

## Ancestry and Rights to Country: The Politics of Social Inclusion in Native Title Negotiations

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Native title groups face the issue of who to include as members and hence potential beneficiaries of claims and agreements. Ancestry, the historical land associations of deceased forebears, and contemporary personal connections to country all commonly become the subject of intense politicking among Aboriginal individuals and families, who at times have wider reasons to both cooperate and compete. Territorial boundaries between contemporary identity groups, the location of significant sites, and what constitutes heritage are similarly issues of often related, vigorous negotiations. Individuals and families, at times represented by Indigenous corporations, can struggle to articulate local traditional and genealogical knowledge that is partial and heavily influenced by historical and ethnographic documents available from archives and the work of anthropologists, historians, linguists and archaeologists.

Issues of social inclusion and exclusion can be driven by questions of individuals' historical proximity or remoteness from claim areas, accusations of tribal identity fraud or mistaken genealogical affiliations, allegedly relevant mixed racial backgrounds, and blunt personality politics focused on control over real or imagined resources. In this context, respondent parties such as State governments, proponents of development projects and the courts seeking to arrive at appropriate determinations often enough find themselves embroiled in highly emotional disputes between and among Indigenous groups. The resulting mix of intensely personal and cultural politics is a major determinant of native title outcomes and economic empowerment possibilities. This chapter will present case material to illustrate the significance of Indigenous politics of social inclusion in the resolution of native title claims and related beneficial outcomes.

### Indigenous Disputes Over Claim Group Membership

While the fundamental influence of legal jurisprudence and negotiations with government and industry parties is broadly recognised,<sup>1</sup> the complexities of social and political

<sup>1</sup> Marcia Langton and Lisa Palmer, 'Modern Agreement Making and Indigenous People in Australia: Issues and Trends' (2003) 8(1) *Australian Indigenous Law Reporter* 1; David Ritter, *Contesting Native Title: From Controversy to Consensus in the Struggle Over Indigenous Land*

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