

Aboriginal Corporations as a Response to Poverty and Land Claim Settlements

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SUMMARY

One of the principal causes of poverty amongst indigenous peoples is being deprived of their traditional land, thereby compromising their livelihoods. This has come about by various means, including one-sided treaties, expropriation, and corruption. Typically indigenous peoples have customary or unregistered rights rather than statutory and registered ones. Their livelihoods are at risk from the developments such as plantations, sovereign wealth funds' investment in agricultural land, mineral exploitation, hydroelectricity projects, and tourism. At the heart of the problem is the unwillingness of governments to recognise these communities' land rights and to respect their human rights. In some countries loss of land has led to land right claims, which have been settled through the restitution of land previously taken or equivalent compensation in kind paid. The paper uses case studies from Alaska, Canada and New Zealand. Its main focus is not on the process by which land rights have been recovered, though the paper does discuss these, but how the indigenous peoples have responded to the recovery of their land. The governments in each case have wanted to negotiate with groups rather than with individuals. A consequence has been the transfer of land and property rights into the hands of corporate bodies under the control of tribes. This can be surface rights but also mineral rights or fishing rights. Compensation has also taken the form of surplus government property, often in city centres. An important response of the aboriginal groups has been to create corporations belonging collectively to the community to exploit these property resources, to undertake investment on behalf of the community, and to generate employment. These are often major property companies with investments in offices, shopping malls and housing developments. They have often diversified from being employment generating to selling technical expertise. They can also include equity investments in hydro-electricity generation and oil pipelines across their ancestral lands. In this way, the communities have been able to share in the on-going growth from development and not merely be compensated for loss of land use rights. The paper contrasts their sophistication and commercial acumen with the limited compensation other communities have secured elsewhere in the world for giving up communal assets, but also draws attention to some of the problems which have arisen, such as issues of governance and conflicts of objectives.