perspectives and juxtapose them with those of other relevant actors within the shared institutional context, we employed an anthropology of development lens as described above and analyzed the data in three interwoven stages. Throughout the analysis process, we adopted Pascale's (2010) critical approach to analytic induction, which emphasizes reflexivity beyond typical qualitative interpretation. Based on the understanding that knowledge production is a culturally relational process, Pascale (2010) cautions against decontextualization and fragmentation often caused by coding data into isolated categories. To stay true to the rich narratives in our interview and archival data, we first identified actor-specific narratives about how well the negotiated agreements were working to deliver benefits to Indigenous communities. To aid further analysis, we grouped them in collective "mental maps" that convey convergent perspectives within each identified group of actors. An important element of the use of mental maps is that the narratives told by participating actors are at the center of the analysis, through which cognitive linkages between recurring themes and underlying logics are revealed (Mendoza & Prabhu, 2006).

The collective mental maps highlighted aspirations for Indigenous community development, differing views on enablers and obstacles, on the purposes of the negotiated agreements, and on their effectiveness. Using an anthropology of development lens, we mapped the identified themes to distinct *notional logics* with regard to *what* change actors desire to achieve, and different *strategic logics* with regard to *how* the desired change should be created. While there is a diversity of standpoints and opinions within actor groups, identifying shared logics within actor groups is relevant here because, in expressing their aspirations for development, respondents draw on culturally situated understandings and distinct knowledge structures that are characteristic of each type of actor group (Eversole, 2018). We validated the identified logics through triangulation with studies on Indigenous cultural

paradigms (Harcourt et al., 2022; Nakata, 2007; Yunkaporta & McGinty, 2009), business-community engagement interfaces (Boiral et al., 2023; Coronado & Fallon, 2010; Googins & Rochlin, 2000; tebrakunna Country et al., 2019), and relations at the interface between Indigenous communities and the state (Ngurra et al., 2023; Henderson, 2024).

As development logics shape actors' aims and practices as well as the institutional norms governing their interactions within a particular context (Eversole, 2015), the final stage of our analysis assessed the institutional context surrounding the Pilbara agreements. We focused on identifying dominant conventions, logics, and structures within the "institutional turf" (Eversole, 2015, p. 103) of engagement between mining companies and Indigenous groups and explored how they impact outcomes from negotiated agreements. The insights from our analysis are presented next.

Findings

Conflicting Logics of Indigenous Community Development

Extant research on intercultural conflicts between Indigenous peoples and resource companies or state institutions tends to juxtapose two types of cultural paradigms: the Indigenist paradigms rooted in reciprocity, interrelatedness, deep spirituality, and situatedness in more-than-human cultural landscapes, and the economic-rational paradigm of Western institutions (see Boiral et al., 2023; Jackson, 2019; Langton & Longbottom, 2012; Lertzman & Vredenburg, 2005; Martin-Booran Mirraoopa, 2008; tebrakunna Country et al., 2019; Yunkaporta & McGinty, 2009).

There is a distinct *Indigenous logic of community development*, in which a strong shared culture is the fundamental basis and fabric of community wellbeing, and which in turn is inseparable from an experiential and spiritual connection to Country (Harcourt et al., 2022; Iwama et al., 2009; Yunkaporta & McGinty, 2009). In that, living culture and connection to Country are the basis for community development as they provide individual community members with belonging, health, and stability, which then enable development in other areas such as education, economic activity, and community care (Harcourt et al., 2022; Martin-Booran Mirraoopa, 2003; Nakata, 2007). This interconnectedness between living a strong culture, caring for Country, and wellbeing at the individual and community level was strongly emphasized by Indigenous community members and most representatives of LACs, who, although not always Indigenous, work closely with communities.

In contrast to Indigenous development logics, there is a distinct *economic logic of community development*, which is structured around enhancing

employment and professional training levels in Indigenous communities with the purpose of integrating community members into the wage economy as a pathway out of poverty. With its focus on deficit, eradicating financial poverty is perceived as the primary social need in this logic. At the same time, this will enable the business actor to maintain their social license to operate and serve state actors with fiscal benefits from the economic development of the region (Coronado & Fallon, 2010; Langton & Longbottom, 2012). In the broader literature on community-business engagements, this logic is commonly endorsed by business and state actors (Boiral et al., 2023; Googins & Rochlin, 2000). Unsurprisingly, this employment-centered development logic is endorsed by most mining company officers, external trust fund managers, and legal advisors interviewed.

Our analysis of development logics in negotiated agreements confirms these two cultural paradigms but also suggests that we can distinguish a third type of development logic that is not as prevalent in the extant literature. Drawing on political science through a decolonizing lens (Henderson, 2024; Ngurra et al., 2023), we call this a *legalistic development logic*. It prioritizes compliance with legal structures and conventions of the institutional context that are rooted in colonial and settler imperialist systems (Henderson, 2024; Ngurra et al., 2023), often disconnected from the lived realities of Indigenous communities. Within this compliance-oriented legalistic logic, the agreements function primarily as relational tools for businesses to mitigate risks such as fraud, with less emphasis on ensuring real positive outcomes for communities. Given that legal advisors have drafted the agreements based on this legalistic development logic, it is entrenched in the contractual agreements between the mining company and Indigenous signatories in the Pilbara. Table 2 presents the notional and strategic development logics we identified in our analysis.

As Indigenous community members and representatives of LACs explained the foundations for successful Indigenous community development in the Pilbara, they emphasized the importance of self-determination. They presented self-determination as an important goal: for a “future where [people] make their own decisions for their community” (LAC 3), and similarly as a fundamental principle for *how* to achieve positive outcomes from the agreements. Indigenous communities and people thrive when culture and connection to Country are strong and “people share purpose and culture” (ICM 6) because “connecting to Country is healing, spiritual and connects us with our ancestors” (ICM 6). Culture and connection to Country are the basis for achieving positive outcomes in other areas, as articulated by one of the cultural leaders when asked about aspirations for their group’s future: “Have we improved health, have we improved employment, have we improved

Table 2. Conflicting Logical Approaches of Indigenous Community Development in the Pilbara.

Area of concern	Indigenous community logics (culture-first approach)	Economic development logics (employment-first approach)	Legalistic logics (compliance-first approach)
<p>National logics: What outcome is desired? Aspirations for development: What does successful Indigenous community development look like?</p>	<p>Culture and connection to Country come first. "Have we improved health, have we improved employment, have we improved knowledge of Country? Our challenge is to maintain and grow cultural and land connection with people. Our challenge is to protect the sacred sites." (ICM 3) Self-determination in community decision-making "It would be that [Aboriginal] groups are self-determined and have a level of ongoing prosperity, and future where they make their own decisions for their community." (LAC 3)</p>	<p>Development should benefit the communities and the mining company. "The groups pretty much all want the same, healthy people and communities. For us, it means good outcomes for [our company]. I think success looks like meaningful interactional input into the delivery of outcomes across the strategic areas that the trust might have." (MCO 9) Financial independence is the aim "You are looking at sustainable community, you are looking at independence of people, financial independence. I am talking about, and then you are looking at maintaining culture, maintaining law and tradition over period of time, and then you are looking at health and wellbeing of community members." (TM 4)</p>	<p>It's up to the communities what they want to do, but they should invest big. "I would expect a lot more of these big-ticket items being done in the future. But this is up to the groups, you could literally have a charitable trust just for scholarships and funeral funds. You actually need to want to do the big things." (LAW 1) Successful development means ensuring provisions and service security</p>
<p>Establishing goals: What is the purpose of the agreements?</p>	<p>Our goal is that our people can look after themselves and live in connection with Country. "I don't even mean it's hard stuff. Dialysis machines are free, but there is nowhere to put them. [...] I want my people as patient care assistants so that people who need dialysis can sit looking out the window at Mount Nameless, not sitting at Royal Perth hospital. These sort of things. They are not hard, and they are not revolutionary." (ICM 2)</p>	<p>The aim of the funds is to generate employment and economic development for the region. "The mining benefits were never going to solve the issues in the Pilbara, ever. The one thing that was going to do that is putting people into employment, business development. . . . It's about getting people fit for work, let's get their drivers licence sorted out, let's get them ready for jobs, because that's the only way we are actually going to provide any economic development for that area." (MCO 2)</p>	<p>The Pilbara agreements are relational tools, just as any other contract. "Agreements are assets of a business that need to be maintained as any other asset. What is needed are robust relationships, not just 'good' relationships. Robustness allows for relationships to get through the problems and differences." (LAW 1)</p>
<p>Economic opportunity: What are the objectives for economic development?</p>	<p>Employment needs to be meaningful to community members and aligned with their values. "It is always [the company's] way of doing things, instead of having communities develop the employment strategy. [...] People like to work on Country. And when they see their land dug up, it may be . . . it is causing . . . they do not like to see their land destroyed." (ICM 6)</p>	<p>There are business opportunities for Indigenous businesses in subcontracting. "We see most opportunities for Indigenous businesses in subcontracting. This brings a good image for the subcontractor, and they are more likely to win the next contract. Most opportunities are smaller works like weed control or feral animal control. But this is not enough to sustain a business throughout the year." (MCO 7)</p>	<p>There are mismatched expectations. "People expected: 'Now we have been recognized, we have rights, maybe it will fix all the other socio-economic issues, all of the history and all the rest. . . . And it has not because the [agreement] was never designed to [do that].' (LAW 1)</p>

(continued)

Table 2. (continued)

Area of concern	Indigenous community logics (culture-first approach)	Economic development logics (employment-first approach)	Legalistic logics (compliance-first approach)
<p>Strategic logics: How should the desired outcome be achieved?</p> <p>Effectiveness: How well are the agreements working to achieve their purpose?</p>	<p>The agreements are not adequate for addressing inequalities, in fact they have created more of them.</p> <p>"[The company] wanted generational sort of closing-the-gap outcomes from these trusts. A lot of them have created 'haves' and 'have-nots'. There is no mechanism to share that wealth between groups. So, this has created incredible problems." (ICM 2)</p> <p>Local wisdom is strong and points to the solutions that are needed to improve community well-being.</p> <p>"We have to develop a strong strategy, and first reconnect to the land. We have problems of strong substance abuse—connecting to Country is the path to fix that problem. Connecting to Country is healing, spiritual and connects us with our ancestors." (ICM 6)</p>	<p>Despite a lot of money being spent, there is still a lot of poverty. There is a lot of flourishing happening with houses and cars, and there is quite some money going to scholarships for education pathways, and the Aboriginal employment rate is now really good. But there is also still poverty. . . . Yes, there is running water, there is shelter, there is basic things, but the areas are . . . just not nice." (MCO 1)</p> <p>More collaborative investment in big projects is needed.</p> <p>"There are so many trusts doing exactly the same thing for such small groups of people. And really, if there was some mechanism to get people to work together, you would imagine there would be new health centres, new education centres, or other big picture projects coming along." (TM 1)</p>	<p>The agreement structure works as intended.</p> <p>"Some groups may find the structures fairly burdensome administratively and there is quite a cost associated with this [. . .] but it is worth every cent because the risk of the money not being looked after properly is just too great." (LAW 2)</p> <p>"I still think the design of the agreements was good. [. . .] Nothing has happened that we did not foresee." (LAW 1)</p> <p>The BMS funds are spent on the things that the community has the most need for.</p> <p>"The money spent is having a positive impact on people's lives, culturally, socially, economically, starting from where beneficiaries need it the most. It is easy for us to say 'Get an education', but maybe for them that isn't the priority, maybe there is something else missing before that." (LAW 2)</p>
<p>Barriers to community development: What are cross-cultural barriers?</p>	<p>Culturally, agreements are a misfit for Indigenous communities.</p> <p>"It was a culture shock to us when we first did our agreements. Culturally, we have the right people making decisions. It has worked for thousands of years. Why do we have to change it now for a company?" (ICM 5)</p>	<p>Working in mining creates with cultural beliefs and obligations for some people.</p> <p>"Let's take working in a mine for example. There are a lot of barriers to increasing Indigenous employment in the mine. Some people say: 'I am not digging up my own country, it is something I personally do not want to do.'" (MCO 5)</p>	<p>Representatives of communities wear many different hats, leading to clashing responsibilities.</p> <p>"Quite often, a traditional owner comes in [into a board role or executive role], and wears different hats, you know, has responsibilities under these agreements as a board member, but then also has cultural responsibilities, as well, so they are wearing lots of different hats." (LAW 1)</p>
<p>Barriers to community development: What are structural/institutional barriers?</p>	<p>The agreement structure hinders development.</p> <p>"They give you money, but you can't use it. [. . .] When groups try to take control of their own affairs and take care of community needs, they get knocked back, because there is a structure in place from 20 years ago that we are told cannot be changed." (ICM 4)</p> <p>The compliance requirements eat up the resources that we need to achieve outcomes that we want.</p> <p>"We want to spend money on preserving our language. But can we afford to do that? We feel we have to spend so much money on the reporting, and compliance, and administration, that we don't have any money left to achieve anything." (ICM 7)</p>	<p>Communities focus too much on immediate cash payouts from the funds rather than long-term investments.</p> <p>"Members of the Traditional Owner groups have only very limited understanding of how the [agreement structure] operates, and are focussed on direct benefits—'when do we get our money?' (MCO 8)</p>	<p>Important documents need to use formats that are accessible to community members.</p> <p>"What is required is perhaps not even plain English, but using pictures, and things that are actually going to be understood by the different audiences. Even as a lawyer, I quite like pictures, I like flow-charts, I like to visualize things, not just have a whole bunch of words. So, a plain English guide may not even be the right thing for some groups, it may be more pictorial type things." (LAW 2)</p>

knowledge of Country? Our challenge is to maintain and grow cultural and land connections with people. Our challenge is to protect the sacred sites” (ICM 3). This is a strong statement of a *notional development logic* articulating what a positive outcome actually *is*. At the same time, culture and connection to Country also underpin *strategic logics* of how these positive outcomes are to be achieved. Indigenous community governance structures have been based on strong cultural leadership and the principle of “Country as Lore” (Ngurra et al., 2023, p. 358) or “the land is law” (Graham, 2008, p. 181), where Country is an active agent rather than a passive subject in co-creating more-than-human landscapes.

A clear tension exists between Indigenous development logics and the logical paradigms guiding decision-making within the resource company, particularly regarding the significance of connection to Country. For Aboriginal community members, mining activities disturb not only rock layers and ecological systems, but their culturally established and somatically experienced connection to Country. Thus, “when people see their land dug up, it may be. . . , it is causing [unnameable stress as] . . . they do not like to see their land destroyed” (ICM 6). While mining managers that work closely with Aboriginal communities acknowledge that “some people say: ‘I am not digging up my own Country’” (MCO 5), this stance is treated as a personal preference that is a “barrier to increasing Indigenous employment in the mine” (MCO 5). Decision-making by the mining company is guided by the premise that “the mining benefits [royalties] were never going to solve the issues in the Pilbara, ever. The one thing that was going to do that is putting people into employment” (MCO 2). Mining managers remain largely unresponsive to concerns around cultural connection to Country, and rationalize the resistance to working in the mines as a matter of personal deficits instead: “It’s about getting people fit for work, let’s get their drivers license sorted out, let’s get them ready for jobs, because that’s the only way we are actually going to provide any economic development for that area” (MCO 2). This reflects a fundamental disconnect between Indigenous notions of positive development—rooted in cultural and spiritual connection to land—and the company’s economic-driven logic focused narrowly on workforce participation. The contrasting *notional* and *strategic logics* underpinning these perspectives are both distinct and even contradictory.

Notably, logics are distinct even when the actors appear to be talking about the same things. As outlined in Table 2, the realization of economic opportunity and “employment” is a common point of agreement among stakeholders; *employment* has often been mentioned by Indigenous community members as an important objective for community development in the Pilbara. However, understandings of the term “employment” differ. Indigenous

community members relate employment to meaningful work in alignment with their values, rather than working in mining. There are also different understandings of the role that “employment” plays in *how* social change in Pilbara communities is achieved. In the view of mining managers and some trustees, getting people into employment is viewed as the foundation to “healthy people and communities” (MCO 9), and as the basis for financial independence. One of the externally contracted trust managers shared: “You are looking at sustainable community, you are looking at independence of people, financial independence I am talking about, and then you are looking at maintaining culture, maintaining law and tradition over a period of time, and then you are looking at health and wellbeing of community members” (TM 4). In this economic development logic, employment and financial independence come first and lead to other benefits, such as the ability to maintain law and culture. In Indigenous logics, culture and Country come first, and other benefits follow.

As outlined above, our analysis suggests that outcomes from negotiated agreements in the Pilbara are influenced by a third type of development logic that has not been addressed, as yet, in the relevant literature. The approach that we labelled legalistic development logic is, in fact, not concerned with processes of social change at all, but highly concerned with safeguarding the “colonial logics of the state” (Ngurra et al., 2023) as the rules of engagement within which negotiations between Indigenous peoples and resource companies can take place. One of the legal advisors who was involved with drafting and negotiating the agreements explained: “I still think the design of the agreements was good. [. . .] Nothing has happened that we did not foresee” (LAW 1). Even though they recognize that “some groups may find the structures fairly burdensome administratively, and there is quite a cost associated with this”, these actors see that “it is worth every cent because the risk of the money not being looked after properly is just too great” (LAW 2). Thus, from a legalistic development logic, an agreement is working as intended if the contractual framework prevents any potential fraud or nonconformity with protocols, even if this involves complex compliance requirements. These compliance requirements are viewed as an effective strategy for managing risk, even though they can result in community trust funds becoming inaccessible to beneficiaries for an indefinite amount of time, while mining on the land can still continue.

The Role of the Institutional Terrain in the Pilbara Agreements

Negotiated agreements are established and enacted in a particular institutional context, or institutional terrain, where particular ways of knowing,

thinking, and acting shape the terms of engagement (Eversole, 2018) and, in turn, influence actors' capacities to effectively engage and pursue their aims (Eversole, 2015). As highlighted earlier, the institutional terrain is not a static structure but is continually being shaped and reshaped by culturally situated logics. These manifest in formal mechanisms (such as governance structures and legal requirements) as well as customs, conventions, and norms about how things are done and what things are prioritized. The detailed analysis of the institutional terrain of the Pilbara agreements reveals how the governance structure, compliance requirements, and routinized behaviors of the mining company and external trustees create barriers to engagement for Indigenous stakeholders and limit the opportunities for Indigenous communities to achieve positive outcomes from negotiations.

The contractual details of the Pilbara agreements prescribe a specific governance structure for the interaction between community representatives, the mining company, and trustees, and for the management of the trust funds. This governance structure is comfortable and familiar for the Western organizations involved, but it is gravely misaligned with the long-standing and culturally binding governance structures and principles of Aboriginal communities. One Aboriginal community member highlighted: "It was a culture shock to us when we first did our agreements. Culturally, we have the right people making decisions. It has worked for thousands of years. Why do we have to change it now for a company?" (ICM 5). The structural design of the Pilbara agreements has been implemented across all agreements in this study despite known "operational difficulties with some of the provisions" (LAC 2). The agreement structure follows a compliance-oriented logic that is centered on decision-making structures of the company and state institutions, and which undermines Indigenous cultural leadership and sovereignty in community decision-making. Further, the agreement structure does not allow for amendments or adjustments in the negotiation phase, "so it was basically 'Here is your trust structure, go off and run with it'" (LAC 2).

Extensive compliance requirements are built into the contractual structure of the agreements that require time and money to fulfill. These requirements draw heavily on important resources that communities need to achieve the outcomes that they want. One member of a smaller Aboriginal group explained: "There are important needs in our community, such as the preservation of our language. We only have a few elders left who still speak and know our language. We want to spend money on preserving our language. But can we afford to do that? We feel we have to spend so much money on the reporting, and compliance, and administration, that we don't have any money left to achieve anything. And how can we get some skillset, some learning out of it?" (ICM 7). Compliance requirements are a key part of the

institutional terrain on which engagement between Indigenous groups and mining companies takes place. Yet these are experienced as excessive and complicated not only by Aboriginal community members and representatives of LACs but also by mining managers, who also expressed that “the compliance requirements prescribed by the agreement structure are excessive. . . .If [our company] could loosen some of the compliance requirements, that would be really good, because that’s a really heavy burden” (MCO 1).

Communication about the purpose and intentions behind the compliance requirements, and who they ultimately benefit, has also been ambiguous, as one mining manager admitted: “People might see it like it is a [company] thing and wonder: ‘So who are we doing it for? Are we doing it for [the company] and meet compliance or are we doing it for us?’ I do not think we have been able to effectively bridge or communicate that this is in no way shape or form for us, ‘it is for you guys’. . . .It is a bit for us, so I think we can probably be honest about that” (MCO 5). This ambivalence around the purpose of the compliance requirements has a tangible impact on the Indigenous signatories of the agreements, who identify contradictions in their engagement with mining companies: “On the one hand they [the mining company] say: ‘We workshop with Traditional Owners around this’, and then they sit there and say: ‘Here is the rulebook, off you go!’ And the Traditional Owners find that it doesn’t make any sense to them whatsoever” (LAC 3).

From our analysis in the previous section, it has become clear that stakeholders such as the mining company and external trustees seek to influence the outcomes from the Pilbara agreements based on the development logics that they consciously or unconsciously subscribe to. For instance, it is common practice at the mining company to commission external consultants or analysts to measure progress on the development goals that are defined in the deed documents of the agreements. These development goals are grounded in economic development logics, and this practice of external evaluation can be understood as an attempt to legitimize them with the help of “independent experts”. As a result, “groups get repeatedly surveyed and asked about the same stuff again and again, but the company never feeds back into the communities about the data that is collected. What is the intention behind the data collection? Is it for Traditional Owner groups or for [the company]?” (ICM 5).

Apparently, commissioning external assessments is a widespread practice in agreements with resource companies, as one executive of one of the LACs shared: “They were all doing their baseline assessments to what was the community need, they all got Whitefella consultants to come in and do all of this analysis [. . .]. There is the report—end of story. So, an enormous amount of money has gone into Whitefella consultants’ corporates to deliver an output

with no outcome” (LAC 1). Aileen Moreton-Robinson calls this practice “methodological erasure” (Martin-Booran Mirraboopa, 2008, p. 213), whereby the lack of Indigenous leadership in defining and measuring the things that matter to communities, and the overriding of Indigenous data sovereignty “ignore and perpetuate power imbalances of research expert and Aboriginal research subject.” In this case, the practice also perpetuates power imbalances with the mining company commissioning the work. On this institutional terrain, the evaluation mechanisms measure only what matters to the company.

The terms and conditions of the agreements require Indigenous communities to appoint a professional trustee to manage the distribution of the impact and benefit funds. While trustees are required to remain impartial to community decision-making, some trust managers would like to have more influence on outcomes of agreements, as illustrated by the following statement: “By design, the structure doesn’t give us, the trustee, any power to influence decisions. We sit there as an advisory committee, but we have no voting rights, we cannot drive those things. . . .It is actually a bit of a problem, that we cannot ensure progress” (TM 2). At the same time, trustees are bound by compliance clauses in the agreement contracts that give them both the responsibility and the power to suspend payouts from the trust funds indefinitely, if certain compliance requirements, such as specific aspects of reporting, are not fulfilled by communities. One explained that: “The structure permits an indefinite deadlock scenario, and this is exactly where we have come to. From a pure legal drafting perspective, the trust deed permits a dead-lock scenario.” But in any other type of commercial contract, “there is never a dead-lock scenario that should be allowed to go for a certain period of time” (TM 2).

It is apparent that trustees seek to prevent scenarios that lead to the freezing of trust funds. Yet, during our visits to the Pilbara, we learned about concerning practices in relation to the interaction between some external trustees and the Indigenous communities that they are serving. One LAC member observed that: “Another big issue is the communication between our group and our trustee. The trustee’s office is in Perth, and when they come up for meetings, agendas and relevant information and reports for the meeting are usually shared only 1 or 2 days before the meetings, which is too late for our people to get their head around the information. Also, meetings with the trustee often end before important decisions are reached, because trustee officers have to leave the meeting at something like 3 p.m. to catch their plane back to Perth” (LAC 7). Apart from a concerning lack of local engagement with Pilbara communities, such tactics point to a broader issue of Indigenous communities being treated as “fringe” stakeholders (McCarthy & Muthuri,

2018) in relation to their own matters, rather than as rightful custodians of the lands and resources that are subject to the agreements.

The overarching pattern throughout our analysis of the institutional terrain of the Pilbara agreements is tellingly expressed in the sentiment by one Indigenous community member that “it is always [the company’s] way of doing things” (ICM 6). Mining managers and trustees take for granted that the institutional context of the agreements is entirely framed within economic development logics and legalistic logics grounded in a colonial legal framework. Furthermore, the structural design of the agreements actually restricts development opportunities for communities due to ambiguous and burdensome compliance requirements that drain community resources. These requirements were drafted by a group of stakeholders—legal advisors—who have no actual stake in the local outcomes from agreements. Eversole (2015, p. 106) refers to this type of relationship as “framed engagement,” where potentially impactful engagement between communities and powerful external organizations fails to support positive outcomes for communities, because the engagement is confined to the institutional terrain of the more powerful organizations. The language, structure, and taken-for-granted ways of working of the Pilbara agreements reproduce power imbalances and create little space for intercultural communication and relationship-building. As a result, communities are unable to fully engage in the ways they want to, and to effectively create the outcomes that they want for their people.

Discussion

Understanding Development Logics in Negotiated Agreements: Implications for Engagement

Extant research has highlighted the need to address “cultural misunderstandings” (see Boiral et al., 2023), and deep-seated cultural differences (see Ahenakew, 2016; Crawley & Sinclair, 2003; Lertzman & Vredenburg, 2005; tebrakunna Country et al., 2019) between Indigenous worldviews and Western worldviews in the context of negotiated agreements. Our analysis of the perspectives of Indigenous community leaders and representatives, alongside those of the resource company, trust fund managers, and lawyers involved in agreements, extends this literature by identifying the specific differences in development logics that Indigenous communities and the resource company hold.

While we have identified that actors have divergent perspectives on the aims of Indigenous community development (*notional logics*) as well as how to create desired change (*strategic logics*), it is by no means inevitable that

differing development logics between actors will lead to conflict in negotiations (Gunasekara et al., 2023; Le Ber & Branzei, 2010). In fact, negotiations to establish agreements between Indigenous communities and resource companies have the potential to generate authentic intercultural engagement and stimulate social innovation at the cultural interface (Eversole, 2015; Yunkaporta, 2009), by making differing values and practices explicit, visible and valued. To achieve this, however, negotiations have to acknowledge and be based on recognizing and honoring “the right that Indigenous peoples have, to define those things that are important to themselves, using their own processes to advance and develop on their terms” (Eketone, 2006). This involves a critical reflection on the colonial underpinnings of the approach that we identified as “economic development logics,” held by decision-makers at the resource company and some trustees, which is deeply rooted in White settler imperialism (Henderson, 2024) and the production-focused economic aspirations of Western organizations.

While the development objectives that are stated in the negotiated agreements are largely informed by economic development logics, the contractual structure and detailed deeds of the agreements are founded on a third type of development logic, which we term legalistic development logics. Legalistic logics are primarily concerned with ensuring compliance with the rules of the (Australian) legal context, assuming neutrality towards real-world outcomes for those stakeholders that are enacting these agreements. However, this is problematic because this standpoint assumes that negotiated agreements are an institutionally neutral terrain. It does not acknowledge that the Pilbara agreements, like other negotiated agreements in Australia (and other countries), are “predicated on colonial legal systems” (Ngurra et al., 2023, p. 357), in which “Indigenous peoples and other negatively racialized populations were often forcibly included within colonial polities on differentiated terms of highly exploitative, uneven integration” (Henderson, 2024, p. 480, based on Getachew, 2019). Legalistic development logics and the proponents who enact them play a substantial role in shaping the unequal institutional terrain of negotiated agreements, as we will outline in more detail in the section below.

Decolonizing the Institutional Terrain: Toward Authentic Engagement

An important contribution of our work is to draw attention to the institutional terrain of negotiated agreements as a relational ensemble in which actors with different culturally situated logics interact. These interactions take place on

an institutional terrain of engagement that comprises formal governance mechanisms as well as customs, conventions, and norms about how things are done. The influence of the institutional context on outcomes from agreements can be better understood through an anthropology of development lens, which recognizes that this institutional terrain may structurally privilege particular logics and stifle others. Further, it emphasizes the agency of actors in enacting the institutional terrain and thus recognizes the potential for actors to shift structures through their interactions. Otherwise, focusing solely on structural aspects of the institutional context does not provide an adequate explanation and misses important implications.

Structurally and legally, negotiated agreements with Indigenous groups are set in Western legal traditions that are predicated on British settler colonialism and racial capitalism (Henderson, 2024; Ngurra et al., 2023). However, while these structural aspects of the legal context are significant and prescribe governance mechanisms that constrain Indigenous sovereignty in most cases, some Indigenous groups still achieve positive outcomes from negotiated agreements (O’Faircheallaigh, 2021). Thus, structural aspects alone cannot sufficiently explain outcomes from negotiated agreements, as variable outcomes occur within the same (colonial) legal regime. Correspondingly, we find that the marginalization of Indigenous stakeholders in negotiated agreements is perpetuated by the specific logics and practices of corporate stakeholders, for whom “power asymmetries arising from colonial and postcolonial relations have become a norm” (Turkina, 2024, p. 33). Such stakeholders frame their engagement with Indigenous groups in transactional behaviors and tactics that show little or no consideration for coming into right relationship and building mutual trust, that infringe on Indigenous data sovereignty by treating Indigenous people as the “known” and never the “knowers” (Moreton-Robinson, 2004, p. 75), and that ignore culturally-binding community governance principles that have been in place for millennia.

Guided by economic development logics that foreground Indigenous deficit, along with legalistic logics grounded in colonial relations of control, these actors create institutional spaces that reproduce power imbalances and altogether undermine authentic engagement with Indigenous groups. For such cases, Cornwall (2008, p. 275) has coined the term “invited spaces”; spaces for engagement which “are often structured and owned by those who provide them, no matter how participatory they may seek to be.” When agreements with Indigenous communities are negotiated and established in such “invited spaces” where ways of knowing and ways of working remain on the conceptual terrain of Western organizations, the consequences of missing “the deep contribution that Indigenous communities can make to how

regional development is understood and practiced” (tebrakunna Country et al., 2019, p. 1510) are profound.

Indigenous knowledges are grounded in the “distinctive identities of indigenous people, their deep links with their ancestral lands, and their reliance on customary law and institutions” (Langton & Longbottom, 2012, p. 5), and this provides innovative ways of thinking and problem solving (Yunkaporta & McGinty, 2009) toward sustainable community development. Taken together, these insights highlight the need for authentic intercultural engagement between Western business organizations and Indigenous communities, and what is required to achieve it. A commitment to respect Indigenous priorities and ways of working, careful attention to the institutional terrain of engagement, and a commitment to cultural reflexivity and relationship-building from the actors involved, all provide points of reference toward a more effective approach to engagement with Indigenous communities.

Concluding Remarks

Our analysis of negotiated agreements between Indigenous communities and resource companies in the Pilbara region explores a microcosm of global patterns that demand critical change. Our findings highlight the crucial role of culturally situated development logics in shaping the institutional terrain of such agreements. Legalistic logics that prioritize compliance with the rules of the (Australian) legal context over real-world outcomes for Indigenous communities perpetually reinforce the colonial underpinnings of the institutional terrain on which engagement with Indigenous peoples takes place and facilitate behaviors and practices that marginalize Indigenous stakeholders in relation to their own matters. These engagement dynamics undermine Indigenous communities’ rights and interests as millennial custodians of the lands and resources that are subject to the agreements.

Authentic intercultural engagement with Indigenous peoples recognizes Indigenous aspirations for self-determination as the foundation of any agreement-making. Ethical, respectful intercultural engagement between Indigenous communities and Western organizations can help find common ground and stimulate innovation at the cultural interface, like the two arms of the boomerang meeting to form a strong center (Yunkaporta, 2009).

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Ethical Statement

This study received ethical approval from the Swinburne Human Research Ethics Committee (SUHREC) as per approval 2018/060.

Informed Consent

All participants received a participant information form outlining the purpose of the study prior to consenting to interview. Upon interview, informed written or verbal consent has been obtained from all individual participants. All participants have been informed in the written consent form and verbally that anonymized findings of the study would be used in academic publications, and that it is their right to withdraw from the study at any time without provisions of reasons.

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Notes

1. AIATSIS stands for the Australian Institute of Aboriginal and Torres Strait Islander Studies which first published ethics guidelines in 1999, which at the time presented a new approach to research ethics that repositioned Indigenous peoples from subjects of research to partners in research. The purpose of the AIATSIS Code is to promote ethical and responsible practice in Aboriginal and Torres Strait Islander research, ensuring Indigenous peoples are fully engaged and benefit from research that impacts them. The Code sets national standards and principles—such as Indigenous self-determination and accountability—that guide researchers, institutions, and review bodies in conducting ethical research affecting Aboriginal and Torres Strait Islander peoples.
2. IBAs are legally binding contracts, commonly negotiated between Indigenous communities and resource development companies. They outline the terms of resource extraction on or near Indigenous lands, with a focus on mitigating the negative impacts of the resource extraction on the community, environment, and cultural life, while also defining economic benefits for the community. IBAs are confidential agreements that include clauses on how benefit payments are to be managed and how funds can be accessed by the communities that they intend to benefit.

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