The Enduring State: An analysis of governance making in three mining conflicts

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Abstract

This article investigates the profound ambiguity of the state in the organization of contemporary business-society relations. On the one hand, there has been a decisive shift from government to governance, encouraging private actors, such as corporations, communities and NGOs, to address social and environmental concerns themselves, i.e. without the state's involvement. On the other hand, however, the continued importance and relevance of the organized state is difficult to ignore. In this article we examine the role of the state in three cases of mining conflicts in Chile, one of the most important mining countries in the world. Through longitudinal, qualitative research of conflictive mining governance relations between state organizations, large corporations and local communities, we show that the modes of influence conducted by the Chilean state oscillate between direct, central steering ('cathedral') and indirect, dispersed vouching ('bazaar'). Elaborating on Foucault's concept of governmentality, we offer a hybrid theory of state organization, where the dematerialization of the state's responsibility is seen not as the norm but rather as a particular mode of governance that sits alongside the underestimated, yet enduring, material involvement of the state.

Introduction

The role of the state in contemporary organized society is profoundly ambiguous. On the one hand, it is very much visible and present, acting continuously, shaping and steering societies legally, politically and economically. Who, in times of Trump and the Chinese Communist Party, can deny

the power governments, state institutions and their leaders have in organizing the everyday lives of their countryfolk and beyond (Fukuyama, 2017; Xing & Christensen, 2016)? On the other hand, however, the state is also opaque and absent, often denying responsibility and lacking capacity - and some would say increasingly so (Abbott & Snidal, 2010). The state often now takes a backseat, it is argued (Knudsen and Moon, 2017), as private actors, especially corporations and civil society organizations, are called upon to address societal, economic and environmental problems themselves.

Governance can be best understood as a particular mode of arranging the steering of society, one which ensures an alternative to traditional governmental jurisdiction, involving a range of private stakeholders who interact with each other in markets and networks (Rhodes, 2007). Such a transition, from government to governance (Rosenau and Czempiel, 1992), has brought to our attention the rapidly rising complexities of the private sphere, where a multitude of enterprising, civil and community actors engage each other in search of consensual solutions to socio-economic and environmental problems in the context of a highly globalized economy (Abbott & Snidal, 2010).

Chief amongst these emerging governance forms and practices has been Corporate Social Responsibility (CSR). Seemingly excluding state organizations, a variety of different CSR approaches have emerged, from setting up market-based standards to self-governance processes, which have been widely studied in organization studies (OS) (Djelic & Sahlin-Andersson, 2006; Moon et al., 2011; Rasche et al., 2013). Their importance has led to a normative call for a 'political CSR' approach, arguing for an unequivocal political perspective of the corporation and the business conduct of its agents with multiple stakeholders (Mason and Simmons, 2014; Scherer and Palazzo, 2011; Wettstein, 2009). Yet, in the political CSR literature the role of the state has not been sufficiently understood (Gond et al., 2011; Knudsen and Moon, 2017; Bo et al., 2018), and hence there have been calls within OS for a renewed problematization of the state in CSR and governance

regimes (Whelan, 2012; Djelic and Etchanchu, 2015; Schrempf-Stirling, 2016). Most of these calls have focused on highlighting the continued importance and relevance of the state in organizing business-society relations. However, we argue that the profound ambiguity of the organized state in times of governance has yet to be fully understood.

This article hence aims to understand, both theoretically and empirically, how governance itself is governed. Put differently, following Foucault's critique of contemporary government (Lemke, 2007), we need to question how the 'conduct of business conduct' is enabled, and how the state is currently re-organizing its governmental authority. To do this, we pay attention to the emergence of singular modes of state organization and self-organization, which can influence the making of governance by implementing power and agency reflexively in relation to a complex network of actors and rules (Jessop, 2007). Drawing from a particular Foucauldian line of thought in OS (Vallentin & Murillo, 2011), we propose that such an approach requires both a discursive and material reading (Jessop, 2007; Sum, 2009) that can lead to understanding the organization of the state amidst governance as a distributed process of power making across society, producing a variety of materialized and de-materialized effects (Djelic and Etchanchu, 2015).

Empirically, this paper explores the enduring role of the state through an analysis of three governance conflicts in Chile. We present longitudinal, micro-level data, showing how the mining companies' extractive projects have been governed within a complex web of relations of power. We identify five different modes of influence, running across our three cases, namely: deployment of CSR initiatives, mobilization of resistance, division of resistance, prescription by the state, and nexus between state and enterprise. In line with Djelic and Sahlin-Andersson (2006), we show the roles governance actors (state, mining companies, NGOs and communities) play in the new governance regime, producing an ambiguous mishmash of materialized and de-materialized presence of the state. Borrowing the

concept of 'hybrid cathedral-bazaar' governance from Boelens et al. (2015), we show how the five modes of influence enact an intricate relation between the direct and material nature of state responsibility ('cathedral' mode) and indirect and dematerialized forms of state responsibility ('bazaar' mode). We argue that these different modes of influence assemble into a general, multifaceted 'governmentality' where the state organizes its own dispersion to ensure its enduring governing capacity.

(Re)encountering the organized state: From governance to governmentality

In OS and the wider social sciences, a decisive shift from the notion of government to that of governance has taken place over the past half century. It is one that has emerged in response to numerous political, economic and cultural developments and crises that have played out on a global stage (Miller & Rose, 1990; Barry et al., 1993), signaling a diminishing role of the state and a shift of power towards private actors in contemporary political economies (Rhodes, 2007). Yet, following Arellano et al. (2006), perhaps this move towards governance and the, often uncritical, assumption of the reduced power of the state has been premature and misguided; for them, the state has never really gone away. Indeed, since the 1950s there has been a longstanding concern in OS about the rationality behind the control-based, rule-bound, hierarchical functioning of the state (Weber, 2009; Warwick et al., 1975; Bendix, 194; Hall, 1962, Blau, 1968) along with its theoretical and moral setup (Udy, 1959; Heady, 1959; see also du Gay, 2000). Even during the 'linguistic' and 'systemic' post-Weberian turns in the 1970s-1980s, the notion of the organized state managed to retain its protagonism. While its shapes, roles and practices have undoubtedly changed, the state should be understood as persisting, enduring and powerful actor. There is hence a need for a renewed focus of OS scholars on understanding and conceptualizing the organization of the state (Whelan, 2012; Djelic and Etchanchu,

2015; Schrempf-Stirling, 2016).

In recent decades, interest in the organization of the state has endured, yet its focus has veered dramatically towards post-bureaucratic reforms, aiming at enabling and expanding governance networks. This is where stakeholders - involving both state and private, non-state actors - engage reciprocally, exchanging resources and political views, so that effective governance mechanisms can be set up (Bernstein & Cashore, 2007; Rhodes, 2007). Such governance efforts are mobilized as enterprising initiatives both within and beyond the state, calling for the empowering of free networking individuals, the flexibilization of hierarchical power structures and the conduction of a constant process of identity work by 'post-bureaucrats', beyond the auspices of traditional statecraft and governmental authority (Heydebrand, 1989; Johnson et al., 2009; see also Stokes & Clegg, 2002; Thomas & Davies, 200; Deacon, 1998; Rose & Miller, 1992)

The abovementioned inquiries coincide with efforts to introduce the normative (mostly Habermasian) notion of 'political CSR' (PCSR), which can be said to represent the ideal culmination of the governance era (Djelic & Sahlin-Andersson, 2006; Moon et al., 2011; Rasche et al., 2013). From a normative standpoint, advocates of PCSR have made the case that governance can foster a fairer, democratic, self-regulatory interaction rationale between (self-organizing) stakeholders, in the face of social inequality, globalization and environmental degradation (Mason and Simmons, 2014; Scherer and Palazzo, 2011; Wettstein, 2009). In this way, the idea of a 'governance without government' (Rosenau and Czempiel, 1992) has been furnished with narratives of the ethical and political. Private actors are portrayed as having an increased sensitivity and effectiveness in guiding problem-solving processes in the socio-political sphere towards win-win outcomes - for instance, by offering benefits to communities in exchange for a social license to operate (e.g. O'Faircheallaigh, 2013), surpassing a state apparatus that has been deemed passive and rather obsolete (Gemmill &

Bamidele-Izu, 2002; Bernstein & Cashore, 2007), especially in the so-called Global South (Morgan et al., 2016).

While some calls have been made to expand the theoretical base of PCSR (Mäkinen & Kourula; 2012), recognizing the state as a noteworthy actor (Whelen, 2015; Frynas & Stephens, 2015), emerging PCSR approaches often overlook crucial issues related to the state's sustained organized agency. One of these relates to the asymmetries between powerful corporations and those stakeholders directly affected by business conduct (Banerjee, 2017). Empirical research (e.g. Moog et al., 2015; Coleman, 2013; Himley, 2014; Li, 2016; Maher, 2018; Bo et al., 2018) has indicated that, despite their normative coherence, it seems only an ineffective and simulated governance - or, as Walters calls it, 'anti-politics' (2004, p. 33) - is generated when the dialogical and deliberative potential of those who defend public interests via enterprise strategies is undermined because of their managerial dependency on more operationally capable, and thus, more powerful corporations (see Moog et al., 2015; Lemke, 2007). Another, even more significant issue relates to the underestimation of the state's actual influence, because of PCSR's normative bias and alignment with an 'ideal future', in detriment of a historical assessment of the state's material organization and actual influence (Gond et al., 2011). The 'dematerialization of responsibility' that takes place when value-laden discourses distract the public from the inherently active link between the enduring state and corporations in the face of 'governance gaps' is at stake here (Djelic and Etchanchu, 2015). How then to elucidate the operational and moral frontiers between governmental agency(ies) and governance networks, which have become ambiguous and blurry?

Our contention is that Foucault's notion of 'governmentality' (Foucault, 2008; Vallentin & Murillo, 2011; Lemke, 2007) allows conceiving the state as operating beyond predefined regulatory, disciplinary roles, producing the discursive and material conditions for self-regulatory governance.

Here, it is important, first, to distinguish a practical, material dimension, where the state is involved in legally sanctioning and technologically enabling the activity of a milieu of private counterparts. Second, there is a discursive dimension where the state serves as placeholder for a variety of narratives and values dwelling on the bureaucratic virtues of legitimacy, control and authority, which, if absent, would render the idea of governance meaningless. As Lemke points out (2007, p. 54), Foucault's reading of the state strives to bring back 'an analytics of government' that 'does not start from the assumption that there is an external relationship between government and its objects'. Instead, it recognizes the state to be 'actively involved in constituting agents, identities and interests'; the state's power is both productive and historical, as well as a political process in its own right, rather than merely produced and adhered to specific institutions or polities (Foucault, 2008; Enroth, 2014; Jessop, 2007). In this sense, the state can be conceived as active, yet not always in a direct way (by steering socio-political affairs from the top). It can also act indirectly by organizing and dispensing, what Foucault called, the 'conduct of (business) conduct' (Vallentin and Murillo, 2011). From this point of view, despite of its multiple, diffused embodiments, the state is considered to be constructive of even the most private-driven, 'post-government' governance arrangements (Lemke, 2007).

It is precisely such recognition of 'diffusion' that can help us understand and tackle the problem of the 'dematerialization of responsibility' (Djelic and Etchanchu, 2015 p.657) in a constructive way. With Foucault, the organization of the state vis-à-vis governance can be analyzed in terms of 'govern-mentality', rather than government; as a diffused, post-disciplinary power-making dynamic, productive of the interests or 'mentalities' of all agencies/agents and capacities to influence, whether state, community or corporate bound. This notion of governmentality, which is articulated through symbolic discourses and material practices (Joutsenvirta & Vaara, 2015; Jessop, 2007; Sum, 2009), such as policy, law, enterprise and everyday life (Vallentin & Murillo, 2015; Jones, 2012), can help us account for the emergence of corporate-led self-regulation, which is inextricably bound to the

elusiveness of a stable place for statecraft and the diffusion of the state's agency (Jessop, 2007). One should be aware, however, of those voices who 'invoke a nostalgic image of the nation state as an actor defending public interests against powerful economic actors', taking 'for granted the separation of state and market' (Lemke, 2007: 56). We can see this 'nostalgia' towards a pre-globalization imaginary of an autonomous, 'muscular' state particularly in the context of the Global South, which has been colonized by this neoliberal logic of individualization and dispersion further and for longer than most other regions in the world (Connell and Dados, 2014).

In the current context of global corporate capitalism, the state enacts its influence mostly through its capacity to trigger, arrange and conduct meanings assigned to diverse technologies of power, objects of governance, governmental projects and modes of political calculation (Jessop, 2007). The state can thus be seen as dispersedly grounded in a multitude of material and semiotic elements and especially in the subjectivity of mediating stakeholders, experts and citizens who are proud to engage freely and committedly in dealing with 'governance gaps'. As Foucault puts it, 'the state is nothing more than the mobile effect of a regime of multiple [liberal] governmentalities' (2008, p. 77). Based on these premises, it would seem clear that the state would play an active role in the present, not just through the promotion of particular governance and self-regulatory practices, but also through the dissemination of diverse discourses that assign positive meanings to the self-organized overcoming of (potential) socio-environmental harms, encouraging the commitment of stakeholders towards governance (Boelens et al,. 2015). Elaborating critically on the work of those who have prophesied the 'return of the state' in a 'post-neoliberal' Latin America (and the Global South) (e.g. Grugel & Riggirozzi, 2012), we propose that a foucauldian reading can reveal how contemporary governance crises within a deregulated, enterprise-driven society turn most severe precisely when the state actively organizes the passivity and diffusion of its capacity to intervene over the 'public interest' (Ferguson and Gupta, 2002; Swyngedouw, 2005).

We will now explore and analyze such dynamics of governance making by discussing three cases of mining conflicts in Chile. By drawing on Foucault (2008), we will seek to demonstrate how the state is always present, intervening in an indirect way through diffusely conducting the entrepreneurial governmentality of non-state actors, even if (and precisely because) it appears not to.

Methodology

Considering the exploratory nature of the research focus and the discursive and material orientation of our theoretical framework, our empirical study investigates three contested cases of governance making in Chile, involving communities, corporations and state actors. The empirical field research took place in Río Jorquera between 2009-2012, in Huasco Valley between 2011-2017, and in Caimanes between 2012-2017. Our main methodological approach was guided by the general conventions of researching and writing case studies, as proposed by Hays (2004) and Stake (2013).

The focus on governmentality emerged after visiting these three communities several times and triangulating the data with a variety of different documentary and other secondary sources (Stake, 2013) over the course of eight years (2009-2017). In line with a Foucauldian approach, triangulation here should be understood as studying social relations of power and influence as a distributed and dispersed set of discourses and practices (Lemke, 2007; Vallentin & Murillo, 2011). This entails studying influences from the bottom-up, so to say; that is, how they permeate throughout society and are co-produced through complex and changing relationships. Thus, studying the historical context is also an important aspect for us to consider, taking into account archival documents and videos in order to get a wider picture of historical relationships (Jessop, 2007). We believe this is precisely

what research on governmentality should primarily endorse: a grounded accounting of emerging patterns of reality construction, at both semiotic/symbolic and material/practical levels.

The field research was undertaken in three mining-affected communities. Table 1 highlights the enduring state by demonstrating the critical incidents when the Chilean State granted environmental licences to the respective companies as well as when it revoked these same licences. Table 2 (see appendix) provides an overview of the three cases in terms of the respective conflicts, mining projects, roles of different actors and CSR arrangements. The data analysis also required substantial amounts of archival data analysis of mostly publicly available documents and video reports. In total we examined 44 documents and 18 videos, totaling 430 minutes. More specifically, for Huasco Valley we analyzed 18 documents and four videos; for Caimanes 16 documents and 12 videos and for Río Jorquera 10 documents and one video. A list of secondary sources (videos, reports and articles) can be requested from the first author by request. Table 3 (see appendix) provides details pertaining to the field research and interviewees. Table 4 (see appendix) provides background contextual information of the three cases.

We chose to research these communities as the lead author had direct access to community leaders, elected officials, company officials and state authorities. We also made use of publicly available sources such as video documentaries and media reports. As Table 2 shows (see appendix), the lead author visited Río Jorquera and Caimanes four times and the Huasco Valley on two occasions. We also conducted desktop research periodically on the three cases between 2009 and 2017, focusing on perceptions of governance, role of the state and any significant instances of trying to explain community positions of conflict or good relations with the nearby mining projects.

In our collection of data, we combined case study fieldwork with desktop/secondary research. The

fieldwork included semi-structured and informal opportunistic interviews with community residents, mining company executives, local government representatives, state prosecutors, civil society actors and independent experts. Background research around the mining company's community relations was conducted using diverse documentary and press sources, in order to prepare and contextualize the interview process. Most of the interviews were audio recorded and later transcribed in their original language. For the interviews we were not able to audio record, upon the preference of interviewees the lead author took notes throughout the conversation, which were then typed up within 24 hours. The interviewees' names have all been anonymized for confidentiality purposes.

Once transcribed, the lead author began to conduct initial thematic coding, which he shared with key interviewees from the different case studies so as to validate his interpretations. Later on, co-authors coded a sample of the transcripts, reaching a level of 80% inter-coder reliability on the first order concepts. The first level of coding of the interviews was done separately for each case, generally following the critical incident analysis technique as set out in Hays (2004). This exercise generated a total of 138 first order codes of a more descriptive nature. Further analysis led to aggregating categories into themes based on similarities and differences (see Figure 1). Table 5 (see appendix) provides a list of first order concepts categorized by the five second order themes, all supported by examples of raw data. We were then able to construct narratives that reflected interviewees' experiences of each theme.

We justify the use of the three mining cases as each one has experienced a different outcome with regards to the deployment of CSR and the role of the state. Similar approaches of using more than single case studies for analyzing mining-community conflicts have been employed by Bebbington et al. (2008) who contrast two cases from Peru and Ecuador to demonstrate how in Ecuador community resistance can prevail over mining projects. In a similar vein, Özen and Özen (2017) compare and

contrast two gold mining-community cases in Turkey to explain why resistance triumphed in one case and failed at the other. We argue that our three cases also contain different narratives, appropriate for subsequent theorization.

Insert Table 1 about here

Three Mining Conflicts in Chile

In this section, we describe governance engagements held between private actors, governmental institutions and local communities in the context of the mining industry in northern Chile. In particular, we account for the interaction between forms of business conduct, administrative-bureaucratic sanctioning and activism, invoked and deployed by these three actors across three different cases of mining operations, which we have labelled 'Huasco Valley', 'Caimanes' and 'Río Jorquera' (See Table 4 in the appendix for contextual background of the three cases). Following the conceptualization of Lukes (2005), the governance engagements we are interested in can be described as complex processes of influence, in which actors invest in, or become the object of, discursive (i.e. symbolic-rhetoric and practical) strategies, aiming at generating and/or consolidating a position of power in relation to other actors.

We identify five different modes of influence, running across all three cases, as shown in Figure 1. First, 'deployment of CSR initiatives' encompasses communications and practices that seek to solve mining conflicts by creating a consensus between actors. Second, 'mobilization of resistance' points to how stakeholders and the general public are alerted about the dangers and unfairness associated

with the advancement of mining operations. Third, 'division of resistance' refers to the effort of diminishing the coherence of discourses against the advancement of mining operations, while, at the same time, promoting a consensus of the value of mining. Fourth, 'prescription by the state' alludes to the way in which the state's prescriptive capacity is invoked, demanded and/or carried out by diverse actors, including the state's own organizations. Finally, 'nexus between state and enterprise' refers to the communications and practices, sometimes carried out in secretive fashion away from the view of the public, that aim at situating government as supportive of, or closely aligned with, enterprise initiatives. In what follows we will further characterize these modes of influence, by providing details of key events, testimonies and observations, including some quotes for the purpose of illustration.

Insert Figure 1 about here

Mode of influence 1: Deployment of CSR Initiatives

CSR initiatives were deployed by the mining companies in all three cases from the beginning of the conflicts to the present day. CSR was widely used as a key communication tool, aiming to build good community relations and highlighting the benefits of mining. In 2014, 15 out of 22 neighbourhood associations in Alto del Carmen in the Huasco Valley voted for having dialogue with Barrick Gold, which led to selected community leaders engaging regularly in meetings with company executives to discuss impacts of the mine and exchange technical data. Barrick's community relations employees have participated in more than 1,000 community meetings during that time, including a comprehensive door-to-door education campaign (Barrickbeyondborders, 2017). In the other cases, too, similar CSR communication techniques were used, including distributing pamphlets among

community members in Caimanes, which highlighted the benefits and safety features of the dam (OLCA, 2004), and a sustainability workshop conducted by the mining company in Río Jorquera in 2009.

Yet, CSR communications also extended to sharing cultural identifications. Barrick even invested in the publication of a book called *Diaguita* whose main message was that the Diaguita people are historically a mining people in the Huasco Valley, delegitimizing detractors' claims about mining not being compatible with the rural, agricultural identity of the valley. Other similar instances were found in the case of Caimanes (a non-indigenous community), where Pelambres funded the construction of a 'medialuna' (a crescent-shaped corral used for rodeos), and in the case of Rio Jorquera, where Kinross Gold invested in the devising of an 'ethno-mapping study' with the assistance of the community to identify areas of special interest (Kinross, 2017).

These efforts to appropriate cultural representations were appreciated by some community members but also bitterly criticized by others. An interviewee at Caimanes, for instance, affirmed that the medialuna did not represent their culture or identity: *"they built a medialuna for us! They think we are "huasos" but huasos are from south of Santiago; we are in the north! That is offensive and an insult! We don't do rodeos here"* (Interviewee, Caimanes community). Meanwhile, in the case of Huasco Valley, local organizations raised their voice against the inadequacy of initiatives aiming at cultural promotion:

> *"They [Barrick] ....they have raised false community leaders, and they have brought professionals to teach the Huascoaltinos about our own culture. What right do you have to come to teach us about our own traditions? What right do you have to manipulate our traditions, inventing costumes, dances, forms of weaving and pottery that are not our own?" (Statement of the Diaguita Huascoaltinos Indigenous and Agricultural*

Community, Chile, Protest Barrick, 2010)

At Río Jorquera, Kinross has implemented a range of sustainability and ethno/eco-tourism projects in dialogue with the local Colla people, also reaching an agreement over access to their land. The company also donated fences and paid for health insurance subsidies and modest college scholarships to some Colla residents, as well as offering competency-building courses, such as cake baking. Some of these efforts have been received skeptically by the community, who felt that their main grievances concerning the dust, spills and accidents caused by mining traffic on the road had not been addressed. When asked about his views of the CSR initiatives, the Colla leader said: *"They take with one hand and give with another"* (Interviewee, Community leader of Río Jorquera).

The data indicates that CSR initiatives across all three cases also revolved around the theme of 'conflict resolution', aiming to reach and legitimize settlements between companies and communities that would keep business going within a more welcoming, friendlier environment:

> *"We were bored and tired of always being in conflict with the community over so many years, and the community was also bored and tired of this. We realized we had to change the way we related to one another. Our relationship played out in the courts of law and that's not sustainable for anybody. Its exhausting for everyone!"* (Interviewee, Pelambres Management).

A similar strategy was followed by Kinross Maricunga in Rio Jorquera, which, in 2005 and amended in 2008, agreed a Protocol with the local community, setting the governance structure of their relationship (Interviewee, CSR official at Kinross). This consisted mainly of a Dialogue Table that was to serve as an instance for the mutual cooperation between Kinross and the Colla community, guiding assistance in areas of education, health and entrepreneurship.

Mode of influence 2: Mobilization of resistance

Despite the various CSR initiatives, resistance against the mining companies has been mobilized at various levels. Community leaders from the Huasco Valley told us similar stories about the beginnings of the local resistance movement, which was instigated in 2000 by the parish church, a nun and a national environmental justice NGO – OLCA. After charismatic community leader 'Lucho' read the Environmental Impact Assessment report to the community, a local nun took charge of assembling the people to devise a resistance effort. Afterwards 'Lucho' went to the Chilean capital of Santiago to visit OLCA, which agreed to seconde one of their staff members to the community to raise awareness around environmental impacts by sharing the testimonies of invited Canadian speakers and showing relevant films (Interviewees local residents, Huasco Valley). Also, as seen in many documents by filmmakers, journalists and researchers, church representatives began to hold Sunday Mass by the local river, as part of an effort to assign symbolic value to the water sources threatened by the mining operations of Barrick.

In Caimanes the resistance began in 2008 when elected leaders of the defence committee decided to take a much more aggressive campaign against Pelambres. This included filming video documentaries, holding street protests, roadblocks, and the hanging of anti-Pelambres street signs and black flags at homes. In late 2010, twelve community members barricaded themselves into a local school and went on hunger strike for 81 days in demand for the relocation of the whole Caimanes village or the demolition of the tailings dam. Five years later, further resistance emerged when a large group, led by the Defence Committee, blocked the access road to the mine. This protest, which went on for 76 days, was an expression of grievance, pointing to the fact that nothing had happened two months after a supreme court ruling, ordering Pelambres to demolish the tailings dam (Interviewees, various community members and video documentaries).

In Rio Jorquera, too, resistance was very active, especially in the early years. Roadblocks, and later on legal channels, had been used by the Colla community since 2004 to protest against the spills, accidents and dust caused by mining related traffic. When we asked Colla leaders if they could choose between a life with the mining companies and their CSR initiatives and one without any mining operations and the significant CSR investments the response was an unequivocal and immediate preference for life without mining and CSR (Interviewees, Colla Community leaders).

The data shows that resistance was also mobilized at a more institutional level. At Río Jorquera, the Colla complaint of dust plumes caused by mining related vehicles was investigated by COREMA, a regional environmental authority, which found insufficient evidence to support the claims (Various interviews with community, authorities and Kinross). It is important to note that in all cases the resistance actions became more institutionalized as lawyers became involved. In Río Jorquera, the community were joined by a woman lawyer who, in 2009, managed to take Kinross to court over the road issue. At the Huasco Valley, between 2012 and 2017, there were multiple legal challenges by community groups backed by NGOs and lawyers with the aim of stopping the mining operations by Barrick. The Defence Committee at Caimanes also decided upon a legal approach in 2008 when hiring Ossa and company lawyers on a 'no win no fee' basis. However, Pelambres also reacted institutionally in 2012 when the company decided to counter sue Defence Committee leader Flores and his lawyers, a case the company lost in 2013 (Press reports).

Resistance also expanded on to an international scene in various ways. Demonstrations against the Pascua Lama mine were held in London, Cambridge and Barcelona in 2006. In the case of Huasco Valley, a local indigenous leader travelled to Toronto, invited by Canadian NGO 'Protest Barrick', to give talks and presentations at universities, rallies and at Barrick Gold's Annual General Meeting (AGM) in Toronto. A small community from Huascoaltino also had its case against Barrick accepted

at the Interamerican Commission for Human Rights (ProtestBarrick, 2010). After Barrick's Memorandum of Understanding (MoU) agreement with the Huasco Valley community, Canada's largest anti-mining NGO published a report de-legitimizing the process of arriving at the agreement (MiningWatch Canada and OLCA, 2015). In similar fashion, two of the hunger strikers at Caimanes were invited to France by the French government and the Mitterand Foundation to receive honorary medals for their bravery in defending their territory and water (Interviewees and Press reports). Since 2013, London Mining Network has been engaging in civil disobedience via protests outside Antofagasta Minerals (the owners of Pelambres) AGM in London. Finally, the Colla community of Río Jorquera have been recognized by UNESCO in 2010 and have consequently drawn from this fact to defend their position against large mining companies.

Mode of influence 3: Division of resistance

In contrast to the mobilization of resistance we observed, the data across the cases indicates widespread efforts by mining companies to enact the division of resisting communities, ultimately leading to the latter's splits. It is important to note that the data is here showing something different than CSR, as the mode of influence at play does not rely on the capacity to benefit or repair but rather on the capacity to instigate an internal conflict among resisting factions. Specifically, the data indicates two distinct ways through which the division of resistance has been enacted.

First, efforts to divide resistance revolved around targeted incentives that were offered to resisting actors. Barrick Gold, for example, decided in 2008 to invest in one of their then main critical opponents, the Water Vigilance Board, which has been considered as one of the critical events that weakened the local resistance to the mining project. The Board, made up of mainly large, wealthy farmers who had been opposed to Pascua Lama due to the impacts on their grape crops, agreed not to oppose the project upon receiving US$65 million. Similar efforts were observed in the case of

Caimanes. In 2003, Pelambres invited those community residents who were in favour of the company, including those who had received CSR benefits, in order to show that the company enjoyed local support, while, in fact, a large proportion of the community opposed the mining project (OLCA, 2004).

Second, offerings of targeted incentives led resistors to face the dilemma of having to decide whether to persist in their disruptive activities or to try to settle with the companies. An example stems from 2014 when a video was published, showing a local female leader in the village of Perales at Huasco Valley shouting at other community members on the day of the vote on the matter of a MoU with Barrick. The woman, who is in favour of signing the MoU, irately accuses a young man of being an activist and terrorist who does not allow the local "humble" people to sign the MoU. She repeatedly asks who funds him. The video also shows a male local resident who seems to be denied entrance to the meeting because he asks too many questions. This man, together with a local councilor, claim the woman is there to coerce the local residents to sign the MoU with Barrick and that she does not let the residents think freely (Convenio entre Diaguitas y Barrick Gold, 2014).

At Caimanes, diverse efforts to divide resistance were observed led by the mining company, aimed at taking advantage of deepening rifts in the allegiances between neighbours and family members. This was evident in the result of a referendum devised by the company in 2015, in which the community had to decide whether or not to seek a settlement. We found instances of families being torn apart because one member voted 'yes' while others voted 'no', sometimes even leading to evictions from family homes. This sense of inner division kept growing following the referendum, as the lawyers of the Caimanes Defence Committee, who had once defeated the company in 2014 at the supreme court, decided to engage in dialogue with Pelambres and ended up being paid approximately US$4.6m (after the community voted in favour of a settlement with the company was confirmed). As

one community member explained emotionally:

> *"Now many siblings no longer speak to one another, those who voted for the money do not look at us in the eye anymore, I don't know why, I haven't done anything to them …On top of that my kids and I were evicted from the house I was renting because the landlord said he can't rent out to a traitor like me … Now I'm here in this wooden shack without windows."* (Interviewee, member of Caimanes Defence Committee)

Mode of influence 4: Prescription by the state

The data indicates distinct efforts by actors across three cases to invoke and/or implement the capacity of state organizations to intervene directly - that is, prescriptively - over conflicts about mining operations and matters of governance around them. Here, the data reveals two levels at which the state's prescriptive influence is deployed, namely, the executive, governmental level, and the judicial level.

Interventions by the executive branch of the state were identified in all three cases. These revolved, in the first instance, around issues of legal compliance and infringement of policy instruments, such as the Environmental Impact Assessment report.

For example, At Río Jorquera in September of 2013, the SMA (environmental regulatory government agency), issued a 'notice of violation' to Kinross, related to deviations from the permitted configurations of the Maricunga mine camp, fining the company $4.6 million. Kinross appealed the sanction to no avail (Kinross, 2017). Later, in March 2016, after conducting another site visit, the SMA ordered the closure of Kinross' mine due to the drying up of at least 70 hectares of wetlands between the Negro Francisco and Santa Rosa lakes, which they blamed on the Maricunga gold mining project (SMA, 2016). Then a resolution was implemented, seeking the closure of Maricunga's water

pumping wells based on allegations of irreparable harm and imminent risk to the Valle Ancho wetland, located approximately 7 kilometers from Kinross' groundwater wells (SMA website, 2017). Meanwhile, in the case of Caimanes the Chilean Water Authority, an administrative agency at central government, ruled to authorize the necessary water permits needed for the El Mauro tailings dam. The dam would contain 1.7 billion tonnes of toxic mining waste and destroy 140 archeological sites (OLCA, 2004). Related to this, it is worth noting that in 2012 the Minister of Health brought a group of journalists to Caimanes so they could report his drinking of a glass full of water sourced locally. The Minister began to be heckled right after this gesture was captured and left the scene swiftly (Chile se moviliza, video documentary, 2013).

Yet, efforts to implement the intervention of the executive branch of the state also involved the use of force *via* police action. For example, at Caimanes the police broke up a roadblock with the use of riot control gear, and then demolished the campsite in March 2015, on day 76 of protest. The roadblock was organized in protest of the absence of any action after the supreme court ruling in October in 2014 requesting Pelambres to disassemble the El Mauro tailings dam. Members of the community told us that such intervention was really a form of protecting the interests of the company instead of complying with the court order of dismantling the El Mauro dam (Interviewees Caimanes community).

Interventions by the judicial branch of the state were also identified. In the case of Caimanes, judicial influence over the years can be seen as active, yet full of oscillations and contradictions. At first, in 2006, the Regional Court of Appeals prohibited the construction of the tailings dam, following the submission of several legal challenges by the community. However, in 2008 the courts re-approved the permits for the construction of the El Mauro tailings dam (Chile se moviliza, video documentary, 2013). In 2013, again the state acted judicially to curtail the reputation and progress of mining

operations, as the Tribunal of Ovalle court found the leader of the Caimanes Defence Committee (Cristián Flores) and the lawyers who counselled him (the Ossa firm) not guilty of illicit collusion, following an accusation by Pelambres. In October 2014, the Supreme Court of Los Vilos ordered Pelambres to demolish its El Mauro tailings dam, deeming it a danger for mankind (El Mercurio, 2013). However, the state went back to acting judicially in support of mining operations, as in August of 2016 when the La Serena Court of Appeals reversed the decision after seeing evidence of CSR and an agreement with the community between Pelambres and Caimanes (Two interviewees, Management officials Pelambres and Court of Appeals, La Serena ruling document).

Mode of influence 5: Nexus between state and enterprise

This mode of influence emerges when the actual or potential interventions of state and enterprise actors are represented as compatible. Here, again, actors can be observed invoking or demanding the active involvement of the state. Previously, we have noted how corporations have relied legally and politically on statecraft to license mining operations; here, however, the focus is placed on indirect relations between the state and other actors, particularly in those through which the support for the actions is generated. In this sense, we contend influence can be observed as reliant on a verifiable nexus between state and enterprise. The data indicates two levels at which this nexus is established, namely, communications/public relations and strategy/policy making.

A background nexus between state and enterprise, in terms of communications/public relations, can be appreciated as early as 1996, when the Chilean and Argentine states agreed to declare the borderline territory at the top of the Andes as 'bi-nominal'. This was done in anticipation of future mega mining activity by Barrick Gold (La Nación, 1996). In 2009, the regional director of the Chilean Water Authority, a central government agency, declared in an interview with the authors that *"out of all the many mining companies here, I think Kinross' self-monitoring, reporting and conduct on water*

usage is exemplary" (Region III, DGA regional Director). Similarly, in the context of mining at Huasco Valley, Salinas (2007) accounts for the public interventions of Member of Parliament Jaime Mulet, who, in 2004, declared his delight at seeing Barrick's decision to go ahead with the Pascua Lama mining project. Equally, in 2006, the Chilean government's official spokesman, Osvaldo Puccio, declared the country was the 'overall winner' with Barrick's actions.

Meetings were also held at the Ministry of Public Works, between government officials, Kinross Gold executives and community leaders, to discuss conflicts over road related grievances, such as dust and accidents to Colla livestock (Observant participation in meetings by authors, 2009). In the case of Caimanes, Adriana Hoffman, the then head of environmental authorities, organized an unprecedented visit to the community along with a group of politicians in 2001, in which she publicly addressed the conflict, calling for more dialogue between mining company and community (OLCA, 2004). According to Kinross' head of CSR in Chile, the relationship with the Colla community constitutes a 'best practice' example, due to the efficacy of the governance arrangement that involved the Ministry of Public Works in generating benefits for parties involved (Interviewee, Kinross Management official).

Communicational legitimation as a means to portray state and enterprise interests as compatible can also be appreciated in efforts to censor. This was identified in the case of Caimanes where the state-owned television network edited the content of a documentary in which critical remarks were made about the El Mauro dam and Pelambres. In the televised version multiple references to "the situation" and "drought" made by well-known rap star DJ Mendez during his visit to Caimanes were shown, whilst critical views, which linked water shortages to the company, were removed. Community residents confirmed that their consistent mentioning of Pelambres to DJ Mendez during recording of the documentary had been edited out, including the helicopter visit he made over the tailings dam

(TVN documentary, 2012 and various community interviewees).

Finally, in the context of Caimanes, the articulation of nexus between state and enterprise in terms of policy/strategy making can be appreciated in all its subtlety, as an indirect and rather intricate effort. Here, the local community resisting the mining project appeared to be perplexed at how the judicial decision of 2014 to remove the tailings dam had been followed 14 months later by a business-as-usual stance by the company, which continued to operate as if nothing had happened. At this point, crucially, the community was offered a referendum to decide about the future of the tailings dam in the area, which, despite having been organized by the mining company, was staged as an official democratic electionary event, as if organized by the state. Furthermore, the company then used the pro-mining result of this pseudo-electoral process as evidence within judicial dealings with the state, in order to overturn decisions against its tailings dam. This series of events indicate the state's complicity in enterprising this scheme. Not only the state was keen to admit the results of a corporate-run referendum into the judicial process, and remained passive while the pseudo-electoral process in the name of government was taking place. It was also keen to re-engage executively with the company, after the pathway for settlement had been legitimized as a result of the referendum. As a former resistance leader at Caimanes explains:

> *"This is all the capitalist state's fault, they put that piece of trash there (referring to the dam) and then left us alone, to fight the company alone, the state loves private companies coming in. We…fought the company alone and got the agreement for ourselves, and now the state wants to come in and be in the first row ready to cut the ribbon for the new projects we get!"*

Discussion

The above findings have led us to appreciate how the making of governance between conflicting actors - corporations, communities and the state - unfolds densely yet dispersedly, through the establishment of 'new polycentric forms of social organization and mobilization' (Boelens et al., 2015, p. 281). Rather than relying on a singular logic of resolution, the exchange between stakeholders - both large and small - appear to hinge on diverse modes of influence, which are deployed during practical interplay in the field. In light of our data analysis, influence can be understood as the capacity to exert power in interactive fashion, by invoking and enacting discourses on private interests, regulatory authority and technical knowledge.

Yet, what seems to matter most with regards to the making of governance in our three cases are the differing ways in which influence is enabled; or in Foucauldian terms, the ways in which conduct is conducted. What is, analytically speaking, at stake are the overarching logics that grant coherence to the autonomous efforts that hold sway over governance processes, taking place at heterogenous centres of conflict (Lemke, 2007). Across the cases - Huasco Valley, Caimanes, and Río Jorquera - we have found five such modes of enabling influence: 1) Corporate Social Responsibility (CSR); 2) mobilization of resistance; 3) division of resistance; 4) prescription by the state; and 5) nexus between state and enterprise. These modes represent distinct and complementary approaches to the making of governance, portraying, as a whole, the multifaceted character of stakeholder engagement in the resolution of problems and the crafting of agreements. Overall, following Foucault (2008), they show how the power to govern is to be read 'productively', beyond the logic of authority/compliance: governance is actively 'produced' only when key actors manage to legitimize their actions, practically and symbolically, as influential, in relation to the interests, expectations and actions of others.

By foregrounding the crucial role that the enabling of influence plays in governance making, we are able to witness the diffusion of the state's agency and its ambiguous presence as both a mediator and

regulator amidst corporations, communities and the general public. Confirming the views of several OS scholars (Bernstein & Cashore, 2007; Rhodes, 2007), our study shows how the organization of the state seems to have veered committedly towards a post-bureaucratic, post-disciplinary logic for (reciprocal) co-governing between stakeholders. Our data often seems to corroborate that the state appears to have withdrawn almost completely from the scene of governance so that a looser, less direct, approach to the policing and resolution of conflicts can be enacted. In the literature, such shift has been associated with the emergence of a 'bazaar' type of governance, meaning a situated interaction where courses of action are negotiated, not through the coercive force of hierarchic authority - what has been called 'cathedral' governance - but through the reciprocal, rather diffused definition of value(s), meaning(s) and networked allegiances (Demil & Lecocq, 2006; Depledge & Dodds, 2017; Boelens et al., 2015).

Notwithstanding, what we see in our cases of mining conflicts in Chile goes well beyond the characteristics of 'bazaar' governance, which has also been identified as 'private regulation' (Rhodes, 2007; Djelic & Sahlin-Andersson, 2006). Our data clearly shows that the Chilean state is present. That is, we identify different levels of state organization and involvement in the complex web through which state, enterprise and community actors attempt to (co-)establish grounds for influencing their counterparts. So, the state seems to have retained some of its ('cathedral') capacity to influence directly, unilaterally and visibly by relying on legal and administrative mechanisms available; for instance, through judicial ruling, contractual overwatching and the command of security forces at the mining sites. At the same time, however, the small influence that the state has been able to preserve seems, ultimately, to support the consolidation of a mining governance 'bazaar', where a multitude of micro and macro exchanges between corporations and community actors are deployed, on the grounds of highly deregulated land/transport rights, social services and cultural heritages. Although noticeable at times, the state's influence proves too timid and dispersed, as control over these crucial

socio-economic matters is surrendered to the reciprocal influencing between private interests either partially (i.e. through enabling state-enterprise 'nexus') or completely (i.e. through deploying, and resisting, CSR initiatives).

While several scholars would consider these findings to indicate the unequivocal irrelevance and even the obsolescence of the state as a relevant player in the multi-stakeholder scene of governance (Scherer & Palazzo, 2011; Rosenau & Czempiel, 1992), a careful reading of the data allows us to appreciate how, despite the diffusing of its visible agency, the state is, in fact, never absent. Delving deeper into Foucault's definition of the contemporary state as 'nothing more than the mobile effect of a regime of multiple governmentalities' (Foucault, 2008: 77), our analysis has led us to interpret two crucial features of state organization. First, we see statecraft as a contingently enacted, multi-layered technology of administration, which can either be invoked and mobilized or, instead, be disregarded by actors depending on their stakes or 'mentalities' regarding governance affairs and the circumstances of particular conflicts. Second, we appreciate how, rather than vanishing from the reality of governance-making, the institutionality of the state emerges in truly dynamic, dispersed and indirect fashion. That is, the state, understood as 'governmentality(ies)', is about the configuring of a particular mode of agency, which oscillates between active, direct involvement and passive, indirect vouching of the agency of others - often in implicit, overt ways.

Accordingly, elaborating on Djelic & Etchanchu's (2015) recent insights on governance and the history of neoliberal governmentality, we interpret our data in terms of the 'materialization' and 'dematerialization' of the state's responsibility over discourses and practices of governance. In line with Foucault's project, this represents an attempt to transcend dichotomies, such as regulation-deregulation or government-governance, in search of a deeper account of how the state is organized (and organizes itself) not only to govern but also to produce, historically, the conditions for

governance to take place. By looking at diverse modes through which influence is enabled - what Foucault called 'governmentality' or the the 'conduct of conduct' - we can discern the way in which 'self-government and the will to self-determination is always already prefigured by "regimes of truth" which shape and guide such behaviour' (Garland, 1999, p. 29). In this case, these 'regimes' not only concern the truth of an active, direct invoking of state intervention in social life by the governed, but also the truth of 'freedom' during highly deregulated 'bazaar' governance-making engagements: the indirect, implicit appeal to legal-administrative guarantees and infrastructures that make stakeholder subjectivity and private interests possible in the scene of governance (Jessop, 2007). We realize it is with and not without the state's remaining 'cathedral' rooting that the freedom to govern is realized. This means that governance exchanges between private interests do not surpass but rather reproduce and disperse the state's historical discourses on the forceful need to govern (Vallentin & Murillo, 2011). What is really at stake, we then infer, are the specific configurations of what Boelens et al. (2015) have called a 'hybrid cathedral-bazaar' governance; Figure 2 below depicts such a continuum:

Insert Figure 2 about here

When seen as part of a relational system, the modes of influence can be seen as particular arrays of 'governmentalities', that is, shared representations of actors about the conditions for the accomplishment of governance making, registered at both discursive-symbolic and material-practical levels. Crucially, these 'governmentalities' oscillate between 'materialized' and 'dematerialized' forms of state responsibility (see Figure 2). Different modes of securing and deploying influence can be perceived across the three cases observed, ranging from the rigorous implementation of regulatory and policing statecraft, on behalf of traditional 'cathedral' government authority, which we have

equated to state prescription (mode of influence 4), to the devising of autonomist, private initiatives within a 'bazaar' framework, which we have equated to CSR (mode of influence 1). These poles represent stereotypical cases of governmentalities, in which the construal of the state's duly involvement, or lack thereof, is depicted most purely and schematically.

On the one hand, the state comes to be construed as committedly 'material' in its prescriptive involvement over public affairs (mode of influence 4). The data shows how, in the face of conflict between corporations and communities, the state is organized locally and nationally to carry out a responsive and rather paternalistic governmental overwatch, capable of informing not only direct regulation in the form of sanctions but also concrete actions at ground level, such as the mobilization of police forces. Notably, the state is here organized as an accountable presence, actively involved in the steering of private initiative(s) and perceived as causally and morally responsible for the effects of such intervention.

On the other hand, in the case of CSR (mode of influence 1), the state is construed as completely 'dematerialized', with its discursive and practical presence reduced to mere 'virtual' concerns and objects, and its authority reduced to an elusive, if not outright absent, locus of responsibility(ies) (Djelic & Etchanchu, 2015). Notable images of such 'dematerialization' are found in CSR initiatives aimed at 'facilitating' the re-construction of local, indigenous cultures by communities, and at 'supplementing' the development of social services and essential infrastructure. The most remarkable in these instances, the data shows, is the naturalized fashion in which issues that have been historically paramount for state administrations, such as the constitutional recognition of the identity of indigenous identity and the continued provision of welfare, have been 'dissolved' into events/ artifacts of vague significance. Books on indigenous heritage and fences and other forms of small-scale infrastructure, for instance, have supposedly come to accomplish what the nation-state once

managed to organize. Yet, they can only do so in a blatantly nonspecific, indeterminate manner. A sustained addressing of indigenous culture is replaced by brief publication, while a commitment to dealing with social needs is replaced by the offering of 'solutions' whose effective implementation and evaluation no particular corporate actor or 'shareholder' will assume full responsibility for. What these CSR images show, in the context of conflicts around mining projects, is the hollowing out of the state's agency, up to the point of 'dematerializing' its relevance in the governance of public affairs.

Our data analysis has led us to conclude that the remaining arrays of 'governmentalities' (modes of influence 2, 3 and 5) can be situated along the continuum between poles of 'materialization/ dematerialization' of the state's responsibility, understood as expressing varying degrees of active state involvement in governance making. Overall, we come to realize the enduring role the state plays in governance making. Even in the case of CSR, the data indicates, references to public interests under the tutelage of state administration, such as culture and commons, cannot help but to be articulated, revealing the 'background function' the state provides for the interaction between stakeholders. Hence, the state's agency is more or less materialized in all modes of influence, demonstrating the polycentric, multifaceted character of its organization. In some cases, statecraft is directly invoked and wielded as a concrete tool, while in others the concerns and attributions of the state remain a 'virtual' reference at a discursive level. Yet, the state's agency proves essential in the practical and symbolic enabling of influence around mining conflicts and a steady, enduring staple in the conduct of governance conduct.

We believe this not only debunks simplistic claims story about 'statelessness' in the long history of business-society relations, but also illustrates exaggerated assumptions about the waning of state authority in our current landscape of neoliberal governance (Djelic & Etchanchu, 2015). Our study of the varied 'governmentalities' in which the Chilean neoliberal state is implicated during the making

of governance, shows how 'virtual' and 'dematerialized' forms of state responsibility do not exclude but actually coalesce with the 'materialized' involvements that the state has traditionally embodied. It can thus be inferred that contemporary forms of state organization are not so much about dismissing and discarding authority as they are about diffusing it amidst a number of actors willing to subjectively interpret (i.e. 'mentalize') and act upon the need to govern, all the while retaining a minimal 'background capacity' to guarantee the conditions for such free exchange to occur.

Boelens et al.'s concept of a 'hybrid cathedral-bazaar' governance (2015) signals this new generalized yet customized 'governmentality', accounting for the irresolvable tension between market-based governance and what could be called the 'governance of governance', which state organization accomplishes, practically and symbolically, in dispersed fashion. In Figure 3 below, we have used Boelens et al.'s concept to finally locate the specific relations between business, community and state actors we have interpreted in our analysis of data across three cases, showing the specific ways in which modes of influence enact 'cathedral' and 'bazaar' logics or 'mentalities' of governance. Crucially, such schematic rendition allows appreciating at a glance how different modes of influence come together as a whole to establish a general, multifaceted 'governmentality' where the state organizes its own dispersion in order to endure. Figure 3 can thus be read as a map, showing the specific junctures at which the 'materialization' or 'dematerialization' of the state's responsibility take form (see Figure 2). Consequently, it can also be read as a guide for agents such as community leaders and state officials, who are often severely disempowered in relation to corporate actors, to identify the ambiguous boundaries between 'bazaar'-compatible (i.e. dematerialized) and 'cathedral'-compatible (i.e. materialized) modes of influence. Hopefully, this could lead to a more effective seizing of both the resources and gaps in state organization, leading to a fairer and more inclusive conduct of governance.

Insert Figure 3 about here

Conclusion

In this article we address the profound ambiguity of the Chilean state in its influence over the governance of mining industry. We have shown that the governance of the Chilean mining industry is dispersed, involving a range of state, corporate and community actors. In particular, Foucault's notion of governmentality (Foucault, 2008; Vallentin & Murillo, 2011; Lemke, 2007) has led us to conceptualize the role of the organized state as being neither the steerer of socio-economic affairs, nor a diminished figure in a 'post-national constellation', but the vehicle for the 'conduct of business conduct', within the era of governance (Enroth, 2014). Moving beyond normative and state-less PCSR assumptions about communicative rationality(ies) at the political level (Scherer and Palazzo, 2011), we call for the material embodiments of governmentality to be studied further. In particular, following Boelens et al.'s lead (2015), research should explore: first, how the 'polycentric' organization of the state blurs the practical and discursive dichotomy between 'cathedral' institutions of state regulation and fragmented 'bazaar' exchanges between private enterprising actors; and second, how PCSR strategies are less about filling governance gaps *vis-à-vis* a waning state (Scherer & Palazzo, 2011) and more about private actors establishing a sufficiently stable mode of influencing, in direct response to the influence they attribute to state actors, often operating 'behind the scenes' (Moog et al., 2015; Coleman, 2013; Himley, 2014; Li, 2016; Maher, 2018).

In relation to the OS field, our analysis has led us to agree, first and foremost , with calls to empirically explore the role of the state in private governance regimes (e.g. Gond et al., 2011; Schrempf-Stirling,

2016) Particularly, the discursive and material realities of governance relations, here exemplified in the economic, cultural and environmental impacts of mining endeavours, must be addressed. Second, we conclude that it is of utmost importance to assume the state not as a conceptual 'add-on' to governance-making but as a complex social relation or 'governmentality', which unfolds historically and territorially within a widespread neoliberal political economy, involving not one but multiple actors with diverse stakes (Jessop, 2007; Lemke, 2007; du Gay, 2000; Vallentin & Murillo, 2011). Third, our analysis of three cases in Chile reveals that the state has not disappeared but turned ambiguous and dispersed, becoming a 'polycentric hybrid' between 'cathedral' and 'bazaar'. While demanding the withdrawal of governmental control and regulation (Nem Singh, 2012; Undurraga, 2015), the state demonstrates an economic, political and legal-bureaucratic involvement in the regulation of mining *vis-à-vis* the people and the environment, through both the materialization and the dematerialization of its responsibility (Djelic & Etchanchu, 2015). Overall, we have shown, both empirically and theoretically, that the state endures, making its presence felt in a variety of ways. As Nettl wisely affirmed of the state, as early as 1968: "it retains a skeletal and ghostly existence, largely because, for all the changes in emphasis and interests of research, the thing exists and no amount of conceptual restructuring can dissolve it' (1968: 559). OS scholars and governance-makers would do well recognizing its importance and further analyzing its contemporary organization.

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Appendix

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Figure 1 – Coding Structure

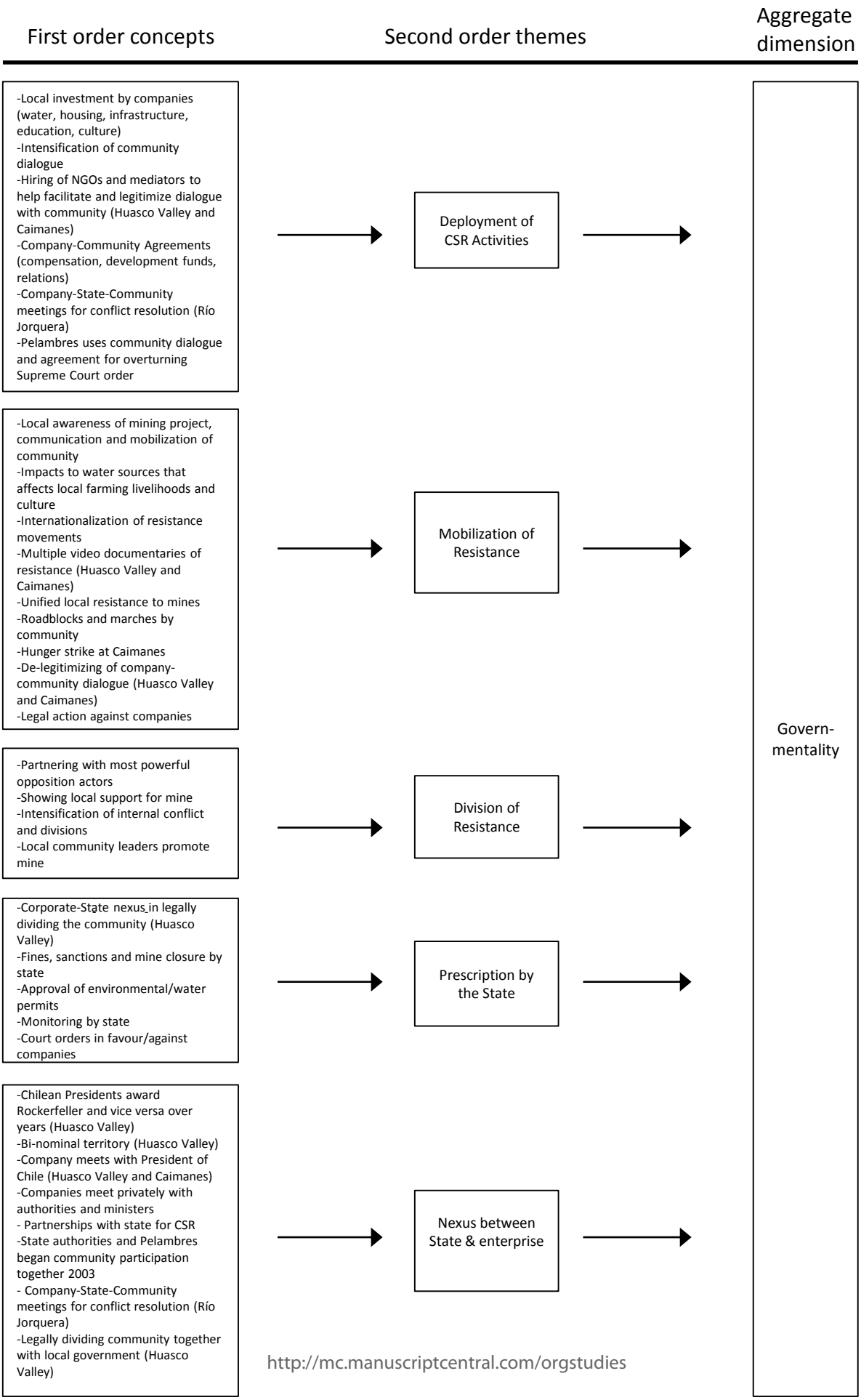


Figure 2 – The governmentality continuum

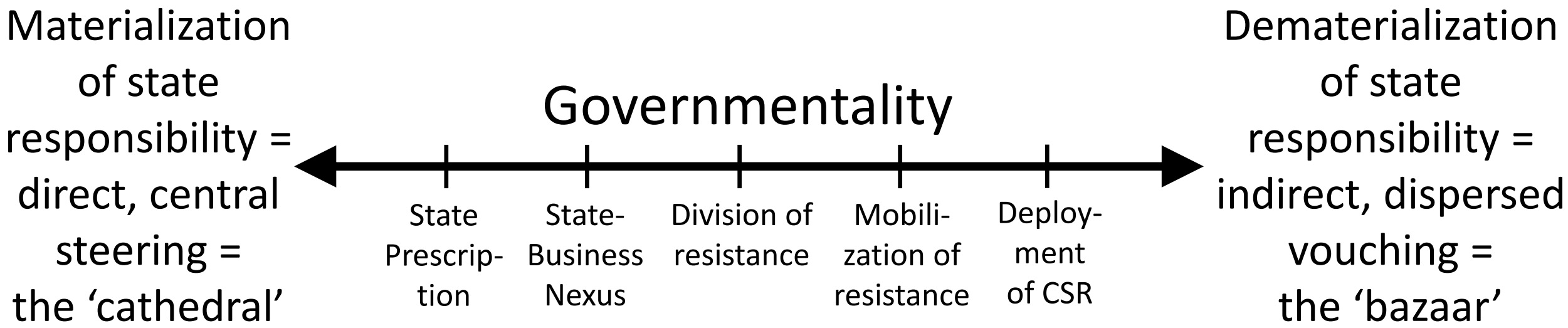
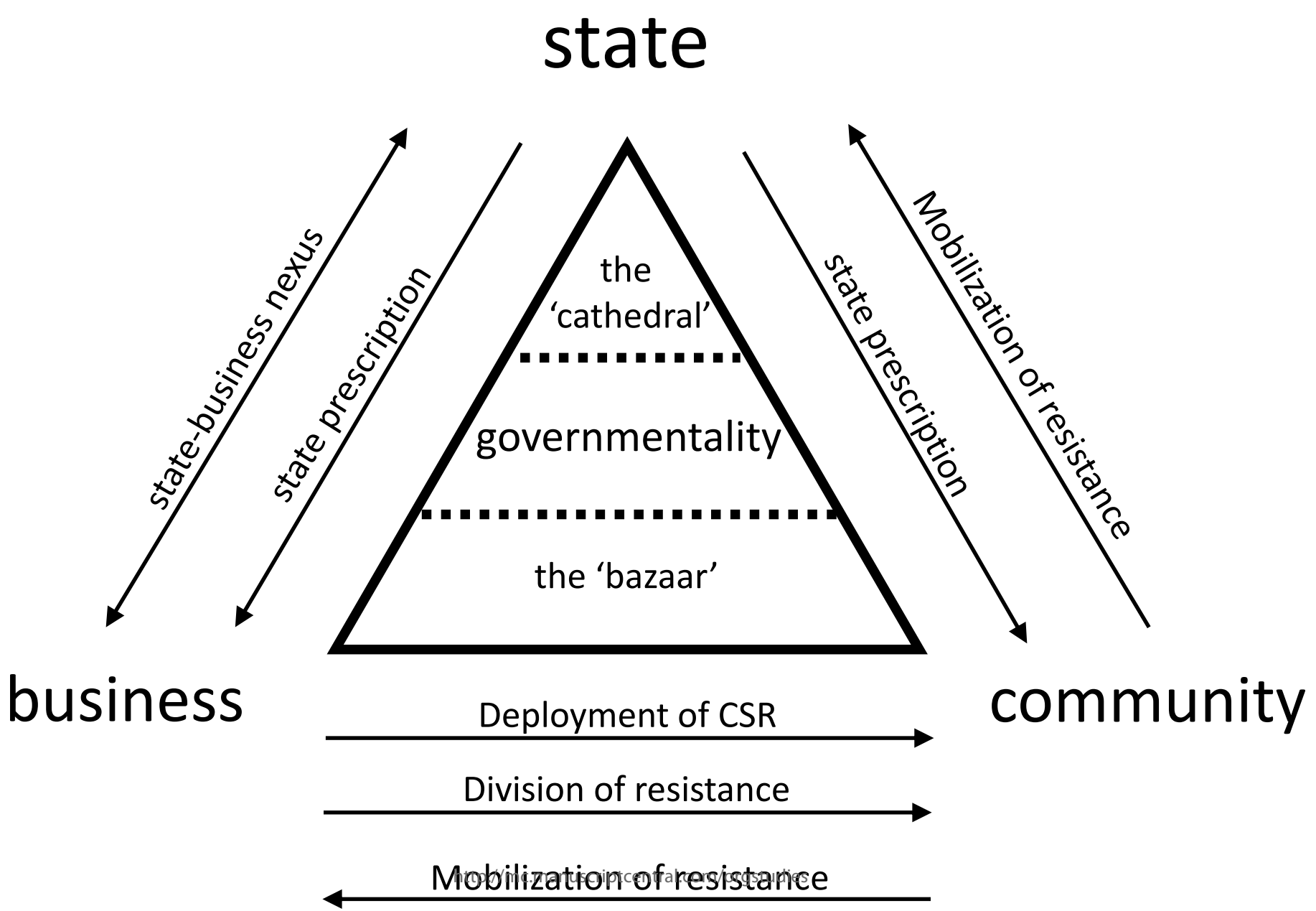


Figure 3 – Modes of influence between main governmentality actors



http://mc.manuscriptcentral.com/orgstudies

Table 1 – Critical events for legal licence between the Chilean state and the mining corporations

	Huasco Valley	Caimanes	Río Jorquera
Obtaining of legal licences and permits from state	2001 - Barrick Gold received its environmental licence from national authorities in 2001 and subsequently again in 2006 for a larger project.	2004 - Pelambres received its environmental licence from regional state authorities (COREMA).	1994 - The Maricunga mine received its environmental licence from regional state authorities (COREMA) in 1994. In 1996 Kinross Gold became 50% owner of the mine. In 2007 Kinross Gold bought the remaining 50% to complete its full ownership of the mine.
Attempts by state to revoke legal licences	The national environmental regulators (SMA) ordered a temporary shutdown of the mine in June 2013, on the grounds of poor environmental management at the mine. After further site inspections the SMA ordered the permanent closure of the mine in January 2018.	In 2006 Court of Appeals of Santiago ruled in favour of community opposition thus blocking the construction of the dam. Supreme Court of Los Vilos ordered the demolition of El Mauro dam in October 2014 and March 2015.	During 2016 environmental regulators (SMA) and the Environmental Tribunal ordered the closure of the mine after conducting site inspections.

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Table 2 – Overview of three Chilean mining cases

	Huasco Valley	Caimanes	Río Jorquera
Financial value of mining project	US$8.5bn	US$600mn	US$300m
Description of mining company and community	*Barrick Gold* – Largest Gold mining company in the world from Canada hoping to operate their Pascua Lama gold mine. Huasco Valley - Rural and farming, mainly indigenous (Diaguita) community of around 5,000 inhabitants. Divided into 35 formal neighbourhood associations.	Pelambres owned by *Antofagasta Minerals* – Listed on the London Stock Exchange. Caimanes – small isolated rural village of 1500, where a substantial number of residents provide services to nearby mining projects.	*Kinross Gold* – World's 4th largest Gold mining company from Canada. Approximately 40 indigenous Colla community families residing along the mountainous road up to the mine.
Description of conflict and community resistance to	**High** level of conflict. Majority of community is against large-scale mining in the valley. However, they are divided	**High** level of conflict.	**Low-Medium** level of conflict.

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mining projects.	between whether to enter negotiations to establish a form of private governance and whether to resist all forms of dialogue as a means of rejecting the mining project outright.		
Role of key state actors: Environmental regulators – (SMA); Environmental Tribunal.	SMA In May 2013 ordered its closure and issued a fine of US$16m after failing to comply with the conditions stipulated from the EIA. In June 2015 the SMA rejected Barrick Gold's plan of compliance In January 2018 the SMA ordered for the permanent closure of the mine after	SMA In March 2014 ordered Pelambres to pay a fine of around US$2m due to incompliance with the EIA. Environmental Tribunal Ordered SMA to recalculate the fine after a complaint lodged by the mining company. Supreme Court of Chile, Los Vilos In October 2014 ordered Pelambres to demolish the El Mauro tailings dam.	SMA In March 2016 SMA ordered the closure of Kinross Gold's mine due to the drying up of at least 70 hectares of wetlands. Environmental Tribunal The environmental courts authorized the SMA to close down the Maricunga mine for 25 days. In October 2018 the courts reiterated their decision to restrict all access to

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	persistent environmental mismanagement by Barrick. <u>Environmental Tribunal</u> In March 2014 the tribunal ordered the SMA to reduce the fines. In March 2015 the tribunal rejected claims by the community and NGO that the Pascua Lama mine was negatively impacting the glaciers. In October 2018 the tribunal reiterated the SMA's decision to shutdown the mine due to Barrick's lack of monitoring glaciers.	<u>Court of Appeals in La Serena</u> In August 2016 revoked the previous order by the supreme court of Los Vilos in favour of Pelambres to continue operating its tailings dam under the condition it complies with the agreement it reached with the majority of the community.	the water wells effectively terminating Maricunga's operations.

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Private governance arrangements between mining company and community	Extensive political CSR initiatives with community and local/regional government. In May 2014, obtained two-thirds of local neighbourhood association signatures for a MoU, a form of private governance between Barrick Gold and community. The MoU finished by end of 2015.	In 2015 Pelambres joined forces with the community's lawyers by offering over US$4m if they could convince the majority of locals to accept an agreement via a series of public dialogues over four months. This process culminated in a referendum held by the company that asked local residents if they wanted to receive compensation of approximately €35,000 per family on the condition that they cease all future legal actions against the company. The agreement included mitigation measures regarding the concerns of pollution to local water sources by the dam as well as a €8m community development fund.	The relationship is governed by a private governance agreement between mining company and community that sets out the terms of their relationship

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		Pelambres did not achieve the required 70% during the referendum, however, the lawyers and leaders visited families at their homes requesting their signatures. Eventually over 80% signed in favour of the agreement and Pelambres won its court appeal.	
Private governance arrangements between mining company and state actors	Had the "Atacama Commitment" partnership with the regional Chilean State authorities and NGOs. Alleged close relationship with local government, according to community leaders.	Pelambres has funded several local infrastructure projects in Caimanes via the local government such as the sewage infrastructure, a local football field/club and school. Lead on well-renowned 'Somos Choapa' regional development initiative with local governments closer to the mine (not in Caimanes). Alleged close relationship with local government, according to community leaders.	After tripartite dialogue between mining company, community and government Ministry of Public Works in 2009-10 the company agreed to pave the road.

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Table 3 – Sources and details of field research data

	Huasco Valley	Caimanes	Río Jorquera
Inter-views	Two visits in October 2012 and September 2017. Visited several villages (Alto del Carmen, Chiriguento, Chanchoquin, El Transito and El Perral. Participated in village hall meeting and local municipal election debates. Held focus group with 12 elderly residents at social club. Total of 31 individual Interviewees. Semi structured and informal interviews with: 20 local community residents (from a variety of positions regarding the mine from participating in CSR/dialogue initiatives to absolute opposition to mine). One local clergyman (vocal opponent of mine). Four neighbourhood association leaders (two in favour of dialogue and two opposed to the mine). Three public sector officials in the valley. Three national NGO activists. One lawyer/mediator (hired by Barrick Gold to work as mediator during dialogue process in 2015).	Four visits in October 2012, April and December 2016 and September 2017. Interview with company officials in September 2017. Accompanied to local leaders from Caimanes Defence Committee who were collecting signatures door to door from neighbours to present a court order. Visited 40 households and held brief interviews with adult members. 10 interviewees (from a variety of positions regarding the mine from participating in CSR/dialogue initiatives to absolute opposition to the company). One community defence lawyer. One national and one international NGO activist opposed to the company and tailings dam. Three interviews with Pelambres management officials.	Four visits in January and August 2009, January 2010 and October 2012. Interview with company officials in January, August 2009; January 2010; and September 2017. Visits to the mine site and to Colla community houses along road to mine. Four repeat local community interviewees. Six mining company officials. Four local government officials (ranging from positions of praise to neutral towards the company). One local journalist and radio presenter (critical towards mining).

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Table 4 - Contextual background of Chilean political economy, mining and three case study communities

Chilean political economical context		
The modern-day Chilean market economy has been coined as the 'Chilean miracle' by prominent international economists, such as Friedman and Hayek (Farrant et al, 2012). The economists are referring to the period in which the military junta, led by General Pinochet, ruled Chile from 1973 by way of a coup d' état until 1990. The military regime was highly influenced by neoliberal market ideas stemming from the Chicago School of Economics, (Silva, 1991). The military regime was determined to reverse the state-led reforms, put in place by the socialist president Allende prior to the coup d' état, via the implementation of strongly neoliberal policies, which were institutionalized in the rewritten 1980 Constitution (Budds, 2004). Chile has always been highly reliant on mining for its economy, which accounts for 10.1% of its GDP today (Sernageomin, 2017).		
Huasco Valley	**Caimanes**	**Río Jorquera**
• The Pascua Lama project is owned by Barrick Gold headquartered in Canada, the largest gold miner in the world. • Pascua Lama spans the border between Chile and Argentina and has been described as the "Barrick Republic." • This part of the Atacama Desert has been largely unscathed by large scale mining activity compared to further north. • The community works mostly on their own smallholder farms or on the large grape farms thereby increasing their dependence on the fresh water that runs down from the mountain glaciers.	• Pelambres is owned by Antofagasta Minerals, listed on the FTSE 100 London Stock Exchange and owned by Chile's wealthiest businessman, Andronico Luksic. • El Mauro tailings dam holds 2060 million tons of water and mining waste and is 367m high. • Caimanes is a small rural community located in a remote and isolated valley, 250 km north of the capital Santiago. • Caimanes lies in the fertile Valley of Pupío, most of the community grow crops or work within the Pelambres mine's supply chain. • Public infrastructure is very basic. • Since 2001 plans to build 'El Mauro', just 8km from Caimanes led to	• The Colla of Río Jorquera are a small group of 88 people, or 35 - 40 families, living scattered across a mountainous valley road that connects northern Chile with Argentina from the small town of Tierra Amarrilla. • Kinross Gold's Maricunga mine is located just before the border crossing to Argentina at around 4500m altitude. • The Colla community President explained, they still continue to follow their transhumance custom where they herd their livestock (mainly sheep) from one

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• Most of the community is against large-scale mining due to their reliance on the freshwater that flows down from where Pascua Lama mine would operate. • The strongest community opposition to the mine took place between 2000 – 2006 around the time when the multinational was proceeding with the Environmental Impact Assessment (EIA) and other legal permits. • After the Chilean authorities approved the mine in 2006, the company engaged in an intense political CSR strategy in the community and government. • By 2012 a large part of the community felt hopelessness at the prospect of mine operating in the valley, which led to internal divisions. • By January 2018 the SMA requested the mine be shutdown permanently.	resistance, conflict and community divisions. • The main community concerns revolve around the risk of the dam collapsing in an earthquake, water pollution and depletion of local water supplies. • Underground water flows were diverted to construct the dam, leading to an 80% loss of water in the valley. • It has meant the local community cannot drink the tap water due to harmful toxins from the dam as demonstrated by scientific tests by the Chilean College of Physicians. • This has been denied by Pelambres and blamed on a drought in the region. • Since 2006 a large community group has resisted via a combination of legal challenges, street protests, hunger strike and media campaigns including video documentaries. • In October 2014 the community lawyers won a court ruling ordering the demolition of the dam. • However, the company together with community lawyers managed to convince the majority of locals to endorse an agreement on benefits and development in 2016.	grazing ground to another, from lowlands to highlands, with the changing of seasons. • The Colla as a people have also received recognition by The United Nations Educational, Scientific and Cultural Organization (UNESCO) as a 'Living Human Treasure' in September 2012, being the only indigenous group in Chile to receive such acknowledgement. • Overall, the Colla community repeatedly expressed their great satisfaction and desire to live in peace and harmony with *pachamama* or nature, just as they had done for so many years and generations. The Colla community consider the land where they live as *their* territory even though legally the land belongs to the Chilean State.

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Table 5 - Examples of first order codes

Huasco Valley

Deployment of CSR Initiatives -CSR investment on local housing and education - Barrick spent US$16m on with local and regional government to co-fund housing and education in the region under the "Atacama commitment" (Barrickbeyondborders website, 2006). -Contributing to local development – "*Barrick agreed to pay US$60 million or US$3 million a year over 20 years to a group of wealthy local farmers - the River Huasco Vigilance Board to monitor water quality and supply. It had also provided 150 isolated homes with internet and phone access as well as having spent US$16m on local purchasing by 2007"* (Barrickbeyondborders website, 2006). -Barrick funding legal fees for residents indigenous status – *"Barrick opportunely detected that there was a process of reclaiming (indigenous) the rights for the Diaguita people, and what they did was to intervene early in the process"* (Interviewee, Head of Environmental NGO). -Barrick Gold funding a new perspective of local community's history and identity – *"..they were creating and shaping their own "Diaguitas" and representation of the culture"* (Interviewee, Community) -Barrick Gold publishes book on local community's history and identity - Company published its book called "Diaguita" written by hired anthropologist which contains the main message that the Diaguita people are essentially a mining people in the Huasco Valley and that agriculture is somewhat new a livelihood for them. (Barrickbeyondborders website, 2009). -Intensification of community dialogue – *"the company held disclosure meetings, held a door-to-door meetings campaign that reached 40% of the homes in the Huasco region, mounted television, radio and billboard campaigns..".* (McCormick and Smith, 2014). -Community monitoring of water - Barrick Gold announced there would be a community water monitoring programme for local residents to independently test the water quality themselves. In 2012 reported on experience in El Corral neighbourhood. (Barrickbeyondborders website, 2012). -Contributing to local development - Barrick reported that via the Water Vigilence Board fund they had invested US$15m in improving water supply to the local community mainly by paving the water canals. Also that it had spent US$70m on improving local road. That it had provided 150 isolated homes with internet and phone access. To date, the fund has invested $15 million in various infrastructure projects. (Barrickbeyondborders website, 2012). -Signing of MoU with local community -*"Barrick Gold said Wednesday that it has reached a preliminary deal with a Chilean indigenous group that it hopes will eventually open the way to restarting its Pascua-Lama mine high in the Andes. The world's biggest gold producer said the memorandum of understanding was worked out with 15 Diaguita communities, which are just downstream from the mine straddling the Argentina-Chile border."* (Fox News, 2014).
Mobilization of resistance -Local awareness of mining project, communication and mobilization of community Local community leader Lucho reads the Environmental Impact Assessment report by Barrick to mine for gold in the valley at the top of the mountains in 2000. He is shocked and tells a local nun from India about the story, she then together with an NGO mobilize the local community (Told by three different community interviewees). -Local mobilization - Between 2000 – 2005 there was united community mobilization led by local parish church (nun and priest) local environmentalist and national environmental NGO OLCA - protest marches, events etc against Barrick.. (Various video and media/press reports). -Unified opposition to the mine – "Total rejection" Regional newspaper headline from 2005 reporting on 97% voting against the Pascua Lama mine (Diario El Chañarcillo , 2005) -Anti-Pascua Lama campaign internationalized – Huascoaltinos community leader frequently attends Barrick Gold AGMs in Toronto and other meetings and protests in Canada to tell his community's side of the story, whereas according to the leader Barrick Gold was taking other Diaguita's and showcasing them at events as "genuine Diaguita leaders from the Huasco Valley. Huascoaltinos also have their case against Barrick Gold accepted at the Interemerican Commission for Human Rights (ProtestBarrick website, 2010) -Threat to livelihoods - *"Water is life! Without water we can't continue to grow the sweetest grapes for export, or avocados, watermelons and other crops."* (Community interviewee) -Community complaints of river pollution - video images of truck crashing into river containing human excrement from workers at Pascua Lama, poor quality melon crops and murky dark river water. (Pascua Lama, El llanto de la montaña, video, 2015) -De-legitimize the MoU for Due Diligence process - "A Problematic Process: The Memorandum of Understanding between Barrick Gold and Diaguita Communities of Chile" (Publication by MiningWatch Canada and OLCA, 2015) -Multiple legal challenges to Barrick Gold by community groups – between 2012 and 2017 there have been legal challenges by community groups backed by NGOs and lawyers that aim to stop operations by Barrick Gold at Pascua Lama on environmental grounds.
Division of resistance -BG Partnership with wealthiest local opposition group of farmers – *"Barrick signed an agreement with the Huasco Valley Water Users Cooperative to create an environmental compensation fund that will provide $3 million annually over 20 years to build new water infrastructure in cooperation with local government and farmers in the valley."* (Barrickbeyondborders website, 2012) -Barrick publishes letter of support by six neighbourhood associations – "*we have decided to raise our voices, tired of listening to our fellow countrymen who have no knowledge of our reality and, above all, to foreigners who are speaking about our problems. We are tired of seeing how the Church is being used to transmit their lies.... We have been part of a stagnating city, detained, with no future. We have witnessed how hundreds of people, strangers to our reality and living conditions come here to protest against the Pascua Lama Project, defending personal interests of people who have come here escaping the big cities, wanting to make of*

this land, the land of their dreams, with no progress, no development, no technology and no growth….We have been able to confirm that the company is a serious and responsible company, not only socially but environmentally as well. (Barrick website, 2007)

-Process of signing MoU - "*Barrick allegedly gave him a truck and a salary with the expectation that he would get people in the community to sign the agreement."* (Wiebe, 2015, p.11)

-Intensification of internal conflict and division of resistance - Video footage of woman community leader shouting at other community members at neighbourhood centre on day of signing for MoU with Barrick Gold. The woman, in favour of signing the MoU irately tells a young man he an activist and terrorist who will not allow the humble people to sign the MoU. Another local resident and councilor say the woman was there to oblige the local residents to sign the MoU with Barrick. (Convenio entre Diaguitas y Barrick Gold, video, 2014).

Prescription by the State

-Corporate-State nexus in legally dividing the community - Communities in Huasco Valley legally divided and turned into urban neighbourhoods by local government who's elected Mayor since 2004 is a former secretary of Barrick Gold. (Community interviewees).

-Approval of environmental permits - Government passed EIA (with 400 conditions) and prohibiting removal of glaciers (Environmental Impact Assessment report, 2006; and Barrickbeyondborders website, 2006).

-State sanctions and fines mine – Chilean environmental regulators find irregularities with the storage of chemicals at the minesite and order the temporary suspension of the mine and fine Barrick Gold a historical record of US$16m. (Various press reports, 2013 and interviewees).

Nexus between State and Enterprise

-Bi-nominal territory - Bi-nominal territory for Barrick Gold created by President Frei (Chile) and Menem (Argentina) 1997. (La Nación newspaper, 1996).

-"Barrick Republic" – *"soon, within the company, they were calling the mountaintop concession The Barrick Republic."* (Nolen, 2014 in Globe and Mail newspaper)

-Monitoring by state water regulators - Reports by State Water Authorities (DGA in Spanish) confirm the loss of 50-70% of the Toro 1 and 2 glaciers (DGA, 2010)

-CSR in partnership with the state aimed at the community - Barrick Gold partnered with local and regional government to co-fund housing and education in the region under the "Atacama commitment" (Barrickbeoyondborders, 2009).

-President of Chile dines with Barrick Gold - While the Chilean water authorities were approving Barrick's final water permit, President Bachelet of Chile and Kirscher of Argentina were at a dinner at the Rockefeller foundation co-sponsored by Barrick Gold in New York (El Mostrador newspaper, 2009).

-State facilitation for Pascua Lama project to continue on life support - Environmental courts reject the claims made by the anti-Barrick Gold groups and the courts. The mine remains suspended until the time of publication of this article

-President of Chile meets with Barrick Gold CEO - Again in 2017 President Bachelet met with Barrick Gold's CEO in Canada. (El Ciudadano, 2017).

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Caimanes

Deployment of CSR Initiatives

-Corporate communications to community about benefits of dam - Pelambres began distributing pamphlets in Caimanes about the safety and economical benefits of the tailings dam (OLCA, 2004).

-Pelambres hires consensus building NGO - Pelambres hires Casa de la Paz, a well known Chilean NGO for data collection in Caimanes about the community. This NGO focuses on creating consensus and agreements between companies and communities. The opposition group rejected their presence (OLCA, 2004).

-Pelambres and landowner Victor Ugarte with lawyers agreed on financial settlement – In 2007 Pelambres agreed on financial out of court settlement with Victor Ugarte and his lawyer for US$23m (Interviews with various community members and video documentaries).

-Pelambres approaches community lawyers to begin talks on ending conflict - In April 2015 Pelambres initiates meetings with Caimanes lawyers to plan strategy for engagement and agreement to end conflict with community. This included agreeing to pay the lawyers US$4.6m (Interviews with various community members and Official Agreement document, 2015).

-Community engagement/Dialogue with Facilitator and Transparency International - Pelambres begins assemblies with community from August to December, 2015 together with former community defence lawyers leading sessions as well as psychology university professor to facilitate and Chile Transparency NGO as observer. (Interviews with various community members, with management officials from Pelambres, Director of Chile Transparente and psychologist facilitator).

-Court of appeals sides with Pelambres after using referendum result to support its appeal case - In August 2016 Pelambres won its appeal at Court of La Serena meaning they no longer needed to demolish the dam after showing the courts evidence of high levels of local community support and the signed Agreement they now had with the community. (Interview with management officials from Pelambres and Pelambres website, 2017)

Company-Community Agreement formalized - In November 2016 the Agreement in formalized between community and Pelambres. Key messages repeated by community leader who negotiates with company is "this will bring the 15 year conflict to an end and give us a dignified compensation" (Interview with Community Leader negotiating with Pelambres and Pelambres website, 2017).

Mobilization of resistance

-First meetings between state, company and community with protests – In 2000 Environmental authorities facilitated first meeting between Pelambres and community to discuss impacts of El Mauro dam. 80 local community residents gathered to protest against the plans (OLCA, 2004)

-Local authorities and community against manifest dam - Street protests with Mayor and Governor rejecting El Mauro Dam. Referendum held on the siting of Pelambres' tailings dam and 97% voted against it (OLCA, 2004)

-Road blocks by community – First of many roadblocks from end of 2000 in protest at Pelambres and its tailings dam (OLCA, 2004).

-Community protests at dialogue meetings are ignored – In 2003 Community opposition groups went to protest outside all participation instances however, this is ignored by press and authorities who claimed the dialogue was a success (OLCA, 2004).

-New community resistance group with lawyers formed – In 2008 Cristian Flores a very vocal local community member sets up new community resistance group "Caimanes Defence Committee" using money from the donation by Ugarte and around US$6000 from new lawyers Ossa and company (OLCA, 2004).

-Direct action against Pelambres - Cristian Flores with his co-leaders use a more mediatic and aggressive campaign to resist including many video documentaries, streets protests, roadblocks, anti-Pelambres street signs and black flags at homes. (Interviews with various community members).

-Pelambres sues community leader - Pelambres sues Cristian Flores for leading protests against company (Press reports)

-Hunger strike by community resistance – In late 2010 12 Community opposition group members barricaded themselves into local school for 81 days from September to go on hunger strike. Christian Flores remained outside as the spokesperson (Interviews with various community members and video documentaries).

- Hunger strikers awarded by French government - Two hunger strikers are invited to France by the French government and NGO Mitterand to receive honorary medals for their bravery in defending their territory and water (Press reports)

-UK NGO protests at Pelambres' AGM - UK NGO London Mining Network holds first protest against London-listed Pelambres and questions company about environmental and social impacts at Caimanes at its AGM in London in May 2013.

-Road block by community resistance for weeks - Two months after the supreme court ruling that ordered Pelambres to demolish the tailings dam nothing had happened so the Defence Committee blocked the access road to the mine with community members camping outside and taking shifts to be there and cook for 76 days from December 2014 to February 2015 (Interviews with various community members and video documentaries).

Division of resistance

-Start of weakening and division strategy – in 2003 Pelambres was bringing community residents in favour of the company, who had received benefits to community participation meetings with environmental authorities to show local support (OLCA, 2004).

-First protests and counter protests to Pelambres – on the day of the visit by Corema the Chilean regional environmental authorities the No.4 neighbourhood association together with activists were protesting against the company, while neighbourhood association No.5 was standing together with the company (OLCA, 2004).

-Promise by Victor Ugarte to share US$1m with Caimanes - Victor Ugarte promised Pelambres he would share US$5m with the local community. In fact, he shared only with those who supported him and the amount was dependent on the level of support they gave him. (Chile se moviliza video and Interviews in community).

-Caimanes defence resists compensation payout – Caimanes defence committee in 2012 legally stopped any payment from Victor Ugarte to any community members, saying the compensation should be shared equally. Led to further internal conflict in Caimanes. (Interviews with various community members).

-New community divisions due to new lawyers and former community leader – in April 2015 lawyers and former Caimanes

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defence committee leader announce their intention to enter into dialogue with Pelambres for compensation. Remaining Caimanes defence committee members and supporters are outraged at this betrayal as they have the legal court decision in their favour that opposes Pelambres (Interviews with various community members).
-Intensification of internal community conflicts – After the Pelambres held referendum there were further community divisions, in-fighting amongst families, neighbours and friends. Families divided because one member voted yes when others voted no. Example of young mother being evicted from her home for not having voted in favour of agreement with company. Community leader now leading negotiation with Pelambres was former Caimanes defence committee leader who led the roadblock the previous year. (Interviews with various community members; and Caimanes, una condena a muerte, 2015 video).

Prescription by State
-Authorization by state water authorities - Authorization by DGA (Chilean Water Authorities) for El Mauro tailings dam. The dam would contain 1.7 billion tonnes of toxic mining waste and destroy 140 archeological sites (OLCA, 2004).
-Court stops construction of dam - Court of appeals prohibits the construction of the tailings dam in 2006 after community legal challenge (Chile se moviliza, video documentary, 2012).
-Minister of Health drinks Caimanes water on television - The Minister of Health for Chile arrived to Caimanes with national news reporters and cameras to state the water is fine. He drinks a glass of Caimanes water live on air and leaves immediately in his car in the midst of being heckled by locals (Chile se moviliza, video documentary, 2013).
-Courts re-approve dam construction - Courts now re-approved the permits for the construction EL Mauro tailings dam in 2008 (Chile se moviliza, video documentary, 2013).
-Resistance leader and lawyers found not guilty against Pelambres - The Tribunal of Ovalle court found Cristián Flores and the Ossa lawyers as not guilty of illicit collusion as being sued by Pelambres - this led to huge celebrations in the community resistance (Video report, 2013).
-Pelambres fined - Pelambres fined US$3m for noncompliance with environmental regulations for the El Mauro dam (El Mercurio newspaper, 2013).
-Court ruled against El Mauro dam - In October 2014 supreme court ordered Pelambres to demolish tailings dam citing it as a danger for mankind (El Mercurio newspaper, 2013).
-Armed forces intervene and break up community roadblock and campsite - The police and armed police forces regularly visited the campsite and make roadblocks of their own between the different community groups cutting off their access and communication. On day 76 arrive with riot gear and tear down the campsite. The community protesters alleged that the police and state only seem to be working for the benefit and protection of the company. Instead of complying with the court ruling of dismantling the El Mauro dam (Various community interviewees).

Nexus between State and Enterprise
-State environmental authorities recommend more dialogue - Adriana Hoffman head of environmental authorities visited the Caimanes area with senators and other politicians calling for more dialogue between company and community (OLCA, 2004).
-Private meeting with state authorities to manage community – Pelambres held private meeting with regional environmental authorities to discuss creating a new neighbourhood association in Caimanes with whom they could create "easier agreements" (OLCA, 2004).
-State and Pelambres facilitate community participation – State authorities and Pelambres began community participation (OLCA, 2004).
-Pelambres meets privately with Minister of Interior - Weeks after the court of appeals stopped the construction Jean Paul Lukcic CEO of Pelambres had a private meeting with the Minister of Interior at the government palace, which was reported by mainstream press (La Tercera newspaper and Chile se moviliza video documentary, 2013).
-National TV station tv documentary about Caimanes omits references to dam and impact on water - National television report broadcast about the plight of Los Caimanes' "drought". All references to the El Mauro dam and Pelambres were edited out. In the original report community members repeatedly referred to El Mauro dam being the cause of their scarce water supplies (TVN documentary, 2012 and various community interviewees).
-Funding of local government by Pelambres criticized – Investigative journalism story by Ciper finds that Pelambres has donated over US$10m to local governments in the region of Caimanes between 2010-16, a practice questioned by the Chilean state comptroller (Ciper newspaper, 2017).

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Río Jorquera

Deployment of CSR Initiatives
-Mine desire for CSR – In 2004 Maricunga conducts study to identify Colla sustainability projects in Rio Jorquera (Interview with management at Kinross)
-First company-community agreement - Maricunga and Colla Rio Jorquera agree to "first generation" Protocol (Interview with management at Kinross).
-Second company-community agreement - Kinross Gold and Colla Rio Jorquera agree to "second generation" Protocol (Interview with management at Kinross).
-Company-State-Community meetings for conflict resolution - Kinross, Colla and Ministry of Public Works (MOP) have tri-partite meetings to discuss conflict over road issues such as dust and accidents to Colla livestock (Observant participation in meetings by lead author, 2009)
-CSR from Kinross - Sustainability Workshop with stakeholders in Tierra Amarilla (Kinross website, 2017).
-New agreement on road with community - New agreement re: C-611 road maintenance is reached between Kinross – CONADI (State indigenous organism) and Colla (Kinross website, 2017).
-Kinross come to final agreement over grievances with Colla community including fees - Kinross Maricunga claims it reached an agreement with Colla over al past historical issues and over access to the road and an electricity transmission line through their territory. This included easement and land use fees, strengthening of programs within the 2008 framework agreement, and formalization of the environment monitoring program (Interviews with Kinross management and Kinross website, 2017).
-Company-State-Community meetings for conflict resolution - Kinross Maricunga continues to hold regular meetings with Colla together with CONADI between 2012-2014.

Mobilization of resistance
-Roadblock by community - Colla community make first roadblock against mine due to impact from dust and traffic to their grape farms (Interview with community leader)
-Complaint dismissed by environmental authorities - Colla complaint of Kinross road dust investigated by Regional Environmental authorities COREMA, found insufficient evidence. (Various interviews with community, authorities and Kinross).
-Community wish for Kinross to leave - Indigenous community representatives tell lead author in 2009 they would prefer if mine was not on their territory and forgo any CSR benefits (Interviewees with community representatives).
-Community take Kinross to court - Colla community and lawyer take Kinross to court over road impacts issue in 2009 (Interviews with community leaders, 2010).

Division of resistance
N/A

Prescription by State
-Complaint dismissed by environmental authorities - Environmental authorities Corema say Colla complaints about road are unsubstantiated (SMA website, 2017)
-Chilean state fines Kinross over water usage violations at wetlands - In September of 2013, the Superintendencia del Medio Ambiente (SMA) issued a Notice of Violation to Kinross, for certain violations related to deviations from the permitted configurations of the Maricunga mine's camp. The SMA fined Kinross US$4.6 million in relation to the violation. Kinross appealed the sanction to no avail (Kinross website, 2017)
-Chilean state including CONAF fines Kinross over water usage violations at wetlands - In May 2015, the SMA issued a Resolution alleging that the Maricunga mine's groundwater pumping irreparably harmed the Pantanillo wetland and other area wetlands (SMA and Kinross websites, 2017).
-Chilean state fines Kinross over water usage violations at wetlands - In March, 2016, the SMA issued a resolution seeking closure of Maricunga's water pumping wells alleging irreparable harm and imminent risk to the Valle Ancho wetland, located approximately 7 kilometers from Kinross' groundwater wells (SMA and Kinross websites, 2017).
- Chilean state demands suspension of mining - In June, 2016, the SMA issued a revised resolution amending the initial sanction which, would require Kinross to effectively cease operations and close the mine for at least the duration of proceedings (SMA and Kinross websites, 2017).
-State regulators visit minesite and wetlands - In December 2016 ministers from the Environmental Tribunal visited the Maricunga and Wetland sites to continue their investigations (whilst Maricunga remains closed) (SMA and Kinross websites, 2017).

Nexus between State and Enterprise
-Award by CONAF to Kinross - Kinross Maricunga recognized for continued support in preserving High Andes environment by CONAF (Chilean national parks authority) (Kinross Gold website, 2017)
-Kinross exemplary according to state authority - Water Authorities (DGA) representative from region tells lead author Maricinga conduct self-monitoring and seem to be exemplary compared to other mining companies in region (Interview with DGA regional Director, 2009)
-Company-State-Community meetings for conflict resolution - Kinross Maricunga together with the Highways department of the Ministry of Public Works (MOP) and CONADI invested US$6m on a new road after consistent complaints by the Colla community due to dust and accidents to their animals (Kinross Gold website, 2017).
-Kinross - CONAF agreement continues - Kinross maintained financial support to CONAF (National Forestry Protection agency) to monitor impact to wetlands at the parque nacional nevado tres Cruces a protected RAMSAR site as Marcunga is located 8km from there. Park and wetlands have flamengos, vicuña and very fragile interconnected ecosystem dependent on water (Kinross Gold website, 2017).

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